

MORROW COUNTY BOARD OF COMMISSIONERS MEETING AGENDA

Wednesday, January 9, 2019 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. Accounts Payable dated January 10th; Fiscal Year 2018-19 Retirement Taxes dated January 3, 2019, \$19,565.41; Two Payroll Payables dated January 2nd: \$162,439.89 and HRA VEBA \$3,000
 - b. Minutes: December 18, 2018 Business Meeting
5. **Public Hearings**
 - a. Road Transfers to the City of Boardman and Port of Morrow, and associated Order Numbers OR-2019-1 through OR-2019-7 (Carla McLane, Planning Director)
 - b. Port of Morrow/Columbia Mill Rezone – Continuation of Public Hearing of January 3, 2019 (Carla McLane)
6. **Business Items**
 - a. Oregon Department of Transportation Intergovernmental Agreement #33067, Weed Spraying (Dave Pranger, Weed Coordinator/Inspector)
 - b. Oregon Military Department Intergovernmental Agreement #24800-17-0002, Amendment 1, Noxious Weed Control at Camp Umatilla (Dave Pranger)
 - c. ODOT Intergovernmental Agreement No. 32141, Amendment 1, Salt/Equipment Storage – Perimeter Fence (Matt Scrivner, Public Works Director)
 - d. ODOT 2017 Fund Exchange Agreement #32127, Amendment 1, Overlay on Various County Roads (Matt Scrivner)
 - e. ODOT Local Agency Agreement #32994, Install chevron signs on Willow Creek Road, \$136,485.60 (Matt Scrivner)
 - f. Planning Commission Appointment – Ione Position #8 (Carla McLane)
 - g. Comment Letter – Ellis Integrated Vegetation Project (Carla McLane)
 - h. Discussion – Evaluation Process for Administrator (Karmen Carlson, Human Resources Director)
7. **Department Reports**
 - a. Planning Department Monthly Report (Carla McLane)
 - b. Justice Court Quarterly Report (Judge Ann Spicer)
8. **Correspondence**
9. **Commissioner Reports**
10. **Signing of documents**
11. **Adjournment**

Agendas are available every Friday on our website (www.co.morrow.or.us/boc under “Upcoming Events”). Meeting Packets can also be found the following 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 Business Meeting Minutes
December 18, 2018 at 7:30 AM
Port of Morrow Riverfront Center, Wells Springs Room
Boardman, Oregon**

Present

Chair Don Russell

Darrell Green, Administrator

Commissioner Jim Doherty

Kate Knop, Finance Director

Commissioner Melissa Lindsay

Richard Tovey, County Counsel

Call to Order and Pledge of Allegiance: 7:30 a.m.**Open Agenda:** Introduction to County Branding**Facilities Projects – Update** *Darrell Green, Administrator*

Darrell Green presented an overview of the design-build and design-bid-build options for a Request for Proposals (RFP) for the new construction building proposed in Irrigon. Discussion of understanding the two options. The uniqueness of the Morrow County facility encompassing Safety, Sheriff, Justice and office space was discussed. Further reading and research will be needed.

RFP action plan idea handout and project flow operations chart was discussed regarding roles, goals and how to move forward. An action plan will be created for the new facility for decision by the Board at regularly scheduled meeting. A public notice need was discussed and will be the first step to drafting a resolution to move forward with the process. This will be brought to a Board of Commissioners meeting.

Mr. Green advised that he had signed up as a member of DBIA (Design-Build Institute of America) for research assistance in the process. Further discussion was held; possible RFP consulting or owners representation needs and Commissioner mixed desired level of involvement. A brief discussion of engaging a process for naming building was held with Mr. Green to come forward with some ideas on how to engage that process.

County Branding – *Darrell Green Administrator*

“Who Are You” handout from County News was discussed. Brief discussion of the opportunity to create a vision, plan, action plan and involve directors for guidance in moving our team leadership work into creating a Morrow County Brand. Discussion around how and if. Further discussion will continue at Directors meetings and move forward to future Board of Commissioners meeting.

Adjourned: 8:45 a.m.



PLANNING DEPARTMENT

PO Box 40 • 205 Third Street NE
Irrigon, Oregon 97844
(541) 922-4624

MEMORANDUM

To: Morrow County Board of Commissioners And Interested Parties
From: Carla McLane, Planning Director
Date: January 2, 2019
RE: Port of Morrow Area Road Transfer

In preparation for the Public Hearing scheduled in this matter next Wednesday, January 9, 2019, starting just after 9:00 a.m. at the Irrigon Branch of the Oregon Trail Library in Irrigon, Oregon, this memorandum will outline the action and provides a variety of attachments to inform both the discussion and decision. The attachments include:

1. Orders and their associated Attachment A.
2. Request letters and associated maps.
3. Background information related to each of the roads.

Orders: Planning and Public Works are recommending the attached Orders for each of these transfers and a final concluding transfer that would capture any outlying roads not currently identified.

- ◆ OR-2019-1 transfers a portion of Columbia Avenue, previously a portion of Columbia River Highway number 2, to the City of Boardman.
- ◆ OR-2019-2 transfers the portion of Laurel Road from the northern edge of the Interstate 84 Interchange to Columbia Avenue to the City of Boardman.
- ◆ OR-2019-3 transfers a portion of Columbia Avenue, previously a portion of Columbia River Highway number 2, to the Port of Morrow.
- ◆ OR-2019-4 transfers Industrial Way to the Port of Morrow.
- ◆ OR-2019-5 transfers Lindsay Way, except that portion previously vacated by the Port of Morrow, to the Port.
- ◆ OR-2019-6 transfers a portion of Rippee Road to the Port of Morrow.
- ◆ OR-2019-7 is proposed as a clean up Order by both the Morrow County Public Works Director and Planning Director to emphasize that the intent of this process is to transfer road jurisdiction over all roads within this portion of the City of Boardman and the Port of Morrow Food Processing Park and East Beach Industrial Park to those jurisdictions respectively. This is intended to address roads that may have been historically dedicated, but lost over time due to any number of unforeseen factors.

Requests: Both the Port of Morrow and the City of Boardman have requested road jurisdiction be transferred from Morrow County:

- Port of Morrow letter of request dated August 15, 2018.
- City of Boardman letter of request dated November 28, 2018.

Both letters include a list of requested road transfers and a map depicting the roads.

Roads Requested for Transfer to the City of Boardman:

Columbia Avenue from Olson Road east and northeasterly to the south boundary of the Union Pacific Railroad mainline right-of-way: Morrow County acquired old Highway Number 2 in the 1950s when traffic was moved south to what is now Highway 730 and eventually Interstate 84 (Interstate 80 at the time). At that time all of old Columbia River Highway Number 2 was transferred to Morrow County and the Resolution dated June 30, 1952, memorializes the transfer and reflects work that had taken place over several years. This is followed by the Resolution dated May 1, 1957, that transfers the portion of old Columbia River Highway Number 2 within the City of Boardman to the City. The Order being drafted to effect this request will include the portions of Columbia Avenue now within the City of Boardman as no evidence can be found that indicates transfer of any additional portions of old Columbia River Highway Number 2 to the City since 1957.

Laurel Road from the north boundary of the Port of Morrow/Interstate 84 Interchange to Columbia Avenue: This is a small portion of Laurel Road north from the Interchange. The Interchange is owned and managed by the Oregon Department of Transportation as part of Interstate 84; Laurel Road south of the Interchange is a county road.

Roads Requested for Transfer to the Port of Morrow:

Columbia Avenue from the south boundary of the Union Pacific Railroad mainline right-of-way northeasterly to the North Line of Assessor's Map 5N 26 31 also known as the boundary of the Umatilla National Wildlife Area: See the discussion above and the two attachments concerning how old Columbia River Highway Number 2 became a county road.

Industrial Way from the east boundary of the Port of Morrow Food Processing Park Plat east to the intersection with Columbia Avenue: This particular stretch of road has an interesting history, and a lot of documentation, some confusing and contradictory. Much of the documentation incorporates other roads, including Lindsay Way, which is addressed below. The following is a summary of the documentation identified:

- A portion of County Court minutes from June 1, 1994, indicating an intent to vacate a portion of a county road in Sections 10 and 11 of Assessor's Map 4N 25.
- Resolution and Order RO-3-94 Declaring the Intent to Vacate a Portion of a County Road as previously described.
- A portion of County Court minutes from August 9, 1995, continuing the discussion about vacation of a County Road.
- A portion of County Court minutes from August 16, 1995, continuing the discussion.
- Resolution R-40-95 once again is designed to initiate the process to relinquish

- jurisdiction over a county road located within the Port of Morrow Industrial Park.
- A portion of County Court minutes from September 20, 1995, concerned with a public hearing to transfer a county road.
- A Record of Survey from 1990 identifying a portion of Lindsay Way, which also identifies a portion of Industrial Way (although not as a platted right-of-way).
- Order OR-9-2012 and Resolution R-20-2012 rescinds Resolution and Order RO-3-94 discussed above, attempting to remove Morrow County from involvement with Lindsay Way.
- Port of Morrow Resolution Number 2013-06 vacated a portion of Lindsay Way, which based on the Order and Resolution discussed just above, allowed the Port of Morrow to take action directly concerning Lindsay Way.

Lindsay Way all that portion remaining in Section 10 of Assessor's Map 4N 25 10 after vacation Order OR-2013-06: Please see the list above concerning Industrial Way as information about Lindsay Way is also included.

Rippee Road from the intersection of Columbia Avenue southeast and south to the north boundary of that portion of Rippee Road vacated by Order OR-2014-3: Rippee Road was formed through a variety of mechanisms which became clear in 2014 when VADATA requested a road vacation. That Order is included along with an Assignment of Right-of-Way dated April 21, 1971 and May 7, 1971 as well as a Relinquishment of Title dated October 19, 1971. Two maps are also included with references to these two documents.

Please reach out to either myself or Matt Scrivner, Public Works Director, should you have any questions or concerns with the information included here. Both of us will be available at the public hearing.



BEFORE THE BOARD OF COMMISSIONERS FOR MORROW COUNTY, OREGON

AN ORDER TRANSFERRING JURISDICTION)
OVER A PORTION OF COLUMBIA AVENUE)
TO THE CITY OF BOARDMAN)

Order No. OR-2019-1

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

WHEREAS, Morrow County received a request from the Port of Morrow dated August 15, 2018, and the City of Boardman dated November 28, 2018, to transfer jurisdiction over various roads from Morrow County to either the Port or the City; and

WHEREAS, the Morrow County Public Works and Planning Directors worked with Port of Morrow staff to determine to the best of their ability the current status of the roads in question; and

WHEREAS, the Morrow County Board of Commissioners agreed in principle to the transfer of road jurisdiction from Morrow County to either the Port or the City; and

WHEREAS, the Morrow County Board of Commissioners discussed the transfer of road jurisdiction in public meetings on August 22, 2018, at the Bartholomew Building in Heppner, Oregon; October 17, 2018, at the Irrigon Branch of the Oregon Trail Library in Irrigon, Oregon; and on December 5, 2018, at the Bartholomew Building in Heppner, Oregon; and

WHEREAS, the Morrow County Board of Commissioners held a public hearing on Wednesday, January 9, 2019, at the Irrigon Branch of the Oregon Trail Library in Irrigon, Oregon, and

WHEREAS, the Morrow County Board of Commissioners accepted the Public Works Director and Planning Director recommendation to transfer jurisdiction of the road to the City of Boardman for the portion of Columbia Avenue defined below.

WHEREAS, Oregon Revised Statute 373.270 provides authority for the transfer of road jurisdiction from Morrow County to the City of Boardman.

NOW THEREFORE BE IT ORDERED THAT THE MORROW COUNTY BOARD OF COMMISSIONERS TRANSFERS AUTHORITY TO THE CITY OF BOARDMAN AS FOLLOWS:

1. Columbia Avenue from the intersection with Olson Road eastward to the Union Pacific Rail Road overpass and as depicted on the attached map marked Attachment A.
2. This Order shall be effective upon its adoption, or January 9, 2019.

3. The City of Boardman has 42 days to respond to this action as required under Oregon Revised Statute 373, by providing their adopted Order or other legal mechanism to the Morrow County Board of Commissioners no later than February 20, 2019.

ORDAINED THIS 9TH DAY OF JANUARY 2019.

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

Jim Doherty, Chair

Melissa Lindsay, Commissioner

Don Russell, Commissioner

Approve as to Form:

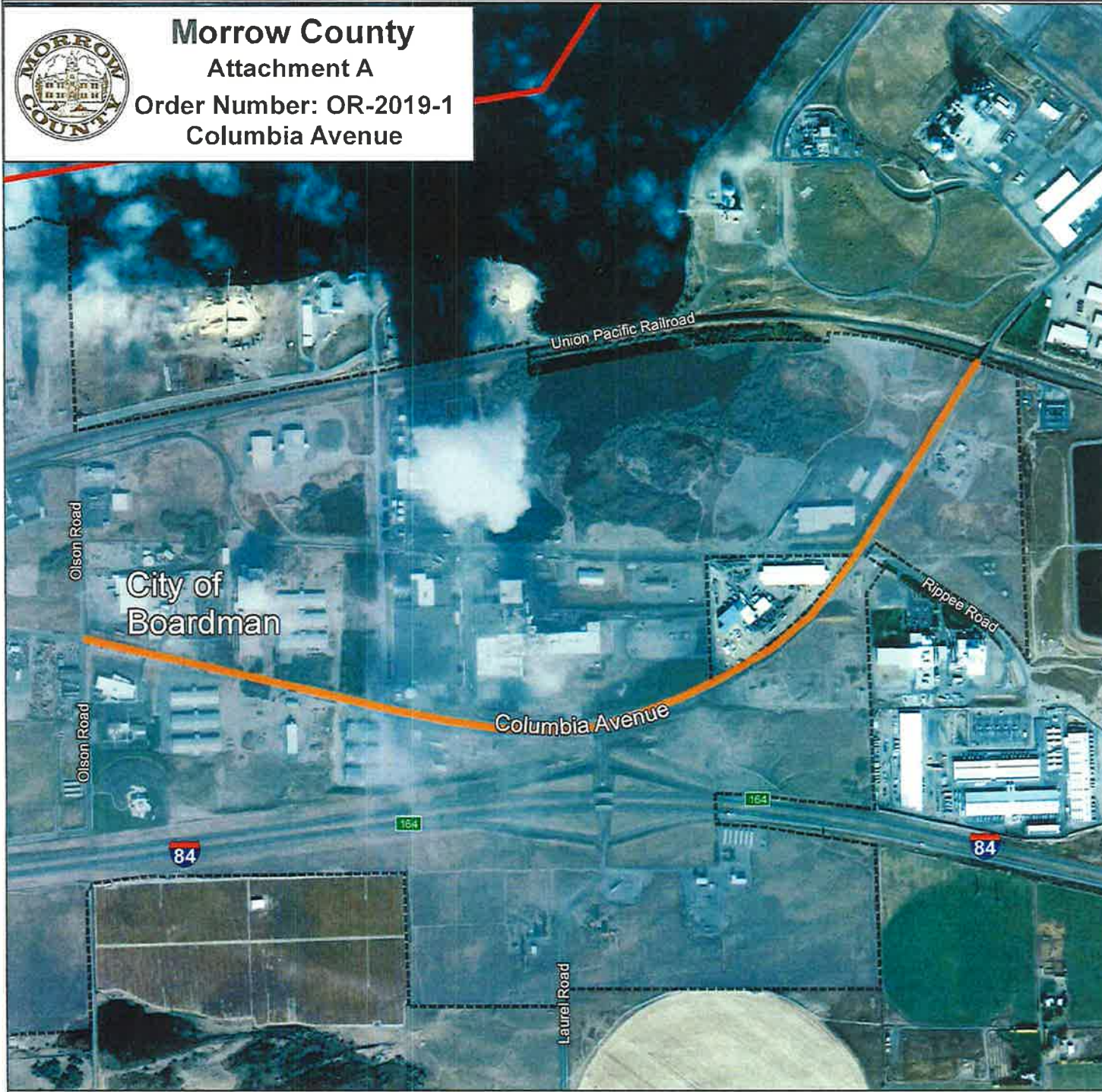
Morrow County Counsel



Morrow County

Attachment A

Order Number: OR-2019-1
Columbia Avenue



Extent Map

Legend

- Naval Weapon Systems Training Facility Boardman
- Subject Road
- City Limits
- County Boundary

Coordinate System: NAD 1983 NSRS2007 StatePlane Oregon North FIPS 3501 Ft Intl
 Projection: Lambert Conformal Conic
 Datum: NAD 1983 NSRS2007

Cartography By: Stephen Wreccics
 Date Saved: 1/2/2019
 Morrow County Planning Department

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Service Layer Credits: Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GEBCO, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, Mapbox India, © OpenStreetMap

Order Notes

Columbia Avenue from the intersection with Olson Road eastward to the Union Pacific Railroad overpass.

Order Number OR-2019-1 shall be effective upon its adoption, or January 9, 2019

Scale

BEFORE THE BOARD OF COMMISSIONERS FOR MORROW COUNTY, OREGON

AN ORDER TRANSFERRING JURISDICTION)
OVER A PORTION OF LAUREL ROAD TO)
THE CITY OF BOARDMAN)

Order No. OR-2019-2

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

WHEREAS, Morrow County received a request from the Port of Morrow dated August 15, 2018, and the City of Boardman dated November 28, 2018, to transfer various roads from Morrow County jurisdiction to either the Port or the City; and

WHEREAS, the Morrow County Public Works and Planning Directors worked with Port of Morrow staff to determine to the best of their ability the current status of the roads in question; and

WHEREAS, the Morrow County Board of Commissioners agreed in principle to the transfer of road jurisdiction from Morrow County to either the Port or the City; and

WHEREAS, the Morrow County Board of Commissioners discussed the transfer of road jurisdiction in public meetings on August 22, 2018, at the Bartholomew Building in Heppner, Oregon; October 17, 2018, at the Irrigon Branch of the Oregon Trail Library in Irrigon, Oregon; and on December 5, 2018, at the Bartholomew Building in Heppner, Oregon; and

WHEREAS, the Morrow County Board of Commissioners held a public hearing on Wednesday, January 9, 2019, at the Irrigon Branch of the Oregon Trail Library in Irrigon, Oregon, and

WHEREAS, the Morrow County Board of Commissioners accepted the Public Works Director and Planning Director recommendation to transfer the road jurisdiction to the City of Boardman for the portion of Laurel Road defined below.

WHEREAS, Oregon Revised Statute 373.270 provides authority for the transfer of road jurisdiction from Morrow County to the City of Boardman.

NOW THEREFORE BE IT ORDERED THAT THE MORROW COUNTY BOARD OF COMMISSIONERS TRANSFERS JURISDICTION TO THE CITY OF BOARDMAN AS FOLLOWS:

1. The portion of Laurel Road north of the Interstate 84 interchange to its intersection with Columbia Avenue and as depicted on the attached map marked Attachment A.
2. This Order shall be effective upon its adoption, or January 9, 2019.

3. The City of Boardman has 42 days to respond to this action as required under Oregon Revised Statute 373, by providing their adopted Order to the Morrow County Board of Commissioners no later than February 20, 2019.

ORDAINED THIS 9TH DAY OF JANUARY 2019.

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

Jim Doherty, Chair

Melissa Lindsay, Commissioner

Don Russell, Commissioner

Approve as to Form:

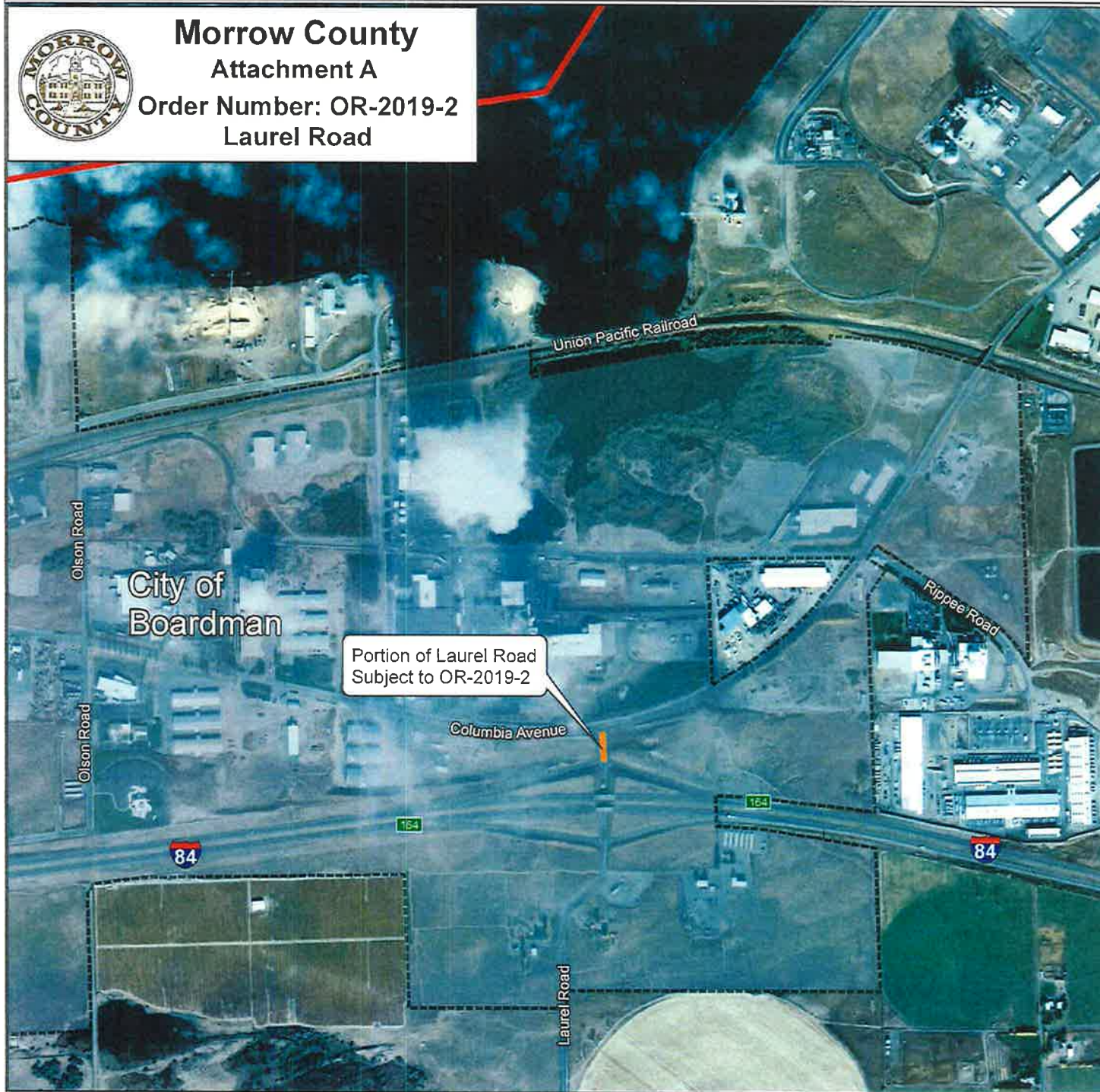
Morrow County Counsel



Morrow County

Attachment A

Order Number: OR-2019-2
Laurel Road



Legend

- Naval Weapon Systems Training Facility Boardman
- Subject Road
- City Limits
- County Boundary

Coordinate System: NAD 1983 NRS2007 StatePlane Oregon North FIPS 3601 Ft Int
 Projection: Lambert Conformal Conic
 Datum: NAD 1983 NRS2007

Cartography By: Stephen Wreccies
 Date Saved: 1/2/2019
 Morrow County Planning Department

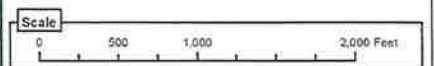
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Order Notes

The portion of Laurel Road north of the Interstate 84 interchange to its intersection with Columbia Avenue.

Order Number OR-2019-2 shall be effective upon its adoption, or January 9, 2019



BEFORE THE BOARD OF COMMISSIONERS FOR MORROW COUNTY, OREGON

AN ORDER TRANSFERRING A PORTION)
OF COLUMBIA AVENUE TO THE PORT)
OF MORROW)

Order No. OR-2019-3

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

WHEREAS, Morrow County received a request from the Port of Morrow dated August 15, 2018, and the City of Boardman dated November 28, 2018, to transfer various roads from Morrow County jurisdiction to either the Port or the City; and

WHEREAS, the Morrow County Public Works and Planning Directors worked with Port of Morrow staff to determine to the best of their ability the current status of the roads in question; and

WHEREAS, the Morrow County Board of Commissioners agreed in principle to the transfer of road jurisdiction from Morrow County to either the Port or the City; and

WHEREAS, the Morrow County Board of Commissioners discussed the transfer of road jurisdiction in public meetings on August 22, 2018, at the Bartholomew Building in Heppner, Oregon; October 17, 2018, at the Irrigon Branch of the Oregon Trail Library in Irrigon, Oregon; and on December 5, 2018, at the Bartholomew Building in Heppner, Oregon; and

WHEREAS, the Morrow County Board of Commissioners held a public hearing on Wednesday, January 9, 2019, at the Irrigon Branch of the Oregon Trail Library in Irrigon, Oregon, and

WHEREAS, the Morrow County Board of Commissioners accepted the Public Works Director and Planning Director recommendation to transfer the road jurisdiction to the Port of Morrow for the portion of Columbia Avenue defined below.

NOW THEREFORE BE IT ORDERED THAT THE MORROW COUNTY BOARD OF COMMISSIONERS TRANSFERS JURISDICTION TO THE PORT OF MORROW AS FOLLOWS:

1. Columbia Avenue from the south side of the Union Pacific Rail Road overpass eastward to the edge of the Umatilla Wildlife Refuge and as depicted on the attached map marked Attachment A.
2. This Order shall be effective upon its adoption, or January 9, 2019.

3. The Port of Morrow has 42 days to respond to this action by providing their adopted Order or other legal mechanism to the Morrow County Board of Commissioners no later than February 20, 2019.

ORDAINED THIS 9TH DAY OF JANUARY 2019.

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

Jim Doherty, Chair

Melissa Lindsay, Commissioner

Don Russell, Commissioner

Approve as to Form:

Morrow County Counsel

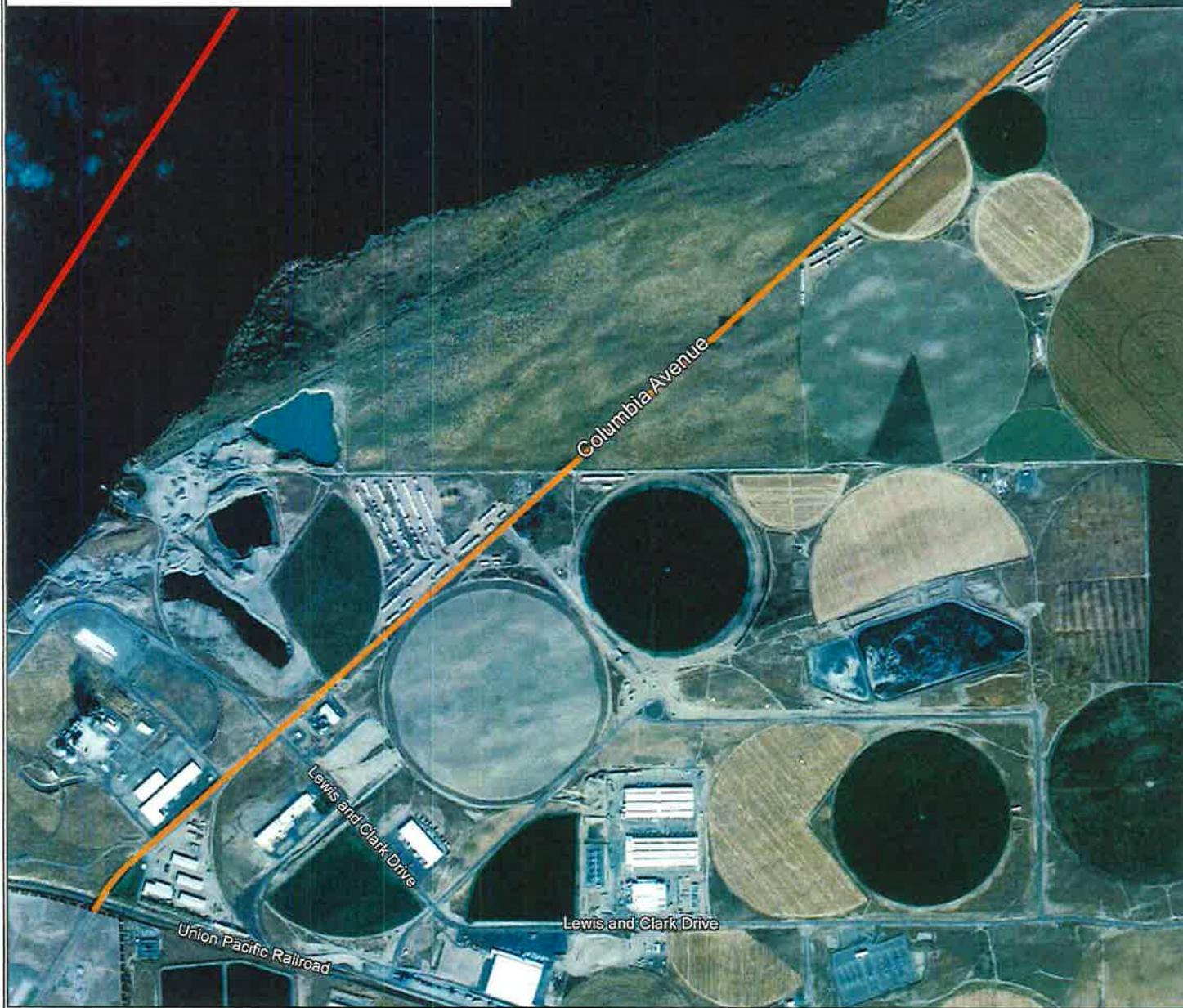


Morrow County

Attachment A

Order Number: OR-2019-3

Columbia Avenue



Coordinate System: NAD 1983 NSRS2007 StatePlane Oregon North FIPS 3601 Ft Ind
 Projection: Lambert Conformal Conic
 Datum: NAD 1983 NSRS2007

Cartography By: Stephen Wrecsics
 Date Saved: 1/2/2019
 Morrow County Planning Department

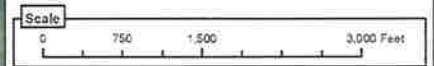
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Order Notes

Columbia Avenue from the south side of the Union Pacific Rail Road overpass eastward to the edge of the Umatilla Wildlife Refuge.

Order Number OR-2019-3 shall be effective upon its adoption, or January 9, 2019



BEFORE THE BOARD OF COMMISSIONERS FOR MORROW COUNTY, OREGON

AN ORDER TRANSFERRING JURISDICTION)
OVER INDUSTRIAL WAY TO THE PORT)
OF MORROW)

Order No. OR-2019-4

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

WHEREAS, Morrow County received a request from the Port of Morrow dated August 15, 2018, and the City of Boardman dated November 28, 2018, to transfer various roads from Morrow County jurisdiction to either the Port or the City; and

WHEREAS, the Morrow County Public Works and Planning Directors worked with Port of Morrow staff to determine to the best of their ability the current status of the roads in question; and

WHEREAS, the Morrow County Board of Commissioners agreed in principle to the transfer of road jurisdiction from Morrow County to either the Port or the City; and

WHEREAS, the Morrow County Board of Commissioners discussed the transfer of road jurisdiction in public meetings on August 22, 2018, at the Bartholomew Building in Heppner, Oregon; October 17, 2018, at the Irrigon Branch of the Oregon Trail Library in Irrigon, Oregon; and on December 5, 2018, at the Bartholomew Building in Heppner, Oregon; and

WHEREAS, the Morrow County Board of Commissioners held a public hearing on Wednesday, January 9, 2019, at the Irrigon Branch of the Oregon Trail Library in Irrigon, Oregon, and

WHEREAS, the Morrow County Board of Commissioners accepted the Public Works Director and Planning Director recommendation to transfer the road jurisdiction to the Port of Morrow for the portion of Industrial Way defined below.

NOW THEREFORE BE IT ORDERED THAT THE MORROW COUNTY BOARD OF COMMISSIONERS TRANSFERS JURISDICTION TO THE PORT OF MORROW AS FOLLOWS:

1. Industrial Way from the east boundary of the Port of Morrow Food Processing Park Plat east to the intersection with Columbia Avenue and as depicted on the attached map marked Attachment A.
2. This Order shall be effective upon its adoption, or January 9, 2019.

3. The Port of Morrow has 42 days to respond to this action by providing their adopted Order or other legal mechanism to the Morrow County Board of Commissioners no later than February 20, 2019.

ORDAINED THIS 9TH DAY OF JANUARY 2019.

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

Jim Doherty, Chair

Melissa Lindsay, Commissioner

Don Russell, Commissioner

Approve as to Form:

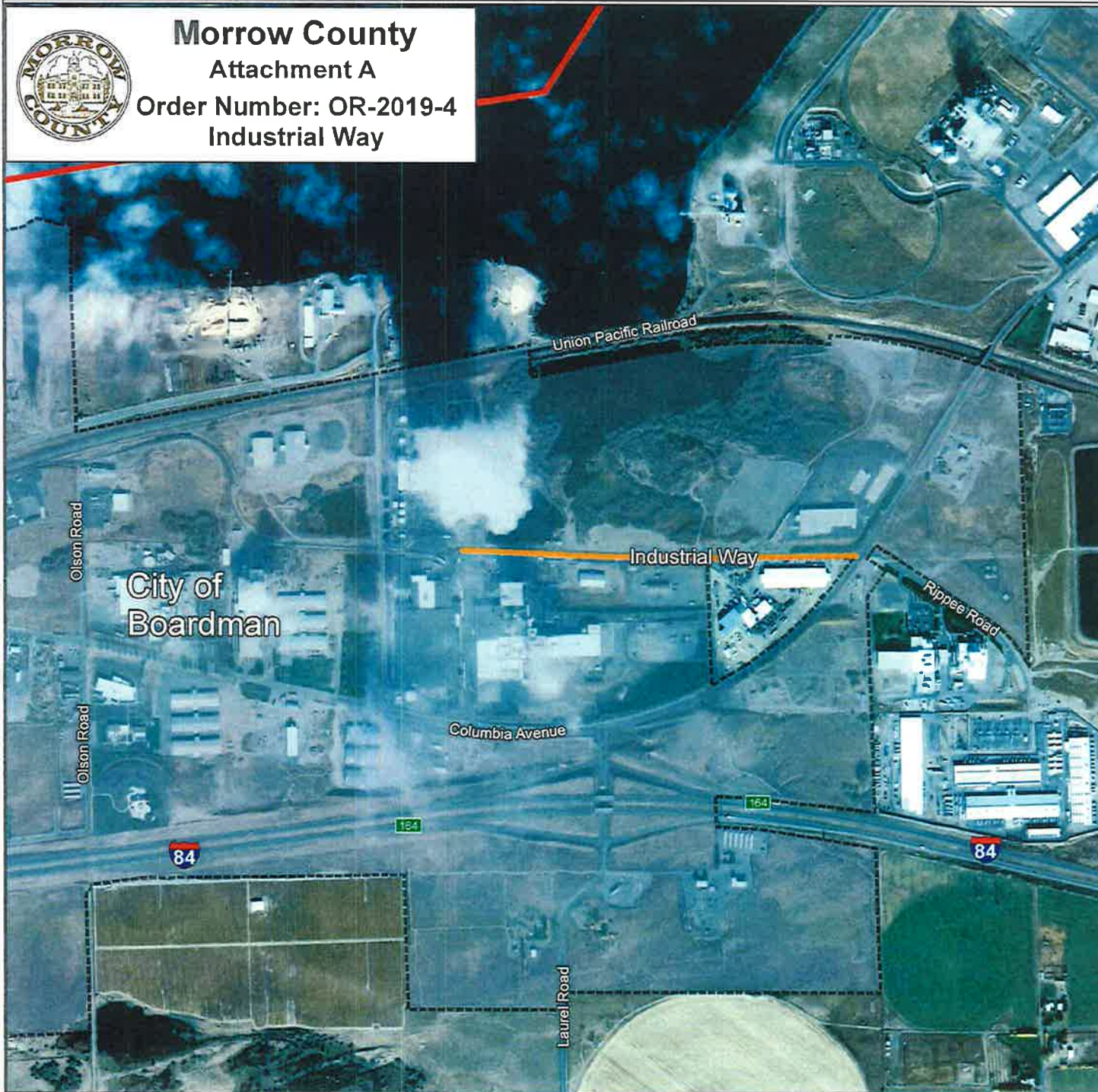
Morrow County Counsel



Morrow County

Attachment A

Order Number: OR-2019-4
Industrial Way



Naval Weapon Systems
Training Facility Boardman

Legend

- Subject Road
- City Limits
- County Boundary

Coordinate System: NAD 1983 NRS52007 StatePlane Oregon North FIPS 3001 F1 Unit
Projection: Lambert Conformal Conic
Datum: NAD 1983 NRS52007

Cartography By: Stephen Wreccics
Date Saved: 1/2/2019
Morrow County Planning Department

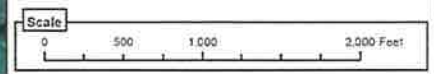
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Order Notes

Industrial Way from the east boundary of the Port of Morrow Food Processing Park Plat east to the intersection with Columbia Avenue.

Order Number OR-2019-4 shall be effective upon its adoption, or January 9, 2019



BEFORE THE BOARD OF COMMISSIONERS FOR MORROW COUNTY, OREGON

AN ORDER TRANSFERRING JURISDICTION)
OVER LINDSAY WAY TO THE PORT)
OF MORROW)

Order No. OR-2019-5

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

WHEREAS, Morrow County received a request from the Port of Morrow dated August 15, 2018, and the City of Boardman dated November 28, 2018, to transfer various roads from Morrow County jurisdiction to either the Port or the City; and

WHEREAS, the Morrow County Public Works and Planning Directors worked with Port of Morrow staff to determine to the best of their ability the current status of the roads in question; and

WHEREAS, the Morrow County Board of Commissioners agreed in principle to the transfer of road jurisdiction from Morrow County to either the Port or the City; and

WHEREAS, the Morrow County Board of Commissioners discussed the transfer of road jurisdiction in public meetings on August 22, 2018, at the Bartholomew Building in Heppner, Oregon; October 17, 2018, at the Irrigon Branch of the Oregon Trail Library in Irrigon, Oregon; and on December 5, 2018, at the Bartholomew Building in Heppner, Oregon; and

WHEREAS, the Morrow County Board of Commissioners held a public hearing on Wednesday, January 9, 2019, at the Irrigon Branch of the Oregon Trail Library in Irrigon, Oregon, and

WHEREAS, the Morrow County Board of Commissioners accepted the Public Works Director and Planning Director recommendation to transfer the road jurisdiction to the Port of Morrow for the portion of Lindsay Way defined below.

NOW THEREFORE BE IT ORDERED THAT THE MORROW COUNTY BOARD OF COMMISSIONERS TRANSFERS JURISDICTION TO THE PORT OF MORROW AS FOLLOWS:

1. Lindsay Way all that portion remaining in Section 10 of Assessor's Map 4N25 10 after vacation Order OR-2013-06 and as depicted on the attached map marked Attachment A.
2. This Order shall be effective upon its adoption, or January 9, 2019.

3. The Port of Morrow has 42 days to respond to this action by providing their adopted Order or other legal mechanism to the Morrow County Board of Commissioners no later than February 20, 2019.

ORDAINED THIS 9TH DAY OF JANUARY 2019.

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

Jim Doherty, Chair

Melissa Lindsay, Commissioner

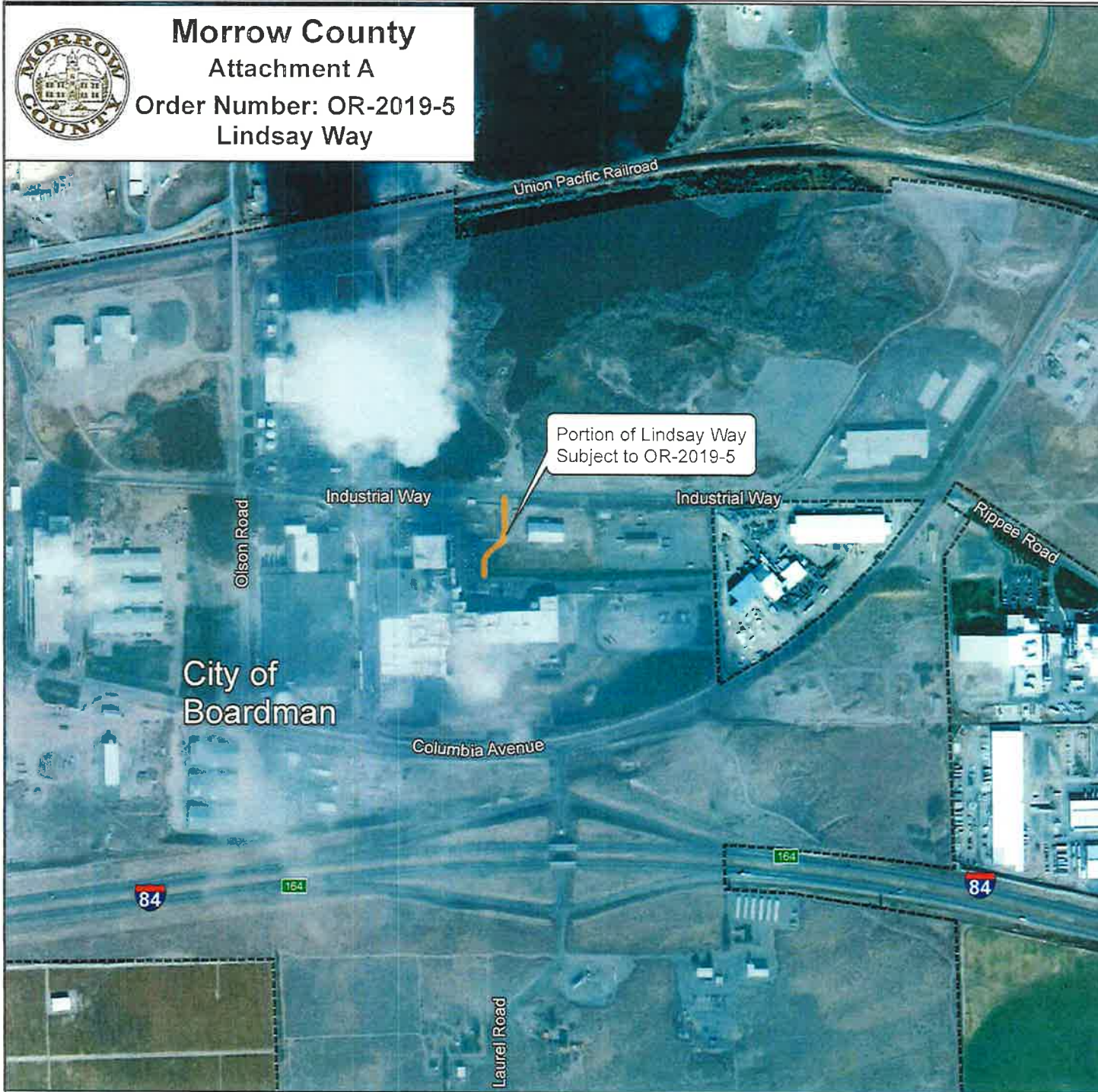
Don Russell, Commissioner

Approve as to Form:

Morrow County Counsel



Morrow County
 Attachment A
 Order Number: OR-2019-5
 Lindsay Way



Legend

Naval Weapon Systems Training Facility Boardman

— Subject Road

- - - City Limits

▭ County Boundary

Coordinate System: NAD 1983 NGRS2007 StatePlane Oregon North FIPS 3601 Ft. Int. Projection: Lambert Conformal Conic Datum: NAD 1983 NGRS2007

Cartography By: Stephen Wirecsics
 Date Saved: 1/2/2019
 Morrow County Planning Department

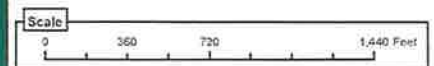
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Service Layer Credits: Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, CNE/BNA, IGN, Intermap, NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, MapmyIndia, © OpenStreetMap

Order Notes

Lindsay Way all that portion remaining in Section 10 of Assessor's Map 4N 25E 10 after vacation Order OR-2013-06.

Order Number OR-2019-5 shall be effective upon its adoption, or January 9, 2019



BEFORE THE BOARD OF COMMISSIONERS FOR MORROW COUNTY, OREGON

AN ORDER TRANSFERRING JURISDICTION)
OVER A PORTION OF RIPPEE ROAD TO)
THE PORT OF MORROW)

Order No. OR-2019-6

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

WHEREAS, Morrow County received a request from the Port of Morrow dated August 15, 2018, and the City of Boardman dated November 28, 2018, to transfer various roads from Morrow County jurisdiction to either the Port or the City; and

WHEREAS, the Morrow County Public Works and Planning Directors worked with Port of Morrow staff to determine to the best of their ability the current status of the roads in question; and

WHEREAS, the Morrow County Board of Commissioners agreed in principle to the transfer of road jurisdiction from Morrow County to either the Port or the City; and

WHEREAS, the Morrow County Board of Commissioners discussed the transfer of road jurisdiction in public meetings on August 22, 2018, at the Bartholomew Building in Heppner, Oregon; October 17, 2018, at the Irrigon Branch of the Oregon Trail Library in Irrigon, Oregon; and on December 5, 2018, at the Bartholomew Building in Heppner, Oregon; and

WHEREAS, the Morrow County Board of Commissioners held a public hearing on Wednesday, January 9, 2019, at the Irrigon Branch of the Oregon Trail Library in Irrigon, Oregon, and

WHEREAS, the Morrow County Board of Commissioners accepted the Public Works Director and Planning Director recommendation to transfer the road jurisdiction to the Port of Morrow for the portion of Rippee Road defined below.

NOW THEREFORE BE IT ORDERED THAT THE MORROW COUNTY BOARD OF COMMISSIONERS TRANSFERS JURISDICTION TO THE PORT OF MORROW AS FOLLOWS:

1. Rippee Road from the intersection of Columbia Avenue southeast and south to the north boundary of that portion of Rippee Road vacated by Order OR-2014-3 and as depicted on the attached map marked Attachment A.
2. This Order shall be effective upon its adoption, or January 9, 2019.

3. The Port of Morrow has 42 days to respond to this action by providing their adopted Order or other legal mechanism to the Morrow County Board of Commissioners no later than February 20, 2019.

ORDAINED THIS 9TH DAY OF JANUARY 2019.

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

Jim Doherty, Chair

Melissa Lindsay, Commissioner

Don Russell, Commissioner

Approve as to Form:

Morrow County Counsel



Morrow County

Attachment A

Order Number: OR-2019-6
Rippee Road



City of
Boardman

Industrial Way

Columbia Avenue

Rippee Road

Union Pacific Railroad

84

184



Legend

-  Subject Road
-  City Limits
-  County Boundary

Naval Weapon Systems
Training Facility Boardman

Coordinate System: NAD 1983 NSRS2007 StatePlane Oregon North FIPS 3601 Ft Int

Projection: Lambert Conformal Conic

Datum: NAD 1983 NSRS2007



Cartography By: Stephen Wreccies
Date Saved: 1/2/2019
Morrow County Planning Department



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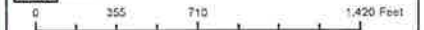
Service Layer Credits: Sources: Esri | HERE | DeLorme | Intermap | increment P Corp. | GEBCO | USGS, FNO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, MapboxIndia, © OpenStreetMap

Order Notes

Rippee Road from the intersection of Columbia Avenue southeast and south to the north boundary of that portion of Rippee Road vacated by Order OR-2014-3.

