

Carla McLane

From: Jonathan Tallman <1stjohn217llc@gmail.com>
Sent: Monday, January 12, 2026 3:35 PM
To: Amanda Mickles; Brandon Hammond; Paul Keefer; Carla McLane; George Shimer
Cc: HERT Dawn * DLCD; brandi.elmer@dlcd.oregon.gov; Derrin Tallman; Ty K. Wyman; The Farmers Cup; Matthew Jensen; Tamra Mabbott; Clint Shoemake
Subject: Fwd: Joint city Council Special Meeting January 13, 2026
Attachments: January 15 city planning commission .pdf; Boardman_PRR_9262025_Filled.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Mickles and City Counsel,

I am writing in my capacity as an affected landowner to request clarification and correction of the administrative record concerning redlined revisions to the Parks Master Plan, as well as related transparency issues affecting meaningful participation, prior to and in connection with the January 13, 2026 joint City Council / Boardman Park & Recreation District hearing.

Redlined revisions and reposting deficiencies affecting the current record

As reflected in the most recent version of the Parks Master Plan, substantive revisions have been made through redline edits rather than through a clearly identified amended or superseding document. One clear example appears in Chapter 10 (Maintaining a Resilient Park System), where numerical assumptions and projections related to operating funding have been revised.

Specifically, the redlined edits revise:

- per-capita operating cost assumptions,
- total operating budget figures for 2025 and 2035, and
- narrative conclusions describing anticipated funding needs,

with an annotation indicating that the figures were “corrected to be consistent with the appendix.”

These revisions are not clerical or formatting changes. They alter quantitative assumptions and projected funding ranges that are expressly relied upon to discuss staffing levels, operating capacity, and long-term system sustainability. As such, they directly affect how the Plan is understood, relied upon, and implemented.

At present, the administrative record contains unresolved deficiencies that affect meaningful review:

1. Multiple versions of the Parks Master Plan have been posted or reposted without a consolidated redlined comparison explaining all substantive changes;
2. The City has not clearly identified which version of the document, and which revised figures, constitute the operative version intended to be relied upon by decision-makers;
3. Redlined revisions were posted close in time to the scheduled hearing, limiting the ability of affected parties to evaluate their significance;

4. No staff memorandum, errata, or explanatory notice has been provided describing the scope or effect of the revised figures; and
5. It remains unclear whether staff presentations, Capital Improvement Plan references, or intergovernmental coordination materials rely on the original figures or the revised redlined figures.

Because the Parks Master Plan is being advanced in conjunction with capital programming, staffing assumptions, and corridor planning that directly affect private property, clarity as to the operative document and operative assumptions is essential to preserve procedural fairness and ensure an accurate administrative record.

“Guidance” characterization and reliance

Recent Planning Commission materials characterize portions of the Parks Master Plan and related planning documents as “guidance.” However, the redlined numerical corrections described above demonstrate that the Plan is being actively refined to support budgeting, staffing projections, and future implementation decisions.

When a document described as guidance is revised to correct internal inconsistencies and align funding assumptions—and is relied upon for capital planning and intergovernmental coordination—it functions in practice as more than advisory material. The current record does not reconcile this distinction or explain how the revised figures are intended to be used.

These reliance issues compound the redline and reposting deficiencies and further limit the ability of affected landowners to understand how, and on what basis, planning decisions are being advanced.

Accordingly, to the extent additional or revised materials are relied upon, I respectfully reserve the right to submit written evidence or rebuttal consistent with applicable notice and record-keeping requirements.

Transparency and opportunity for participation

I also wish to note a related transparency concern relevant to record completeness. In prior Parks Master Plan–related meetings and advisory settings, I have attempted to participate or seek clarification as an affected landowner but was advised that public comment or participation was not permitted in those forums.

I raise this not to revisit past meetings, but to explain why written clarification of document versions, redlined changes, and reliance assumptions is especially important. Where opportunities to ask questions or seek clarification in meetings are limited or unavailable, the accuracy and completeness of the written administrative record becomes the primary means for meaningful participation.

Clear identification of operative documents, revised figures, and reliance distinctions is therefore essential to ensure transparency, consistency, and public confidence in the planning process.

Follow-up on Public Records Request No. 926-2025

Finally, I am following up on Public Records Request No. 926-2025, submitted on September 26, 2025, pursuant to ORS 192.311–192.478, which seeks records directly related to the Parks Master Plan,

Transportation System Plan, Heritage Trail planning, Capital Improvement Plans, and intergovernmental coordination referenced in Planning Commission materials.

I understand the City has indicated that fees will be required for production of the requested records. I respectfully request reconsideration of that determination or, at minimum, a written explanation of the statutory basis for charging fees in this instance.

The records requested consist primarily of documents required to exist within the City's official planning files and administrative record. Disclosure is in the public interest and necessary for informed participation in active land-use proceedings affecting my property. Under ORS 192.324(5), fee waiver or reduction is appropriate where disclosure contributes to public understanding of governmental operations and is not primarily for a commercial purpose.

Requiring payment for records necessary to clarify document versions, revised assumptions, and reliance distinctions further complicates meaningful participation while these proceedings are actively advancing.

Requested confirmations

Accordingly, I respectfully request that the City:

1. Confirm which version of the Parks Master Plan, including which redlined figures, is the operative document intended to be relied upon at the January 13, 2026 hearing;
2. Identify whether a consolidated redlined comparison or explanatory memorandum will be provided describing substantive revisions;
3. Clarify how revised figures and documents characterized as "guidance" are being relied upon for capital programming, staffing projections, and intergovernmental coordination;
4. Reconsider and waive the fees associated with PRR No. 926-2025, or alternatively provide a written explanation of the statutory basis for the fee assessment; and
5. Provide a reasonable timeline for production of responsive records once the fee issue is resolved.

This correspondence is submitted in good faith and is not intended to delay or obstruct any public project. It is intended solely to ensure procedural clarity, transparency, and a complete administrative record as these matters advance.

For transparency and record continuity, I am copying the Oregon Department of Land Conservation and Development (DLCD) and Morrow County Planning on this correspondence.

Thank you for your attention. I look forward to your written response.

Sincerely,

Jonathan Tallman
1st John 2:17 LLC

cc: Oregon Department of Land Conservation and Development (DLCD)
cc: Morrow County Planning Department

----- Forwarded message -----

From: **Jonathan Tallman** <1stjohn217llc@gmail.com>
Date: Sun, Jan 11, 2026 at 6:46 AM
Subject: Re: Joint city Council Special Meeting January 13, 2026
To: Amanda Mickles <micklesa@cityofboardman.com>, Carla McLane
<mclanec@cityofboardman.com>, Brandon Hammond <HammondB@cityofboardman.com>, George
Shimer <georges@boardmanorprd.gov>, <keeferp@cityofboardman.com>
CC: HERT Dawn * DLCD <Dawn.Hert@dlcd.oregon.gov>, <brandi.elmer@dlcd.oregon.gov>, Tamra
Mabbott <tmabbott@morrowcountyor.gov>, Clint Shoemake <cshoemake@morrowcountyor.gov>,
Matthew Jensen <mjensen@morrowcountyor.gov>, Michaela Ramirez
<mr Ramirez@morrowcountyor.gov>

Dear Ms. Mickles, Mr. Hammond, and City Counsel,

I am writing on behalf of 1st John 2:17 LLC, the owner of property identified within the Heritage Trail, BPA Park Blocks, and related transportation and parks corridors currently being advanced by the City and County.

Because the City of Boardman and Morrow County have now programmed capital funding for the Heritage Trail and related corridor facilities through their respective Capital Improvement Plans, any adoption of the Parks Master Plan that maps, relies upon, or advances this corridor has direct land-use and property-rights implications for our property.

In addition, although the City indicated that the Parks Plan would be amended and reposted due to formatting issues, no amended or redlined version has been provided to 1st John 2:17 LLC. As of today, it remains unclear which version of the document is intended to be relied upon by the Park & Recreation District at the January 13, 2026 hearing.

Absent resolution of these corridor impacts and document inconsistencies prior to the January 13 hearing, 1st John 2:17 LLC anticipates that the same land-use, property-rights, and procedural issues will need to be addressed in the County's Chapter 9 / Heritage Trail proceeding beginning January 26, 2026, in order to preserve its rights and ensure a complete administrative record.

Because the County Planning Commission will be required to evaluate corridor feasibility, land-use impacts, and consistency with state planning goals as part of that process, unresolved property and process issues may affect how the Heritage Trail proposal is reviewed by the County and by the Oregon Department of Land Conservation and Development (DLCD). We therefore seek to address these matters cooperatively before those proceedings advance. Neither 1st John 2:17 LLC nor its tenant(s) The Farmer's Cup seeks to delay or disrupt funding or grant timelines.

This correspondence is not intended to delay or obstruct public projects. It is intended to ensure that corridor planning, capital programming, and land-use approvals are not advanced without addressing affected property interests and the requirements of ORS Chapter 35, as well as applicable notice and record-keeping obligations.

For clarity and preservation of the administrative record, 1st John 2:17 LLC notes that any final adoption by the Boardman Park & Recreation District that relies upon or advances corridor facilities affecting private property may constitute a land use decision subject to appeal. Consistent with Oregon law, any such appeal rights would be preserved through the filing of a Notice of Intent to Appeal within the applicable statutory timeframe following issuance of a written decision. This statement is provided solely to clarify procedural posture and does not reflect a desire to initiate litigation if these matters can be resolved cooperatively in advance through lawful coordination under ORS Chapter 35.

To facilitate good-faith coordination, we respectfully request that the City contact counsel for The Farmer's Cup (TFC), Ty Wyman of Dunn Carney LLP, for coordination purposes relating to that entity, to begin discussion of a Memorandum of Understanding (MoU) addressing corridor location, required easements or acquisitions, construction timing, and compensation or mitigation consistent with Oregon law.

In addition, we request that the City Council consider placing the following item on the January 13, 2026 joint meeting agenda for discussion:

"Heritage Trail Corridor Coordination, ORS Chapter 35 Process, and Delegation of Negotiation Authority."

Given the existence of City and County capital funding and the pending Park & Recreation District action, and in light of the fact that 1st John 2:17 LLC has raised these corridor-impact issues more than once without resolution, we request that the City Council consider authorizing the City Manager and City Attorney to negotiate corridor-related agreements — including good-faith payments, land transactions, or acquisitions — consistent with ORS Chapter 35, without requiring repeated Council approvals.

For clarity and to support an accurate and complete administrative record, 1st John 2:17 LLC notes that it possesses additional materials, maps, meeting records, and correspondence relevant to the Heritage Trail corridor and associated property impacts. However, because the Parks Master Plan has been identified as subject to amendment and reposting, and because it remains unclear which version of the document is intended to be relied upon by the Park & Recreation District, we are awaiting confirmation of the operative version before submitting further supplemental materials.

To ensure meaningful participation and a complete administrative record, 1st John 2:17 LLC respectfully requests that any amended or reposted version of the Parks Master Plan, together with any staff reports, findings, exhibits, or materials intended to be relied upon by the Boardman Park & Recreation District, be made publicly available with sufficient notice to allow review and response. Consistent with Oregon land-use procedures, we request a reasonable opportunity to submit written evidence and, if applicable, written rebuttal addressing any new or revised materials prior to or following the January 13, 2026 hearing. This request is made solely to preserve procedural fairness and does not seek delay or prejudice to the proceeding.

This sequencing is intended solely to ensure that any additional submissions are responsive to the final

format and content of the Parks Master Plan and are accurately aligned with the document being considered for adoption. Nothing herein waives any rights to supplement the record consistent with applicable notice and record-keeping requirements.

Providing such delegation would allow these matters to be addressed efficiently and would help reduce administrative, legal, and financial risk associated with advancing funded projects while property impacts remain unresolved.

For transparency and record continuity, we are copying the Oregon Department of Land Conservation and Development (DLCD) and Morrow County Planning on this correspondence.

Sincerely,

Jonathan Tallman
1st John 2:17 LLC

On Fri, Jan 9, 2026 at 7:00 AM Jonathan Tallman <1stjohn217llc@gmail.com> wrote:
Dear Ms. Mickles,

I am writing in my capacity as an affected landowner to request that this correspondence, together with the referenced Capital Improvement Plan materials, be entered into the official record for the January 13, 2026 Park & Recreation District hearing concerning the Heritage Trail. I am copying the Oregon Department of Land Conservation and Development (DLCD) with Morrow County for transparency and records continuity.

On December 30, 2025, at 9:00 a.m., the Morrow County Board of Commissioners held a Special Session and considered Agenda Item 4.a., CIP Initial Project Approval. The agenda packet for that meeting identifies the Heritage Trail as a Parks capital project within the County's preliminary Capital Improvement Plan, with an estimated cost of \$2,000,000.

