



PLANNING DEPARTMENT

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

AGENDA

Morrow County Planning Commission
Tuesday, August 29, 2023, 6:00 pm
Morrow County Government Center
Irrigon, OR 97844

[For Electronic Participation See Meeting Information on Page 2](#)

Members of Commission

Stacie Ekstrom, Chair
Charlene Cooley
Stanley Anderson

John Kilkenny, Vice-Chair
Mary Killion
Elizabeth Peterson

Wayne Seitz
Karl Smith
Brian Thompson

Members of Staff

Tamra Mabbott, Planning Director
Stephen Wrecsics, Associate Planner
Landon Jones, Planning Tech

Katie Keely, Compliance Planner
Michaela Ramirez, Administrative Assistant

1. **Call to Order**
2. **Roll Call**

Pledge of Allegiance: I pledge allegiance to the flag of the United States of America and to the republic for which it stands: one nation under God, indivisible with liberty and justice for all.

3. **Minutes:** July 25, 2023 Meeting
4. **PUBLIC HEARINGS** to begin at 6:00 pm (COMMISSION ACTION REQUIRED):

Conditional Use Permit Compliance Review CUP-N-337-19: Joshua and Shannon Karl, applicants and owners. The property is described as Tax Lot 202 of Assessor's Map 4N 25E 21, and is located on Kunze Lane adjacent to the intersection of Kunze Lane and S. Main Street, Boardman. The property is zoned Suburban Residential (SR) and is within the Boardman UGB. This is a review of a previously approved conditional use permit for a home occupation supporting the applicant's towing and short-term storage of vehicles. Criteria for approval are found in the MCZO Article 3 Section 3.050 SR and Article 6 Conditional Uses.

5. WORK SESSION ITEMS

~~A. Planning Commission Training (no attachments)~~

~~Presented By: Dawn Hert and Gordon Howard, Department of Land Conservation & Development
Powerpoint slides to be shared at meeting.~~ This has been postponed to a future date not yet known.

B. Rural Transit Equity (RTE) Project Presentation (no attachments)

Presented By: Grace Donovan, EOU Rural Engagement and Vitality Center; Dr. Daniel Costie, EOU Faculty; Norma Ramirez and Roberto Gamboa, Euvalcree; Madeline Phillips, DLCD Rural Transit Equity Program Manager; Dawn Hert, DLCD Region Representative; Ben Tucker Morrow County Transit Manager, Tamra Mabbott, Planning Director.

Presentation will cover the process and outcomes of interviews and other outreach efforts intended to better understand transit needs of historically under-represented populations in Morrow County. Powerpoint slides to be presented at meeting. Report (154 pages) to be posted on website soon.

C. Legislative Updates

Presented By: Director Mabbott

- See attached July 13, 2023 DLCD Legislative Report.
- See attached spreadsheet “2023 Land Use Legislation” and “2019 and 2021 Land Use Legislation”. Includes a summary of bills that apply to Morrow County.

D. Code Update Discussion

Presented By: Planners

- See attached spreadsheet “Commercial Vehicles Repair and Parking”
- See attached spreadsheet “RV Parks and RV Parking”

6. OTHER BUSINESS

Planning Department July Update

7. Correspondence

8. Public Comment

9. Adjourn

Next Meeting: Tuesday, September 26, 2023, at 6:00 p.m.
Location: Bartholomew Building, Heppner, OR

ELECTRONIC MEETING INFORMATION

Morrow County Planning is inviting you to a scheduled Zoom meeting. Topic: Planning Commission
Time: August 29, 2023, 06:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/6554697321?pwd=dFMxR2xlaGZkK1ZJRrS1Q0SmRxUT09>

Meeting ID: **655 469 7321**

Passcode: **513093**

Find your local number: <https://us02web.zoom.us/u/kdmj6471tm>

Should you have any issues connecting to the Zoom meeting, please call 541-922-4624. Staff will be available at this number after hours to assist.

This is a public meeting of the Morrow County Planning Commission and may be attended by a quorum of the Morrow County Board of Commissioners. Interested members of the public are invited to attend. 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 Tamra Mabbott at (541) 922-4624, or by email at tmabbott@co.morrow.or.us.

THIS PAGE INTENTIONALLY LEFT BLANK



PLANNING DEPARTMENT

=====

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

**Draft Minutes of the Public Meeting of the
 Morrow County Planning Commission
 Tuesday, July 25, 2023, 6:00 p.m.
 Bartholomew Building, Heppner, Oregon
 (All meetings will be offered through video conferencing via Zoom)**

Morrow County Planning Commissioners Present: Chair Stacie Ekstrom, John Kilkenny, Elizabeth Peterson, Wayne Seitz, Karl Smith, Brian Thompson

Attendance via Zoom: Mary Killion, Stanley Anderson

Morrow County Staff Present: Tamra Mabbott, Planning Director, Michaela Ramirez, Administrative Assistant, Katie Keely, Compliance Planner, Caren Cardenas

Called to Order: Meeting was called to order by Chair Ekstrom at 6:02 PM.

Roll Call

The Pledge of Allegiance was recited.

Approval of Minutes: Chair Ekstrom asked if there was a motion to approve the minutes from the July meeting. Commissioner Peterson asked if there could be a correction on page nine last paragraph where Director Mabbott spoke about the standards being met there were two sentences that said the same thing.

Commissioner Kilkenny moved to approve the minutes of the April 25, 2023, meeting with the correction written.

Chair Ekstrom asked for a vote on the approval of the corrected minutes, all approved and the motion carried.

Public Hearings: Chair Ekstrom read the Planning Commission Statement and Hearing Procedures and asked if there were any conflicts of interest on part of the Commissioners, there were none.

Presented By: Director Tamra Mabbott

Continued Hearing from June 27th meeting: AC-145-23; ACM-146-23; AZM-147-23 Comprehensive Plan and Map Amendment. Rowan Percheron, LLC, Applicant. The property is located approximately 9 miles south of I-84 on Tower Road. The application proposes to amend the Comprehensive Plan to allow for rezoning approximately 274 acres from

Exclusive Farm (EFU) Use to General Industrial (MG) and adopt a Limited Use Overlay Zone to limit MG uses to a data center only. The application also includes an exception to Statewide Planning Goals 3 Farmland, Goal 11 Public Facilities, and Goal 14 Urbanization. Applicable Criteria include Morrow County Zoning Ordinance (MCZO) Article 8 Amendments, Oregon Administrative Rules (OAR) 660-004-0010.

Director Mabbott shared a spreadsheet of comments and issues raised from last month's meeting. She also noted the exhibits that were turned in after last month's meeting she asked the Commissioners if they could be motioned to be entered into the record.

Commissioner Peterson motioned to accept the exhibits and Commissioner Seitz seconded the motion.

Chair Ekstrom called for a vote, all approved and motion carried.

Director Mabbott pointed out that since the last meeting, there were lots of concerns about the water source. She spoke specifically about an email from the Port of Morrow and Chris Kowitz, Region Water Master. The water rights permit from the Port of Morrow providing water to the campus would be a permissible use but there were some particulars about it. She added that she had just received an email from 1,000 friends of Oregon. And noted ODFW who were not concerned with impacts to the deer, elk, or Washington Ground squirrel. ODFW refers to the area as a depopulation zone, translated as they had reached their quota and had met their management level.

Counsel Kearns addressed that this is a quasi-judicial and legislative matter, and it should go to the Board of Commissioners for a final adoption because of the Goal exception and the Plan Amendment Zone change. He told the Planning Commission they would do all the listening to the evidence, testimony, and arguments and make sure everyone got a chance to be heard including them. Counsel Kearns spoke about the spreadsheet that Director Mabbott created and did not need to see a reason for a new staff report but there were new letters and comments. This matter will go to the Board of Commissioners and they will weigh out the testimony. The 1,000 friends of Oregon requested they would like to keep the record open until August 22nd. He also pointed out that new comments and evidence had been submitted and the applicant had provided red-line comments.

Director Mabbott spoke to the Planning Commission about how they would need to make a motion to keep the record open or to continue it. If they felt like they had enough information to make a final decision they could direct staff to update the findings based on the record.

Chair Ekstrom invited the applicant to come up and present testimony and evidence.

Bobby Hollis, Chief Commercial Officer at Rowan Digital Infrastructure is part of the project developer. He gave an overview of the questions that were asked in the previous meeting. He introduced his team Martin Romo, Head of Economic Development, and Dave Shifflett, Lead Developer. ERM Tess MacMorris, David Weymann, Richard Peal, Mathew Hughart from Kittleson, Nathaniel Brown from Hubble and Elaine Albrich, Olivia Jamin from Davis Wright Tremaine. They would like to focus on key areas to help with the decision like Tower Road, wildlife, and Goal 14 exceptions and water supply they brought additional details in hopes to get some resolution. They are working on being good stewards for their customers.

Dave Shifflett has been working on this project since early May 2021, he read off slides 4, 5,6.

Martin Romo read from slide 7 a handout -Economic Benefits is handed out.

Mathew Hughart, Kittelson & Associates, 851 SW 6th Ave Portland, Oregon. He read from slide eight about traffic information they looked into. He pointed out the graph on the slide about the activity of business traffic. He moved on to slides 9 and 10. He said that they found that the traffic that will be out there is very minimal compared to what is out there today. They are coordinating with Public Works and would like to have some improvements to the roadway.

Richard Peel, Senior Biologist with Environmental Resource Management, read from slide 11 and handed out a Committed to Environmental Stewardship information sheet.

David Weymann 4108 SE 46th. Portland, Oregon, Environment Engineer, handed out Know History of Agricultural Use information sheet and read slide 12. He spoke about the most recent memo that had the same information the older one did. The summary given out that reinforces that this soil is not suited for agriculture.

Tess MacMorris, Land Use Planner with ERM, noted her background in renewable energy with Commercial Industrial Developments. She has 6 years of experience in this field. She read slides 13, 14, and 15.

David Shifflett returned to the testimony table and read from slide 16.

Elaine Albrich applicant's counsel read from slides 17 and 18.

Chair Ekstrom asked if there were any questions.

Director Mabbott asked Eric Imes of Public Works to speak about the Road Use Agreement.

Eric Imes, Public Works Director, said he had no issues with the findings and appreciated that they agreed a pavement treatment would be adequate. He informed the audience about milepost eight where County maintenance ends and then becomes an easement, which is something they are working on.

Director Mabbott asked about one of the slides that mentioned emergency vehicles not being able to reach some of the sights.

David Shifflett said that he had reached out to the Sherriff's office but had not heard anything back.

Elaine responded that one of the slides presented had information on who they had reached out to and who they anticipated meeting with.

Commissioner Kilkenny asked if the water agreement started in 2026.

David Shiflett answered no, according to the staff of the Port of Morrow that was when their facility would be completed.

Commissioner Kilkenny stated that he was confused and asked if that would have any effect on their ability to get water.

David Shiflett responded they would have water delivered to the construction site as needed.

Commissioner Kilkenny asked if water would be hauled during construction.

David Shifflett responded that they would have a construction timeline that once they would have approval to break ground their construction period would be eighteen months then they would use water on site.

Elaine commented that they were hoping to get land use approval within the next six months.

Commissioner Kilkenny asked if the year 2026 was not an obstacle.

Dave and Elaine answered no.

Commissioner Kilkenny pointed out the amount of water being used at Bombing Range Road AWS campus.

Commissioner Thompson asked if that was figured into the transportation control of all the dust it would create.

David Shifflett responded yes, that was part of the data collected for the construction traffic.

Eric wanted to add something about transportation, he said if the easement that was spoken about earlier if it wasn't a Morrow County right of way he was not sure he could maintain it. If the easement belongs to PGE Morrow County can not maintain it.

Director Mabbott commented that they had presumed it was milepost nine or ten but it is not an easement of the continuation off of Tower Road.

Commissioner Killion asked how much water would be going to be used. She felt they put out a broad range but no actual numbers. She also asked what their definition was of full campus build-out, whether was it the four buildings, and were all the analyses were based on or single campus build-out.

Elaine responded they had submitted an updated water demand into the record. The committed water supply from the Port of Morrow is twenty-two million gallons a year and that should be sufficient for full campus build-out coupled with the onsite water storage to supplement during the peak cooling season. The analysis they submitted pointed out the worst-case scenario for the full campus build-out within the project footprint including the water demands.

Commissioner Killion asked if it was not the message they initially had presented.

Elaine explained they had continually modified their application as they had been answering questions and had conversations with the Port of Morrow about their delivery capacity. So, the answer to her question was yes, the numbers from the initial application are different. Exhibit X

Commissioner Killion asked if that was in the initial application.

Elaine asked Commissioner Killion to look at Exhibit X.

Commissioner Killion said she couldn't believe putting out nine miles of pipe to that point would create zero impact to Tower Road and how were they going to prove that point to her.

Elaine responded that in the agreement with the Port of Morrow, they would be responsible for extending that wet line and working with staff from Planning and Public Works to get permits.

Commissioner Killion responded that that was not included in the construction analysis for traffic in the report.

Elaine pointed out that the construction of the water delivery system within the public right of way was not evaluated as part of the traffic impact associated with the construction of the facility.

Commissioner Killion wanted the other Commissioners to hear that it was not part of that. She explained to imagine nine miles of road being torn up and how that would affect the employees going out to work.

Commissioner Kilkenny asked about the one-hundred-fifty feet easement and if that had been submitted in the record.

Elaine responded that no it hadn't but they could.

Director Mabbott commented that she thought maybe it was a sixty-foot easement, the standard county row.

Eric said it changes throughout the eight miles, he couldn't say for sure. This particular right of way had come up many other times. To his recollection, it changed from one hundred to one-hundred-fifty depended on where you were.

Commissioner Kilkenny said that is a lot of traffic and that one-hundred fifty is a lot.

Commissioner Thompson pointed out that some of it was sixty and some of it was one-fifty according to the tax lot map.

Commissioner Kilkenny commented that it was different.

Eric said that his goal was to move it as far away from the edge of the pavement as possible. He said he would not let them tear up eight miles of road all at the same time.

Commissioner Kilkenny wanted to clarify that even working on one-hundred fifty feet you could be well off the road and not affect traffic at all.

Commissioner Thompson asked if the land going out there was part of Threemile.

Elaine said they had someone at the meeting who could address the questions.

Commissioner Thompson said that two years ago the commission was asked to approve a solar farm at the airport. Was this the best that can be done with this property? There is a person in this application that is the Operations Manager who was on the board (commission) at that time and stated that there was no water available and that was why they should put solar panels all around the airport and now the same person that made that statement said they had 22 million gallons of water available. He asked if that had anything to do with the decision they could make.

Director Mabbott said they are separate applications; The commission's decision today is based on what they see today on the record. Today they had seen that the Port of Morrow said they had the water and they have a letter from Chris Kowitz stating that they can use the water. If the Commission would like more information that could be provided.

Commissioner Thompson said that was convenient. He said he wasn't against it but that's what they were told and now they have water.

Commissioner Kilkenny commented that in one of their slides, they mentioned they had secured an agreement for power and then somewhere else, he understood that renewable power can't be used for a one-percent source, they stated that it was going to be offset to go along with this project it was going to one-hundred percent renewable power.

Elaine stated they have interconnections requests and discussions with a power supplier and with respect to renewable energy, there is commitment to renewable energy.

David commented that they had not addressed that issue yet and it is their corporate policy and philosophy to offset through what are known as power purchase agreements. That is how they meet their criteria and defer to Bobby Hollis who is much more well-spoken on this subject.

Commissioner Kilkenny said that the City of Boardman had brought it up in their letter of support they stated that they were going to be one-hundred percent renewable power.

David explained that was their corporate philosophy. They are funded through what is subscribed by article nine which is a European standard for meeting sustainability.

Bobby (last name) explained that they partner with companies that seek to source one hundred percent renewable energy, that is what large-scale customers have done. At this point, they didn't even know what sources they would be using because it depended on the timing. They want to make sure everything is lined up.

Commissioner Kilkenny asked if that was anywhere in the application.

Bobby Hollis responded no.

Director Mabbott noted that the transmission line, they were in the Pacific Power territory so their only option was to purchase power from them and that was an attribute for the site. This application does not approve a transmission line and that would be a separate and in addition to this.

Elaine said that it was adjacent to the property.

Commissioner Killion asked since the right of way was already in place and asked Director Mabbott for clarification if there was a right of way already in place for the transmission line to reach the parcel.

Director Mabbott responded that the county was not sure of the exact location of the right of way or if it was an easement.

Elaine explained the existing transmission line right of way accommodated an existing 230 Kv transmission line that runs from McCarty grassland switch station along the frontage of their parcel. This was included in the application. There are two options one was to use the existing transmission line and two use the existing right of that could be upgraded to accommodate and that was a location advantage.

Commissioner Killion asked were all the studies done without that impact included the water delivery system. Are they putting that on the Port to provide all the impact? If so, why aren't they included in the packet.

Elaine responded they have accounted for the water delivery to the project site through construction.

Commissioner Killion responded that she had just said it wasn't.

Elaine said she wanted to break down the questions so she could answer them. There was water for the dust during construction. Then there is going to be water delivery through the pipe from the Port of Morrow. That was in the presentation and they are continuing to negotiate that with the Port and they hope to be done before they go to the Board so it can be put into the record. Then the obligation is on the Port to design, engineer, construct and permit within the right of way for the delivery system out to Tower Road.

Commissioner Killion wanted to clarify that it was not included in the intact studies given tonight.

Chair Ekstrom replied that it could not be in the official record because David it is still in red line editing.

Director Mabbott wanted to point out that the water line was not part of this (application) and it could be included as a Condition of Approval forwarded to the Board of Commissioners. She wasn't sure if it was more of a Road Use Permit or if it is more of a complicated Land Use Permit.

Commissioner Thompson commented that was what Commissioner Killion was trying to point out that the construction of the pipeline was not part of the transportation study and felt she made a good point. He also pointed out that the sixty-foot right of way to one-hundred-fifty was a big difference.

Commissioner Kilkenny added that was a big difference.

Director Mabbott asked if that was a finding that the County is obligated to address under Goal 12 or if it is because it is a separate facility and a separate permit and you are not asking for the water permit.

Elaine responded to the latter.

Director Mabbott translated that if the application is approved tonight they have to file a separate application for the water line and that is not part of the approval tonight.

Commissioner Kilkenny commended the applicant because they had presented the historical use of the land. He now understood what the land had been used for and what it is likely to be used for. What he didn't understand on this application was to approve this application that there was no other land available.

Elaine responded there were no other reasonable places.

Commissioner Kilkenny asked if the Port was ready to make a statement they did not have any property available in the Port of Morrow.

Elaine responded that it was against the siting criteria. The siting criteria were developed what was reasonable under the alternative analysis for the Goal exception.

Commissioner Kilkenny asked her to explain.

Elaine continued the last hearing they spoke about the eight sighting criteria that Rowan developed against which it would evaluate whether available land was reasonable as a reasonable alternative. Tess presented them here tonight. Rowan looked at Umatilla and Morrow County for ground and essentially went through the tier and this is touched more on the Land Use Tech Memo that was submitted. They had further inquiries from the last hearing they looked into the Depot.

Commissioner Thompson commented about the parcel with the solar panels.

Commissioner Killion commented that she had asked that question and at that time the site was the only one available. Tomorrow other sites could be available and that was her concern. She felt that as a Commissioner it was her job to protect land that was EFU zoned. She didn't have problems with data centers.

Elaine didn't know what the question was.

Commissioner Killion pointed out that there could be more property available tomorrow or the next day.

Elaine responded that there could be. But the test is that you're evaluating it against what is available at the time. She stated that their application had been deemed complete. She asked if there were other alternatives in mind they could talk about it.

Director Mabbott pointed out that the letter from 1,000 Friends stated the same as what they were talking about.

Chair Ekstrom asked if there were more questions or if there was anyone in favor that would like to present.

Scott Neil, 62383 South Fargo, North Dakota. President of Real Estate for Three Mile and also a family member spoke about Marty's vision of sustainable farming, dairy, energy plants, and solar vision and also applying that to other needs such as data. We figured that the location we were approached about was out of the way and the impact would be on Three Mile. He thanked everyone for all the efforts that they put into this application.

Commissioner Killion asked how were they going to spin this one to look pretty.

Director Mabbott asked Commissioner Killion to phrase her question so that it went with the criteria that were highlighted in the spreadsheet and asked if her question was whether or not the application complied with the requirement to provide an analysis of alternatives and whether it would have a negative impact on farming.

Commissioner Killion said ok let's go with that.

Greg Harris, 29009, Hermiston, OR, Farm Manager at Three Mile for 23 years. His task many years ago was to look at the whole 41,000 acres that they could develop. This piece was never one that was going to farm and water rights once they get to 41,000 they were done so they don't have to expand the water rights. It is also written in a settlement agreement, it's a final order.