Order Number OR-2019-6 shall be effective upon its adoption, or January 9, 2019

Scale



BEFORE THE BOARD OF COMMISSIONERS FOR MORROW COUNTY, OREGON

AN ORDER CONFIRMING TRANSFER OF)
JURISDICTION OVER SEVERAL ROADS) Order No. OR-2019-7
WITHIN THE CITY LIMITS OF BOARDMAN)
AND THE PORT OF MORROW FOOD)
PROCESSING PARK AND EAST BEACH)
INDUSTRIAL PARK)

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

WHEREAS, Morrow County received a request from the Port of Morrow dated August 15, 2018, and the City of Boardman dated November 28, 2018, to transfer jurisdiction over various roads from Morrow County to either the Port or the City; and

WHEREAS, the Morrow County Public Works and Planning Directors worked with Port of Morrow staff to determine to the best of their ability the current status of the roads in question; and

WHEREAS, the Morrow County Board of Commissioners agreed in principle to the transfer of road jurisdiction from Morrow County to either the Port or the City; and

WHEREAS, the Morrow County Board of Commissioners discussed the transfer of road jurisdiction in public meetings on August 22, 2018, at the Bartholomew Building in Heppner, Oregon; October 17, 2018, at the Irrigon Branch of the Oregon Trail Library in Irrigon, Oregon; and on December 5, 2018, at the Bartholomew Building in Heppner, Oregon; and

WHEREAS, the Morrow County Board of Commissioners held a public hearing on Wednesday, January 9, 2019, at the Irrigon Branch of the Oregon Trail Library in Irrigon, Oregon, and

WHEREAS, the Morrow County Board of Commissioners accepted the Public Works Director and Planning Director recommendation to transfer jurisdiction of multiple roads to the either the City of Boardman or the Port of Morrow, and

WHEREAS, Oregon Revised Statute 373.270 provides authority for the transfer of road jurisdiction from Morrow County to the City of Boardman, and

WHEREAS, both the Morrow County Public Works Director and Planning Director recommend that the Board of Commissioners emphasize that the full intent of this process is to transfer road jurisdiction over all roads within this portion of the City of Boardman and the Port of Morrow Food Processing Park and East Beach Industrial Park to those jurisdictions respectively.

NOW THEREFORE BE IT ORDERED THAT THE MORROW COUNTY BOARD OF COMMISSIONERS TRANSFERS AUTHORITY TO THE CITY OF BOARDMAN OR THE PORT OF MORROW IF A POTENTIAL COUNTY ROAD IS IDENTIFIED NORTH OF INTERSTATE 84 AND WITHIN THE PORTION OF CITY LIMITS ANNEXED SINCE 1985 AND IN AREAS ZONED FOR EITHER PORT OR GENERAL INDUSTRIAL USES AS DEPICTED ON THE MAP IDENTIFIED AS ATTACHMENT A.

ORDAINED THIS 9TH DAY OF JANUARY 2019.

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

Jim Doherty, Chair

Melissa Lindsay, Commissioner

Don Russell, Commissioner

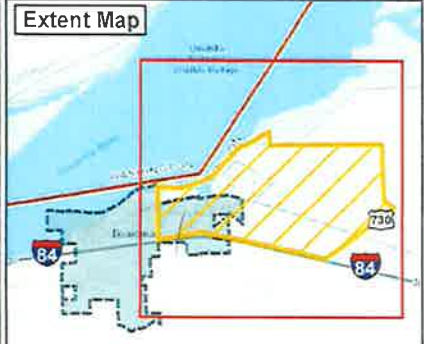
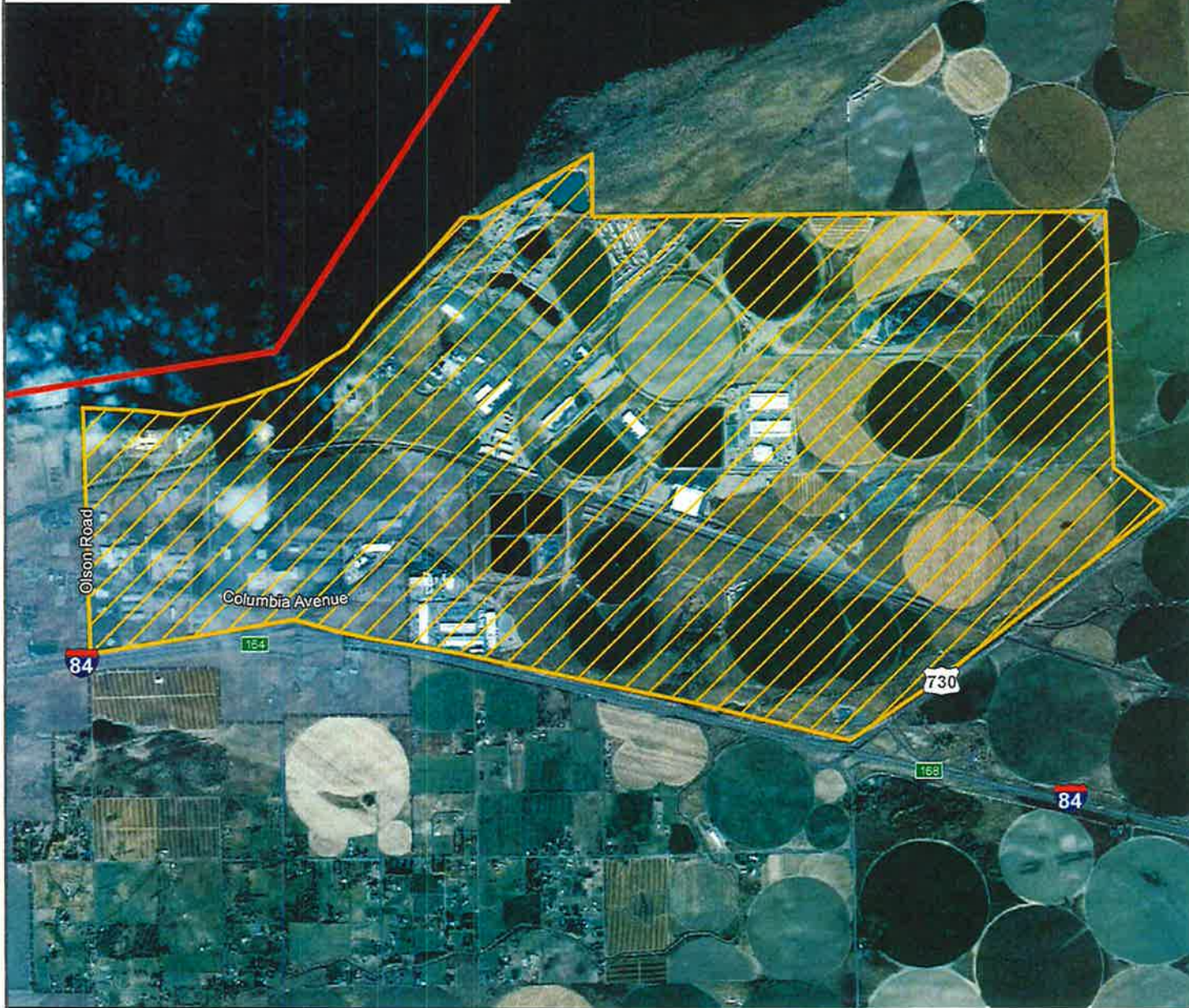
Approve as to Form:

Morrow County Counsel






Morrow County Attachment A

Order Number: OR-2019-7




Naval Weapon Systems
Training Facility Boardman

- Legend**
-  Subject Road
 -  City Limits
 -  County Boundary

Coordinate System: NAD 1983 NSRS2007 StatePlane Oregon North FIPS 3001 Ft Int
 Projection: Lambert Conformal Conic
 Datum: NAD 1983 NSRS2007

Cartography By: Stephen Wreccics
 Date Saved: 1/2/2019
 Morrow County Planning Department



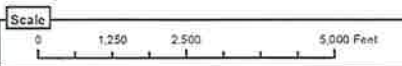
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Order Notes

That the Morrow County Board of Commissioners transfers authority to the City of Boardman or the Port of Morrow if a potential County Road is identified north of Interstate 84 and within the portion of City Limits annexed since 1985 and in areas zoned for either Port or General Industrial uses.

Order Number OR-2019-7 shall be effective upon its adoption, or January 9, 2019





Matt Scrivner
Morrow County Public Works Director
365 W. Hwy. 74, P.O. Box 428
Lexington, Oregon 97839

August 15, 2018

Matt,

Acting as an agent for both the Port of Morrow and the City of Boardman, I hereby formally request Transfer of Authority for various County Roads located within the Port of Morrow and the City of Boardman. For your convenience, I have attached both the Description and a Map that addresses each County Road and the associated Authority it will be transferred to. I realize that this will require action by the County Commissioners and may also require Public Hearings dependent on adjacent property ownership for each proposed roadway.

Should you need further information and/or further action from me as we proceed, I would be glad to assist.

Thank you,

Ronald V. McKinnis PE, PLS, WRE
Port of Morrow Engineer,
PH. 541-481-7678
Fax 541-481-2679
ronm@portofmorrow.com

Proposed County Road Authority Transfer:

1. Columbia Avenue, from Olson Road East and Northeasterly to the South Boundary of the Union Pacific Railroad Mainline Right of Way – Authority to the City of Boardman.
2. Columbia Avenue, from the South Boundary of the Union Pacific Railroad Mainline Right of Way Northeasterly to the North Line of Section 31, T. 5N, R. 26 E, AKA full Boundary of the Umatilla National Wildlife Area - Authority to the Port of Morrow.
3. Industrial Way, from the East boundary of the Port of Morrow Food Processing Park Plat East to the intersection with Columbia Avenue – Authority to the Port of Morrow.
4. Rippee Road, from the intersection of Columbia Avenue Southeast and South to the North Boundary of that Portion of Rippee Road Vacated by Order OR-2014-3- Authority to the Port of Morrow
5. Lindsay Way, All that Portion remaining in Section 10, T. 4N, R. 25 E. after Vacation Order OR-2013-06 – Authority to the Port of Morrow.
6. Laural Road, from the North Boundary of the Port of Morrow/I-84 Interchange to Columbia Avenue - Authority to the City of Boardman.



City of Boardman

200 City Center Circle
P.O. Box 229
Boardman, OR 97818
Phone: (541) 481-9252
Fax: (541) 481-3244
TTY Relay 711
www.cityofboardman.com

Matt Scrivner
Morrow County Public Works Director
365 W. Hwy. 74, P.O. Box 428
Lexington, Oregon 97839

Nov. 28, 2018

Matt,

I hereby formally request Transfer of Authority for various County Roads located within the City of Boardman. For your convenience, I have attached both the Description and a Map that addresses each County Road and the associated Authority it will be transferred to. I realize that this will require action by the County Commissioners and may also require Public Hearings dependent on adjacent property ownership for each proposed roadway.




Should you need further information and/or further action from me as we proceed, I would be glad to assist.

Thank you,

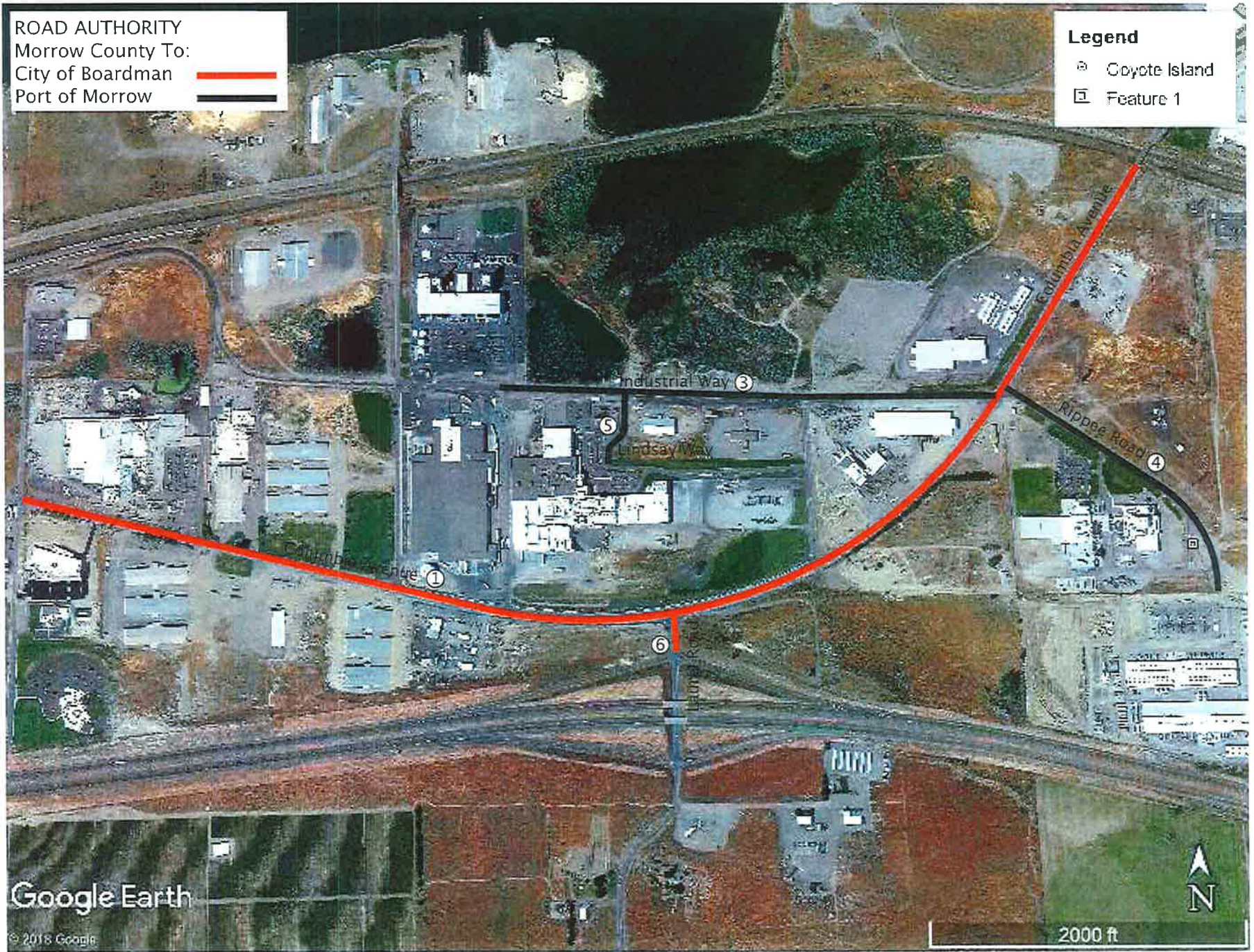
A handwritten signature in cursive script that reads "Karen Pettigrew".

Karen Pettigrew
Boardman City Manager

1. Columbia Avenue, from Olson Road East and Northeasterly to the South Boundary of the Union Pacific Railroad Mainline Right of Way – Authority to the City of Boardman.
2. Lural Road, from the North Boundary of the Port of Morrow/I-84 Interchange to Columbia Avenue - Authority to the City of Boardman.

ROAD AUTHORITY
Morrow County To: 
City of Boardman 
Port of Morrow 

Legend
 Coyote Island
 Feature 1



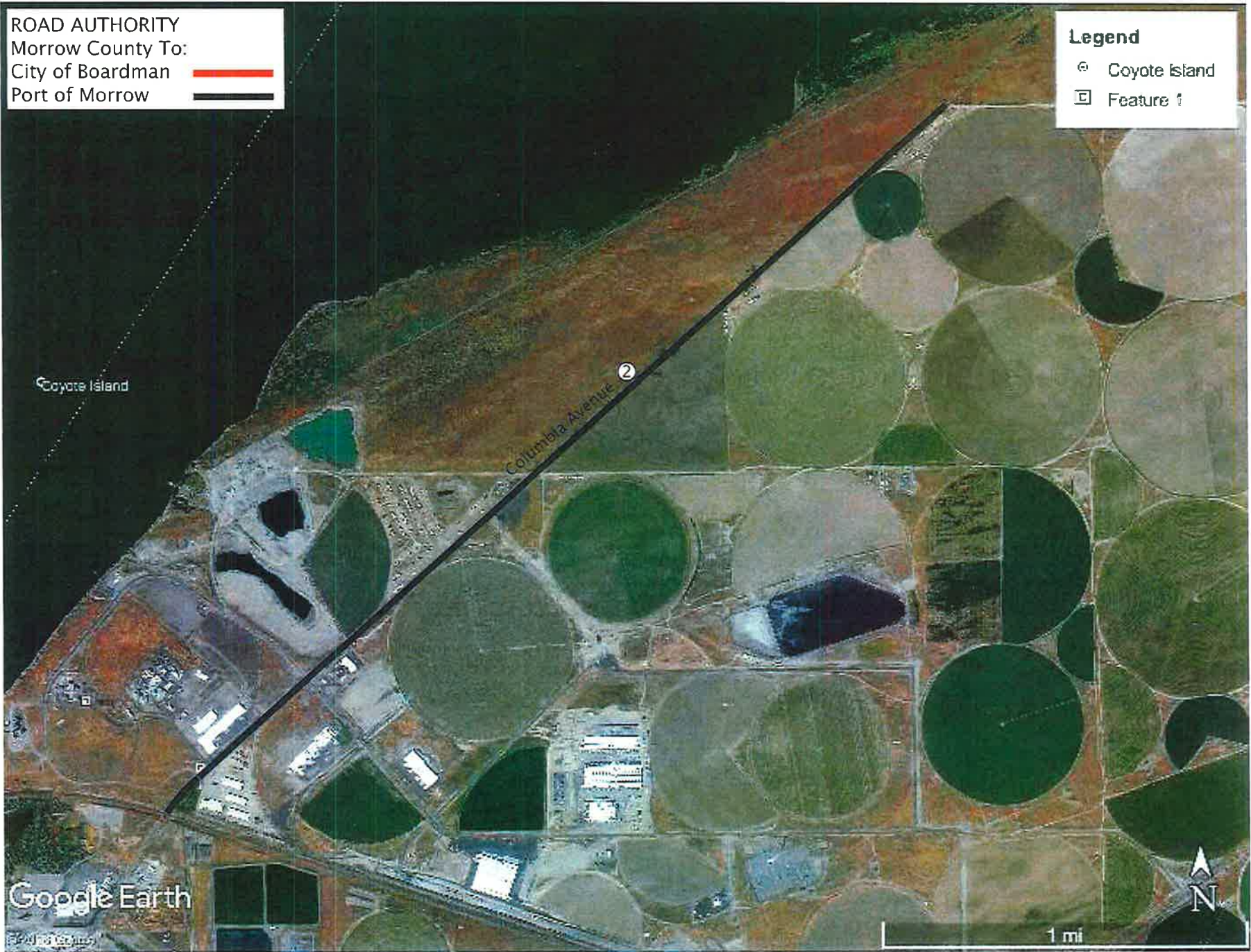
Google Earth

© 2018 Google

2000 ft

ROAD AUTHORITY
Morrow County To:
City of Boardman 
Port of Morrow 

Legend
 Coyote Island
 Feature 1



Google Earth

1 mi

11/17/52
James

R E S O L U T I O N

WHEREAS, the Oregon State Highway Commission has found it necessary and desirable to relocate the section of the Columbia River Highway No. 2 known as the Willow Creek-Boardman Section in Morrow County, the westerly terminus of which is at highway engineer's station 588+00 of the reconstructed line and the easterly terminus of which is at highway engineer's station 1549+76; and

WHEREAS, by the reason of the relocation of said section of said highway, portions or units of the right of way of the Columbia River Highway and the Boardman-Stanfield Highway, as formerly located, have been eliminated from the boundaries of the new location, some of which eliminated portions or areas are no longer needed for highway purposes; and

WHEREAS, Morrow County and the State Highway Commission have entered into an agreement under date of December 7th, 1950, relating to the use and jurisdiction of the abandoned sections; and

WHEREAS, the contract for the construction of this relocated section of the Columbia River Highway was completed on November, 14th, 1951, and highway traffic is now routed over said sections; and

WHEREAS, it is the purpose and intent of the Morrow County Court to acknowledge and accept the terms of the agreement as executed December, 7th, 1950 and the provisions of the resolution of March, 13, 1952, as entered in Volume XXXVI of the minute book of the State Highway Commission, abandoning to Morrow County that portion of the former Columbia River Highway No. 2, and the access road as provided in paragraphs one (1) to seven (7) of the resolution;

NOW, THEREFORE, BE IT RESOLVED by the Morrow County Court, all members concurring, as follows:

1. That the terms of the agreement between Morrow County and the Oregon State Highway Commission as executed December, 7th, 1950 and the provisions of the resolution of March, 13, 1952, as entered in Volume XXXVI of the minute book of the Oregon State Highway Commission, abandoning to Morrow County all those portions of the Columbia River Highway No. 2 and the access road between the old highway and the new section at Castle Rock, as provided in paragraphs one (1) to seven (7), of the said resolution be accepted and made a portion of the Morrow County road system and subject to all the statutes governing the jurisdiction of the Morrow County Court over the county road system.

2. That a copy of the above mentioned resolution be filed with the Morrow County Clerk for future reference and that a copy of this resolution be also filed in the minutes of the Commissioner's Journal and one copy of the same dispatched to the Oregon State Highway Commission at Salem, Oregon.

Approved by the Morrow County Court, at Heppner, Oregon, this 30th, day of June, 1952.

Attest:

C. W. Baslow
County Clerk

Sadie Parrish
deputy

By *James B. ...* County Judge
By *Joseph L. ...* Commissioner
By *Richard K. ...* Commissioner

This instrument was received and filed for record May 3, 1957,
and duly recorded in Miscellaneous Records, Book 6, page 67.
Time of filing, 11:45 A.M.

Bruce M. Lindsay Clerk

1 IN THE COUNTY COURT OF THE STATE OF OREGON

2 FOR THE COUNTY OF MORROW

3 In the Matter of the Old Columbia }
4 River Highway within the City Limits } R E S O L U T I O N
5 of the City of Boardman. }

6 WHEREAS, the City of Boardman, County of Morrow, State of
7 Oregon, has requested that the County of Morrow transfer the jurisdiction
8 and control of the roadway known as the Old Columbia River Highway within
9 the City Limits of the City of Boardman to the City of Boardman, and

10 WHEREAS, the State Highway Commission of the State of Oregon
11 has transferred jurisdiction and control over said roadway to the County
12 of Morrow by Resolution adopted March 13, 1952, and further clarified
13 said Resolution by a Letter from the Secretary of said Commission, H.
14 B. Glaisyer to the Honorable Garnet Barratt, County Judge for Morrow
15 County, dated April 3, 1957, affirming said transfer; and

16 WHEREAS, the County Court of the County of Morrow finds that
17 it would be in the public interest of the people of the City of Board-
18 mand and the County of Morrow to transfer the jurisdiction of said road-
19 way to the City of Boardman; now therefore

20 BE IT HEREBY RESOLVED that the jurisdiction and control of
21 the roadway known as the Old Columbia River Highway within the City
22 Limits of the City of Boardman, County of Morrow, State of Oregon, be
23 and the same is hereby transferred to the City of Boardman and that
24 henceforth the said City of Boardman shall be responsible for the main-
25 tenance, repair and control of said roadway, and the County of Morrow
26 hereby transfers all of its right, title and inteerest to said roadway,
27 if any it have, to the City of Boardman.

28 Dated this 1st day of May, 1957.

Garnet Barratt
County Judge
Harsh D. Simpson
County Commissioner
Russell B. Mills
County Commissioner

County Board Minutes - From 6-1-1994

forwarded to the Accounting Department the amount of their premium payments by the date indicated to them that the payments are due and payable, the employee/former employee will lose their continued entitlement to that benefit.

The County cannot "front-end" the money for the employee/former employee and await reimbursement.

Motion passed.

Discussion of having a no smoking policy in cars as well as the building. Andrea will draft a policy.

Gail Hughes, John Huffaker and Bill Scott of Dept. of Economic Office, Larry Mills, John Prag, Denny Newell and Greg Smith -

Discussion concerning the reorganization of the Regional Economics Office and how they can help Heppner and Morrow County. The following topics were discussed:

- Umatilla Depot
- Port of Morrow - Revolving Fund
- Fiber Optics hookup (Communications)
- Railroad right of way
- City loans - \$200,000 block grants, sewer and water
- Housing
- Water Resources
- Kinzua Mill

Val Doherty, County Counsel - Re: Updates.

11:30 Judge Carlson moved and Commissioner French seconded motion to withdraw the previous signed contract with McKeever/Morris, Inc. and sign new contract. (Museum Master Plan) Motion passed. (contract needed correcting)

11:35 Commissioner French moved and Commissioner McElligott seconded motion to approve Resolution in the matter of initiating road acquisition proceedings concerning that road known as "Eastregaard Vej Road" near Boardman. Motion passed.

* 11:40 Commissioner French moved and Commissioner McElligott seconded motion in the matter of declaring an intent to vacate a portion of a county road, specifically, an unimproved county road existing upon the property of the Port of Morrow in Section 10 & 11, T4N, R25, EWM. Motion passed.

11:42 Commissioner McElligott moved and Commissioner French

IN THE COUNTY COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF MORROW

JUN 1 2 23 PM '94

BARBARA BLOODSWORTH
MORROW COUNTY CLERK
[Signature] DEPUTY

IN THE MATTER OF DECLARING AN INTENT)
TO VACATE A PORTION OF A COUNTY ROAD,)
SPECIFICALLY, AN UNIMPROVED COUNTY ROAD)
EXISTING UPON THE PROPERTY OF THE)
PORT OF MORROW IN SECTIONS 10 AND 11,)
TOWNSHIP 4N, RANGE 25, E.W.M.....)

R E S O L U T I O N
and O R D E R

RO-3.94

This matter coming before the County Court for Morrow County, sitting as the county governing body, at a regularly scheduled meeting on the 1st day of June, 1994; and

Whereas, an unimproved road running through property owned by the Port of Morrow in Sections 10 and 11 in Township 4N, Range 25, E.W.M., all in Morrow County, Oregon (which is more fully depicted on the map which is attached hereto and is incorporated herein) is a County Road, and is subject to the jurisdiction of the Morrow County Court; and

Whereas, The Port of Morrow, through its duly authorized representatives, who owns all of the abutting property, desires that the County vacate said County Road, which does not provide access to any other property owner; and

Whereas, the Morrow County Court has confirmed through counsel and its Planning Director that the representations made above are true and accurate;


NOW, THEREFORE, IT IS RESOLVED that, pursuant to ORS 368.341, the Morrow County Court does hereby declare its intention to vacate public property, to-wit: a county road situated in Sections 10 and 11 of Township 4N, Range 25, E.W.M., all in Morrow County, Oregon and more specifically described as all of that portion of road depicted on the map attached hereto and previously incorporated herein.

THE COURT FURTHER DECLARES, that it intends to vacate said county road for the following reasons: The road, although platted, was never improved, and in fact, is not used for any public purpose; there is but one abutting property owner involved, the Port of Morrow, which owns the abutting property on both sides of the road intended to be vacated; vacation of said county road will not deprive any owner of a recorded property right of access to property, since all other affected property is easily accessed by other public roads or ways.

THE COURT FURTHER DIRECTS, that the County Public Works Director, or his designee, shall prepare and file with the Court a written report containing the following:

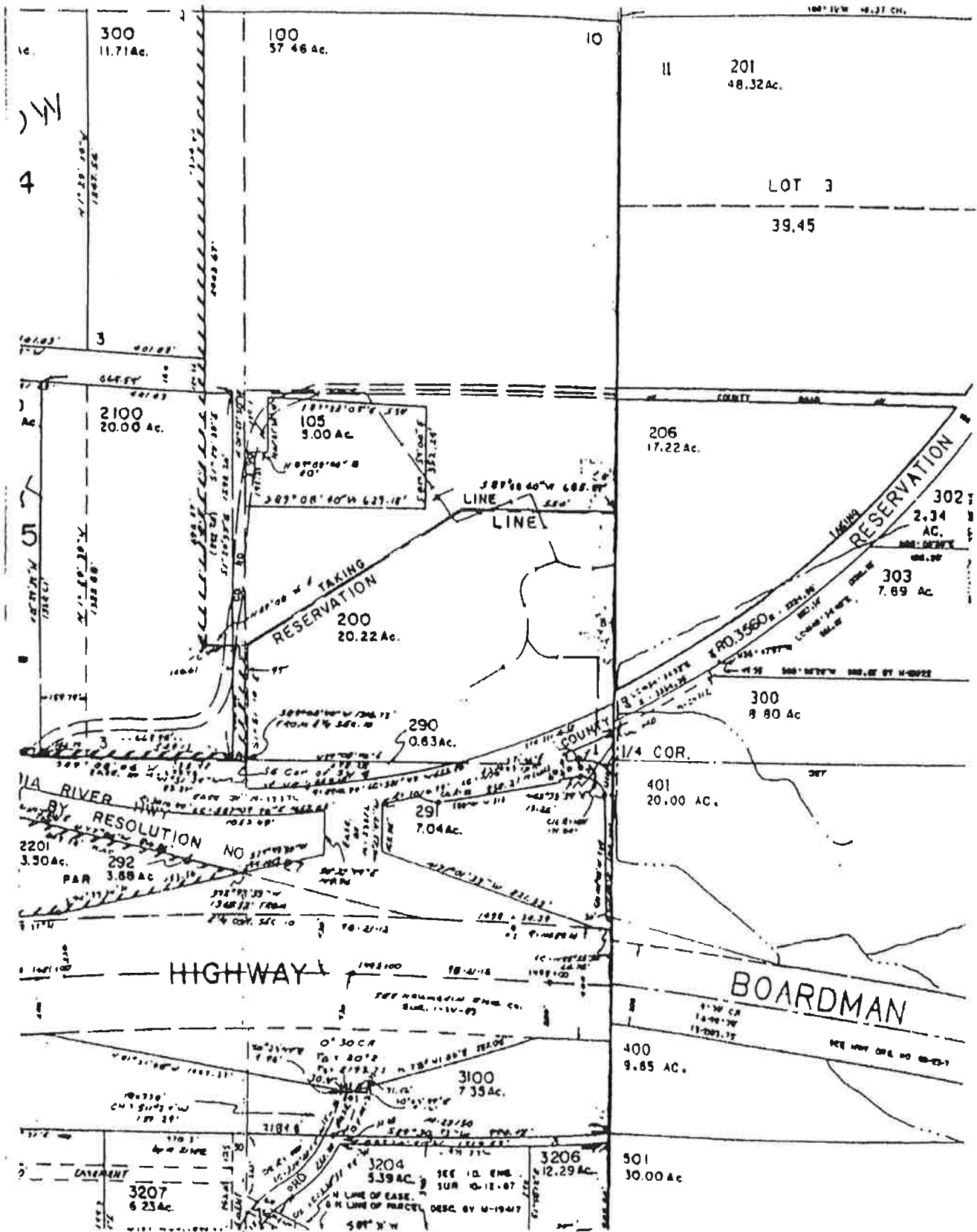
- (a) A description of the ownership and uses of the property proposed to be vacated;
- (b) an assessment by the Director of whether the vacation would be in the public interest; and
- (c) any other information the Director deems appropriate.

DATED this 1st day of June, 1994.

ATTEST:

Barbara B. Bloodworth
Barbara B. Bloodworth
County Clerk

MORROW COUNTY COURT
Louis A. Carlson
Louis A. Carlson, Judge
R.J. French
R.J. French, Commissioner
Donald C.D. McElligott
Donald C.D. McElligott, Commissioner

APPROVED AS TO FORM:
Valerie B. Liberty
County Counsel



300
11.71 ac.

100
57.46 ac.

201
48.32 ac.

LOT 3

39.45

2100
20.00 ac.

105
5.00 ac.

206
17.22 ac.

200
20.22 ac.

302
2.34 ac.

303
7.89 ac.

290
0.83 ac.

300
9.80 ac.

291
7.04 ac.

401
20.00 ac.

LA RIVER
BY RESOLUTION NO. 2201
292
PAR 3.88 ac.

HIGHWAY

BOARDMAN

3100
7.35 ac.

400
9.85 ac.

3207
6.23 ac.

3204
5.39 ac.

3206
12.29 ac.

501
30.00 ac.

8-9-95

seconded motion to vacate the portion of California Ave. described in the Resolution. Motion carried.

On hold till Guy visit w/port
Port of Morrow Guy said he went out with Kent Goodyear and looked at the County Road in the Port of Morrow being requested to be vacated. He said it is a little difficult to follow. Guy said that the Port maps and the County maps do not coincide and the ground matches neither. He recommended a survey of the piece before vacation. He said the County does not maintain it and Guy said he would never expect to build a road there. The Port of Morrow requests that we transfer the road to them rather than vacate it. Tamra had suggested that on roads that there may be some question about, it may be useful to go before the Planning Commission to help identify problems and solutions. Comm. McElligott moved to refer the matter to the Planning Commission in preparation to transfer the County Road parallel to the utility corridor at the Port of Morrow. Comm. French seconded the motion. Motion carried.

Janitor contract Guy has given the contract for janitorial services to Reatha Beezley for signature.

Building grounds Guy said that the watering to date has been "pretty pitiful". Troy was gone some last week for the birth of his child, so Guy had Craig Gutierrez work on it and show both Troy and himself how to operate the sprinkler systems.

Bridge Guy has looked at the bridge at the Maintenance Shop and said he cannot find any broken or cracked timbers and would feel comfortable driving a logging truck over it (an exaggeration, he said). It appears structurally sound enough to allow the horse trailers to use it during the Fair & Rodeo. He will have Jim Blake inspect it.

Right of way encroachment Guy has been over to the County Line Road a couple of times and says that Ted Sampson has some feeders in the right-of-way. Judge suggested sending a letter to him telling him to move them out of the right-of-way. Guy said that's what he would like to do.

Guy said California Avenue needs some work on it. He said Second Avenue needs to be built as well. Guy said he thinks we need to do some work out there. Judge said there was a number of public hearings on that issue about 7 or 8 years ago and there was no interest in the development of the road at that time. Guy said he has had some letters requesting use of that road. Judge told him to pursue it.

Brush hog Guy has called around to look for brush hog to rent and has not been able to find one so far. Judge said we rented one about 4 years ago. Guy will try to find where through our records.

Cutsforth Park Sara has the grant application drafted. He has a couple of

MORROW COUNTY COURT - August 16, 1996, Boardman, Oregon

Judge Louis Carlson
Commissioner Ray French
Commissioner Donald McElligott
Barbara Bloodsworth, County Clerk
Andrea Denton, Executive Secretary

1. Minutes Court reviewed and approved the minutes with no corrections.
2. Claims Court reviewed and approved the claims.
3. Museum Judge noted that Pettyjohns and Matt Hughes are occupying part of the property being purchased by the County behind the new museum site.

Judge noted that he felt the museum project was growing beyond a County museum and becoming more of a regional museum. He said that he feels a 5013C Corporation might be a more appropriate organization to handle the project than County government. He said that he thinks that the County should be a participant (the collections, for example, have been given or deeded to the County). Comm. McElligott agreed.
4. Purchasing approval Court approved the purchasing authorization request of the Museum for \$234.75 for negatives for archival photographs.

Court also signed a purchasing authorization for the Sheriff's Department to purchase a patrol car, which had been approved last week in Court.
5. Tax Refund Court reviewed and approved an Application for Refund from the Tax Collector's Office in the amount of \$1,436.99 to Lawrence Lindsay.
6. MCCCF Court approved and signed an Intergovernmental Agreement for the Teen Parent-Child Care Program which renews the grant to the Commission on Children and Families.
7. Union Pacific Railroad Court signed the deeds submitted with the Memorandum of Agreement which preserves the easement along the abandoned rail line for the sum of \$5,000. Court also approved and signed the Amendment Agreement, adding Exhibit C to the agreement which changes the depth of the easement from 2 to 3 feet.
8. Road Report Public Works Director Guy VanArsdale gave the following report:

Port of Morrow roadway Court reviewed a Resolution prepared by County Counsel Val Doherty "Initiating the Process for Relinquishing Jurisdiction over County Road Located Within the Port of Morrow Industrial Park". Court approved and signed the Resolution.

Permit Court reviewed a Permit to Occupy the County right of way submitted by Potlatch Corporation to tunnel under Poleline Road. Guy expressed no objection to the permit request. Court approved and signed.

Flying expense Guy said that he had understood that if he had to make a flight to do County business, he would be reimbursed for the gas costs. He had to make a trip to Walla Walla, for a cost of \$54 to pick up a clutch for the distributor on a truck and another to Spokane to pick up the Weed Inspector for \$88. He said that it saved money over other ways of doing the same thing. His only concern over this would be if there were an accident with another employee. Judge also was concerned that it might be overused.

Sampson encroachment Guy has been out and discussed the problem of Mr. Sampson's occupation of the roadway. Sampson asserts that the road belongs to him, not the County. Guy would like to research the records. Guy said Val provided him some records. Comm. McElligott asked what

Road 730

IN THE COUNTY COURT FOR THE STATE OF OREGON

FOR THE COUNTY OF MORROW

Aug 10 9 32 AM '95

BARBARA FLECKENBARTH
COUNTY CLERK
Barbara FleckenbARTH

IN THE MATTER OF INITIATING PROCESS)
FOR RELINQUISHING JURISDICTION OVER)
COUNTY ROAD LOCATED WITHIN THE PORT)
OF MORROW INDUSTRIAL PARK.....))

R E S O L U T I O N

R-40-95

This matter coming before the County Court for Morrow County, sitting as the county governing body, at a regularly scheduled meeting on the 16th day of August, 1995; and

WHEREAS, Morrow County has jurisdiction over an undeveloped County road, which commences at its intersection with the Old Columbia River Highway (County Road 3560) at a point approximately 710 feet west of the SE Corner of the SW quarter of the NE quarter of Section 10, Township 4 North, Range 25, E.W.M.; thence running generally north and east to a point approximately 640 feet north of the SE corner of the SW quarter of the NE quarter of said Section, Township and Range; thence running north a distance of 580 feet more or less where the road commences a curve to the east; thence proceeding east a distance of 2330 feet more or less to its intersection with the Old Columbia River Highway (County Road 3560), all in Morrow County, Oregon; and

WHEREAS, said above-described portion of said undeveloped County Road is not needed by Morrow County for public use; and


WHEREAS, the Port of Morrow is an municipal corporation, and is a political subdivision of the State of Oregon; and

WHEREAS, the Port of Morrow is the most competent governmental authority to exercise jurisdiction over the portion said undeveloped County road which lies within the boundaries of the Port of Morrow Industrial Park;

NOW, THEREFORE, IT IS RESOLVED that Morrow County, on the motion of the Morrow County Court, pursuant to ORS 373.270, hereby initiates a proceeding to transfer jurisdiction over that portion of the undeveloped County road described above, which lies within the boundaries of the Port of Morrow Industrial Park. Notice shall

be given by posting in three public places, one of which shall be within the limits of the Port of Morrow Industrial Park; notice shall comply with the requirements of ORS 373.270(3). Hearing, as required by ORS 373.270(4) shall be held on Sept. 20, 1995 at 10 A.m. at Boardman Health Building.

DATED this 16th day of August, 1995.

ATTEST:  COUNTY COURT
Barbara B. Bloodsworth
Barbara B. Bloodsworth
APPROVED AS TO FORM
Valerie M. Liberty
County Counsel

MORROW COUNTY COURT
Louis A. Carlson
Louis A. Carlson, Judge
R.J. French
R.J. French, Commissioner
Donald C.J. McElligott
Donald C.J. McElligott
Commissioner

9-20-95

- 10:05 Meeting continued while waiting for Port and Guy.
Tamra Mabbott - Ordinance Interpretation.
SAI Zone - Rob Brown-Boeing would like to make some investment in Agri-development in this area. They are requesting a change in the SAI zone. Planning Commission has passed motion for outright use of farming in that area.
- 10:16 Public Hearing continued.
Guy Van Arsdale discussed with Court the transfer.
- 10:30 Public Hearing closed and Court reconvened.
- 10:31 Commissioner McElligott moved and Commissioner French seconded motion to initiate the process of transfer of an undeveloped County road, which commences at its intersection with the Old Columbia River Highway (County Road 3560) at a point approximately 710 feet west of the SE Corner of the SW quarter of the NE quarter of Section 10, Township 4 North, Range 25, EWM; thence running generally north and east to a point approximately 640 feet north of the SE corner of the SW quarter of the NE quarter of said Section, Township and Range; thence running north a distance of 580 feet more or less where the road commences a curve to the east; thence proceeding east a distance of 2330 feet more or less to its intersection with the Old Columbia River Highway (County Road 3560), all in Morrow County, Oregon to the Port of Morrow. Motion passed.
- 10:35 Commissioner French moved and Commissioner McElligott seconded motion to interpret the ordinance code that the SAI (Space Age Industrial) be allowed out right agriculture use. Motion passed.
Guy Van Arsdale, Public Works Director - Road report.
Water truck bid came in at \$55,000.00.
Discussion of county roads in Irrigon.
- 10:55 Commissioner McElligott moved and Commissioner French seconded motion to start the process to give county roads in Irrigon (Utah Avenue from the intersection with S. First Street west to the intersection with SW 2nd Avenue; Division Street from the intersection with California Avenue to its intersection with County Road; County Road from its intersection with Division Street to a point intersecting with SW 2nd Street; Nw 2nd Street as platted north of Southmain Avenue (old Hwy 30) to the City of Irrigon. Motion passed.

RECORD OF SURVEY

LOT LINE ADJUSTMENT & EASEMENTS

For
Port of Morrow
P.O. Box 200, #2 Marine Drive
Boardman, Oregon 97818

NARRATIVE:

This survey is based on the Port of Morrow Grid Coordinate System that was established by me in the mid 1990's. The purpose of the survey was to complete a Lot Line Adjustment to facilitate the expansion of an adjacent existing processing plant. The Port acquired two of the Tax Lots from Tateone about 10 years ago. The third portion of this property was a part of a deed acquired from the U.S. Army Corps of Engineers back in the late 1960's. Columbia Avenue was originally State Highway 30 which was turned over, by the State, to Morrow County at the completion of Hwy. 730 and Interstate 180 (now I-84). In 1983 Tateone's deeded property to the County and the State to create the interspace #165 (Port of Morrow). Krumbeln modified the curve alignment for Columbia Ave. in a survey for Morrow County. He (Krumbeln) inserted a short tangent section in the 3274.05' radius curve and created a 2960.99' radius on the centerline of Columbia as it progressed west through the Tateone property. The only original monuments left from the Krumbeln survey were the East Corner of Section 10, as shown. In 1973, Pettijohn subdivided Port properties to create the Port of Morrow Food Processing Park which abuts this property on the west side. In 1995 Edwards completed a survey for Tateone and in 1999 Coppock completed a survey for Merle Carlson. I used all of these surveys to re-establish the locations of the property lines and the North Right of Way line of Columbia Ave. When Langan International developed their processing plant in 1999 on Lot 3 of Block 5, an existing gravel roadway (Lindsay Way) was improved and now, the Port has always assumed this to be a County Road, both the City of Boardman and Morrow County claim no jurisdiction of this road so the Port is now treating it as a Port Public Road. In addition to the property boundaries, the Port also created some new easements for the re-location of some of the existing utilities in and along Lindsay Way. At the same time, the Port is also proceeding with a process to abandon a portion of the Lindsay Way Right of Way to, again, accommodate the proposed processing plant expansion. The pending Resolution for vacation of Lindsay Way would only affect the Right of Way from the North line of Columbia Avenue to the south extended boundary of the Carlson property. The adjusted lot size "B" joining the north boundary is essentially for siting purposes only for the construction of a wastewater treatment facility that is an integral part of the proposed plant expansion. The Port also intends to dedicate a 55' Public Roadway on the east side of this property to create a new connection between Columbia Avenue and Industrial Way as a replacement for the "to be vacated" connection, Lindsay Way.

NEW PROPERTY DESCRIPTIONS:

Site "A"
A 25.37 Acre portion of land, more or less, located in Section 10, Township 4 North, Range 25, East of the Willamette Meridian located within Morrow County, Oregon, more particularly described as follows:

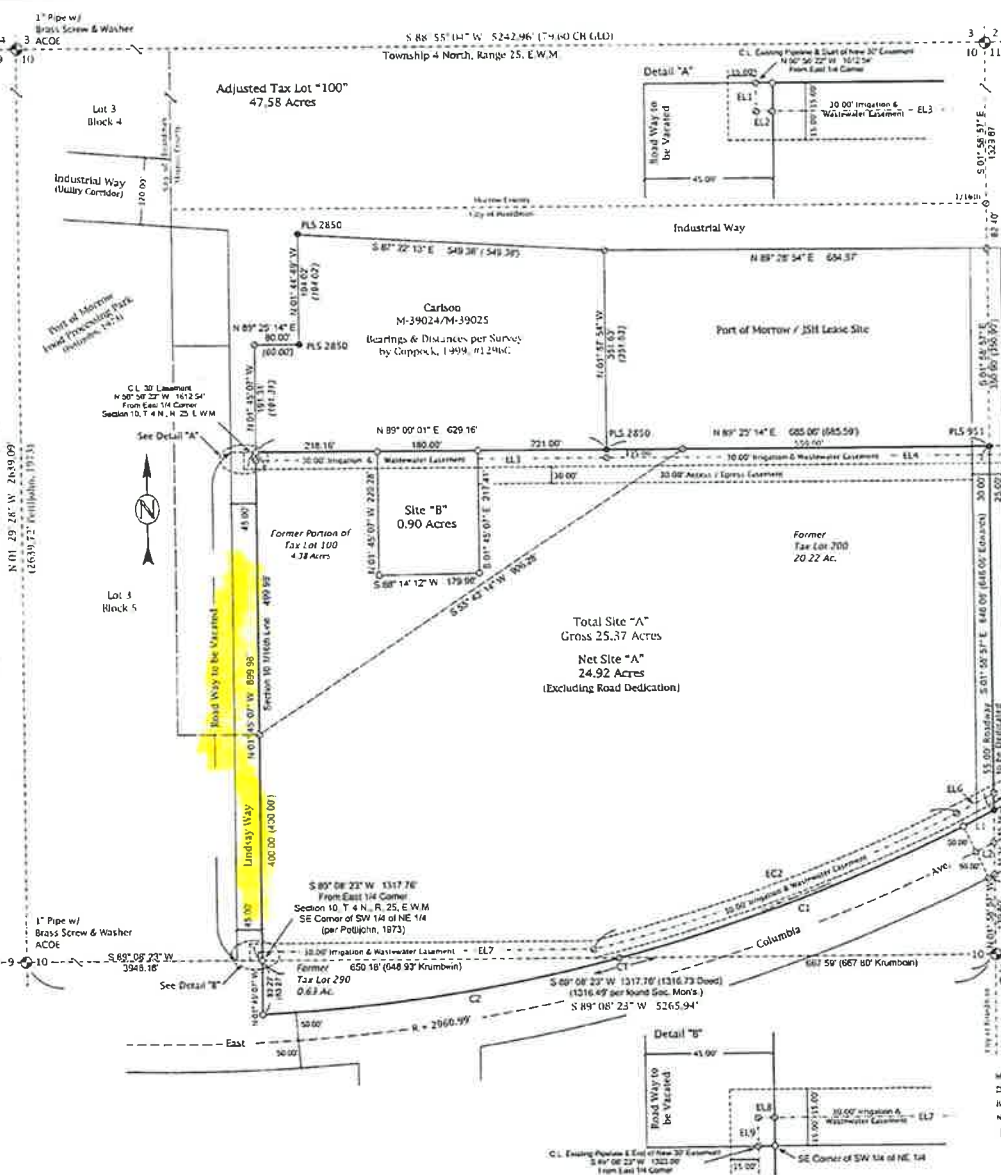
Beginning at a Point located on the East Right of Way line of Lindsay Way, a Public Road, being South 89° 08' 23" West a distance of 1317.76 feet from the East Quarter Corner of Section 10, in Township 4 North, Range 25 East.
Thence along the said East Right of Way of Lindsay Way, North 01° 45' 07" West a distance of 609.98 feet, more or less, to the Southeast Corner of that tract of land conveyed to Merle Carlson by Deed M-29024.
Thence along the South line of said Carlson Tract, North 89° 09' 01" East a distance of 620.16 feet, more or less, to the Southwest corner of said Carlson Tract.
Thence North 89° 25' 14" East a distance of 665.95 feet, more or less, to the intersection of the East line of Section 10.
Thence along the said East line of said Section 10, South 01° 50' 57" East a distance of 645.06 feet, more or less, to the intersection of the North Right of Way line of East Columbia Avenue.
Thence Southwesterly along said North Right of Way line of East Columbia Avenue, South 82° 25' 26" East a distance of 60.79 feet.
Thence continuing along the North Right of Way line of East Columbia Avenue along a 1304.21 foot curve to the Right, said curve having a radius of 2940.59 feet, an initial angle of 21° 12' 02" and a chord which bears South 71° 25' 09" West a distance of 1254.01 feet to the intersection of the said North Right of Way line of East Columbia Avenue and the East Right of Way of Lindsay Way.
Thence along the said East Right of Way of Lindsay Way, North 01° 45' 07" West a distance of 623.23 feet, more or less, to the Point of Beginning.

SUBJECT TO: The East 30 feet of the above description being dedicated to a Public Port Road Right of Way.