In addition, the City of Boardman issued its 2025 Capital Improvement Plan on August 26, 2025, which identifies capital projects tied to transportation, parks, and connectivity and serves as the City's capital planning framework for implementation of adopted and proposed plans, including the Transportation System Plan. The City's CIP predates both the County's December 30, 2025 capital programming action and the Park & Recreation District hearing scheduled for January 13, 2026.

As reflected in the County materials, while the Heritage Trail is identified as a capital project, the Board of Commissioners' packet contains no information regarding route, alignment, right-of-way acquisition, affected parcels, or landowner impacts. No maps, corridor descriptions, or implementation details were included in the materials considered by the Board. Similarly, neither the City nor County CIP materials identify parcel-level impacts associated with the Heritage Trail at this stage.

Because the Park & Recreation District hearing scheduled for January 13, 2026 occurs after both the City's issuance of its CIP and the County's capital programming action, the District's consideration of the Heritage Trail has direct procedural significance. Proceeding with a Park & Recreation vote without route, right-of-way, or land-impact information separates capital funding decisions from land-use

impacts and limits the ability of affected landowners to meaningfully evaluate or respond to the proposal.

This submission is provided solely for inclusion in the record to document the timing, content, and relationship between the City and County capital planning actions and the Park & Recreation District's upcoming hearing.

In addition, and in the interest of avoiding unnecessary procedural disputes or appeals, I remain willing to engage in good-faith discussion and coordination regarding the Heritage Trail as it relates to my property and any potential alignment, access, or right-of-way considerations. I believe these issues are best addressed collaboratively and transparently before further implementation steps are taken.

Please include any intergovernmental agreements relied upon for implementation of the Parks Master Plan in the record.

Please note and add the collectors Luba case 2022 (remand) attached.

Finally, to ensure clarity and a complete public record, I respectfully request that any formatting changes to the Parks Plan be accompanied by a redlined version identifying those changes, and that the record remain open in accordance with applicable 7-7-7 requirements to allow meaningful review and response.

Please confirm that this correspondence and the referenced CIP materials will be included in the official record for the January 13, 2026 Park & Recreation District proceedings.

Thank you for your assistance.

Sincerely,

Jonathan Tallman
1st John 2:17 LLC

cc: Oregon Department of Land Conservation and Development (DLCD), Morrow county officials for record preservations

On Thu, Jan 8, 2026 at 3:46 PM Jonathan Tallman <1stjohn217llc@gmail.com> wrote:

Good afternoon Amanda,

Thank you for your January 8 message regarding the amendment and reposting of the Parks Plan packet.

Given the timing of the upcoming meeting, I am submitting this correspondence to ensure the record reflects the sequence of postings and amendments.

To ensure clarity and a complete public record, I am submitting this correspondence for inclusion in the official record for the January 13, 2026 meeting. Given the sequence of notices and corrections issued on January 6, January 7, and January 8, I respectfully request confirmation of the following for the record:

1. Whether the amended version of the Parks Plan will fully supersede the previously posted "2026.01.06_Park Plan 2035-OPT."
2. Whether the amended document is the version intended to be relied upon by the Board at the January 13 meeting.
3. Whether the amended document will be clearly posted and accessible to the public in advance of the meeting so that interested parties are reviewing the same materials as the Board.

This correspondence is not intended to advocate for any particular outcome, but solely to ensure procedural clarity and consistency in the materials relied upon for the upcoming decision.

For transparency, I will be copying the Oregon Department of Land Conservation and Development (DLCD) on this correspondence for record-keeping purposes.

Thank you for your assistance, and please include this email and the related correspondence as part of the meeting record.

Sincerely,

Jonathan Tallman

----- Forwarded message -----

From: **Amanda Mickles** <micklesa@cityofboardman.com>

Date: Thu, Jan 8, 2026 at 3:18 PM

Subject: Re: Joint city Council Special Meeting January 13, 2026

To:

Good afternoon,

Due to formatting issues within the original document, the "2026.01.06_Park Plan 2035-OPT" will be edited and reposted. Edits will be accomplished tomorrow morning, look for the update as it will say "Amended" in the document title.

Amanda Mickles

City Clerk | [City of Boardman](https://www.cityofboardman.com)



From: Amanda Mickles <micklesa@cityofboardman.com>
Sent: Wednesday, January 7, 2026 9:40 AM
Subject: Re: Joint city Council Special Meeting January 13, 2026

Good morning,

Correction - the scheduled date for this special meeting is January 13th.

It was brought to my attention that I provided the incorrect date in the original email body. The date for this meeting in the official posting and subject line is correct for January 13th. This meeting will be held at the Port of Morrow Riverfront Event Center at 7:00 PM. My apologies for the confusion and any inconvenience this caused.

Amanda Mickles
City Clerk | City of Boardman



From: Amanda Mickles <micklesa@cityofboardman.com>
Sent: Tuesday, January 6, 2026 5:25 PM
Subject: Joint city Council Special Meeting January 13, 2026

Good evening,

Packet for the special meeting scheduled on Tuesday, January 6, 2026 are available for review.

[Special Meeting 7:00 PM](#) at Port of Morrow Riverfront Event Center

As always, please let me know if you have any questions or concerns.

Amanda Mickles
City Clerk | City of Boardman



PO Box 229 | [200 City Center Circle](#)
[Boardman, OR 97818](#)
PH: (541) 481-9252

CITY OF BOARDMAN

REQUEST FOR PUBLIC RECORD

Date of Request: 9/26/2025

I, Jonathan Tallman, pursuant to ORS 192.311–192.478, am requesting the following public record(s) from the City of Boardman:

1. Any and all Non-Disclosure Agreements (NDAs), confidentiality agreements, or similar contracts signed by the Mayor, City Councilors, the City Manager, City Recorder, Planning Staff, or consultants from January 1, 2018 to present, including agreements with Amazon, Umatilla Electric Cooperative (UEC), Bonneville Power Administration (BPA), or any data center–related entities.
2. All emails, text messages, meeting notes, or correspondence between City officials/staff/consultants and Amazon, UEC, BPA, or their representatives concerning: • The Laurel Lane / Loop Road corridor; • The 'New RV Site' near the BPA Park Blocks (including records of its later blurring/removal from maps); • Road access classifications under the IAMP; • Development of Parcels 3302, 3207, and 3205.
3. All maps, exhibits, or draft planning materials that depict or reference park and RV site siting south of I-84, including Zuzu Park, Hillview Park, BPA Park Blocks, Tuscany/River Ridge subdivision parks, and the 'New RV Site' — provide both pre-blurred and post-blurred/removed versions.
4. All staff reports, findings, technical memoranda, and supporting documentation included in or relied upon for the City's September 15, 2025 Transportation System Plan (TSP) and Urban Growth Boundary (UGB) amendment submission to DLCD, especially those referencing my property (28.11 acres, Laurel Lane).
5. All agendas, minutes, recordings, and transcripts of the April 15, 2025 City/Planning meeting, in which Amazon's potential funding of an RV park was discussed.

Fee Waiver Request: This request should be fulfilled without charge because these records are already required to be part of the City's public record and included in the DLCD draft submission under ORS 197.610–197.650. They directly affect the public interest and my ability to participate in TSP/UGB planning proceedings.

Signature of Requester: Jonathan Tallman
Email Address: [Insert Email]
Mailing Address: 706 Mt Hood Ave, Boardman, OR 97818
Phone Number: 208-570-7589



PLANNING COMMISSION MEETING

January 15, 2026 at 6:00 PM

Boardman City Hall Council Chambers
AGENDA

1. **CALL TO ORDER**
2. **FLAG SALUTE**
3. **ROLL CALL**
4. **WELCOME NEW MEMBERS**
5. **ELECTION OF OFFICERS**
 - A. Chair
 - B. Vice Chair
6. **APPROVAL OF MINUTES**
 - A. Planning Commission Meeting Minutes December 18, 2025
7. **PUBLIC HEARINGS**
 - A. RVW25-000057: KPFF, applicant, and Amazon Data Services, owner. Property is described as tax lot 411 of Assessor's Map 4N 25E 09 and is zoned General Industrial. The request is for civil site plan modifications to support the installation of an owner-provided wastewater treatment system. Criteria for approval are found at the Boardman Development Code Chapter 4.2 - Development Review and Site Design Review with the standards in 4.2.500 Site Design Review - Application Submission Requirements and 4.2.600 - Site Design Review Approval Criteria. Also applicable is Chapter 2.3 General Industrial and provisions in Chapter 3. It is being processed as a Type III decision.

Staff requests this action to be continued to February 19, 2026 at 6 PM to be held at the Council Chambers at City Hall.
 - B. CONTINUED - Amendment LND25-000005: Unity Partners LLC, applicant. This request is to amend Chapter 2.1 of the Boardman Development Code to update the Development Code to accommodate higher-density residential development. Criteria for approval are found at the BDC Chapter 4.7 Land Use District Map and Text Amendments. It is being processed as a Type IV decision with the final hearing before the City Council.

Staff requests this action to be continued to February 19, 2026 at 6 PM to be held at the Council Chambers at City Hall.
 - C. The request is to adopt the Economic Opportunities Analysis as a guidance document for a planned update to the City of Boardman Comprehensive Plan to inform Goal 9 Economics. Criteria for approval are found at the Boardman Development Code Chapter 4.1 Types of Applications and Review Procedures, specifically 4.1.600 Type

IV Procedure (Legislative). It is being processed as a Type IV decision, with the final hearing before the city council.

8. DISCUSSION ITEMS

A. Planning Official Update

9. PUBLIC COMMENT

INVITATION FOR PUBLIC COMMENT – The commission chair will announce that any interested audience members are invited to provide comments. Anyone may speak on any topic other than: a matter in litigation, a quasi-judicial land use matter; or a matter scheduled for public hearing at some future date. The commission chair may limit comments to 3 minutes per person for a total of 30 minutes. Please complete a request to speak card prior to the meeting. Speakers may not yield their time to others.

10. COMMISSION COMMENTS

11. ADJOURNMENT

Zoom Meeting Link: <https://us02web.zoom.us/j/2860039400?omn=89202237716>

This meeting is being conducted with public access in-person and virtually in accordance with Oregon Public Meeting Law. If remote access to this meeting experiences technical difficulties or is disconnected and there continues to be a quorum of the council present, the meeting will continue.

The meeting location is accessible to persons with disabilities. Upon request of an individual who is deaf or hard of hearing, accommodations such as sign language or equipment for the hearing impaired must be requested at least 48 hours prior to the meeting. To make your request, please contact the City Clerk at 541-481-9252 (voice), or by e-mail at city.clerk@cityofboardman.com.

**PRELIMINARY FINDINGS OF FACT
PLANNING COMMISSION
ADOPTION OF THE ECONOMIC OPPORTUNITIES ANALYSIS**

REQUEST: To adopt an Economic Opportunities Analysis as guidance to Goal 9 Economics.

APPLICANT: City of Boardman
Post Office Box 229
200 City Center Circle
Boardman, Oregon 97818

I. GENERAL INFORMATION: The City of Boardman is working to update the multiple planning documents that guide development, residential, commercial, and industrial, within the City. This Strategic Planning process started with the development and adoption of five strategic goals as part of a strategic plan adopted by the City Council in March 2025. The result will be an updated Transportation System Plan, a refinement of the Main Street Interchange Area Management Plan, a Parks Master Plan, a Housing Capacity Analysis, this Economic Opportunities Analysis, all concluding with an updated Comprehensive Plan and Development Code.

An Economic Opportunities Analysis (EOA) is required of cities to reconcile estimates of future employment land demand with existing inventories, something Boardman has not done since the last century. And with the growth that Boardman has seen over the past decade, it is time for a clear understanding of what the economic opportunities may be. The Data Center industry has exploded in north Morrow County and west Umatilla County starting in only 2008. In less than 20 years this industry has transformed our landscape, employment picture, and placed housing demands on Boardman and the other communities in this region.

The EOA lays the groundwork for understanding the national, state, and local economic trends and outlines Boardman’s comparative advantages of our community and workforce. It evaluates key industries the City should consider targeting as economic opportunities and projects demand for both industrial and commercial lands. It concludes by summarizing the City’s current inventory of commercial and industrial lands and discusses the adequacy of that inventory over both a five- and twenty-year period.

A Buildable Lands Inventory was completed as part of the consultant’s work that evaluated developed, partially developed, and vacant land as inputs to the EOA. They also have provided, as part of their work, suggested changes for the City’s Comprehensive Plan and Development Code which will be adopted through a separate process.

- II. PROCEDURE:** This amendment is being processed using Type IV procedures found within the Boardman Development Code. The Type IV process requires a hearing before the Planning Commission with a recommendation to the City Council. The final hearing will take place before the City Council.

- III. APPROVAL CRITERIA:** The request has been filed under the BDC Chapter 4.1 Types of Applications and Review Procedures, more specifically 4.1.600 Type VI Procedures (Legislative). The criteria are identified below in **bold** type with responses in regular type.

G. Decision-Making Considerations. The recommendation by the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:

1. Approval of the request is consistent with the Statewide Planning Goals.

The Statewide Planning Goals applicable to this request are Goal 1, Citizen Involvement, Goal 2, Coordination, and Goal 9 Economics.