Commissioner Kilkenny asked to be more specific about why this ground.

Commissioner Thompson asked if it was because of the water rights, and the soil suitability of the ground. What about the circle next to it from it is it any different. If you had another 200 acres of water rights could you grow everything else you grow now?

Greg Harris responded that they had other grounds that were much more suitable than the grounds in question. He also said that it had too much sand and it is tough to farm rock. Other pieces are more suited for farming. The data center that is being built right now was on grounds they used to farm. The ground in question will not harm the animals because they feed off our circles. This ground will never be farmed and I would prefer that a data center be built on it.

Chair Ekstrom asked if there were any more questions

In support: Susan Christensen, 27 SW Frazer Avenue, Pendleton, OR. She is the Executive Director of Greater Eastern Oregon Development Cooperation. Their mission is to create and maintain jobs. She would like to encourage and support rural fire as a community partner.

Chair Ekstrom asked for anyone else in support or opponent, there were none. Any in neutral.

In neutral: Johnathan Tallman, Boardman. Great discussion in the dialogue he said. He commented about the power from the Boardman to Hemingway line it was just awarded a PUC permit and all the people impacted would have to give imminent domain. He asked why is it that they needed a second power line and all those properties were going to have to give up their imminent domain and lose property value for another cooperation. He had an issue with the transportation and felt that the traffic would be slow, but loved that there would be more business for the community. He asked how would this be paid for and he believed there would be a big issue with the water.

In neutral: John Jinings, 1110 MK Avenue Ste 108, Bend Oregon, 97872. He is the Community Service Specialist for the Department of Wildlife Conservation Development representing with Dawn Herts. They support economic development but they have some concerns. The data centers provide much employment when they are constructed. His concern was the uses allowed on rural land are protected under Goal 3 for farm use. Looking around the counties there is evidence there is a lot of land that is available where an exception has been made. He felt there was plenty of land available for what they would like to use it for. He argued that there is plenty of land available that wouldn't require a Goal Exception. He pointed out that he wasn't sure where the water source was coming from. He then said that if the water line was going to be the only source that it should have its permit.

Chair Ekstrom asked if there were any more questions.

Director Mabbott asked Jon if the water utility is in the right of way and is it permissible under Goal 3.

John Jinings responded that it looked that way. Particularly if it has one user.

Chair Estrom asked if there were any questions.

Commissioner Killion asked John because he had the same question and that was where the water was originating from.

Director Mabbott pointed out that was in one of the exhibits they handed out. It was an exhibit of emails that was sent from Chris Kowitz from the North Central Region Manager, Miff Devin, and

Mark Patton from the Port of Morrow. Miff identified the water rights and said that the Port of Morrow intended to deliver water from their conveyance from the point of delivery. There is a permit in addition to ground water rights and doesn't point out where exactly it originates and didn't know how to answer the question.

Counsel Kearns advised the Planning Commission not to do their own research and decide if the applicant has provided a burden of proof.

Chair Ekstrom asked if there were any more testimony, but there wasn't. She then invited the applicant back for a rebuttal.

Director Mabbott asked the Chair if they could adopt the five handouts into the record that the applicant handed out. The handouts were The Economic Benefits, Prioritizing Traffic Safety + Emergency Responders, Committed to Environmental Stewardship, No History of Agricultural Use, and Sites Comparative Advantages.

Chair Ekstrom asked for a motion to accept the five documents into the record. Commissioner Thompson motioned to accept the five documents into the record provided by the applicant.

Kilkenny seconded the motion.

Chair Ekstrom called for approval, it was unanimous, the motion carried then asked for a five-minute recess.

Chair Ekstrom announced that there was one more person that would like to speak on behalf of the opponent.

In favor: Corey Sweeny, 215 ---Drive, Heppner. He is also the Mayor of the City of Heppner. He, the City Manager, and a representative from Hubble met with Rowan. Many questions were asked and answered. Both he and the City Manager were in full favor of the project. Yes, there will be traffic but Tower Road is built better than many highways. He said that this would be a big benefit to the communities in Morrow County. He is in favor of the project.

Elaine read from slide 21 of the presentation.

Director Mabbott suggested that Counsel Kearns could help with the One Thousand Friends question. She also advised the Commissioners that they were not obligated to continue the hearing but they could if they liked.

Commissioner Kilkenny asked once again to clarify that the water piece was not part of this application.

Director Mabbott replied the water conveyance was not part of the application and that the Goal 11 exception allows them to use municipal water at this piece of property.

Commissioner Kilkenny asked if this did not include the construction part.

Director Mabbott replied that there were three comments about what permits were needed that they needed for that water line. She pointed out that Elaine had some of that information in the presentation.

Commissioner Peterson commented that she felt they had done a good job of selecting these grounds because of their suitability.

Chair Ekstrom asked if there was any input on keeping the hearing open as requested by the One Thousand Friends of Oregon letter.

Commissioner Thompson asked if they could condition the approval because he still had a problem with a private company being able to put a power line across residents' property. If they could rather use an existing power.

Counsel Kearns replied that he would only agree if there is a prohibition in state law but as he understood they could put in a whole new power line. It does require a Goal Exception though.

Director Mabbott responded that the answer to Commissioner Thompson's question was no because they didn't have the authority under the land use regulations to limit the specific location of a transmission line off of this property.

Commissioner Thompson asked if the staff was satisfied with where this is at on this because they were the professionals.

Director Mabbott asked if he was speaking specifically of the transmission line.

Commissioner Thompson replied no, the project in general.

Director Mabbott thought they could approve and write findings to approve or deny it. She also pointed out that the burden of proof was on the applicant. The bar to approve is very high and it wasn't for her to decide.

Commissioner Thompson said the Planning Staff usually give them recommendations.

Director Mabbott replied that she hadn't done that when it comes to legislative actions.

Peterson said that they, the applicant, had met the Morrow County regulations and the state law.

Director Mabbott replied she didn't want to say yes or no. She felt it was up to the Planning Commission to decide.

Counsel Kearns commented that the applicant could use the power that exists on residents' property or in existing easements because it was in the vicinity of their site. The Planning Commission had to decide whether the siting criteria were overly restricted or reasonably narrow or not.

Commissioner Kilkenny pointed out that the grounds are EFU and he felt that it was incorrectly zoned because the grounds are so isolated and of no use to farm. He asked Director Mabbott if they could consider that in their decision.

Director Mabbott replied sure. They were asking not to protect it for farm use.

Commissioner Killion commented that given the application she couldn't see how they could approve it without knowing many criteria given had only general information. She had no problem letting a private owner use their property for what they wanted but no one was really going to know the impact of the water and the power situations. She commented that all the requests over the years have been very minimal for approval and when they were approved there was a swap of acreage. She asked Director Mabbott to submit some documentation for the meeting.

Director Mabbott wasn't sure if she had asked for the entire zoning of land that was not zoned EFU. She asked if that was the land she asked to be researched. She went on to say that there were fourteen thousand acres of SpaceAge Industrial Zoning and that are did not allow data centers.

Commissioner Thompson said that there would have to be a willing seller.

Commissioner Peterson said they had run into the last time.

Chair Ekstrom motioned to close the public hearing.

Commissioner Smith seconded it.

Chair Ekstrom motioned to close the public hearing and not to continue.

Commissioner Killion was opposed.

Director Mabbott said there would be new evidence for the record that could be submitted at the Board of Commissioners hearings.

Commissioner Seitz wanted to make sure that he understood that the water had nothing to do with the zoning change.

Director Mabbott thought it would be tangential.

Commissioner Seitz asked if they would approve the zoning and if they couldn't get any water what would happen.

Director Mabbott responded that would kill it and the same with the transmission line.

Commissioner Killion pointed out that to get the Goal Exception they had to prove they could get the water so how can it be conditional on that. She wanted clarification.

Counsel Kearns responded that it could be conditioned because that is a requirement that they have to get water.

Director Mabbott added it would be a condition of approval. There is a feasible path forward for them to get water but this approval is not approving that water line.

Commissioner Kilkenny commented that both the water and the water line, secured the water itself.

Commissioner Thompson commented that if they don't get the water they don't build.

Commissioner Killion asked how do they assure that if something is built and then deal with the consequences later.

Counsel Kearns responded that if they built the facility and then they would have to get building permits unless they got a condition of approval that said they had to get water.

Commissioner Killion said that is why she asking all the questions so that this is prevented. She said she could see them getting water without getting it from the Port.

Commissioner Kilkenny asked if could they procure that they get the water from the Port as a condition.

Director Mabbott responded that they presented that was their source so if it was another source then they don't have an application approval. The applicant would have to amend the application to propose another source.

Commissioner Kilkenny stated that would be a condition then.

Commissioner Peterson stated they would have to be sure they had water and power before they build. They were not going to spend millions of dollars if they don't have that.

Commissioner Kearns advised that they could condition it so that there were no permits given until they can prove they have water. The commission can condition it to this source of water or they would have to amend it until they do.

Commissioner Kilkenny commented that they had also stated the route so they could condition the route as well.

Counsel Kearns replied the applicant hadn't said what route and that they had segmented this project. He also said they couldn't pull permits until this source of water is approved and connected.

Commissioner Killion asked if they could condition it on the request that they replace the Farm Use Land with Exclusive Farm Use Land as they had done in the past.

Counsel Kearns replied no, that they would have to approve or deny but that is the scope beyond this proceeding.

Commissioner Killion commented that commissioners in the room commented that the land is mislabeled. She also asked if they could make it a condition to swap out land from the SpaceAge Industrial.

Counsel Kearns responded that the property did not belong to the applicant.

Commissioner Killion stated that she would like everyone to look at Morrow County's history to see how often this had been done. She worried about using this precedent that was being set for EFU land.

Commissioner Kilkenny responded personally if they wanted to use farmland where they were growing potatoes and corn he would have denied the application last meeting. That is why it is a hard decision to make now because of that.

Commissioner Thompson agreed. He said it overreaches in a lot of ways and is concerned about taxes, easements, and water. He felt that they were lied to about the water.

Commissioner Killion stated that she felt that was the same criteria they used for the other transmission lines. It kind of put them in a position of any time something was being proposed and let them do it because it was handy.

Chair Ekstrom asked for any additional discussion.

Commissioner Seitz said that they were violating their rights and that we were not letting them use their land as they want to use it.

Commissioner Killion said she felt the same way in telling people how to use their land how they want to because she owns EFU land too and would like to be able to use it how she wants.

Commissioner Thompson said he would much rather have them put the center where they are wanting to put it.

Commissioner Kilkenny said that it is in an Industrial area and that is a better place than to put it downtown Boardman.

Chair Ekstrom invited the Commission to make a motion.

Commissioner Thompson asked Director Mabbott what would that motion look like.

Director Mabbott replied that if they were inclined to approve it they would recommend the Board approve the application subject to the conditions including the extra condition about the water line. Also, direct staff with counsel to draft findings based on evidence on the record.

Commissioner Kilkenny asked if there were any other suggestions or conditions.

Director Mabbott replied that prior to construction the applicant enters into a Road Use Agreement with Morrow County Public Works to fund two hundred sixty-seven thousand dollars to pay for chip seal on the first nine miles, and, prior to construction applicant should prepare in coordination with Morrow County Public Works and Morrow County Sheriffs construction traffic management plan; prior to construction shall provide notice to the Threemile Canyon Farms of its construction traffic schedule and coordinate with Threemile Canyon Farm to minimize any potential farm traffic during harvest, the applicant must obtain all state, local, and federal permits and approvals for the data center campus construction and operation and including but not limited to DEQ twelve hundred seat permit, DEQ onsite permit, DEQ basic air contaminant discharge permit, and secure basic permits for the water line conveyance. The commission could also mention permits to secure water lines and transmission lines.

Commissioner Killion commented that she felt that the applicant came close to presenting enough evidence and felt they were setting a very dangerous precedent. She was very disappointed with this and moving forward.

Commissioner Kilkenny pointed out to Commissioner Killion that they would have an opportunity that they would have more people to convince.

Commissioner Peterson asked to make the motion that they approve the application with the stipulations being noted.

Director Mabbott asked if she was recommending the Board for approval subject to the conditions.

Commissioner Kilkenny seconded it.

Chair Ekstrom asked for a roll call

Commissioner Anderson, No, Commissioner Kilkenny, yes, Commissioner Killion, No, Commissioner Peterson, yes, Commissioner Seitz, I, Commissioner Smith, I, Commissioner Thompson, I.

Chair Ekstrom announced the motion was approved and the motion carried.

Director Mabbott announced that the Board meeting is on August 16th.

Compliance Planner Keely presented on the neighborhood code project update. West Glenn had doubled in trucking companies and has had numerous complaints about them. Gun Club has a trucking company, one animal density call, and many RVs, and almost looked like a compound. Letters were sent to these neighborhoods and invited to a Planning Commission meeting to make them aware of rules that pertained to their zoning. The Planning Commission gave them ideas of what they could do and had not heard anything from any of them. She would be sending out letters to get in touch with her about their violations and if there is no response they would get another letter and could end up in court. We would like to educate them about their options.

Commissioner Thompson asked what kind of teeth you have to enforce this.

Compliance Planner Keely responded it is four hundred twenty-five dollars a day. She spoke about a particular property that had violations.

Thompson asked if they got fined.

Compliance Planner Keely replied no, they cleaned up their property. She only had two properties that went to court but they cleaned up. She mentioned it was their goal was for them to clean up and not have to go to court. She also mentioned that if they didn't comply after her next letter she would have to send out fines.

Director Mabbott commented that the burden of the solution is not ours. She pointed out this neighborhood approach was to go above and beyond. So, the Staff said they were going to send a notice to everyone and she is going to speak with the Boardman Chamber and the Port to see what they could come up with.

Compliance Planner Keely mentioned that there is one trucking company that has a nice yard and some have put up unpermitted shops and have lots of garbage. She explained in the Rural Residential zone that if the truck is their mode of transportation that is allowed but only one is allowed.

Director Mabbott stated she would be bringing code updates in September and would be bringing them up in the August meeting.

Compliance Planner Keely shared with the Planning Commission a litter voucher she has for people that need help with trash and can not clean themselves because of a financial or medical need.

Director Mabbott said they are trying to offer help. She also said some permits had come up and may be revoking permits because of not meeting the conditions. Code enforcement is a challenge and is not it's not very useful if it's not effective.

Commissioner ---- said he was very proud of all the work they had done.

Commissioner Peterson asked Compliance Planner Keely if she could give more information about the RVs that were parked out there, how many were there, and if she thought they were making payments to be parked there.

Compliance Planner Keely responded that she was sure people out there were probably doing that specifically on Gun Club Road. It was pretty obvious that people were living in them. She

also said she would not go out there without being accompanied by a Sheriff. She stated that this was also happening out on West Glenn.

Director Mabbott said that is going to be one of the legislative actions she would bring in August. She said that Oregon had passed Legislature for accessory dwelling units and RVs can be allowed in Rural Residential Exception areas. She is going to present that to the Planning Commission and they could decide to approve or not. She then introduced Caren Cardenas.

Caren Cardenas presented her Heritage Trail slides and gave an update on the sign work.

Chair Ekstrom asked if there was any other business, but there was none. She then asked if there was any correspondence.

Commissioner Seitz asked when were they going to know when they hit the limit for data centers or some of the other projects coming through. Who knows when our resources would be enough.

Commissioner Thompson said when they can no longer get power or water.

Director Mabbott suggested they could have a work session, but had to think about how to structure that because if the zoning allows and the land owner developer figures out all the utilities the use is allowed. She felt it was more of a Port of Morrow question than the Planning Commission. The commission could require a data center to be a Land Use Permit.

Chair Ekstrom asked about our Planning staffing.

Director Mabbott shared that Stephanie Case had transferred to the Veterans Office. Stephen was promoted to take Stephanie's position, and we recently hired a young man as a Planning Tech.

Chair Ekstrom adjourned the meeting at 9:18.

MEMORANDUM

To: Morrow County Planning Commission
 From: Katie Keely, Compliance Planner
 Cc: Tamra Mabbott, Planning Director
 Date: August 21, 2023
 RE: Conditional Use Permit Compliance Review – August 29, 2023 Meeting
 CUP-N-337-19 Josh & Shannon Karl

At the April 25, 2023 meeting, Planning Commission reviewed Conditional Use Permit CUP-N-337-19 to determine compliance with the adopted conditions of approval. Planning Commission continued the hearing to August 29, 2023 in order to allow the landowner/permit holder, Josh and Shannon Karl, to correct code violations and conditions of approval.

Mr. Karl has obtained the required access permit with Public Works and has started moving vehicles & RV's off the property. Mr. Karl has applied for a zoning permit to replace a previous structure intended for out of sight storage. Additionally, Mr. Karl has applied for a land partition of five-acres in the Light Industrial (LI) zone with Umatilla County Planning. This would give Mr. Karl the opportunity to move the remaining vehicles off the Boardman property.

Conditional Use Permit CUP-N-337-19 Home Occupation to allow a towing business and short-term storage of vehicles. Planning Department has conducted numerous site inspections and communicated with the landowner and found the permit holder is making progress on compliance with the conditions of approval listed below:

- Condition 1- All loading and unloading of vehicles shall take place between the hours of 7:00 AM and 11:00 PM.
- Condition 2- Storage of any vehicles as related to the occupation shall not exceed 30 days in duration.
- Condition 3- The applicant must obtain either an access permit or letter indicating that no access permit is required from public works.
- Condition 4- Number of Tow Trucks in use.

ACTION / OPTIONS FOR PLANNING COMMISSION

After discussion and public testimony, Planning Commission may adopt new Findings to:

Option 1. Revoke the permit

Option 2. Amend the permit.

Option 3. Continue and allow time for permittee to come into compliance with conditions of approval.

Staff has amended the original 2019 findings. See attached.

THIS PAGE INTENTIONALLY LEFT BLANK

FINAL FINDINGS OF FACT
CONDITIONAL USE REQUEST
Application Number CUP-N-337-19

2023 COMPLIANCE REVIEW

The purpose of the Planning Commission hearing and these updated Findings is to evaluate the 2019 land use permit and determine if the permittee is in compliance with conditions of approval and then take action on the permit.

Findings for the original request is shown below in standard font. The 2023 April compliance review is shown in *blue italic font*. The 2023 August compliance review is shown in *green italic font*.

ORIGINAL REQUEST: To allow a home occupation to support applicants towing and short-term storage of vehicles.

REVIEW REQUEST: To review Conditional Use permit for Home Occupation. To review updated conditions for Conditional Use permit for Home Occupation.

APPLICANT: Josh and Shannon Karl
125 E Humphrey St.
Yacolte, WA 98675

OWNER: Mildred Baker *Josh and Shannon Karl*
70270 Kunze Lane *70270 Kunze Lane*
Boardman, OR 97818 *Boardman, Oregon 97818*

PROPERTY DESCRIPTION: Tax Lot 200 of Assessor's Map 4N 25E 21

PROPERTY LOCATION: Located on Kunze Lane adjacent the intersection of Kunze Lane and S. Main Street, Boardman.

FINDINGS OF FACT:

- I. BACKGROUND INFORMATION: Applicants currently own and operate a vehicle towing company in Washington State. Applicant wishes to utilize this property and an existing accessory structure for the storage of vehicles in a controlled area. This proposed use would utilize an existing Quonset type structure to store vehicles until VIN numbers are cleared by the Oregon State Patrol and can be transported out of area for auction.

2023 Updated Findings BACKGROUND INFORMATION

The Planning Department has observed and documented vehicles being stored on the property in excess of 30 days. The accumulation of these vehicles is not only out of compliance with the Original Conditional use permit but also a code violation. RV's, Vehicles, Trucks, Military

vehicles, boats and several tow trucks are located on the property. The Property owner has also failed to provide an access permit from Public works or letter stating that there was no need for a permit. It is observed there are multiple access points on to the property being utilized.

2023 August updated findings BACKGROUND INFORMATION

The Planning Department has observed and documented the removal of several vehicles from the property. The applicant has shown progress over the last four months and has maintained open communication. Mr. Karl is working on permits for the Hermiston property and once able to do so will move a majority of the vehicles to that property for storage. Public works has confirmed that 2 access permits were approved for this property. The applicant has applied for a zoning permit to replace an existing shop/Pole Barn for secured and out of site storage of vehicles. The applicants are currently operating two tow trucks from this location.

- II. COMPLIANCE WITH MORROW COUNTY ZONING ORDINANCE SECTIONS 6.020, 6.030, 6.050. The requirements for approval are listed below in bold type, followed by a response in standard type.