EXCEPTING THEREFROM:

Site "B"
A 0.90 Acre portion of land, more or less, that will be the boundary of a Wastewater Treatment facility, all located in Section 10, Township 4 North, Range 25, more particularly described as follows:
Commencing at a Point located on the East Right of Way line of Lindsay Way, a Public Road, being South 89° 08' 23" West a distance of 1317.76 feet from the East Quarter Corner of Section 10, in Township 4 North, Range 25 East.
Thence along the said East Right of Way of Lindsay Way, North 01° 45' 07" West a distance of 609.98 feet, more or less, to the Southwest corner of that tract of land conveyed to Merle Carlson by Deed M-29024.
Thence along the South line of said Carlson Tract, North 89° 09' 01" East a distance of 218.15 feet to the True Point at Beginning of the property description.
Thence continuing along the South line of said Carlson Tract, North 89° 09' 01" East a distance of 100.00 feet.
Thence South 01° 45' 07" East a distance of 212.41 feet.
Thence South 89° 14' 12" West a distance of 179.98 feet.
Thence North 01° 45' 07" West a distance of 620.29 feet, more or less, to Point of Beginning of this description; Containing 0.90 acre, more or less.

All being located in Section 10 of Township 4 North, Range 25, East of the Willamette Meridian, Morrow County, Oregon,
Containing 25.37 acres, more or less.



Line Table Curve Section	Bearing	Distance	Krumblin # (CS 261)	Distance	Krumblin # (CS 261)
L1	S 62° 20' 38" W	59.76	S 62° 20' 38" W	60.79	
L2	S 62° 20' 38" W	37.03	S 62° 20' 38" W	37.03	
L3	S 62° 20' 38" W	13.26	S 62° 20' 38" W	13.26	
L4	S 01° 56' 57" E	29.86			
EL1	S 01° 45' 07" E	15.00			
EL2	N 89° 09' 01" E	4.94			
EL3	N 89° 09' 01" E	629.27			
EL4	N 89° 09' 01" E	722.07			
EL5	S 01° 56' 57" E	242.30			
FL1	S 62° 20' 38" W	79.98			
FL2	S 89° 08' 23" W	600.40			
FL3	S 89° 08' 23" W	5.32			
FL4	S 01° 45' 07" E	15.00			

Curve Table Curve Section	Radius	Chord	Chord Bearing	Chord Distance
C1	645.20	2910.99	12° 46' 56"	647.08
C2	620.36	2910.99	12° 46' 56"	624.30
C3	1304.01	2910.99	21° 12' 02"	1304.01
C4	44.77	3193.05	0° 48' 07"	44.77
C5	600.89	2946.09	18° 25' 58"	600.29

Record Surveys:
Pettijohn for Port of Morrow, 1973
Port of Morrow Food Processing Park subdivision
Krumblin for Morrow County Court - 1983, CS #05261
Edwards for Tateone - 1995, CS #1049C
Coppock for Carlson - 1999, CS #12946

Port of Morrow / Boardman Foods Lease Site
N 01° 29' 28" W 2849.09'
(1619.72' Krumbeln, 1973)

- ### LEGEND
- Found Section Corner
 - Found Monument as Noted
 - Set 5/8" x 30" Rebar W/ Plastic Cap, PLS #2431
 - CALCULATED POINT - Not Set
 - SECTION LINES
 - SURVEY BOUNDARIES
 - (1000) DEED BEARING DISTANCES

REGISTERED PROFESSIONAL ENGINEER
R. V. MCKINIS ENGINEERING
1990 Franklin Loop Road
Hermiston, Oregon 97138
(541) 862-3117
Expires 12-31-13

SCALE 1" = 100 Ft.
December, 2012

RECORDED IN Morrow County Survey
Date 1-11-2013
Filed by S.K.H.
No. 213-010
Folder 1466

Rev. 01-10-13

IN THE COUNTY COURT OF THE STATE OF OREGON
FOR MORROW COUNTY

IN THE MATTER OF RESCINDING
RESOLUTION AND ORDER RO-3-
94 WHICH DECLARED AN INTENT
TO VACATE A PORTION OF
LINDSAY WAY

ORDER NUMBER OR-9-2012
RESOLUTION
NUMBER R-20-2012

The matter coming before the Morrow County Court, sitting as the governing body for Morrow County, Oregon, during its regularly scheduled business meeting on December, 19, 2012; and

WHEREAS, the Port of Morrow has requested that Morrow County act to vacate a road "Lindsay Way" that has been constructed on property within the Port of Morrow ; and

WHEREAS, the County Court adopted Resolution and Order RO-3-94 on the 1st of June, 1994, indicating action would be taken to vacate a portion of a road in the Port of Morrow, currently known as Lindsay Way, and located in Township 4N Range 25 Sections 10 and 11; and

WHEREAS, the current Public Works and Planning Directors can find no evidence that the road in question is a county road and without such evidence cannot recommend the County Court proceed with a request to vacate said road;

NOW, THEREFORE, IT IS HEREBY ORDERED that Resolution and Order RO-3-94 be rescinded and the Port of Morrow be informed that the road in question is not a county road and Morrow County has no authority to vacate such road.

Dated this 19th day of December, 2012

ATTEST:

Bobbi Childers
Deputy
Bobbi Childers, County Clerk



MORROW COUNTY COURT:

Terry K. Tallman
Terry K. Tallman, Judge

Ken A. Grieb
Ken Grieb, Commissioner

APPROVED AS TO FORM:

Ryan Swinburnson
Ryan Swinburnson, County Counsel

Leann Rea
Leann Rea, Commissioner

MORROW COUNTY, OREGON 2013-31629
ORD-RES 02/19/2013 04:16:34 PM
Cnt=1 Stn=1 TC
\$10 00 \$11 00 \$15 00 \$10 00 \$46.00



00020055201300316290020023

I, Bobbi Childers, County Clerk for Morrow County, Oregon, certify that the instrument identified herein was recorded in the Clerk records

Bobbi Childers - County Clerk



After Recording Return To:
Port of Morrow
P.O. Box 200, #2 Marine Drive
Boardman, Oregon 97818

All Tax Statements Unchanged:
In Consideration of: None
and other valuable consideration

RESOLUTION NO. 2013-06

IN THE MATTER OF VACATING A PORTION OF LINDSAY WAY, A PORT PUBLIC RIGHT OF WAY LOCATED WITHIN THE PORT OF MORROW FOOD PROCESSING PARK

WHEREAS, the Port of Morrow is a public entity that can create and vacate Public Rights of Way

WHEREAS, Morrow County and the City of Boardman have resolved that Lindsay Way is not under their jurisdiction.

WHEREAS, The Port of Morrow advertised in a paper of local circulation their intent to Vacate a Portion of Lindsay Way on December 26, 2012 & January 09, 2013

WHEREAS, The Port of Morrow posted signs along the affected portion of Lindsay Way of their intent to Vacate a Portion of Lindsay Way on December 21, 2012

WHEREAS, The Port of Morrow contacted all Utility Providers who have, or have had, utilities located within the affected portion of Lindsay Way of the Port's intent to Vacate a Portion of Lindsay Way and those Utility Providers did not object

WHEREAS, The Port of Morrow held a Public Hearing on January 23rd, 2013 to receive any and all public comments on the Port's intent to Vacate a Portion of Lindsay and the Port did not receive or hear any objections

WHEREAS, The Port of Morrow did not receive or hear any objections through any of their public out-reach to the Vacation of a Portion of Lindsay Way

NOW THEREFORE THE PORT OF MORROW COMMISSION DOES HEREBY RESOLVE:

The following legal description of the Portion of Lindsay Way shall be vacated and no longer a Public Right of Way:

Port of Morrow

The Port of Morrow, a Quasi Municipal entity,
4N 25E Section 10,
Description of Portion of LINDSAY WAY, to be VACATED by Resolution of the
Port of Morrow Board of Commissioners:

That part of LINDSAY WAY, determined to be a Port Public Road Right of Way, located in Section 10, Township 4 North, Range 25, East of the Willamette Meridian located within the City of Boardman, Morrow County, State of Oregon, more particularly described as follows:

A 45.00 foot wide Road Right of Way along and adjacent to the West Side of the following: Beginning at a Point located on the East Right of Way line of Lindsay Way, a Public Road, being South 89° 08' 23" West a distance of 1317.76 feet from the East Quarter Corner of Section 10, in Township 4 North, Range 25 East;

Thence along the said East Right of Way of Lindsay Way, North 01° 45' 07" West a distance of 899.98 feet, more or less, to the Southwest Corner of that tract of land conveyed to Merle Carlson by Deed M-39024 as filed in the Deed Records of Morrow County, said point being the Terminus of description Road Right of Way to be Vacated for Public Use.

All being located in Section 10 of Township 4 North, Range 25, East of the Willamette Meridian, City of Boardman, Morrow County, State of Oregon,

This Resolution shall be effective immediately.

RESOLVED BY THE PORT OF MORROW COMMISSION THIS 13th DAY OF February 2013.

PORT OF MORROW, OREGON

BY:


Don Russell, President

ATTEST:


Larry Lindsey, Secretary

STATE of OREGON }
 } S.S
COUNTY of MORROW }

This instrument was acknowledged an sworn before me this 13th Day of February, 2013

(NOTARY SEAL)




NOTARY PUBLIC FOR OREGON
My Commission Expires: March 15, 2016

IN THE COUNTY COURT OF THE STATE OF OREGON
FOR MORROW COUNTY

IN THE MATTER OF VACATING A
PORTION OF RIPPEE ROAD

ORDER NUMBER OR-2014-3

The matter coming before the Morrow County Court, sitting as the governing body for Morrow County, Oregon, during its regularly scheduled business meeting on Wednesday, July 17, 2013; and

WHEREAS, the County Court is authorized to order vacation of a county road, or portion thereof, pursuant to the provisions of ORS 368.326 et seq; and

WHEREAS, the County Court received a petition for vacation of a portion of Rippee Road, as described as Exhibit A; and

WHEREAS, the matter was referred to the Public Works Director, as required by ORS 368.346, and the Planning Director for a report, who reported back to the Court in support of the proposed vacation; and

WHEREAS, the public hearing was scheduled for July 17, 2013, and public notice was provided as required in ORS 368.401 through publication in the Heppner Gazette-Times and the East-Oregonian and to adjoining landowners on June 26, 2013; and

WHEREAS, the County Court held a public hearing on the proposed vacation on July 17, 2013, to receive public comment on the proposed vacation; and

WHEREAS, the County Surveyor provided written comment as to how the vacated property will be properly vested; and

WHEREAS, the County Court received no objection to the proposed vacation and it appearing to the Court that the subject road is not used by the public, has no public purpose, and has no future need to be continued as a public road, and it is in the public interest to vacate the portion of county road herein identified as Exhibit A.

NOW, THEREFORE, IT IS HEREBY ORDERED that the portion of Rippee Road, a County road, be, and hereby is, VACATED, as described in Exhibit A.

IT IS FURTHER ORDERED that all right and title to the land so vacated shall vest in the owners of the land abutting the vacated property in accordance with Oregon Law.


Dated this 15th day of January, 2014

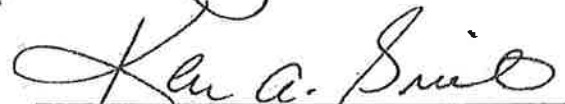
ATTEST:


Bobbi Childers, County Clerk




MORROW COUNTY COURT:


Terry K. Tallman, Judge


Ken Grieb, Commissioner

APPROVED AS TO FORM:


Ryan Swinburnson, County Counsel


Leann Rea, Commissioner

EXHIBIT A
LEGAL DESCRIPTION

Morrow County does hereby declare vacated a portion of Morrow County Road #972, known as Rippee Road (north of Interstate 84), located in the NW1/4 SE1/4 and the NE1/4 SW1/4 of Section 11, T.4N., R.25E., W.M., Morrow County, Oregon, being more particularly described as follows:

All that portion of said Rippee Road lying south of the east-west center of section line of said Section 11 and north of the northerly line of U.S. Highway 30, also know as Interstate 84.

WHEREAS, in accordance with ORS 368.366(2), Morrow County does hereby declare that the property vacated by this order shall be vested as follows:

- 1) All that portion of the above described Rippee Road lying in the NW1/4 SE1/4 of said Section 11 shall be vested to VADATA Inc., said property being described in Morrow County Deed Instrument #2010-27092.
- 2) All that portion of the above described Rippee Road lying in the NE1/4 SW1/4 of said Section 11 shall be vested to the VADATA Inc., said property being described in Morrow County Deed Instrument #2013-32226.

ASSIGNMENT OF RIGHT-OF-WAY

File 19442
Ore. 02494

State of Oregon, by and through its State Highway Commission, does hereby assign to Morrow County all its right, title, and interest in and to that certain Highway Connection between the Old Columbia River Highway and the Old Oregon Trail Highway right-of-way affecting land in T. 4 N., R. 25 E., W. M., Sec. 11, SE 1/4 NW 1/4 & NW 1/4 SE 1/4, said right-of-way being designated Oregon 02494, and approved on September 25, 1952 by the Bureau of Land Management, United States Department of the Interior. ~~A copy of said approval is attached hereto.~~

Oregon State Highway Commission
(Name of Assignor)

Earl F. Salting
(Signature of Witness)

By [Signature]
(Signature of Authorized Official)

April 21, 1971
(Date)

APPLICATION FOR APPROVAL OF ASSIGNMENT OF RIGHT-OF-WAY

Morrow County does hereby make application for approval of the above assignment of that certain Highway Connection between the Old Columbia River Highway and the Old Oregon Trail Highway right-of-way, Ore. 02494. This application is made pursuant to the regulations in 43 CFR 2800, and the applicant agrees to comply with and be bound by the terms and conditions of the right-of-way grant. ~~The applicant's showing of qualifications is attached hereto.~~

Morrow County
(Name of Applicant)

By Gaul W. Jones
(Signature of Authorized Official)

5-7-71
(Date)

*Walter - Call BLM
New showing with the BLM
T. 4 N. R. 25 E. W. M. Sec. 11
MAY 1971*

RELINQUISHMENT OF TITLE

KNOW ALL MEN BY THESE PRESENTS, That the STATE OF OREGON, by and through its STATE HIGHWAY COMMISSION, in consideration of the public benefits and advantages to be derived hereby relinquishes and conveys unto MORROW COUNTY, a political subdivision of the State of Oregon, its right, title and interest in and to the following described property only so long as used for public road purposes, to wit:

A parcel of land lying in the S½ of the NE¼ of Section 11, Township 4 North, Range 25 East, W.M., Morrow County, Oregon, and being a portion of that property conveyed by that deed to Northern Pacific Railroad, recorded in Book U, Page 111, of Morrow County Records of Deeds. The said parcel being that portion of said property included in a strip of land 100 feet in width, 30 feet on the Westerly side and 70 feet right on the Easterly side of the center line of the connection from Columbia River Highway to Boardman - Stanfield Highway as said highway connection has been located, which center line is described as follows:

Beginning at Engineer's center line Station 10+91.10, said station being 2668 feet East and 164 feet South of the West quarter corner of said Section 11; thence on a spiral curve left (the long chord of which bears North 3° 58' West) 300 feet; thence on a 954.93 foot radius curve left (the long chord of which bears North 29° 01' 30" West) 635.27 feet.

The Southerly extended property line, which is the quarter line (East and West) of said Section 11, crosses said located center line approximately at Station 12+44 and the Westerly property line, which is the quarter line (North and South) of said Section 11, crosses said located center line approximately at Station 13+55.

The parcel of land to which this description applies contains 0.46 acre outside of the existing right of way.

This relinquishment is made, executed and delivered pursuant to ORS 271.330, the property herein relinquished being no longer needed or required for State highway, park or scenic purposes.

Dated this 19th day of Oct., 1971.

ATTEST:

151 C.W. Head
Secretary

STATE OF OREGON, by and through its
STATE HIGHWAY COMMISSION

APPROVED:

19 F.B. Klaboe
Assistant State Highway Engineer

By 151 Glenn L. Jackson
Chairman

APPROVED AS TO FORM:

151 L. L. Lunsden
Chief Counsel

By 151 Fred W. Hill
Commissioner

By 151 Thaddeus B. Bruno
Commissioner

STATE OF OREGON, County of Marion

On this 19th day of Oct., 1971, before me personally appeared Glenn L. Jackson, Chairman of the Oregon State Highway Commission, Fred W. Hill and Thaddeus B. Bruno, Oregon State Highway Commissioners, who each being duly sworn, stated that this instrument was voluntarily signed and sealed on behalf of the State of Oregon by said Commission.

151 C.W. Head
Notary Public for Oregon
My Commission expires 11-5-74

ba/k's

NOV 18 1971

Records on Miss
11-5-71 245

FILE COPY

REC-11-5-71 106794
MICROFILMED BY [unclear] 11-5-71

AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

(Page 2 of 2)

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

This continued Public Hearing is to consider the Port of Morrow request to rezone the Columbia Mill Site. Please see other provided materials for a full discussion of the proposal and the process to date.

2. FISCAL IMPACT:

There is no direct fiscal impact to the County. Should this be rezoned to Port Industrial it would be available for more diverse development that could impact the Morrow County tax base.

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

At the conclusion of the Public Hearing you have three options: 1) adopt as presented, 2) modify and adopt, or 3) deny. If you adopt as presented you can rely on the Planning Commission findings. If you modify or deny you will need to incorporate findings into your motion in support of that action. The action does come to you with a 'do adopt' recommendation from the Planning Commission.

Attach additional background documentation as needed.



PLANNING DEPARTMENT

PO Box 40 • 205 Third Street NE
Irrigon, Oregon 97844
(541) 922-4624

MEMORANDUM

To: Morrow County Board of Commissioner's and Interested Parties
From: Carla McLane, Planning Director
Date: January 7, 2019
RE: Comprehensive Plan, Comprehensive Plan Designation and Zoning Map Amendments
AC-126-18, ACM-127-18, and AZM-128-18
Port of Morrow Rezone Request - Columbia Mill Site

This memorandum provides notice and a summary of the **continued** Public Hearing scheduled for Wednesday, January 9, 2019, to start shortly after 9:00 a.m. at the Irrigon Branch of the Oregon Trail Library in Irrigon, Oregon. The request by the Port of Morrow is to rezone the Columbia Mill Site from Resource Related Industrial to Port Industrial, also changing the Comprehensive Plan designation from Agricultural to Industrial, and applying the Port Industrial use zone to the Zoning Map.

Attached are the Planning Commission Final Findings of Fact that outlines the request submitted by the Port of Morrow. Attached to the Findings are both a vicinity map and a proposed zoning map, along with the **amended** application submitted by the Port of Morrow. The testimony at the Planning Commission public hearing was from J.R. Cook on behalf of the applicant and Gary Neal, Port of Morrow General Manager. Testimony at last weeks Board of Commissioner public hearing was from J.R. Cook on behalf of the applicant and Ryan Neal, Port of Morrow General Manager.

To summarize the Port of Morrow is requesting that both the Comprehensive Plan designation be changed from Agricultural to Industrial and that the Zoning be changed from Resource Related Industrial to Port Industrial. This action does require a Goal 3 exception, to which Oregon Revised Statute 197.719 provides a path to maneuver the exceptions process. This request also includes both a Goal 11 and 14 exception to allow for delivery of public services and development at urban level densities (no limitations on building size). These amendments do come to the Board of Commissioners with a do adopt recommendation.

The action for the Board of Commissioners is, after the conclusion of the public hearing, to adopt as presented, modify the decision, or deny adoption. Planning staff support the 'do adopt' recommendation before you from the Planning Commission.

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



**Final Findings of Fact
Comprehensive Plan, Comprehensive Map, and Zoning Map Amendments
AC-126-18, ACM-127-18, AZM-128-18**

REQUEST: Rezone approximately 48.6 acres of land by: taking an exception to Statewide Planning Goals 3, 11, and 14 thereby converting the land from resource uses to industrial uses and allow development on an urban scale; and to change the zoning of the subject property from Resource Related Industrial (RRI) to Port Industrial (PI).

APPLICANT: Ryan Neal, General Manager
Port of Morrow
PO Box 200
Boardman, OR 97818

LANDOWNER: Upper Columbia Mill, LLC
1618 SW 1st Avenue, Suite 500
Portland, OR 97201

PROPERTY DESCRIPTION: Tax Lot 3420 of Assessors Map 4N 26E

PROPERTY LOCATION: On the west side of Poleline Road, approximately 3 miles south of the Frontage Road intersection.

I SUMMARY OF APPLICATION AND PROCESS:

The zoning of the subject property has been Resource Related Industrial (RRI) since 2008. The RRI zone was created to allow industrial tax abatement for the wood manufacturing facility without taking a Goal 3 exception and keeping the underlying Comprehensive Plan designation as agricultural. Port of Morrow has submitted an application requesting that Morrow County amend the Comprehensive Plan by adopting an exception to Goals 3, 11, and 14, and to amend the Zoning Map to change the zoning from "Resource Related Industrial" to "Port Industrial". For further background please see pages 2 through 6 of the application.

II SUMMARY OF APPLICABLE CRITERIA

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

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

The Morrow County Zoning Ordinance criteria follow with the necessary analysis.

In the application an analysis of the Statewide Planning Goals, Oregon Administrative Rules and Morrow County policies are evaluated starting on page 4 and concluding on page 18.

The Morrow County Comprehensive Plan Criteria asks that an applicant “show how the request complies with the relevant statewide land use planning Goals” and to “include evidence of coordination and compliance with State agencies regarding the statewide planning Goals.” Planning staff would find that the applicant has accomplished this within the application. Specifically the application covers statewide land use planning Goals 1 Citizen Involvement, 2 Land Use Planning, 3 Agricultural Lands, 6 Air, Water, and Land Resources Quality, 9 Economic Development, 11 Public Facilities and Services, 12 Transportation, 13 Energy Conservation, and 14 Urbanization. The application also reviews compliance with all Morrow County Comprehensive Plan Policies, the Morrow County Transportation System Plan, and the Morrow County Zoning Ordinance.

Certain applicable portions of the original application will be utilized as part of the final adoption process at the conclusion of the necessary hearings in front of the Planning Commission and the Board of Commissioners. The language necessary to be included in the adopting ordinance is, for the most part, contained within the application. Specifically this necessary language will be incorporated into the Urbanization portion of the Comprehensive Plan.

Planning staff would find these criteria met based upon evidence found in the application on pages 7 through 17.

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

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

As indicated in the application the principle change in conditions since initial plan adoption is the development and abandonment of a wood manufacturing facility. The applicant provided additional documentation with the application regarding ORS 197.719 that allows a local governing body to approve zone changes for industrial use of abandoned mill sites. The applicant has provided findings that Planning staff can agree with and support. Refer to page 3 in the application.

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

The exception to Goal 11 will allow urban level sewer services to the abandoned mill site as well as water from either an industrial well or via the Port of Morrow with sufficient quantity and quality to serve industrial uses. The site is serviced by the Boardman Rural Fire Protection District, which has been notified of this proposal.

1. Amendments to the zoning ordinance or zone changes which significantly affect a transportation facility shall assure that land

uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

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

The County has an acknowledged Transportation System Plan and this proposed change appears to be consistent.

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

According to the application the necessity of requiring a Transportation Impact Analysis is based on a proposed project within the site. The comparison of Transportation Impact triggers between the RRI and the PI Zone are primarily equivalent thus merely changing the zoning of the proposed site will not produce a major impact to the local transportation system. Any transportation impacts for industrial uses would be similar to those from the transportation impacts from the mill. See the attached letter from Ronald V. McKinnis, Port of Morrow Engineer.

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

Planning staff would refer readers to the application. Planning staff generally agree with the applicants discussion of these issues and would agree that this proposed change is consistent with the Comprehensive Plan and that allowing this request is in the best service of the County. Planning staff would find this criterion met. ORS 197.719 allows the governing body of a county to amend the county's comprehensive plan and land use regulations to allow an abandoned or diminished mill site to be zoned for any level of industrial use. Refer to pages 2, 4, 5, 6, and 23 (attachment 5 of the application).

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

Any action may have an impact to public health and welfare. Throughout the application there's a demonstration that applicable public facilities and services necessary for public health and welfare will be available to the Site. Planning staff would find this criterion met.

III DLCD 35 DAY NOTICE: October 29, 2018

IV PROPERTY OWNER NOTICE: November 14, 2018

V LEGAL NOTICE: Heppner Gazette Times and East-Oregonian
November 14, 2018

VI AGENCIES NOTIFIED: Phil Stenbeck, Department of Land Conservation and Development; Linda Hayes-Gorman, Oregon Department of Environmental Quality; Jim Johnson, Oregon Department of Agriculture; Matt Scrivner, Morrow County Public Works; Mike Gorman, Morrow County Assessor; Marc Rogelstad, Boardman Fire Protection District.

VII HEARING DATES:

Planning Commission
December 4, 2018
Port of Morrow Riverfront Center
Boardman, Oregon

Board of Commissioners (tentatively)
January 3, 2019
Bartholomew Building
Heppner, Oregon


IX FINDINGS: The Planning Department recommends that the Planning Commission adopt the following findings as part of their final decision:

- State Policy embodied in Goal 11 limits urban scale development to areas within Urban Growth Boundaries and the applicant has identified reasons why that state policy should not apply to this application, hence the exception. Those reasons are that 1) conditions have changed that warrant the zone change; and 2) diminished mill sites are best suited to be reused for economic development, particularly industrial development.
- The proposed location is best suited for industrial zoning for the following reasons: 1) It is large enough in size to accommodate the proposed use, has adequate area for parking and access to Poleline Road; and 2) the diminished mill site is best suited to be used for industrial and economic development.
- Goal 1 Citizen Involvement has been met through a variety of mechanisms including, but not limited to, notice to the Department of Land Conservation and Development, affected property owners within 500 feet of the parent parcel, and notice in both the Heppner Gazette and East Oregonian. Interested parties will


have two opportunities to comment and participate in this process - at the Planning Commission and at the Board of Commissioners.

- Goal 2 Land Use Planning requires that there be a process and policy framework for decisions and to ensure a factual basis for those decisions. The application contains facts, showing compliance with the County's requirements, to make this decision. Additionally Goal 2 requires coordination which is accomplished both through the required 35-day notice to the Department of Land Conservation and Development and land owner notice.
- Goal 9 Economic Development is satisfied by furthering industrial activities, a very important economic sector in Morrow County.
- Goal 12 Transportation is addressed by the applicant through the letter submitted by Ronald V. McKinnis in conjunction with the application. Any proposed project that would trigger over 400 passenger car equivalent trips per day will require a Traffic Impact Analysis.
- Conditions have changed and do warrant a change to Port Industrial. The subject property was approved via Conditional Use Permit CUP-N-220 for the purpose of constructing a mill to process the forest resource of cultivated hybrid poplars grown on adjacent agricultural lands which are now in the process of being converted to conventional crops thus leaving the mill site idle. The mill site is best suited to be repurposed to another industrial activity.
- The Planning Commission finds that the applicant has satisfied its burden of proof to demonstrate that the applicable approval criteria for the zoning map amendment and the Goals 3, 11, and 14 "reasons" exceptions have been satisfied.

X **RECOMMENDATION:** The Planning Department recommends that the Planning Commission forward with a do adopt recommendation to the Morrow County Board of Commissioners.



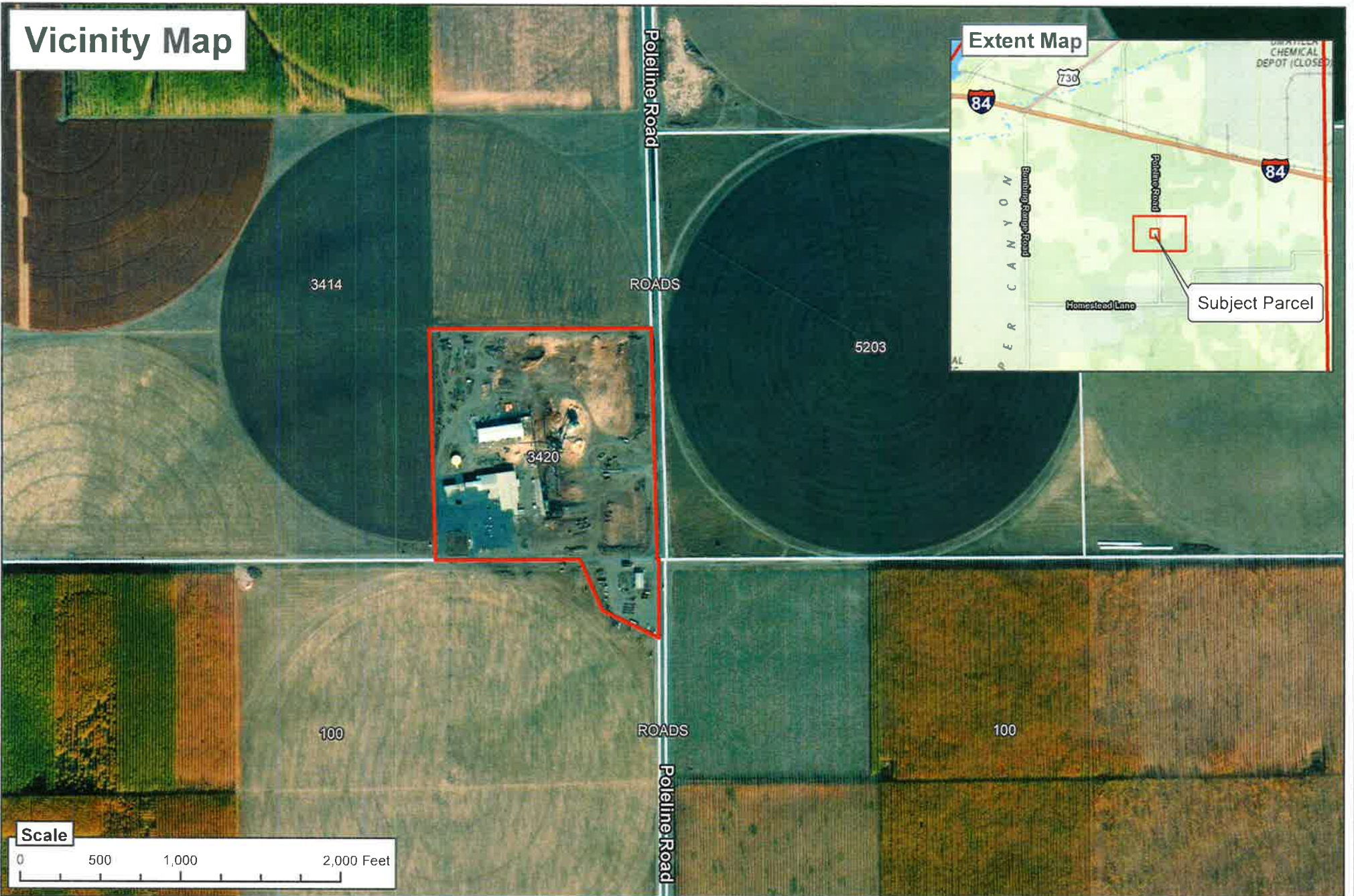
Jeff Wenzholz, Chair



Date

Attachments:
Vicinity Map
Proposed Zoning Map
Application
Letter from Ronald V. McKinnis

Vicinity Map



AC-126-18
ACM-127-18
AZM-128-18
4N 26E TL3420
Port of Morrow



Legend

1234 Taxlots



Subject
Parcels

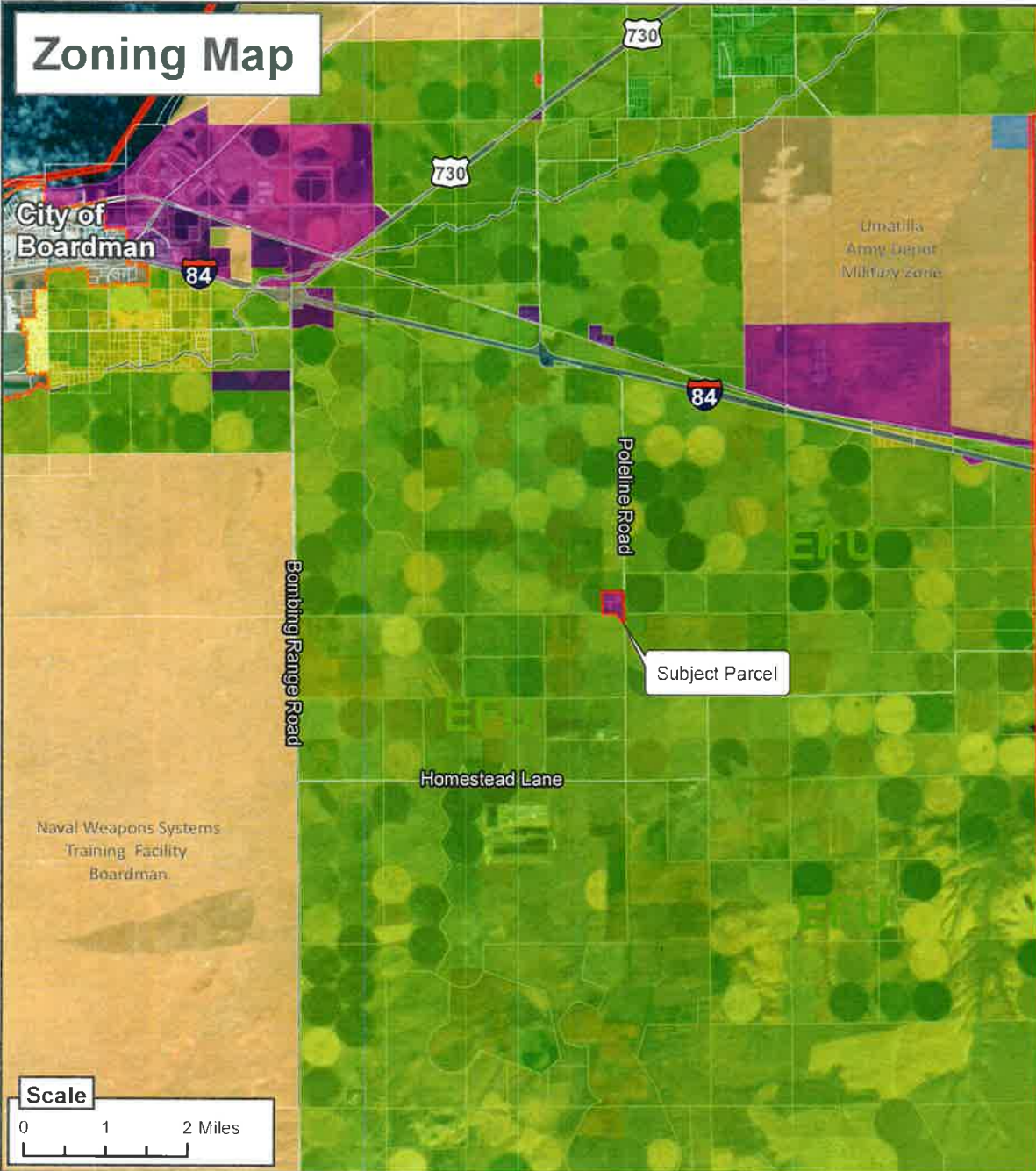


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Morrow County Planning Department
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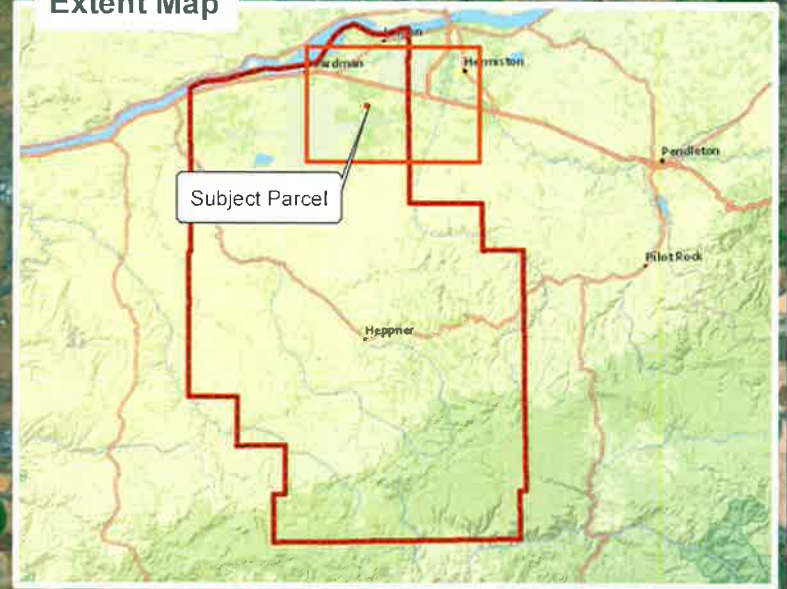


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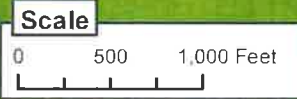
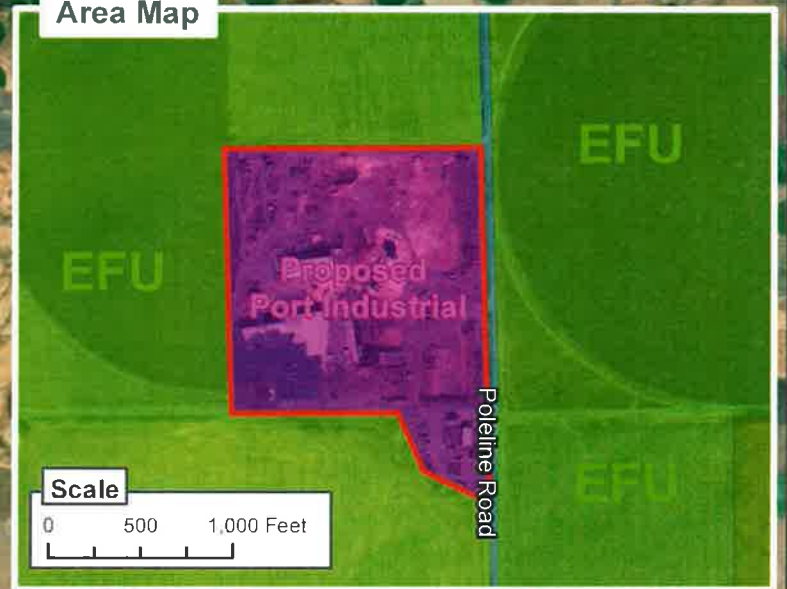
Zoning Map



Extent Map



Area Map



Port of Morrow
AC-126-18
ACM-127-18
AZM-128-18

Port Industrial Re-Zone

Legend

Taxlots



City Limits



Subject
Parcels



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Application to Amend the Morrow County Comprehensive
Map and Zoning Map Implementing ORS 197.719
Authorizing Local Counties to Re-Zone Abandoned or
Diminished Wood-Product Mill Sites to Industrial, with
Supporting Findings of Fact and Statement of Reasons

Map #4N 26E

Tax Lot # 3420

Current Zoning: Resource Related Industrial (RRI)

Proposed Zoning: Port Industrial (PI)

Applicant: Port of Morrow
C/O Ryan Neal, General Manager
P.O. Box 200
2 Marine Drive
Boardman, Oregon 97812

Owner: Upper Columbia Mill, LLC
1618 SW 1st Avenue, Suite 500
Portland, Oregon 97201

I. Introduction.

Applicant Port of Morrow (the Port) requests Morrow County approval of this application to amend the Morrow County Comprehensive Plan and Zoning Map to convert approximately a 48.6-acre parcel encompassing a soon to be abandoned mill site, the "Upper Columbia Mill," currently zoned Resource Related Industrial (RRI) to industrial land zoned Port Industrial (PI).

The 48.6 acres identified for conversion from Resource Related Industrial to Port Industrial use abuts the west side of Pole Line Road and is located approximately 3 miles south of the intersection of Pole Line Road and the County Frontage Road and Interstate 84. See attachment 1 for the vicinity map showing the subject property.

The plan and zoning amendments to convert agricultural land to industrial land to allow port-related industrial use generally require exceptions to Statewide Planning Goals 3 (Agricultural Lands), 11 (Public Facilities and Services) and 14 (Urbanization). These exceptions extend to those Morrow County Comprehensive Plan policies and land use regulations adopted pursuant to those goals which would otherwise prohibit authorizing port-related industrial uses on the subject property or otherwise function to frustrate the purpose of this exception. As defined in ORS 197.732, an "exception" is a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that: (1) is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability; (2) does not comply with some or all goal requirements applicable to the subject properties or situations; and (3) complies with the standards for goal exceptions.

In 2003, ORS 197.719 was codified which allows "the governing body of a county [to] amend the county's comprehensive plan and land use regulations to allow an abandoned or diminished mills site to be zoned for any level of industrial use."¹ ORS 197.719 explicitly states that a local governing body can utilize the justification provided within ORS 197.719 notwithstanding statewide planning goals protecting agricultural lands (Planning Goal 3) or forest lands, or goals pertaining to urbanization (Planning Goal 14) or public facilities and service (Planning Goal 11).

Under Oregon Administrative Rules (OAR) 660-004-0015(1), a local government approving an exception must adopt, as part of its comprehensive plan, findings of fact that demonstrate that the standards for an exception have been met. While the normal exception standards contained within ORS 197.732 are not required for this rezone request, findings of fact are still necessary for Morrow County to document compliance with ORS 197.719 and compliance with statewide planning goals, the Morrow County Comprehensive Plan & Development Code regarding this Post Acknowledgement Plan Amendment Process to codify a zone change from resource related industrial to Port Industrial **This document has been prepared to serve as findings of fact and a statement of reasons why ORS 197.719 applies to this zone change request. Should Morrow County approve this application, the Port asks that the County incorporate this document into its comprehensive plan as its findings of fact in support of the application.**

Because this is a zone change request utilizing the criteria for industrial use of abandoned or diminished mill sites, applicable criteria include those found in ORS 197.719 (1-7). Further, plan amendments must demonstrate compliance with the statewide planning goals and with applicable Morrow County comprehensive plan policies. The relevant goals and policies are addressed below.

¹ See Attachment 2 for full text of ORS 197.719

II. Background.

The Upper Columbia Mill site encompasses a total of 48.6 acres and has been developed through a series of land use approvals since 2003².

Potlatch Corporation originally purchased the subject property and a very large tract of land to develop a hybrid poplar farm. In 2003 Potlatch obtained a Conditional Use Permit to establish a log merchandising and wood chip manufacturing facility on the subject parcel which at the time was a portion of a large, +/- 7,800 acre parcel of land. In 2005 Potlatch obtained a second Conditional Use Permit to add a chip manufacturing facility and log merchandizing facility on the subject property. Potlatch, at that time, also proposed to partition the wood manufacturing facility and associated land involved in the operation of the wood manufacturing facility away from the +/- 7,800 acre parcel zoned for Exclusive Farm Use. The actions were completed in 2006 which effectively created a parcel specifically created and sized to accommodate long-term wood manufacturing activities (Tax Lot 3420).

Between 2006 and 2007 Greenwood Resources and Upper Columbia Mill, LLC acquired the parcel from Potlatch and operated the mill until 2016 when the companies sold the poplar producing acreage to various other owners. Upper Columbia Mill, LLC notified Morrow County of their impending closure of the mill on July 21, 2016. The Port of Morrow and Upper Columbia Mill, LLC entered into a purchase option on the subject property contingent upon the ability of the Port to convert the abandoned mill into Port Industrial zoning. This application followed.

² See attachment 3 to review a letter from Morrow County Planning Director Carla McLane to Don Rice of Greenwood Resources describing past land use permits issued on the subject property.

III. Compliance with ORS 197.719 (Industrial Use of Abandoned or Diminished Mill Sites)

197.719 Industrial use of abandoned or diminished mill sites; amendment of comprehensive plans and land use regulations; sewer facilities. (1) As used in this section, "abandoned or diminished mill site" means a mill, plant or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp and paper, that:

(a) Is located outside of urban growth boundaries;

The applicant has provided a vicinity map (attachment 1) documenting that the subject property is located outside of the urban growth boundaries of both the City of Boardman and the City of Irrigation. This criterion is met.

(b) Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and

The Upper Columbia Mill officially notified Morrow County of its closure on July 21, 2016 which meets this criterion requiring that a mill be closed after January 1, 1980.

(c) Contains or contained permanent buildings used in the production or manufacturing of wood products.

The subject property contains multiple permanent buildings on site including a wood manufacturing building with attached office, a scale and scale house as well as associated outbuildings and storage buildings. All buildings located on-site were used in the production of wood products on site. The application meets this criterion.

(2) Notwithstanding statewide land use planning goals protecting agricultural lands or forestlands or administrative rules implementing those goals, the governing body of a county may amend the county's comprehensive plan and land use regulations to allow an abandoned or diminished mill site to be zoned for industrial use.

The applicant is requesting that the current mill site be converted from Resource Related Industrial to Port Industrial under the authorization provided above. The application meets this criterion.

(3) Notwithstanding a statewide land use planning goal relating to urbanization or administrative rules implementing that goal, the governing body of a county may amend the county's comprehensive plan and land use regulations to allow an abandoned or diminished mill site to be zoned for any level of industrial use.

Pursuant to this section the applicant is requesting a zone change from Resource Related Industrial to Port Industrial to allow for urban scale industrial uses consistent with other industrial zoned property owned by the Port of Morrow.

(4) Notwithstanding a statewide land use planning goal relating to public facilities and services or administrative rules implementing that goal, the governing body of a county or its designee may approve:

(a) The extension of sewer facilities to lands that on June 10, 2003, are zoned for industrial use and that contain an abandoned or diminished mill site. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

This criterion is not applicable as the site was not zoned for industrial use on or before June 10, 2003. The applicant intends to develop water and sewer facilities to service the site consistent with the criteria in 4(b) below.

(b) The extension of sewer facilities to an abandoned or diminished mill site that is rezoned for industrial use under this section only as necessary to serve industrial uses authorized for the mill site.

The applicant has provided a facilities and service map showing existing and proposed water and sewer extensions to the proposed site (attachment 4) The map proves that the applicant intends to only provide for the extension of sewer service outside of existing urban growth boundaries to the abandoned mill site. This criterion is met.

(c) The establishment of on-site sewer facilities to serve an area that on June 10, 2003, is zoned for industrial use and that contains an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for industrial use under this section. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

This criterion is not applicable as the site was not zoned for industrial use on June 10, 2003. Additionally, the applicant has already proven that their sewer plan meets 4(b) above.

(5)(a) A local government, as defined in ORS 174.116, may not authorize a connection to any portion of a sewer facility located between an urban growth boundary or the boundary of an unincorporated community and the boundary of the mill site or the industrial zone containing the mill site, except as provided under a statewide land use planning goal relating to public facilities and services or under ORS 197.732.

The applicant owns the sewer line and will ensure that no sewer connections between the abandoned mill site and any urban growth boundary or boundary of an unincorporated community are allowed unless compliance with ORS 197.732 is established.

(b) Sewer facilities approved under subsection (4) of this section shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under a statewide land use planning goal relating to public facilities and services or under ORS 197.732. The presence of the sewer

facilities may not be used to justify an exception to statewide land use planning goals protecting agricultural lands or forestlands or relating to urbanization.

The applicant agrees to this standard and supports any conditions Morrow County may need to add to ensure compliance with this criterion.

(6)(a) The governing body of a county or its designee shall determine the boundary of an abandoned or diminished mill site. For an abandoned or diminished mill site that is rezoned for industrial use under this section, land within the boundary of the mill site may include only those areas that were improved for the processing or manufacturing of wood products.

A land partition to pare the land encompassing the Upper Columbia Mill site away from a larger resource zone was approved by Morrow County in 2005 and legally completed and recorded in 2006³. As a condition of the approval of both the Conditional Use and Land Partition the parcel partitioned away from the resource parcel (Tax Lot #3420) was required to be no larger than necessary to accommodate the needs of the Upper Columbia Mill. The applicant is requesting a zone change on the Tax Lot #3420 which has already proven, via previous conditions of approval or previous land use request applications, that it includes only those areas that were improved for the processing or manufacturing of wood products. The application meets this criterion.

(b) For an abandoned or diminished mill site subject to subsection (2), (3) or (4) of this section, the governing body of a city or county or its designee may approve a permit, as defined in ORS 215.402 or 227.160, only for industrial development and accessory uses subordinate to such development on the mill site. The governing body or its designee may not approve a permit for retail, commercial or residential development on the mill site.

The applicant is proposing a zone change to Port Industrial which specifically limits commercial uses and is designed to be used as "an industrial sanctuary." In addition to the limitations on retail, commercial or residential development already guaranteed by imposition of the Port Industrial zone, the applicant agrees to any conditions deemed necessary by Morrow County to ensure current and future compliance with this criterion.