Goal 1 requires the City to “develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.” Because the proposed amendment, or adoption of the EOA, will be heard by both the Planning Commission and the City Council, there will be at least two opportunities for public comment to the EOA. Additionally, the hearings were published in the East Oregonian providing additional public notice. This is consistent with the City’s acknowledged citizen involvement program. (Goal 1, Policy 4: The Planning Commission is officially designated as the Citizen Involvement Committee.)

There was also a Public Advisory Committee (PAC) that was appointed to provide input to the Consultant team and review the various work products. The PAC, consisting of 11 citizens and state agency professionals, met four times over the past year, providing valuable information and feedback. This would also be consistent with the City’s acknowledged citizen involvement program.

Goal 2 requires the City to adopt a comprehensive plan and implement the plan through its development code and by extension other planning level documents. The proposed EOA is consistent with and will support the comprehensive plan relative to development of commercial and industrial businesses. (Goal 2, Policy 3: The City has adopted the City of Boardman Development Code, a unified zoning and subdivision land use code to facilitate the development process and implement the land use goals of the City as outlined in the Comprehensive Plan.)

Goal 9 requires the state to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. It also requires that comprehensive plans and policies contribute to a stable and healthy economy in all regions of the state and that those comprehensive plans and land use regulations are updated to provide adequate opportunities for a variety of economic activities throughout the state and to ensure that comprehensive plans are based on information about state and national economic trends. The proposed EOA meets these standards.

For these reasons, the criterion is met.

2. Approval of the request is consistent with the Comprehensive Plan.

The Boardman Comprehensive Plan (BCP) has a variety of policies that support the proposed amendment and the process used to achieve it. Goal 1 policies support citizen involvement and

the public hearing process. Goal 1, Policy 4, designates the Planning Commission as the City’s official Citizen Involvement Committee. Therefore, review by the Planning Commission ensures compliance with the comprehensive plan.

While none of the Goal 2 Policies are specifically applicable to this action, staff assert that the land use planning process required through Goal 2 is supported with the adoption of the EOA. The desired result of this process is twofold – first to adopt the EOA to better understand the city’s needs for land inventory to meet our economic needs for commercial and industrial lands and second to update Goal 9 of the Comprehensive Plan and address inadequacies within the Development Code which will follow the adoption of the EOA.

Goal 9 requires, within the Boardman Comprehensive Plan and based on the economic policies, that the City position Boardman as a regional center for industry and commerce; encourage tourist commercial activity near Interstate 84; allow for the creation of industrial park development; and monitor the City’s industrial land related to supply and demand. The EOA and its related outcomes does work towards meeting these policies.

For these reasons, the criterion is met.

3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

The proposed EOA does not specify properties, other than the analysis within the Buildable Lands Inventory, but does work to achieve a framework that the City can work within to identify lands for both commercial and industrial development. No current public facilities, services, or transportation networks are impacted by the adoption of the EOA. It is intended to be a roadmap to the lands inventory that is needed. As lands are brought into the urban growth boundary or rezoned for employment purposes these factors would be reviewed initially and again when development occurs.

For these reasons, the criterion is met.

- IV.

LEGAL NOTICE PUBLISHED:

December 24, 2025, and January 21, 2026
East Oregonian
- V.

DLCD 35-DAY NOTICE:

December 9, 2025
- VI.

AGENCIES NOTIFIED:

Dawn Hert and Leigh McIlvaine, Department of Land Conservation and Development.
- VII.

HEARING DATES:

Planning Commission
January 15, 2026
Council Chambers

Boardman City Hall
200 City Center Circle
Boardman, Oregon 97818

City Council
February 3, 2026
Council Chambers
Boardman City Hall
200 City Center Circle
Boardman, Oregon 97818

VIII. PLANNING OFFICIAL RECOMMENDATION: The Planning Official recommends the Planning Commission forward the request to the City Council with a ‘do adopt’ recommendation based on the following findings.

- The Planning Commission finds that the process utilized to review and recommend this proposed EOA is compliant with the Statewide Planning Goals and the City’s Comprehensive Plan. Goal 1 was met through the Public Advisory Committee meetings and the Planning Commission public hearing held to consider this request. The City Council public hearing will also provide an opportunity for citizen involvement.
- The Planning Commission finds that the process utilized to review and recommend this proposed EOA adoption is compliant with the Statewide Planning Goals and the City’s Comprehensive Plan related to both Goal 2 and Goal 9.
- The Planning Commission finds that the EOA is consistent with the Comprehensive Plan.

Zack Barresse, Chair	Date
Planning Commission	

- ATTACHMENTS:
- DRAFT Economic Opportunities Analysis
 - Comprehensive Plan Memorandum
 - Development Code Memorandum

DRAFT



ECONOMIC OPPORTUNITIES ANALYSIS BOARDMAN, OREGON

Prepared For:
City of Boardman, Oregon

November 2025



Acknowledgments

Johnson Economics prepared this report for the City of Boardman. Johnson Economics and the City of Boardman thank the many people who helped to develop this document.

Project Advisory Committee

Jennifer Leighton	Boardman Planning Commission
Leslie Pierson	Local Real Estate Agent
Isaias Valencia	Local Builder/ Woodhill Homes
Debbie Radie	Boardman Foods
Kalie Davis	AWS
Joe Young	Harvest Town Foods
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Michael Hughes	Chamber Board Member
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This report was prepared in accordance with the requirements of OAR 660 Division 9: Economic Development.

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I. INTRODUCTION

This report presents an Economic Opportunities Analysis (EOA) for the City of Boardman, Oregon.

Cities are required to reconcile estimates of future employment land demand with existing inventories of vacant and redevelopable employment land within their Urban Growth Boundary (UGB). The principal purpose of the analysis is to provide an adequate land supply for economic development and employment growth. This is intended to be conducted through a linkage of planning for an adequate land supply to infrastructure planning, community involvement and coordination among local governments and the state.

To this end, this report is organized into seven primary sections:

- **Economic Development Objectives:** The community goals and policies that form the foundation for the EOA.
- **Economic Trends:** Provides an overview of national, state, and local economic trends affecting Morrow County and the City of Boardman, including population projections, employment growth and a demographic profile.
- **Economic Development Potential:** A discussion of the comparative advantages of the local community and work force.
- **Industries Differentiation Analysis:** Analysis of key industry typologies the City should consider targeting as economic opportunities over the planning period.
- **Employment Land Needs:** Examines projected demand for industrial and commercial land based on anticipated employment growth rates by sector.
- **Reconciliation:** Summarizes the City's inventory of vacant and redevelopable industrial and commercial land (employment land) within City of Boardman's UGB. Compares short- and long-term demand for employment land to the existing land inventory to determine the adequacy and appropriateness of capacity over a five and twenty-year horizon.
- **Conclusions and Recommendations:** Summary of findings and policy implications.

II. COMMUNITY ECONOMIC DEVELOPMENT OBJECTIVES

The City of Boardman is preparing an Economic Opportunities Analysis (EOA) based on a 20-year forecast of employment growth. This project is part of a broader Strategic Planning initiative taking place in the city that aims to modernize plans for all aspects of the community's growth and prosperity. This approximately two-year process will explore where and how to grow to accommodate new jobs, housing, parks, and other essential community needs.

Through community outreach at the outset of this process, Boardman identified the following five community goals:

- Goal 1: Expand shopping and service opportunities
- Goal 2: Provide a full range of housing options
- Goal 3: Support modest, sustainable growth with retaining the City's small-town feel
- Goal 4: Provide adequate public facilities and services
- Goal 5: Build on natural resources and other assets

All of these objectives intersect with job growth and economic development initiatives. Economic growth impacts population growth, housing availability and affordability, job quality and income levels, and the strength of the tax base to provide vital service and infrastructure to employers and residents alike.

The City of Boardman is in a somewhat rare economic position in that the wide availability of jobs located in the industrial lands of the city and at the Port of Morrow has outpaced the availability of local housing and puts stress on the adequacy of commercial and public infrastructure. Boardman is a fast-growing economy and community, and comprehensive planning is badly needed to catch up with realities on the ground.

Boardman aspires to be an attractive place to both live and work. The city would like to provide opportunities for all households to locate in the community and enjoy a high quality of life with good public services. To this end, the city will ensure that there is sufficient land for commercial and industrial employment to accommodate continued growth. The city will work with the Port and other regional partners to support economic development across the region.

Boardman supports small businesses, entrepreneurs, contractors, craftspeople and artisans who sustain economic activity in the place they live. At the same time, Boardman will be positioned to take advantage of cutting-edge industries and share in the economic transformation currently underway in the Columbia Basin.

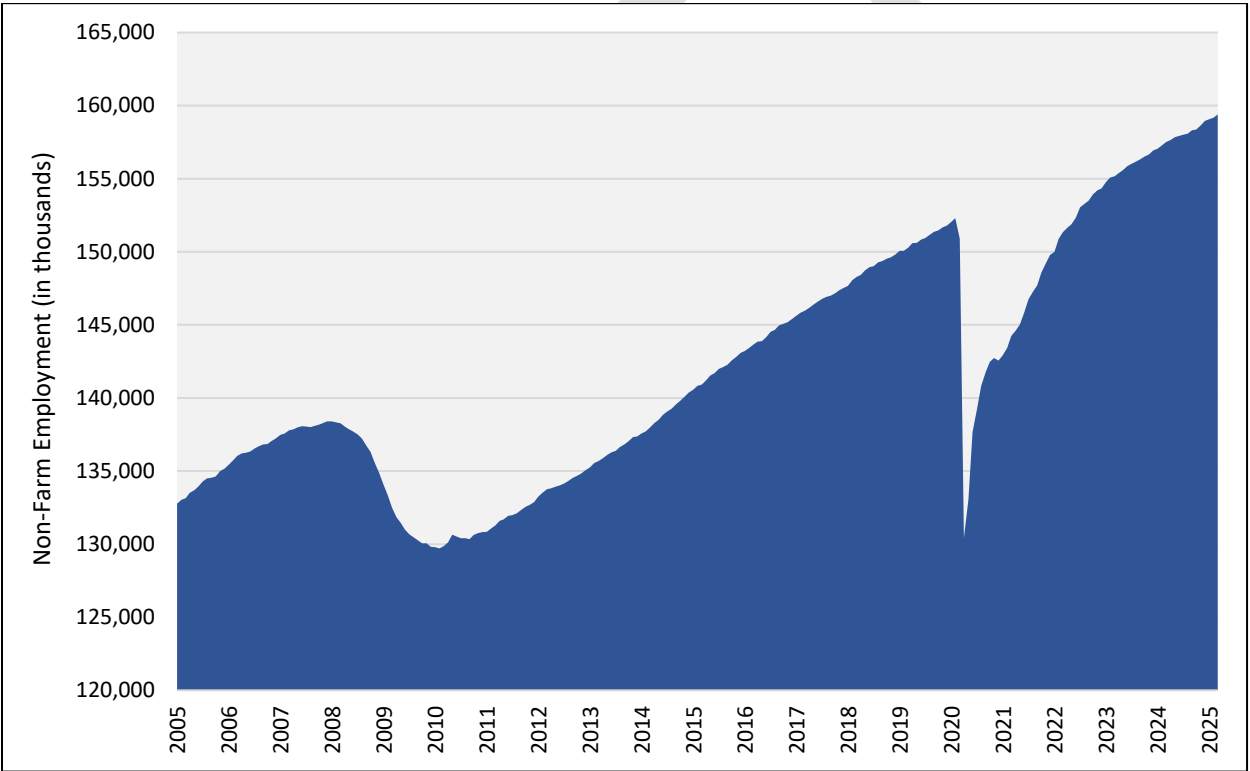
III. ECONOMIC TRENDS

This section summarizes employment and workforce trends at the national, state, and local level that will influence economic conditions in the City of Boardman over the 20-year planning period. This section is intended to provide the economic context for growth projections and establish a socioeconomic profile of the community.

A. NATIONAL TRENDS

Employment: In the first months of the 2020 pandemic, the nation lost nearly 22 million jobs, or 14% of total employment. However, the economy recovered quickly, displaying rapid growth as early as February 2021. National employment returned to pre-pandemic levels as of late 2022 and has grown to new a new record level of 162 million non-farm jobs as of March of 2025 (Figure 3.1).