SECTION 6.020 General Criteria In judging whether or not a conditional use proposal shall be approved or denied, the Commission shall weigh the proposal's appropriateness and desirability, or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met or can be met by observance of conditions.

(1) The proposal will be consistent with the Comprehensive Plan and the objectives of the Zoning Ordinance and other applicable policies and regulations of the County.

The proposed use is allowed as a Conditional Use Permit in the Suburban Residential Use Zone. Staff would find that the proposed use would be consistent with the Comprehensive Plan and Zoning Ordinance once approved with the outlined conditions.

(2) If located within the Urban Growth Boundary of a city, that said city has had an opportunity to review and comment on the subject proposal.

The proposed use is located in the Boardman Urban Growth Boundary. The City of Boardman has been provided with the application materials and a copy of these findings for their review.

(3) The proposal will not exceed carrying capacities of natural resources or public facilities.

Planning staff have determined that the proposed use will not place any additional burden on the carrying capacities of the natural resources or public facilities in the area. All activities are proposed within existing, privately-owned buildings with established services.

SECTION 6.030 General Conditions In addition to the standards and conditions set forth in a specific zone, this article, and other applicable regulations; in permitting a new conditional use or the alteration of an existing conditional use, the Commission may

impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the County as a whole. These conditions may include the following:

- A. **Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.**
The proposed use shall be conducted in a way that will not disturb neighboring residences. The proposed business shall abide by Section 8 of the Morrow County Code Enforcement Ordinance related to Noise as a Public Nuisance. Section 8 of the Code Enforcement Ordinance establishes that noise made between the hours of 11:00pm and 7:00am is a public nuisance, therefore, all loading and unloading of vehicles shall take place between the hours of 7:00am and 11:00pm. This is recommended and listed as a condition of approval. Any complaints received will result in a review of the activity and potential revocation of the permit.
- B. **Establishing a special yard or other open space or lot area or dimension.**
This proposed use will utilize existing structures and lot area, and proposes a 40'x40' secured fenced area. Please see Subsection J for fencing discussion. Planning staff would not recommend any additional requirements for open space.
- c. **Limiting the height, size or location of a building or other structure.**
Applicant has not made any requests for changes to the height, size, or location of any buildings or structures.
- D. **Designating the size, number, location and nature of vehicle access points.**
- 1 . Where access to a county road is needed, a permit from Morrow County Public Works department is required. Where access to a state highway is needed, a permit from ODOT is required.
Access is from Kunze Lane. The applicant has indicated that only passenger type vehicles and standard towing equipment will be used to transport vehicles in and out of the facility. Planning staff recommend and list as a condition of approval that the applicant obtain either an Access Permit or a letter indicating that no Access Permit is required from Public Works. *Applicant has had ample time to obtain access permits and has failed to do so. Applicant has obtained two approved access permits from Public Works. See Attached.*
 - 2 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. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and mitigation of the impacts. If the corridor is a State Highway, use ODOT standards.
The applicant did not indicate the total number of trips in the application. Should this home occupation generate more than 400 trips per day or should complaints be received additional review may be required up to and including a Traffic Impact Analysis. Should equipment outside of standard service-type vehicles be employed in the proposed occupation additional Public Works review and approval could be warranted.

- E. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.**
 No increase in street dedication, roadway width, or improvements in the right-of-way are proposed. These preliminary Findings of Fact have been provided to Morrow County Public Works for their review and comment.
1. It is the responsibility of the land owner to provide appropriate access for emergency vehicles at the time of development.
 The existing driveway and parking area provide appropriate access for emergency vehicles. Preliminary Findings of Fact have been provided to the Boardman Rural Fire Protection District for their review and comment.
- F. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or loading area.**
 Existing improvements to the proposed parking and loading area provide appropriate drainage and surface to support the proposed use. This area is currently used in residential and farming applications. Planning staff would not add any new conditions and would find this criterion met.
- G. Limiting or otherwise designating the number, size, location, height, and lighting of signs.**
 No business signs are required or intended to be used according to the application. Should any be installed they need to comply with MCZO Article 4 Section 4.070. This is recommended and listed as a condition of approval.
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding. Home Occupations are secondary to the primary use of a residential dwelling; therefore, the dwelling should be maintained as such.** The application indicates that no alterations are required or requested, therefore any outdoor lighting should be for residential use. I. Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance. The proposed use will be conducted within an existing accessory structure. Planning staff would not require any of these provisions due to the location and distance to adjacent properties.
- J. Designating the size, height, location and materials for a fence.**
 Though not required, the Applicant has proposed a sight-obscuring fence to ensure the security of the vehicles. Any fencing over six feet in height will require zoning and building permit approval. This is recommended and listed as a Condition of Approval. Planning staff would not require any actions under this criterion.
- K. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.**
 All activities are within private buildings with established services and would have minimal if any impact on natural resources or existing vegetation. Planning staff would not place any additional requirements under this criterion.
- L. Other conditions necessary to permit the development of the County in conformity with the intent and purpose of this Ordinance and the policies of the Comprehensive Plan.**

Home Occupations are secondary to the primary use of a residential dwelling; therefore, the dwelling should be maintained as such.

This application is related only to the storage of vehicles and is not a permit for the operation of a vehicle wrecking yard, therefore, no dismantling of vehicles for their usable parts or unusable parts for purposes of scrapping should take place.

The Applicant has indicated that storage of any vehicle as related to the occupation shall not exceed 30 days in duration. If it is found that the approved Home Occupation is operating outside of these parameters, review and/or revocation of this permit may occur. This is recommended and listed as a Condition of Approval No additional requirements are deemed necessary by Planning staff.

Staff has observed and documented vehicle storage surpassing 30 days. Staff has observed the removal of vehicles & RV's. However, there are still several vehicles remaining on the property. Mr. Karl has applied for a zoning permit to replace a previous structure. This would be used for out of sight storage of vehicles. Additionally, Mr. Karl has communicated his plans to move remaining vehicles to Hermiston and has applied with Umatilla County Planning for a land partition of five acres.

SECTION 6.050 STANDARDS GOVERNING CONDITIONAL USES

G. Home Occupations, when permitted as a conditional use and conducted as an accessory use, shall be subject to the following limitations:

1. The home occupation is to be secondary to the main use of the property as a residence and shall be conducted only by the resident of such dwelling within the same dwelling or in an accessory building on the same or adjacent property.
The proposed occupation will be a secondary use of the property and will be operated by the residents of the dwelling. Storage of vehicles shall be conducted in an accessory building located on the subject property.
2. No structural alterations shall be allowed to accommodate the home occupation except when otherwise required by law, and then only after the plans for such alteration have been reviewed and approved by the Planning Commission. Such structural alterations shall not detract from the outward appearance of the building as an accessory structure to a residence. Home Occupations are secondary to the primary use of a residential dwelling; therefore, the dwelling should be maintained as such. No structural alterations are proposed by the applicants or required for the proposed use.
3. One non-illuminated sign not to exceed 200 square inches and bearing only the name and occupation of the resident shall be permitted.
No signs have been proposed by the applicants. Please see the discussion above in Section 6.030 General Conditions.
4. No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interferences with radio or television reception, or other factors.

Please see the discussion above in Section 6.030 General Conditions.

5. No materials or commodities shall be delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle or a trailer or the parking of customer's vehicles in a manner or frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate off-street parking.
Parking facilities are adequate as to not require off-street parking.
6. Retail sales shall be limited or accessory to a service.
No retail sales are proposed. Planning Staff would find this criterion met.
7. No persons shall be employed except members of the immediate family. Applicants are the owners/operators of the business and should employees be needed in the future this standard would be applied. This is a requirement under this section and is listed as a condition of approval.
Josh Karl posted on The New Boardman Community Public Facebook Page on Thursday April 6th, 2023 at 6:03pm "Looking for tow truck driver. Needs good driving record and willing to work all hours. No experience required." Posting on a public forum for employment indicates that he is looking to hire someone outside of immediate family. Mr. Karl advised that he is the only operator out of the Boardman property.
8. The permit allowing a home occupation shall be reviewed every 12 months following the date the permit was issued and may continue the permit if the home occupation continues to comply with the requirements of this section.
This permit shall be reviewed annually with other home occupation permits as long as the proposed use continues.

This permit has been reviewed annually and has been found to not be in compliance with the conditions of approval. Staff has open communication with the applicant and is working towards compliance with the conditions of approval.

- III. **LEGAL NOTICE PUBLISHED:** *April 5th & 6th, 2023*
Heppner Gazette and East Oregonian
- IV. **PROPERTY OWNERS NOTIFIED:** *April 7, 2023*
- V. **AGENCIES NOTIFIED:** Mike Gorman, Morrow County Assessor; Eric Imes, Morrow County Public Works Director; Mike Hughes, Boardman Rural Fire Protection District; Justin Nelson, Morrow County Counsel; City of Boardman
- VI. **HEARING DATE:** *April 25th, 2023 August 29th, 2023 same location*
North Morrow Annex Building, Irrigon, Oregon
- VII. **DECISION OF PLANNING COMMISSION:** The Planning Director recommends approval of the application subject to the following **CONDITIONS OF APPROVAL**

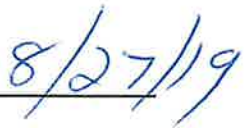
1. All loading and unloading of vehicles shall take place between the hours of 7:00 AM and 11:00 PM. *Applicant understand the hours of operation expected and is complying.*
2. Storage of any vehicle as related to the occupation shall not exceed 30 days in duration. *It has been observed and documented that there are vehicles stored in excess of 30 days. An RV that was towed in November of 2021 is still being stored on the property. See Attached Photos. It has been observed and documented that numerous vehicles and RV's have been removed from the property over the course of the last four months. Applicant has applied for a zoning permit to replace an existing structure on the property. This will be used to help with out of site storage of towed vehicles. Mr. Karl has communicated his plans to move remaining vehicles to Hermiston and has applied with Umatilla County Planning for a land partition of five acres.*
3. The applicant must obtain either an Access Permit or a letter indicating that no Access Permit is required from Public Works. *Public Works provided documentation of their communication with Mr. Karl. He picked up the Application for an access permit. However, failed to turn it back in for processing and approval. See attached correspondence. Applicant has obtained two approved access permits from Public works.*
4. Should any signs be installed in the future they would need to comply with the regulations in place at that time.
5. Any persons employed at this location will be limited to immediate family members. *Mr. Karl is advertising on public forums for employment of a tow truck driver. This indicates that he is looking to hire someone outside of immediate family. Mr. Karl is the only employee at the Boardman location.*
6. Obtain zoning or building permits for all fencing six feet in height or greater.

2023 Updated DECISION OF THE PLANNING COMMISSION: Based on the above Findings, Planning staff provides the Planning Commission with three options:

1. *Find that the applicant is not in compliance with the original permit and the conditions of approval and revoke the permit, or,*
2. *Find the applicant can meet the conditions of approval and renew for one year, or,*
3. *Continue the hearing and allow time for permittee to come into compliance with conditions of approval.*



 Jeff Wenholz, Chair



 Date

 Stacie Ekstrom, Chair

 Date

Attachments:
Vicinity Map



Cartography By: Stephen Wreccics
Morrow County Planning Department
Date Saved: 8/2/2019 2:22:12 PM

Coordinate System: NAD 1983 HARN StatePlane Oregon North FIPS 3601
Projection: Lambert Conformal Conic
Datum: North American 1983 HARN

Legend

1234 Taxlots

Subject Parcels

4N 25E 21 TL200
CUP-N-337-19
Josh and Shannon Karl





PUBLIC WORKS DEPARTMENT

Airport General Maintenance Road Department Parks Transfer Stations

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

Eric Imes
Director

Sandi Putman
Management Asst.

Mike Haugen
Asst. Road Master

Kirsti Cason
Administrative Asst.

August 21, 2023

RE: APPROACH CONSTRUCTION PERMIT APPLICATION # 308

Josh Karl
70270 Kunze Lane
Boardman, Oregon 97818

To Whom it may concern,

Thank you for submitting an Approach Site Approval Application & Construction Permit. Your approach and construction site application (#308) was Recommended and Approved on May 23, 2023 with payment being received for the application on August 10, 2023. Please note that a Construction will EXPIRE 90 days from approval date. Should you need an extension on your construction permit please contact the Morrow County Public Works Office.

County personnel may monitor progress of project during construction. Please contact the Morrow County Public Works office upon completing project so final inspection can be done.

Should you have any questions please feel free to contact us at 541-989-9500. Thank you for your cooperation on this project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kirsti Cason", written over a circular stamp or seal.

Kirsti Cason
Administrative Assistant
Morrow County Public Works

Enclosures

Return to:
MORROW COUNTY PUBLIC WORKS
365 West Highway 74
P.O. Box 428
Lexington, Oregon 97839
Phone: (541) 989-9500

APPLICATION #: 308
COUNTY ROAD #: 598
ROAD NAME: Kunze lane

Applicant Mailing Address
Josh H. Karl
Name (Business Name, Attn: Name)
70270 Kunze Ln.
Mailing Address (Street/Post Office Box)
Boardman OR 97818
City, State, Zip Code
541-701-8124
Phone Number

APPLICATION FEE:
(CHECK ONE)
 Private (\$50.00) Commercial (\$125.00)

PAYMENT RECEIVED:
08-10-2023 - \$50.00
(Date Payment Received - Amount Received - Initials)
Rep# 0810231333 CL# 0402

Biggee 4x4@gmail.com

APPLICATION FOR APPROACH SITE APPROVAL
(Approach Roads, Private Crossings, Ingress or Egress from County Roads)
Please fill out this form completely in ink (Blue or Black) or type.

The applicant hereby respectfully requests a site approval either to locate within County road right of way or cross the County Road Kunze at 4N 25E 21 202 of the Willamette meridian with the center point of said location being at N 45° 49' 14.13062" W 119° 42' 15.18206" as more particularly described by the attached tax lot map, aerial view map and/or deed reference. East Approach

APPLICANT AGREES TO THE TERMS AND CONDITIONS ON THE ATTACHED FOUR (4) PAGES. (THE ATTACHED PAGES REQUIRE INITIALS OF APPLICANT)

APPLICANT SIGNATURE: [Signature] DATE: 4.28.23
(Signature of Authorized Applicant) (Date Signed)

APPROVED Construction shall be completed within ninety (90) days from date of approval. Permission is hereby granted pursuant to Oregon Revised Statutes (ORS) 374.305 to 374.330 and ORS 271.440 to make the aforesaid installation in accordance with all specifications. The Applicant as indicated above shall at all times be responsible and liable for any and all damages arising from or caused by this installation and this permit may be revoked at any time.

DENIED Denied permit application may be appealed to the Morrow County Commissioners
Reason for Denial:

[Signature] DATE: 5/23/23
(Assistant Road Master) (Date Signed)
[Signature] DATE: 5/23/23
(Public Works Director) (Date Signed)

APPROACH ROAD CONSTRUCTION

APPLICANT AGREES TO THE FOLLOWING TERMS AND CONDITIONS:

1) Approach road or crossing will, in all instances, enter the county road at right angles to the existing roadway unless otherwise authorized by the Public Works Department (hereafter referred to as "Department"). Refer to the attached "STANDARD DRAWINGS FOR ROAD APPROACH CONSTRUCTION", hereafter refer to as the STANDARD DRAWINGS.

2) Approach road or crossing shall be constructed to the lines, grades and dimensions of the STANDARD DRAWINGS. All materials shall meet the approval of the Department.

3) Compaction requirements are as follows:

In the event that native earth fill is required, it shall be placed in uniform lifts, not exceeding 12 inches in thickness, and each lift shall be thoroughly compacted.

3"-0 base rock shall be spread in two lifts and each lift thoroughly compacted.

3/4"-0 crushed aggregate shall be spread and thoroughly compacted to the finish lines and grade.

Asphalt Concrete Pavement, if required, shall be placed and compacted to finish lines and grades meeting the requirements of the STANDARD DRAWINGS.

All compaction methods and results shall meet the approval of the Department. In the event the Department believes sufficient compaction of any material is not being achieved, it may require compaction testing. All such compaction testing shall be at the sole expense of the Applicant.

If the Department requires compaction testing, it shall consist of the following:

Fill (Embankment Compaction): 90% of maximum density. Maximum density and optimum moisture shall be determined in accordance with AASHTO T99 or T180. In place density shall be determined in accordance with AASHTO T191, T205, or T238.


3"-0 Base Rock: Compacted under appropriate compaction equipment, with no visible deflection under the wheels or drums of the compaction equipment.

3/4"-0 Crushed Aggregate Leveling Course: Shall be compacted to 95% of maximum density. Maximum density and optimum moisture shall be determined in accordance with AASHTO T99, with correction for oversize by AASHTO T224. In place density shall be determined in accordance with AASHTO T191, T205, or T238.

Asphalt Pavement: Shall be compacted to 92% of theoretical maximum density (Rice Density) as determined by the asphalt concrete mix design, for the asphalt concrete used. In place density shall be determined by nuclear gauge.

4) In the event that a cut slope of the existing county road must be excavated, the design of the approach shall insure such cut slope is not destabilized or the remaining cut slope is not damaged in any way. The approach road subgrade shall be constructed at the minimum width and dimension as shown on the STANDARD DRAWINGS.

Permit # 308

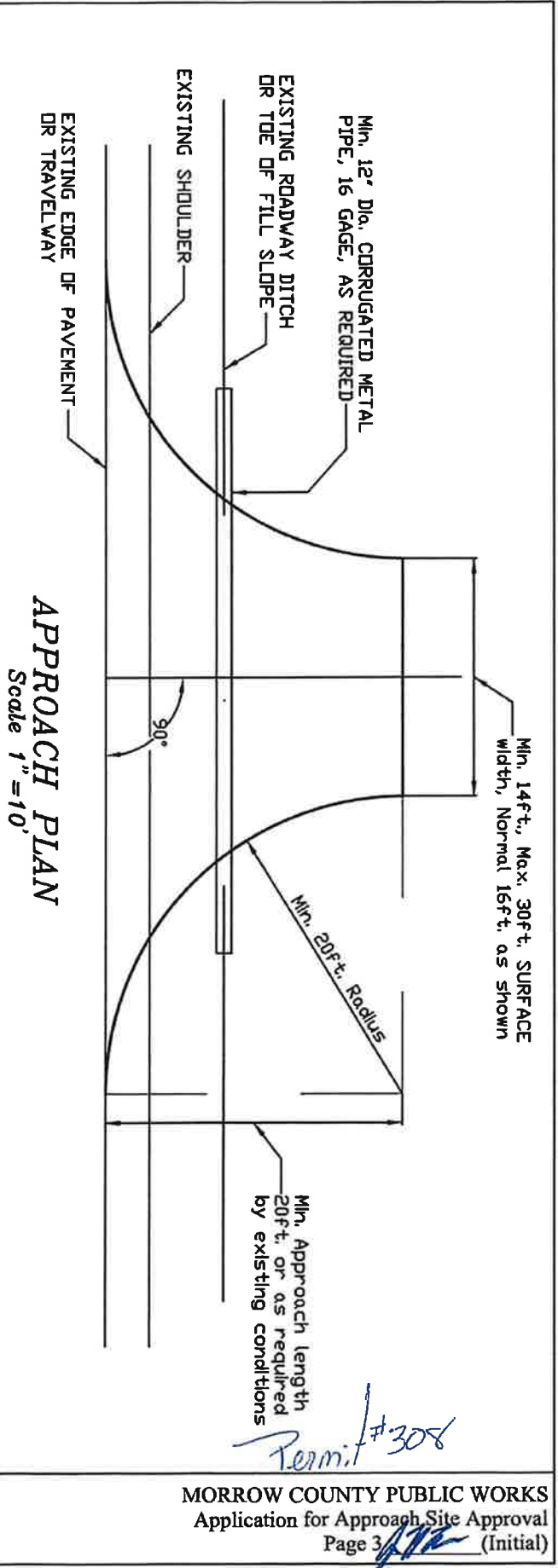
MORROW COUNTY PUBLIC WORKS
Application for Approach Site Approval
Page 1 
(initial)

- 5) In the event a culvert pipe is required, it shall be installed so that the top of the pipe is below subgrade, and in no case less than 12" below the finish surface of the approach (asphalt thickness not included). Where practical, the culvert shall be installed in the natural drainage or previously constructed ditch along the existing county road. If the culvert flow line must be placed lower than the natural drainage or previously constructed ditch, inlet and outlet channels shall be constructed to insure the proper drainage flow and function of the culvert. The Department shall be consulted and an approved method for culvert installation shall be given before any culvert pipes are installed. Culvert shall be bedded and backfilled with ¾"-0 crushed aggregate. Refer to the STANDARD DRAWINGS for Culvert and Trench Details.
- 6) If Morrow County installs a culvert, approach or crossing, the cost of installation and construction will be tendered to Morrow County Public Works prior to issuance of the permit.
- 7) A minimum of at least one (1) week will be required to obtain Site Approval. This allows the Department time to review the application, make a site inspection and obtain the necessary signatures.
- 8) Applicant agrees to make this installation (if not performed by the Department), in a manner which will not in any way adversely affect the County Road which it is connected. Any damage to the County Road shall be the sole responsibility of the Applicant. The site shall be finished, cleaned and left in as good a condition as it was prior to construction. Any work required to finish or correct Approach Road construction shall be completed at no cost to Morrow County.
- 9) Applicant agrees to pay all costs incurred for the construction of the approach road or private road entrance, if installed by the County, at the applicant's request, as set forth by this application.
- 10) Applicant declares that they are the owner or lessee of real property abutting the above-described roadway and has the lawful authority to apply for this permit.
- 11) Applicant agrees to have all work completed, including final inspection and approval, within 90 days after the date of approval of this application. After 90 days, this application becomes null and void.
- 12) In addition to the requirements given herein and as shown on STANDARD DRAWINGS, all activities and construction shall be carried out in accordance with the standards given in Morrow County Code 8.08.030 and Code 8.08.040, and shall meet the approval of the Department.
- 13) Morrow County Code 8.08.060, pursuant to ORS 374.305, allows Morrow County, at their option, to remove from their right of way, any obstruction formed by improperly constructed approaches, and such cost will be charged to the violator (S6 of Ord. Dated 8/6/67).