(7) For land that on June 10, 2003, is zoned under statewide land use planning goals protecting agricultural lands or forestlands and that is rezoned for industrial use under subsections (2) and (3) of this section, the governing body of the county or its designee may not later rezone the land for retail, commercial or other nonresource use, except as provided under the statewide land use planning goals or under ORS 197.732. [2003 c.252 §2; 2003 c.688 §3]

³ See attachment 3 describing all previous land use approvals and permits related to the Upper Columbia Mill site

The applicant agrees to any conditions or references by Morrow County which would ensure current and future compliance with this statutory requirement.

IV. Compliance with Statewide Planning Goals.

While ORS 197.719 enables the local governing body to utilize the criteria within ORS 197.719 in lieu of normally relevant exception standards, the statewide planning goals apply to all plan amendments and require findings documenting compliance. The goals identified below are the only goals applicable to the plan amendments requested in this application. Goals not identified do not apply.

A. Goal 1 (Citizen Involvement).

Goal 1 requires opportunity for citizens to be involved in all phases of the planning process. For plan amendments, Goal 1 is satisfied when a local government follows the public involvement procedures for plan amendments set out in its acknowledged comprehensive plan and land use regulations.

Morrow County's regulations for comprehensive plan amendments include notice to the public and to the Department of Land Conservation and Development (DLCD)⁴; public hearings before the Morrow County Planning Commission (which makes a recommendation to the County Court); and public hearings before the Morrow County Court. Compliance with these regulations results in compliance with Goal 1.

B. Goal 2 (Land Use Planning), Part I.

Goal 2, Part I requires that actions related to land use be consistent with acknowledged comprehensive plans of cities and counties. The proposed amendments' consistency with applicable provisions in Morrow County's Comprehensive Plan is demonstrated in Section V. below.

Goal 2, Part I also requires coordination with affected governments and agencies, and an adequate factual base. In preparing the application, the Port met with Morrow County's planning director and contacted representatives of both DLCD and the Oregon Department of Transportation (ODOT) through its 35 day notice requirement.

The process followed, findings and supporting documentation showing compliance with ORS 197.719 meet the requirement of Goal 2 Part I. For these reasons, Goal 2, Part I is met.

C. Goal 2 (Land Use Planning), Part II.

⁴ ORS 197.610 requires local governments to provide DLCD with notice of proposed comprehensive plan or land use regulation amendments.

Goal 2, Part II sets out the standards for goal exceptions. For urban uses and urban scale public facilities and services on rural lands, Goal 2 Part II is implemented through OAR 660, Division 4 and OAR 660-014-0040. Goal 2, Part II is not applicable due to the provisions within ORS 197.719. Therefore compliance with Goal 2, Part II is not applicable to this request.

D. Goal 3 (Agricultural Lands).

Goal 3 requires counties to preserve and maintain agricultural lands for farm uses. Counties must inventory agricultural lands and protect them by adopting exclusive farm use zones consistent with ORS 215.203 et. seq.

Goal 3 does not allow nonfarm uses like industrial development on lands zoned for exclusive farm use unless a local government adopts findings justifying an exception to Goal 3 or, as in this case, the development involves industrial use of abandoned or diminished mill sites consistent with the statutory requirements of ORS 197.719. Based upon ORS 197.719 the application is compliant with this statewide planning goal.

E. Goal 6 (Air, Water and Land Resources Quality).

Goal 6 addresses the quality of air, water and land resources. In the context of comprehensive plan amendments, a local government complies with Goal 6 by explaining why it is reasonable to expect that the proposed uses authorized by the plan amendment will be able to satisfy applicable federal and state environmental standards, including air and water quality standards.

Industrial uses at the new location may increase impervious surface, although by no more than could have occurred at the site when the mill was in operation. Where areas are paved, water cannot penetrate the soils so it rushes over the surface. This can increase erosion, increase the movement of fine sediments, and increase pollutant loads in watercourses. However, these impacts can adequately be mitigated using effective land-based stormwater treatment systems. The use of construction techniques that include temporary and permanent Best Management Practices for erosion and sediment control and spill control and prevention also can achieve compliance with clean water standards.

Noise is defined as unwanted sound. The uses authorized by the requested plan amendments should not create noise that differs from the types of industrially-related or agricultural noise already in the area. All noise related to uses authorized by the proposed Port Industrial zone will be of a nature that is consistent with the previous noise generated by wood processing and manufacturing on the subject property. Additionally, the site is located in an area of intense agricultural operations where activity and noise generation occurs

frequently and at all hours of the day and night. Therefore, any noise generated from re-development of the subject property should not cause any additional impacts to neighboring landowners or property uses.

F. Goal 9 (Economic Development).

Goal 9 requires local governments to adopt comprehensive plans and policies that "contribute to a stable and healthy economy in all regions of the state." Morrow County's comprehensive plan has been acknowledged to comply with Goal 9. The plan recognizes and encourages port-related industrial development on lands suitable for industrial development (Morrow County Economic Goal #4) and to expand job opportunities and reduce unemployment (Morrow County Economic Goal #2). Industrial development of an abandoned mill site should enable Morrow County to back fill lost jobs resulting from the closure of the mill as well as expand job opportunities for the work force.

In addition to Goal 9 compliance by Morrow County, The Oregon Department of Land Conservation and Development partnered with the Oregon Department of Environmental Quality, the Oregon Health Authority and Business Oregon to promote the reuse of Oregon mill sites. Attachment 5 includes a white paper documenting the coalition that supports the redevelopment of mill sites for rural economic development.

G. Goal 11 (Public Facilities and Services).

Goal 11 requires local governments to plan and develop a timely, orderly and efficient arrangement of public facilities and services. The goal provides that urban and rural development "be guided and supported by types and levels of services appropriate for, but limited to, the needs and requirements of the urban, urbanizable and rural areas to be served." The Public Facilities Planning Rule, OAR 660, Division 11, implements Goal 11.

ORS 197.719 allows the County to authorize urban level sewer services to the abandoned mill site as well as authorizes the applicant and county to enable services to be rendered to the site of a scale necessary to accommodate industrial development of the subject property. Based upon ORS 197.719 the application is compliant with Goal 11

H. Goal 12 (Transportation).

Goal 12 requires local governments to "provide and encourage a safe, convenient and economic transportation system." Goal 12 is implemented through the Transportation Planning Rule, OAR 660, Division 12. That rule encourages a multi-modal transportation system.

OAR 660-012-0060 provides that where a plan amendment would significantly affect an existing or planned transportation facility, measures must be taken to assure that the allowed land uses are consistent with the identified function, capacity and performance standards of the facility. The public access to the subject property is primarily through Pole Line road which is classified as a major collector road within the Morrow County Transportation System Plan. It would not appear that the zone change from Resource Related Industrial to Port Industrial would lead to a significant change in trip generation as the same amount of acreage (48.6 acres) will remain in an industrial zone that was found to be in compliance with Goal 12 during a zone change in 2007. Additionally, through the provisions codified within the Morrow County Zoning Ordinance and through a site development review process required by Morrow County of any future development requests, the County has the codified tools necessary to ensure both current and future compliance of this zone change request with Statewide Planning Goal 12.

I. Goal 13 (Energy Conservation).

Goal 13 directs cities and counties to manage and control land and uses developed on the land to maximize the conservation of all forms of energy, based on sound economic principles. The Oregon State Buildings Codes will ensure that any new industrial structures built on-site as a result of this zone change request meet the standards of Oregon for energy conservation.

J. Goal 14 (Urbanization).

As relevant to this application, Goal 14 prohibits urban uses on rural lands. Usually, to locate urban uses on rural lands, local governments either must expand their UGBs to include the subject property or take a Goal 14 exception setting forth reasons why urban development should be allowed on rural land and explaining why the urban use cannot reasonably be located inside the UGB. ORS 197.719 enables a local governing body to rezone an abandoned mill site to include urban uses on rural lands if they meet the requirements contained within that statute. Based upon the findings of fact above that the application meets the requirements of ORS 197.719 the normal procedures requiring findings to show justification for an exception to Statewide Planning Goal 14 are not relevant. Based upon the applications compliance with ORS 197.719 the application is also compliant with Statewide Planning Goal 14.

V. Compliance with Morrow County Comprehensive Plan and Land Use Regulations.

A. Compliance with Morrow County Comprehensive Plan.

The Morrow County Comprehensive Plan policies identified below are the policies that are relevant and applicable to the plan amendments identified in this application. No other policies apply. Some of the applicable policies contain

mandatory ("shall") language. The application must demonstrate compliance with these policies to gain approval. The remaining policies are either more aspirational or directory to the County or more general in nature, directing or encouraging or supporting an action or result rather than requiring that action or result. While it is appropriate to address these policies where relevant to this application, the policies do not in themselves constitute applicable review criteria upon which approval or denial is based.

1. Citizen Involvement.

The Citizen Involvement Goal is to develop and implement a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. Citizen Involvement Policy 3 encourages people to attend and participate in Morrow County Planning Commission and County Court meetings and hearings. The goal and policy are satisfied through the opportunities afforded to the public to participate at public hearings before the Planning Commission and County Court on the proposed amendments, as provided for by state law and the County's land use regulations.

2. General Land Use.

General Land Use Policy 9 requires that all plan and zone changes comply with all applicable statewide planning goals and County policies and procedures. This policy is satisfied for the reasons set out in the analysis of compliance with the statewide goals, the Morrow County Comprehensive Plan, and applicable County zoning provisions that are contained in this application.

3. Agricultural Lands.

Agricultural Land Objective 3 seeks to minimize and prevent conflict between farm and nonfarm uses. The proposed exceptions are consistent with this policy because, as demonstrated by their decades of co-existence, port-related industrial and agricultural uses are compatible. Indeed, Port industrial users provide effluent used by agriculture as irrigation water for crops.

Agricultural Land Policy 1 is an aspirational policy that seeks to balance economic and environmental considerations, limit incompatible nonagricultural development, and maintain a high level of livability in the County. While not a mandatory review criterion, this policy is met because this application seeks to rezone a parcel to Port Industrial that has already been developed to industrial uses with minimal to no conflict since 2003.

Agriculture Policy 2 permits development outside of urban growth boundaries only where conflicts with productive agricultural areas are minimal and where the development complies with the Comprehensive Plan. As described above, conflicts between port industrial and agricultural uses are minimal. Port industrial

development is consistent with the Comprehensive Plan, as reflected by the existence of a Port Industrial zone.

4. Economy.

Several Economic goals and policies apply to these proposed plan amendments. Most of these goals and policies are aspirational or directory to the County, rather than mandatory to an applicant.

Economic Goals 1 and 2 and Economic Policy 1 promote the improvement and diversification of the County's industrial potential and overall economy. Goal 5 seeks diversity in local businesses, industries and commercial activities and the promotion of economic growth and stability in Morrow County.

Economic Goal 3 seeks to ensure an adequate water supply to economic interests. For reasons set out in the findings of compliance with exceptions criteria, the Port has the capability to provide that supply. Economic Goal 6 and Policies 10 and 11 seek new industries that will hire local residents and accommodate the growth of the County labor force. Through this zone change, the Port wishes to provide economic and job opportunities to the lands, previously lost by the notice of the closure. One of the businesses that would have had to re-locate (owned by Nash Contracting) will be able to remain in business as a result this zone change as the business will be able to source materials from outside of the original boundaries of the farm operation. Currently that opportunity is precluded by the current zoning and would require the business to either cease operation or re-locate out of the area.

5. Public Facilities and Services.

Several Public Facilities and Services goals and policies apply to this application. These include General Policies A, B, C, D, E, F, G, and K; Utilities Policy F; Water and Sewer Policy A; and Solid Waste Policies A and B.

General Policy A provides for a level of service appropriate for, but limited to, the needs of the development to be served. General Policy B provides that such service levels support optimum (maximum density) development, and General Policy C provides that rural areas shall be provided with public facilities and services appropriate for rural use. General Policy A is met through the criterion included within ORS 197.719 allowing urban scale public facilities and services to serve urban uses of an abandoned mill site. This includes extensions of public sewer and water to the area that originally encompassed the boundaries of the abandoned or diminished mill site. General Policy B is met because the services to be provided will be at levels developed to be in compliance with ORS 197.719(4)(b).

General Policy D requires that the provision of public facilities and services to rural areas being changed to urban use shall be based on (1) the least time required to provide the service; (2) the most reliable service; (3) lowest financial cost; and (4) adequate levels of service that satisfy long range needs. General Policy E calls for the coordinated development of all necessary urban facilities and services appropriate to an urban area. Because the existing industrial park already has adequate levels of facilities and services in the ground and available to serve existing and future development, such services can be extended to the subject site in the least amount of time and in the most reliable manner at lowest cost. Further, the Port can and will coordinate with local service providers, including the Boardman Rural Fire District, Century Telephone, Cascade Natural Gas, and local law enforcement officials, to provide those needed facilities and services that the Port is not providing.

General Policy F calls for the siting of utility lines and facilities on or adjacent to existing public or private right-of-way or through generally unproductive lands to avoid dividing existing farm units. Utility lines already serve the abandoned mill site. No other farm units would be divided by utility lines or facilities.

General Policy G requires that public facilities and services not exceed the carrying capacity of the air, land and water resources. The Boardman area is an area with very good air quality, with pollution concentrations far below the average ambient air quality standards for the state. Through compliance with DEQ air quality regulations for industries, high air quality standards can be maintained. Similarly, water quality can be maintained through the permitting process.

General Policy K is an aspirational policy that establishes a goal of achieving a maximum balance of public costs versus benefits and revenues in the provision of public facilities and services. While this policy is not a mandatory review criterion, it will be satisfied because industrial development locating at the abandoned mill site will contribute to the costs of the facilities and services they use.

Utilities Policy F calls for coordination of development with utilities providing electrical, natural gas, cable television and telephone services. The Port uses services provided by Umatilla Electric Cooperative, Cascade Natural Gas, and Century Telephone to serve the industrial park.

Water and Sewer Policy A provides that when development occurs in unincorporated areas, minimum State sanitation and health requirements be met, including an approved subsurface sewage disposal system. The Port has an approved community sewage system that can accommodate industrial development at the abandoned mill site. Solid Waste Policies A and B can be met by new industrial development using the same processes for which solid waste management occurs elsewhere on port owned lands.

6. Transportation.

The Comprehensive Plan contains transportation policies and objectives. Transportation goals and policies also are included in the 1998 Morrow County Transportation System Plan, addressed in Subsection B below. This section deals only with those policies contained in the Comprehensive Plan.

The applicable Transportation Policies are policies 6, 7, 9, 10, and 11. Policy 1 parrots LCDC Goal 12.

Transportation Policy 6 seeks to avoid dividing existing economic farm units unless no feasible alternative exists. Because goal exceptions are justified to convert existing farm land to industrial land, economic farm units won't be divided. No public roads will divide lands as internal road networks and a major collector road (Pole Line Road) currently exist.

Transportation Policy 7 provides that plans for transportation systems shall consider the carrying capacity of the air, land and water resources and be consistent with applicable Comprehensive Plan policies. The road system will not impact any water resources as the road system is already in existence with no major changes planned for Pole Line Road.

Policy 9 provides for Morrow County to consider transportation according to street classification policies in extending existing development or approving new development. The affected road is Pole Line Road, a major collector road. movement of freight by trucks from one portion of the region to another or from this region to other regions of the state will occur through an already classified major collector road of the County.

Policy 10 requires that road improvements necessitated by development be constructed in accordance with street classification policies and financed by the developer. Future improvements within the area to be added can and will be paid by the Port.

Policy 11 requires the County to limit development that would prevent streets from serving their identified functions. Pole Line Road is already classified as a major collector road. Changing the zoning of the subject property from Resource Related Industrial to Port Industrial will not result in any changes to the intended function of Pole Line Road.

7. Energy Conservation.

Energy Conservation Policies 1 and 14 are applicable to these proposed plan and land use regulation amendments. As with many other Comprehensive Plan policies identified herein, these policies are directory or aspirational in nature,

rather than mandatory to an applicant. While they are not standards upon which approval or denial is based, all development that would occur as a result of this zone change request would be required to meet Oregon State Building Code standards for energy conservation and therefore can meet the guidelines and recommendations of this chapter.

8. Urbanization.

The Urbanization element of the Morrow County Comprehensive Plan contains provisions to allow nonresource uses outside of urban growth boundaries. As this zone change is specifically allowed under ORS 197.719, ORS 197.719 can be used to justify that the subject property is one of the areas where non-resource use outside of urban areas is legally allowed.

9. Review and Revision Processes.

The Comprehensive Plan provides a process to consider major plan revisions. Major revisions include land use changes that have wide-spread and significant impacts beyond the immediate area, such as quantitative changes producing large traffic volumes and qualitative changes in the character of the land use itself. The Plan allows for amendments when such revisions occur.

The Comprehensive Plan establishes standards for biennial review of the Comprehensive Plan. Because these amendments are Port-initiated rather than County-initiated, they fall more into the category of quasi-judicial amendments rather than legislative amendments, and the standards for biennial review do not apply. Still, this application is generally consistent with those standards, as its review will include public notice, opportunity for public review and comment, review and recommendation by the Planning Commission, and review and decision-making by the County Court.

The Comprehensive Plan element addressing plan review and revision also contains language requiring that the plan and its implementing regulations be evaluated in relation to changing public policies and circumstances. Because this provision is directory to the County and appears in the context of a discussion calling for periodic plan review and update, it is not a mandatory approval standard applicable to landowner-initiated quasi-judicial amendments.

B. Compliance with Morrow County Transportation System Plan.

The Morrow County Transportation System Plan (TSP) is an element of the County's Comprehensive Plan that Morrow County adopted pursuant to LCDC's Transportation Planning Rule, OAR 660, Division 12. It includes transportation related goals and policies, some of which are relevant to this application. The

applicable goals and policies are identified below. Those not identified do not apply to this application.

TSP Goal 1 addresses coordination and process. The goal is to ensure that the Morrow County TSP is coordinated with other transportation providers, meets applicable regulations, and considers the needs of all transportation system users.

TSP Goal 2 requires that land use planning be supported with appropriate transportation improvements. Policy 2.3 requires that new development proposals, plan amendments and zone changes conform to the TSP, as required by OAR 660-012-0045(2)(g). Under that rule, local governments must adopt regulations that assure "that amendments to land use designations, densities and design standards are consistent with the functions, capacities and levels of service of facilities identified in the TSP." Compliance with this policy is addressed in the analysis of compliance with OAR 660-012-0060, set out in Section IV above. Policy 2.4 requires new development to provide appropriate access to the transportation system. The area proposed for industrial development will be provided with internal circulation connecting it Pole Line Road, a major collector in the County road network.

Policy 2.5 requires new development to identify transportation impacts and provide appropriate mitigation. This standard can be met through the provisions of the Zoning Ordinance for Zoning Approval and Site Development Review, as well as the Traffic Impact Analysis component to ensure that any future uses are manageable relative to their potential impacts.

Policy 2.6 requires new development to dedicate right-of-way for transportation system improvements where appropriate. To the extent Port property is affected, required right-of-way can be dedicated if required.

TSP Goal 3 and Policy 3.1 address economic development. The goal seeks to enhance economic development through transportation improvements.

TSP Goal 4 directs the County to promote a high quality of life by providing a well developed transportation system that is appropriate to its surroundings.

TSP Goal 5 calls for a safe and efficient roadway system. Consistent with the Goal and Policy 5.1, roadway improvements can and will be constructed in accordance with applicable County or State of Oregon design standards. Policy 5.7 provides for improved roadway connectivity in the county. Policy 5.8 provides for improved access for emergency vehicles. An existing road network meeting these policies has already been developed to serve the abandoned mill site.

TSP Goal 8 promotes efficient movement of freight and goods throughout the county. Pole Line Road, a major collector road, has been constructed and maintained to meet this Goal.

C. Compliance with Morrow County Zoning Ordinance.

Section 8.050 of the Morrow County Zoning Ordinance sets out criteria for the Morrow County Planning Commission and Morrow County Court to consider, respectively, in preparing a recommendation for and reaching a decision on a proposed zoning ordinance text or map amendment. Through the discussion provided below, these matters are considered as required by the ordinance.

Section 8.050(A) provides for consideration of whether conditions have changed since the adoption of the Comprehensive Plan and zoning map that warrant an amendment, or whether there was a mistake in the original designation. The principal change in conditions since initial plan adoption is the development and abandonment of a wood manufacturing facility and the codification of ORS 197.719 that allows a local governing body to approve zone changes for industrial use of abandoned mill sites.

Section 8.050(B) provides for the County to consider the sufficiency of public facilities and services to support a change in designation, including streets and roads. The adequacy of public facilities and services, including transportation, to support the industrial uses permitted by this plan amendment, is addressed in Section IV of this application, incorporated herein by this reference.

Section 8.050(C) provides for the County to consider whether the proposed amendment is consistent with unamended portions of the Comprehensive Plan and supports the goals and policies of the Comprehensive Plan, and whether there is a public need for the proposal that would best be served by allowing the request. If there are other areas of the county designated for the requested use, then the County must consider why it is necessary to introduce the use into an area not now so zoned and why the owners there should bear the burden of introducing that zone into their area.

Section 8.050(D) directs the County to consider the factors listed in ORS 215.055 or others that relate to public need for healthful, safe and aesthetic surroundings and conditions. This section no longer appears applicable because it requires consideration of factors in a statute, *former* ORS 215.055, that was repealed in 1977 following LCDC's adoption of the statewide planning goals. The thrust of that former statute was to direct counties to adopt comprehensive plans that promote the public health, safety and general welfare, based on considerations such as characteristics of the county, the suitability of areas for particular land uses, the land uses and improvements in the area, the need for economic enterprise in the future development of the areas, needed access, natural

resources, prospective needs for development, and the public need for healthful, safe and aesthetic surroundings and conditions. These issues are addressed in the application, although in the context of compliance with statewide planning goals and acknowledged comprehensive plan policies in this section and in Section IV of this application.

In addition to Section 8.050, this application considers Section 3.110 of the Zoning Ordinance, which describes the purpose and overlay zone requirements of the Limited Use (LU) Overlay Zone. The zone's purpose is to limit the list of permitted uses and activities allowed within the overlay zone to only those uses and activities which are justified in the comprehensive plan "reasons" exception statement. The "requirements" section provides that when the LU zone is applied, the uses permitted in the underlying zone shall be limited to those uses and activities specifically referenced in the ordinance adopting the LU zone. This section also authorizes the County to impose reasonable conditions that it deems necessary to carry out the provisions of the Comprehensive Plan and Zoning Ordinance. A limited use overlay zone is not necessary because the PI zone limits the uses to those that are consistent with the proposed plan amendment to industrial. The PI zone was specifically developed for Port-owned lands identified for industrial uses.

ATTACHMENT 1

VICINITY MAP

ATTACHMENT 2

ORS 197.719

197.719 Industrial use of abandoned or diminished mill sites; amendment of comprehensive plans and land use regulations; sewer facilities. (1) As used in this section, "abandoned or diminished mill site" means a mill, plant or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp and paper, that:

- (a) Is located outside of urban growth boundaries;
- (b) Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and
- (c) Contains or contained permanent buildings used in the production or manufacturing of wood products.

(2) Notwithstanding statewide land use planning goals protecting agricultural lands or forestlands or administrative rules implementing those goals, the governing body of a county may amend the county's comprehensive plan and land use regulations to allow an abandoned or diminished mill site to be zoned for industrial use.

(3) Notwithstanding a statewide land use planning goal relating to urbanization or administrative rules implementing that goal, the governing body of a county may amend the county's comprehensive plan and land use regulations to allow an abandoned or diminished mill site to be zoned for any level of industrial use.

(4) Notwithstanding a statewide land use planning goal relating to public facilities and services or administrative rules implementing that goal, the governing body of a county or its designee may approve:

(a) The extension of sewer facilities to lands that on June 10, 2003, are zoned for industrial use and that contain an abandoned or diminished mill site. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(b) The extension of sewer facilities to an abandoned or diminished mill site that is rezoned for industrial use under this section only as necessary to serve industrial uses authorized for the mill site.

(c) The establishment of on-site sewer facilities to serve an area that on June 10, 2003, is zoned for industrial use and that contains an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for industrial use under this section. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(5)(a) A local government, as defined in ORS 174.116, may not authorize a connection to any portion of a sewer facility located between an urban growth boundary or the boundary of an unincorporated community and the boundary of the mill site or the industrial zone containing the mill site, except as provided under a statewide land use planning goal relating to public facilities and services or under ORS 197.732.

(b) Sewer facilities approved under subsection (4) of this section shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under a statewide land use planning goal relating to public facilities and services or under ORS 197.732. The presence of the sewer facilities may not be used to justify an exception to statewide land use planning goals protecting agricultural lands or forestlands or relating to urbanization.

(6)(a) The governing body of a county or its designee shall determine the boundary of an abandoned or diminished mill site. For an abandoned or diminished mill site that is

rezoned for industrial use under this section, land within the boundary of the mill site may include only those areas that were improved for the processing or manufacturing of wood products.

(b) For an abandoned or diminished mill site subject to subsection (2), (3) or (4) of this section, the governing body of a city or county or its designee may approve a permit, as defined in ORS 215.402 or 227.160, only for industrial development and accessory uses subordinate to such development on the mill site. The governing body or its designee may not approve a permit for retail, commercial or residential development on the mill site.

(7) For land that on June 10, 2003, is zoned under statewide land use planning goals protecting agricultural lands or forestlands and that is rezoned for industrial use under subsections (2) and (3) of this section, the governing body of the county or its designee may not later rezone the land for retail, commercial or other nonresource use, except as provided under the statewide land use planning goals or under ORS 197.732. [2003 c.252 §2; 2003 c.688 §3]

ATTACHMENT 3

MORROW

COUNTY LETTER



PLANNING DEPARTMENT

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

August 12, 2016

Don Rice
Greenwood Resources
P.O. Box 870
Hermlston, Oregon 97838

RE: Land Use Approvals - Upper Columbia Mill - Boardman, Oregon

Dear Mr. Rice, *Don*

This letter will outline the previous, current and needed land use approvals for activities on land currently described as tax lot 3420 of Assessor's Map 4N 26, the location of the Upper Columbia Mill.

Land Partition LP-N-356/Partition Plat 2006-5

Planning Department records indicate that this parcel of land was created in 2006 by Partition Plat 2006-05, a result of local Land Partition LP-N-356 which was approved by the Morrow County Planning Commission in December 2005. Both the applicant and the land owner were Pollatch Corporation. A condition of approval of the land partition was also approval of Conditional Use Permit CUP-N-220, discussed below. The reason for this condition of approval was that Oregon Revised Statute (ORS) 215.263(3) only allowed for a lot or parcel to be created on land zoned for Exclusive Farm Use if that parcel was for a proposed nonfarm use and is not larger than the minimum size necessary for the use. There does seem to be some discrepancy in the two decisions, as the Conditional Use Permit clearly identified the use as a farm use.

Conditional Use Permit CUP-N-190

In January 2003 the Morrow County Planning Commission approved Conditional Use Permit CUP-N-190 authorizing the establishment of "a log merchandising and wood chip manufacturing facility in the Exclusive Farm Use zone." Both the applicant and the land owner was Pollatch Corporation. The conditional use identified for this approval was found at the Morrow County Zoning Ordinance Article 3 Section 3.010(D)(20) and was explained as follows: *A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in subsection (2) of ORS 215.203.* The staff report analysis relied on the definition of farm use found at ORS 215.203 as follows: *The proposed log merchandising and wood chip manufacturing facility is allowed as a conditional use based on the definition of farm use in ORS 215.203(2)(b)(C) "Land planted in orchards or other perennials..." or ORS 215.203(2)(b)(J) "any land described under ORS 321.267(1)(e) "...land and hardwood timber, including but not limited to hybrid cottonweed..."* Based on this definition and the crops grown on the farm tract Planning staff found the application to meet this criterion. The Final Findings of Fact also discuss that the development of the log merchandising and wood chip manufacturing facility will not change current farming operations. While not expressly stated this statement appears to be based on the continued operation of the hybrid poplar tree plantation.

Conditional Use Permit CUP-N-220

In December 2005 the Morrow County Planning Commission approved Conditional Use Permit CUP-N-220 which is identified as an amendment to Conditional Use Permit CUP-N-190. The applicant and land owner are again Pottlatch Corporation. The request for this action was to authorize "a commercial facility over 10,000 square feet in size in conjunction with an established farm use. It is a phased addition to the established Log Merchandising and wood chip manufacturing facility approved as Conditional Use Permit CUP-N-190 to include: 1) a green sawmill; 2) boiler and dry kiln; and 3) additional sawmill line to the existing Log Merchandiser whole log chip facility." For this approval the criteria use was Morrow County Zoning Ordinance Article 3 Section 3.010(D)(8) Commercial activities that are in conjunction with farm use but not including the processing of farm crops pursuant to ORS 215.213(1)(x) and 215.283(1)(u). The staff analysis was lengthy, but again focused on the definition of farm use found at ORS 215.203 and relied on at least one-quarter of the farm crops being processed coming from the farm operation. A conditional use permit was required under this standard because the facility was over 10,000 square feet in size.

Zoning Ordinance Amendment AZ-005-07 and Zoning Map Amendment AZM-006-07

In late 2007, finalized in early 2008, Greenwood Tree Farm and Upper Columbia Mill applied for and had approved a zone change of the subject property to Resource Related Industrial. The impetus for this had more to do with participation in a state offered tax abatement program, but the request specifically was to consider "the establishment of a new use zone, Resource Related Industrial, and amending the Morrow County Zoning Ordinance to incorporate this new use zone. Additional action will be to apply the new use zone to the subject property, currently zoned Exclusive Farm Use, and amend the Zoning Map to reflect the change." No Goal 3 exception was taken and the underlying Comprehensive Plan designation did not change and remains 'agricultural.'

Review of Current Operation Under the Resource Related Industrial zone

The Resource Related Industrial use zone was created and applied to the subject property in 2008 and is based upon the framework of the Exclusive Farm Use zone. Both of the uses delineated above under Conditional Use Permits CUP-N-190 and CUP-N-220 are uses allowed in the Resource Related Industrial zone as "uses subject to administrative review" with the commercial activity in conjunction with farm use also required to meet "conditional use" provisions. For facilities that are for the primary processing of forest products there is still a requirement in Oregon Administrative Rule that connects back to the tract of land that the timber is grown on. Requirements for "commercial activities in conjunction with farm use" may provide more flexibility.

Within the Morrow County Zoning Ordinance the definition for Commercial Activities in Conjunction with Farm Use can be found in Article 1 Introductory Provisions. There are two components, the first being processing, packaging, treatment, and wholesale distribution and storage of a product primarily derived from farm activities on the premises. The second allows retail sales of agricultural products, supplies, and services directly related to the production and harvesting of agricultural products. The current facilities on the subject property do not cleanly fit within either of these components, particularly as fewer trees will be harvested on the farm tract.

Continued Operation of the Log Merchandising and Wood Chip Manufacturing Facility


Based on the information provided above there is not a clear path to allow continuing operation of the facility without approval of the land use in some manner as the amount of inputs to the facility will, in the next five to seven years, not come from lands historically considered a part of the farm tract. Activities going forward would be viewed as an induced non-conforming use and could be subject to enforcement.

At this point I have in my possession a letter from Collins Management Corporation dated July 21, 2016, and signed by Eric Schooler, indicating that the Upper Columbia Mill is slated to diminish operations significantly by mid-September 2016. You also shared that an attempt to sell the Upper Columbia Mill to another party had failed, leading to the July 21, 2016, closure notice.

There is no clear land use path to allow continued or resumed use of the Upper Columbia Mill under the current land use approvals as they do require that a portion of the inputs come from the farm tract, which has been sold to AgriNorthwest and Lost Valley Ranch. As stated above continued operations would be viewed as a non-conforming use. Should Collins or another entity want to reestablish operations at the Upper Columbia Mill the clearest path would be to undertake a zone change for the subject parcel, most appropriately to the County's General Industrial use zone. Should Collins or Greenwood Resources want to explore that opportunity please do not hesitate to contact me.

This is, I am sure, not information that you will welcome. If I can be of further assistance or if you have any questions concerning this letter, please do not hesitate to contact me at 541-922-4624 or by email at cmclane@co.morrow.or.us.

Cordially,



Carla McLane
Planning Director

Attachments:

- Land Partition LP-N-356 Final Findings of Fact
- Conditional Use Permit CUP-N-190 Final Findings of Fact
- Conditional Use Permit CUP -N-220 Final Findings of Fact
- Amendment to the Morrow County Zoning Ordinance AZ-005 and to the Morrow County Zoning Map AZM-006
- Morrow County Zoning Ordinance Article 1 Introductory Provisions - Page 3 including the definition for Commercial Activities in Conjunction with Farm Use.

ATTACHMENT 4

**PORT OF MORROW
INFRASTRUCTURE
PLAN**

Carla McLane

From: Ron McKinnis <RonM@portofmorrow.com>
Sent: Friday, January 4, 2019 10:19 AM
To: Carla McLane
Cc: J.R. Cook; Ryan Neal
Subject: Re: 30" Water Line project

Carla,
JR wanted the whole plan. The important information is on page C1.06.
Per our discussion yesterday, we have the ability to supply both wastewater and fresh non-potable water from that pipeline.
Ron

Sent from my iPhone

On Jan 4, 2019, at 10:09 AM, Carla McLane <cmclane@co.morrow.or.us> wrote:

Hey all,
Ron sent along the almost 30 page infrastructure documents. Can someone clarify if you are submitting the whole packet or select parts?
Thanks!!
Carla

From: Ron McKinnis [<mailto:RonM@portofmorrow.com>]
Sent: Thursday, January 3, 2019 4:21 PM
To: Carla McLane <cmclane@co.morrow.or.us>
Subject: Fwd: 30" Water Line project

Sent from my iPhone

Begin forwarded message:

From: "Ron McKinnis" <RonM@portofmorrow.com>
To: "cookslaw@gmail.com" <cookslaw@gmail.com>
Subject: Fwd: 30" Water Line project

Sent from my iPhone

Begin forwarded message:

From: "Ron McKinnis" <RonM@portofmorrow.com>
To: "JR Cook" <JRCook@northeastoregonwater.org>
Cc: "Ryan Neal" <RyanN@portofmorrow.com>, "Mark Patton" <MarkP@portofmorrow.com>
Subject: 30" Water Line project

JR,

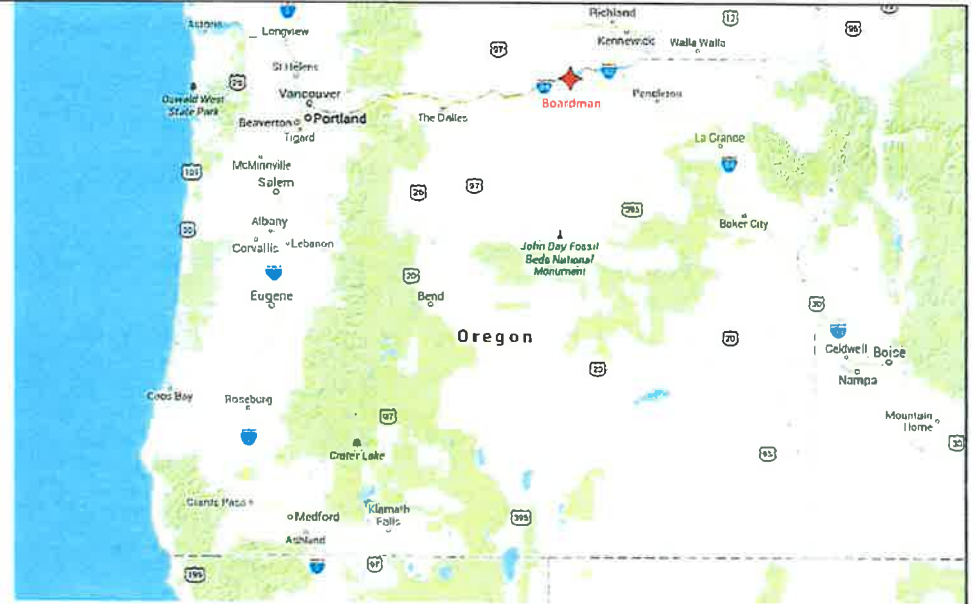
The connection that you are looking for is on Page C1.06. Engineer's Station 468+30.00

The 12" connection on a 30" mainline is adjacent to the mill site on the Southeast corner opposite side of Poleline Road.

Let me know if you need more.

Thanks!

Ron



Port of Morrow Regional Water Recycle and Re-Use Project

PROJECT COMPONENTS:

- 80,000 Feet of 30" FRP, 200 psi Rated Pipeline
- 4000 Feet of 34" HDPE, Various psi Rated Pipeline
- 3 Booster Pump Stations @ 6 Pump Slots per Station
- W/ 12 Each 250 Horsepower Booster Pumps
- W/ 3 Each Future 300+/- Horsepower Pumps
- 1 Each Farm Wastewater Distribution Pump Station
- W/ 2 Each 100 Horsepower Pumps
- W/ 4 Each 300 Horsepower Pumps
- Farm Distribution System:
- 6,800 Feet of 30" FRP, 200 psi Rated Pipeline
- 1,600 Feet of 18" PVC, 125 psi Rated Pipeline
- 3,200 Feet of 16" PVC, 125 psi Rated Pipeline
- 18,300 Feet of 12" PVC, 125 psi Rated Pipeline

PAGE INDEX:

- C0.00 COVER SHEET
- C1.00 PLAN & PROFILE STA 0+00.00 - STA 60+00.00
- C1.01 PLAN & PROFILE STA 60+00.00 - STA 92+50.00
- C1.02 PLAN & PROFILE STA 92+50.00 - STA 163+80.92
- C1.03 PLAN & PROFILE STA 163+80.92 - STA 246+00.00
- C1.04 PLAN & PROFILE STA 246+00.00 - STA 313+15.00
- C1.05 PLAN & PROFILE STA 313+15.00 - STA 392+80.00
- C1.06 PLAN & PROFILE STA 392+80.00 - STA 472+80.00
- C1.07 PLAN & PROFILE STA 472+80.00 - STA 552+80.00
- C1.08 PLAN & PROFILE STA 552+80.00 - STA 635+00.00
- C1.09 PLAN & PROFILE STA 635+00.00 - STA 728+50.00
- C1.10 PLAN & PROFILE STA 728+50.00 - STA 790+00.00

SYSTEM DESIGN:

- Flow Capacity @ 15,000 Gallons per Minute
- Nominal Operating Pressure @ 140 psi
- Nominal Surge Pressures @ 200 psi

- Proposed Lagoons to be Submitted Under Separate Cover
- On Site Storage Lagoons: (Proposed)
 - Cell 1 - 55.4 Million Gallons
 - Cell 2 - 304.5 Million Gallons

PAGE INDEX:

- C3.0 41 PUMP STATION BUILDING PLAN
- C3.1 41 PUMP STATION PLAN & PROFILE
- C3.2 41 PUMP STATION DETAILS
- C3.3 41 PUMP STATION ELECTRICAL LAYOUT
- C4.0 BOOSTER 1 @ 184 BUILDING PLAN & ELEVATION
- C4.1 BOOSTER 2 @ MADISON PLAN AND ELEVATION
- C4.2 BOOSTER STATIONS 1&2 ELECTRICAL LAYOUT
- C4.3 BOOSTER 1&2 PIPE PLAN
- C4.4 BOOSTER 1&2 PIPE PROFILE
- C4.5 BOOSTER 1&2 MANIFOLD PLAN
- C4.6 BOOSTER 1&2 MANIFOLD PROFILE
- C4.7 BOOSTER 1&2 MANIFOLD DETAILS
- C5.0 SAND DUNES DISTRIBUTION STATION BUILDING PLAN
- C5.1 SAND DUNES DISTRIBUTION MANIFOLD PLAN
- C5.2 SAND DUNES DISTRIBUTION MANIFOLD PROFILE
- C5.3 SAND DUNES DISTRIBUTION MANIFOLD DETAILS
- C5.4 SAND DUNES DISTRIBUTION MANIFOLD DETAILS 2

REV	DATE	REVISION DESCRIPTION	BY	CHECKED
0	04-27-2017	ISSUE FOR CONSTRUCTION	RMV	RMV
1	04-27-2017	REVISIONS TO DRAWING	RMV	RMV
2	04-27-2017	REVISIONS TO DRAWING	RMV	RMV
3	04-27-2017	REVISIONS TO DRAWING	RMV	RMV
4	04-27-2017	REVISIONS TO DRAWING	RMV	RMV



PROJECT: P.O.M. Regional Water Recycle and Re-Use Project

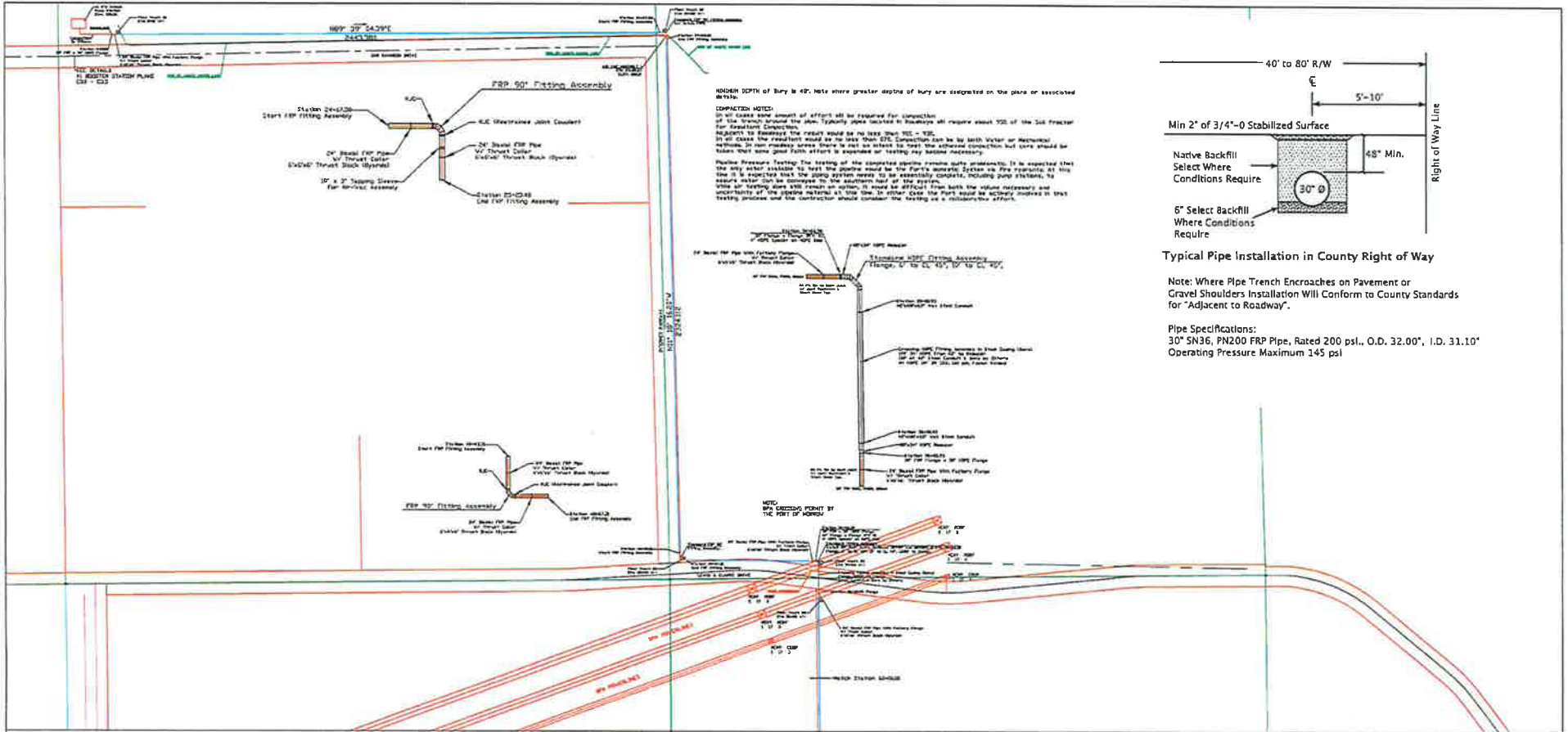
30" WASTEWATER PIPELINE PLAN



**AS-CONSTRUCTED
DRAWINGS**
RMV 04-27-2017

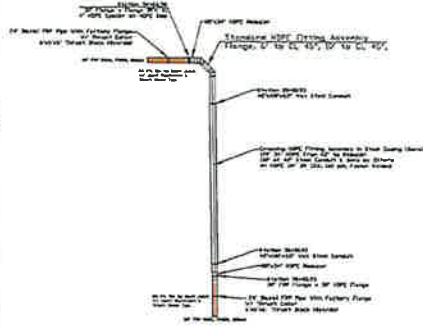
LOCATION:	BOARDMAN, MORROW COUNTY, OREGON
OWNER:	PORT OF MORROW
ENGINEER:	Ronald V. McKinnis PE, PLS, WRE
CONTACT:	(541) 481-7678

SHEET. NO.
C0.00

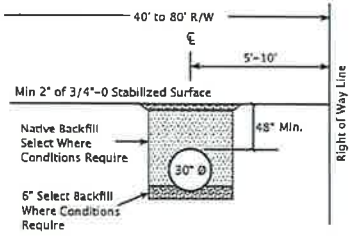


MINIMUM DEPTH OF BURY IS 48" UNLESS OTHERWISE SPECIFIED ON THE PLAN OR ASSOCIATED DETAILS.

COMPACTION NOTES:
 In all cases some amount of effort shall be required for compaction of the trench around the pipe. Typically pipe installed in trenches will require about 75% of the Soil Proctor for Standard Compaction.
 Efforts to stabilize the right-of-way to less than 95% - 100% compaction can be by both Water or Mechanical Methods. In the roadway areas there is not an intent to meet the above compaction but care should be taken that some good faith effort is expended or testing may become necessary.
 Positive Pressure Testing: The testing of the completed pipeline requires quality materials. It is expected that the only water available to test the pipeline would be the Port's domestic system via fire hydrants. At this time it is expected that the piping system may be an expensive condition, including pump stations, to ensure water can be conveyed to the southern half of the system. Once air testing, done with care, is shown to be effective from both the volume necessary and uncertainty of the piping material at this time, in either case the Port shall be actively involved in this testing process and the contractor should consider the testing as a collaborative effort.



NOTE: SPA CROWN PRIORITY BY THE PORT OF MORROW

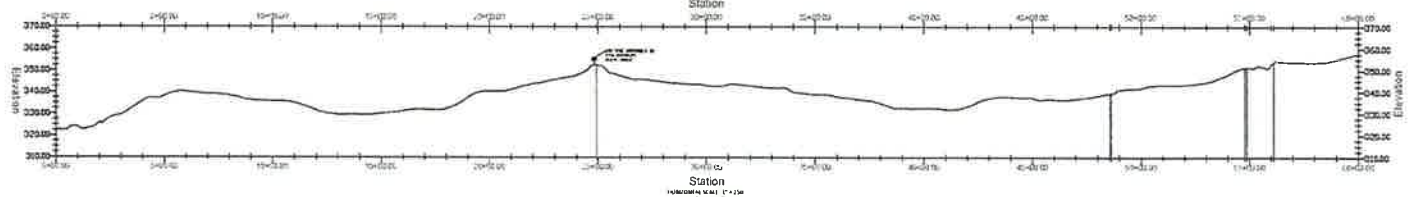


Typical Pipe Installation in County Right of Way

Note: Where Pipe Trench Encroaches on Pavement or Gravel Shoulders Installation Will Conform to County Standards for "Adjacent to Roadway".