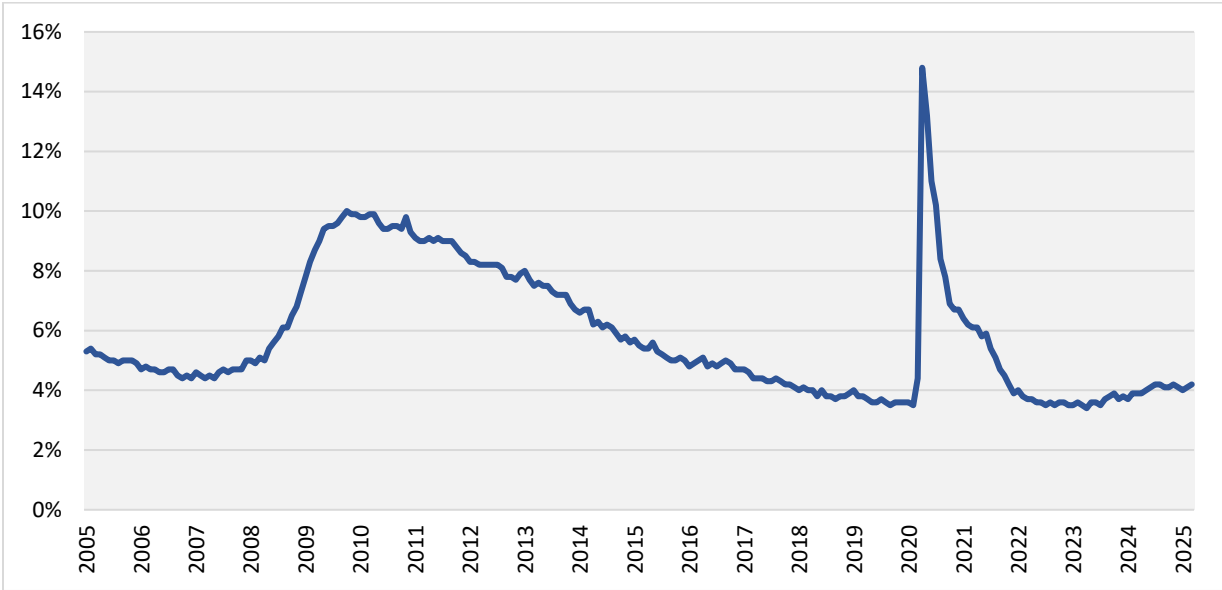
FIGURE 3.1: NATIONAL EMPLOYMENT LEVELS (JAN 2005– MAR 2025)



Source: U.S Federal Reserve Bank of St. Louis

Unemployment Rate The national unemployment rate spiked to nearly 15% in 2020 as many businesses paused operations or closed permanently in the first months of the pandemic. However, the unemployment rate began to decline almost immediately, and by mid-2022 had fallen back to roughly 3.5%. After maintaining some of the lowest levels of unemployment seen in decades, there has been a slight uptick in rates since 2023. Since then, unemployment rates have hovered around the 4% range as of March 2025 (Figure 3.2).

FIGURE 3.2: NATIONAL UNEMPLOYMENT RATE (JAN 2005 – MAR 2025)

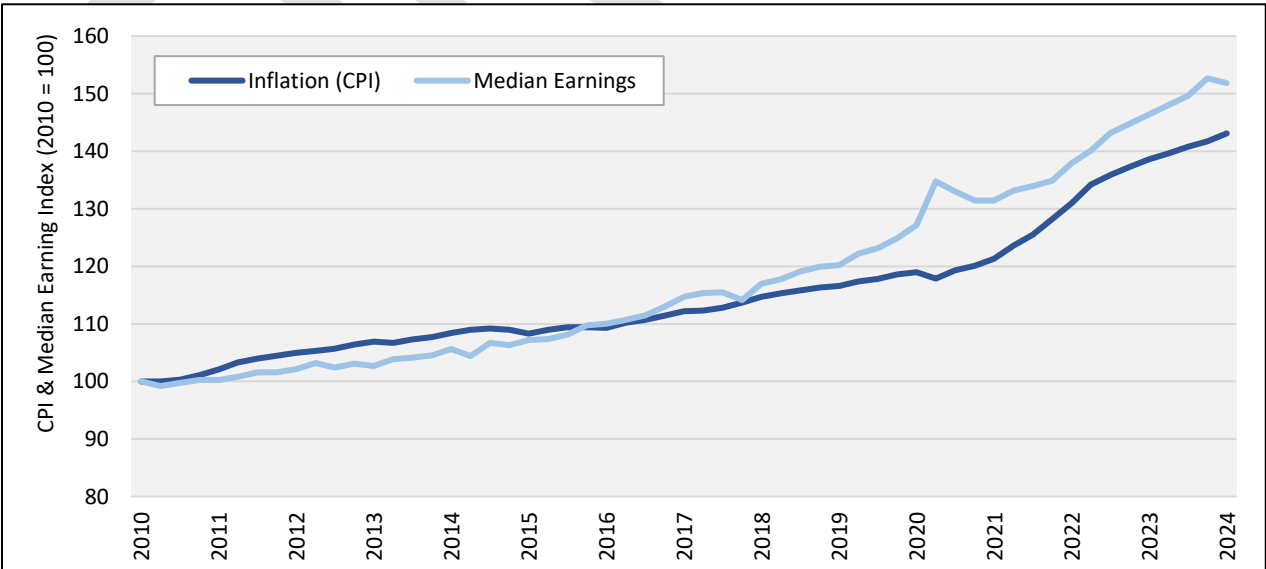


Source: U.S Federal Reserve Bank of St. Louis

Inflation: The counterpoint to the strong rebound in employment coming out of the pandemic was a rising rate of inflation. Various government stimulus measures, combined with supply shortages, led to rising prices for many consumer products, energy, and food. The rate of inflation accelerated in 2021 and began moderating towards the end of 2022. The inflation rate has fallen closer to the pre-COVID trend as of 2025 at under 3% inflation annually.

Wages: On a positive note, median household earnings also enjoyed growth coming out of the recession and largely outpaced inflation in the following years. Earnings spiked in 2020 when government stimulus payments were added to earned wages. However, earnings growth decelerated beginning in 2022, and fell slightly in 2024 (Figure 3.3).

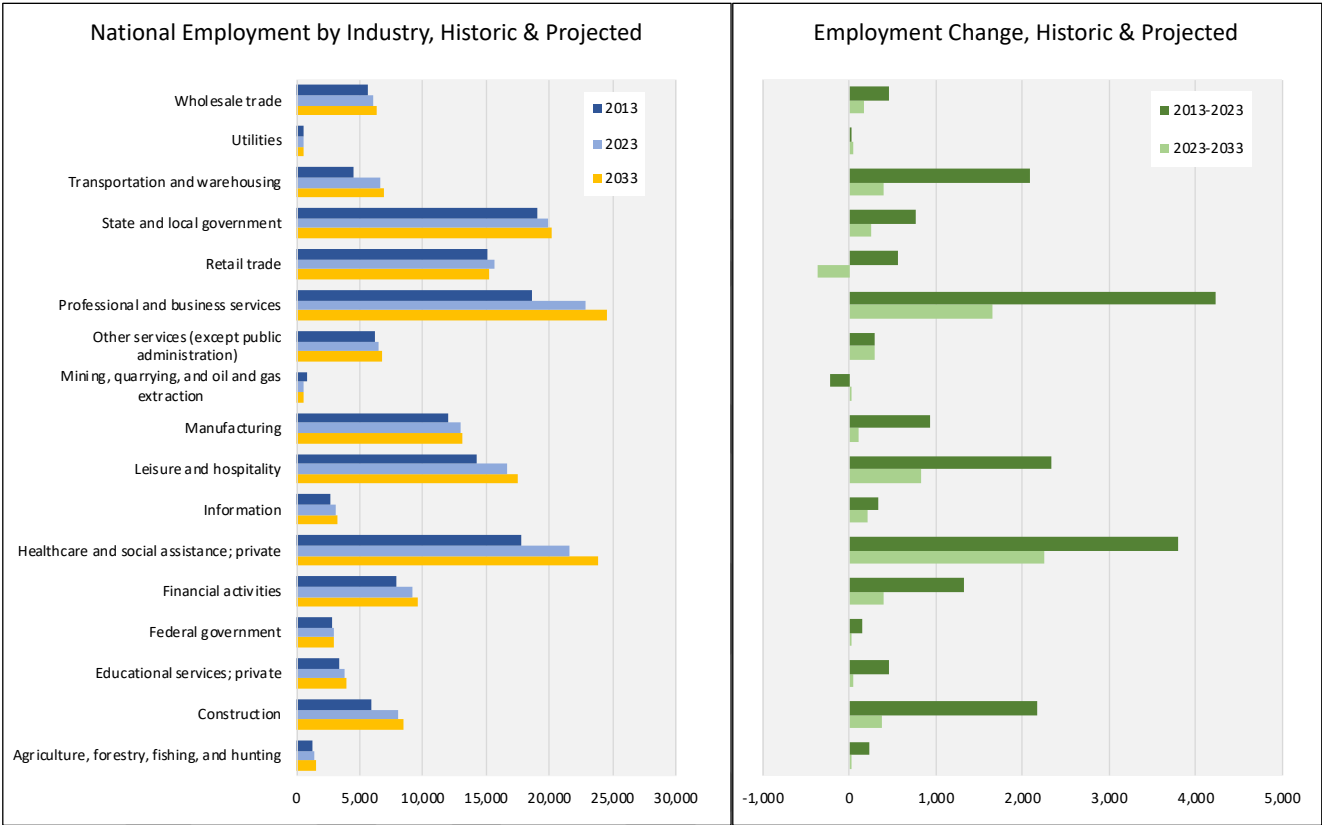
FIGURE 3.3: INFLATION INDEX VS. MEDIAN EARNINGS INDEX (2010 – 2024)



Source: U.S. Federal Reserve Bank of St. Louis; Consumer Price Index for Urban Consumers (US); Median Earnings for Full-Time Employees, Seasonally Adjusted

Industry Sector Employment: At a national level, professional and business services, and the healthcare & social assistance sector accounts for the largest share of employment growth, followed by professional & business services, and leisure & hospitality. The aging of the population is expected to drive the healthcare sector over the next few decades.

FIGURE 3.4: NATIONAL EMPLOYMENT BY SECTOR (2013 – 2023, 2033 PROJECTED)

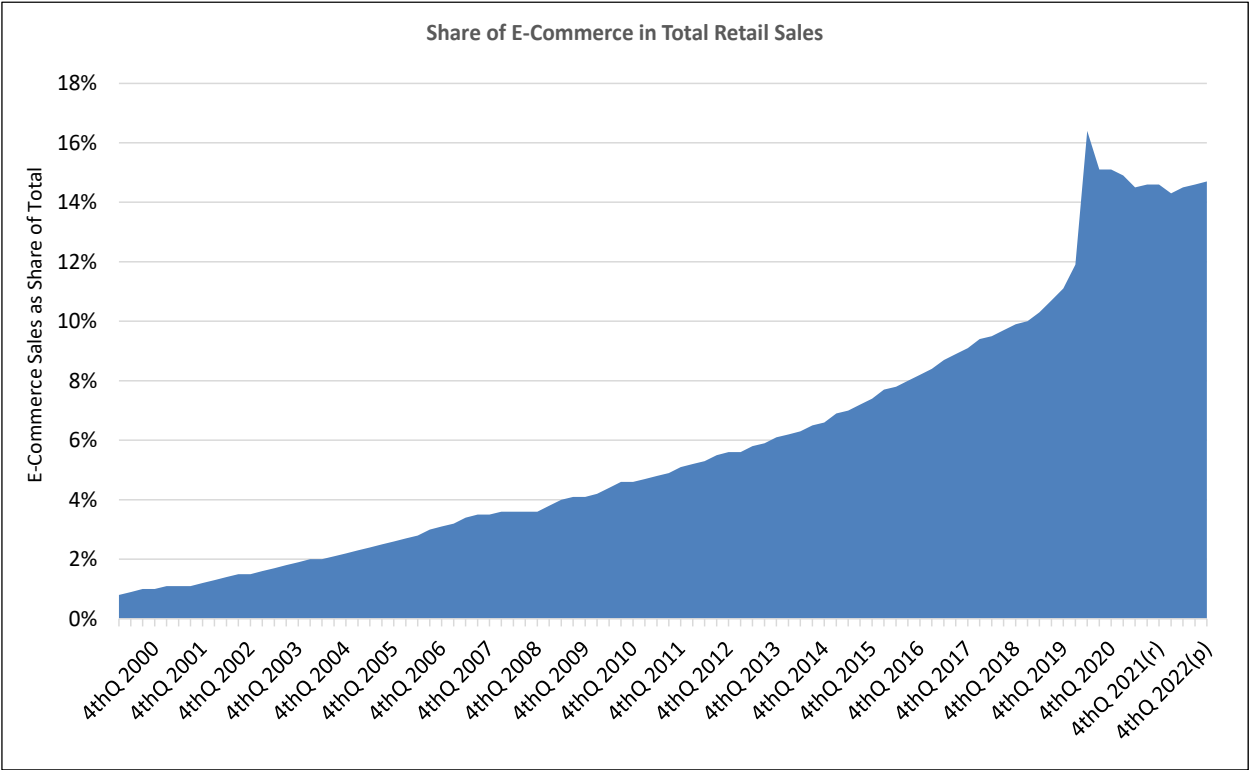


Source: U.S Bureau of Economic Analysis

Recent trends and current forecasts reflect a shift from a goods economy, featuring manufacturing and natural resources, towards a service economy, which emphasizes technological innovation, research, and design.