Permit #308

MORROW COUNTY PUBLIC WORKS
Application for Approach Site Approval

Page 2
(initial)



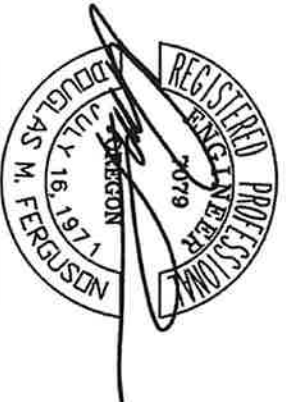
APPROACH PLAN
Scale 1"=10'

Permit #308

MORROW COUNTY PUBLIC WORKS
Application for Approach Site Approval
Page 3 (Initial)

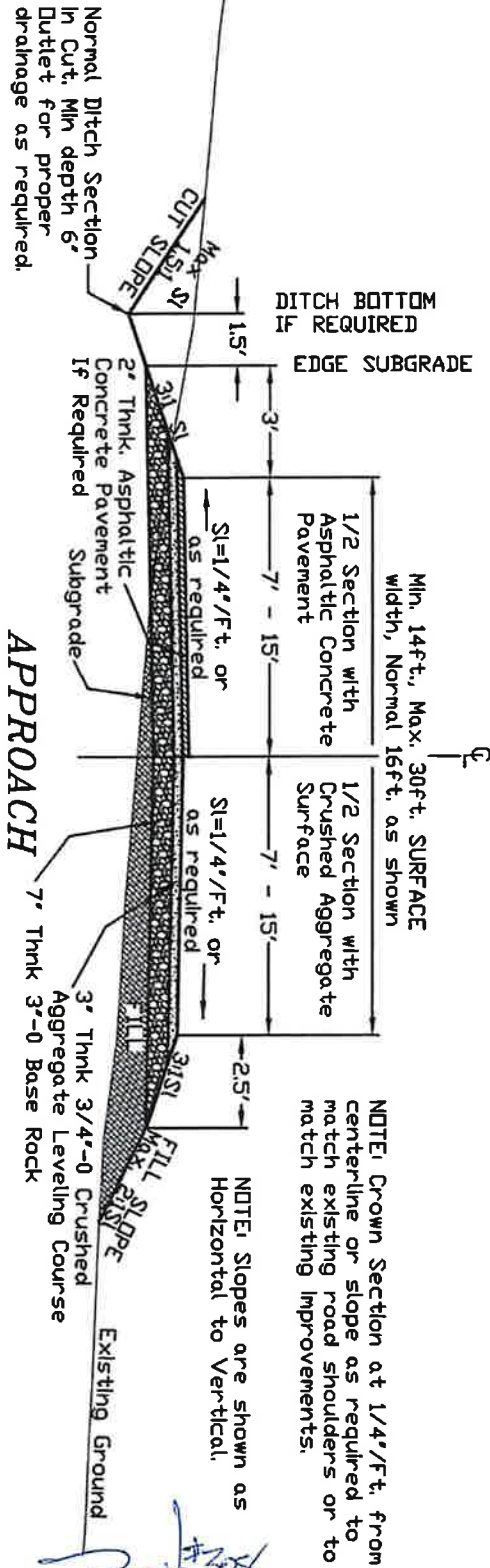
EXISTING ROADWAY	EXISTING EDGE TRAVEL WAY	EXISTING ROAD CENTERLINE
<p>Min. 20'</p> <p>Shall equal radius in all cases</p>	<p>Max. Sl -2%</p> <p>CASE 1</p> <p>Max. Sl +2%</p> <p>CASE 2</p> <p>Max. Sl -2%</p> <p>CASE 3</p> <p>Max. Sl +2%</p> <p>CASE 4</p>	<p>Max. +10%</p> <p>Max. -10%</p> <p>Max. 14%</p> <p>Max. -6%</p> <p>Min. 10' Vertical Curve</p> <p>Max. +15%</p> <p>Max. -15%</p> <p>Min. 10' Vertical Curve</p> <p>Max. +15%</p> <p>Max. -15%</p>

APPROACH PROFILE DETAIL
No Scale



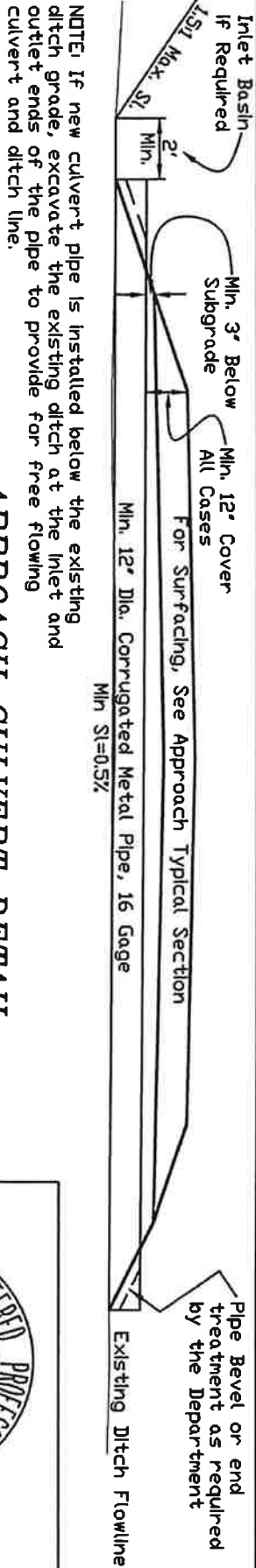
RENEWAL DATE:
01/01/2012

MORROW COUNTY
PUBLIC WORKS DEPARTMENT
STANDARD DRAWINGS FOR
ROAD APPROACH CONSTRUCTION
SHEET 1 OF 2

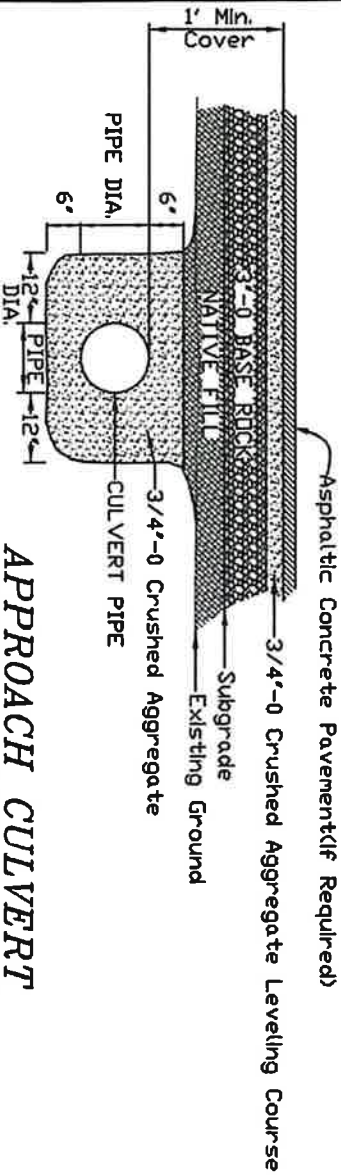


TYPICAL SECTION
Scale 1"=5'

MORROW COUNTY PUBLIC WORKS
Application for Approach Site Approval
Page 4 (Initial)



APPROACH CULVERT DETAIL
Scale 1"=5'



APPROACH CULVERT PIPE TRENCH DETAIL
No Scale

RENEWAL DATE:
01/01/2012



MORROW COUNTY
PUBLIC WORKS DEPARTMENT
STANDARD DRAWINGS FOR
ROAD APPROACH CONSTRUCTION
SHEET 2 OF 2

Morrow County Public Works

PO Box 428
Lexington, OR 97839
(541) 989-9500 Fax: (541) 989-8352

Cash Receipt

Receipt Number **0810231333**
Receipt Date **08/10/2023**
Date Printed: **08/10/2023**
Customer Acct: **CS**
Payment Terms:

Josh Karl

Date	Qty.	UOM	Description	Unit Price	Amount
8/10/2023	1	Each	Approach Permit #308	\$50.00	\$50.00
			OFFICE-MCPW - APPROACHES - Kunze Lane - Josh Karl - Approach #308		

*202-220-340-1050
Approach Permit*

Total:	\$50.00
Received:	\$50.00
Balance Due:	\$0.00

J&S TOWING AND AUTO REPAIR LLC

JOSH KARL
541-656-6008
70270 KUNZE LN
BOARDMAN, OR 97818

0402

Date 7.21.23 96-353/1232

Pay to the order of Morrow County Public Works Dept

fifty dollars 20/100

\$ 50.00

BANK OF EASTERN OREGON
WWW.BEOBANK.COM

WITH GOD ALL THINGS ARE POSSIBLE

For Access permit 70270 Kunze Ln Boardman



⑈000402⑈

Untitled Map
Write a description for your map.
Pam.#
208



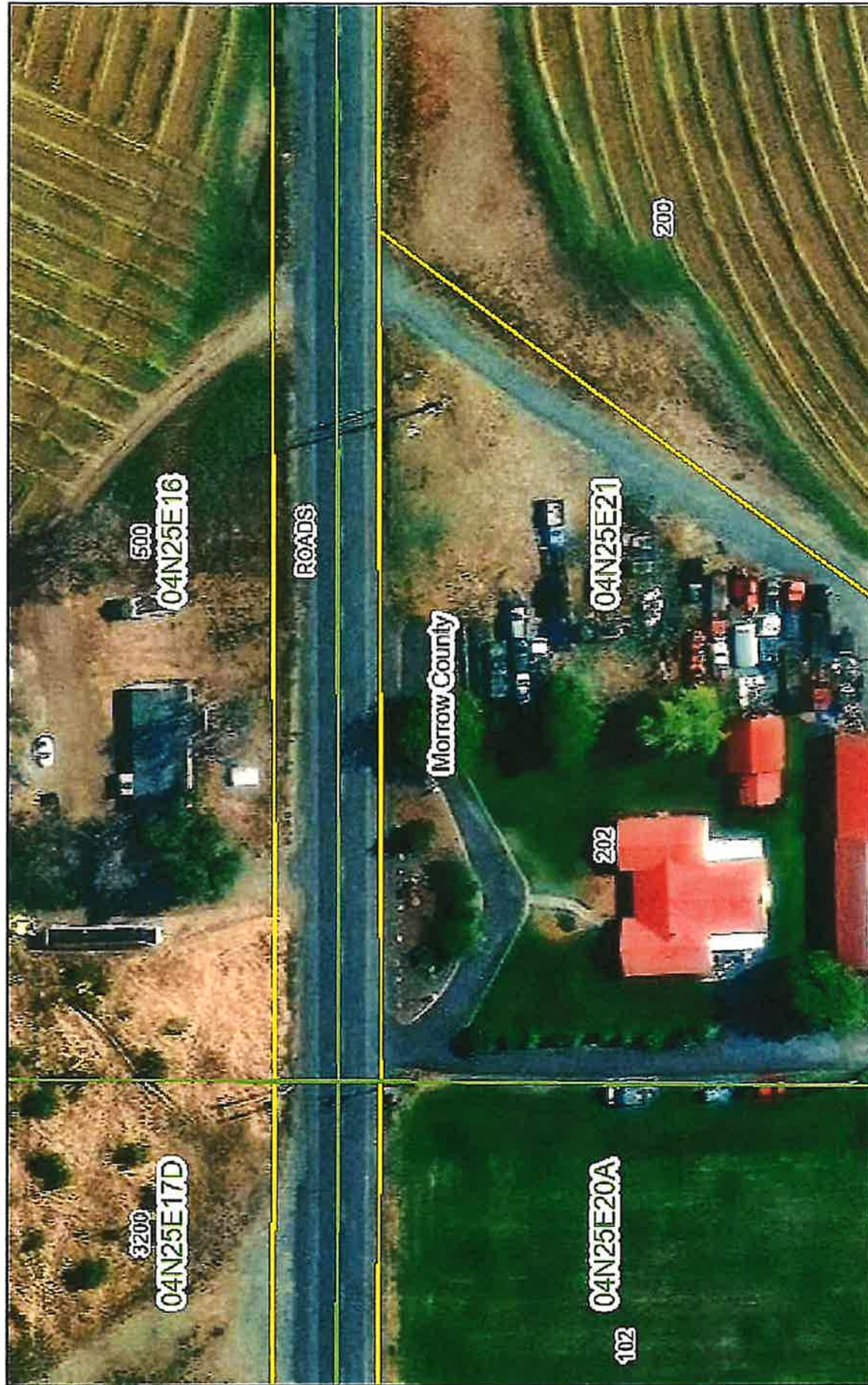
Google Earth

100 ft



Legend

Josh Karl - Kunze Ln



8/10/2023, 4:19:50 PM

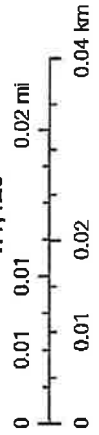
taxlot

mapindex

CountyLines

Permit #308

1:1,128



Maxar, Microsoft, OREGON.DOR, GEO



PUBLIC WORKS DEPARTMENT

Airport General Maintenance Road Department Parks Transfer Stations

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

Eric Imes
Director

Mike Haugen
Asst. Road Master

Sandi Putman
Management Asst.

Kirsti Cason
Administrative Asst.

August 21, 2023

RE: APPROACH CONSTRUCTION PERMIT APPLICATION # 309

Josh Karl
70270 Kunze Lane
Boardman, Oregon 97818

To Whom it may concern,

Thank you for submitting an Approach Site Approval Application & Construction Permit. Your approach and construction site application (#309) was Recommended and Approved on August 14, 2023 with payment being received for the application on August 10, 2023. Please note that a Construction will EXPIRE 90 days from approval date. Should you need an extension on your construction permit please contact the Morrow County Public Works Office.

County personnel may monitor progress of project during construction. Please contact the Morrow County Public Works office upon completing project so final inspection can be done.

Should you have any questions please feel free to contact us at 541-989-9500.
Thank you for your cooperation on this project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kirsti Cason".

Kirsti Cason
Administrative Assistant
Morrow County Public Works

Enclosures

Morrow County Public Works Department

365 West Highway 74 ♦ P.O. Box 428 ♦ Lexington, Oregon 97839 ♦ Phone (541)989-9500

APPLICATION TO OCCUPY OR PERFORM OPERATIONS WITHIN MORROW COUNTY ROAD RIGHT-OF-WAY

Applicant hereby applies to the Morrow County Board of Commissioners through the Morrow County Road Department for permission to perform operations within the County jurisdiction as shown on the map/s and plan attachments hereto and by this reference made a part thereof.

Name of Applicant: Josh H. Karl Contact Phone Number: 541-701-8124
Mailing Address: 70270 Kunze Ln. City: Boardman State: Or Zip: 97818
Email: biggee4x4@gmail.com Is applicant land owner of the property: **Yes** **No**

TYPE OF PERMIT APPLYING FOR

Check only one type and submit payment with application.

Application Fee: Approach Utility
 Private / Residential \$50.00 \$50.00
 Commercial / Business \$125.00 \$0.00

Check only one type of permit below:

Approach Temporary Access
 Utility Work In Right-of-Way
 Cattle Guard (additional fees required)

Payment: Amount Received: \$50.00 Received By: [Signature] Date: 08-10-2023
Payment Type: Cash Check # Money Order Other: Receipt # 0610231332

Location Information: 4N 25E 21 202
Township Range Section Tax Lot

Latitude and Longitude in Decimal Degrees: Latitude: 45.82062
Longitude: -119.70562

Road Name: Kunze
Road Number: 598
Ins. Req. _____ Bond Req. _____
Depth: _____ inches minimum cover
Trench: _____ Bore: _____
Trenching or boring nearer than _____ feet to surface portion of road not permitted.

Check only one and complete details:

Construct, operate and maintain a _____ pole line.
 Construct, operate and maintain a _____ buried cable.
 Construct, operate and maintain a _____ pipe line.
 Miscellaneous operations and/or facilities as described.
 Erect and maintain non-commercial sign.

Required document attachments: (check box if included with application)

Tax Lot Map indicating location Ariel Map of project As Built Drawings

Applicant Signature: [Signature] Date: 8.10.23
(Signature of Authorized Applicant) (Date Signed)

APPROVED Construction shall be completed within one year from date of approval. See attached for conditions and provisions for this permit. Permission is hereby granted pursuant to Oregon Revised Statutes (ORS) 374.305 and 374.330 and ORS 271.440 to make the aforesaid installation in accordance with all specifications. The applicant as indicated above shall at all times be responsible and liable for any and all damages arising from or caused by this installation and this permit may be revoked at any time.

DENIED Denied permit application may be appealed to the Morrow County Commissioners. Reason for Denial:

[Signature] DATE: 8/10/23 [Signature] DATE: 8/10/23
(Assistant Road Master) (Date Signed) (Public Works Director) (Date Signed)

PERMIT NUMBER: 309

Morrow County Public Works

PO Box 428

Lexington, OR 97839

(541) 989-9500

Fax: (541) 989-8352

Cash ReceiptReceipt Number **0810231332** ✓

Receipt Date 08/10/2023

Date Printed: 08/10/2023

Customer Acct: CS

Payment Terms:

Josh Carl

Date	Qty.	UOM	Description	Unit Price	Amount
8/10/2023	1	Each	Approach Permit #309	\$50.00	\$50.00
			OFFICE-MCPW - APPROACHES - Kunze Ln - Josh Carl - #309		
Total:					\$50.00
Received:					\$50.00
Balance Due:					\$0.00

202-220-349-1050
Approach Permit #309

Josh Karl - Kunze Ln

Permit #309



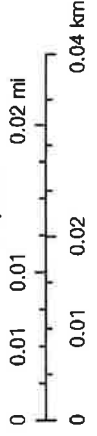
8/10/2023, 4:19:50 PM

taxlot

CountyLines

mapIndex

1:1,128



Maxar, Microsoft, OREGON DOR, GEO



Permit #
 309
Untitled Map
 Write a description for your map.

Legend

Legislative Updates



July 13, 2023

To: Land Conservation and Development Commission

From: Brenda Ortigoza Bateman, Ph.D., Director
Palmer Mason, Senior Policy Advisor
Alexis Biddle, Legislative and Policy Coordinator

Subject: **Agenda Item 16, July 26-28, 2023, LCDC Meeting**

2023 Legislative Staff Report

I. Agenda Item Summary

The Department of Land Conservation and Development (DLCD or department) will brief the Land Conservation and Development Commission (LCDC or commission) on the outcome of the 2023 Legislative Session. Staff will summarize key legislation, budget, and other important issues. No action is required from LCDC.

Purpose. Provide context for the 2023 legislative session and update the Commission on the bills that provide direction to the agency.

Objective. Create a shared understanding of the legislative direction for the agency.

For further information about this report, please contact Palmer Mason, Senior Policy Advisor, (503) 269-2040, Palmer.Mason@dlcd.oregon.gov, or Alexis Biddle, Legislative and Policy Coordinator, (971) 718-4505, Alexis.Biddle@dlcd.oregon.gov.

II. Background

The 2023 Regular Session convened from January 16 - 25, 2023.