Pipe Specifications:
 30" SN36, PN200 FRP Pipe, Rated 200 psi., O.D. 32.00", I.D. 31.10"
 Operating Pressure Maximum 145 psi

Profile View of Pipeline



NO.	DATE	DESCRIPTION/REVISION	BY	CHECKED/NO.
1	01/17/13	REV. FROM PRELIMINARY DESIGN	BOB	ELC/BOB
2	02/12/13	REVISIONS TO PERMITS	BOB	BOB
3	02/12/13	FINAL DESIGN	BOB	BOB
4	02/12/13	REVISIONS TO PERMITS	BOB	BOB
5	02/12/13	REVISIONS TO PERMITS	BOB	BOB



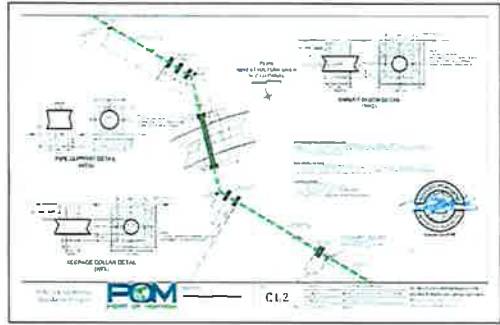
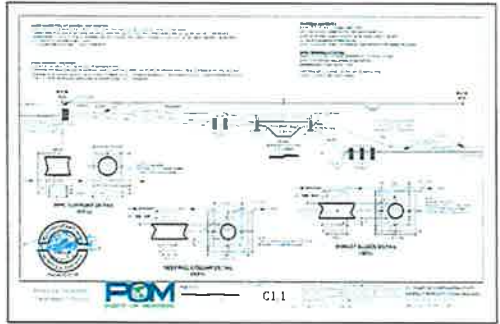
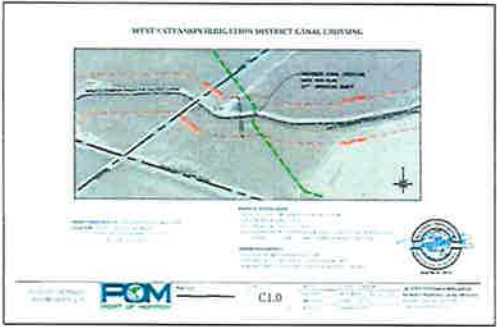
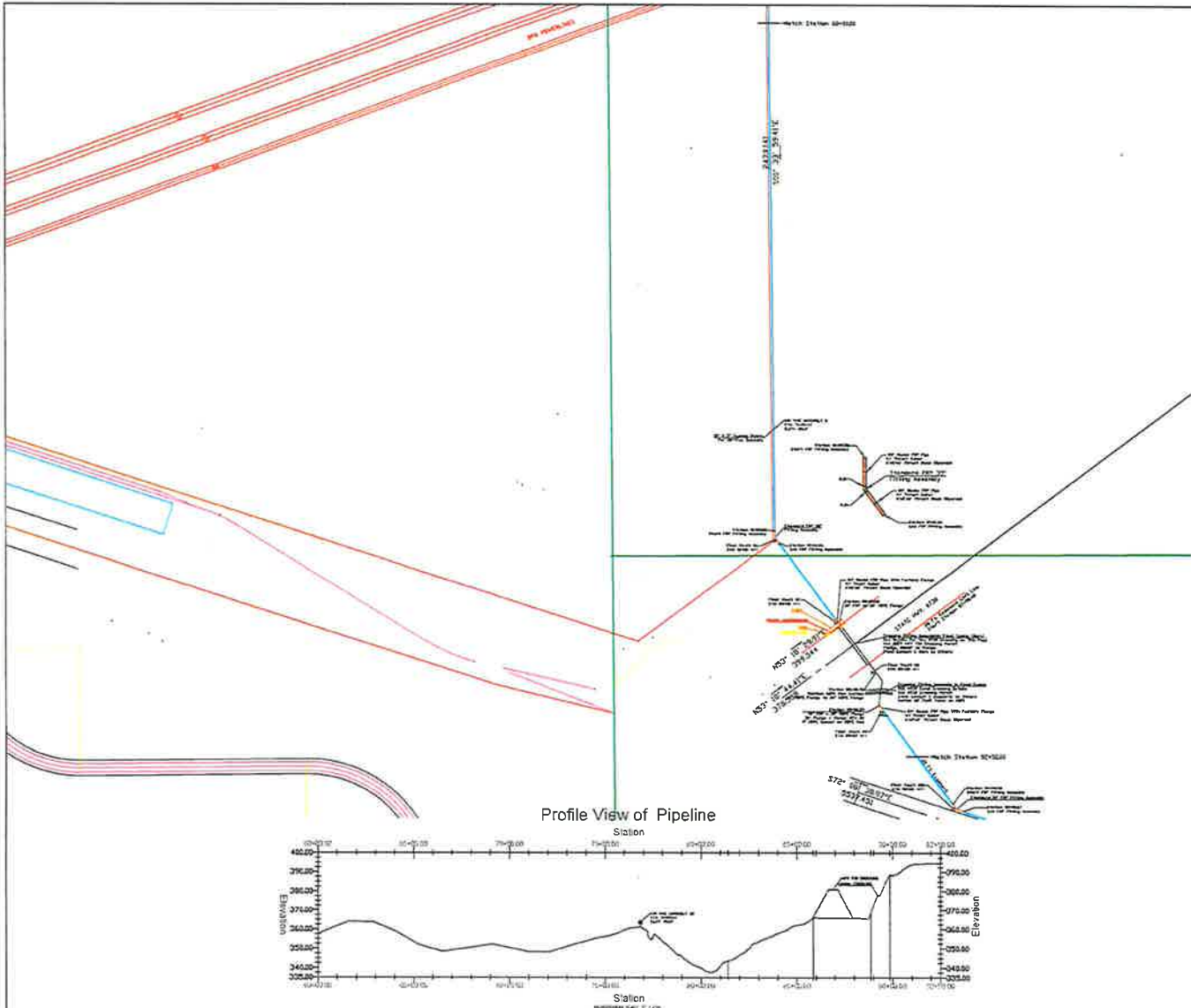
PROJECT: P.O.M. Regional Water Re-use and Re-Use Project
PIPELINE PLAN & PROFILE
 STA: 0+00 TO 60+00
 SCALE 1" = 200 FT. Or As Shown



AS-CONSTRUCTED DRAWINGS
 RVM 04-27-2017

LOCATION: BOARDMAN, MORROW COUNTY, OREGON
 OWNER: PORT OF MORROW
 ENGINEER: Ronald V. McKinnis PE, PLS, WRE
 CONTACT: (541) 461-7678

SHEET NO. **C1.00**



NO.	DATE	REVISION DESCRIPTION	BY	PROJECT FILE
1	06/22/11	REV. FOR PRELIMINARY REVIEW	JKW	4110230
2	07/27/11	REVISED MANHOLE RATINGS	JKW	4110230
3	08/22/11	FINAL DESIGN	JKW	4110230
4	08/27/11	AS-CONSTRUCTED DRAWINGS	JKW	4110230

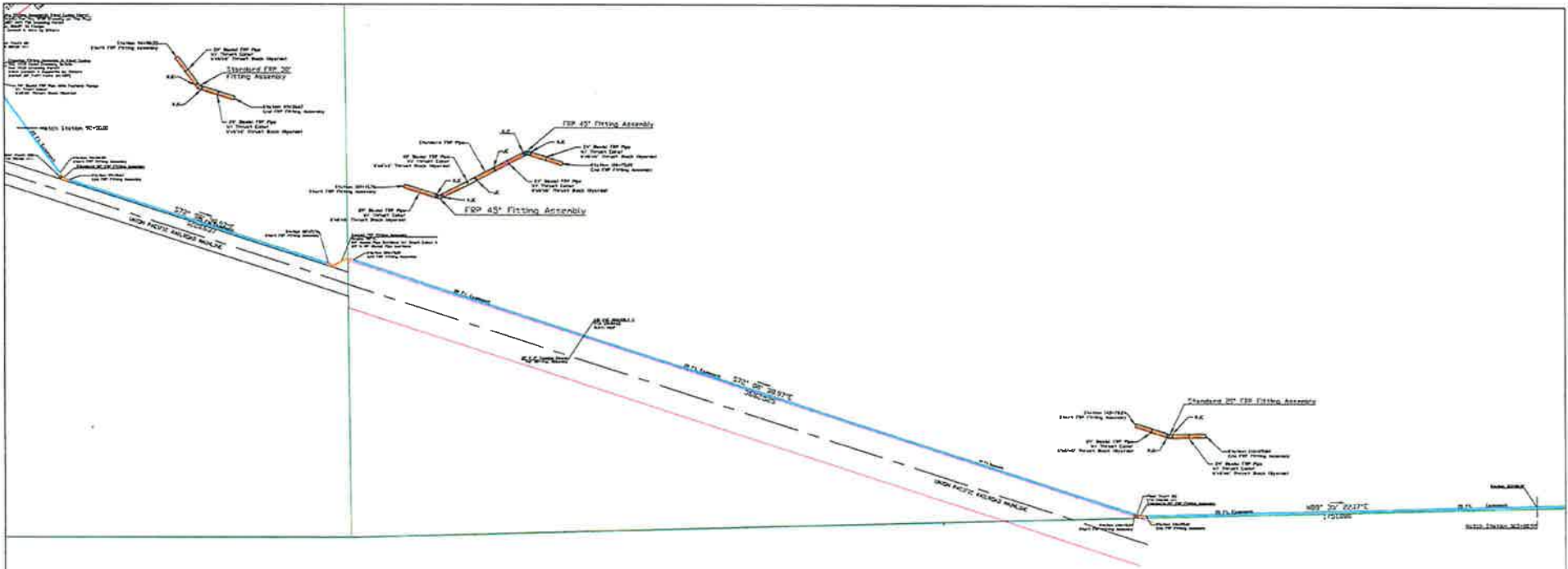
PROJECT: P.O.M. Regional Water Recycle and Re-Use Project
PIPELINE PLAN & PROFILE
 STA: 60+00 TO 92+50
 SCALE 1" = 200 Ft. Or As Shown



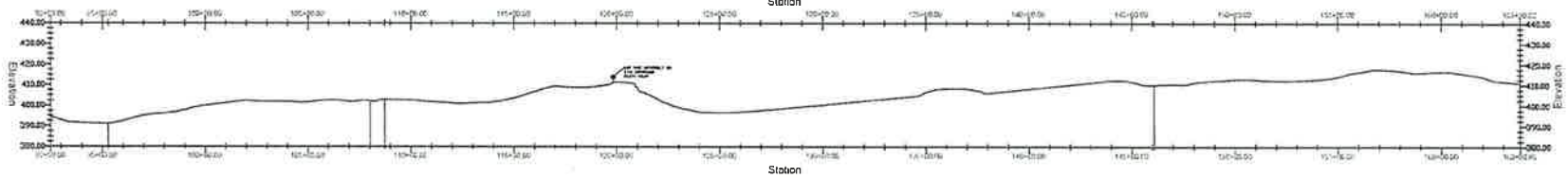
AS-CONSTRUCTED DRAWINGS
 RVM 04-27-2017

LOCATION: BOARDMAN, MORROW COUNTY, OREGON
 OWNER: PORT OF MORROW
 ENGINEER: Ronald V. McKinnis PE, PLS, WRE
 CONTACT: (541) 481-7678

SHEET NO.
C1.01



Profile View of Pipeline



NO.	DATE	BY	DESCRIPTION	APP.
1	05/27/10	WJ	INITIAL DESIGN	
2	08/23/10	WJ	REVISIONS	
3	08/23/10	WJ	REVISIONS	
4	08/23/10	WJ	REVISIONS	

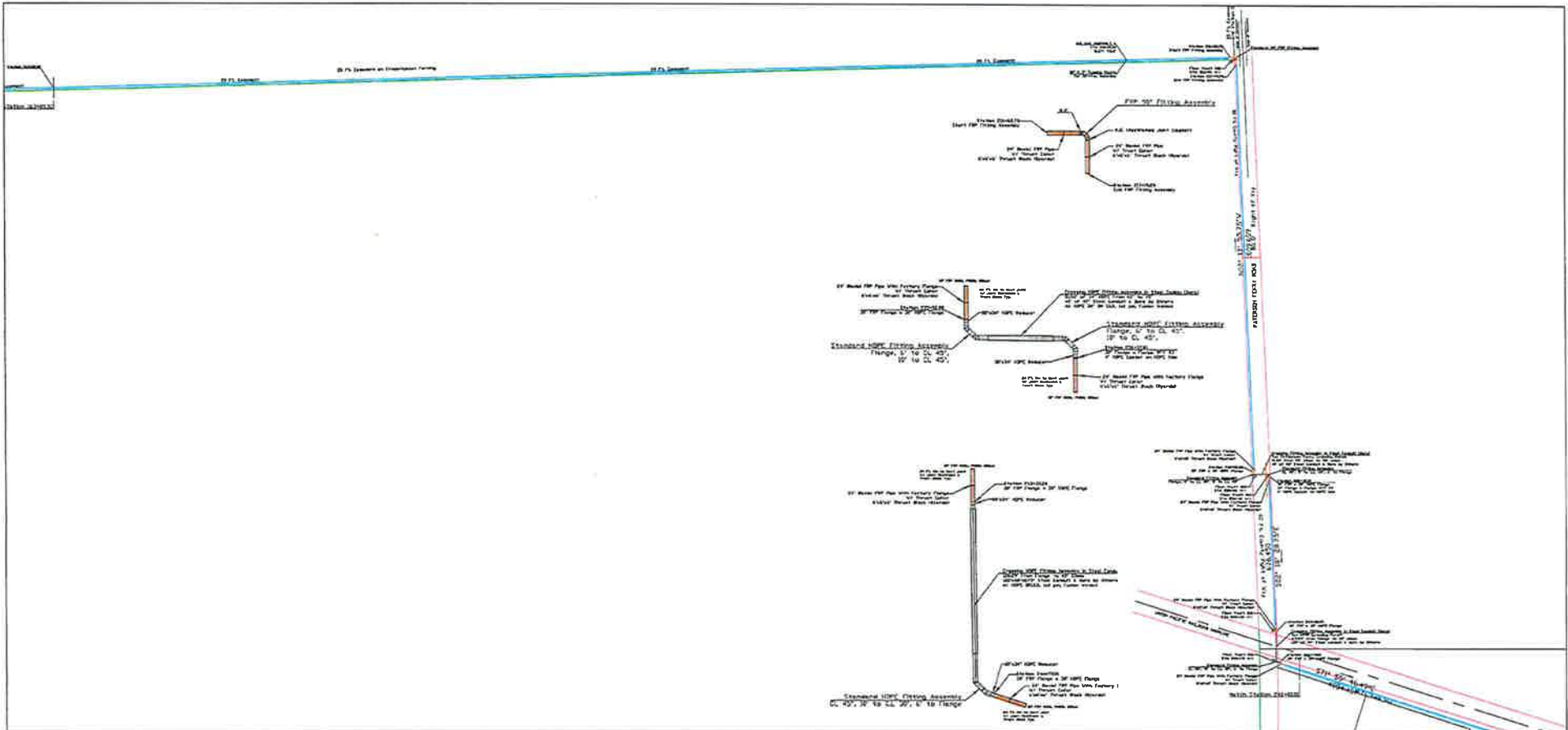
PROJECT: P.O.M. Regional Water Recycle and Re-Use Project
PIPELINE PLAN & PROFILE
 STA: 92+50 TO 163+80.92
 SCALE 1" = 200 Ft. Dr As Shown



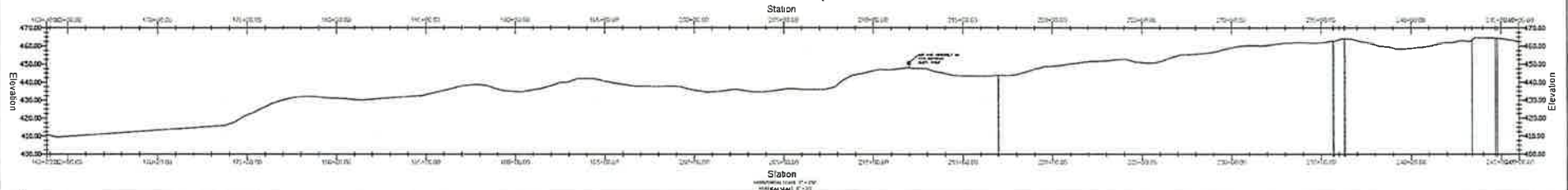
**AS-CONSTRUCTED
 DRAWINGS**
 RVM 04-27-2017

LOCATION: BOARDMAN, MORROW COUNTY, OREGON
 OWNER: PORT OF MORROW
 ENGINEER: Ronald V. McKinnis PE, PLS, WRE
 CONTACT: (541) 481-7678

SHEET NO.
C1.02



Profile View of Pipeline



REV	DATE	REVISION DESCRIPTION	BY	PROJECT NO.
0	02/27/12	REV. FOR PERMITS REVIEW	SHW	120889
1	02/27/12	REV. FOR PERMITS REVIEW	SHW	120889
2	02/27/12	REV. FOR PERMITS REVIEW	SHW	120889
3	02/27/12	REV. FOR PERMITS REVIEW	SHW	120889
4	02/27/12	REV. FOR PERMITS REVIEW	SHW	120889

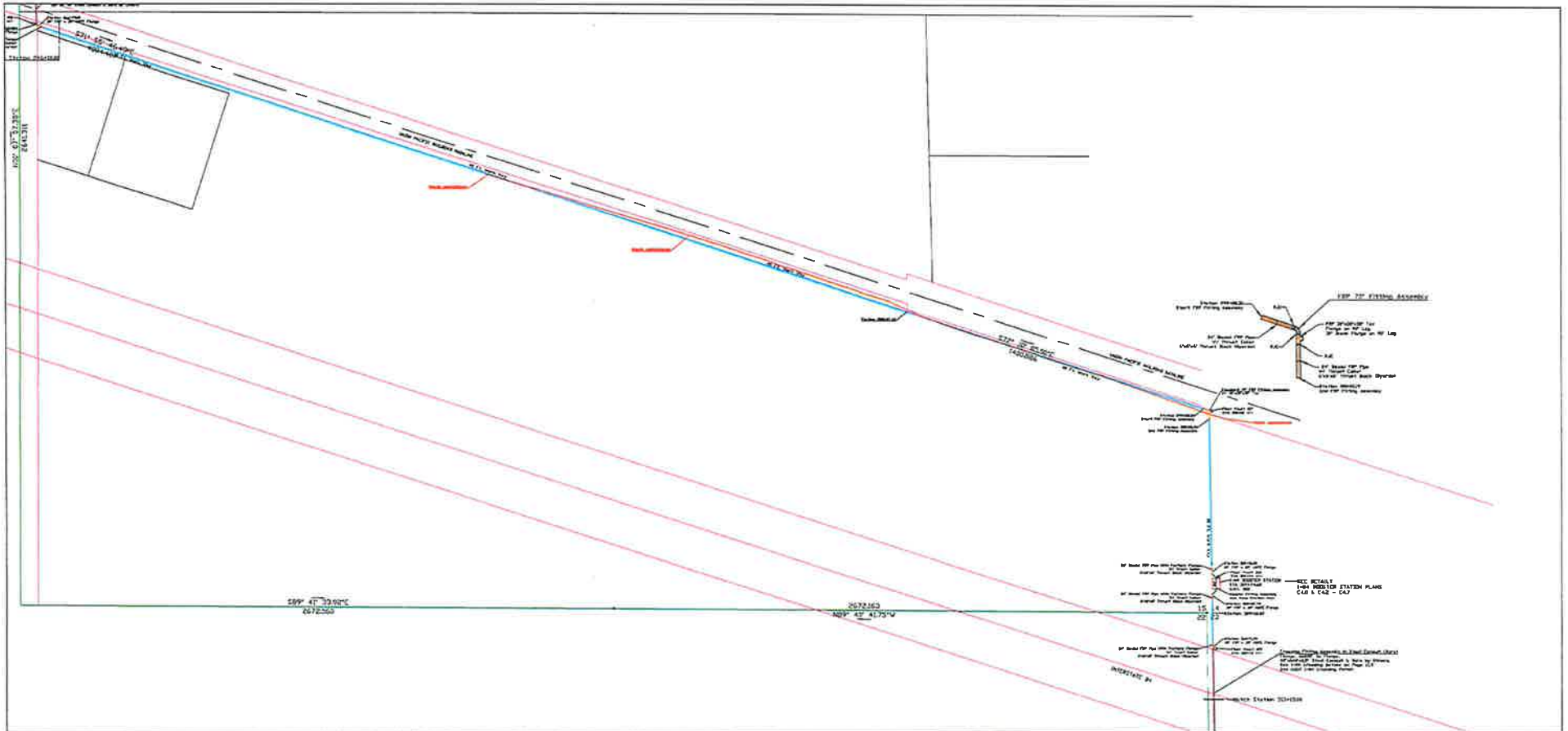
PROJECT: P.O.M. Regional Water Recycle and Re-Use Project
PIPELINE PLAN & PROFILE
 STA: 163+80.92 TO 246+00
 SCALE 1" = 200 FL. Or As Shown



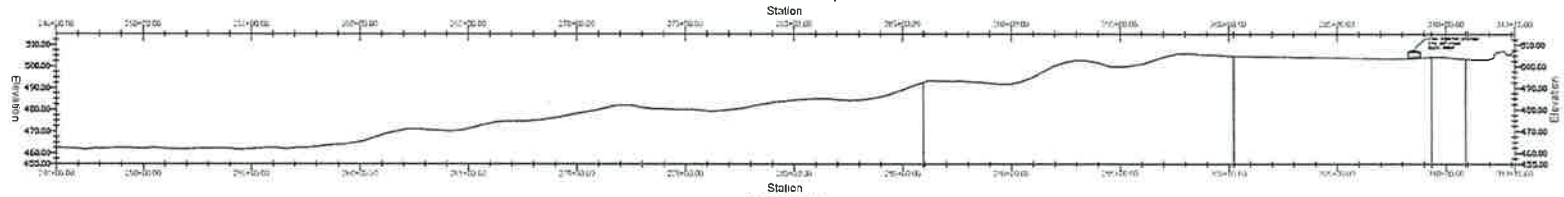
AS-CONSTRUCTED DRAWINGS
 RVM 04-27-2017

LOCATION: BOARDMAN, MORROW COUNTY, OREGON
 OWNER: PORT OF MORROW
 ENGINEER: Ronald V. McKinnis PE, PLS, WRE
 CONTACT: (541) 481-7678

SHEET NO.
C1.03



Profile View of Pipeline



NO.	DATE	DESCRIPTION	BY	CHECKED
1	07/27/15	REVISED FOR CONSTRUCTION
2	08/11/15	REVISED FOR PERMITS
3	09/01/15	REVISED FOR PERMITS
4	09/22/15	REVISED FOR PERMITS



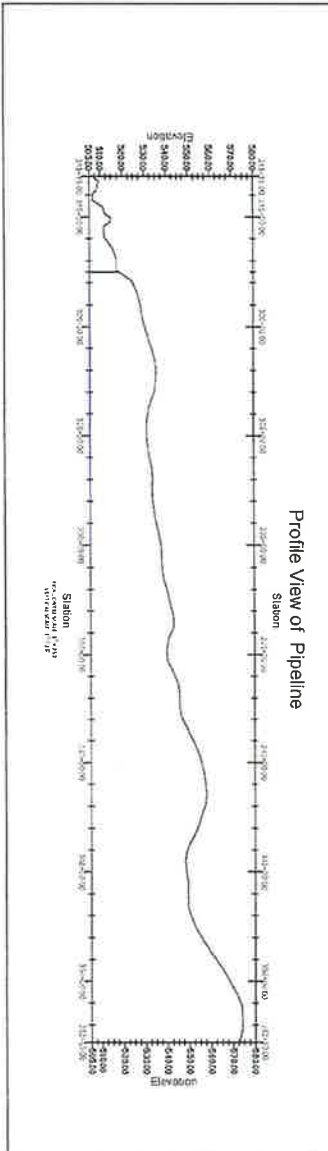
PROJECT: P.O.M. Regional Water Recycle and Re-Use Project
PIPELINE PLAN & PROFILE
 STA: 246+00 TO 313+15
 SCALE 1" = 200 FT. Or As Shown



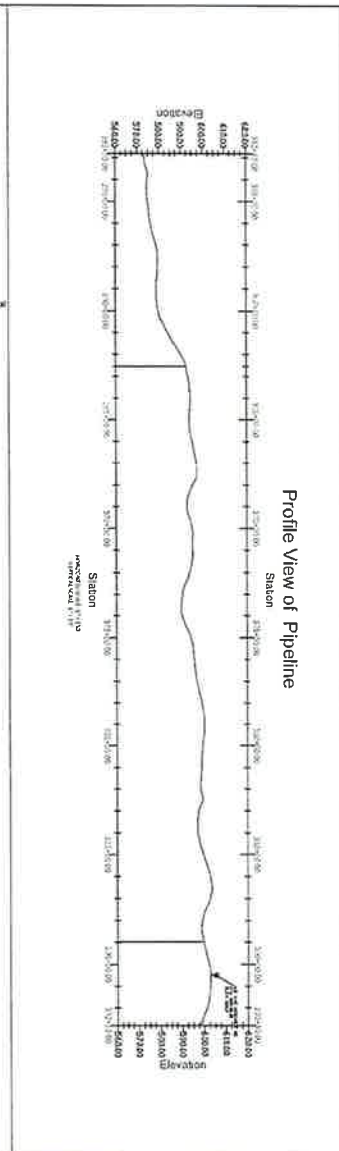
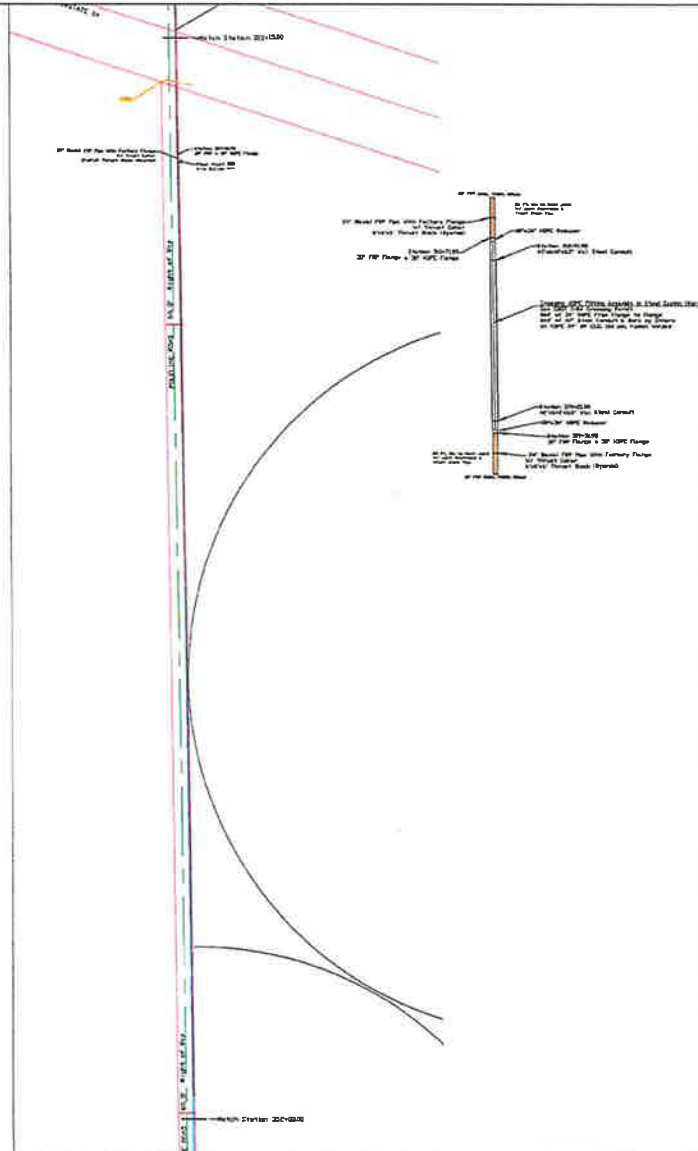
AS-CONSTRUCTED DRAWINGS
 RVM 04-27-2017

LOCATION: BOARDMAN, MORROW COUNTY, OREGON
 OWNER: PORT OF MORROW
 ENGINEER: Ronald V. McKinnis PE, PLS, WRE
 CONTACT: (541) 481-7678

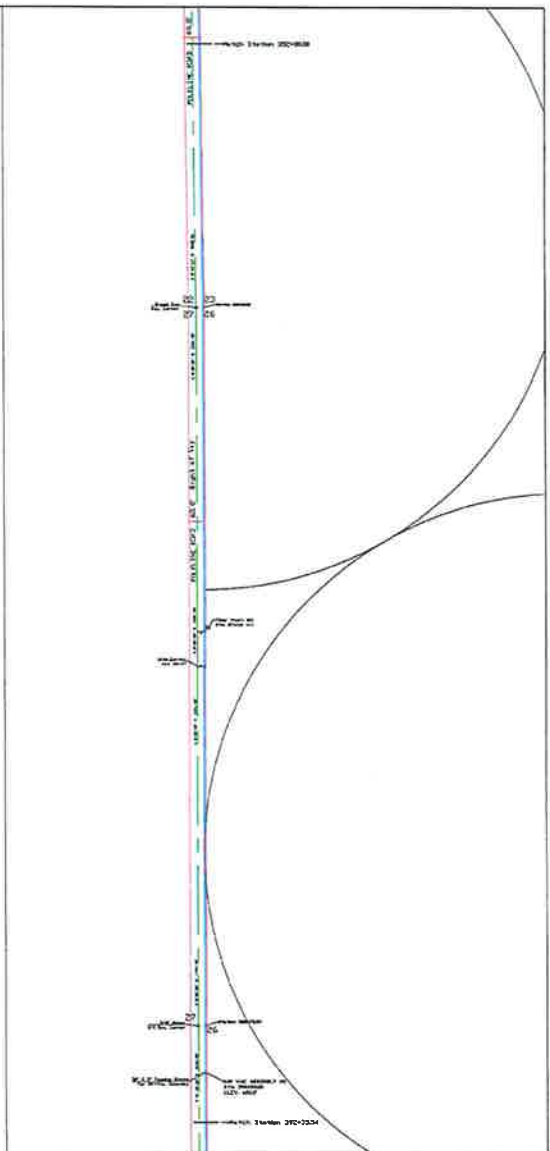
SHEET NO.
C1.04



Profile View of Pipeline



Profile View of Pipeline



NO.	DATE	BY	REVISION
1	06/12/21	REV. ENG. (MORROW)	REVISED PER COMMENTS
2	08/17/21	REV. ENG. (MORROW)	REVISED PER COMMENTS
3	09/15/21	REV. ENG. (MORROW)	REVISED PER COMMENTS
4	08/17/21	REV. ENG. (MORROW)	REVISED PER COMMENTS

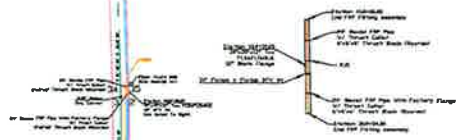
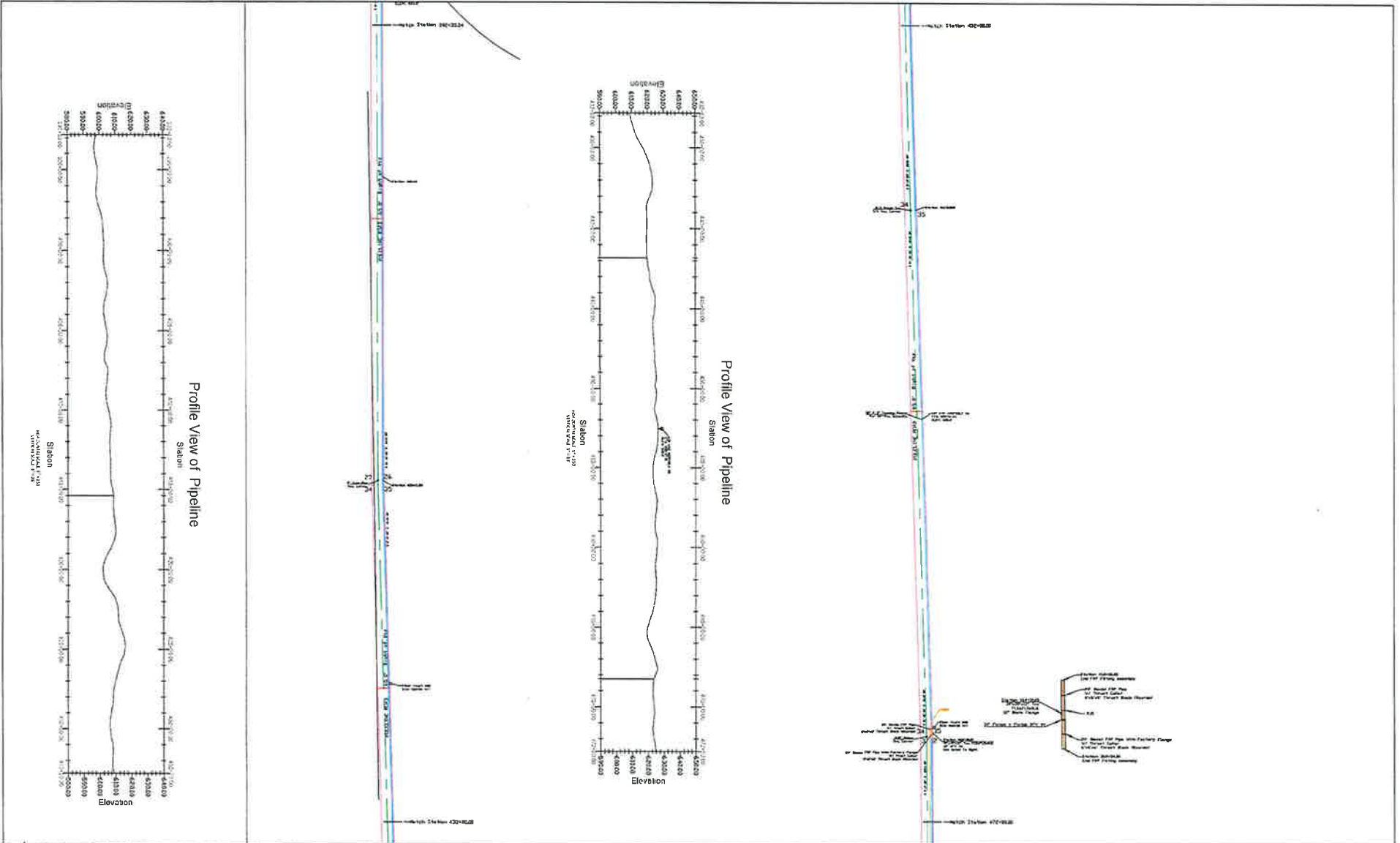
PROJECT: P.O.M. Regional Water Reuse and Re-Use Project
P.I.P.E.L.I.N.E PLAN & PROFILE
 STA: 313+15 TO 392+80
 SCALE 1" = 200 FT. Or As Shown



AS-CONSTRUCTED DRAWINGS
 RVM 04-27-2017

LOCATION: BOARDMAN, MORROW COUNTY, OREGON
 OWNER: PORT OF MORROW
 ENGINEER: Ronald V. McKinnis PE, PLS, WRE
 CONTACT: (541) 481-7678

SHEET NO.
C1.05



NO.	DATE	BY	DESCRIPTION	CHK.	PROJECT NO.
1	04.27.2017	RPV	AS-CONSTRUCTED DRAWINGS	MM	332630
2	04.27.2017	MM	REVISIONS	MM	332630
3	04.27.2017	MM	REVISIONS	MM	332630
4	04.27.2017	MM	REVISIONS	MM	332630
5	04.27.2017	MM	REVISIONS	MM	332630



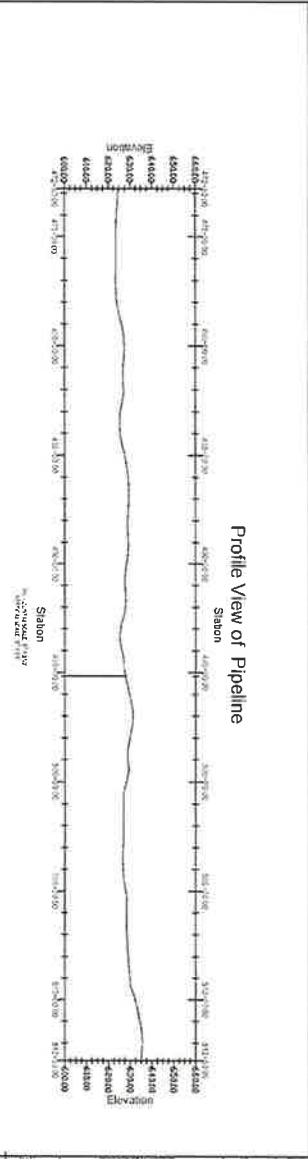
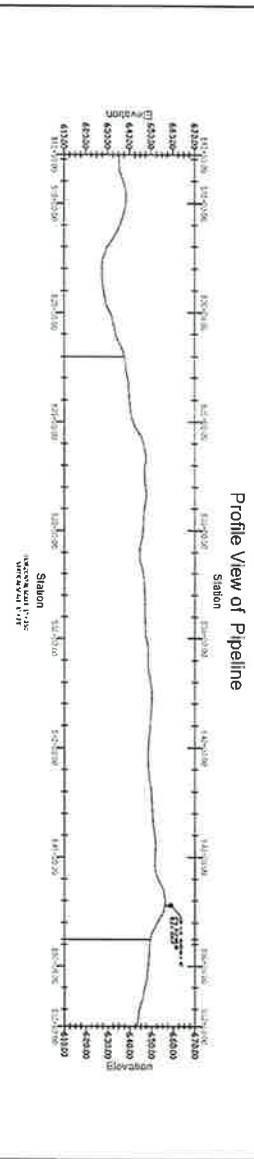
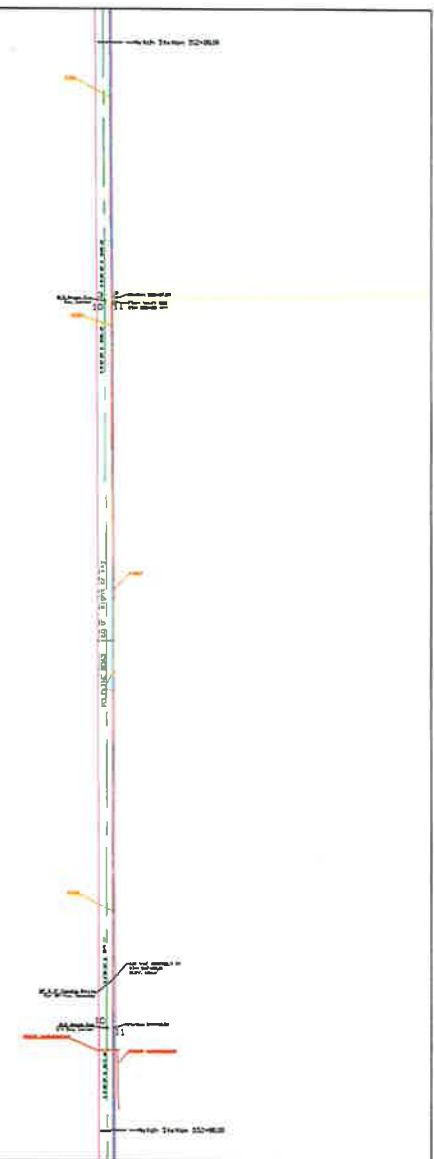
PROJECT: P.O.M. Regional Water Recycle and Re-Use Project
PIPELINE PLAN & PROFILE
 STA: 392+80 TO 472+80
 SCALE 1" = 200' FL. Or As Shown



AS-CONSTRUCTED DRAWINGS
 RVM 04-27-2017

LOCATION: BOARDMAN, MORROW COUNTY, OREGON
 OWNER: PORT OF MORROW
 ENGINEER: Ronald V. McInnis PE, PLS, WRE
 CONTACT: (541) 481-7678

SHEET NO. **C1.06**



NO.	DATE	REVISION/DESCRIPTION	BY	PROJECT NO.	SHEET NO.
1	06/27/17	ISSUE FOR PERMITTING	WJM	4238.00	1
2	07/27/17	REVISED FOR PERMITTING	WJM		1
3	08/17/17	ISSUE FOR PERMITTING	WJM		1
4	08/27/17	AS-CONSTRUCTED DRAWINGS	WJM		1



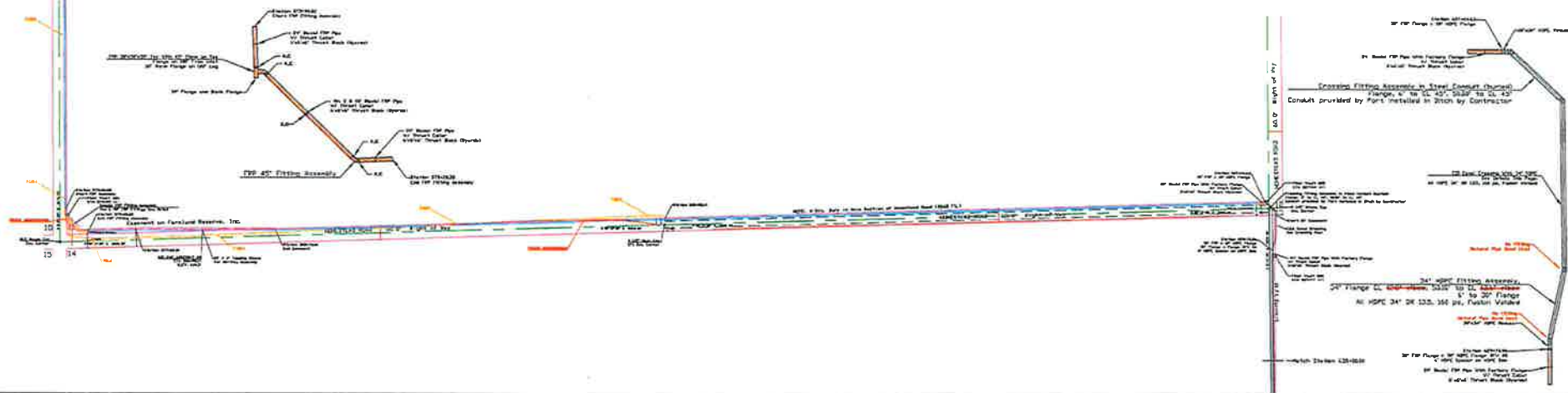
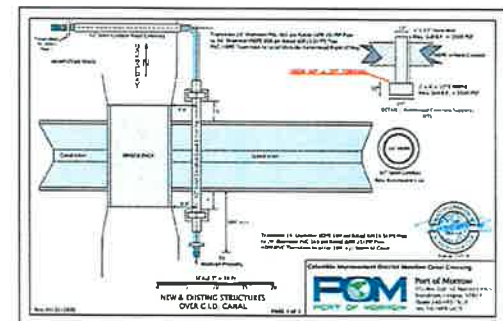
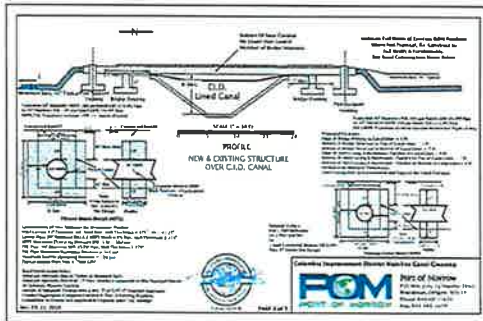
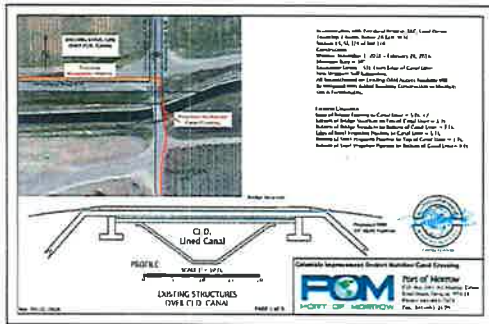
PROJECT: P.O.M. Regional Water Recycle and Re-Use Project
PIPELINE PLAN & PROFILE
 STA: 472+80 TO 552+80
 SCALE 1" = 200 FT. Or As Shown



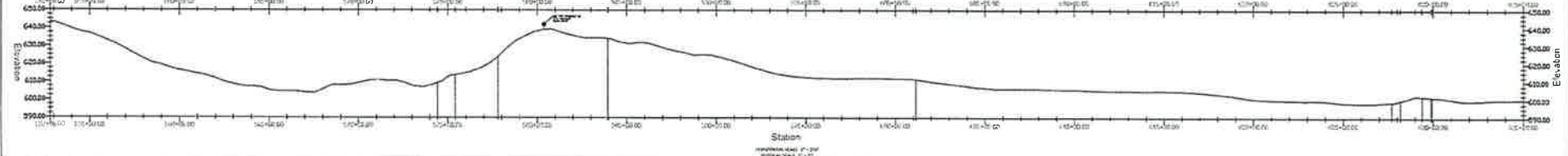
AS-CONSTRUCTED DRAWINGS
 RVM 04-27-2017

LOCATION: BOARDMAN, MORROW COUNTY, OREGON
 OWNER: PORT OF MORROW
 ENGINEER: Ronald V. McKinnis PE, PLS, WRE
 CONTACT: (541) 481-7678

SHEET NO.
C1.07



Profile View of Pipeline Station



NO.	DATE	REVISIONS	BY	PROJECT FILE
1	05/18/10	REV. FOR PERMITS	WJW	43399
2	07/27/10	REV. FOR PERMITS	WJW	43399
3	07/27/10	REV. FOR PERMITS	WJW	43399
4	08/11/10	REV. FOR PERMITS	WJW	43399



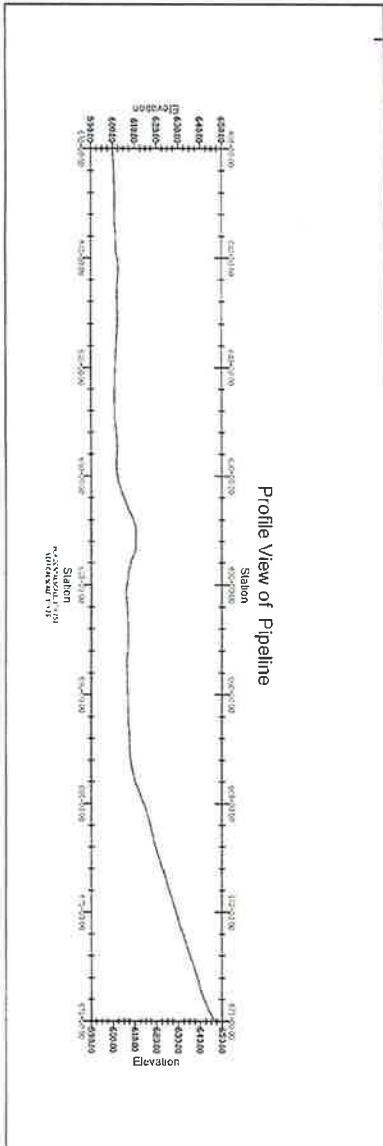
PROJECT: P.O.M. Regional Water Cycle and Re-Use Project
PIPELINE PLAN & PROFILE
 STA: 552+80 TO 635+00
 SCALE 1" = 200 FL. Or As Shown