The most dramatic spending shift in the context of real estate in recent times is the growth in online shopping, which has reduced the overall need for brick-and-mortar space, especially from retailers selling physical goods. While the share of sales accounted for by e-commerce has grown at a steady pace over the last decade, the pandemic greatly accelerated this trend. In 2020, the share of sales taking place online jumped from 12% of total retail spending to 16%. It has since settled to 14.5% of spending, which is well above the pre-pandemic share (Figure 3.5).

FIGURE 3.5: E-COMMERCE AS A PERCENT OF TOTAL RETAIL SALES, UNITED STATES



SOURCE: Retail Indicators Branch, U.S. Census Bureau, JOHNSON ECONOMICS

The growth in e-commerce has accelerated a shift in storage needs from retail stores to warehouses and distribution centers. At the same time, automation is causing a consolidation within the warehousing and distribution industry, leading to increasing reliance on larger third-party operators able to make heavy investments in capital and expertise. Finally, changes in the use of electronic devices and growth in online services are causing a shift in the tech sector, from hardware manufacturing to software development.

This pattern has also been reflected in the State of Oregon, with e-commerce employment increasing at the expense of brick-and-mortar retail employment. This is causing a shift in storage needs from retail stores to warehouses and distribution centers. This has also been one factor underlying the growth of the data center industry to facilitate the growth in online activity, which is discussed in greater detail in a following section.

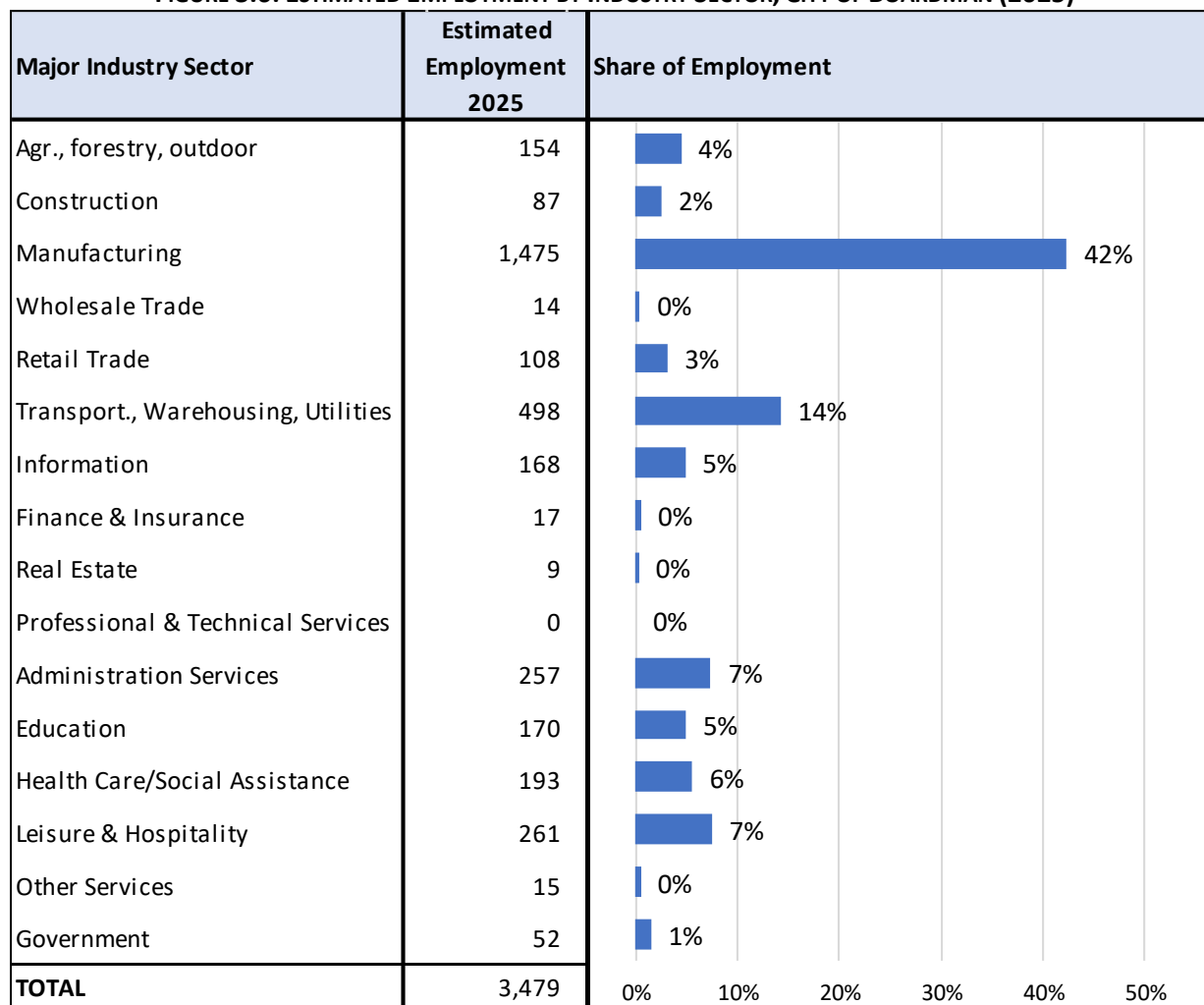
B. CITY OF BOARDMAN EMPLOYMENT AND FIRMS

As of 2025, the City of Boardman is home to roughly 150 businesses with nearly 3,500 workers, including the self-employed (inside the city’s Urban Growth Boundary or UGB). The largest industries by employment are manufacturing which includes food processing, utilities, administrative services which includes security firms, and leisure and hospitality which includes dining and tourism-related companies. Data center employment is included under the “information” sector which has growth rapidly over the past decade. Data centers also support many other types of jobs including security, construction, and suppliers.

Boardman’s rapid past and future residential growth support dining, shopping, education and health care, as well as government employment at the local, state, and port levels.

Boardman has the lowest estimated employment representation in some of the “white collar” professional services such as finance & insurance, real estate & professional sectors. (Industry sectors are discussed in more detail in Section IV of this report)

FIGURE 3.6: ESTIMATED EMPLOYMENT BY INDUSTRY SECTOR, CITY OF BOARDMAN (2025)

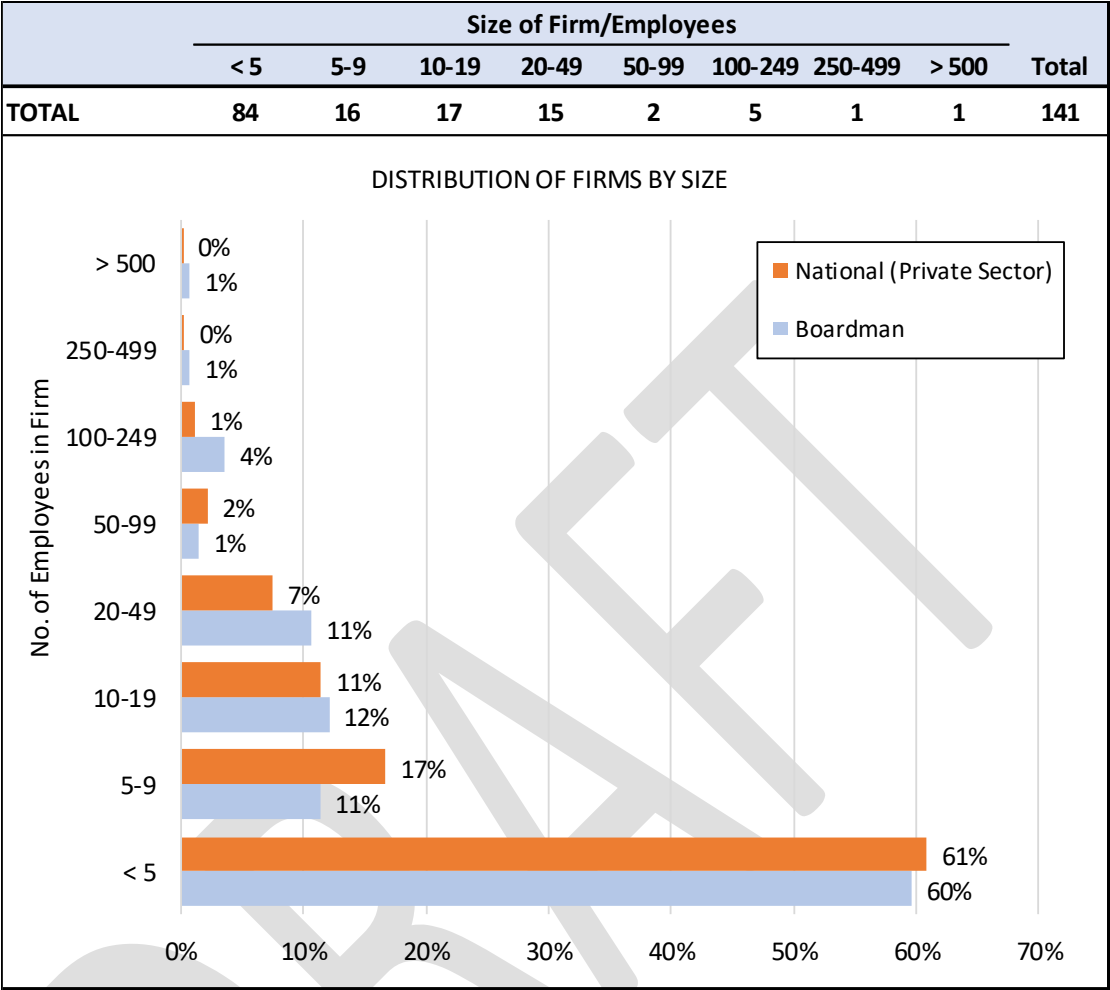


SOURCE: Oregon Employment Department, 2023 QCEW data projected to 2025, Johnson Economics

The local employment base is dominated by relatively small firms, with over 70% of businesses having fewer than 10 employees, and nearly 85% of businesses having fewer than 20 employees (Figure 3.7). However, this trend is in keeping with the national averages. Most businesses are small businesses. (This is based on the most recent 2023 QCEW data for unemployment-insurance covered employment and therefore doesn't include all self-employment or owner/operator businesses.) Only a handful of firms and organizations have more than 100 employees. This is again, in keeping with national trends.

As of 2023 (most recent granular data available from Oregon Employment Department), there were an estimated 140 firms in Boardman with covered employees.