For DLCD, the most important legislative issues related to housing, climate, resource lands, and additional budget items. The next section includes a summary of high-priority bills and issues that DLCD staff spent significant time working on. This list does not include every bill the department tracked. Additionally, not every bill DLCD tracked passed this session. More detailed information is available in attachments to this report.

III. 2023 regular legislative session

The 82nd legislative session was among the most impactful legislative sessions in DLCD's 50-year history. With new leadership in both houses of the Legislature as well as Governor Kotek's first year in office, unprecedented legislation was passed in the policy areas of housing, climate, semi-conductor manufacturing, resource lands, and energy. From her first day in office, Governor Kotek made it clear that her priorities include reducing homelessness and supporting housing development, improving access to mental health and addiction services, and investing in early childcare, literacy, and K-12 schools. The selection of bills below provides an overview of the major issues that arose during session, but is not a complete list.

Housing

The first 60 days of session were marked by a sprint to adopt a wide-ranging housing package (HB 2001) on which our housing team worked long days, evenings, and sometimes weekends and nights, to inform the process. HB 2001 establishes the Oregon Housing Needs Analysis – a statewide housing process designed to deliver more housing production, affordability, and choice.

Semiconductor Manufacturing

Early session also focused on semiconductor policy to position Oregon to take advantage of incentives and funding in the federal CHIPS Act. The Joint Committee on Semiconductors developed SB 4 to create a package that fast-tracked development of semiconductor manufacturing by offering incentives and funding for infrastructure as well as a process for the Governor to select certain lands to be included in urban growth boundaries for manufacturing facilities.

Climate

DLCD is also involved with two components of the climate package in HB 3409. The bill establishes a Community Green Infrastructure Fund for DLCD to provide grants to plan and construct projects that support climate mitigation, adaptation and resiliency. The bill also directs DLCD to conduct rulemaking that will allow counties to plan for areas that will streamline the siting of photovoltaic energy generation facilities in areas with lower risk of conflict with natural and cultural resources.

Coastal Management Program

Another major bill that required DLCD's attention was HB 3382 – commonly referred to as the Ports Bill. The bill allows local governments to grant an exception to Goal 16 (estuaries) for the dredging of navigation channels within the jurisdiction of the International Port of Coos Bay.

Early Childhood Education Facility Siting

The legislature also passed HB 2727 directing DLCD to facilitate a work group to identify land use and building code barriers to the siting of early childhood education facilities.

Many other bills that impact land use, resource lands, development opportunities and the agency's work are summarized in the attachments to this staff report.

IV. Recommended Action/conclusion

No action at this time.

V. Attachments

- a. **Legislative Summary 2-pager**
- b. **Complete Legislative Summary**



Department of Land Conservation and Development

2023 Budget and Legislative Summary

Budget

This table reflects funding allocations to DLCD in the 2023-25 biennium from DLCD’s budget bill as well as other bills listed below that dedicate funding to the agency. (Note: this has not yet been reconciled.)

	2021-23 Legislatively Approved Budget	2023-25 Governor’s Budget	2023-25 Legislatively Adopted Budget
General Fund	\$26,114,458	\$21,924,348	\$35,575,182
Other Funds	\$2,208,436	\$4,398,498	\$1,755,120
Federal Funds	\$6,748,006	\$7,662,988	\$9,215,256
Total Funds	\$35,070,900	\$33,494,213	\$46,545,558
Positions / Full-Time Equivalent (FTE)	68 / 66.35	74 / 72.80	78 / 75.93

Included in this total DLCD funding are \$15.7 million grant dollars for local governments:

- \$1.78m – General Grant Program (HB 5027)
- \$3.5m – Housing Grants (HB 2001)
- \$1.25m – Middle Housing for Small Cities (HB 3395)
- \$2.69m – Climate Friendly and Equitable Communities (HB 5506)
- \$6.5m – Community Green Infrastructure Grant Program (HB 5506)

HB 5027 – DLCD Budget Bill

Summary: DLCD’s budget bill allocates \$28.1m to DLCD including the following policy option packages:

Habitat Coordinator (POP 206)

This federally funded position converts an existing position that will work with partners to apply for and administer National Oceanic and Atmospheric Administration infrastructure dollars for habitat acquisition and restoration projects.

Chief Information Officer (POP 210)

This newly created position serves as Chief Information Officer (CIO), updating and implementing the agency-wide IT Strategic Plan, managing the IT Section, modernizing and integrating systems, and overseeing data security and governance. It repurposes a general fund position in the information technology section.

Technical Corrections (POP 211)

This position identifies and adjusts funding and classifications for four positions.

Key 2023 Legislation

HOUSING

HB 2001 – Oregon Housing Needs Analysis

Summary: Creates Oregon Housing Needs Analysis to reform Land Use Planning Goal 10 and accelerate housing production, affordability, and choice in communities throughout the state. 5 FTE.

HB 3395 – Housing Omnibus Bill

Summary: Expands requirement for cities larger than 2,500 people to allow duplexes.



HB 2984 – Commercial to Residential Conversions Exemptions

Summary: Requires cities with populations over 10,000 to allow the conversion of commercial buildings to residential use and limits charges for infrastructure.

CLIMATE

HB 3409 – Climate Package (Green Infrastructure and Solar Siting)

Summary: Establishes a Community Green Infrastructure Grant Program that will support local communities' efforts to plan and build projects that support climate mitigation, adaptation, and resiliency. Also requires DLCD to initiate rulemaking to establish a process for counties to site solar photovoltaic energy facilities in areas that minimize impacts to cultural and natural resource values. 5 FTE.

RESOURCE LANDS

HB 3179 – Modifies Jurisdiction for Solar Photovoltaic Facilities

Summary: Allows counties to permit solar photovoltaic energy facilities on larger acreages.

HB 3197 – Limits Clear and Objective Requirements for Housing

Summary: Phases the requirement for housing development to be approved under clear and objective standards for certain lands outside of urban growth boundaries by July 1, 2025.

SB 70 – Rural Residential Rezoning in Eastern Oregon Border Region

Summary: SB 70 expands the eligible area in which counties within the Eastern Oregon Border Economic Development Board can rezone up to 200 acres for rural residential use.

SB 85 – Amending Concentrated Animal Feeding Operation Regulations

Summary: Requires local government to issue a land use compatibility statement for proposed concentrated animal feeding operations (CAFOs). Allows local governments to require a buffer or setback for large CAFOs adjacent to legal residences or structures that were legal when constructed.

SB 644 – Accessory Dwelling Unit Standards in Rural Residential Zones

Summary: Requires that accessory dwelling units in rural residential zones are constructed to comply with the provisions of section R327 of the Oregon Residential Specialty Code if no statewide map of wildfire risk has been adopted.

COASTAL

HB 3382 – Creating Goal 16 Exception for Dredging in Coos Bay

Summary: Local governments may adopt a "reasons exception" for Goal 16 (estuaries) to allow for dredging of federal navigation channels and related areas within the Port of Coos Bay.

EMPLOYMENT AND LAND

HB 2727 – Early Childhood Education Facility Siting Study

Summary: DLCD will facilitate a work group to identify land use and building code barriers to the siting of early childhood education facilities.

SB 4 – Granting Governor Industrial Siting Authority

Summary: Allows Governor to designate certain lands to be brought within urban growth boundaries for semiconductor and advanced manufacturing by executive order.

Contact Information:

Senior Policy Advisor: Palmer Mason, 503-269-2040, palmer.mason@dlcd.oregon.gov

Legislative and Policy Coordinator: Alexis Biddle, 971-718-4505, alexis.biddle@dlcd.oregon.gov

Budget Specialist: Richelle Corbo, 971-375-3557, richelle.corbo@dlcd.oregon.gov



July 12, 2023

TO: Interested Persons, Local Governments and State Agencies

FROM: Palmer Mason, Senior Policy Advisor
Alexis Biddle, Legislative and Policy Coordinator
Department of Land Conservation and Development



SUBJECT: 2023 DLCD Legislative Summary

2023 DLCD LEGISLATIVE SUMMARY

INTRODUCTION

Oregon legislators introduced more than 2,000 bills during the 2023 legislative session. DLCD tracked more than 200 of them, and about 50 stayed active until the final weeks of the session.

This report describes the legislative policies and statutory changes important to DLCD, local governments and the state's land use planning program from the 2023 legislative session. Sections of this report include Budget, Housing, Climate, Resource Lands, Coastal, Administrative and Miscellaneous, and active bills that did not pass.

I. BUDGET

TABLE 1.1

	2021-23 Legislatively Approved Budget	2023-25 Governor's Recommended Budget	2023-25 Legislatively Adopted Budget
General Fund	\$26,114,458	\$21,924,348	\$35,575,182
Other Funds	\$2,208,436	\$3,906,877	\$1,755,120
Federal Funds	\$6,748,006	\$7,662,988	\$9,215,256
Total Funds	\$35,070,900	\$33,494,213	\$46,545,558
Positions / Full-Time Equivalent (FTE)	68 / 66.35	74 / 72.80	78 / 75.93

Table 1.1 compares the 2021-23 Legislatively Approved Budget, the 2023-25 Governor's Recommended Budget, and the 23-25 Legislatively Approved Budget. It also includes the following grant dollars for local governments:

- \$1.78m – General Grant Program (HB 5027)

- \$3.5m – Housing related to Goals 10 and 14 (HB 2001)
- \$1.25m – Middle Housing for Small Cities (HB 3395)
- \$2.69m – Climate Friendly and Equitable Communities Program (HB 5506)
- \$6.5m – Community Green Infrastructure Grant Program (HB 3409)

TABLE 1.2

General Fund	Operations	Grants	Total GF	Positions	FTE
HB 5027	\$15,412,776	\$1,781,089	\$ 17,193,865	65	63.92
HB2001	\$2,675,884	\$3,500,000	\$ 6,175,884	7	7.00
HB 5506-CFEC	\$309,078	\$2,690,922	\$ 3,000,000	1	1.00
HB 5506/3409-TREES	\$768,741	\$6,500,000	\$ 7,268,741	4	3.13
HB 3409-Solar Siting	\$471,692	\$0	\$ 471,692	1	0.88
HB 3395 Housing	\$0	\$1,250,000	\$ 1,250,000	0	0.00
HB 2727	\$215,000	\$0	\$ 215,000	0	0.00
Totals	\$19,853,171	\$15,722,011	\$ 35,575,182	78	75.93
		OF	\$ 1,755,120		
		FF	\$ 9,215,256		
		TF	\$ 46,545,558		

Table 1.2 summarizes all funding, positions and FTEs from the 2023 legislative session. In total, DLCD will have about a \$46.5m budget, 78 positions and 75.9 FTE.

HB 5027 – DLCD Budget Bill

Summary: HB 5027 is DLCD's budget bill and allocates \$28,164,241 (~\$17.1 GF, ~\$1.7m OF, ~\$9.2m federal) to authorize and fund 65 positions. The bill largely continues current service level funding with a minor reduction (~3%) that does not require any cuts to our positions. The bill does include 3 Policy Option Packages (POPs) from the Governor's Recommended Budget including:

Habitat Coordinator (POP 206)

This position converts an existing position to permanent status, continuing work with partners to apply for and administer National Oceanic and Atmospheric Administration infrastructure dollars for habitat acquisition and restoration projects. Federally funded.

Chief Information Officer (POP 210)

This newly created position will lead the department as the Chief Information Officer (CIO) to update and implement the agency-wide IT Strategic Plan, systems integration, IT department management, ongoing systems modernization initiatives, along with data security and governance.

Technical Corrections (POP 211)

This position makes funding and classification adjustments for four positions.

Positions: 65 (all permanent) **FTE:** 63.92

Status: Awaiting Governor's Signature **Effective Date:** Upon passage

HB 5506 – End-of-Session Appropriations Bill

Summary: HB 5506 allocates additional funds to DLCD:

- HB 5506 appropriates \$6.5m to DLCD for the Community Green Infrastructure Fund (see HB 3409 below). This funding will be distributed to eligible grant applicants.
- The bill also appropriates \$3m to DLCD for Climate Friendly and Equitable Communities (CFEC) – approximately 90% of this funding is dedicated directly to local governments for CFEC implementation.

Positions: 1 (Permanent) **FTE:** 63.92

Status: Awaiting Governor's Signature **Effective Date:** Upon passage

II. HOUSING**HB 2001 – Oregon Housing Needs Analysis**

Chief Sponsors: Rep. Dexter, Rep. Helfrich, Sen. Jama, and Sen. Anderson

Summary: HB 2001 updates the statutory framework implementing Goal 10 to emphasize a measurable and accountable approach to housing production that provides needed units at all levels of affordability, promotes a greater range of housing options and types, and affirmatively furthers fair housing. Among its major provisions, this legislation includes the following:

Housing Need Methodology & Housing Production Targets

- Establishes the Oregon Housing Needs Analysis (OHNA) methodology within the Department of Administrative Services to project the statewide 20-year housing need, to allocate the proportional share of need to individual cities and counties, and to identify

housing production targets for each city over 10,000 and unincorporated urban areas of the Metro counties no later than January 1, 2025.

- Requires the 20-year allocation of housing need to include the following:
 - Population and household growth;
 - Current housing underproduction;
 - Housing needed for people experiencing homelessness; and
 - Housing units projected to be converted into second and vacation homes.
- Requires the OHNA methodology to report housing needs using the following household income levels:
 - Below 30% Median Family Income (MFI);
 - 30% to 60% MFI;
 - 60% to 80% MFI;
 - 80% to 120% MFI; and
 - Above 120% MFI.

Housing Production Dashboard

- Requires OHCS to publish no later than January 1, 2025, a housing production dashboard with assessments of the progress made by cities above 10,000 population on housing production targets.

Equity Analysis

- Requires OHCS to maintain a comprehensive statewide equity analysis, based on best available data, to provide baseline analysis that local jurisdictions must complete as part of a Housing Production Strategy to track equity-related housing outcomes.

Urbanization

- Outlines a set of clear principles that LCDC must follow in adopting or implementing housing rules that focus on making housing accessible and affordable, emphasize production and support to local governments, emphasize equitable outcomes and environmental justice, and avoid litigation or regulatory uncertainty.
- Directs LCDC to adopt rules that focus on providing flexibility and certainty in local compliance with Goals 10 and 14. Rules relating to housing production strategies and housing accountability are due on or before January 1, 2025, and rules relating to buildable land inventories and UGB amendments, land exchanges, and urban reserves on or before January 1, 2026.
- Allows LCDC to postpone the application of HB 2001 to cities currently adopting changes and updates under Goal 10 until January 1, 2026.

- *Note. This was amended to January 1, 2027 in HB 2009.*
- Requires cities to identify “development ready lands” as part of their buildable land inventories, focused on areas annexed and zoned to allow housing with clear and objective standards, readily served with public facilities or near-term improvements identified in the adopted capital improvement plan.
- Modifies the “Needed Housing” statute to reflect OHNA estimates and allocations. Cities will determine the type, characteristics, and locations of housing based on the allocation of housing need by DAS. Metro will estimate and allocate housing need to cities and urban, unincorporated areas within the Metro region.
 - *Note: HB 2889 shifted the allocation responsibility in the Metro region from Metro to DAS. This allocation will be based on the needs projection developed by Metro as part of the Growth Management Decision. Additionally, the OHNA policy estimates and allocates housing need for urban, unincorporated areas within the Metro with the expectation that policy recommendations for Goal 10 implementation will be developed for the 2024 Session.*

Housing Accountability

- Establishes a framework for DLCD to periodically evaluate housing production progress and refers underperforming cities to a housing acceleration program, effective January 1, 2025. Require DLCD to evaluate city progress and performance on production, affordability, and choice, and for cities that are underperforming, not completing HPS requirements by the deadline, or referred by an enforcement order, refer into the housing acceleration program.
- Expands the conditions under which LCDC may pursue an enforcement order and the types of actions that LCDC may compel from cities relating to the housing acceleration program, housing production strategies and local housing approvals.

Housing Production Strategies

- Establishes a clear state goal for housing production strategies of providing to further “housing choice for all”, ‘affirmatively furthering fair housing’. and fair and equitable housing outcomes
- Clarifies the types of actions that increase housing production, affordability, and choice, including ‘efficiency measures’ which were historically part of the buildable lands statute.
- Establishes a Housing Coordination Strategy required for Metro and optional for other regional/county entities, recognizing the coordinating role that regional governments play in housing planning and outlining the actions and tools that could be included in such strategies.

Population Forecasts

- Amends the population forecast statutes to require the Population Research Center and Metro to include race, ethnicity and disability in their projections. Further requires the Population Research Center to include tribal lands in its projections.

Requires complex rulemaking and a rules advisory committee.

Positions: 7 (all permanent)

FTE: 7

Status: Signed by Governor March 29, 2023

Effective Date: Upon passage

HB 3395 – Housing Omnibus Bill

Chief Sponsor: Speaker Rayfield, Rep. Dexter, Rep. Gomberg, and Sen. Jama

Summary: HB 3395 sets forth numerous policy changes related to residential development:

- Requires non-Metro cities between 2,500 – 10,000 residents to adopt ordinances allowing duplexes on any lot zoned for residential use that allows single family detached housing by June 30, 2025. DLCD will receive \$1.25m to provide grant assistance for those cities to update their local development codes.
- In areas within UGB boundaries and zoned for commercial use, directs local governments to allow housing units available to those households making 60% of area median income, or allow mixed use structures with ground floor commercial for those households with moderate incomes as defined in ORS 456.270 (80-120% AMI). This provision takes effect as of January 1, 2024.
- Provides local governments flexibility on their required timelines for final action on an application for a permit, limited land use decision or zone change. Specifically, when a local government tentatively approves an application for the development of a residential structure within an urban growth boundary, they may extend the deadline (100 days for counties, 120 days for cities) by up to seven days to ensure sufficiency of the final order. Additionally, it provides local and state government agencies the ability to withdraw final decisions for reconsideration on appeal for an application relating to the development of a residential structure. Collectively, these provisions are intended to reduce appeals that can substantially delay the development of housing by providing local governments more time and ability to address issues before they are appealed. These provisions take effect as of January 1, 2024.
- Makes permanent the requirement that local governments approve emergency shelters subject to certain conditions and operated by a local government, non-profit, religious corporation, or housing authority located on any property within the UGB or on rural residential lands. This provision does not apply when the point-in-time count indicates that homelessness comprises less than 0.18% of the total state population.

- Awards attorney fees to any local government or intervening applicant that prevails on the appeal of the local approval of an emergency shelter, and to any applicant that prevails on the appeal of a local denial.
- Exempts development established on or after January 1, 2024, in which each residential unit is subject to an affordability restriction, owned by a public benefit corporation or owned by a religious corporation from the definition of “planned community” provided in ORS 94.550. This provision takes effect as of January 1, 2024.
- Precludes local governments from reviewing and approving condominium plats, and prohibits any zoning, subdivision, building code or other regulation that imposes a tax or fee, approval process or permitting requirements upon any development or property proposed as condominium not also imposed on a different form of ownership. This provision takes effect as of January 1, 2024.
- Directs that cities and counties to accept as assurance for the provision of water and sewer services one or more award letters from public funding sources made to a person subdividing a property for affordable housing if the value of the award letters exceeds the total project cost. This provision takes effect as of January 1, 2024.
- Requires local governments to approve Single Room Occupancy development with up to 6 units on each lot zoned for single family detached housing and, if the lot allows the development of 5 or more units, then the SRO development must be approved up to the number of units allowed by the underlying density standard. This provision takes effect as January 1, 2024.
- Amends the definition of “needed housing” in ORS 197.296 and 197.303 to include “single room occupancy” development, meaning that local governments must consider this development type when evaluating the amount of buildable land necessary for residential development over a 20-year timeframe and when preparing Housing Production Strategies to meet housing production goals. This provision takes effect as of January 1, 2024.
- Establishes a process for homeowner associations to remove discriminatory language from any declaration or bylaws adopted for a planned community or condominium established before September 1, 2021, to review these documents and amend such language on or before December 31, 2024.
- Allows the Public Utilities Commission to permit utilities to convey a real property interest at below market prices or as a gift provided the property is used for affordable housing. This provision takes effect as of January 1, 2024.

- Directs the Oregon Department of Administrative Services, in consultation with DLCD and OHCS, to provide grants to councils of government and economic development districts to support housing and community development capacity in local governments and the federally recognized tribes. HB 3395 appropriates \$5M for this purpose.

Requires conforming rulemaking.

Status: Awaiting Governor's Signature

Effective Date: Upon passage unless otherwise noted (underlined above).