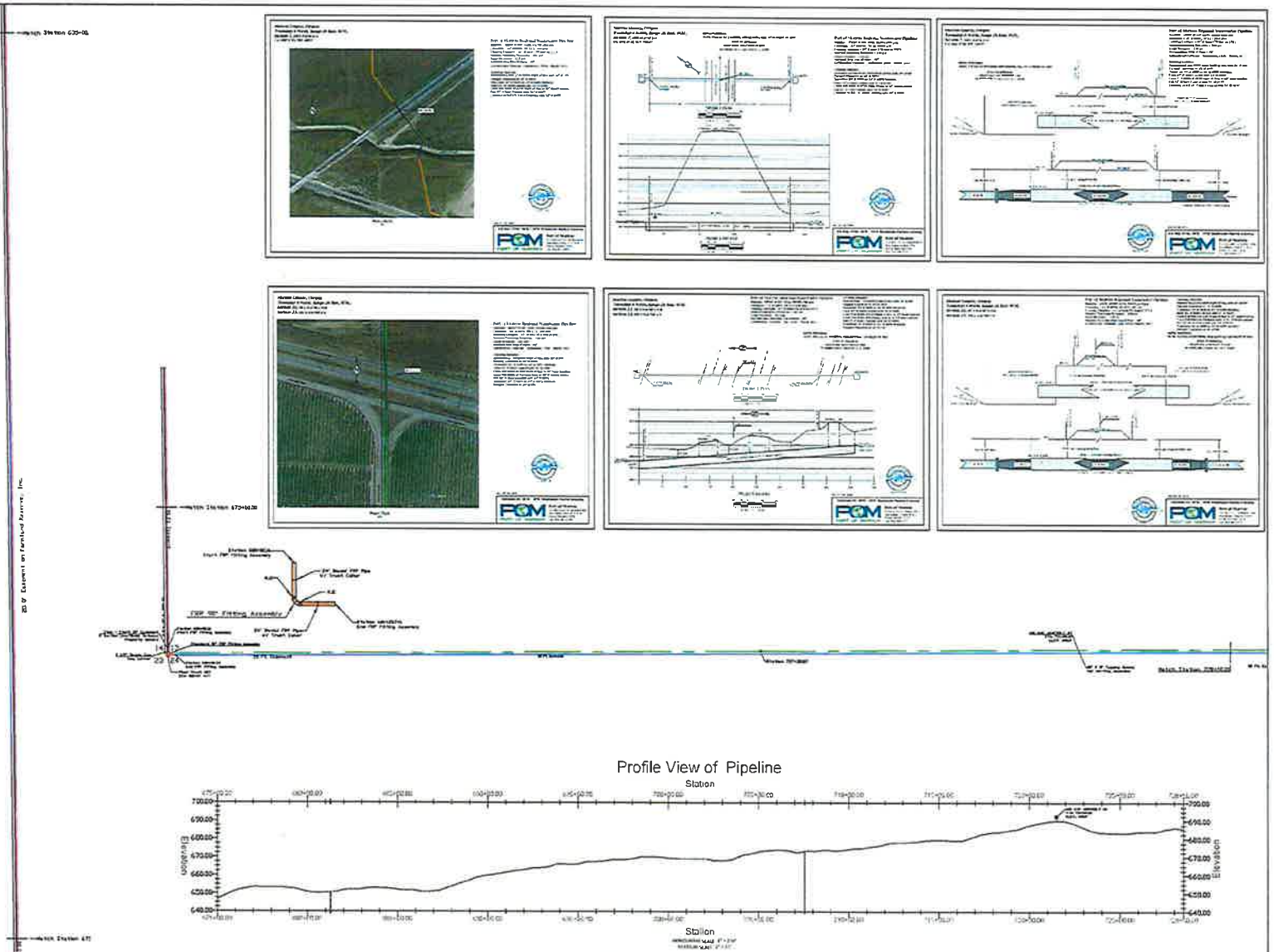
AS-CONSTRUCTED DRAWINGS
 RVM 04-27-2017

LOCATION: BOARDMAN, MORROW COUNTY, OREGON
 OWNER: PORT OF MORROW
 ENGINEER: Ronald V. McKinnis, P.E., WRE
 CONTACT: (541) 481-7678

SHEET NO.
C1.08



Profile View of Pipeline



Profile View of Pipeline

NO.	DATE	REVISION/DESCRIPTION	BY
1	04-27-17	AS-CONSTRUCTED DRAWING	RVM
2	04-27-17	REVISED TO MATCH SHEET C1.08	RVM
3	04-27-17	REVISED TO MATCH SHEET C1.09	RVM
4	04-27-17	REVISED TO MATCH SHEET C1.10	RVM



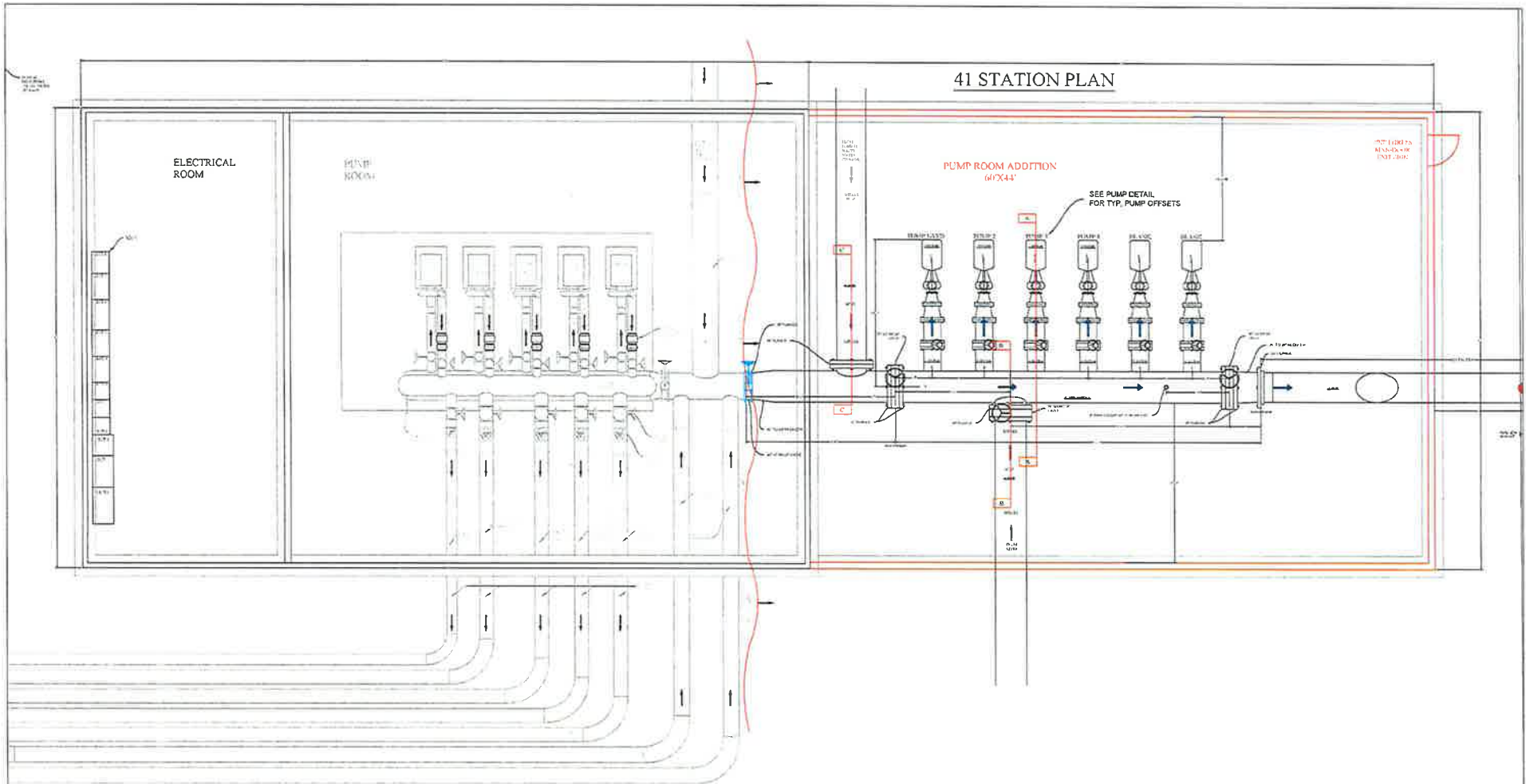
PROJECT: P.D.M. Regional Water Reuse and Re-Use Project
PIPELINE PLAN & PROFILE
 STA: 635+00 TO 728+50
 SCALE 1" = 200 FT. Or As Shown



AS-CONSTRUCTED DRAWINGS
 RVM 04-27-2017

LOCATION: BOARDMAN, MORROW COUNTY, OREGON
 OWNER: PORT OF MORROW
 ENGINEER: Ronald V. McInnis PE, PLS, WRE
 CONTACT: (541) 483-7678

SHEET NO.
C1.09



STAMP: Port Engineer Ronald V. McKinnis PE, PLS, WRE

NO.	DATE	DESCRIPTION	BY:
1	01/17/16	Preliminary Drawing	JKC
2	09/23/16	Preliminary Construction Drawing	JKC
3	10/24/16	41 STATION INTAKE REV.	JKC
4	4/22/17	FINAL PLAN REVIEW	BVM
5	4/28/17	FINAL PLANS FOR SUBMITTAL	BVM

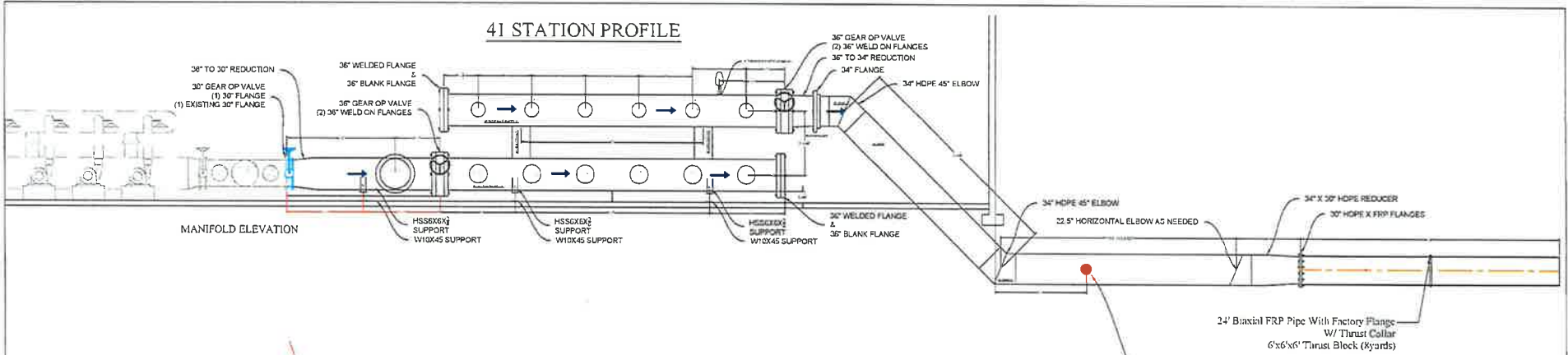


LOCATION: BOARDMAN, MORROW, OREGON
 OWNER: PORT OF MORROW
 DRAWN BY: Jacob K. Cain, EIT
 CONTACT: (541) 481-7678

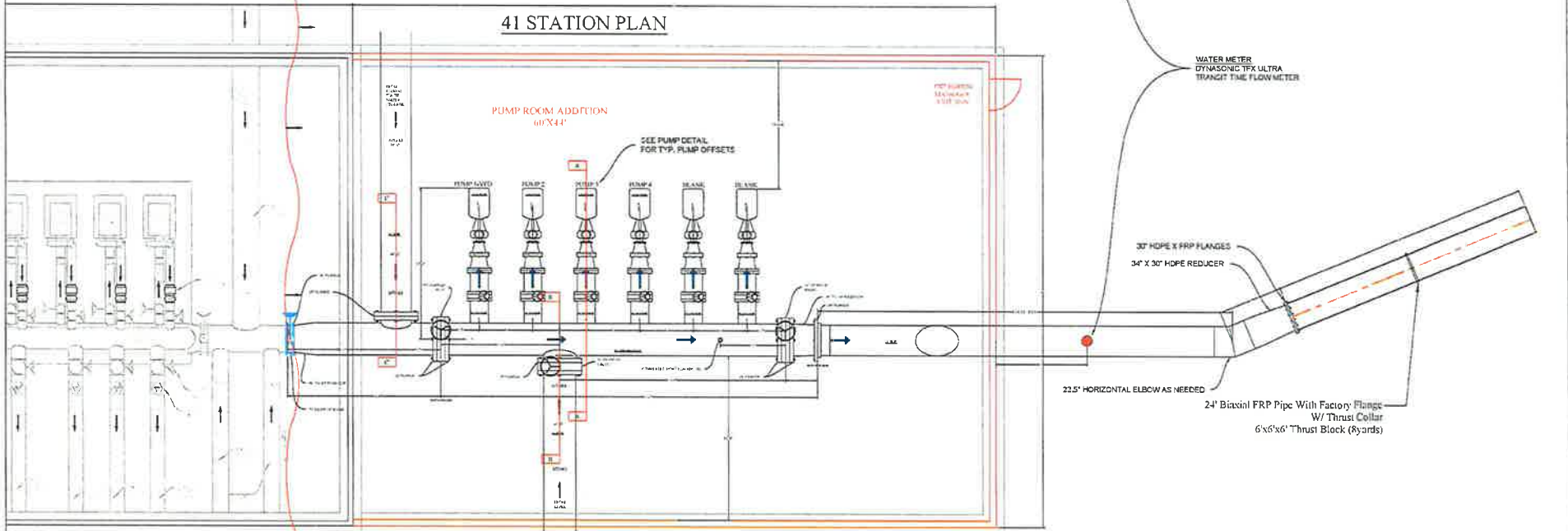
PROJECT: P.O.M REGIONAL WATER RECYCLE AND RE-USE PROJECT
 SHEET TITLE: 41 PUMP STATION BUILDING PLAN

SHEET NO. **C3.0**

41 STATION PROFILE



41 STATION PLAN



STAMP: Port Engineer Ronald V. McKinnis PE, PLS, WRE

REVISIONS		PROJECT NO.
NO.	DATE	DESCRIPTION
1	01/17/16	Preliminary Drawing
2	09/13/16	Preliminary Construction Drawing
3	10/24/16	41 STATION INTAKE REV
4	4/21/17	FINAL PLAN REVIEW
5	4/20/17	FINAL PLANS FOR SUBMITTAL
SHEET SIZE: D		DATE: JAN. 2016

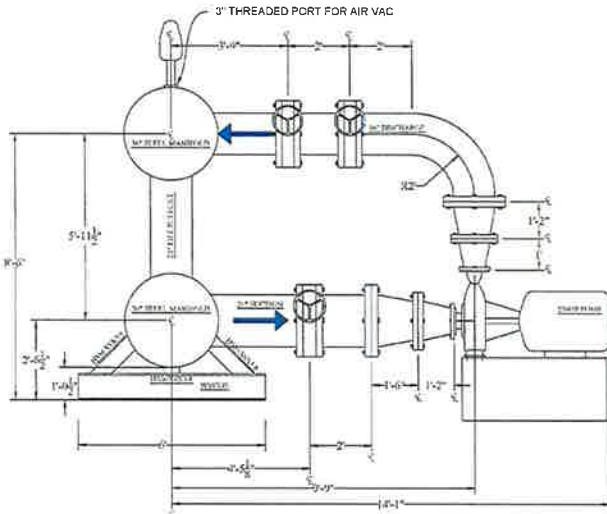


LOCATION: BOARDMAN, MORROW, OREGON
 OWNER: PORT OF MORROW
 DRAWN BY: Jacob K. Cain, EIT
 CONTACT: (541) 481-7678

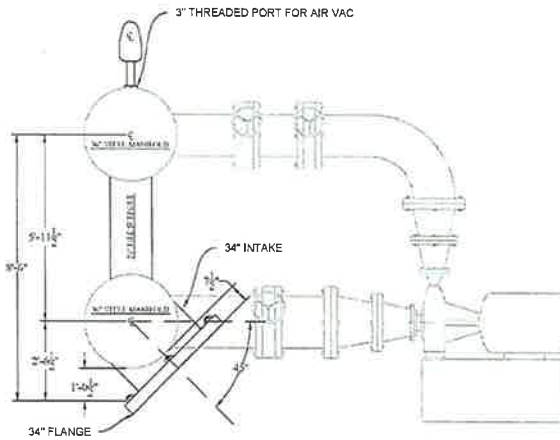
PROJECT: P.O.M REGIONAL WATER RECYCLE AND RE-USE PROJECT
 SHEET TITLE: 41 PUMP STATION PLAN & PROFILE

SHEET NO. **C3.1**

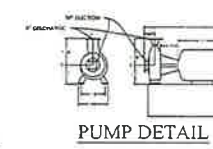
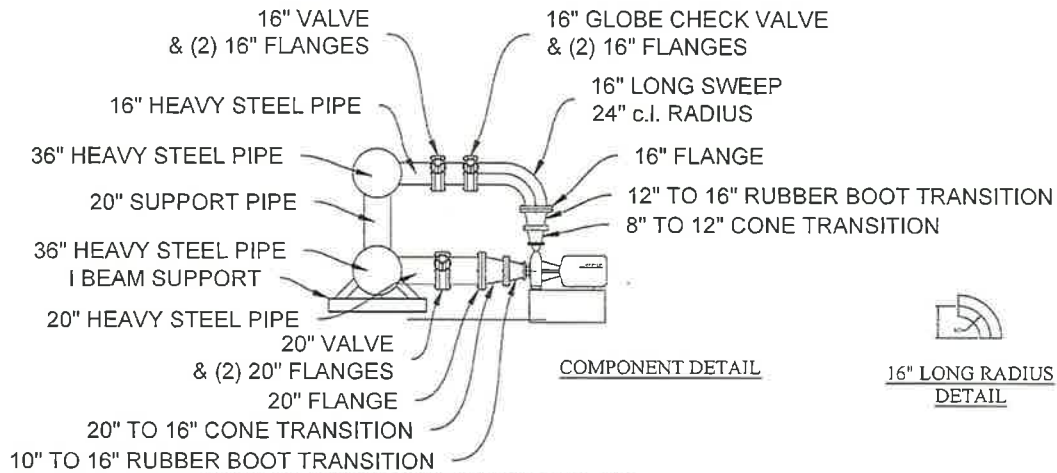
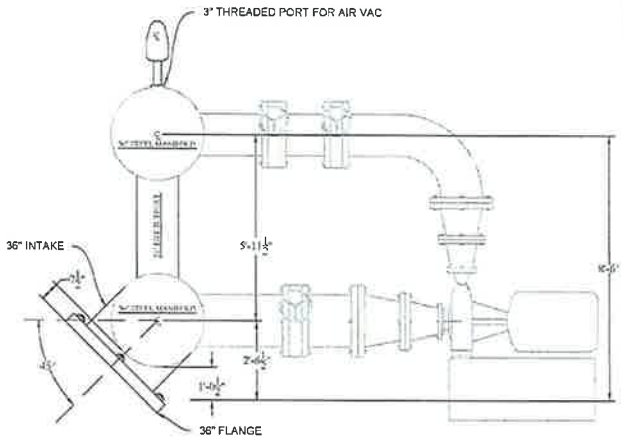
41 STATION SECTION A-A



41 STATION SECTION C-C



41 STATION SECTION B-B



STAMP: Port Engineer Ronald V. McKinnis PE, PLS, WRE

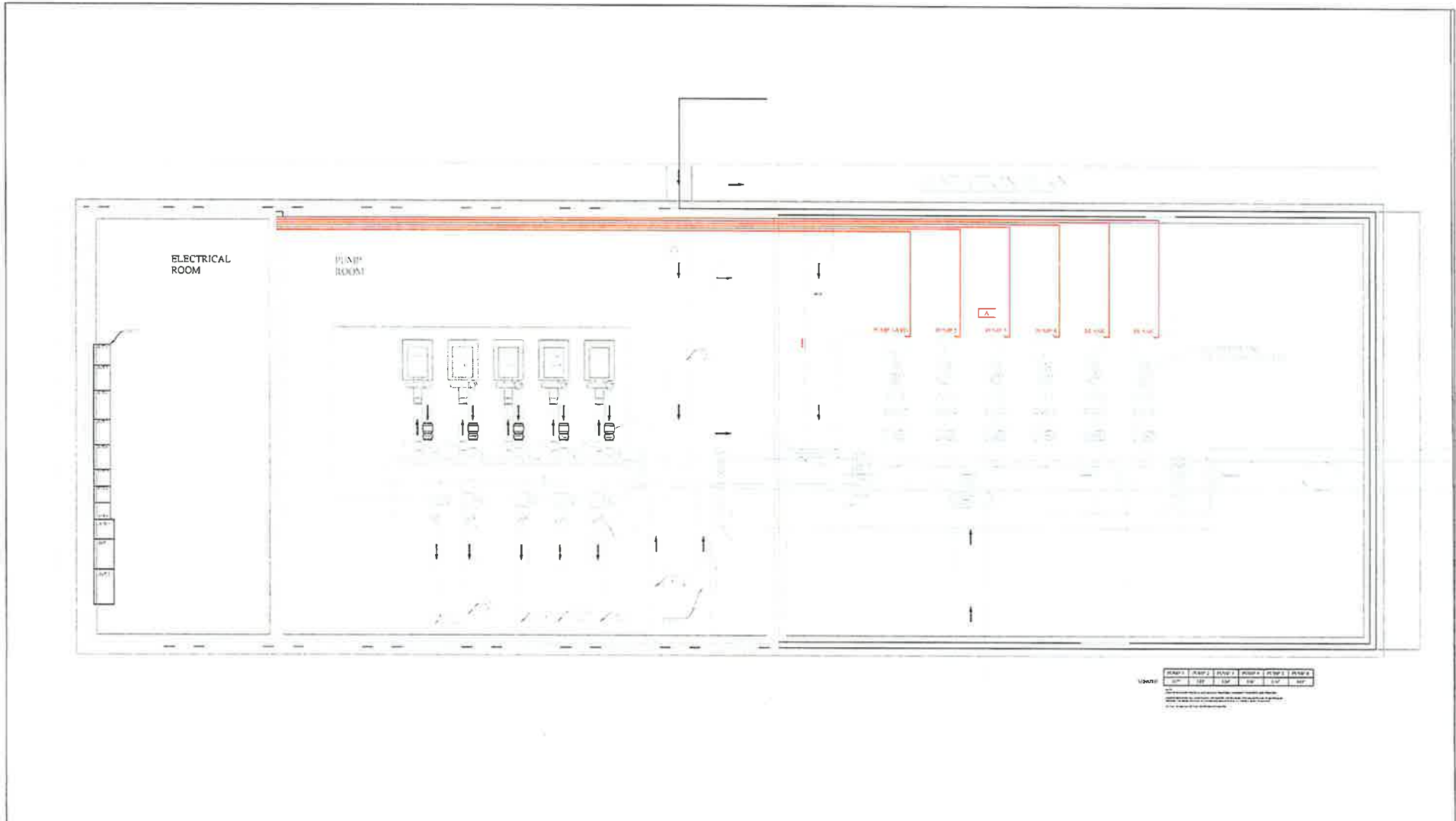
REVISIONS				PROJECT NO.
NO.	DATE	DESCRIPTION	BY	DATE:
1	02/27/26	Preliminary Drawing	JWC	
2	09/23/26	Preliminary Construction Drawing	JWC	
3	10/24/26	41 STATION INTAKE REV	JWC	
4	4/21/27	FINAL PLAN REVIEW	JVM	JAN 2016
5	4/22/27	FINAL PLANS FOR SUBMITTAL	JVM	
SHEET SIZE: D				



LOCATION:	BOARDMAN, MORROW, OREGON
OWNER:	PORT OF MORROW
DRAWN BY:	Jacob K. Cain, EIT
CONTACT:	(541) 481-7678

PROJECT:	P.O.M REGIONAL WATER RECYCLE AND RE-USE PROJECT
SHEET TITLE:	41 PUMP STATION DETAILS

SHEET NO.
C3.2



NO.	DATE	DESCRIPTION	BY
1	01/27/16	Preliminary Drawing	JJC
2	09/24/16	Preliminary Construction Drawing	JJC
3	10/24/16	41 STATION INTAKE REV	JJC
4	11/21/17	FINAL PLAN REVIEW	RVM
5	11/28/17	FINAL PLANS FOR SUBMITTAL	RVM

STAMP: Port Engineer Ronald V. McKinnis PE, PLS, WRE

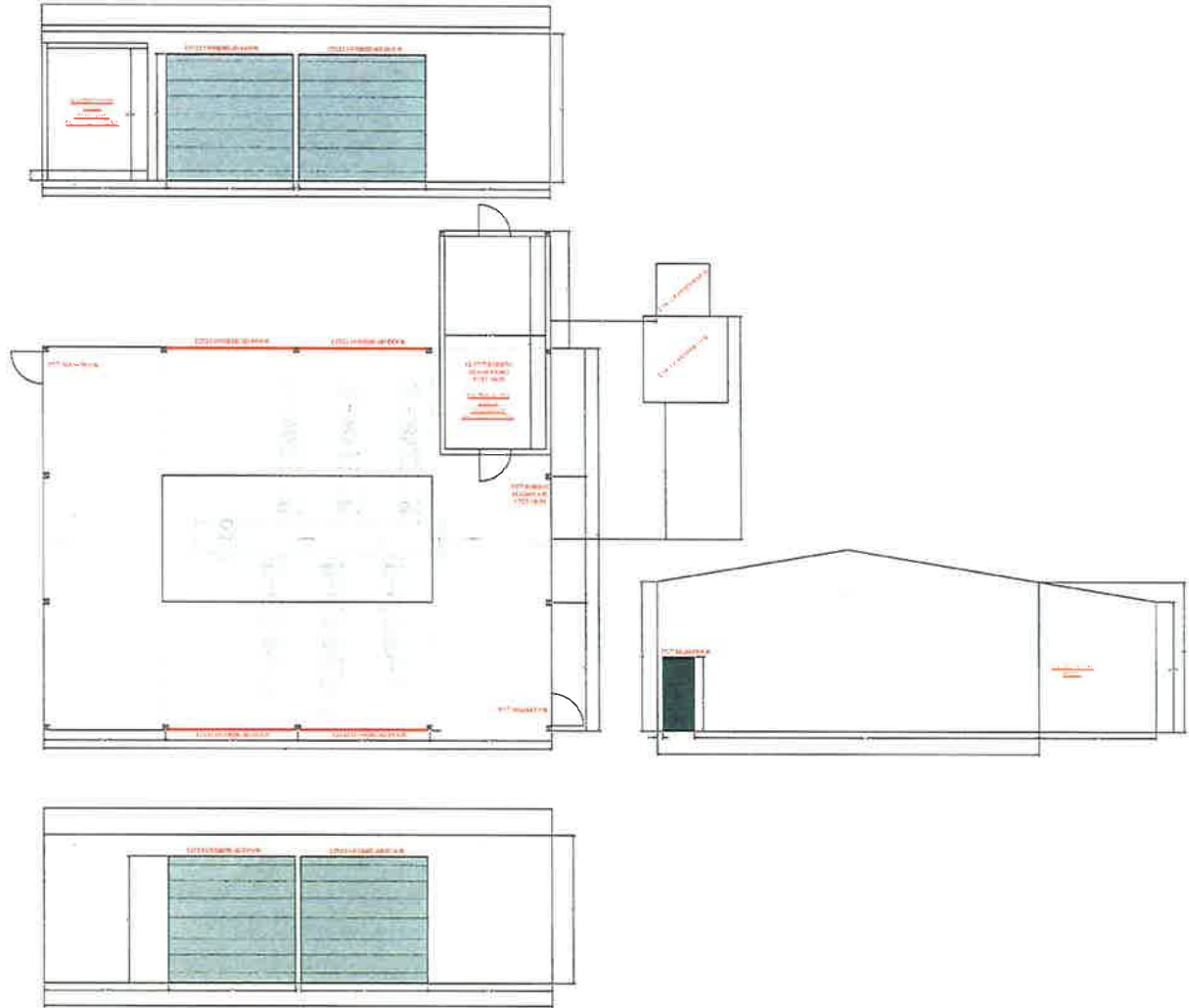
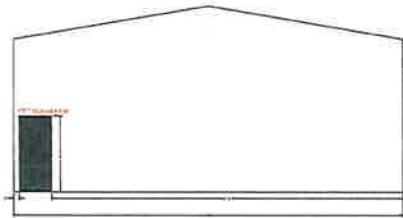
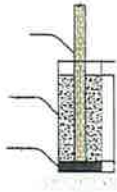
NO.	DATE	DESCRIPTION	BY
1	01/27/16	Preliminary Drawing	JJC
2	09/24/16	Preliminary Construction Drawing	JJC
3	10/24/16	41 STATION INTAKE REV	JJC
4	11/21/17	FINAL PLAN REVIEW	RVM
5	11/28/17	FINAL PLANS FOR SUBMITTAL	RVM



LOCATION: BOARDMAN, MORROW, OREGON
 OWNER: PORT OF MORROW
 DRAWN BY: Jacob K. Cain, EIT
 CONTACT: (541) 481-7678

PROJECT: P.O.M REGIONAL WATER RECYCLE AND RE-USE PROJECT
 SHEET TITLE: 41 PUMP STATION ELECTRICAL LAYOUT PLAN

SHEET. NO. **C3.3**



STAMP: Port Engineer Ronald V. McKinnis PE, PLS, WRE

REVISIONS			
NO.	DATE	DESCRIPTION	BY:
1	01/17/16	Preliminary Drawing	JEC
2	09/23/16	Preliminary Construction Drawing	JEC
3	2/2/17	BLDG Layout Rev	JEC
4	4/21/17	FINAL PLAN REVIEW	RVM
5	4/28/17	FINAL PLANS FOR SUBMITTAL	RVM
PROJECT NO:			
DATE:			
JAN. 2016			
SHEET SIZE: D			



LOCATION:
BOARDMAN, MORROW, OREGON

OWNER: PORT OF MORROW

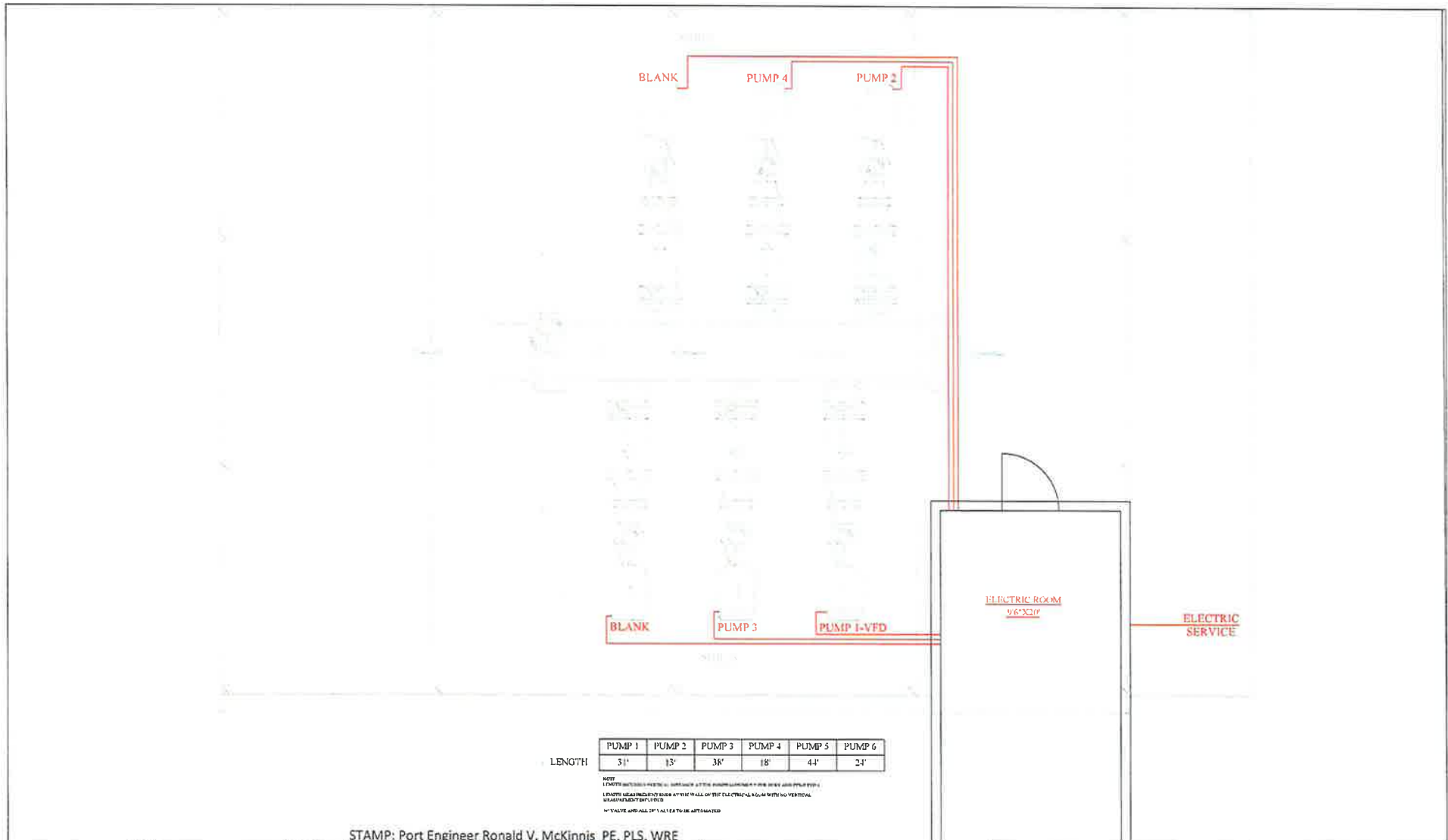
DRAWN BY: Jacob K. Cain, EIT

CONTACT: (541) 481-7678

PROJECT:
P.O.M REGIONAL WATER RECYCLE
AND RE-USE PROJECT

SHEET TITLE:
MADISON BOOSTER STATION
BUILDING PLAN & ELEVATION

SHEET NO.
C4.1



PUMP 1	PUMP 2	PUMP 3	PUMP 4	PUMP 5	PUMP 6
3'	1.5'	3'	18'	4'	24'

LENGTH

NOTE: LENGTHS ARE IN FEET. DIMENSIONS AT THE BOTTOM CORNER OF THE BOX ARE FOR PUMP LENGTHS MEASURED FROM THE CENTER OF THE ELECTRICAL ROOM WITH NO VERTICAL MEASUREMENTS PROVIDED.
 *VALVE AND ALL 2" VALVES TO BE AUTOMATED

STAMP: Port Engineer Ronald V. McKinnis PE, PLS, WRE

REVISIONS				PROJECT NO.
NO.	DATE	DESCRIPTION	BY:	
1	01/27/16	Preliminary Drawing	JIC	
2	09/23/16	Professional Construction Drawing	JIC	
3	4/21/17	FINAL PLAN REVIEW	RVM	DATE: JAN 2016
4	4/28/17	FINAL PLANS FOR SUBMITTAL	RVM	
				SHEET SIZE: D

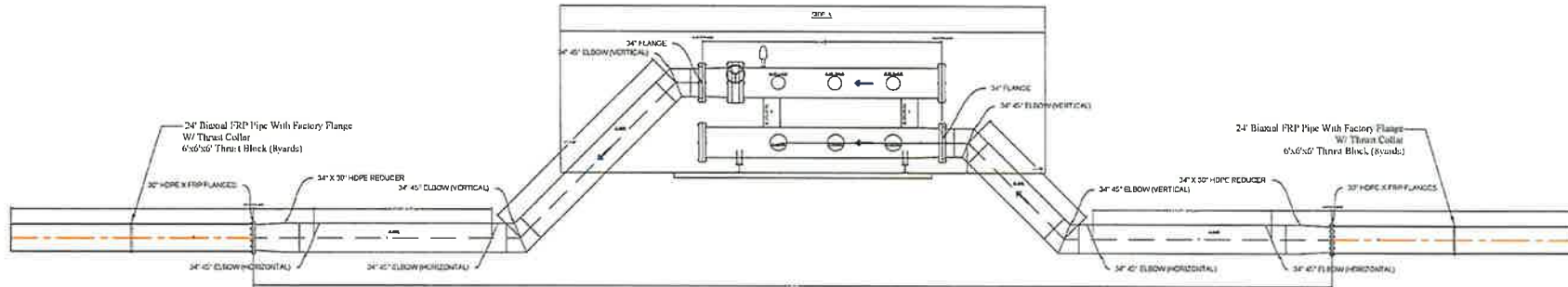


LOCATION: BOARDMAN, MORROW, OREGON
 OWNER: PORT OF MORROW
 DRAWN BY: Jacob K. Cain, EIT
 CONTACT: (541) 481-7678

PROJECT: P.O.M REGIONAL WATER RECYCLE AND RE-USE PROJECT
 SHEET TITLE: I-84 & MADISON BOOSTER STATIONS ELECTRICAL LAYOUT

SHEET. NO. **C4.2**

BOOSTER 1 & 2 PROFILE



STAMP: Port Engineer Ronald V. McKinnis PE, PLS, WRE

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	01/17/16	Preliminary Drawing	JEC
2	01/23/16	Preliminary Construction Drawing	JEC
3	10/24/16	41 STATION INTAKE REV	JEC
4	4/21/17	FINAL PLAN REVIEW	BVM
5	4/28/17	FINAL PLANS FOR SUBMITTAL	BVM

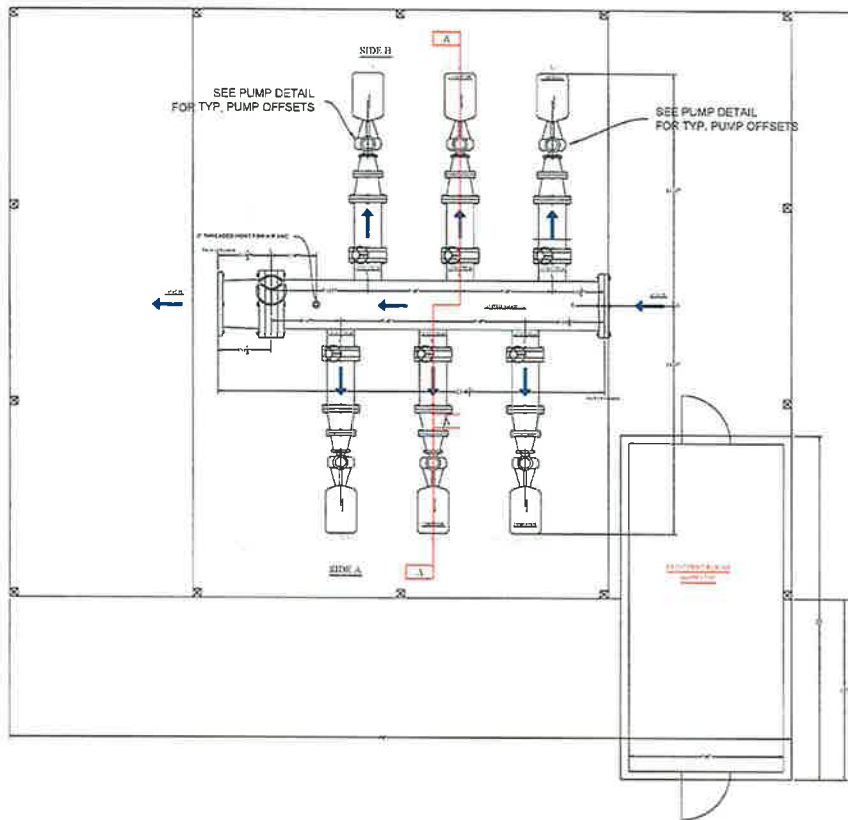
PROJECT NO.
DATE: JAN. 2016
SHEET SIZE: D



LOCATION: BOARDMAN, MORROW, OREGON
OWNER: PORT OF MORROW
DRAWN BY: Jacob K. Cain, EIT
CONTACT: (541) 481-7678

PROJECT: P.O.M REGIONAL WATER RECYCLE AND RE-USE PROJECT
SHEET TITLE: BOOSTER STATIONS 1 & 2 PIPE PROFILE

SHEET NO. **C4.4**



STAMP: Port Engineer Ronald V. McKinnis PE, PLS, WRE

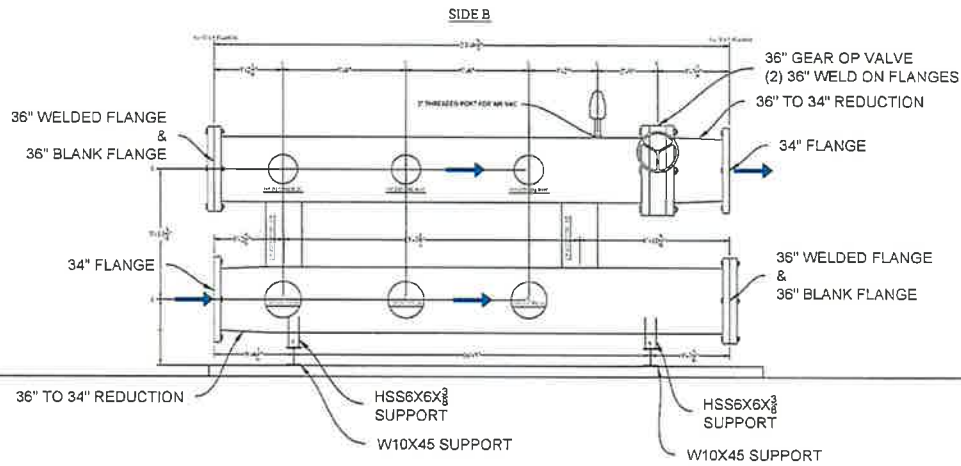
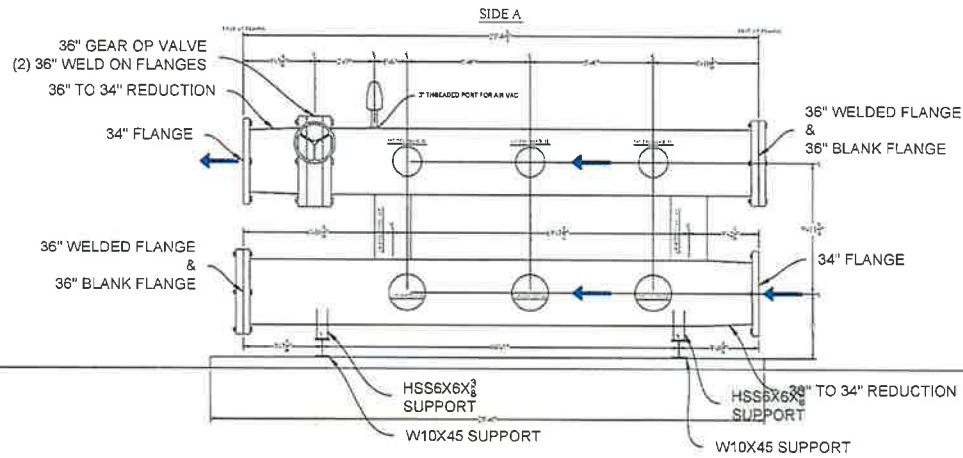
REVISIONS				PROJECT NO.
NO.	DATE	DESCRIPTION	BY	
1	01/27/16	Preliminary Drawing	JEC	
2	02/23/16	Preliminary Construction Drawing	JEC	
3	10/24/16	A1 STATION INTAKE REV	JEC	
4	4/21/17	FINAL PLAN REVIEW	RVM	JAN. 2016
5	4/28/17	FINAL PLANS FOR SUBMITTAL	RVM	
				SHEET SIZE: D



LOCATION: BOARDMAN, MORROW, OREGON
 OWNER: PORT OF MORROW
 DRAWN BY: Jacob K. Cain, EIT
 CONTACT: (541) 481-7678

PROJECT: P.O.M REGIONAL WATER RECYCLE AND RE-USE PROJECT
 SHEET TITLE: BOOSTER STATIONS 1 & 2 MANIFOLD PLAN

SHEET NO. C4.5



STAMP: Port Engineer Ronald V. McKinnis PE, PLS, WRE

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	01/27/16	Preliminary Drawing	JNC
2	09/23/16	Preliminary Construction Drawing	JNC
3	10/24/16	41 STATION INTAKE REV.	JNC
4	4/21/17	FINAL PLAN REVIEW	RVM
5	4/28/17	FINAL PLANS FOR SUBMITTAL	RVM

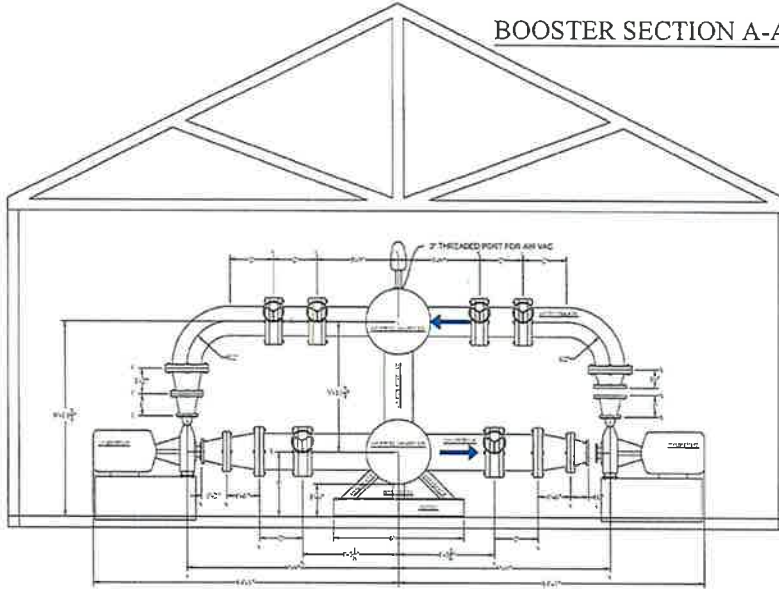


LOCATION: BOARDMAN, MORROW, OREGON
 OWNER: PORT OF MORROW
 DRAWN BY: Jacob K. Cain, EIT
 CONTACT: (541) 481-7678

PROJECT: P.O.M REGIONAL WATER RECYCLE AND RE-USE PROJECT
 SHEET TITLE: BOOSTER STATIONS 1 & 2 MANIFOLD PROFILE

SHEET NO.
C4.6

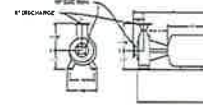
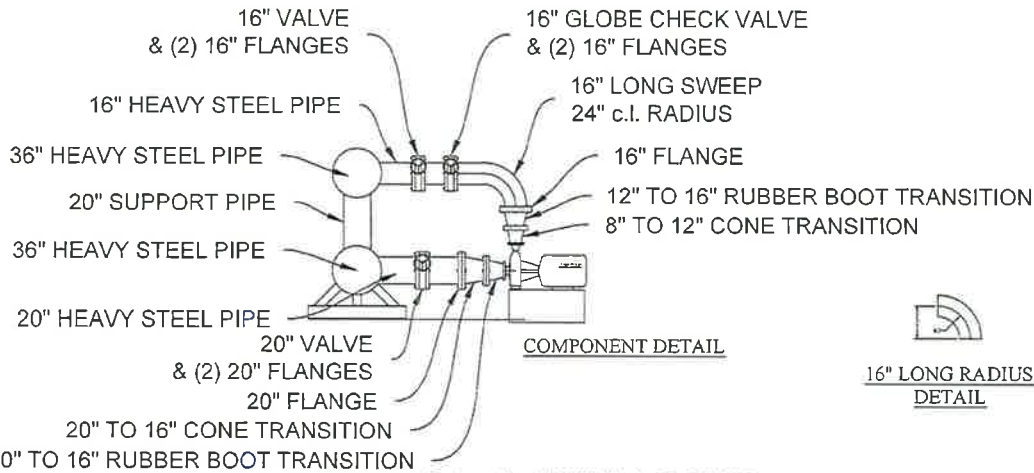
BOOSTER SECTION A-A



MATERIALS LIST (VERIFY QUANTITIES)

EACH STATION	TOTAL FOR ALL TWO STATION STATIONS
(1) 30" WELD ON FLANGES	(6) 30" WELD ON FLANGES
(2) 24" WELD ON FLANGES	(12) 24" WELD ON FLANGES
(1) 2" THREADED WELD ON COUPLING	(2) 2" THREADED WELD ON COUPLING
(2) 1/2" TO 1/4" WELD IN REDUCERS	(4) 1/2" TO 1/4" WELD IN REDUCERS
(1) 20" WELD ON FLANGES	(2) 20" WELD ON FLANGES
(2) 16" WELD ON FLANGES	(4) 16" WELD ON FLANGES
(6) 16" TO 12" STEEL INSULATED CONE TRANSITIONS	(12) 16" TO 12" STEEL INSULATED CONE TRANSITIONS
(4) 10" TO 12" STEEL INSULATED CONE TRANSITIONS	(8) 10" TO 12" STEEL INSULATED CONE TRANSITIONS
(2) 16" BLANK FLANGES WITH GASKET	(4) 16" BLANK FLANGES WITH GASKET
(4) 16" LONG SWEEPS	(8) 16" LONG SWEEPS
(1) 1/2" TH STEEL PIPE	(2) 1/2" TH STEEL PIPE
(1) 20" TH STEEL PIPE	(2) 20" TH STEEL PIPE
(4) 16" TH STEEL PIPE	(8) 16" TH STEEL PIPE
(12) WELDS	(24) WELDS
(1) WIRE BRUSH	(2) WIRE BRUSH

NOTE:
 - ALL PIPE TO BE ELECTR HEAVY FOOT WALL
 - ALL VALVES, RUBBER BOOTS, AIR VACS AND PUMPS TO BE PROVIDED BY OTHERS
 - DIMENSIONS OF VALVES WILL BE SENT IN ADDENDUM
 - THE FABRICATION OF ALL COMPONENTS MUST BE APPROVED BY OWNER BEFORE FABRICATION
 - FLANGES ON INSULATED TRANSITIONS ARE NOT INCLUDED IN THE MATERIALS LIST
 - WELD SPECIFICATION TO BE IN ACCORDANCE WITH AWWA STANDARDS FOR 300" STEEL PIPE (50 PSI OPERATING PRESSURE)



PUMP DETAIL



16" LONG RADIUS DETAIL



SUPPORT DETAIL

STAMP: Port Engineer Ronald V. McKinnis PE, PLS, WRE

NO.	DATE	DESCRIPTION	BY	PROJECT NO.
1	01/17/16	Preliminary Drawing	JJC	
2	09/23/16	Preliminary Construction Drawing	JJC	
3	10/24/16	41 STATION INTAKE REV	JJC	
4	4/21/17	FINAL PLAN REVIEW	RVM	IAN 2016
5	4/28/17	FINAL PLANS FOR SUBMITTAL	RVM	
				SHEET SIZE: D



LOCATION: BOARDMAN, MORROW, OREGON
OWNER: PORT OF MORROW
DRAWN BY: Jacob K. Cain, EIT
CONTACT: (541) 481-7678

PROJECT: P.O.M REGIONAL WATER RECYCLE AND RE-USE PROJECT
SHEET TITLE: BOOSTER STATIONS 1 & 2 MANIFOLD DETAILS

SHEET NO. C4.7

ATTACHMENT 5

“PROMOTING THE REUSE OF OREGON MILL SITES”



Promoting the Reuse of Oregon Mill Sites

Who are we, and what's our project objective?