FIGURE 3.6: DISTRIBUTION OF FIRMS BY SIZE, CITY OF BOARDMAN - 2023

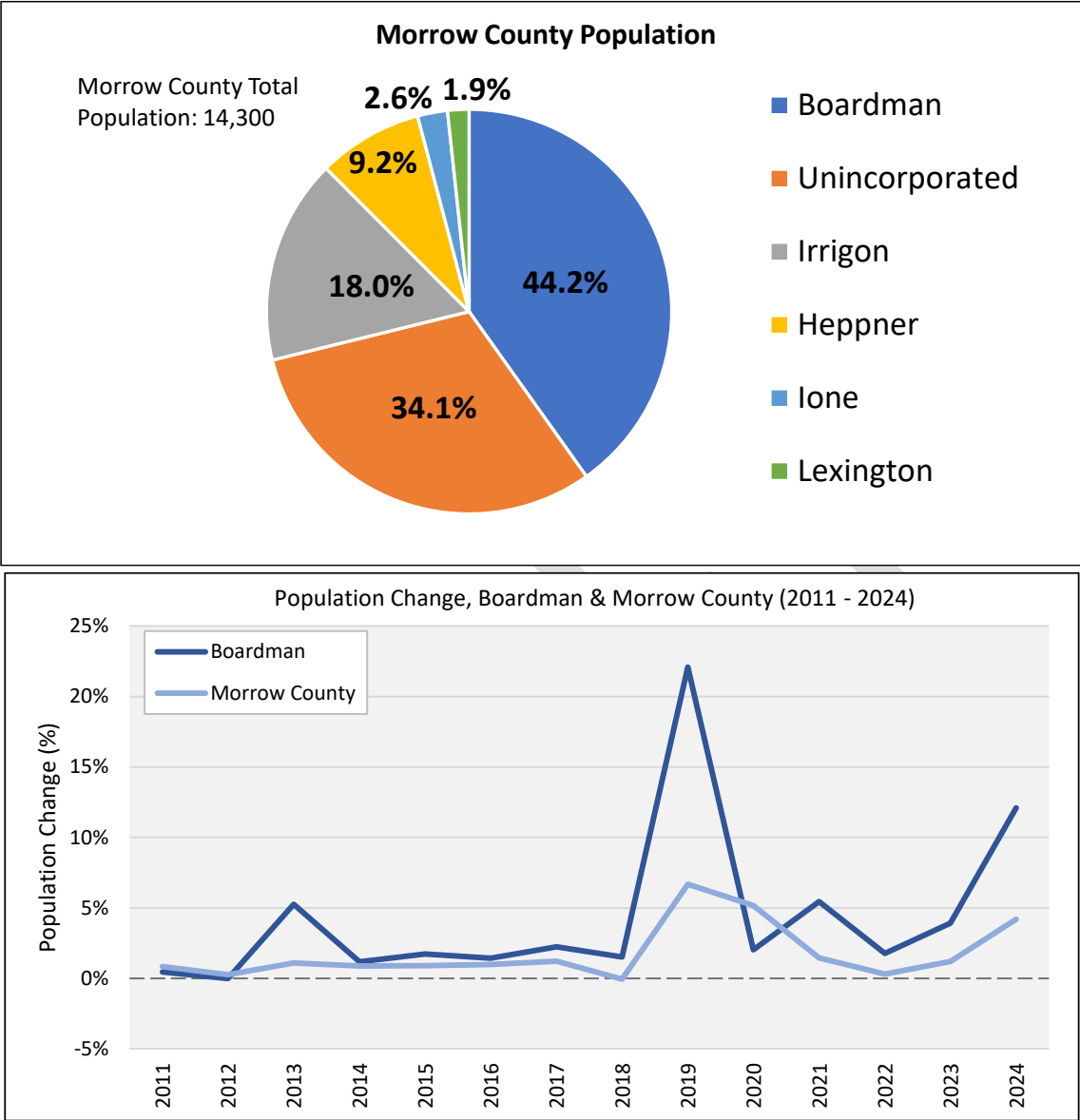


Source: Oregon Employment Department, QCEW data

B. LOCAL POPULATION AND WORKFORCE TRENDS

Population: The City of Boardman was estimated to have a population of 5,750 as of 2024, representing over 44% of Morrow County’s overall population and is the county’s largest city. Boardman is estimated to have grown at a rate of 4.4% per year since 2010, well over double the county’s growth rate (1.8% per year). The city has grown by over 2,500 residents since 2010, which accounts for 80% of the county’s growth in that period. Portland State University projects that by 2045 Boardman’s population will have grown to 6,630 residents, though past trends suggest this projection may prove conservative.

FIGURE 3.7: POPULATION TRENDS, BOARDMAN & MORROW COUNTY (2024)

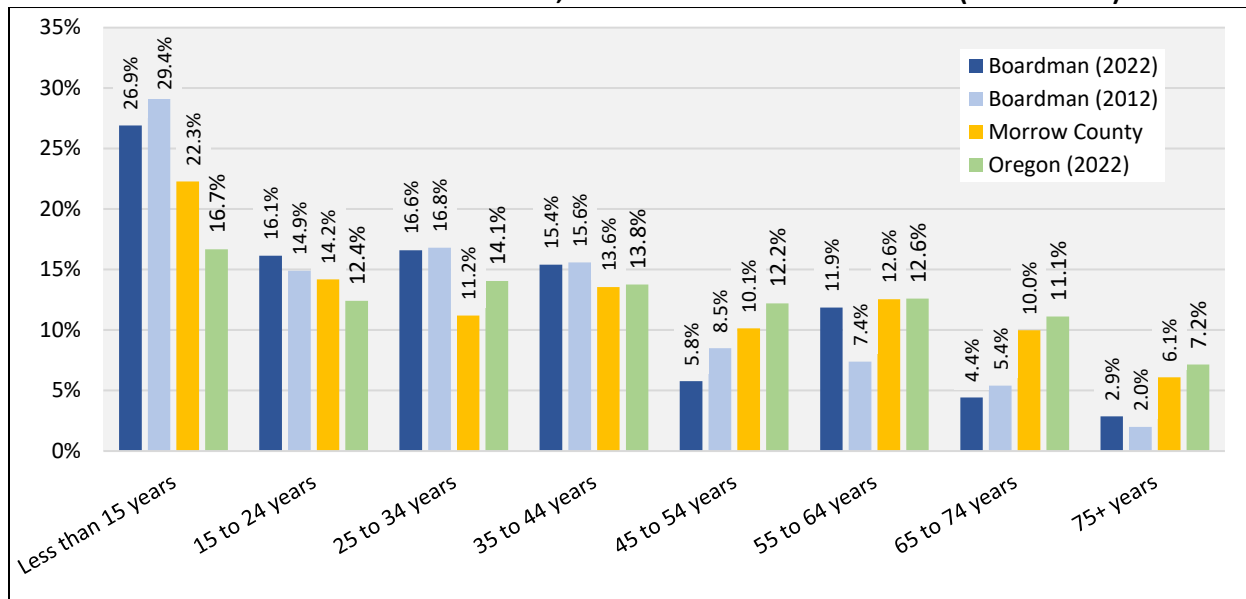


SOURCE: Population Research Center, Portland State University

The City of Boardman has a larger proportion of children and young adults when compared to the county and state as of 2022. Nearly 75% of the city’s population is younger than 45 years old according to the Census (Figure 3.8). Overall, those aged 15 or younger is the largest age group in the city, estimated to be over 25% of the population. The next largest age cohort are those aged 25 to 34.

The share of Boardman residents in the traditional retirement age bracket (65+) is much lower than seen in the county or statewide. In Oregon, this group averages over 18% of the population, while in Boardman it is an estimated 8% of the population.

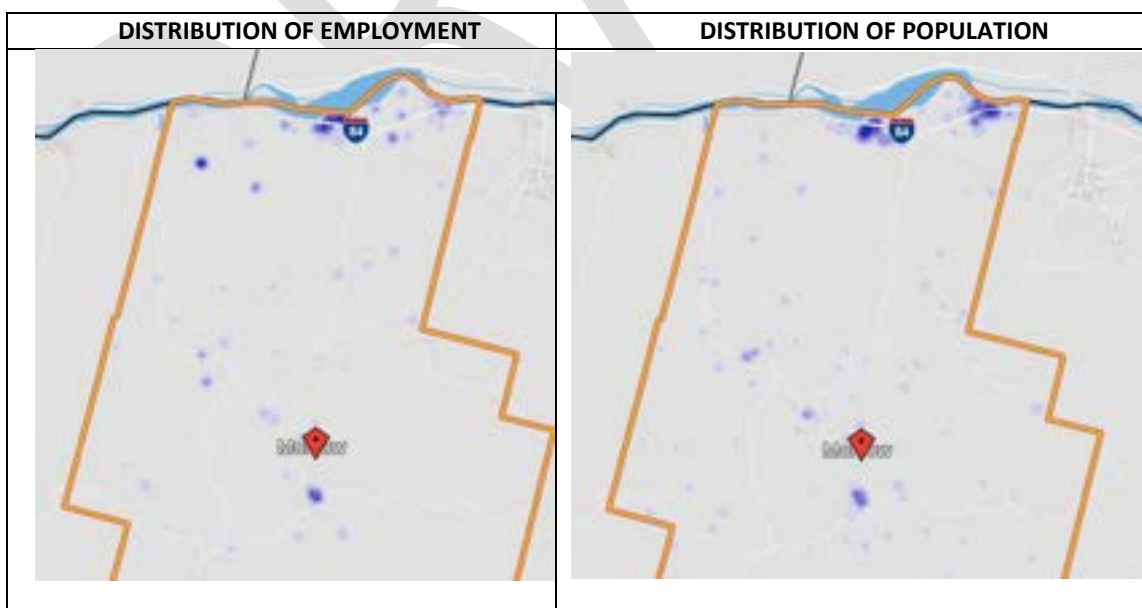
FIGURE 3.8: BROAD AGE DISTRIBUTION, BOARDMAN AND MORROW COUNTY (2012 – 2022)



SOURCE: U.S Census Bureau, ACS 5-Year Estimate

Despite this, between 2012 and 2022, the 55 to 64 age bracket grew the most as a share of the population, growing by roughly 4 percentage points. The 75+ age bracket also saw growth. This reflects a nationwide trend attributed to the aging of the large Baby Boom generation. The first half of this generation is now well past the traditional retirement age, while much of the younger half will be retiring over the coming decade.

FIGURE 3.9: DISTRIBUTION OF EMPLOYMENT AND WORKFORCE, MORROW COUNTY, 2022



SOURCE: Census Bureau, Longitudinal Employer-Household Dynamics (LEHD) Data

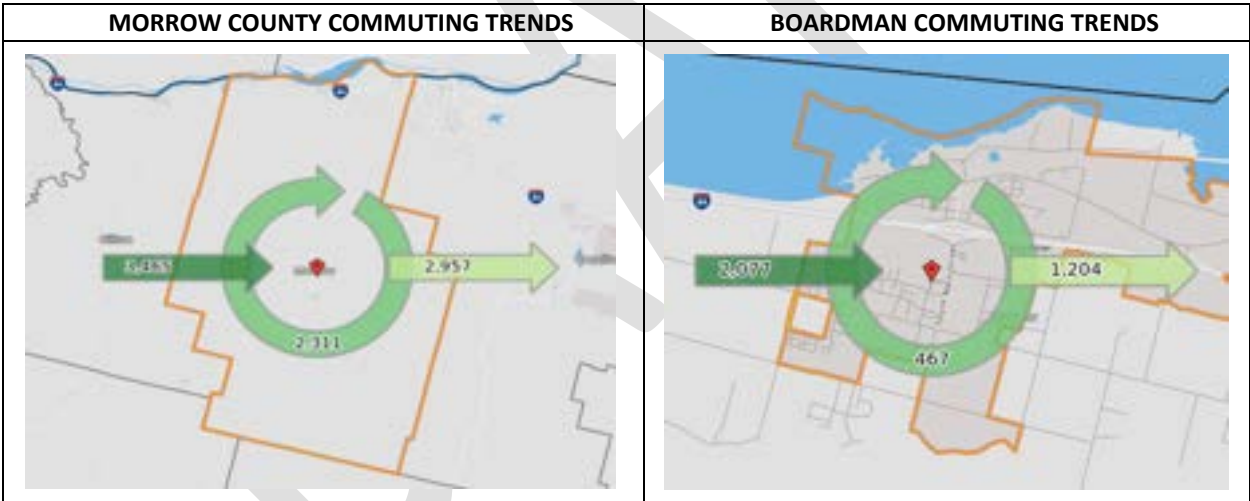
Employment and Population Concentrations: As Figure 3.9 shows, employment in Morrow County is concentrated around the city of Boardman and the Port of Morrow at the north end of the county along the Columbia River; smaller concentrations of employment are found in the county’s smaller cities and in some rural locations. The distribution of population is similar, however with more households spread throughout the unincorporated areas of the county around Boardman and Irrigon.

Commuting Trends: In 2022 (the most recent data available), the City of Boardman was estimated to have roughly 2,075 people commuting in for work, while 1,200 people commuted out; 470 residents both lived and worked in the city. As for the county, it is estimated that 3,450 people commuted in for work, 3,000 commuted out for work, while 2,300 live and work in the county during 2022.

These figures reflect “covered employment” as of 2022, the most recent year available. Covered employment refers to those jobs where the employee is covered by federal unemployment insurance. This category does not include many contract employees and the self-employed and therefore is not a complete picture of local employment. The figures discussed here are best understood as indicators of the general pattern of commuting and not exact figures.

Of those residents who work outside of the city, the most common commute destinations are Hermiston, Pendleton, Umatilla, and Portland. For local employees who commute in from outside of Boardman, most live in Hermiston, Kennewick, Umatilla, Irrigon, or Richland.