HB 2127 – Pendleton UGB Expansion for Affordable Housing Pilot Extension

Chief Sponsor: Rep. Mannix

Summary: In 2016, the Oregon Legislative Assembly passed House Bill 4079, which established a pilot program for the construction of affordable housing. The program allowed two cities to approve affordable housing on land outside but adjacent to their urban growth boundary (UGB) under certain conditions, including the a demonstration selected projects that were likely to provide affordable housing that otherwise would not have been built. Ultimately, the cities of Bend and Redmond were selected. Later, in 2021, the Legislative Assembly enacted House Bill 2160, which allowed LCDC to consider an application from the City of Pendleton under the pilot project with a deadline for the application on June 30, 2023.

HB 2127 removed the deadline for the City of Pendleton to apply to a pilot project program for affordable housing and sunsets the program on January 2, 2028.

Status: Awaiting Governor's Signature

Effective Date: Upon passage

HB 2889 – Oregon Housing Needs Analysis Recommendations

Chief Sponsor: Rep. Dexter, Rep. Fahey, Rep. Marsh, Sen. Jama, and Sen. Gorsek

Summary: HB 2889 served as the “clean-up” legislation to HB 2001 adopted earlier to implement the Oregon Housing Needs Analysis (OHNA) framework and to update Goals 10 and 14 for improved housing production. The bill revises the OHNA Methodology process and targets to reflect the policy priorities to track the production of all levels of housing affordability. It also re-assigned the responsibility for allocating housing need in the Metro region from Metro Regional Government to Department of Administrative Services. Finally, HB 2889 includes other technical clarifications to correct errors, ensure the policy functions as intended, and avoid create potential unanticipated consequences.

Status: Awaiting Governor's Signature

Effective Date: Upon passage

HB 2898 – Extending Time for Siting Recreational Vehicles as Shelter

Chief Sponsors: Rep. Cate and Sen. Brock Smith

Summary: Since 2005, Oregon law has allowed the use of a recreational vehicle (RV) as a dwelling if all of the following conditions are met:

- the RV is located in a manufactured home park, mobile home park, or RV park;
- the RV is occupied as a residential dwelling; and
- the RV has lawful water and electric hook-ups and a sewage disposal system.

In response to the 2020 wildfires, the Legislative Assembly enacted House Bill 2809 (2021), which also permitted the siting of an RV as a dwelling on the lot of a manufactured or single-family home made uninhabitable by a natural disaster, until the home is made habitable or 24 months following the date it was made uninhabitable. House Bill 2898 extends the time allowance for living in an on-site RV to five years. The measure also specifies that, under applications to alter, restore, or replace a dwelling destroyed by the 2020 wildfires, the applicant is permitted to occupy an RV until December 30, 2030.

Status: Awaiting Governor's Signature

Effective Date: Upon passage

HB 2984 – Commercial to Residential Conversions Exemptions

Chief Sponsor: Rep. Marsh

Summary: HB 2984 requires local governments to allow conversion of a building from commercial to residential use without requiring a zone change or conditional use permit. It clarifies housing developed under these provisions may occur only within an urban growth boundary for cities with populations of 10,000 or greater, and not on lands zoned for heavy industrial use. It allows local governments to require payment of system development charge (SDC) if charge is based on specific commercial to residential conversion policy adopted by a local government on or before December 31, 2023; or is for water or wastewater and offset by any SDCs paid when building was originally constructed. Prohibits enforcement of parking minimums greater than those required for existing commercial or residential use.

Status: Awaiting Governor's Signature

Effective Date: Upon passage

HB 3442 – Allowing Affordable Housing In Hazard Areas

Chief Sponsor: Rep. Javadi and Sen. Brock Smith

Summary: HB 3342 allows local governments with urban growth boundaries within 10 miles of the Pacific Ocean to approve affordable housing on public lands, areas zoned for commercial use or religious assembly, or certain industrial areas within 100-year floodplains or on property constrained by land use regulations based on natural hazards and hazards, if, within the city's urban growth boundary, more than 60 percent of land is within a tsunami inundation zone or more than 30 percent is within a 100-year floodplain. HB 3442 limits this affordable housing to those locations meeting minimum federal standards required by the National Flood Insurance Program or equally or more stringent local standards, occurring outside of flood waterways, and having updated emergency response plans.

HB 3462 – Temporary Housing under Emergency Declarations

Chief Sponsor: Rep. Hartman

Summary: HB 3462 directs the Oregon Department of Emergency Management (OEM), Oregon Housing and Community Services (OHCS), or Department of Human Services (DHS) to ensure temporary housing provided in response to emergencies is safe and complies with nondiscrimination laws. These agencies may provide equivalent resources, as funding allows, to potential recipients otherwise ineligible for federal resources, including ineligibility due to immigration status.

Status: Awaiting Governor's Signature

Effective Date: Upon passage

III. CLIMATE

HB 3409 – Climate Package (Green Infrastructure and Solar Siting)

Chief Sponsors: Speaker Rayfield, Rep. Marsh, Rep. K. Pham, Senator Dembrow, and Senator Lieber

Summary: HB 3409 is a climate package with many components – not all of which apply to DLCD:

Community Green Infrastructure Grant Program

- Establishes the Community Green Infrastructure Grant Program, which is to be administered by DLCD for the purpose of awarding grants to offset the cost of planning and developing community green infrastructure projects or green infrastructure

economic development projects, developing and supporting native seed banks or native plant nurseries, and for implementing green infrastructure master plans.

- The measure requires DLCD to enter into an intergovernmental agreement with ODF for assistance with the design and implementation of the program, acquiring and administering federal funding related to green infrastructure projects, or technical advice or feedback on the grant review process.
- Requires DLCD to enter into an intergovernmental agreement with the Oregon Department of Transportation for technical advice concerning state transportation facilities and rights of way as they relate to the design and implementation of the program, acquiring and administering federal funding related to green infrastructure projects, and technical advice or feedback on the grant review process.
- Permits DLCD to appoint an Advisory Committee on Community Green Infrastructure Investments to provide consultation on the implementation of the grant program. No later than September 15 of each even-numbered year, the Advisory Committee is to submit a report on the implementation of the program to the appropriate interim Committee of the Legislative Assembly. The measure establishes the Community Green Infrastructure Fund with moneys in the fund continuously appropriated to DLCD to award grants, with 30 percent for grants for planning and developing green infrastructure economic development projects, 40 percent for grants to entities or projects located in green infrastructure improvement zones, and 30 percent for grants for entities or projects in tribal, rural, remote, or coastal communities. None of the funds are allocated for administration of the grant program.
- The measure appropriates \$6.5 million General Fund for grants. \$6.5 million Other Funds expenditure limitation will be added to SB 5506 (See above), as well as designating the General Fund appropriated to be deposited in the Community Green Infrastructure Fund, which will allow moneys to be expended in future biennia.
- Requires ODF to acquire and maintain a statewide urban tree canopy assessment tool that provides geospatial mapping and make it available on a website maintained by the Department. Lastly, the measure requires ODF to develop and implement a program to provide technical and financial assistance to public bodies, tribal governments, watershed councils, and community-based organizations for planning, responding to, and recovering damage to habitats and urban tree canopies due to pests, diseases, or other natural or human-created conditions that lead to loss of tree canopy.
- In addition to the \$6.5 million General Fund appropriation, the measure appropriates \$768,741 General Fund to DLCD in the 2023-25 biennium for new positions and related costs. The grant funding provided by this measure is a one-time appropriation and if all grant funding is not disbursed in the 2023-25 biennium, DLCD will retain the funding but need to request ongoing position authority and expenditure limitation for the 2025-27 biennium.
- **Positions:** 4 (all limited duration) **FTE:** 3.13

Finding opportunities and reducing conflict in siting photovoltaic solar power generation facilities

- Directs DLCD to conduct two rulemakings related to the siting of solar energy facilities. The first rulemaking is to include photovoltaic energy facilities as a “rural industrial use” for purposes of goal exceptions by November 3, 2023. The second rulemaking will establish conditions for local governments to prioritize areas for photovoltaic energy facilities siting least likely to conflict with natural and cultural resource values by July 1, 2025.
- Establishes the 17 member rules advisory committee for siting photovoltaic solar power generation facilities to advise DLCD on adoption of rules related to photovoltaic solar power generation facility siting. DLCD is to provide an initial report to an appropriate interim committee of the legislative assembly by September 15, 2025, and a final report to certain entities by December 31, 2025.
- The measure requires DLCD to contract with a third party to support the rules advisory committee, including to facilitate and coordinate meetings, and furnish maps, data, and technical assistance. Members of the rules advisory committee are entitled to compensation and expenses. These portions of the measure sunset January 2, 2026.
- Provides DLCD \$471,692 general fund in the 2023-25 biennium. Department anticipates hiring one full-time planner 4. This position would provide support for the rules advisory committee and allow DLCD to develop more policy and technical expertise in renewable energy issues.
- **Positions:** 1 (limited duration) **FTE:** .88

Natural Climate Solutions

- Establishes various funds to be appropriated to the Oregon Watershed Enhancement Board, Department of Fish and Wildlife, Oregon Department of Forestry, and Department of Agriculture. These funds will establish programs that provide incentives and financial support for technical assistance to help landowners, Indian tribes, land managers and environmental justice communities to adopt practices that support natural climate solutions.
- HB 3409 also directs the Oregon Department of Energy to consult with DLCD (among other entities) to establish and maintain a carbon sequestration and storage baseline and activity-based metrics used to evaluate progress toward increasing net biological carbon sequestration and storage in natural and working lands.

Status: Awaiting Governor’s signature

Effective date: Upon passage

IV. RESOURCE LANDS

HB 2192 – Replacement Dwellings on Forest Land

Chief Sponsors: Rep. Wright and Sen. Brock Smith

Summary: On lands zoned for forest use, current law provides for alteration, restoration, or replacement of lawfully established dwellings as a permitted use if the dwelling "has" intact exterior walls, an intact roof structure, indoor plumbing connected to a sanitary waste disposal system, interior electric wiring, and a heating system. If the dwelling is being replaced, it must be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling. Forestland dwelling statutes do not allow for alteration, restoration, or replacement of dwellings that no longer have intact walls and other structural components and do not meet requirements related to ad valorem taxation.

By contrast, on lands zoned for exclusive farm use, current law provides for alteration, restoration, or replacement of lawfully established dwellings as a permitted use if the dwelling "has" or "formerly had" intact structural features (HB 2746, 2013). Similarly, HB 2289 (2021) required that a local government approve an application to alter, restore, or replace a dwelling affected by the 2020 Labor Day wildfires if the former dwelling "had" intact structural features.

HB 2192 would modify requirements for a lawfully established forestland dwelling to be altered, restored, or replaced by aligning criteria applicable to the alteration, restoration, or replacement of lawfully established dwellings on forestland with the criteria for certain farmland dwellings. It allows for a lawfully established dwelling to be altered, restored, or replaced if:

- (1) the county determines that the dwelling formerly had intact exterior walls and roof structure, indoor plumbing, interior wiring for interior lights, and a heating system and
- (2) unless the value of the dwelling was eliminated as a result of destruction or demolition, the dwelling was assessed as a dwelling for purposes of ad valorem taxation since the later of five years before the date of the application or the date that the dwelling was built and became subject to property tax assessment; or if the value of the dwelling was eliminated as a result of destruction or demolition it was assessed as a dwelling for purposes of ad valorem taxation prior to the destruction or demolition and since the later of five years before the date of the destruction or demolition or the date that the dwelling was built and became subject to property tax assessment.

HB 2192 provides that applicable construction codes related to building, plumbing, sanitation, and health and safety may not be applied to the replacement dwelling if doing so would prohibit the siting of the replacement dwelling. An application for a replacement building must be filed within three years following the date that the dwelling last possessed all of the required qualifying features. Construction of the replacement dwelling must commence no later than four years after its application is approved and finalized. A replacement dwelling must comply with the construction provisions of section R327 of the Oregon Residential Specialty Code if the

dwelling is in an area identified as extreme or high wildfire risk on the statewide wildfire risk map or if no statewide wildfire risk map has been adopted.

Requires conforming rulemaking.

Status: Awaiting Governor's Signature

Effective Date: Upon passage

HB 3179 – Modifies Jurisdiction for Solar Photovoltaic Power Generation Facilities

Chief Sponsor: Rep. Helm

Summary: HB 3179 increases the maximum acreage for solar photovoltaic power generation facilities under county jurisdiction. On high-value farmland the maximum facility acreage increases from 160 to 240 acres; on land that is predominantly cultivated or composed of certain soil acreage increases from 1,280 to 2,560 acres; and on any other land the acreage for county jurisdiction increases from 1,920 to 3,840 acres. Facilities greater than these thresholds will continue under the jurisdiction of the Energy Facility Siting Council.

HB 3179 also requires renewable energy facility that is solar photovoltaic power generating facility using newly authorized acreage limit under HB 3179 to provide decommissioning plan to accomplish restoration of site to useful, nonhazardous condition, which includes bonding or other security as financial assurance. The bill prohibits the Oregon Department of Transportation and the county court or board of county commissioners from discriminating against or favoring a renewable energy facility in reviewing or granting siting permits for such facilities to be built on the right of way of state highways or county roads.

Requires conforming rulemaking.

Status: Awaiting Governor's Signature

Effective Date: Upon passage

HB 3197 – Limits Clear and Objective Requirements for Housing

Chief Sponsor: Rep. McLain

Summary: HB 3197 directs local governments to apply clear and objective standards to residential development within urban growth boundaries and, after July 1, 2025, to apply such standards to residential development within non-resource lands, areas zoned for rural residential, and unincorporated communities designated in county comprehensive plans. Similarly, for farmworker accessory housing, counties must apply additional standards beyond those under ORS Chapter 215 or DLCD rules as clear and objective. Finally, HB 3197 no longer limits the discretionary option to clear and objective standards to appearance and aesthetic

standards, allowing developers and local governments to agree alternative design and development standards.

Status: Awaiting Governor's Signature

Effective Date: Upon passage

HB 3630 – Statewide Energy Strategy

Chief Sponsors: Speaker Rayfield, Rep. K. Pham, Rep. Marsh, and Sen. Golden

Summary: HB 3630 requires the Oregon Department of Energy to adopt a statewide energy strategy and support energy resiliency planning in each county in Oregon. This bill will inform the work of DLCD's rulemaking on photovoltaic power generation facilities under HB 3409 (see above).

Status: Awaiting Governor's Signature

Effective Date: Upon passage

SB 70 – Rural Residential Rezoning in Eastern Oregon Border Region

Chief Sponsor: Sen. Findley

Summary: In 2017, the Legislative Assembly created the Eastern Oregon Border Economic Development Region (Border Region) and established the Eastern Oregon Border Economic Development Board (Board) through the enactment of HB 2012. The Border Region is defined in rule as the area within 20 miles of the Oregon border with Idaho, which includes the cities of Ontario, Vale, and Nyssa.

In 2021, the Board urged the legislature to pass SB 16 as a means to increase rural residential housing options in the Border Region in response to significant residential growth in Idaho. The Legislative Assembly enacted the bill, which authorizes counties to partition and rezone up to 200 acres of lands within the Border Region from exclusive farm use to residential use, provided that the rezoned lands are not high-value farmland and other specified requirements are met.

SB 70 amends the definition of "high-value farmland" for residential rezoning of lands within the (Border Region to allow for rezoning within the boundaries of an irrigation district, drainage district, water improvement district, water control district, or related corporation, and within a portion of the Snake River Valley viticultural area. The bill requires that the rezoned lands are within a rural fire protection district, comply with applicable fire prevention code requirements, and are not within an area designated as a 100-year floodplain on a current Federal Emergency Management Agency map. It changes county authority to "partition" to county authority to "divide" lands zoned for exclusive farm use within the Border Region, provided that certain conditions are met.

Status: Awaiting Governor's Signature

Effective Date: Upon passage

SB 80 - Wildfire Bill

Chief Sponsors: Senate Interim Committee on Natural Resources and Wildfire Recovery

Summary: SB 80 updates many of the requirements set forth in SB 762 (2021), the omnibus wildfire bill, including:

- Directs the State Department of Forestry to oversee the development and maintenance of a comprehensive statewide wildfire hazard map. The map's name has been updated to "hazard" from "risk" and purposes of the map have been defined.
- The hazard zones have been changed to three zones: low, moderate, and high, from five risk classes (none, low, moderate, high, and extreme). Property owner notice and appeal processes have been revised.
- Requirements for a robust community engagement process have been added, including holding eight in-person meetings with county commissioners and staff throughout the state and a follow up meeting for counties to be scheduled by Association of Oregon Counties.
- Requirements for State agencies that use the map layer that geospatially displays the locations of socially and economically vulnerable communities are detailed, including how resources are directed, how communities are identified, and how outreach is conducted. No date is specified for the map's release, it is to be "completed and released expeditiously."

Status: Awaiting Governor's Signature

Effective Date: July 1, 2023

SB 85 – Amending Concentrated Animal Feeding Operation Regulations

Chief Sponsors: Senate Interim Committee on Natural Resources and Wildfire Recovery

Summary: SB 85 requires local government to issue a land use compatibility statement for proposed concentrated animal feeding operations (CAFOs). It also allows local governments to require a buffer or setback for large CAFOs that would be adjacent to legal residences or structures that were legal when constructed.

Status: Signed

Effective Date: May 8, 2023

SB 644 – Accessory Dwelling Unit Standards in Rural Residential Zones**Chief Sponsor:** Sen. Knopp, and Sen. Findley

Summary: **SB 644** allows **counties to approve** accessory dwelling units in rural residential zones constructed consistent with Section R327 of the Oregon Residential Specialty Code if no statewide map of wildfire risk has been adopted or is located in an area on an adopted state wildfire risk map that vulnerable to extreme or high wildfire risk. Note that SB 80 (see above) provides the Oregon Department of Forestry direction with regard to adopting a statewide wildfire risk map.

Status: Awaiting Governor's Signature**Effective Date:** Upon passage**SB 1013 – Allowing Recreational Vehicles on Certain Rural Properties****Chief Sponsors:** Sen. Hayden, Sen. Linthicum, and Sen. Brock Smith

Summary: SB 1013 authorizes counties to allow property owners in a rural residential zones to site one recreational vehicle (RV) subject to residential rental agreement on property, provided: the property is not within an urban reserve and includes a single-family dwelling occupied solely as property owner's primary residence; no other dwelling units are sited on the property; the property owner does not allow the use of the RV or RV space for vacation or other short-term occupancy; the RV is owned or leased by the tenant; and the property owner provides essential services to the RV.

SB 1013 allows a county to require a property owner to register RV siting with the county; enter into written residential rental agreement with RV tenant; limit payment amount property owner may accept from tenant; and hold RV to county inspection and siting standards.

SB 1013 defines "recreational vehicle" for purposes of Act as a recreational vehicle that has not been rendered structurally immobile and is titled with the Department of Transportation. The bill prohibits a state agency from prohibiting placement or occupancy of RV solely on grounds it is an RV if it meets provisions of Act. Finally, the bill clarifies RVs sited under the measure's provisions are not subject to the state building code.

Status: Awaiting Governor's Signature**Effective Date:** Upon passage

V. COASTAL

HB 3382 – Creating Goal 16 Exception for Dredging in Coos Bay

Chief Sponsors: Rep. Javadi, Rep. Gomberg, Sen. Brock Smith, and Sen. Woods

Summary: HB 3382 allows local governments within the jurisdiction of the Port of Coos Bay to approve a “reasons exception” for Goal 16 (estuaries) to redesignate or rezone natural and conservation management units to allow for dredging of federally authorized deep draft navigation channels, access channels, and related structures. Applicants for this exception are limited to the International Port of Coos Bay and Oregon’s federally recognized tribes.

This exception requires that all dredging activities include mitigation of adverse impacts to ensure that “no net loss” of estuarine resources and the affected aquatic and shore areas and habitats.

The bill also provides that the rules and permitting authority of the Department of State Lands, The Department of Transportation, The State Parks and Recreation Department, The State Department of Fish and Wildlife, and the Department of Environmental Quality are not affected by this exception.

Status: Awaiting Governor’s Signature

Effective Date: Upon Passage

VI. ADMINISTRATIVE AND MISCELLANEOUS

HB 2727 – Early Childhood Education Facility Siting Study

Chief Sponsor: Rep. Marsh

Summary: HB 2727 requires DLCD to convene a work group to study barriers to the development of early childhood education facilities statewide. It includes \$215,000 to contract with a facilitator and support work group participation. A report from this work group is due by December 31, 2024.

Status: Awaiting Governor’s Signature

Effective Date: Upon passage

HB 3167 - Allows Notice In Digital Newspapers

Chief Sponsors: Rep. Marsh, Rep. Smith, Sen. Knopp, Sen. Patterson

Summary: HB 3167 modifies definitions with ORS 193.010 to include digital newspaper formats as an acceptable form of legal notice.