In 2015, using the [Collective Impact](#) approach, staff from four Oregon agencies teamed up with the goal of creating the first centralized inventory and map of abandoned or diminished wood-product mill sites ("sites"), a significant subset of Oregon's brownfield sites. Using the definition of mill site in [ORS 197.719](#), the team identified shared interests in potential for reuse that addresses cross cutting needs in economic development, environmental restoration, land use, and health - specifically in rural areas.

What's the issue?

The [wood products industry](#) peaked in the 1970s, and since then the industry and wages that the industry supported have experienced a steady decline. Meanwhile, no single statewide inventory or map exists to identify the status, location, or footprint of these sites. The state has no portfolio to market or characterize the extent or magnitude of these sites. Our team's collective expertise with these sites reveals the risks that they pose. Common hazards include: environmental contamination from previous use, fire/arson, vandalism, drug use, and other illegal, unsafe, or blight-producing activities.

What's the opportunity?

Many of these sites are large, close to town centers, residential areas and infrastructure. These properties present real opportunities to address current needs in unmet demand for housing, jobs, healthcare services, community building spaces, and other amenities that support quality of life.

What did the team do?

Our team created the first statewide database of wood-product mill sites including a searchable inventory of over 500 sites (designed to be modified and added to) as well as a GIS map. The map includes indicators of significance to the four agency's shared priorities (i.e. socio-economic, property status, zoning, etc.). Due to disparate data sources and non-uniform data collection practices the map's accuracy (i.e. exact location of former mill sites; current status of the site property, etc.) is a work in progress. The map is available [here](#) and your input to improve the map is welcomed.

How can you get involved?

Help to identify areas in the state where there is interest and support for reusing mill sites to meet economic, environmental, health, or land use goals and priorities. The team is available to collaborate on regionally significant and local efforts. Please share this resource with interested stakeholders interested in site reuse, including community partners.

- Request a presentation from our team; we are happy to present more about this project and navigate the map features, in person or through a webinar.
- Help us to identify priority areas where this resource and the expertise of brownfield and redevelopment staff from our agencies can be leveraged to reuse these sites.
- Contact us with specific requests for information on mill site funding and technical assistance.

Project Contact

Kari Christensen
(971) 673-1211

kari.a.christensen@state.or.us

ATTACHMENT 6

**VISUAL REFERENCES
FOR SUBJECT
PROPERTY**



GREENWOOD
| TREE FARMS |

 **The Collins
Companies**

UPPER COLUMBIA MILL, LLC
— **SAWMILL** —

77200 POLELINE ROAD

HARD HATS & SAFETY GLASSES REQUIRED

PROPERTY PROTECTED
BY
CIVIL SECURITY INC.
(800) 240-0000







PORT OF MORROW
Industrial Park
Boardman, Oregon



MILL SITE
Date Updated: 11/01/2018
Sheet Size: ANSI B (11x17)



Carla McLane, Morrow County Planner

Reference: Transportation Impacts of Zone Change, Former Collins Mill Site.

Background: Tax Lot 3420 of Tax Map 4N 26, 48.60 Acres in Morrow County.
Current Zoning: Rural Resource Industrial (RRI).

Proposed Zoning: Port Industrial (PI).

Analysis: The subject property was rezoned to RRI in 2009 for the purpose of constructing a mill to process the Forest Resource of Cultivated Hybrid Poplars grown on adjacent agricultural lands. Those same lands are presently in the process of being converted from tree crops to conventional crops leaving the mill site to soon become idle. That remaining asset is proposed to be repurposed to another industrial activity and the property rezoned to Port Industrial. From a Transportation perspective the impacts of the change in zoning can be evaluated based on the criteria found within each of the specific Articles of the Morrow County Zoning Ordinance.

Article 3, Section 3.015, F (1) Resource Related Industrial Zone, RRI
Transportation Impacts, Transportation 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.

Having found no TIA in the records for the creation of the RRI zone with respects to the construction of a mill, the assumption is that the use did not propose to generate the necessary equivalent trips per day to require a TIA.

Article 3, Section 3.073, F, Port Industrial Zone, PI
Transportation Impacts, Transportation Impact Analysis (TIA).

Since the site is not located in the influence area of an Interchange, a Traffic Impact Analysis as outlined in the Morrow County Transportation System Plan (TSP) will be required if the necessary thresholds are triggered. (MC OR-2014-1).

From Appendix C of the of the Morrow County TSP, all projects generating more than 400 new daily trips will be required to prepare a TIA.

While the necessity of requiring a Transportation Impact Analysis is based on the proposed project within the site, the comparison of Transportation Impact triggers between the RRI and the PI Zone are primarily equivalent. Thus, merely changing the zoning of the proposed site will not produce a major impact to the local transportation system.

Ronald V. McKinnis PE, PLS, WRE
Port of Morrow Engineer,

Carla McLane

From: Don Rice <Don.Rice@gwrglobal.com>
Sent: Wednesday, October 24, 2018 12:24 PM
To: Carla McLane
Cc: jrcook@northeastoregonwater.org; Gary Neal
Subject: Re: Port Morrow zone change application

Carla,
Yes. Please proceed add you outlined.
Yes. I am authorized to act on this issue.

Thanks,
Don

----- Original message -----

From: Carla McLane <cmclane@co.morrow.or.us>
Date: 10/23/18 5:26 PM (GMT-08:00)
To: Don Rice <Don.Rice@gwrglobal.com>
Cc: "jrcook@northeastoregonwater.org" <jrcook@northeastoregonwater.org>, Gary Neal <GaryN@portofmorrow.com>
Subject: RE: Port Morrow zone change application

Thanks Don.

Does this mean you authorize the Port of Morrow to submit a land use application, consisting of a Comprehensive Plan Amendment to effect a Goal 3 and other necessary Goal exceptions, and to change the Comprehensive Plan designation to Industrial, and to also effect a Zoning Ordinance Map amendment to apply an industrial use zone, either Port or General Industrial, to property owned by GreenWood Resources? And are you authorized to act on GreenWood Resources behalf?

Your reply to this message is much appreciated.
Cordially,
Carla

Carla McLane, MBA
Morrow County Planning Director
205 Third Street NE
Post Office Box 40
Irrigon, Oregon 97844
541-922-4624
cmclane@co.morrow.or.us

From: Don Rice [mailto:Don.Rice@gwrglobal.com]

Sent: Tuesday, October 23, 2018 2:52 PM

To: Carla McLane <cmclane@co.morrow.or.us>

Cc: jrcook [northeastoregonwater.org](mailto:jrcook@northeastoregonwater.org) <jrcook@northeastoregonwater.org>; Gary Neal <GaryN@portofmorrow.com>

Subject: Port Morrow zone change application

Hi Carla,

GreenWood supports the Port of Morrow application process for a zone change on the Upper Columbia Mill site on Poleline Road.

Thank you,

Don Rice

Don Rice

Director, North American Operations

GreenWood Resources

77200 Poleline Road

Boardman, OR 97818

541-667-9220 Office



September 8, 2016

Michael Gorman
Morrow County Assessor
PO Box 247
Heppner, OR 97836

Carla McLane
Enterprise Zone Manager
PO Box 40
Irrigon, OR 97844

Dear Mike and Carla –

Thank you for taking the time to talk with us yesterday. As a result of that discussion, we are providing an update and some more detailed information on what is happening at the Upper Columbia Mill, LLC Sawmill Plant Facility. Our July 21 and August 31 letters were a requirement of the WARN Act and were not meant to convey that the whole Sawmill Plant Facility would no longer be in operation. We are working on an updated WARN Act letter that will clarify this.

The assets that were included in the Enterprise Zone property tax filings consisted of the whole Sawmill Plant Facility, including the Log Yard, Debarker, Chip Mill, Merchandiser and Sawmill. The 56 employees who were reported on the March 2016 exemption claim included the employees working throughout this facility.

The current proposed operating schedule will have Upper Columbia Mill, LLC running the Sawmill Plant Facility well into the future as Upper Columbia Mill, LLC has a current long term contract to provide product to a third party customer as well as Chip agreements and agreements to harvest trees. As an update to our July 21 letter, the Log Yard, Debarker, Chip Mill and the Merchandiser will continue to run beyond October 31, 2016 and in fact beyond December 31, 2016. Only the lumber production is currently scheduled to stop as of September 16, 2016. There will be 12-14 employees who will be retained by either Collins Management or Upper Columbia Mill itself to continue on-going operations at the Sawmill Plant Facility. Log trucks and chip trucks will continue to go in and out of the facility.

Upper Columbia Mill, LLC is actively marketing the entire Sawmill Plant Facility. We believe Upper Columbia Mill, LLC would realize the best value by selling to a buyer that would continue to operate the entire facility, so that is the current strategy.

As you may know, Collins Management currently operates the Sawmill Plant Facility on behalf of the owner, Upper Columbia Mill, LLC. Collins Management expects to continue its management contract through at least the end of 2016. We anticipate continuing to operate the Sawmill Plant Facility after Collins Management's contract ends.

Finally, we want you to know that we are very concerned about the welfare of the employees at the Sawmill Plant Facility and want to make this situation work out in the best possible way for all concerned. If you believe that the course of action we have described in this letter will result in disqualification of the Enterprise Zone exemption, we want to talk with you, as there may still be adjustments we can make to prevent that result.

Sincerely,



Eric L. Schooler
President & CEO
Collins Management Corporation
Representing Upper Columbia Mill, LLC

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

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

This agreement is an extension of a previous 2017 agreement the County had with the Oregon Military Dept. to spray noxious weeds on the Umatilla Army Depot

2. FISCAL IMPACT:

This agreement is worth up to \$7000 for the Morrow County Weed Dept. Money received will be for reimbursement of Labor, Equipment, and Chemicals used on the project as well as administrative costs.

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

Renew agreement as amended. *and authorize Dave Pronger, Morrow County Weed Coordinator to sign the agreement*

Attach additional background documentation as needed.

dave pranger

From: Kate Knop
Sent: Wednesday, January 02, 2019 3:00 PM
To: dave pranger
Subject: RE: ODOT Intergovernmental Agreement

It does. I approve.

Kate Knop

Finance Director
Morrow County
P.O. Box 867
Heppner, OR 97836
541-676-5615 or x5302
kknop@co.morrow.or.us



From: dave pranger
Sent: Wednesday, January 02, 2019 2:59 PM
To: Kate Knop <kknop@co.morrow.or.us>
Subject: RE: ODOT Intergovernmental Agreement

Kate, You are correct. It is not budgeted in the current year. I am going to budget it in the 2019-2020 and will not start working on it till then. Hope that works. Dave

Dave Pranger
Morrow County
Weed Coordinator/Inspector
PO Box 428
Lexington, OR 97836
541-989-9502 (office)
541-240-1743 (cell)

From: Kate Knop
Sent: Wednesday, January 02, 2019 2:55 PM
To: dave pranger <dpranger@co.morrow.or.us>
Subject: RE: ODOT Intergovernmental Agreement

Dave,

It doesn't look like the revenue is budget for 2018-2019. Am I correct? Would this require a budget resolution for the materials & services? Also, the BoC Chair's signature?

Please let me know if I can help with anything else. It seems like we are all playing catch up.

Kate Knop

Finance Director
Morrow County
P.O. Box 867
Heppner, OR 97836
541-676-5615 or x5302
kknop@co.morrow.or.us



From: dave pranger
Sent: Wednesday, January 02, 2019 2:50 PM
To: Kate Knop <kknop@co.morrow.or.us>
Subject: RE: ODOT Intergovernmental Agreement

Kate, Thanks for looking this over. Have you also looked over the other agreement I sent you regarding the Oregon Military Dept. ?

Dave

Dave Pranger
Morrow County
Weed Coordinator/Inspector
PO Box 428
Lexington, OR 97836
541-989-9502 (office)
541-240-1743 (cell)

From: Kate Knop
Sent: Wednesday, January 02, 2019 2:45 PM
To: Justin Nelson <jnelson@co.morrow.or.us>; dave pranger <dpranger@co.morrow.or.us>
Cc: Matt Scrivner <mscrivner@co.morrow.or.us>; Darrell Green <dgreen@co.morrow.or.us>; Roberta Lutcher <rlutcher@co.morrow.or.us>
Subject: RE: ODOT Intergovernmental Agreement

I do not have any fiscal concerns. I would agree with Justin, the BoC Chair signs the agreement.

Kate Knop

Finance Director
Morrow County
P.O. Box 867
Heppner, OR 97836
541-676-5615 or x5302
kknop@co.morrow.or.us



From: Justin Nelson
Sent: Wednesday, January 02, 2019 2:40 PM
To: dave pranger <dpranger@co.morrow.or.us>
Cc: Matt Scrivner <mscrivner@co.morrow.or.us>; Kate Knop <kknop@co.morrow.or.us>; Darrell Green <dgreen@co.morrow.or.us>; Roberta Lutcher <rlutcher@co.morrow.or.us>
Subject: RE: ODOT Intergovernmental Agreement

Dave,

Thank you for sending me a copy of the updated agreement (with the "Draft" removed). I don't have any legal issues with the agreement- seems like we would need to have the BoC chair sign it since it only allows one signature.

-Justin

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

From: Justin Nelson
Sent: Tuesday, December 18, 2018 11:46 AM
To: dave pranger <dpranger@co.morrow.or.us>
Cc: Matt Scrivner <mscrivner@co.morrow.or.us>; Kate Knop <kknop@co.morrow.or.us>; Darrell Green <dgreen@co.morrow.or.us>
Subject: RE: ODOT Intergovernmental Agreement

I will need another version of this document.

Currently the document is watermarked as "Draft", and that version cannot be signed by the BoC.

I attempted to remove the watermark in Word through Design→Watermark→remove watermark, but that completely changed all of the formatting of the document.

Can you please send me a copy of the document that does not have a watermark "Draft" on it, and is in the format that would be presented to the BoC.

Thank you,

-Justin

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

From: dave pranger
Sent: Tuesday, December 18, 2018 8:25 AM
To: Justin Nelson <jnelson@co.morrow.or.us>
Cc: Matt Scrivner <mscrivner@co.morrow.or.us>; Kate Knop <kknop@co.morrow.or.us>; Darrell Green <dgreen@co.morrow.or.us>
Subject: ODOT Intergovernmental Agreement

Justin,

Could you please review the attached ODOT Intergovernmental Agreement. It is basically an agreement saying it is ok for Gilliam County to spray I-84 at the Gilliam County line to Tower Road and that Morrow County is OK with letting them work in Morrow County. I am not set up equipment wise to spray both sides of the Interstate and Gilliam County is and has done it in the past. If you have any questions please let me know.

Thanks, Dave Pranger

Dave Pranger
Morrow County
Weed Coordinator/Inspector
PO Box 428
Lexington, OR 97836
541-989-9502 (office)
541-240-1743 (cell)



STATE OF OREGON
OREGON MILITARY DEPARTMENT
INTERGOVERNMENTAL AGREEMENT

AMENDMENT 1
IGA Number 24800-17-0002

Camp Umatilla Noxious Weed Eradication

This Amendment to Intergovernmental Agreement 24800-17-0002 is between the State of Oregon, acting by and through its Military Department, hereafter called "OMD" or "Agency", and Morrow County Department of Public Works Weed Control Program, hereafter called "Morrow County" or "Contractor". Each a "Party" and together, the "Parties".

As of the date the Amendment has been fully executed by the Parties and all required State of Oregon approvals have been obtained (the "Effective Date"). This Amendment revises the above-referenced Intergovernmental Agreement as follows

RECITALS

The purpose of Amendment 1 is to:

- Extend the Agreement Term.
- Update the Statement of work.

In consideration of the mutual promises contained herein, and for other good and valuable consideration described herein, the Parties agree as follows:

AGREEMENT

1. Section 4 of the IGA is Amended to read as follows: (old language is indicated by ~~strike through~~. New language is indicated by **Bold Underline**)

SECTION 4 TERM

This agreement, bearing the signatures of the Parties, shall become effective on September 30, 2016 ("Effective Date"). Unless otherwise terminated or extended in accordance with Section 16 of this agreement, this agreement shall expire on December 31, ~~2018~~ **2020** (the "Agreement "Term").

2. Exhibit A Statement of Work is Amended as follows"

Exhibit A Statement of work is replaced in its entirety by Exhibit A 2019 Statement of Work and Figure 1, Camp Umatilla Proposed 2019 Rush Skeleton Weed Treatment Area PDF attached to this Amendment.

3. **Remaining Contract Provisions; Representations and Warranties.** Except as expressly amended by this Amendment or by any previous amendment(s), the Parties understand and agree that all other terms and conditions of the original Agreement remain in full force and effect. The Parties certify that the representations, warranties and certifications contained in the original Agreement and any amendment(s) thereto (if applicable) remain true and correct as of the Effective Date of this Amendment. The "Recitals" set forth above are incorporated by this reference into the body of the "Agreement" section of this Amendment.

THE PARTIES acknowledge that they have read and understand this Amendment, and agree to be bound by its terms and conditions as of the Effective Date.

STATE OF OREGON acting by and through its Oregon Military Department.

James G. Arnold Chief Environmental Branch

Date

Morrow County Department of Public Works Weed Control Program

Printed name and Title

Signature

Date

Approved for Legal Sufficiency in accordance with ORS 291.047

Not required for this Amendment

DOJ Attorney

Date

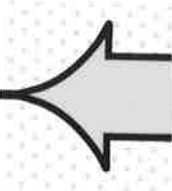


EXHIBIT A

2019 STATEMENT OF WORK

Camp Umatilla Noxious Weed Eradication

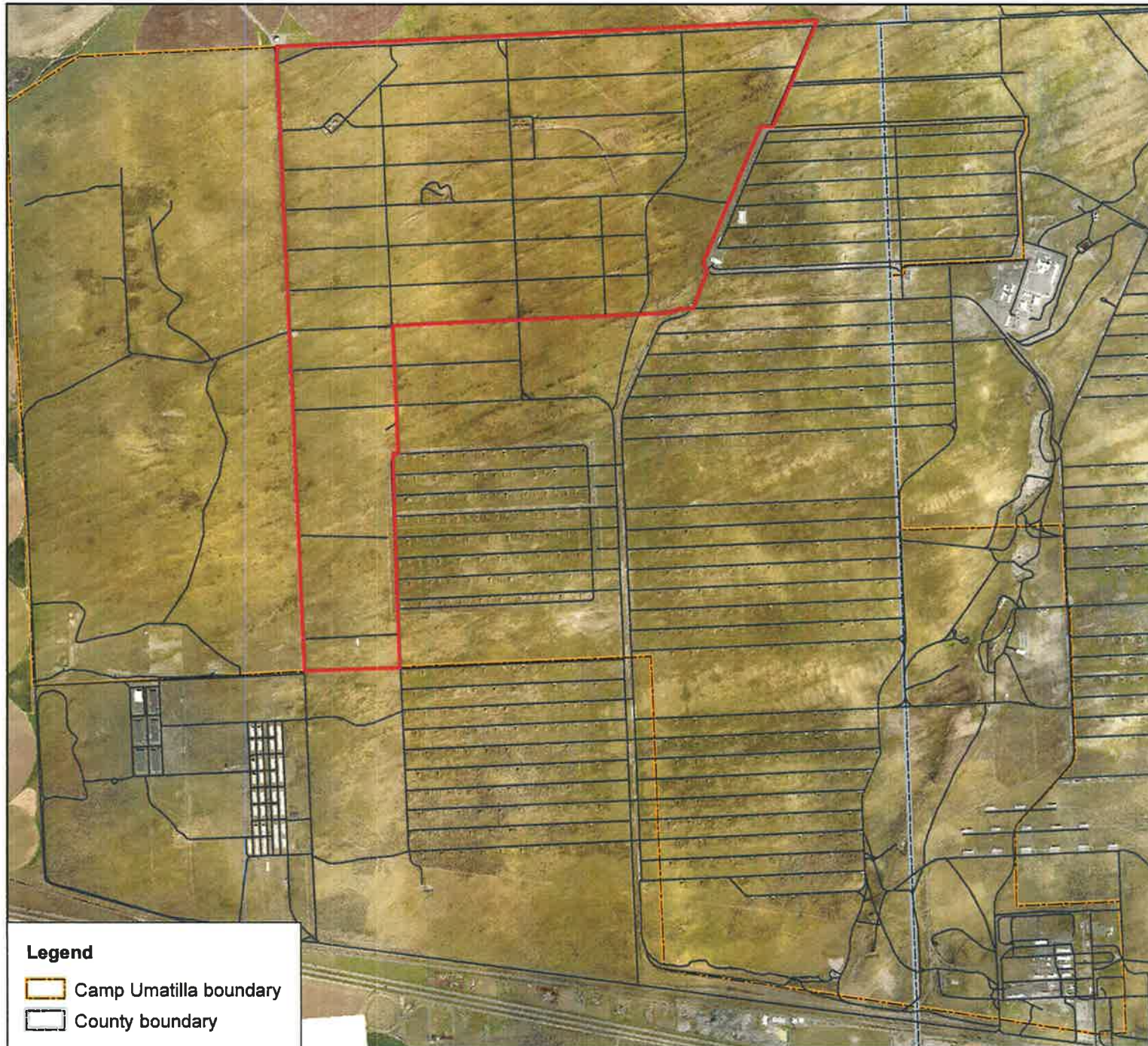
1. **Performance by OMD** - During the term of this Agreement, OMD shall perform the following:
 - a. Identify and designate a specific point-of-contact (“POC”) for Morrow County to facilitate data gathering and communication. The OMD POC shall be responsible for coordinating and forwarding all related information to applicable personnel for review and distribution. The OMD POC shall be responsible for posting and publishing all OMD internal notices related to this agreement. The OMD POC shall serve as the liaison between Morrow County and staff at Camp Umatilla to coordinate and schedule weed eradication work and project meetings that may be needed.
 - b. Designate accessible and non-accessible areas on Camp Umatilla for herbicide applications.
 - c. Provide all necessary safety and security briefings.
 - d. Obligate a maximum, not-to-exceed amount of \$7,000.00 in Federal Fiscal year 2019 (“FFY19”) to conduct the work.

2. **Performance by Morrow County** - During the term of this Agreement, Morrow County shall perform the following:
 - a. Conduct herbicide application to Morrow County-designated “A” List and “B” List noxious weeds, primarily rush skeletonweed (*Chondrilla juncea*), diffuse knapweed (*Centaurea diffusa*), and puncturevine (*Tribulus terrestris*) along the approximately 27 miles of roads and trails on accessible portions of OMD’s Camp Umatilla shown in red on Figure 1. Targeted noxious weeds on up to 20 acres, which are detected off of roads, may be sprayed, if the weeds are accessible and spraying can be accomplished safely. Roadside areas on Camp Umatilla where noxious weeds were treated in 2017 may be surveyed and re-treated if new noxious weeds are found. Morrow County shall be responsible for selecting and purchasing appropriate herbicide products, scheduling effective herbicide application times on Camp Umatilla, and reporting herbicide application dates, locations, and product quantities to OMD on a quarterly basis.
 - b. The scope of work and level of effort is based on OMD’s estimate of 27 miles of road (approximately 72 acres of roadsides), use of approximately 5 gallons of Milestone, 5 gallons of Syltac, 2.5 gallons of Crosshair, and 60 hours of labor and equipment use.
 - c. Submit invoices for payment of services to the OMD periodically, but no more frequently than monthly, up to the agreed-upon maximum, not-to-exceed amount.



3. Deliverable products by Morrow County for the Camp Umatilla work will consist of:

- a. Applying one or more effective herbicides to the primary target “A” List and “B” List weeds along approximately 27 miles of roadsides and on up to 20 acres away from roads on OMD’s Camp Umatilla in Morrow County during the 2019 growing season.
- b. Submitting herbicide application reports to the OMD POC for each quarter calendar year when herbicides are applied. Reports are due within 30 days following the end of the previous quarter.

Figure 1.
Camp Umatilla
Proposed 2019
Rush Skeletonweed
Treatment Area



Legend

-  Camp Umatilla boundary
-  County boundary



0 0.25 0.5 Miles
0 0.25 0.5 Kilometers



DRAFT The information on this map is for planning purposes only. This information is not adequate for legal boundary definition, regulatory interpretation, or parcel-level analysis. The exact boundaries depicted on this map are based on the best available information existing at this time. This map is a "living document", in that it is intended to change as new data become available and is incorporated into the Enterprise GIS database. No warranty is made by the Oregon Military Department as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.

Author: Jeff Mech (AGI-E)
2 AUG 2018

dave pranger

From: Justin Nelson
Sent: Tuesday, December 18, 2018 2:19 PM
To: dave pranger
Cc: Matt Scrivner; Kate Knop; Darrell Green; Richard Tovey
Subject: RE: Army Depot IGA renewal
Attachments: Draft_MorrowCo_2019_Noxious_Weed_IGA_v2.pdf; Old Army IGA 2017.pdf

Dave,

Thank you very much for sending the new and the old one, that helped out get this review done quickly. I also have to say I like how the Feds did the amendment- really clear what is being changed (just the date).

Since the date is the only aspect changing, I do not have any concerns with this going before the BoC.

Thank you,
-Justin

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

From: dave pranger
Sent: Tuesday, December 18, 2018 12:17 PM
To: Justin Nelson <jnelson@co.morrow.or.us>
Cc: Matt Scrivner <mscrivner@co.morrow.or.us>; Kate Knop <kknop@co.morrow.or.us>; Darrell Green <dgreen@co.morrow.or.us>
Subject: Army Depot IGA renewal

Justin, Here is another IGA for review for spraying on the Army Depot. I have included a copy of the old IGA for reference. Thanks, Dave

Dave Pranger
Morrow County
Weed Coordinator/Inspector
PO Box 428
Lexington, OR 97836
541-989-9502 (office)



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

(For BOC Use)
Item #
6c

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

Staff Contact: Matt Scrivner
Department: Public Works / Road
Short Title of Agenda Item:
(No acronyms please)

Phone Number (Ext): 541-989-8584
Requested Agenda Date: 1/09/2019

Amend Intergovernmental agreement with ODOT (Amendment 1 to Agreement No. 32141)

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: 5-10 minutes
Purchase Pre-Authorization
Other

N/A
Purchase Pre-Authorizations, Contracts & Agreements
Contractor/Entity: State of Oregon
Contractor/Entity Address:
Effective Dates - From: 6/22/2017 Through:
Total Contract Amount: None Budget Line:
Does the contract amount exceed \$5,000? Yes No

Reviewed By:
[Signature] 1-2-19 Department Head Required for all BOC meetings
[Signature] 1/7/19 Admin. Officer/BOC Office Required for all BOC meetings
Approved by council 1-2-19 (Attached) County Counsel *Required for all legal documents
Finance Office *Required for all contracts; other items as appropriate.
Human Resources *If appropriate
*Allow 1 week for review (submit to all simultaneously). When each office has notified the submitting department of approval, then submit the request to the BOC for placement on the agenda.

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

AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

(Page 2 of 2)

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

ODOT has requested to fence the Morrow County property on the North end of Bombing Range road for security purposes. This property is owned by Morrow County and we have an agreement with ODOT for the sand storage facility that was constructed last year. Do to security and safety reasons of employees entering this site at all times of the day and night ODOT has requested to fence the property at their expense. I agree with the fencing project for security and safety reasons and appreciate ODOT willing to fund this project. The agreement at this site has been a good working relationship and want to continue it in the future. This is an amendment to the original agreement dated 6/22/2017.

2. FISCAL IMPACT:

None

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

Motion to sign Amendment No. 01 intergovernmental agreement Salt/Equipment storage Morrow County original agreement entered into on 6/22/2017.

Attach additional background documentation as needed.

Matt Scrivner

From: Justin Nelson
Sent: Wednesday, January 2, 2019 12:03 PM
To: Matt Scrivner; Richard Tovey
Cc: Darrell Green; Kate Knop; Eric Imes; Sandra Pointer
Subject: RE: ODOT agreement
Attachments: 32141-01 Morrow salt amend final.doc

I have had a chance to review the amendment and do not have any concerns. It spells out very clearly the parts being amended, and it appears to really be a benefit to the County. If/when the agreement ends, then we have the say on if we want the fence kept or taken down.

-Justin

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

From: Matt Scrivner
Sent: Wednesday, January 2, 2019 10:44 AM
To: Justin Nelson <jnelson@co.morrow.or.us>; Richard Tovey <rtovey@co.morrow.or.us>
Cc: Darrell Green <dgreen@co.morrow.or.us>; Kate Knop <kknop@co.morrow.or.us>; Eric Imes <eimes@co.morrow.or.us>; Sandra Pointer <spointer@co.morrow.or.us>
Subject: ODOT agreement

Justin

Please find attached an agreement from ODOT for the North Bombing Range road sand facility. This is property of Morrow County that we have given ODOT permission for a salt shed to be placed on the property. They are now asking to fence the property for security reasons. I have no issue with the fence or agreement. They are also discussing with the Port of Morrow to fence the Southern border which is on Port of Morrow property. This sand storage area is the only area we have on the North end of the county for sand storage and it has always been a great working relation with ODOT as we supply a loader all winter and they supply the sanding material. Looking to get this on the BOC agenda for January 9th.

Matt Scrivner

Public Works Director
Morrow County Public Works
365 W. Hwy 74

**AMENDMENT NUMBER 01
INTERGOVERNMENTAL AGREEMENT
Salt/Equipment Storage
Morrow County**

This is Amendment No. 01 to the Agreement between the **State of Oregon**, acting by and through its Department of Transportation, hereinafter referred to as "ODOT," and **Morrow County**, acting by and through its elected officials, hereinafter referred to as "Agency," entered into on 6/22/2017.

It has now been determined by State and Agency that the Agreement referenced above shall be amended to change the scope of the Project to include the installation of a perimeter fence and to update Agency's contact information.

1. **Effective Date.** This Amendment shall become effective on the date it is fully executed and approved as required by applicable law.
2. **Amendment to Agreement.**

"Exhibit C" shall be added to this Agreement as "Perimeter Fence Map". "Perimeter fence map" shall hereinafter be referred to as "Exhibit C."

a. Terms of Agreement, Paragraph 1, Page 1, which reads:

1. Under such authority, State and Agency agree to Agency allowing ODOT to store materials and equipment; as well as have ODOT construct a pre-fabricated membrane-covered storage structure on Agency right of way, in which to store said materials and equipment, hereinafter referred to as "Project." The location of the Project is approximately as shown on the sketch map attached hereto, marked Exhibit A, and by this reference made a part hereof.

Shall be deleted in its entirety and replaced with the following:

1. Under such authority, State and Agency agree to Agency allowing ODOT to store materials and equipment; as well as have ODOT construct a pre-fabricated membrane-covered storage structure and install a perimeter fence on Agency right of way. The fence and storage structure will hereinafter referred to as "Project." The location of the Project is approximately as shown on the sketch maps attached hereto, marked Exhibit A, Exhibit B, and Exhibit C, and by this reference made a part hereof.

b. Agency Obligations, Paragraph 8, which reads:

8. Agency's Project Manager for this Project is Burke O'Brien, Public Works Director, Morrow County, P.O. Box 428, Lexington, Oregon 97839. Phone: (541) 989-9500, bobrien@co.morrow.us, or assigned designee upon individual's absence. Agency shall notify the other Party In writing of any contact information changes during the term of this Agreement.

Shall be deleted in its entirety and replaced with the following:

8. Agency's Project Manager for this Project is Matt Scrivner, Public Works Director, Morrow County, P.O. Box 428, Lexington, Oregon 97839. Phone: (541) 989-9500, mscrivner@co.morrow.us, or assigned designee upon individual's absence. Agency shall notify the other Party In writing of any contact information changes during the term of this Agreement.

c. Insert new Agency Obligations, Paragraph 6, Page 2, to reads as follows:

6. Agency shall allow ODOT to install a perimeter security fence along Agency right of way. ODOT will be responsible for all costs for the materials, installation, and maintenance of the perimeter fence throughout the life of this Agreement. The location of the fence is approximately as shown on the perimeter fence map attached hereto, marked Exhibit C, and by this reference made a part hereof.

d. Insert new Agency Obligations, Paragraph 7, Page 2, to reads as follows:

7. Upon termination of the Agreement, Agency shall submit a written request to either leave the perimeter fence in place, or have ODOT remove the perimeter fence at ODOT's expense. If the Agency requests that the fence remain in place, Agency shall assume all maintenance, cost, and responsibility for the fence, and ODOT will be released from any further obligations in regards to the perimeter fence.

e. Agency Obligations, Paragraphs 1 through 8, shall be hereinafter re-numbered as Paragraphs 1 through 10.

f. Insert new ODOT Obligations, Paragraph 3, page 2, to read as follows:

3. ODOT or their contractor shall install a perimeter fence on the border of Agency's right of way as defined on Exhibit C. ODOT shall be responsible for all costs associated with the installation of the Perimeter fence, after installation is completed, ODOT shall be responsible for maintaining fence throughout the life of the Agreement at ODOT's expense.

g. ODOT Obligations, Paragraphs 1 through 12, shall be hereinafter re-numbered as Paragraphs 1 through 13.

1. **Counterparts.** This Amendment may be executed in two or more counterparts (by facsimile or otherwise) each of which is an original and all of which when taken together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.
2. **Original Agreement.** Except as expressly amended above, all other terms and conditions of the original Agreement are still in full force and effect. Agency certifies that the representations, warranties and certifications in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

Signature Page to Follow:

Agency/State
Agreement No. 32141-01

Morrow County, by and through its
Board of Commissioners

By _____
Commissioner

Date _____

By _____
Commissioner

Date _____

By _____
Commissioner

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
Agency Counsel

Date _____

Agency Contact:
Matt Scrivner, Public Works Director
Morrow County
P.O. Box 428
Lexington, Oregon 97839
(541) 989-9500
mscrivner@co.morrow.us

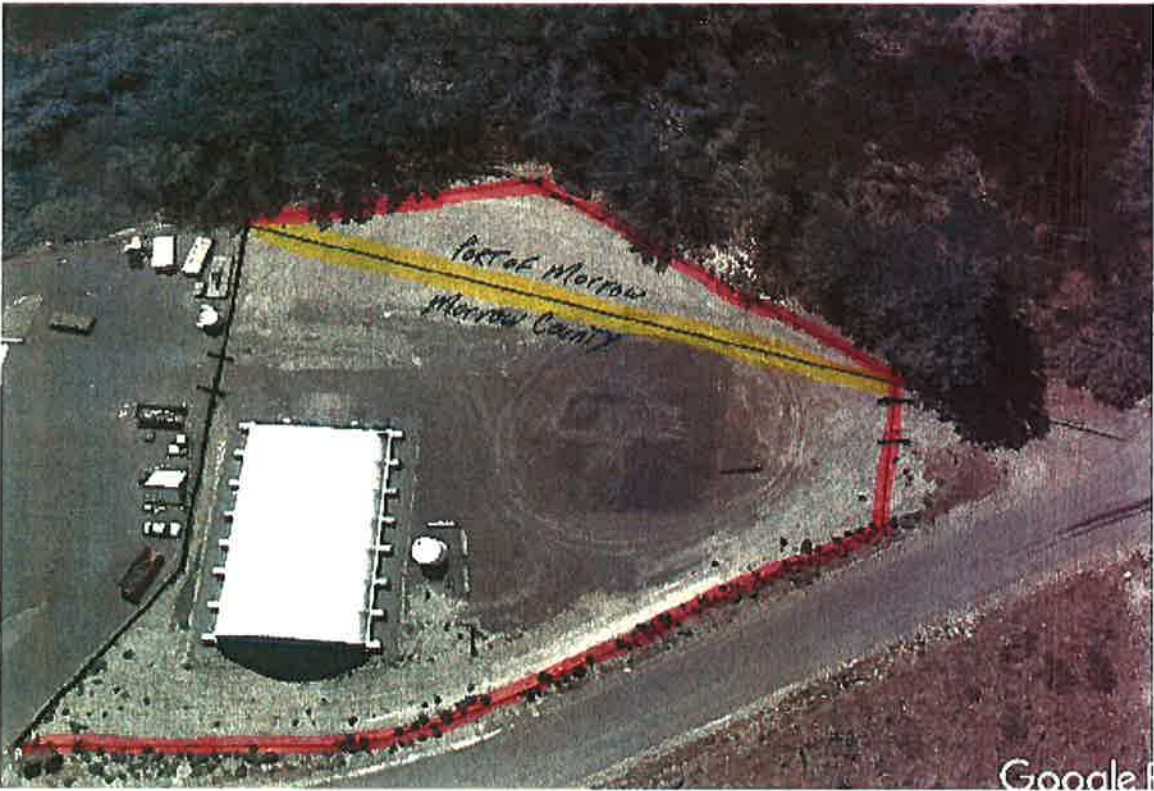
STATE OF OREGON, by and through
its Department of Transportation

By _____
Region 5 Manager

Date _____

ODOT Contact:
Tina M. Ely, Construction Project Manager
ODOT Facilities Construction & Special
Projects
3700 SE 92nd Avenue
Portland, OR 97266
(503) 731-4568
Tina.M.Ely@odot.state.or.us





— Fence
— Existing Fence

Exhibit C Perimeter Fence Map

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

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

Amendment to the 2017 fund exchange agreement dated November 9, 2017. The amendment adds language for Americans with Disabilities Act compliance.

2. FISCAL IMPACT:

None

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

Motion to sign Amendment No. 01 2017 fund exchange agreement overlay on various county roads in Morrow County dated November 9, 2017.

Attach additional background documentation as needed.

Matt Scrivner

From: Richard Tovey
Sent: Wednesday, December 26, 2018 9:37 AM
To: Matt Scrivner
Cc: Justin Nelson
Subject: Re: Amendment to 2017 Fund Exchange agreement

Matt-

Do you see this language causing any problems for future projects? I imagine that if the county had projects that ADA applied to that the county would comply. I don't have any issues with the amendment. It seems to be pretty standard language.

Thanks-
Rich

Richard S. Tovey
Deputy District Attorney
Morrow County District Attorney's Office

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Matt Scrivner
Sent: Wednesday, December 26, 2018 8:01 AM
To: Justin Nelson; Richard Tovey
Cc: Darrell Green; Kate Knop; Sandra Pointer
Subject: Amendment to 2017 Fund Exchange agreement

Justin

Attached you will find an amendment to the 2017 Fund Exchange agreement with ODOT. After discussing with our local liaison on why they are requesting this as it doesn't pertain to our project as we are not required to make ADA improvements on outlying roads, He stated that this was going to be part of all agreements to make sure that ODOT is covering their responsibility of the ADA settlement. I don't have any issue with the amendment and its holding up the process of us being reimbursed for last year's fund exchange project. I would like to get your approval this week if possible and get it on the BOC agenda for January 9th.

Matt Scrivner

Public Works Director
Morrow County Public Works
365 W. Hwy 74
Lexington, Oregon 97839
1-541-989-8584 (office)
1-541-980-7468 (cell)

**AMENDMENT NUMBER 01
2017 FUND EXCHANGE AGREEMENT
Overlay on various County Roads
Morrow County**

This is Amendment No. 01 to the Agreement between the **State of Oregon**, acting by and through its Department of Transportation, hereinafter referred to as "State," and **Morrow County**, acting by and through its elected officials, hereinafter referred to as "Agency," entered into on November 9, 2017.

It has now been determined by State and Agency that the Agreement referenced above shall be amended to update the ADA language.

1. **Effective Date.** This Amendment shall become effective on the date it is fully executed and approved as required by applicable law.
2. **Amendment to Agreement.**

Insert new Terms of Agreement, Paragraph 11, to read as follows:

11. Americans with Disabilities Act Compliance:

- a. Agency shall ensure that the Project, including all sidewalks, curb ramps, and pedestrian-activated signals is designed, constructed and maintained to comply with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 as amended (together, "ADA").
- b. Agency may follow its own processes or may use ODOT's processes for design, modification, upgrade, or construction of Project sidewalks, curb ramps, and pedestrian-activated signals, including using the ODOT Highway Design Manual, ODOT Design Exception process, ODOT Standard Drawings, ODOT Construction Specifications, providing a temporary pedestrian accessible route plan and current Curb Ramp Inspection form, available at:

<http://www.oregon.gov/ODOT/HWY/CONSTRUCTION/Pages/HwyConstForms1.aspx>;

Additional ODOT resources are available at
<http://www.oregon.gov/ODOT/Engineering/Pages/Accessibility.aspx>

ODOT has made its forms, processes, and resources available for Agency's use and convenience.

- c. Agency assumes sole responsibility for ensuring that the Project complies with the ADA, including when Agency uses ODOT forms and processes. Agency acknowledges and agrees that ODOT is under no obligation to

review or approve Project plans or inspect the completed Project to confirm ADA compliance.

- d. Agency shall ensure that temporary pedestrian routes are provided through or around any Project work zone. Any such temporary pedestrian route shall include directional and informational signs and include accessibility features equal to or better than the features present in the existing pedestrian route. Agency shall also ensure that advance notice of any temporary pedestrian route is provided in accessible format to the public, people with disabilities, and disability organizations prior to the start of construction, to the greatest extent possible.
 - e. Agency shall ensure that any portions of the Project under Agency's maintenance jurisdiction are maintained in compliance with the ADA throughout the useful life of the Project. This includes, but is not limited to, Agency ensuring that:
 - i. Pedestrian access is maintained as required by the ADA,
 - ii. Any complaints received by Agency identifying sidewalk, curb ramp, or pedestrian-activated signal safety or access issues are promptly evaluated and addressed,
 - iii. Any repairs or removal of obstructions needed to maintain Project features in compliance with the ADA requirements that were in effect at the time of Project construction are completed by Agency or abutting property owner pursuant to applicable local code provisions,
 - iv. Any future alteration work on Project or Project features during the useful life of the Project complies with the ADA requirements in effect at the time the future alteration work is performed, and
 - v. Applicable permitting and regulatory actions are consistent with ADA requirements.
 - f. Maintenance obligations in this section shall survive termination of this Agreement.
3. **Counterparts.** This Amendment may be executed in two or more counterparts (by facsimile or otherwise) each of which is an original and all of which when taken together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.
4. **Original Agreement.** Except as expressly amended above, all other terms and conditions of the original Agreement are still in full force and effect. Agency certifies

Agency/State
Agreement No. 32127-01

that the representations, warranties and certifications in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

The funding for this Fund Exchange Program was approved by the Oregon Transportation Commission on January 23, 2017, as part of the 2015-2018 Statewide Transportation Improvement Program (STIP).

Signature page to Follow:

Morrow County, by and through its
Board of Commissioners

By _____
Commissioner

Date _____

By _____
Commissioner

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
Agency Counsel

Date _____

By _____
Commissioner

Date _____

Agency Contact:

Matt Scrivner, Public Works Director
Morrow County
PO Box 428
Lexington, OR 97839
(541) 989-9500
mscrivner@co.morrow.us

State Contact:

Mike Barry, Local Agency Liaison
Oregon Department of Transportation
3012 Island Ave.
La Grande, OR 97850
(541) 963-1353
Michael.p.barry@odot.state.or.us

STATE OF OREGON, by and through
its Department of Transportation

By _____
Region 5 Manager

Date _____

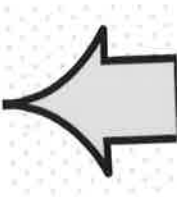
By _____
Region 5 Area Manager

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
Assistant Attorney General

Date: _____



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

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

Agreement is between Morrow County and ODOT to provide required chevron signs on Willow Creek road. This project was originally planned to be completed a few years ago in the first round of ARTS projects. Due to funding it was removed from the ARTS and was added into the most recent project list. Originally it was to be bid and completed through ODOT, but later it was determined that ODOT was going to let agencies carry out the project on their own. After review of the agreement and getting a engineers estimate (attached) it was determined that the project couldn't be completed at the current budget. My request was to remove the delineators from the project and continue with the signs at the same funding from ODOT. ODOT agreed and we are moving forward with planning and designing the project that will be advertised for bid.

2. FISCAL IMPACT:

None, the state funds will cover any cost Morrow County will incur in the installation of signs.

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

Motion to sign agreement with ODOT for the state funded local project program in the amount of \$136,485.60

Attach additional background documentation as needed.

Matt Scrivner

From: Justin Nelson
Sent: Tuesday, December 18, 2018 11:39 AM
To: Matt Scrivner; Richard Tovey
Cc: Sandra Pointer; Kate Knop
Subject: RE: Agreement review
Attachments: 32994 Morrow Co ARTS 071718_.doc

I have reviewed the Signage agreement and do not have any concerns. Appears to be an agreement for the State to reimburse the County for installing the signs on the roads.

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

From: Matt Scrivner
Sent: Tuesday, December 18, 2018 9:56 AM
To: Justin Nelson <jnelson@co.morrow.or.us>; Richard Tovey <rtovey@co.morrow.or.us>
Cc: Sandra Pointer <spointer@co.morrow.or.us>; Kate Knop <kknop@co.morrow.or.us>
Subject: RE: Agreement review

I might not have hit the paste button? Should be on this one.

Matt

From: Justin Nelson
Sent: Tuesday, December 18, 2018 9:43 AM
To: Matt Scrivner <mscrivner@co.morrow.or.us>; Richard Tovey <rtovey@co.morrow.or.us>
Cc: Sandra Pointer <spointer@co.morrow.or.us>; Kate Knop <kknop@co.morrow.or.us>
Subject: RE: Agreement review

My email did not have an attachment- was it send previously?
-Justin

Justin W. Nelson
Morrow County District Attorney

**ENGINEER'S ESTIMATE
FOR
MORROW COUNTY
WILLOW CREEK ROAD SIGNING PROJECT
MORROW COUNTY PUBLIC WORKS DEPARTMENT**

September 25, 2018

<i>Item Description</i>	<i>Unit</i>	<i>Quantity</i>	<i>Unit Price</i>	<i>Amount</i>
Mobilization	L.S.	1	\$15,000	\$15,000.00
Flaggers	HR	520	\$65	\$33,800.00
Construction Survey Work	L.S.	1	\$30,000	\$30,000.00
Delineators	Each	1255	\$42	\$52,710.00
Wood Sign Support	FBM	1950	\$10	\$19,500.00
Type 3 Signs(34)	Sq. Ft.	306	\$30	\$9,180.00
Type 3A Signs(4)	Sq. Ft.	16	\$15	\$240.00
Type 4A(94)	Sq. Ft.	582	\$20	<u>\$11,640.00</u>
Construction Total				\$172,070.00
Engineering (Pre-construction)				\$5,000.00
Construction Management/Inspections				\$8,500.00
<u>ESTIMATED TOTAL PROJECT COST</u>				<u>\$185,570.00</u>
Funding From ODOT				\$136,485.60
Funding From Morrow County				\$49,084.40

**LOCAL AGENCY AGREEMENT
State Funded Local Project Program**

Project Name Umatilla, Grant, Morrow County Safety Improvements (Morrow County)

THIS AGREEMENT is made and entered into by and between THE STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State" or "ODOT;" and the Morrow County, acting by and through its Elected Officials, hereinafter referred to as "Agency," both herein referred to individually or collectively as "Party" or "Parties."