FIGURE 3.10: NET INFLOW-OUTFLOW OF EMPLOYEES, BOARDMAN AND MORROW COUNTY, 2022

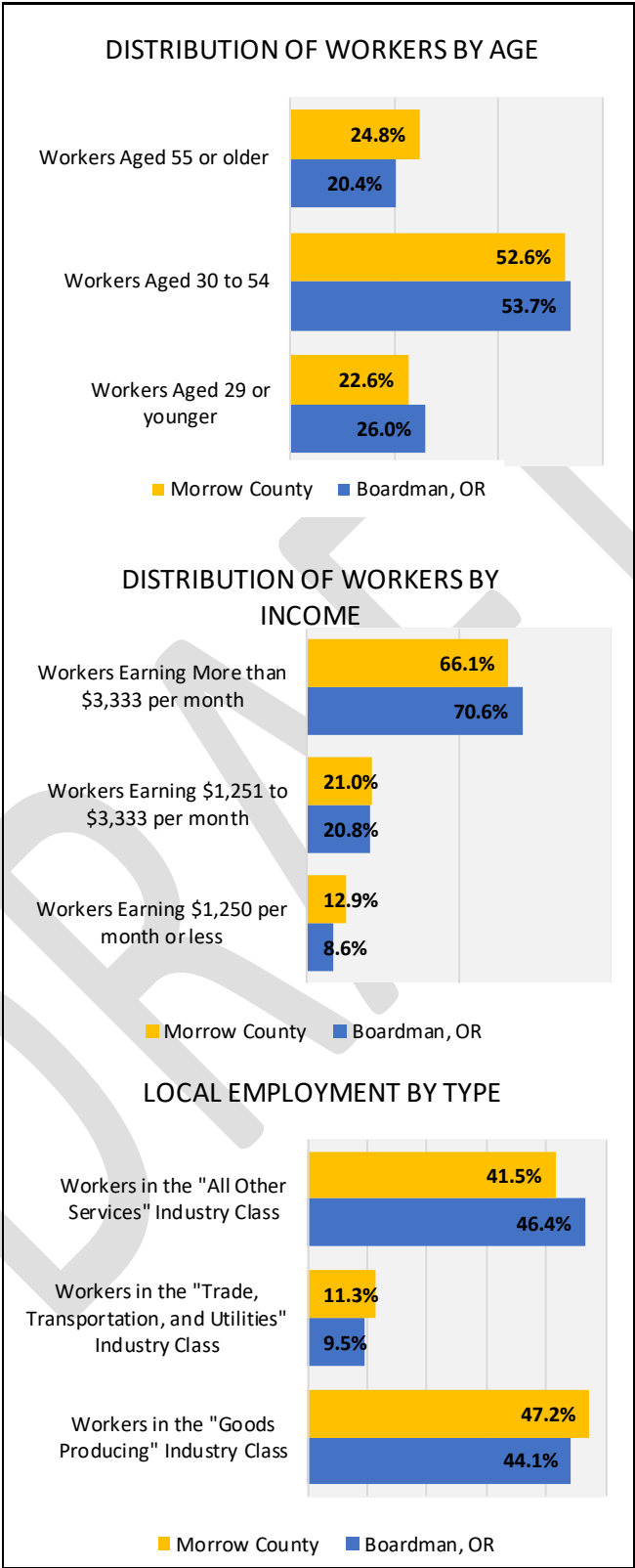


SOURCE: Census Bureau, Longitudinal Employer-Household Dynamics (LEHD) Data

Some amount of cross-commuting is common in most communities, as residents are willing to consider a larger employment market beyond the city boundaries, and as workers in the broader area search for available housing that may be in other cities. However, it is estimated that less than 10% of Boardman’s population both live and work in the city, which is a relatively low share compared to other communities in the county.

Labor Force Characteristics: The figures below show a comparison of labor force distribution in the City of Boardman and Morrow County. Boardman has a distribution of workers similar to the county in age and income characteristics.

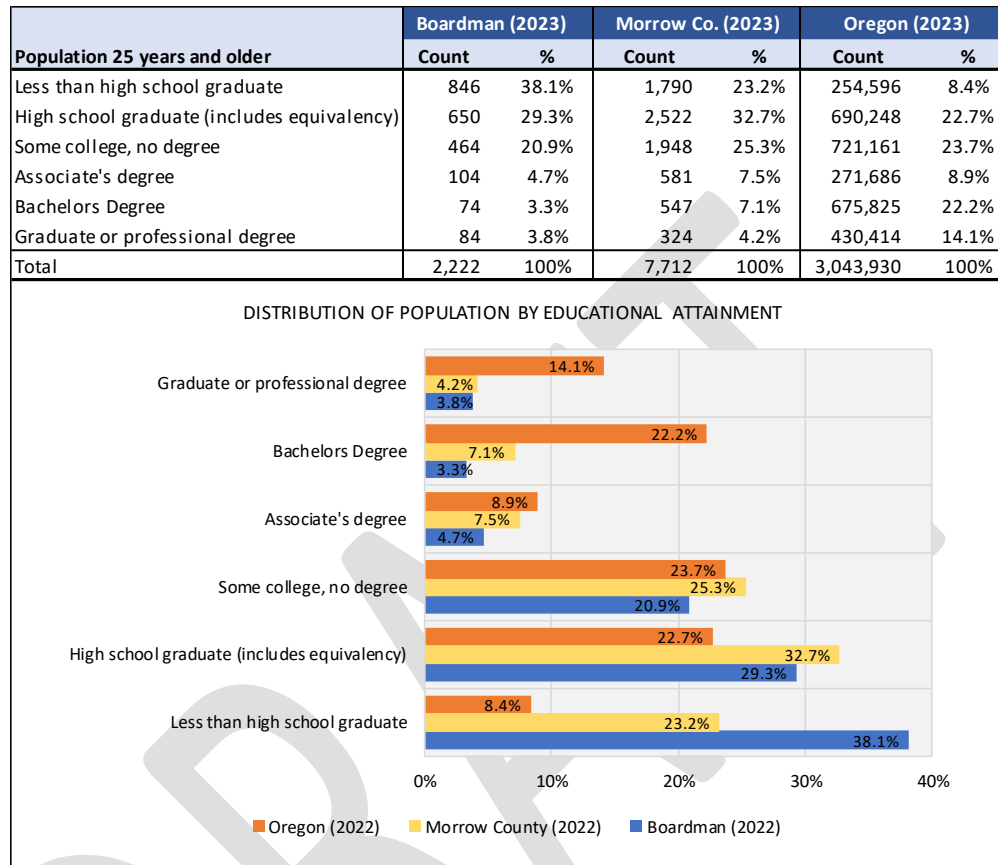
FIGURE 3.11: WORKER CATEGORIES, BOARDMAN AND MORROW COUNTY, 2022



SOURCE: Census Bureau, Longitudinal Employer-Household Dynamics (LEHD) Data

The figure below summarizes the adult population’s educational attainment in Boardman compared to the county and state. On average, the City of Boardman has lower-education levels in comparison to the county or state (Figure 3.12).

FIGURE 3.12: EDUCATIONAL ATTAINMENT PROFILE FOR THE POPULATION 25 AND OVER, 2023



SOURCE: U.S. Census Bureau, 2019-2023 ACS 5-Year Estimates

- Roughly 38% of the local population 25 and older have not completed high school, as compared to 8.4% statewide.
- Roughly 30% of the city’s adults only have a high school education, higher than both the county (33%) and the state (23%).
- 33% of the adult population has some education beyond high school, compared to 44% countywide, and 69% statewide.
- 12% of local adults have completed a post-secondary degree, compared to 19% of the county population, and 45% of the state population.

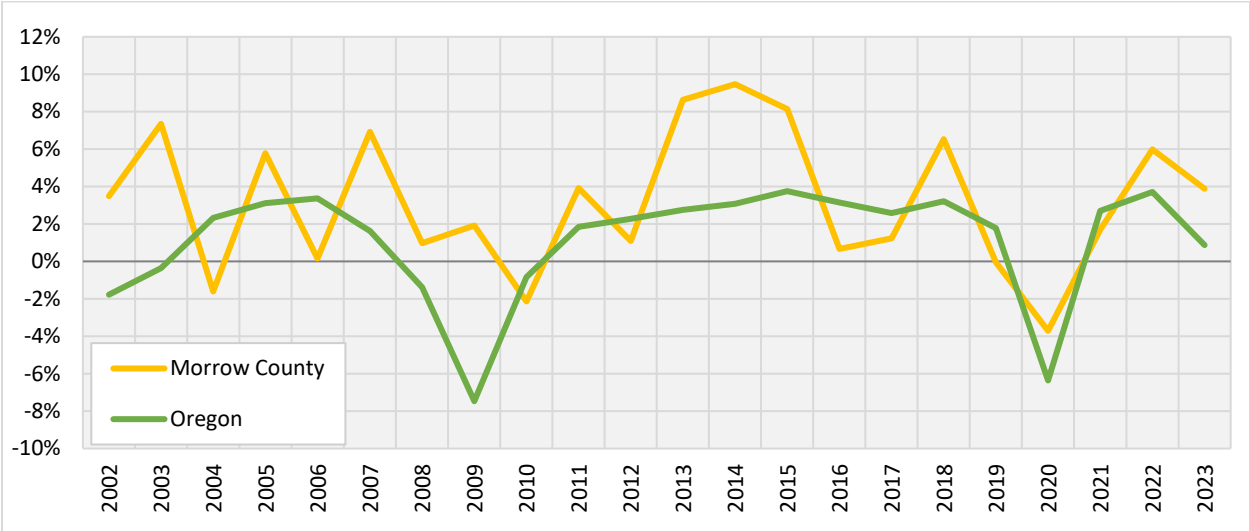
The local workforce has good capacity to fill many information technology (IT) jobs, a field which has seen growing demand due to the region becoming an emerging data center hub. Contrary to popular belief, many IT jobs do not require a college degree. For example, data from Indeed.com shows that as of 2023, 36% of “Data Center Technician” job openings only require a high school diploma or GED, while 31% require a bachelor’s degree, 27% require an associate’s degree, and 6% require a master’s degree ¹.

Regional Employment Growth: Morrow County has tended to display stronger employment growth when compared to the State of Oregon. Throughout the 2010’s Morrow County’s employment growth ranged from 1.5% to 9% annually.

¹ <https://www.indeed.com/career/data-center-technician/career-advice>

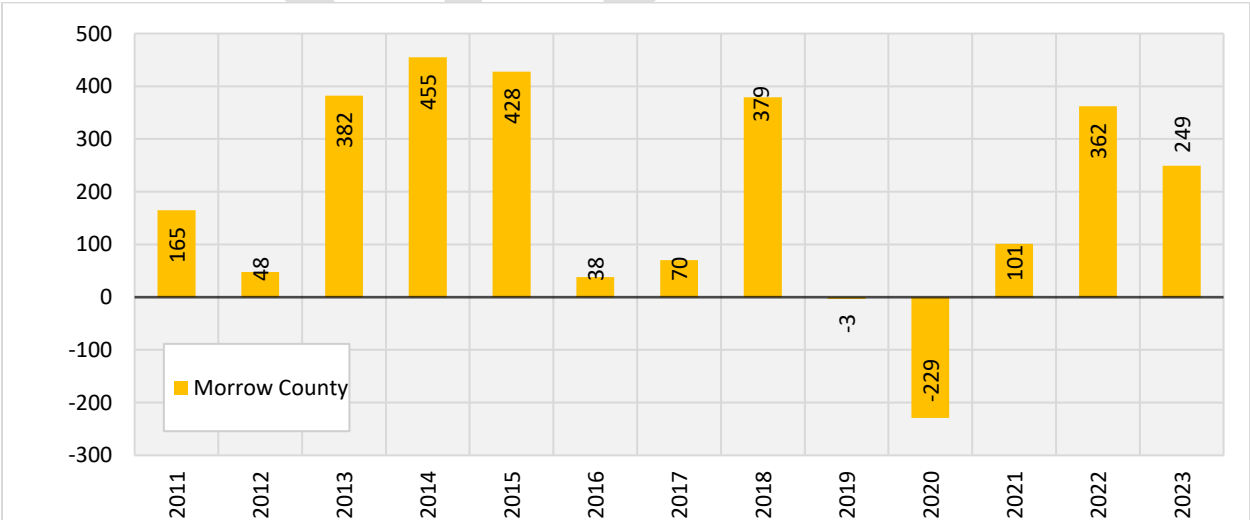
In comparison, the state’s employment growth rate hovered consistently around the 2% to 4% range, averaging at 2.4% annually in the same time span. Morrow County has been less affected by recent shocks such as the ‘08 – ‘09 and COVID recessions. This is most likely due to a large share of the county’s employment base being historically employed in agriculture, government, and the health care and social assistance sectors which are more resilient to economic shocks. During the most recent COVID recession, Morrow County’s employment base decreased by 4% while the state’s employment base decreased by 7%.

FIGURE 3.13: YEAR-OVER-YEAR EMPLOYMENT GROWTH RATE, BOARDMAN, MORROW COUNTY & OREGON (2002 – 2023)



Source: Oregon Employment Department, QCEW Estimates

FIGURE 3.14: NET CHANGE IN EMPLOYMENT, MORROW COUNTY (2011 – 2023)



Source: Oregon Employment Department, QCEW Estimates

Employment growth in Morrow County in the 2010’s was generally robust with more years of strong job growth than not throughout the decade. As with most of the nation, the county experienced significant job loss in 2020 due to the COVID pandemic but quickly rebounded in the following years. As of 2022, all the jobs lost in 2020 were recovered, while the state had only recovered roughly 80% of the jobs lost by the end of that year.

IV. COMMUNITY ECONOMIC DEVELOPMENT POTENTIAL

The economic climate of a community helps foster growth of existing firms and industry clusters and make the area attractive for new businesses. The City of Boardman has several existing advantages that boost its potential as a location for current and future business.

Location: Boardman’s location is an advantage for some industries and a challenge for others. Located on the I–84 Freeway in Eastern Columbia River Gorge, the addressable market for goods and service providers in Boardman stretches from Arlington to the Hermiston area and smaller Morrow County communities to the south. However, the market for small local, non-traded sector businesses is limited by population size and density.

The location has strong benefits for some industry, in particular agriculture and ag support businesses, food processing and manufacturing, warehousing and freeway distribution, businesses benefiting from river access and transport, and those drawing from the ample power, water, and land resources, which notably includes the data center industry over the past decade.

