

Michaela Ramirez

From: Jacob Cain <JacobC@portofmorrow.com>
Sent: Monday, August 19, 2024 4:27 PM
To: Daisy Goebel; Michaela Ramirez; Tamra Mabbott
Cc: Curtiss, Sarah Stauffer; Dan Kearns
Subject: RE: Final Review-MCZO Amendment Recommendations

[EXTERNAL EMAIL] - STOP and VERIFY - This message came from outside of Morrow County Gov

Tamra and Daisy,

We are continuing to review and discuss the updated version of the code you circulated last week and may have additional comments following distribution of the PC packet on Monday, but there are two items we'd like to bring to your attention as you finalize your draft:

1. DRAFT Section 5.020.D.5 provides that “[a]pplications for development outside of a City Urban Growth Boundary that rely on a municipal water or sewer source and/or require the offsite extension of urban utility facilities for connection” are subject to Site Plan Review. We have previously asked for clarity regarding the meaning of “municipal” and “urban utility facilities” in this context but staff has only indicated that the provision was added to confirm whether a Goal Exception is required. The Port of Morrow is a municipal corporation. As written, this provision would arguably apply to any development projects that intend to rely on Port water and/or wastewater within the Port Industrial and Airport Light Industrial zones. An evaluation of whether a Goal Exception is required is not necessary within those zones. ORS 197.713(a) provides that notwithstanding statewide planning goals related to urbanization or to public facilities and services (i.e., goals 14 and 11), a county may authorize industrial development in buildings of any size and type in areas planned and zoned for industrial uses on January 1, 2004. Accordingly, for development within Port-owned industrial land outside the UGB, goal 11 and 14 exceptions are not necessary to authorize the use of on-site Port utilities. To clarify what we believe the City’s intent is with this provision, we would recommend the following revision:

Applications for development outside of a City Urban Growth Boundary that rely on a **municipal City** water or sewer source and/or require the **offsite**-extension of urban utility facilities **into resource-zoned lands** for connection.

2. DRAFT Section 5.020.E.3 provides that developments that will rely on a non-exempt groundwater source must provide an estimated annual water usage and identify necessary OWRD authorizations but developments that do not rely on groundwater as a source may satisfy the standard by submitting a will serve letter from a service provider. We appreciate the County revising this provision to allow applicants to rely on a will serve letter, but that option should not exclude groundwater. The Port has multiple water rights, including non-exempt ground water rights and surface water rights, and operates a blended system such that users rely on all of the Port’s water rights (i.e. a mix of groundwater and surface water). Accordingly, the service provider option should not exclude developments that intend to rely on non-exempt groundwater. To clarify this provision, we would recommend the following revision:

Water is or will be available to the site at a quantity and quality adequate for the proposed use. New developments **that will rely on a non-exempt groundwater source** must **either** (1) provide an estimated annual water usage; and (2) identify the necessary OWRD authorizations required to

serve the estimated water need ~~or (2). All other developments that do not rely on groundwater as a source of water may satisfy this review criteria by~~ submitting a letter, notice, or memorandum of understanding from the service provider evidencing a commitment to serve the site, which shall indicate the source of the water (e.g., surface water, existing water right, etc.) and a targeted delivery for water to the site.

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