RECITALS

1. Agency wishes to exchange unspent federal funds for state funds, in order to fund the Project using state funding. State has determined that Agency is eligible for state funds for the work to be performed under this Agreement through the State Funded Local Project Program. The Parties enter into this Agreement to exchange these funds, identify the Project that will be funded with the state funds, and describe the method State will use to reimburse Agency for work performed on the Project using the state funds, including establishing invoicing requirements and the proportional reimbursement rate.
2. By the authority granted in Oregon Revised Statute (ORS) 190.110, 366.572 and 366.576, state agencies may enter into cooperative agreements with counties, cities, and units of local government for the performance of any or all functions and activities that a party to the Agreement, its officers, or agents have the authority to perform.
3. Willow Creek Road is a part of the County Road system under the jurisdiction and control of Agency.
4. By the authority granted in ORS 810.080 State has the authority to establish marked pedestrian crosswalks on its highway facilities.
5. By the authority granted in ORS 810.210, State is authorized to determine the character or type of traffic control devices to be used, and to place or erect them upon state highways at places where State deems necessary for the safe and expeditious control of traffic. No traffic control devices shall be erected, maintained, or operated upon any state highway by any authority other than State, except with its written approval. All traffic control devices on this Project must conform to the current State standards and specifications.

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. State and Agency agree to Agency to installing REQUIRED Chevron Signs on Rural Horizontal Curves (Ball banking and Revised Speed Riders Included), hereinafter

referred to as "Project." The Project location and approximate limits are shown the map Marked "Exhibit A," attached hereto and by this reference made a part hereof.

2. The total Project cost for the work to be performed under this Agreement is estimated at \$148,000.00, which is subject to change. Prior to exchanging funds, the federal share of the total Project cost is \$136,485.60.
 - a. Per the 1:1 fund exchange ratio of state dollars to federal dollars, Agency will exchange \$136,485.60 of federal dollars allocated for this Project for \$136,485.60 of state dollars.
 - b. State funds under this Agreement are limited to \$136,485.60.
3. Upon receipt and approval of Agency's invoice(s), State shall proportionately reimburse Agency 92.22 percent of eligible, actual costs incurred in carrying out the Project, up to the maximum amount of state funds committed for the Project.
4. Agency is solely responsible for any and all costs incurred in excess of the state funds identified in this Agreement. Any unspent state funds will be retained by State and will not be available for Agency use. State funds transferred to Agency must be used for the Project.
5. To be eligible for reimbursement, expenditures must comply with the requirements of Article IX, Section 3a of the Oregon Constitution. Eligible costs are defined as reasonable and necessary costs incurred by the Agency in performance of the Project.
6. The term of this Agreement will begin upon the date all required signatures are obtained and will terminate upon completion of the Project and final payment or ten (10) calendar years following the date of final execution, whichever is sooner.

AGENCY OBLIGATIONS

1. Agency shall perform the work described in TERMS OF AGREEMENT, Parargraph 1 of this Agreement.
2. **Americans with Disabilities Act Compliance:**
 - a. Agency shall ensure that the Project, including all sidewalks, curb ramps, and pedestrian-activated signals, is designed, constructed and maintained to comply with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 as amended (together, "ADA").
 - b. Agency may follow its own processes or may use ODOT's processes for design, modification, upgrade, or construction of Project sidewalks, curb ramps, and pedestrian-activated signals, including using the ODOT Highway Design Manual, ODOT Design Exception process, ODOT Standard Drawings, ODOT Construction Specifications, providing a

temporary pedestrian accessible route plan and current Curb Ramp Inspection form, available at:

<http://www.oregon.gov/ODOT/HWY/CONSTRUCTION/Pages/HwyConstForms1.aspx>;

Additional ODOT resources are available at
<http://www.oregon.gov/ODOT/Engineering/Pages/Accessibility.aspx>

ODOT has made its forms, processes, and resources available for Agency's use and convenience.

- c. Agency assumes sole responsibility for ensuring that the Project complies with the ADA, including when Agency uses ODOT forms and processes. Agency acknowledges and agrees that ODOT is under no obligation to review or approve Project plans or inspect the completed Project to confirm ADA compliance.
- d. Agency shall ensure that temporary pedestrian routes are provided through or around any Project work zone. Any such temporary pedestrian route shall include directional and informational signs and include accessibility features equal to or better than the features present in the existing pedestrian route. Agency shall also ensure that advance notice of any temporary pedestrian route is provided in accessible format to the public, people with disabilities, and disability organizations prior to the start of construction, to the greatest extent possible.
- e. Agency shall ensure that any portions of the Project under Agency's maintenance jurisdiction are maintained in compliance with the ADA throughout the useful life of the Project. This includes, but is not limited to, Agency ensuring that:
 - i. Pedestrian access is maintained as required by the ADA,
 - ii. Any complaints received by Agency identifying sidewalk, curb ramp, or pedestrian-activated signal safety or access issues are promptly evaluated and addressed,
 - iii. Any repairs or removal of obstructions needed to maintain Project features in compliance with the ADA requirements that were in effect at the time of Project construction are completed by Agency or abutting property owner pursuant to applicable local code provisions,
 - iv. Any future alteration work on Project or Project features during the useful life of the Project complies with the ADA requirements in effect at the time the future alteration work is performed, and

- v. Applicable permitting and regulatory actions are consistent with ADA requirements.
 - f. Maintenance obligations in this section shall survive termination of this Agreement.
3. Except as otherwise provided in Agency Obligations Paragraph 2 above, Agency agrees that the Project shall be developed in conformance with the applicable American Association of State Highway and Transportation Officials (AASHTO) standards, including the current edition of A Policy on Geometric Design of Highways and Streets.
4. Agency shall submit all of the following items to State's Project Manager, at Project completion and prior to final payment:
 - a. Final Project completion Inspection form No. 734-5063 (completed with State's Project Manager);
 - b. Final Cost;
 - c. As-Constructed Drawings
5. Agency must obtain approval from the Region 5 Traffic Manager for changes to the Project's scope, schedule, or budget by submitting a request through State's project liaison or manager by written notification, e-mail is acceptable. Agency shall be fully responsible for cost increases due to changes to the established Project scope, schedule, or budget made prior to approval. The Parties shall execute an amendment to this Agreement to memorialize any approved changes referenced in this paragraph.
6. Agency shall present invoices for the eligible, actual costs incurred by Agency on behalf of the Project directly to State's Project Manager listed in this Agreement for review and approval. Such invoices shall be in a form identifying the Project, Key Number, the Agreement number, the Project phase and amount charged to each (such as preliminary engineering, right of way, and construction), the invoice number, and will itemize all expenses for which reimbursement is claimed. Invoices shall be presented for periods greater than one month, based on actual expenses incurred, and must clearly specify the percentage of completion of the Project. Agency shall also include with the invoice a Project progress report or summary that describes work accomplished for the period being invoiced and work expected for the next invoicing period. Travel expenses will not be reimbursed.
7. Agency, or its consultant, shall conduct the necessary preliminary engineering and design work required to produce final plans, specifications and cost estimates in accordance with current state and federal laws and regulations; obtain all required permits; be responsible for all utility relocations; advertise for bid proposals; award all contracts; perform all construction engineering; and make all contractor payments required to complete the Project.

8. Agency or its consultant shall acquire all necessary right of way in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35 and the State Right of Way Manual.
9. Agency shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530 and 279B.270 incorporated herein by reference and made a part hereof. Without limiting the generality of the foregoing, Agency expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
10. Agency shall perform the services under this Agreement as an independent contractor and shall be exclusively responsible for all costs and expenses related to its employment of individuals to perform the work under this Agreement including, but not limited to, retirement contributions, workers compensation, unemployment taxes, and state and federal income tax withholdings.
11. All employers, including Agency, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability insurance with coverage limits of not less than \$500,000 must be included. Agency shall ensure that each of its subcontractors complies with these requirements.
12. Agency shall, at its own expense, maintain, operate, and provide power as needed upon Project completion at a minimum level that is consistent with normal depreciation and/or service demand and throughout the useful life of the Project. State and Agency agree that the useful life of this Project is defined as 20 years. Maintenance and power responsibilities shall survive any termination of the Project Agreement.
13. Utility relocation or reconstruction may or may not be an eligible Project expense according to the following standard:
 - a. The expense is an eligible expense if the owner of the utility facility possesses a property right for its location on the public right of way.
 - b. The expense is not an eligible expense if the owner of the utility facility does not possess a property right for its location, but the facility exists on the public right of way solely under the permission of the Agency or other road authority, whether that permission is expressed or implied, and whether written or oral.

14. Agency certifies, at the time this Agreement is executed, that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within Agency's current appropriation or limitation of the current budget. Agency further agrees that they will only submit invoices to State for reimbursement on work that has been performed and paid for by Agency as described in this Agreement.
15. Agency shall require its contractor(s) and subcontractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the State of Oregon, Oregon Transportation Commission and its members, Oregon Department of Transportation and its officers, employees and agents from and against any and all claims, actions, liabilities, damages, losses, or expenses, including attorneys' fees, arising from a tort, as now or hereafter defined in ORS 30.260 (Claims), to the extent such Claims are caused, or alleged to be caused by the negligent or willful acts or omissions of Agency's contractor or any of the officers, agents, employees or subcontractors of the contractor. It is the specific intention of the Parties that State shall, in all instances, except to the extent Claims arise from the negligent or willful acts or omissions of the State, be indemnified from and against all Claims caused or alleged to be caused by the contractor or subcontractor.
16. Any such indemnification shall also provide that neither Agency's contractor and subcontractor nor any attorney engaged by Agency's contractor and subcontractor shall defend any claim in the name of the State of Oregon or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without the prior written consent of the Oregon Attorney General. The State of Oregon may, at anytime at its election assume its own defense and settlement in the event that it determines that Agency's contractor is prohibited from defending the State of Oregon, or that Agency's contractor is not adequately defending the State of Oregon's interests, or that an important governmental principle is at issue or that it is in the best interests of the State of Oregon to do so. The State of Oregon reserves all rights to pursue claims it may have against Agency's contractor if the State of Oregon elects to assume its own defense.
17. If Agency enters into a construction contract for performance of work for the Project, then Agency will include provisions in that contract requiring its contractor to comply with the following:
 - a. Contractor and Agency shall name State as a third party beneficiary of the resulting contract.
 - b. Contractor shall indemnify, defend and hold harmless State from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature whatsoever resulting from, arising out of, or relating to the activities of Contractor or its officers, employees, sub-contractors, or agents under the resulting contract.

- c. Commercial General Liability. Contractor shall obtain, at Contractor's expense, and keep in effect during the term of the resulting contract, Commercial General Liability Insurance covering bodily injury and property damage in a form and with coverages that are satisfactory to State. This insurance shall include personal and advertising injury liability, products and completed operations. Coverage may be written in combination with Automobile Liability Insurance (with separate limits). Coverage shall be written on an occurrence basis. If written in conjunction with Automobile Liability the combined single limit per occurrence shall not be less than \$1,000,000 \$2,000,000 \$5,000,000 for each job site or location. Each annual aggregate limit shall not be less than \$1,000,000 \$2,000,000 \$4,000,000 10,000,000.
- d. Automobile Liability. Contractor shall obtain, at Contractor's expense, and keep in effect during the term of the resulting contract, Commercial Business Automobile Liability Insurance covering all owned, non-owned, or hired vehicles. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits). Combined single limit per occurrence shall not be less than \$1,000,000.
- e. Additional Insured Endorsement. The liability insurance coverage, except Professional Liability, Errors and Omissions, or Workers' Compensation, if included, required for performance of the resulting contract will include State and its divisions, officers and employees as Additional Insured but only with respect to the Contractor's activities to be performed under the resulting contract. Coverage shall be primary and non-contributory with any other insurance and self-insurance.
- f. Notice of Cancellation or Change. There shall be no cancellation, material change, potential exhaustion of aggregate limits or non-renewal of insurance coverage(s) without thirty (30) days written notice from the Contractor or its insurer(s) to State. Any failure to comply with the reporting provisions of this clause shall constitute a material breach of the resulting contract and shall be grounds for immediate termination of the resulting contract and this Agreement.
18. Agency acknowledges and agrees that State, the Oregon Secretary of State's Office, and their duly authorized representatives shall have access to the books, documents, papers, and records of Agency which are directly pertinent to the specific Agreement for the purpose of making audit, examination, excerpts, and transcripts during the course of the Project and for a period of six (6) years after final payment. Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by State.
19. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.

20. Agency's Project Manager for this Agreement is Matt Scrivner, Public Works Director, Morrow County, P.O. Box 428, Lexington, OR 97839, Phone: 541-989-9500, Fax: 541-989-8352, mscrivner@co.morrow.or.us, or assigned designee upon individual's absence. Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.

STATE OBLIGATIONS

1. In consideration for the services performed under this Agreement, State shall reimburse Agency 92.22 percent of eligible costs incurred in carrying out the Project up to the maximum amount of state funds committed for the Project in Terms of Agreement, Paragraph 2 of this Agreement. Reimbursements shall be made by State within forty-five (45) days of State's approval of a request for reimbursement from Agency, except that final payment will be withheld until the State's Project Manager has completed final project inspection and project acceptance.
2. State shall provide the following items to Agency's Project Manager no later than 30 days after execution of this Agreement:
 - a. Scoping Notes; and
 - b. Any other project specific information gathered during the scoping and selection process
3. State's Project Manager will arrange for a final project inspection upon notification from Agency of Project completion, to confirm project completeness and fulfillment of Agreement obligations, prior to final payment.
4. If Project includes traffic signal improvements on or along a State Highway, traffic signal timing shall be the responsibility of State, unless there is an agreement that specifically allows Agency to perform that function. Consistent with Agency Obligations Paragraph 2 State shall:
 - a. Ensure its Region Electrical Crew, at Project expense, perform the signal equipment environmental testing and perform the signal field testing and turn on,
 - b. Retain the right of review of the traffic signal timing for signals on state highways, or those which State maintains, and shall reserve the right to request adjustments when needed,
 - c. Notify the local jurisdiction whenever timing changes that affect the operation of local street connections to the state highway are scheduled. All modifications shall follow guidelines set forth in the current Manual on Uniform Traffic Control Devices, and the current ODOT State Traffic Signal Policy and Guidelines,
 - d. Upon completion of the Project, maintain the pavement surrounding the vehicle detector loops installed in the State highway in such a manner as to provide adequate protection for said detector loops and at State's expense,

- e. Maintain the pavement markings and signing installed on the State highway in accordance with current ODOT standards, and
 - f. Where Agency has an agreement with State to modify signal timing and the Agency modifies timing to add railroad or emergency vehicle preemption, bus priority, or other changes that affect vehicle or pedestrian clearances, or operation of the state highway, Agency shall promptly report such modifications to State's Region Traffic Engineer. Any such timing modification shall comply with the ADA and Agency Obligations Paragraph 2,
5. State's Project Manager for this Agreement is Michael P. Barry, Local Agency Liaison, 3012 Island Avenue, La Grande, OR 97850. michael.p.barry@state.or.us, or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

GENERAL PROVISIONS

1. This Agreement may be terminated by mutual consent of both Parties.
2. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:
 - a. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If Agency fails to perform any of the other provisions of this Agreement or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.
 - c. If Agency fails to provide payment of its share of the cost of the Project.
 - d. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - e. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or if State is prohibited from paying for such work from the planned funding source.
3. If State terminates this Agreement for the reasons described in General Provisions 2(a) or (b) above, Agency must reimburse State for all state funds expended. If Agency fails to reimburse State, State may withhold Agency's proportional share of State Highway Fund distribution necessary to reimburse State for costs incurred by such Agency breach.

4. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
5. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State or Agency with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.
6. With respect to a Third Party Claim for which State is jointly liable with Agency (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of State on the one hand and of Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.
7. With respect to a Third Party Claim for which Agency is jointly liable with State (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of Agency on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.

8. The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.
9. State and Agency are the only Parties to this Agreement and, as such, are the only Parties entitled to enforce its terms. Nothing in this Agreement gives or shall be construed to give or provide any benefit, direct, indirect or otherwise to third persons unless such third persons are expressly identified by name and specifically described as intended to be beneficiaries of its terms.
10. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
11. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification, or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of either Party to enforce any provision of this Agreement shall not constitute a waiver by that Party of that or any other provision.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

This Project is in the 2018-2021 Statewide Transportation Improvement Program (STIP), (Key #20545) that was adopted by the Oregon Transportation Commission on July 20, 2017 (or subsequently by amendment to the STIP).

Signature Page to Follow

Agency/State
Agreement No.32994



Morrow County, by and through its
elected officials

STATE OF OREGON, by and through
its Department of Transportation

By _____
Commissioner

By _____
Region 5 Manager

Date _____

Date _____

By _____
Commissioner

By _____
Region 5 Traffic Manager

Date _____

Date _____

By _____
Commissioner

Date _____

**LEGAL REVIEW APPROVAL (If required
in Agency's process)**

By _____
Agency Counsel

Date _____

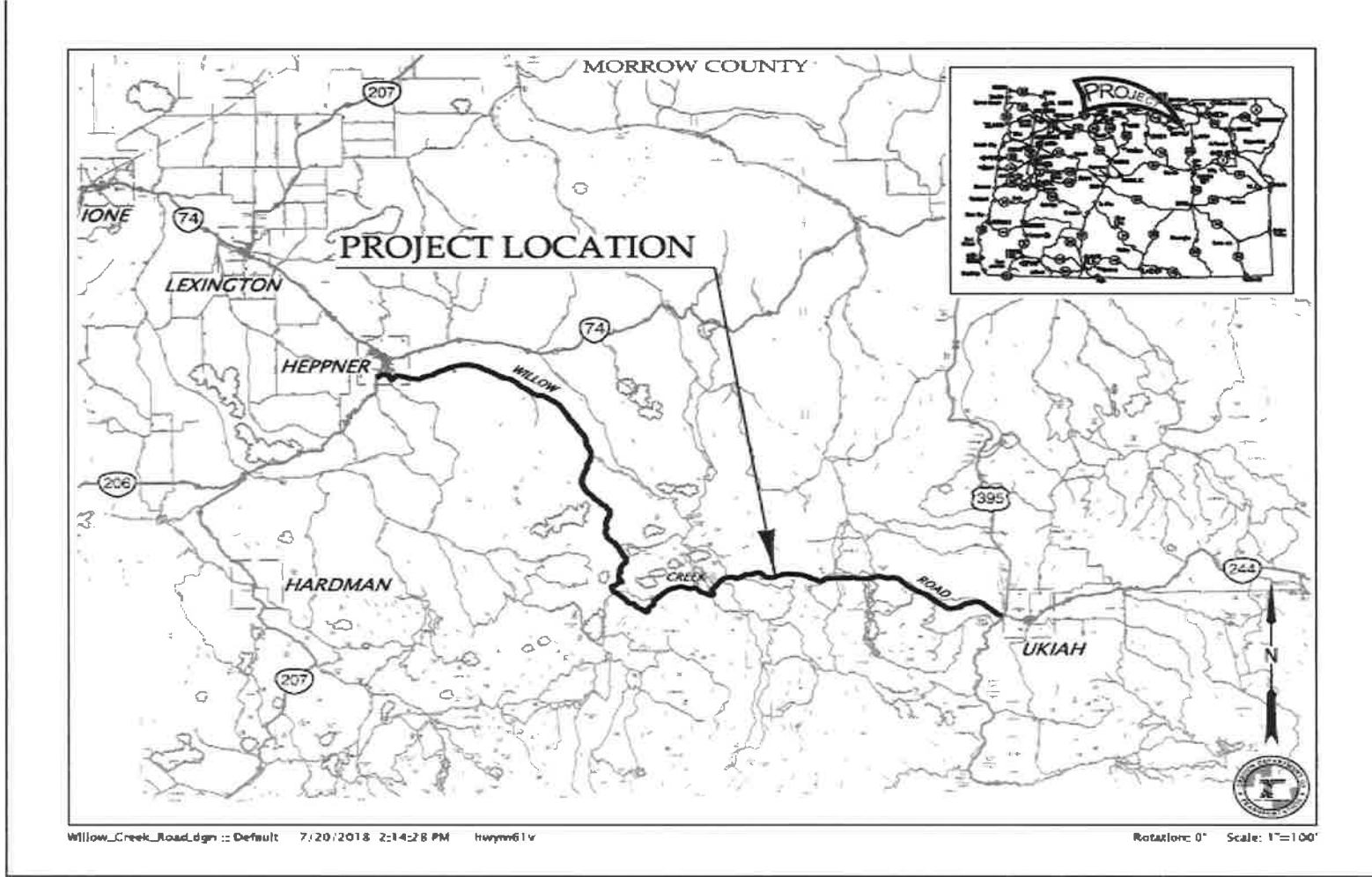
Agency Contact:

Matt Scrivner, Public Works Director
Morrow County
P.O. Box 428
Lexington, OR 97839
Phone: 541-989-9500
mscrivner@co.morrow.or.us

State Contact:

Michael P. Barry, LAL
3012 Island Avenue
La Grande, OR 97850
541-963-1353
Michael.p.barry@odot.state.or.us

EXHIBIT A – Project Location Map



AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

(Page 2 of 2)

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

Planning Commission has one unfilled position for lone as of 12/31/2018.

Recruitment efforts have included advertising via newspaper, as well as letters to individuals who previously indicated interest in serving on the Planning Commission. These efforts have now yielded a letter of interest for the lone area.

The candidate is Stacie Ekstrom. Her interest letter is attached.

2. FISCAL IMPACT:

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

As your Planning Director I recommend the motion, "I move to appoint Stacie Ekstrom to Planning Commission Position 8 serving the greater lone area, fulfilling the term ending December 31, 2019. This appointment is from January 9, 2019 through December 31, 2019."

Attach additional background documentation as needed.

Stacie Ekstrom
PO Box 294
Ione, OR 97843
541.701.8350 sjm5175@live.com

Morrow County Planning Department
205 NE Third Street
Irrigon, OR 97844

To Whom It May Concern:

I would like to express my interest in the open commission seat for the Ione area.

While not originally from Morrow County, I have resided in Ione for over 20 years. Personally, I have dealt with the planning commission on a few occasions. I will say, at times it was very frustrating. Knowing how the planning system works or should work, is very interesting to me. Growth in all of Morrow County is very important to keep the area viable.

My husband, Arthur and I, farm in Morrow and Gilliam County and for the past, almost 22 years, I have worked for Wheatland Insurance Center, Inc. Also during that time, I served on the Morrow County Fair Board as a board member and the board chair. Currently, I am the secretary for Grow Ione, Inc. and the secretary/treasurer for ICABO (Ione Community Agri-Business Organization). I also currently represent the Ione area on the Columbia Basin Electric Cooperative board.

Thank you for taking the time in considering me for the open position on the commission.

Stacie J Ekstrom
Stacie J Ekstrom



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

(For BOC Use)
Item #
69

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

Staff Contact: Carla McLane
Department: Planning

Phone Number (Ext): 5055
Requested Agenda Date: 01/09/2019

Short Title of Agenda Item: Ellis Project Comment Letter
(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 BOC Letter

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:

Carla McLane 01072019 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.

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

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

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

Based on earlier discussion the attached letter has been prepared for the BOC to consider, sign and send.

2. FISCAL IMPACT:

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

"I move approval of the letter to Brandon Houck with the USFS concerning the Ellis Project both providing initial limited comment and requesting Cooperating Agency status."

Attach additional background documentation as needed.



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

Board of Commissioners

Commissioner Jim Doherty, Chair
Commissioner Melissa Lindsay
Commissioner Don Russell

January 9, 2019

Brandon Houck, Heppner Ranger District Office
ATTN: Leslie Taylor
P.O. Box 7
Heppner, Oregon 97836

RE: Ellis Integrated Vegetation Project (Ellis Project)
Comment to the Ellis Project Proposal
Request for Cooperating Agency Status

Dear Mr. Houck:

The Morrow County Board of Commissioners appreciates the opportunity to comment during this initial phase of what we know will be a long and involved process. Your recent visit to the Board of Commissioners meeting in Heppner to discuss the project was much appreciated.

After hearing your presentation, reviewing material concerned with the Ellis Project, and talking to various Morrow County Department Directors, the Board of Commissioners will be watching the Scoping process and will review the draft Environmental Impact Statement (dEIS) for the following components to see how they will be addressed: Grazing; Recreation; Forest Health; Road Access and Maintenance, including protections of county infrastructure; Fire Fuels Reduction; and Job Creation. Generally, the Board hopes this process will protect and enhance all of these activities, as well as limit unnecessary road closures. Without the specifics that the dEIS will provide, more specific comment is difficult at this time.

Documents that may inform the United States Forest Service (USFS) work on the dEIS would include the following: Greater Eastern Oregon Development Corporation's (GEODC) Comprehensive Economic Development Strategy (CEDS), the recently adopted Morrow County Parks Master Plan, and the Economic Element of the Morrow County Comprehensive Plan. Morrow County Planning Director Carla McLane can assist you in obtaining these and other potentially helpful documents to inform the Ellis Project dEIS.

This letter is also a request to be considered for Cooperating Agency status for the Ellis Project. Over the past dozen years or so, the County has acted as a Cooperating Agency with three other federal actions - the Boardman-to-Hemingway transmission line (BLM), the suspended Cascade Crossing transmission line (USFS) and the Carty Lateral gas pipeline (FERC). Morrow County has also worked with the Army and the Navy on separate actions concerning the Umatilla Army Depot closure and the enhanced uses proposed at the Boardman Bombing Range. Morrow

County has an understanding of what it means to take on this role and the impacts it can have. Morrow County infrastructure, in the form of roads and parks in the general vicinity of the Ellis Project, creates a desire to be as fully engaged in this process as possible. Cooperating Agency status provides that opportunity and would allow the USFS staff and consultants more ability to fully engage Morrow County staff in the creation of the dEIS.

We look forward to working with you and others on this process. If you have any questions concerning this letter or our request for Cooperator Agency status, please contact Board Chair Jim Doherty. His contact information is as follows: P.O. Box 788, Heppner, Oregon, 97836, 541-676-5613, jdoherty@co.morrow.or.us.

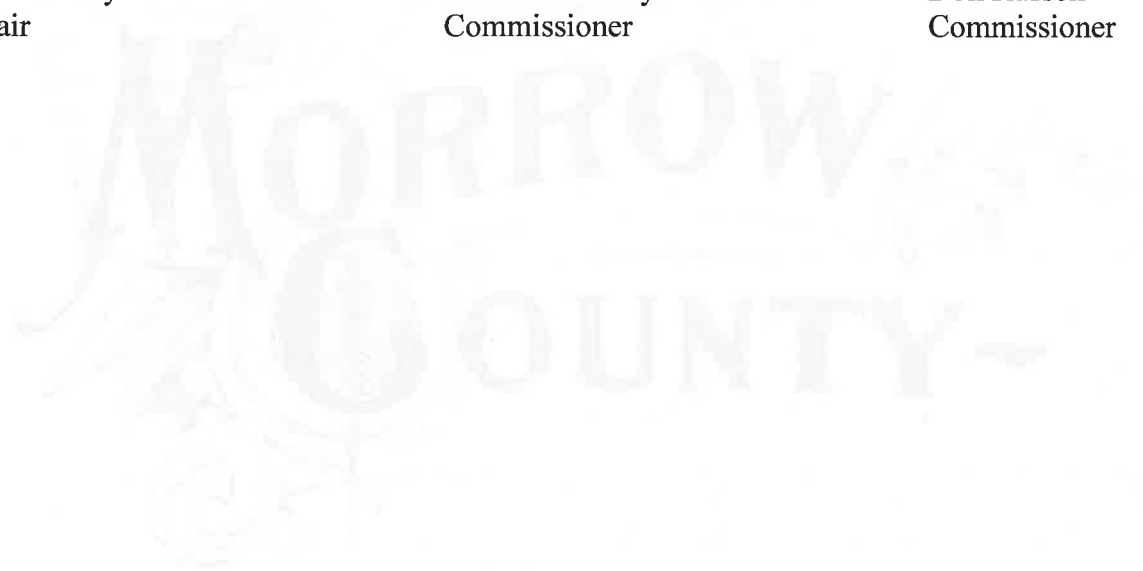
Thank you for the opportunity to comment and your consideration of our request for Cooperating Agency status.

Cordially,

Jim Doherty
Chair

Melissa Lindsay
Commissioner

Don Russell
Commissioner





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

(For BOC Use)
Item #
bh

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

Staff Contact: Karmen Carlson
Department: Human Resources

Phone Number (Ext): 5620
Requested Agenda Date: 1/9/2019

Short Title of Agenda Item: Discussion - Evaluation process of Administrator
(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: 10 minutes
Purchase Pre-Authorization
Other

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

Reviewed By:

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

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

AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

(Page 2 of 2)

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

Evaluation for Administrator is currently overdue - the process was directed last in 2016 by Human Resources.

The Board of Commissioners will meet in executive session on January 16th where discussion and evaluation will occur.

The findings and recommendations of the evaluation will be presented out of executive session.

Timeline:

December 20th – Sent a Self-Assessment Form to Darrell that will be due on January 4th

January 3rd – Send out requests to All Staff for anonymous input of the Administrator's performance due on January 14th

January 4th – Send out Evaluation forms to all three commissioners to evaluate our Administrator in his position – due January 11th

January 14th – I will type a report of the compiled anonymous evaluation information from the staff and calculate the "score" turned in by the BOC members, creating a packet of information.

January 14th – I can send the report to the Board of Commissioners for prior review (if you feel this is necessary)

January 16th – Board will go into Executive Session for discussion and evaluation – at this point you can go out of session and speak regarding compensation or table the conversation for a later BOC meeting.

2. FISCAL IMPACT:

None

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

Executive Session Pursuant to ORS 192.660(2)(i) – To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing

I suggest we determine the process for recording the executive session and the individuals allowed to be present to prepare for recording of the session. Documents will be provided to the board members prior to the session for completion.

Attach additional background documentation as needed.

PLANNING DEPARTMENT



PO Box 40 • 205 Third Street NE
Irrigon, Oregon 97844
(541) 922-4624

MEMORANDUM

To: Morrow County Board of Commissioners
From: Carla McLane, Planning Director
Date: January 4, 2019
RE: Planning Update

The following represents current work and anticipated actions in the Planning Department during December, January and further into the new year. It is not exhaustive.

Renewable Energy Planning Commission Discussion:

The Planning Commission discussion concerning renewable energy impacts and potential for implementing new local regulations has been ongoing. On October 30 a variety of topics were discussed; December 4 was focused on wildlife habitat and species with invited guest Steve Cherry; and the January 22 discussion will be about wind modeling and noise with Kerrie Standlee as the confirmed guest. Once the listening and learning sessions are completed the Planning Commission will engage in conversation on proposed changes. You are invited to join the Planning Commission on January 22, starting at 6:00 p.m. at the Bartholomew Building in Heppner for the next topic. Regular business will begin at 7:30 that evening.

Solar Rulemaking:

The LCDC Solar RAC has concluded its work with proposed changes to Oregon Administrative Rule being placed before the Land Conservation and Development Commission on January 24. There is opportunity for counties to establish a program to allow for development of co-located uses on high-value farmland, a positive outcome relative to county autonomy. While I am not sure counties got everything we would have liked, the package is probably a reasonable balance between the participating entities – Farm Bureau, 1,000 Friends, other State agencies, counties and developers.

The next EFSC Solar RAC will be in Boardman on Wednesday, January 30. Both developers and counties are in agreement that this process should be suspended as no rules are necessary; that the impetus for this rulemaking is flawed. So far we have not gotten anywhere with Oregon Department of Energy staff with this reasoning. I am sure that this will once again be a part of the discussion on January 30.

CAFO Work Group: The last meeting of the work group was December 11. Commissioner Lindsay graciously stepped in for me as I had another meeting scheduled that day. There was homework assigned (see attached) which I want to be sure that Morrow County government is aware of and that there is agreement concerning options that should be further discussed and implemented.

Community Wildfire Protection Plan (CWPP):

Updates to the Morrow County Community Wildfire Protection Plan continue. Stakeholders have met twice since October 2018 with the third meeting tentatively scheduled for late January 2019. Stakeholder attendance and participation has been strong and robust participation is expected to continue going forward. Work completed to date includes:

- Identification of community and agency representatives to ensure that we have the correct people and agencies around the table for fair and effective representation.
- Development of a Scope of Work and Task Schedule.
- Development of a web presence for the update process ensuring that Stakeholders and interested parties have access to current documents and meeting materials. This is located on the Planning Department's page on the Morrow County Website: <https://www.co.morrow.or.us/planning/page/community-wildfire-protection-plan-201819-update>
- Review of the current CWPP and Identifying what portions could be carried over to the update.
- Mapping tasks.

It was identified early in the update process that map improvements were needed over the maps included in the current CWPP. As such mapping was the focus of the second update meeting with Planning Staff and Stakeholders reviewing and correcting data to be displayed in the update. The CWPP update will include an interactive mapping component utilizing the ESRI Online platform. Interactive mapping will allow for ease of use and a more effective delivery of information to the end user (shown in the screen grabs below).

Four Stakeholder meetings remain with the draft CWPP update scheduled for April and Board adoption tentatively scheduled for May 2019.



Morrow County 2018/19 CWPP Update Base Maps

The Wildland Urban Interface (WUI)

Wildland-Urban Interface (WUI) defined as areas where homes are built near or among lands prone to wild and fire. Depending on the area of the country, fire departments might refer to wildland fires as brush fires, forest fires, rangeland fires, or something else. However, they are all part of the WUI and all pose the same threat to local assets. The increase in the WUI has been steep because of continued development and exposure.

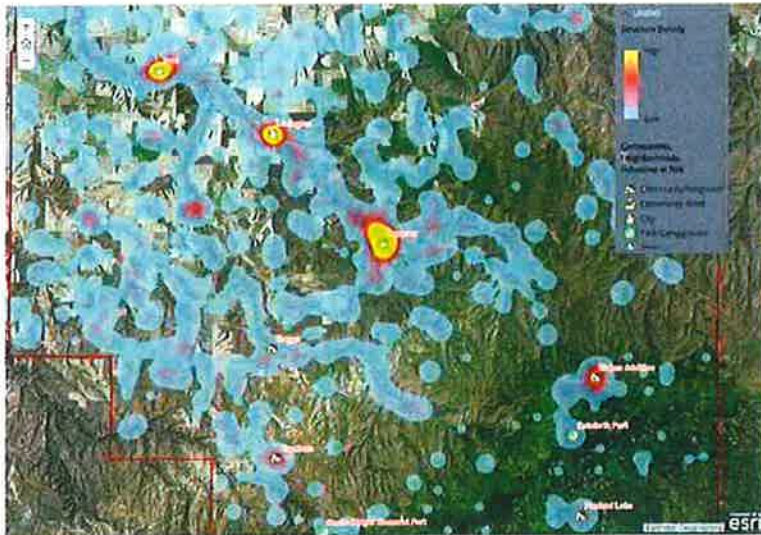
The WUI is not a place, per se, but a set of conditions that can exist in nearly every community. You can find a huge suburban or rural 2-4 acre home, chain restaurants. According to the National Fire Protection Association, some factors include but are not limited to: the amount, type, and distribution of vegetation; the flammability of the structures (homes, bus noses, outbuildings, decks, fences) in the area; and the proximity to fire-prone vegetation and to other combustible structures; weather patterns and general climate conditions; topography; hydrology; average lot size; and wind direction.



Morrow County 2018/19 CWPP Update Base Maps

Communities and Neighborhoods at Risk

Morrow County CWPP Stakeholders have identified these communities, neighborhoods, and neighborhoods in fire District based areas that are at risk of wildfire. This is not to say that there are not other neighborhoods or communities at risk but that these communities and cities are at a density as to constitute recognizable outliers of populations.



Morrow County 2018/19 CWPP Update Base Maps

Critical Infrastructure

Critical infrastructure describes the physical cyber systems and other assets that are vital to the County that the incapacity or destruction would have a debilitating impact on Morrow County's physical economy, security or public health and safety. The County's critical infrastructure priorities are essential services that underpin the state and communities within Morrow County.





Happy New Year!!



CAFO Policy Options Homework Requested by Senator Dembrow: Possible Options for Consideration

Prepared for the December 11, 2018 Confined Animal Feeding Operation
Legislative Work Group Meeting

1. Possible two-phase permitting process

*This possible option would add language to Oregon Revised Statute 468B.050 to create a two-phase permitting process for new large confined or concentrated animal feeding operation permits. The possible added language is in **bold type** on page 2; but the entire ORS 468.050 is included here for the reader's convenience.*

468B.050 Water quality permit; issuance by rule or order; rules. (1) Except as provided in ORS 468B.053 or 468B.215, without holding a permit from the Director of the Department of Environmental Quality or the State Department of Agriculture, which permit shall specify applicable effluent limitations, a person may not:

(a) Discharge any wastes into the waters of the state from any industrial or commercial establishment or activity or any disposal system.

(b) Construct, install, modify or operate any disposal system or part thereof or any extension or addition thereto.

(c) Increase in volume or strength any wastes in excess of the permissive discharges specified under an existing permit.

(d) Construct, install, operate or conduct any industrial, commercial, confined animal feeding operation or other establishment or activity or any extension or modification thereof or addition thereto, the operation or conduct of which would cause an increase in the discharge of wastes into the waters of the state or which would otherwise alter the physical, chemical or biological properties of any waters of the state in any manner not already lawfully authorized.

(e) Construct or use any new outlet for the discharge of any wastes into the waters of the state.

(2) The Department of Environmental Quality or the State Department of Agriculture may issue a permit under this section as an individual, general or watershed permit. A permit may be issued to a class of persons using the procedures for issuance of an order or for the adoption of a rule. Notwithstanding the definition of "order" or "rule" provided in ORS

183.310, in issuing a general or watershed permit by order pursuant to this section, the State Department of Agriculture or Department of Environmental Quality:

(a) Is not required to direct the order to a named person or named persons; and

(b) May include in the order agency directives, standards, regulations and statements of general applicability that implement, interpret or prescribe law or policy.

(3) The State Department of Agriculture or the Department of Environmental Quality may define “confined animal feeding operation” by rule for purposes of implementing this section.

(4) The State Department of Agriculture or the Department of Environmental Quality shall adopt rules requiring preliminary approval to construct and install, and requiring subsequent approval to populate and operate, a new large confined or concentrated animal feeding operation as defined in ORS 561.255 and rules adopted thereunder. For any facility subject to this requirement, the total cost of both preliminary and secondary approvals shall not exceed the caps established for a CAFO permit in ORS 561.255.

2. Possible option to require individual permits for certain new facilities in groundwater management areas

The following language could be added to ORS 468B.050:

An individual permit shall be issued to any new large confined or concentrated animal feeding operation that is located in a groundwater management area and that land applies animal waste.

3. Possible options to provide continuity of permit coverage following cessation of operations

Current practice which could be put into rule

If a large confined or concentrated animal feeding operation ceases operation, the person who holds or last held the CAFO permit, or, if that person fails to comply, then the person owning or controlling a site where a permitted CAFO is located, must maintain and renew the permit until the waste treatment works are cleaned up and repurposed and a new operator is permitted at the site, or until the waste treatment works are decommissioned to the satisfaction of the Oregon Department of Environmental Quality or the Oregon Department of Agriculture.

Note: Current OAR 340-045-0061 and 0062 already provide some tools to provide continuity of permit coverage. 0061 allows for a temporary permit no longer than 60 days and 0062 allows for a Mutual Agreement and Order in place of a permit.

4. Possible financial assurance options

Below are several examples of financial assurance language modified from existing state statutes and rules. Examples could be adopted independently or jointly to provide financial assurance that, if an operator departs a facility before cleaning up all waste treatment works onsite, that the state would have the ability and resources to ensure cleanup or decommissioning of those works (options 4A through 4E), and be able to recover its legal costs (option 4F).

Option 4A. ODA/DEQ authority to require bonding/assurance for new large CAFOs

Note: this language is adapted from various DOGAMI statutory provisions.

The State Department of Agriculture or State Department of Environmental Quality shall adopt rules and issue orders as may be necessary in the proper administration and enforcement of this section, including but not limited to rules and orders for the following purposes:

(1) To require reasonable bond or alternative form of financial security conditioned upon compliance with applicable laws and rules and upon the performance of the duty to clean up and repurpose or decommission all waste treatment works prior to the surrender or revocation of a large Confined Animal Feeding Operation or Concentrated Animal Feeding Operation permit.

(2) The bond or alternative form of financial security must be conditioned upon compliance with the requirements of this chapter and rules adopted and orders issued pursuant to this chapter and must secure the state against all losses, charges and expenses, including court costs and attorney fees, incurred by the state in obtaining such compliance.

(3) With the consent of the department, any bond or acceptable alternative form of financial security submitted pursuant to this section may be terminated or canceled. However, the department may not consent to the termination or cancellation of any bond or security until each facility covered by such bond or security has been properly and safely cleaned up and repurposed, or decommissioned pursuant to the plan required by the permit or until another bond or security for the facility has been submitted and approved by the department.

(4) The department shall identify by rule the procedures for the determination of the amount of the bond or other security required of an applicant for a new large Confined Animal Feeding Operation or Concentrated Animal Feeding Operation permit. The rules:

(a) Shall provide an opportunity for participation by the applicant as part of the procedures; and

(b) May allow for the amount of the bond to be calculated and adjusted based upon the size and scope that would be required to be cleaned up at the time of surrender or revocation of the permit.

Option 4B. ODA/DEQ authority to require bonding/assurance for new large CAFOs

Note: this language is adapted from DEQ solid waste statutory provisions.

(1) Unless exempted under rules adopted by the state Department of Agriculture or Department of Environmental Quality, an owner or operator of any new large confined or concentrated animal feeding operation shall develop and maintain cost estimates of the amount of financial assurance that is necessary and demonstrate evidence of financial assurance for:

- (a) The costs of decommissioning and of cleaning and repurposing of the facility; and
- (b) Any corrective action required to be taken at the facility.

(2) The financial assurance requirements established by subsection (1) of this section may be satisfied by insurance, the establishment of a trust fund, surety bond, letter of credit or qualification as a self-insurer or any combination of these methods or any other method approved by the Director of the Department of Environmental Quality or the Director of the State Department of Agriculture. In adopting rules to implement subsection (1) of this section, the Environmental Quality Commission or state Department of Agriculture may specify policy or other contractual terms, conditions or defenses necessary to establish evidence of financial assurance.

(3) The owner or operator of any new large confined or concentrated animal feeding operation covered by rules adopted under subsection (1) of this section shall annually review and update the financial assurance for decommissioning, cleaning and repurposing, and corrective action required under this section and cost estimates of the amount of financial assurance necessary.

(4) The owner or operator of any new large confined or concentrated animal feeding operation shall provide the evidence of financial assurance required under this section for closure and post-closure at the time a large confined or concentrated animal feeding operation permit is issued under ORS 468B.050.

Option 4C. Gives ODA/DEQ authority to require liability insurance for new large CAFOs

Note: this language is adapted from ORS 634, ODA's pesticide law that requires liability insurance for pesticide operators.

The department may adopt rules requiring, as a condition of issuing new large Confined Animal Feeding Operation or Concentrated Animal Feeding Operation permits, a policy

issued by an insurance company qualified to do business in Oregon, covering the cost to clean up the site in case of permit surrender or revocation, or in lieu of a policy, a deposit of cash, surety bond or other evidence of financial responsibility acceptable to the department that may be applied by the department to the payment of costs associated with facility cleanup.

Option 4D. Self-funded cleanup account

(1) In addition to the permit fees provided in ORS 561.255, there is imposed a fee on all new large Confined Animal Feeding Operations not exempted by the fee in rule by the state Department of Agriculture.

(2) Moneys collected under this section shall be deposited in the Orphan Facility Account created under ORS XXX.XXX to be used to pay the costs of site cleanup at large confined or concentrated animal feeding operations.

Option 4E. Authority for ODA/DEQ to assess and clean up

(1) In the event that a new large Confined or Concentrated Animal Feeding Operation ceases operation and the operator does not perform clean up or decommissioning of the waste treatment works prior to departing the facility, in addition to any other authority granted by law, the Department of Environmental Quality or Department of Agriculture may:

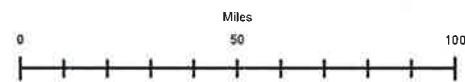
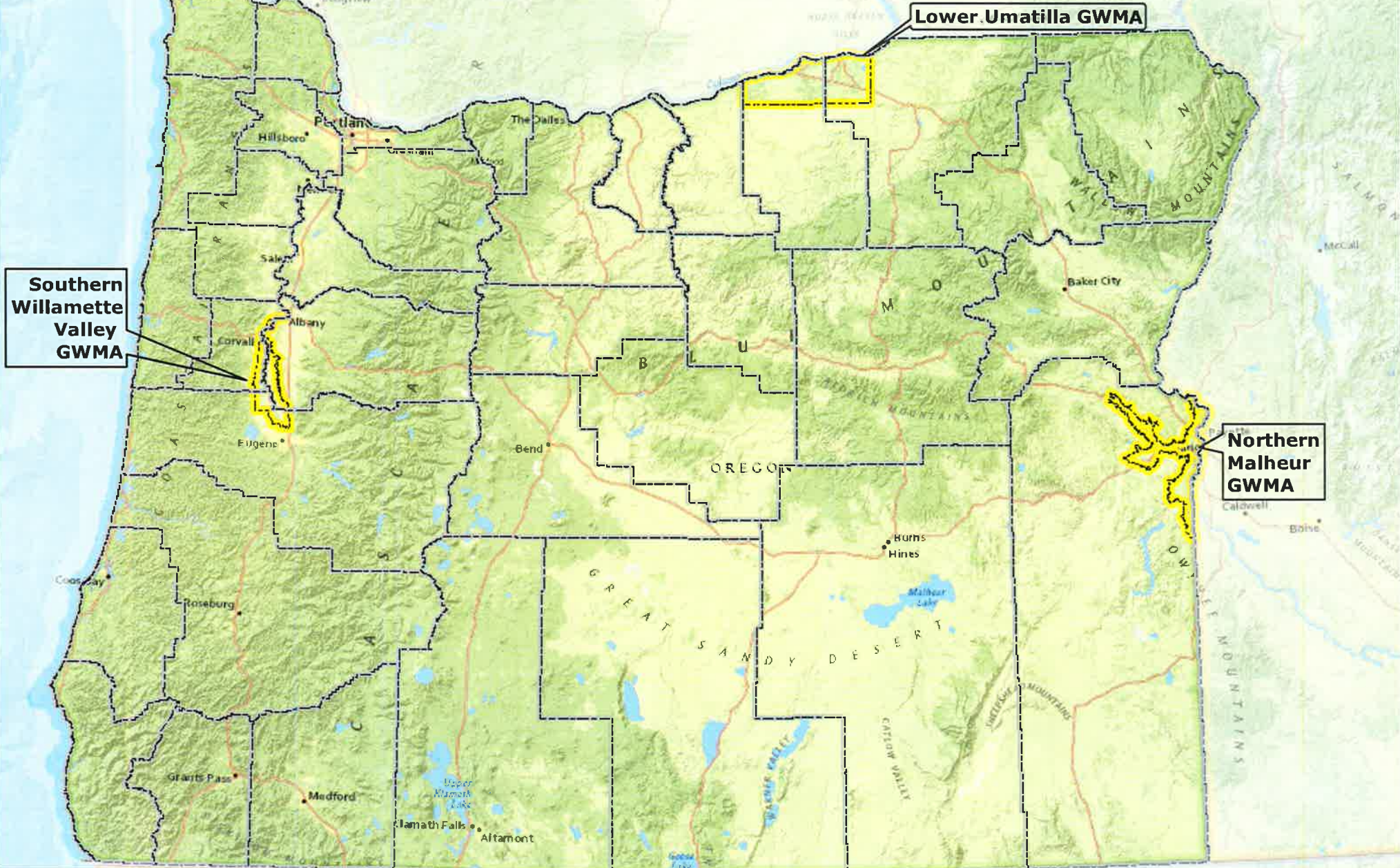
(a) Undertake independently, in cooperation with others or by contract, investigations, studies, sampling, monitoring, assessments, surveying, testing, analyzing, planning, inspecting, training, engineering, design, construction, operation, maintenance and any other activity necessary to decommission or clean and repurpose a large confined or concentrated animal feeding operation; and

(b) Recover the state's remedial action costs.

Option 4F. Authority of ODA/DEQ to recover state's legal costs.

(1) In addition to any other authority granted by law, the Department of Environmental Quality or Department of Agriculture may recover the state's legal costs from a large confined or concentrated animal feeding operation incurred during extraordinary circumstances in the pursuit of liability or penalty provided by law for failure to comply with a provision of ORS chapter 468 or 468B or any rule adopted thereunder, or a permit issued under ORS chapter 468 or 468B.

State of Oregon Groundwater Management Areas



Content may not reflect National Geographic's current map policy. Sources: National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, increment P Corp.

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Prepared by: ODA GIS Team
Date Saved: 12/7/2018
Date Printed: 12/7/2018
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Projection: NAD 1983 Oregon Statewide Lambert Feet Intl
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