Status: Awaiting Governor's Signature

Effective Date: Upon passage

HB 3362 – Validation of Illegal Land Division Purchased by Innocent Purchasers

Chief Sponsors: Rep. Conrad and Rep. Wright

Summary: HB 3362 allows a county to approve an application to validate a unit of land acquired by an innocent purchaser prior to January 1, 2023 if the county: before the acquisition, approved an application for the recognition of the unit of land as a lawfully established unit of land and approved an application for a property line adjustment to that unit of land, and after acquisition, revoked these approvals. The bill exempts such applications from specified minimum lot or parcel sizes and sunsets county authority on January 2, 2025.

HB 3362 allows any person, notwithstanding standing requirements or deadlines, to file with the Land Use Board of Appeals (LUBA) a notice of intent to appeal a land use decision made by a county if: the challenged decision approved an application for a template dwelling, a legal lot verification, or a property line adjustment; the approval of the challenged decision was based on forged deeds or documents; the applicant is not an "innocent purchaser" under the definition provided in this Act; and the applicant owned the property that was the subject of the challenged land use decision on January 1, 2023.. Prohibits the county from approving a new application for a template dwelling on the lot or parcel if the challenged decision is overturned on appeal.

Status: Awaiting Governor's Signature

Effective Date: Upon Passage

SB 4 –Siting Authority for Semiconductor and Advanced Manufacturing

Chief Sponsors: Rep. Bynum, Rep. Wallan, Sen. Knopp, and Sen. Sollman

Summary: SB 4 allows the Governor to add lands by executive order to existing urban growth boundaries for use in semiconductor manufacturing, advanced manufacturing or supply chain development related to these industries. The lands must be designated on or before Dec. 31, 2024, contiguous to the city's existing urban growth boundary, entirely within three miles of that boundary and not located on an acknowledged urban reserve. Before designating any such lands, the bill requires the Governor to determine that suitable lands are not available within the

existing UGB boundary and to take public input on the potential designation. The Governor may designate up to 8 sites within specific acreage limits.

Any lands designated under SB 4 are considered an acknowledged urban growth boundary. DLCD must consider any designated lands included in a local ordinance adopted within 6 months of the executive order that zones the lands for semiconductor or advanced manufacturing uses as an acknowledged amendment to the local comprehensive plan or land use regulations. Lands added to UGBs may be removed upon order by the Governor if the lands will not receive federal semiconductor financial assistance.

Status: Awaiting Governor's Signature

Effective Date: Upon passage

SB 11 – Prompt Publishing of Commission Recordings

Chief Sponsor: Sen. Gorsek

Summary: SB 11 requires LCDC (among other state boards/commissions) to record and promptly publish public meetings through electronic means.

Status: Awaiting Governor's Signature

Effective Date: Upon passage

HB 3458 – Limiting Appeals of Remands to Issues Raised under Original Appeal

Chief Sponsor: Rep. McLain

Summary: HB 3458 prohibits a party from raising new issues before the Land Use Board of Appeals (LUBA) in cases where LUBA remands all or a portion of a decision related to an acknowledged comprehensive plan or land use regulation and the local government adopts the same changes following remand with revised findings and additional evidence responding to the remand. The bill also allows LUBA to partially affirm decisions if a local government demonstrates that a land use decision adopting a change to an acknowledged comprehensive plan or land use regulation contains a severability clause and specifically challenged portions of the changes are complete and capable of being executed with the legislative intent. HB 3458 applies to decisions made and petitions filed with LUBA on or after the effective date of this Act.

Status: Awaiting Governor's Signature

Effective Date: September 24th, 2023

VII. KEY BILLS THAT DID NOT PASS

HB 2659/SB 500 – Update Climate Friendly and Equitable Communities Rules

Chief Sponsors: Rep. Lively, Rep. Bynum, Sen. Prozanski

Summary: Both HB 2659 and SB 580 would have paused implementation of the current Climate Friendly and Equitable Communities rules and directed DLCD to update the rules in collaboration with local governments and with consideration for local plans and differing local capabilities and circumstances.

HB 3414 – Housing Accountability and Production, One-time UGB Expansions, and Awards of Attorney Fees

Sponsor: Joint Committee on Ways & Means (at the request of Governor Tina Kotek)

Summary: HB 3414 would have substantially changed the production of housing in the following ways:

Housing Accountability and Production Office

HB 3414 would have required DLCD and Oregon Department of Business and Consumer Services to establish the Housing Accountability and Production Office through an interagency agreement. The office would have been directed to:

- Support local compliance with state housing law through technical assistance and to reduce local permitting and land use barriers to housing production
- Serve as a resource for developers with questions about state and local housing requirements
- Investigate and respond to reasonable complaints about violations of state housing law
- Mediate disputes between developers and local governments relating to housing law

HB 3414 would have outlined a process for the office to investigate complaints of local government violations occurring after April 1, 2024, including how to provide assistance through voluntary agreements and, when necessary, to seek injunctive relief or initiate enforcement orders.

Adjustments to Local Design and Development Standards

HB 3414 would have required local governments to approve no more than 10 distinct “adjustments” to design and development standards for new residential development occurring within an urban growth boundary on land zoned for residential or mixed-use residential uses. The bill defined “adjustments” as a deviation from an existing land use regulation, excluding certain regulations related to health and safety, coastal development, environmental protections,

and natural hazards. HB 3414 also specified the types of design and development standards in which local governments must approve a requested “adjustment.”

One-time UGB Expansions

HB 3414 would have allowed cities outside of the Metro region to amend its UGB to include up to either 75 or 150 “net” residential acres (depending on city population), provided the site was located within a designated urban reserve, non-resource lands or an area with an acknowledged exception to Goal 3. Additionally, the city would have had to adopt a conceptual plan for the site as an amendment to its comprehensive plan. This plan would have addressed minimum density standards (varied by region), the integration of a transportation network (including non-vehicle options) and neighborhood commercial areas, open spaces and natural hazards, ensured the provision of necessary infrastructure, and provided that at least 30% of the residential units were available to households with incomes with less than 130% of area median income.

The bill would have also allowed Metro to review petitions for UGB amendments, along with approved conceptual plans, up to a total of 600 acres in the region.

HB 3414 would have directed DLCDC to review any UGB amendment and conceptual plan for compliance with the statute and, in cases of non-compliance, remand to the city or Metro with specific issues and deficiencies.

The authority to adopt UGB amendments under this act would have expired as of January 2, 2033, and a city would have been limited to a single amendment under this act in this time.

Award of Attorney Fees

Finally, HB 3414 would have required the Land Used Board of Appeals to grant attorney fees to an applicant and a local government approving a development application if the court confirms the approval of the application or reverses the denial of the application.

SB 873 – Bioengineering Erosion Management Rulemaking

Chief Sponsor: Sen. Brock Smith and Sen. Anderson

Summary: SB 873 would have directed the LCDC to adopt rules to allow soil bioengineering systems to be used for shoreline stabilization in estuaries, coastal shorelands, and the ocean shore by January 1, 2026. Requires that the rulemaking include adopting a definition of “soil bioengineering systems” that includes natural materials that are dynamic and absorb wave energy, and that are meant to mimic natural systems.. The bill would have required that the rulemaking ensure that soil bioengineering systems conform with statewide land use planning goals and that land use management practices and nonstructural solutions are prioritized over structural solutions in addressing problems of erosion and flooding. SB 873 would have prohibited the Commission from substantively amending any process established by rule that allows Oregon Department of Transportation to perform actions or undertake projects that use

shoreline stabilization that includes structural methods, elements, or solutions. SB 873 would have authorized DSL and OPRD, by January 1, 2027, to adopt rules conforming or consistent with the rules adopted by the Commission.

SB 678 – Offshore Wind Energy Community Engagement and Public Benefits

Chief Sponsors: Sen. Knopp, Sen. Brock Smith, and Sen. Weber

Summary: SB 687 would have established policy of the State related to benefits from offshore wind energy development and local and regional communities and economies. The bill would have required DLCD to conduct outreach and engage and coordinate with state agencies, local governments, and affected communities to carry out policies of state established by the Act. Establishes policy of the State to:

- Support engagement between offshore wind energy developers and certain communities and entities;
- Minimize and mitigate adverse effects of survey activity related to offshore wind leasing while maximizing benefits; and
- Promote economic diversification and resilience.

SB 687 also requires DLCD to continue federal consistency review of offshore wind leasing and draft a report on the engagement and outreach, review state policies on offshore wind, provide recommendations for improving state policy.

If you have questions or comments about the report or other legislation, please contact DLCD Legislative and Policy Coordinator, Alexis Biddle, at (971) 718-4504, or Alexis.Biddle@dlcd.oregon.gov

215.750 Alternative forestland dwelling; criteria. (1) As used in this section, “center of the subject tract” means the mathematical centroid of the tract.

(2) In western Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

(a) Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:

(A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(B) At least three dwellings existed on January 1, 1993, on the other lots or parcels;

(b) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:

(A) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(B) At least three dwellings existed on January 1, 1993, on the other lots or parcels; or

(c) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:

(A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(B) At least three dwellings existed on January 1, 1993, on the other lots or parcels.

MCZO Forest Use Zone Section 3.020(D)(3)

(3) In eastern Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

(a) Capable of producing 0 to 20 cubic feet per acre per year of wood fiber if:

(A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(B) At least three dwellings existed on January 1, 1993, on the other lots or parcels;

(b) Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:

(A) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(B) At least three dwellings existed on January 1, 1993, on the other lots or parcels; or

(c) Capable of producing more than 50 cubic feet per acre per year of wood fiber if:

(A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(B) At least three dwellings existed on January 1, 1993, on the other lots or parcels.

(4) Lots or parcels within urban growth boundaries may not be used to satisfy the eligibility requirements under subsection (2) or (3) of this section.

(5) A proposed dwelling under this section is allowed only if:

(a) It will comply with the requirements of an acknowledged comprehensive plan, acknowledged land use regulations and other provisions of law;

(b) It complies with the requirements of ORS 215.730;

(c) No dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under ORS 215.740 (3) for the other lots or parcels that make up the tract are met;

(d) The tract on which the dwelling will be sited does not include a dwelling;

(e) The lot or parcel on which the dwelling will be sited was lawfully established;

(f) Any property line adjustment to the lot or parcel complied with the applicable property line adjustment provisions in ORS 92.192;

(g) Any property line adjustment to the lot or parcel after January 1, 2019, did not have the effect of qualifying the lot or parcel for a dwelling under this section; and

(h) If the lot or parcel on which the dwelling will be sited was part of a tract on January 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract.

(6) Except as described in subsection (7) of this section, if the tract under subsection (2) or (3) of this section abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.

(7)(a) If a tract 60 acres or larger described under subsection (2) or (3) of this section abuts a road or perennial stream, the measurement shall be made in accordance with subsection (6) of this section. However, one of the three required dwellings must be on the same side of the road or stream as the tract and:

(A) Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream; or

(B) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.

(b) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings must be on the same side of the road as the proposed dwelling.

(8) Notwithstanding subsection (5)(a) of this section, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in subsection (2), (3), (6) or (7) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle. [1993 c.792 §4(6),(7),(8); 1999 c.59 §58; 2005 c.289 §1; 2019 c.433 §1]

Note: Sections 2, 3 and 4, chapter 433, Oregon Laws 2019, provide:

Sec. 2. Prior to November 1, 2023, a county may allow the establishment of a single-family dwelling on a lot or parcel that was part of a tract on January 1, 2021, if:

(1) No more than one other dwelling exists or has been approved on another lot or parcel that was part of the tract; and

(2) The lot or parcel qualifies, notwithstanding ORS 215.750 (5)(h), for a dwelling under ORS 215.750. [2019 c.433 §2]

Sec. 3. (1) The amendments to ORS 215.750 by section 1 of this 2019 Act apply:

(a) On and after the effective date of this 2019 Act [January 1, 2020] in Clackamas, Jackson, Lane and Polk Counties.

(b) On and after November 1, 2021, in Columbia, Coos, Curry, Deschutes, Douglas, Josephine, Linn, Marion, Washington and Yamhill Counties.

(c) On and after November 1, 2023, in Baker, Benton, Clatsop, Crook, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Multnomah, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler Counties.

(2) A county may not apply any administrative rule adopted to implement the amendments to ORS 215.750 by section 1 of this 2019 Act until on or after the applicable date for that county under subsection (1) of this section.

(3) Section 2 of this 2019 Act applies:

(a) On and after the effective date of this 2019 Act in Clackamas, Jackson, Lane and Polk Counties.

(b) On and after November 1, 2021, in Columbia, Coos, Curry, Deschutes, Douglas, Josephine, Linn, Marion, Washington and Yamhill Counties. [2019 c.433 §3]

Sec. 4. Section 2 of this 2019 Act is repealed on January 2, 2024. [2019 c.433 §4]

2023 Land Use Legislation

APPLICATION TO MORROW COUNTY

(8/21/23 version)

Bill Number Topic

Plan/Code Section To Be Amended

Morrow County Notes

HB 2001	Oregon Housing Needs Analysis	N/A	Applies to cities pop 10,000+ Morrow County Goal 10 update 2021 Willow Creek Valley HPS in 2023.
HB 3395	Housing	1.050 Zoning Permit	County manages land permitting within all UGBs; updates will apply to lands in UGB only. 4 parcels zoned commercial in Irrigon UGB. Two parcels zoned comm in Heppner UGB Stephen updating Heppner UGB zoning map. County may extend deadline 100 days "to ensure sufficiency of the final order." Intended to reduce appeals that delay housing development. Overall a minor impact to process.
			Requires county to approve emergency shelters on rural residential lands. If homelessness is less than 0.18% of the total state population. Implementation not clear. May may/not require code update; direct implementation if circumstance arises. Code enforcement conundrum.
			Directs county to accept assurance for provision of water, sewer award letter from public funding if development is for affordable housing.
			Directs DAS to provide grants to ec dev districts to support housing and community dev capacity
HB 2984	Comm to Residential Conversion	N/A	Requires local govt to allow conversion except in Heavy Industrial zones
HB 3462	Temporary Housing under Emergency	No	Requires state agencies ensure temp housing provided in response to emergencies is safe and complies with nondiscrimination laws.

2023 Land Use Legislation

APPLICATION TO MORROW COUNTY

(8/21/23 version)

<u>Bill Number</u>	<u>Topic</u>	<u>Plan/Code Section To Be Amended</u>	<u>Morrow County Notes</u>
HB 3409	Green Infrastructure and Solar Siting	No Code Amendment	Establishes grant program, etc. Directs DLCDC to conduct rulemakings related to solar energy facilities. 1. to allow energy facilities as "rural industrial use" for purposes of goal exceptions by Nov 3, 2023. 2. establish conditions for local gov't to prioritize areas for solar facilities that are least likely to conflict with natural and cultural resources.
	Rule Advisory Committees (RAC)		Establishes RAC to advise DLCDC on adoption of solar siting rules. Initial report to leg on September 15, 2025; Final report by December 31, 2025 DLCDC to contract with third party for rule committee. Funding for DLCDC fte. (Possible staff involvement in RAC)
HB 2192	Replacement Dwelling on Forest Land	Section 3.020	New language would be same as replacement dwelling in EFU Zone.
HB 3179	Jurisdiction for Solar Facility	Section 3.010K(3)	Increases size of solar project under county jurisdiction: high-value farmland 160 to 240 acres. cultivated or certain soil types 1,280 to 2,560 Other land/soil type 1,920 to 3,840 Replace current acreage with new acreage. (Also replaces 2019 acreage thresholds)
HB 3197	Limits clear and Objective Requirements for Housing Within Urban Growth Boundaries	Not yet known/tbd	Applies to housing in non-resource (EFU) lands, rural residential lands, unincorporated communities

2023 Land Use Legislation

APPLICATION TO MORROW COUNTY

(8/21/23 version)

<u>Bill Number</u>	<u>Topic</u>	<u>Plan/Code Section To Be Amended</u>	<u>Morrow County Notes</u>
HB 3630	Statewide Energy Strategy	no code/plan amend	Requires ODOE to adopt a statewide energy strategy and support energy resiliency planning in each county. Will inform solar OAR's and will likely inform NHMP Update.
SB 80	Wildfire Bill	TBD	Directs DOF to develop comprehensive wildfire maps to show "hazard" areas: low, moderate, high and extreme. Requires robust community engagement process, meeting with county commissioners and staff. State agency mapping to show socially and economically vulnerable communities. Changes SB 762 (2021)
SB 85	Amending Concentrated Animal Feeding Operation Regulations	Section 3.010 Sectin 3.010 B Section 3.010 D	Requires county to issue a LUCS for CAFOs. Allows county to require a buffer or setback for large CAFOs that would be adjacent to legal residences. Add use allowed subject to standards Use Standards New Section (20
SB 644	Accessory Dwelling Unit Standards in Rural Residential Zones	Various TBD	Allows counties to approve accessory dwelling units in rural residential zones consistent with R327 Or Residential Specialty Code. Amends certain parts of SB 391 (2019) For discussion/policy direction. Stephen to provide map.
SB 1013	Allow Recreational Vehicles on Certain Rural Properties	TBD	Authorizes counties to allow one RV in a rural res zone subject to rental agreement on property, provided: Parcel includes one single family dwelling occupied solely as property owners primary residence; no other dwelling units on the property, property owner does not allow use as a vacation or short term rental; RV is owned or leased by the tenant; Property owner provides essential services to the RV. For discussion/policy direction.

2023 Land Use Legislation

APPLICATION TO MORROW COUNTY

(8/21/23 version)

<u>Bill Number</u>	<u>Topic</u>	<u>Plan/Code Section To Be Amended</u>	<u>Morrow County Notes</u>
HB 2727	Early Childhood Ed Facility Siting	No	Directs DLCD to convene work group to study barriers to develop of early childhood education facilities.
HB 3167	Allows Notice in Digital Newspapers	County TBD	Modifies definitions with ORS 193.010 to include digital newspaper formats as an acceptable form of legal notice. For discussion/Policy direction by PC and BOC.
HB 3362	Validation of illegal land division purchaes by innocent purchasers	No Code Amendment	Allows county to approve an applicaion to validate a unit of land acquired by innocent purchaser prior to Jan 1, 2023 if county previously approved but revoked after acquisition. Authorizes without local code amendment.
HB 3362	Template Dwelling, legal lot, or property line adjustment	No Code amendment	Allows person to file appeal to LUBA for a land use decision if decision was based on forged deeds and decision was prior to Jan 1, 2023.
SB 4	Siting for Semiconductor and Advanced Manufacturing	No Code amendment	Allows Governor to add lands by exec order to urban growth boundary for use in semiconfucotr amnufacturing, advanced manufacturing or supply chaing development.
HB 3458	Limiting appeals of Remands to Issues Raised under Original Appeal	No Code Amendment	Prohibits a party from raising new issues before LUBA in cases where LUBA remands all or a portion of a decision related to a plan or code amendment and where county adopts same changes following a remand.

2023 Land Use Legislation

APPLICATION TO MORROW COUNTY

(8/21/23 version)

<u>Bill Number</u>	<u>Topic</u>	<u>Plan/Code Section To Be Amended</u>	<u>Morrow County Notes</u>
HB 3414	Housing Accountability and Prod, UGB Expansions	N/A	<p>Bill did NOT pass but likely will be up again in 2024 short session. Would have created housing accountability and production Office. Would have outlined a process to investigate compliants of local govt violations</p> <p>Would have required local govt to approve no more than 10 distinct design and develop standards.</p> <p>Would have allowed cities outside Metro to amend UGB to include up to 75 or 150 "net" acres provided the site was located in an urban resource, non-resource lands or lands with an exception to Goal 3.</p>
HB 3458	Limits raising new issues before Land Use Board of Appeals (LUBA)	No Code Amendment	Applies to cases where LUBA remands all or a portion of a decision related to an plan or land use code and county adopts the same changes following remand. Bill also allows LUBA to partially affirm decisions under certain circumstances.
SB 2527	Wildlife Habitat Special Assessment	No Code Amendment	Changed rules for ODFW approval of wildlife habitat conservation and management plan. Does NOT apply to Habitat Conservation Plans approved by county as part of a solar project.
HB 2010	Part of drought package	No Code Amendment	OWEB grants to "water supplier" and "water system" to protect, restore or enhance drinking water sources.
HB 3207	Water Reporting requirements for Real Estate Transactions	No Code Amendment	Changes reporting requirements for labs who test water as part of a residential real estate transaction. Reports now must be filed with OHA.

2019 Land Use Legislation

<u>Bill Number</u>	<u>Topic</u>	<u>Plan/Code Section To Be Amended</u>	<u>Morrow County Notes</u>
HB 2225	Template dwelling standards in Forest Use Zone (2019)	Section 3.020(D)(3)	Enacted in 2019. Effective Date Nov 1, 2023 for certain counties. including Morrow. Automatically effective without code update. See ORS 215.750. Added to MCZO.
HB 2329	Amend EFU Zone for Solar (2019) Jurisdictional Thresholds.	Section 3.010	Will be captured as part of HB3179 (2023) Leg update. Siting Standards.
SB 408	Allows land partition of EFU Land for siting utility facilities nec and for LUD	3.010(L)Parcel Size	Allows partition of EFU land for purposes of siting utility facilities necessary for public service (ORS 215.262 and 215.263) and ORS 215.283(1)(C) land use decision

2021 Land Use Legislation

<u>Bill Number</u>	<u>Topic</u>	<u>Plan/Code Section To Be Amended</u>	<u>Morrow County Notes</u>
HB 2109	Definitions of Renewable Energy Facilities	Article 1	Definition of Average electric generating capacity (ORS 469.300) Definition of Energy Generation area (ORS 469.300) Definition of Renewable energy facility
HB 2809	Temp Siting of RVs for natural Disaster	Article 7	Allows temporary siting of RVs on properties with dwellings destroyed by natural disasters.
SB 762	Wildfire Omnibus Bill		Oregon Department of Forestry will issue new wildfire risk maps Anticipate December 2023 issued by ODOF
SB 391	ADU's in rural residential zones		
SB 8	Affordable Housing in Commercial Industrial Zones		Creates definition of "affordable housing." New standards do not apply to lands not within a UGB.

Code Update

**Commercial Vehicle Repair and Parking
Truck Stop - Freight Depot - Truck Terminal**

Section	Zone Name	Truck Stop / Repair	Freight Depot/ Truck Terminal/ Parking	Notes
3.010	Exclusive Farm Use (EFU)	Yes*	CUP	*Commercial Use in Conjunction with Farm Use. § 3.010.C.6. Parking up to seven log trucks with Conditional Use Permit.
3.020	Forest Use (FU)	Yes*	CUP	*Commercial Forest Operations. § 3.020.C.4. Parking up to seven dump trucks and seven trailers with Conditional Use Permit.
3.030	Rural Service Center (RSC)	CUP*	CUP*	§ 3.030.B.7. Automobile wrecking yard and/or repair garage. (CUP) § 3.030.B.12. Other buildings and uses similar... which shall not have detrimental effect upon adjoining areas. *Subject to all standards and requirements listed in § 3.030.
3.040	Rural Residential (RR)	No	No	
3.041	Farm Residential (FR)	No	No	
3.042	Rural Residential Ten (RR-10)	No	No	
3.050	Suburban Residential (SR)	No	No	
3.051	Suburban Residential 2A (SR-2A)	No	No	
3.060	General Commercial (CG)	CUP*	Yes*	§ 3.060.B.15. Service station, truck stop. (CUP) § 3.060.A.12. Parking Facility. (Permitted Outright) *Subject to all use limitations and standards listed in § 3.060.
3.061	Tourist Commercial (TC)	CUP*	Yes*	§ 3.061.B.2.h. Vehicle and related repair services within a building (CUP) § 3.061.B.2.a. Auto-dependent and auto-oriented uses and facilities. *Subject to Development standards in § 3.061.C.
3.070	General Industrial (MG)	CUP	Yes	§ 3.070.B.4. Manufacturing, repair, servicing and storage.... (CUP) § 3.070.A.4. Freight Depot. (Permitted Outright)
3.071	Air/Industrial Park (AI)	No	Yes	§ 3.071.A.12. Taxi, bus and truck terminals. (Permitted Outright)
3.072	Space Age Industrial (SAI)	No	No	
3.073	Port Industrial (PI)	Yes	Yes	(See § 3.073 for list of uses allowed)
3.075	Rural Light Industrial (RLI)	Yes	Yes	§ 3.075.B.1.c. Freight, train, bus, or taxi terminal. (Permitted outright with Zoning Permit § 4.165) § 3.075.B.2.a. Automobile, truck and heavy equipment sales, ... service stations, ... and trucking facilities. (Permitted Outright with Zoning Permit § 4.165)
3.076	Airport Light Industrial (ALI)	No	Yes	§ 3.076.C.1. All uses permitted outright in the Air/Industrial Park Zone, AI. (See above)

83

RV Parks and RV Parking

Section	Zone Name	RV Dwelling	Temp RV *	RV Parks	Notes
3.010	Exclusive Farm Use (EFU)	No	Yes	No	**Temp work force housing for "power generation facilities" §3.010 (K)(1B), "private and public campgrounds" (D)(14)(15), "utility facility necessary for public service" §3.010 (D)(10)
3.020	Forest Use (FU)	No	Yes	No	Private and public campgrounds §3.020 (D)(14)(15)
3.030	Rural Service Center (RSC)	Yes, in park ONLY		Yes	§ 3.030 (B)(4) Conditional Use in accordance with Article 6
3.040	Rural Residential (RR)	No		No	
3.041	Farm Residential (FR)	No		No	
3.042	Rural Residential Ten (RR-10)	No		No	
3.050	Suburban Residential (SR)	No		No	
3.051	Suburban Residential 2A (SR-2A)	No		No	
3.060	General Commercial (CG)	No		No	
3.061	Tourist Commercial (TC)	Yes, in park ONLY		Yes	§ 3.061 (B) (2i), w/CUP
3.070	General Industrial (MG)	Yes, in park ONLY		Yes	§ 3.070 (B)(17), in accordance with Article 6 Only allowed in the old mill site just north of Heppner.
3.071	Air/Industrial Park (AI)	No		No	
3.072	Space Age Industrial (SAI)	No		No	
3.073	Port Industrial (PI)	No		No	
3.075	Rural Light Industrial (RLI)	No		No	
3.076	Airport Light Industrial (ALI)	No		No	

*Temp RV allowed in any zone that allows DWELLINGS, during construction of permitted permanent dwelling and temp visitor

RV Parks and RV Parking

Definition	Section 7.400 (B) Temporary Uses	Section 7.300 (A) Special Uses
<p>Recreational Vehicle (RV) Park. An area or tract of land used or designed to accommodate two or more Recreational Vehicles, tents or outfits, including cabins, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee. RV Parks could be occupied indefinitely if certain conditions are met.</p>	<p>TEMPORARY USE OF A RECREATIONAL VEHICLE. The Planning Director or their designee can authorize the following uses of a Recreational Vehicle, which are not designed for residential purposes according to standards and specifications of the Uniform Building Code which has been established to protect public health, safety and welfare. Recreational vehicles shall not be used for housing or residential purposes except:</p> <ol style="list-style-type: none"> <i>When the recreational vehicle is located on an individual lot or parcel during the construction of a dwelling. The Zoning Authorization for the approved dwelling must also authorize this temporary use.</i> For temporary housing to accommodate visitors of the primary residence in a residential or farm use zone not to exceed 30 days in any 12 month period. <p>Property owners found in violation of this requirement will be subject to enforcement action.</p> <ol style="list-style-type: none"> For seasonal recreational (i.e. summer camping or hunting season) use by the land owner or lessee in the Forest Use Zone after obtaining a Zoning Permit and Rural Address. 	<p>MEDICAL HARDSHIP. A medical hardship is a Special Use of a manufactured home, <u>recreational vehicle</u> or an existing building necessary for a relative or other designated caregiver to care for or provide custody for an elderly, mentally handicapped, or infirm person whom a medical professional certifies needs this kind of care or custody.</p>
<p>Recreational Vehicle (RV). A unit with or without motive power, that is designed for human occupancy and is to be used temporarily for recreational, seasonal or emergency purposes. Recreational vehicles include:</p> <ol style="list-style-type: none"> Truck Camper. A portable unit which has a roof, floor and sides and is designed to be loaded on and off the bed of a truck or pick-up truck. Camping Trailer. A vehicle unit mounted on wheels and constructed with collapsible partial side walls which fold when the unit is towed by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use. Travel Trailer. A vehicular unit which has a roof, floor and sides and is mounted on wheels, but which is not of such size or weight as to require special highway movement permits when towed by a motorized vehicle. Motor Home. A vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the complete vehicle. 	<p>Section 3.010 (K)(1)(b) Commercial Facilities for Generating Power</p> <ol style="list-style-type: none"> Commercial Power Generating Facility. <ol style="list-style-type: none"> A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor [County CUP] amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval. Note: ORS 215.296 farm impact test applies. 	<p>As a medical hardship Special Use in any zone that allows dwellings, the Commission may allow as a Special Use one manufactured home, <u>recreational vehicle</u>, or temporary use of an existing building complying with the standards of Section 4.110, <u>as applicable</u>*, and providing that no additions, except approaches or handicapped ramps, to the temporary residence shall be permitted in conjunction with a primary dwelling with the following findings:</p> <p>* Section 4.110 applies to MANUFACTURED HOMES ONLY</p>
Section 3.010 (D)(10)(5) Utilities Facilities Necessary for Public Service		
<p>(5) Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under the EFU Zone or other statute or rule when project construction is complete. Off-site facilities allowed under this Subsection are subject to Article 6. Temporary workforce housing facilities not included in the initial approval may be considered through a minor [County CUP] amendment request. A minor amendment request shall have no effect on the original approval. Note: if the recreational vehicle facilities are off-site, they are subject to the farm impacts test (ORS 215.296).</p>		

THIS PAGE INTENTIONALLY LEFT BLANK



MEMORANDUM

To: Morrow County Board of Commissioners
 From: Tamra Mabbott, Planning Director
 CC: Planning Commission
 BOC Date: July 19, 2023
 RE: Monthly Planning Update

Mission Statement

Morrow County Planning Department provides guidance and support to citizens for short term and long-range planning in land use, to sustain and improve the county's lands for future generations. Our goal is to foster development where people can live, work & play.

We have big staffing changes in the Planning Department. After 9 years in the department, Stephanie Case transferred to Veterans Services. Her skills and knowledge will be missed greatly but we are glad she still be part of the North Morrow Annex crew. Stephen Wrecsics was promoted to Associate Planner, a role which he has already proven to be a great fit. Stephen will continue GIS and drone work for the department.

Planning is recruiting for an entry level Planning Tech position. The department is a great place to work and serve landowners and residents. Anyone interested please contact Planning Director Mabbott or Human Resources Director Grogan.

Planning Commission held two public hearings at their June 27th meeting in Irrigon. Commission reviewed and revoked a Home Occupation permit for a trucking business in a residential zone. Planning Commission also held the first hearing for a Comprehensive Plan and Map Amendment for a 274-acre parcel located 9 miles south of Interstate 84 on Tower Road. The request is to rezone the land from Exclusive Farm Use to General Industrial with a Limited Use Overlay Zone to allow a data center. The continued hearing will be on July 25, 2023 in Heppner.

Planning Commission agendas and packets are posted on the county website along with other county committee meetings. https://www.co.morrow.or.us/meetings?field_microsite_tid_1=28

Planning Permits **June 2023**

Zoning Permits	4
Land Use Compatibility Reviews	8
Land Partitions	0
Property Line Adjustments	0
Land Use Decisions	0
Rural Addresses	3
Plan and Zone Amendment	0
Floodplain Dev Permits	0
Other	2

Energy Projects

Status of energy projects in Morrow County is found here on the department webpage:

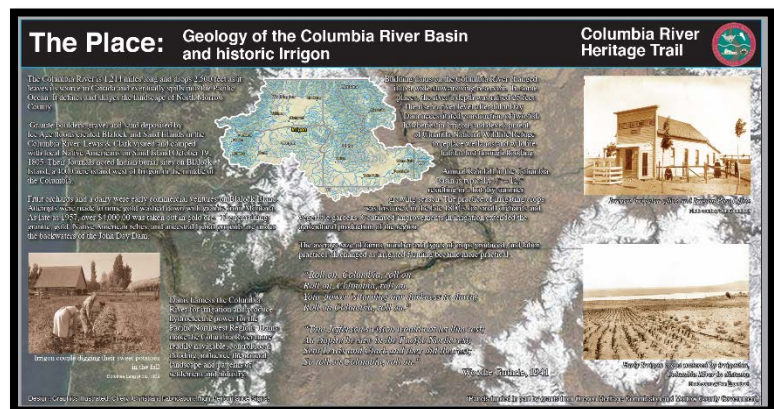
<https://www.co.morrow.or.us/planning/page/renewable-energy-1>

Several projects are in various stages of local and state permitting. Two projects are proposed for amendment. Staff continue to meet in person and virtually with renewable energy developers.

Morrow County Heritage Trail

In June, Board of Commissioners authorized a Notice of Intent to award a contract to Sea Reach Ltd to update Heritage Trail Interpretive Panels and to construct two sets of replacement panels. Planning Staff will be working with the designers over the next year. Anyone interested in reviewing the panels or providing comments please contact the Planning Department. The existing panels can be viewed on the Planning webpage:

<https://www.co.morrow.or.us/planning/page/heritage-trail-panels>



Willow Creek Valley Community Development Projects

Staff and consultant team presented the final report to the Board of Commissioners on June 21 which also included the Buildable Lands Inventory (BLI) and analysis for Lone, Lexington and Heppner. Cities may now adopt the BLI and update Goal 9 Economic Development in their respective Comprehensive Plans.

Access to Transportation – Rural Transit Equity (RTE) Pilot Project

The Project Management Team presented the final report to Board of Commissioners on June 21, 2023. After some final edits the final plan will be posted to the website, along with a dashboard.

WATER

GSI Water Solutions Inc., continues contractual work serving as “Water Coordinator” for Morrow County. The Water Advisory Committee (WAC) reviewed and submitted comments to three of the four Briefing Papers on water quality, quantity and drinking water. Committee met on July 10th to review the fourth Briefing Paper which features projects throughout the basin. WAC will meet again September 11th, 4-6 pm in the North Morrow Annex, Irrigon. Once the committee has a final version the four papers will be presented to the Board of Commissioners. Staff is adding information about the Water Advisory Committee the department website. Additional materials such as research, reports, data, etc. will be added later.

<https://www.co.morrow.or.us/planning/page/water>

LUBGWMA

LUBGWMA Committee met in Boardman on July 7th. Dr. Salini Sasidharan, OSU and committee discussed intended outcomes of an upcoming workshop. The committee voted to hold a full day workshop on August. an informative historical overview of the work of the committee. The bi-county Scoping Committee, including Commissioner Drago and Planning Director Mabbott from Morrow County, will be meeting again with Umatilla County and HDR to develop a scope of work focused on research for long term groundwater cleanup, specifically to remove nitrates from the aquifer. Meetings and other materials on the LUBGWMA are posted here: <https://lubgwma.org/>

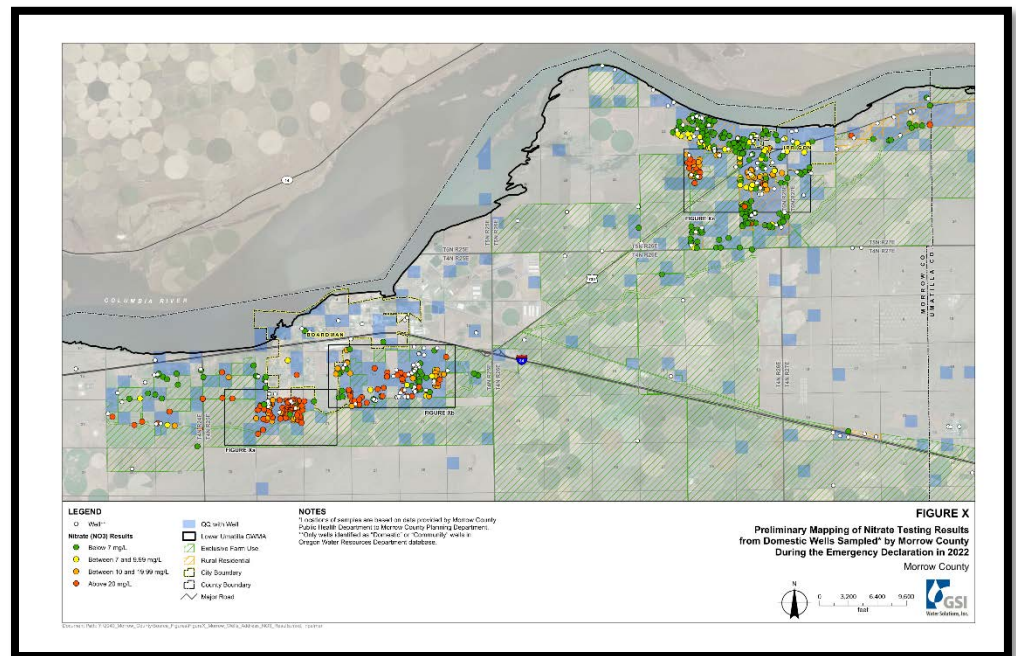
Drinking Water

Planning Director has been working with GSI Water Solutions Inc. and Environmental Protection Agency (EPA) staff to make changes to a grant application required to access the \$1.7 million congressional earmark. A final scope of work is expected in July. Following approval of the scope of work the two counties will work together to develop a Request for Proposal (RFP).

Water Data and Mapping

Associate Planner, Stephen Wrecsics, continues to work with GSI Water Solutions and state agencies to develop a series of maps that will help county better understand location of wells with high nitrates and wells that serve the parcel. Staff recently held a meeting to develop mapping protocol and to share mapping and data resources for the basin. Agencies working together on the data sharing effort include Morrow and

Umatilla County, Department of Environmental Quality, Oregon Water Resources Department and



Oregon Health Authority. Gabriela Goldfarb and Courtney Crowell of the Governor's Office attended in addition to agency staff. The overall objective is to coordinate data and mapping resources for the basin. Stephen is developing a platform for the data which will be useful for the nitrate challenges. The database will be modeled after a program developed for the Klamath Basin and will be valuable for many water-related efforts in the future.

Code Compliance

- 3 new complaints- Animal density/neglect, garbage, wood pile & weeds, dog as a public nuisance
- 1 complaint- Contacted MCSO and will be working with them on animal density/neglect case. 3 horses removed from the property and relocated to another location in Hermiston. This will be an ongoing case.
- 1 complaint- Junk on property; wood piles and garbage surrounded by tall weeds. Weeds on the property are fire hazard.
- 1 complaint- Dog running around neighborhood, has attacked other dogs and caller is fearful to walk her dog.
- 1 closed complaint- Dog as public nuisance.
- 1 complaint- within the city limits of Heppner. Provided city of Heppner & MCSO information to reporting party in regards to the dog as a public nuisance.
- Communicating with 20 non-permitted trucking business operations located in residential zone.
- Conditional use permit/home occupation revoked by Planning Commission for failure to comply with conditions of approval.
- Assisting landowner in violation of their Conditional Use Permit. Permit was presented to Planning Commission April 25, 2023 and continued to a July 25. With landowner concurrence permit was revoked. Staff will continue to work with landowner as they look for property to relocate.
- Other outstanding/ongoing cases – 32

New Land Use Legislation

Planning Director is reviewing various new land use related bills and determine which bills will require updates to Morrow County Codes. A report is forthcoming to Planning Commission and Board of Commissioners. The Association of Oregon County Planning Directors (AOCPD) held "legislative roundtable" meetings throughout the legislative session. Planning Director attended the in-person meeting on June 30 in Albany, Oregon. A presentation by Association of Oregon Counties staff and robust discussion about new legislation was the primary topic.

Natural Hazard Mitigation Plan (NHMP) Update

The NHMP Committee did not meet in June. The next meeting with project consultant Susan Millhauser from the Oregon Department of Land Conservation and Development (DLCD) is scheduled for July 18th. Anyone interested in the NHMP Update please contact Stephen Wrecsics

swrecsics@co.morrow.or.us

The project is scheduled to be complete January 2024.



Morrow County Tourism Committee met on June 6th with Tourism Coordinator Karie Walchli. The committee shared ideas about the Strategic Pla, new events and provided comments on the composition and terms of the committee. The committee would like to have respresentation from the Hispanic Community and from the Confederated Tribes of the Umatilla Indian Reservation. Anyone interested in tourism promotion please contact the Planning Department.

Planning Director attended the Business Oregon reception in Boardman at Two Barrels on June 8th. The Oregon Business Commission held their business meeting the following day in Boardman. The reception provided an opportunity to meet state agency staff and learn more about their programs. The staff and commission have a keen interest in Morrow County development.

Planning Director is working on the Eastern Oregon Economic Summit to be held in La Grande, Oregon this year, August 3-4, at the Eastern Oregon University Campus. Morrow County is one of the conference sponsors. More information about the summit is on the website:

<https://eowc.biz/2023-eastern-oregon-summit/>

The North Morrow Annex noontime summer BBQ was held on June 22nd. As always there was a big selection of delicious foods and beverages.