Transportation Connectivity: Boardman has strong regional transportation access, being located on the I-84 freeway, and near multiple state and federal highways. Access to I-82 is located roughly 15 miles to the east. I-84 is the main route for commuters, freight, and travelers between Boise and Portland, while I-82 provides direct access to the Tri-Cities area in Washington State to the north. Boardman has roughly 20-min access to its nearest neighboring communities including smaller Morrow County cities as well as Hermiston and Umatilla. Pendleton is located roughly 45 miles to the east, and the Dalles an hour to the west. The region lacks regular transit services between cities.

Businesses in the north industrial area have access points to freight rail service with connections to the remainder of the Northwest. There are small municipal airports located in Boardman and nearby Hermiston, and the larger Tri-Cities airport is located an hour to the north. Portland International Airport is located roughly three hours to the west, and Boise Airport four hours to the east.

Labor Market: The availability of ample and skilled labor is a key factor in economic development potential. Beyond the talent pool of Boardman residents, the city’s location and freeway access give local businesses the ability to draw on a larger labor pool from the region. In Oregon, Boardman draws on a labor pool from across Morrow and Umatilla counties, and as far as La Grande. The Tri-Cities metro area, with a population of over 300,000, is located 60 minutes to the north and is an important source of skilled labor across the region.

However, the limited size of the local workforce, and housing to grow that workforce have been an ongoing challenge in Boardman. The small community is home to a large amount of employment in the industrial lands of the city and Port of Morrow. Employers in this area commonly have job openings that are difficult to fill given the limited size of the local workforce and need to recruit from a broader area. Also, the limited size of the workforce means that some needed skillsets may be hard to find among residents.

To grow the local workforce at a range of income and skill levels, there must be sufficient housing available at a range of price points. The community has grown quickly, but not yet fast enough to meet the demand for new housing affordable to everyone in the workforce. The long commutes and lack of regional transit service exacerbate challenges with workforce recruitment.

Regionwide, common workforce issues include finding qualified workers with the proper basic and technical skills, training entry-level workers effectively, and successfully employing contractors from staffing agencies. With the ongoing development of large data center facilities in Morrow County, a specialized industry that hardly existed 15 years ago, along with other employment growth, drawing sufficient skilled workers to the area may remain a challenge for the foreseeable future. The continued population growth in Boardman and ready access to the broader region will help this effort. New and existing local businesses can also assist in developing the specific skills and education they will need from their workforce.

Quality of Life: Boardman offers a high quality of life and urban amenities to attract new workers and businesses to the city. The city offers a mixture of small-town lifestyle, diverse cultural activities, with access to nature and rural amenities, while also being a quick trip away from other communities with additional urban amenities. The community features relatively affordable housing in comparison to other parts of the region, good schools, parks, and ample shopping and local services. Achieving sustainable growth and protecting the small town character of Boardman was identified as a community goal during the strategic planning process that preceded this project.

Boardman's location on the gorge in Northeastern Oregon offers ready access to a full range of river and mountain recreation, including camping, hiking, fishing, and hunting.

Utilities: The City of Boardman and Morrow County have ready access to ample green energy from regional dams on the Columbia River watershed, and area wind and solar projects. The area also has ample water resources to meet the needs of agriculture and water-dependent industry. This combination has made Morrow and Umatilla counties attractive to the data center industry over the past decade as they need dependable sources of both.

Flat, Buildable, Land: The study area has a diversity of potentially available land to accommodate a range of uses and intensity of uses. This diversity can expand regional marketability and offers the flexibility to plan uses meeting specific site criteria. Within the State of Oregon, there are limited opportunities for large-lot industrial development. The region's potential supply of large sites can provide a strong competitive advantage, if it is made available. While the land in the county may be hypothetically suitable however, the right amount, location, and sizes of development sites for different employers may not be currently available within the Urban Growth Boundary.

Economic Development Partnerships: Boardman has several partners in economic development, including the Boardman Chamber of Commerce, the Port of Morrow, Morrow County, neighboring cities, GEODC, and Business Oregon. Nearby Hermiston features a Blue Mountain Community College campus to offer ongoing education and training to the local workforce.

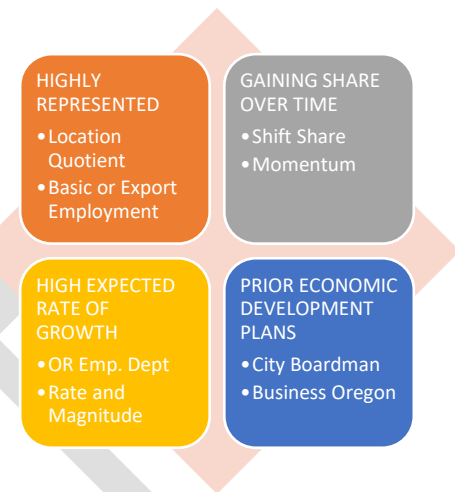
Local and regional employers are also key partners in promoting and growing their industries. Boardman works with these and other regional partners to provide the infrastructure and services needed to retain and attract businesses to the city.

Economic Development Tools: Boardman features the Columbia River Enterprise Zone (CREZ) which allows for tax abatements to incentivize new business development across most of the employment lands in the city. The Enterprise Zone covers most of the industrial land of the city and port, as well as land to the west of Boardman around Tower Road and the airport. Boardman also features an Urban Renewal (TIF) Agency that administers three TIF districts, in the northern, central, and western areas of the city.

V. INDUSTRY DIFFERENTIATION ANALYSIS

This element of the Economic Opportunities Analysis utilizes analytical tools to assess the economic landscape in Morrow County and the City of Boardman. The objective of this process is to identify a range of industry types that can be considered targeted economic opportunities over the planning period.

A range of analytical tools to assess the local and regional economic landscape are used to determine the industry typologies the county and individual cities should consider targeting over the planning period. Where possible, we look to identify the sectors that are likely to drive growth in current and subsequent cycles.



ECONOMIC SPECIALIZATION (MORROW COUNTY)

A common analytical tool to evaluate economic specialization is location quotient analysis. This metric compares the concentration of employment in an industry at the local level to a larger geography. All industry categories are assumed to have a quotient of 1.0 on the national level, and a locality's quotient indicates if the local share of employment in each industry is greater or less than the share seen nationwide. For instance, a quotient of 2.0 indicates that locally, that industry represents twice the share of total employment as seen nationwide. A quotient of 0.5 indicates that the local industry has half the expected employment.

FIGURE 5.1: INDUSTRY SECTOR SPECIALIZATION BY MAJOR INDUSTRY (PRIVATE), MORROW COUNTY, 2023

Industry	Annual Establishments	Average Employment	Total Annual Wages	Average Annual Wages	Employment LQ
102 Service-providing	248	2,704	\$193,378,251	\$71,522	0.57
101 Goods-producing	128	2,913	\$194,693,598	\$66,842	2.96
1011 Natural resources and mining	61	1,148	\$69,174,830	\$60,244	14.39
1012 Construction	52	211	\$21,655,629	\$102,796	0.61
1013 Manufacturing	16	1,554	\$103,863,139	\$66,843	2.78
1021 Trade, transportation, and utilities	70	852	\$53,833,005	\$63,160	0.68
1023 Financial activities	20	57	\$2,891,962	\$51,185	0.15
1024 Professional and business services	27	339	\$19,290,606	\$56,974	0.34
1025 Education and health services	50	285	\$15,362,214	\$53,855	0.27
1026 Leisure and hospitality	31	250	\$5,391,588	\$21,602	0.35
1027 Other services	27	65	\$2,203,027	\$33,677	0.33
Total	354	4,761	\$681,737,849	\$143,192	

SOURCE: U.S. Bureau of Labor Statistics

A location quotient analysis was completed for Morrow County, which evaluated the distribution of local employment relative to national averages, as well as average annual wage levels by industry (Figure 5.1). The industries that are well-represented countywide are good candidates for growth in localities such as Boardman as the city has the ability to tap into regional advantages to grow locally.

Among major industries, the natural resources sector (which includes agriculture) was the most strongly represented, followed by manufacturing, which includes food processing. Trade, transportation, and utilities and construction have the next highest representation though still somewhat lower than the national average. Recent additions to employment in the information sector from data center development are not adequately reflected in

this 2023 data. The professional & business services and financial activities sector were the most under-represented major industries. The utilities sector provided the highest average wages among these industries, while the leisure and hospitality industry (dining and tourism) has the lowest average wages.

A more detailed analysis shows that the industries with the highest LQ in the county are the “natural resources” category followed by utilities, manufacturing, transportation & warehousing, and government. The industries that employ the most people in the county are agriculture, manufacturing, and the local government. The most under-represented industries are finance, real estate, and health care and social services.

FIGURE 5.2: INDUSTRY SECTOR SPECIALIZATION BY DETAILED INDUSTRY (PRIVATE + GOVT.), MORROW COUNTY, 2023

Industry	Annual Establishments	Average Employment	Total Annual Wages	Average Annual Wages	Employment LQ
Natural Resources & Mining	62	1,149	\$69,211,555	\$60,236	14.40
Utilities	8	99	\$12,840,733	\$129,814	3.96
Construction	52	211	\$21,655,629	\$102,796	0.61
Manufacturing	16	1,554	\$103,863,139	\$66,843	2.78
Wholesale trade	16	107	\$9,090,390	\$84,957	0.40
Retail trade	25	295	\$9,464,417	\$32,128	0.44
Transportation and warehousing	20	352	\$22,437,465	\$63,773	1.26
Information	-	-	-	-	-
Finance and Insurance	11	41	\$2,331,573	\$56,409	0.15
Real Estate and Rental	9	15	\$560,389	\$36,949	0.14
Professional and business services	27	339	\$19,290,606	\$56,904	0.34
Educational services	-	-	-	-	-
Health care and social assistance	50	285	\$15,362,214	\$53,855	0.31
Leisure and Hospitality	31	250	\$5,391,588	\$21,566	0.35
Other services	27	65	\$2,203,027	\$33,677	0.33
Unclassified	-	-	-	-	-
Government	49	1,037	\$68,002,661	\$65,576	1.09
Total	426	6,655	\$456,126,941	\$68,539	

SOURCE: U.S. Bureau of Labor Statistics

The level of indicated export employment per sector is estimated by combining the location quotients and overall employment levels. Export industries are important in that they grow the overall size of the local economy by bringing in dollars from outside the community, rather than recirculating internal spending.

The industries with the highest level of export employment are agriculture followed by manufacturing, government, warehouse & transportation, and utilities.

ECONOMIC SPECIALIZATION (CITY OF BOARDMAN)

The same analysis for the City of Boardman reveals high levels of employment concentration in the food manufacturing which has an employment LQ of 32 in 2023. Following this, the next industries with a notable employment concentration in the city are utilities, delivery and warehousing, agriculture, and educational services. [Figure 5.3 presents data based on *covered employment* from 2023 (the most recent year available), not including self-employment.]

Overall, the professional, technical, and “white collar” sectors tend to have an LQ below 1, indicating that the city’s employment concentration is less than what is expected nationwide on average. As with the countywide data, the reality of job growth in the information sector from data centers is not yet reflected in this data set.

FIGURE 5.3: INDUSTRY SECTOR SPECIALIZATION BY DETAILED INDUSTRY, CITY OF BOARDMAN, 2023

Industry	Annual Establishments	Average Employment	Total Annual Wages	Average Annual Wages	Employment LQ
Agriculture, forestry, fishing, and hunting	6	77	\$4,331,962	\$56,259	3.22
Mining	-	-	-	-	-
Construction	25	66	\$7,347,429	\$111,325	0.43
Food Manufacturing	6	1,470	\$97,420,332	\$66,272	32.37
Wood Manufacturing	-	-	-	-	-
Metals Manufacturing	-	-	-	-	-
Utilities	3	187	\$15,967,425	\$85,387	16.99
Wholesale trade	3	14	\$1,680,142	\$120,010	0.12
Retail trade	9	90	\$2,563,987	\$28,489	0.30
Transportation	3	22	\$1,844,078	\$83,822	0.33
Delivery and warehousing	2	200	\$13,214,459	\$66,072	3.56
Information	5	20	\$782,024	\$39,101	0.35
Finance and Insurance	4	16	\$954,639	\$59,665	0.13
Real Estate and Rental	4	9	\$390,860	\$43,429	0.20
Professional, Scientific, and Technical Services	-	-	-	-	-
Management of Companies and Enterprises	1	6	\$443,026	\$73,838	0.12
Administrative and Waste Management	5	195	\$8,139,027	\$41,739	1.09
Educational services	4	129	\$7,846,370	\$60,825	2.16
Health care and social assistance	18	146	\$8,730,407	\$59,797	0.36
Arts, Entertainment, and Recreation	-	-	-	-	-
Accommodation and Food Services	17	217	\$4,569,706	\$21,059	0.81
Other services	2	13	\$354,981	\$27,306	0.15
Government	2	50	\$3,893,528	\$77,871	0.12
Unclassified	7	7	\$61,209	\$8,744	0.19
Total	126	2,934	\$180,535,591	\$61,532	

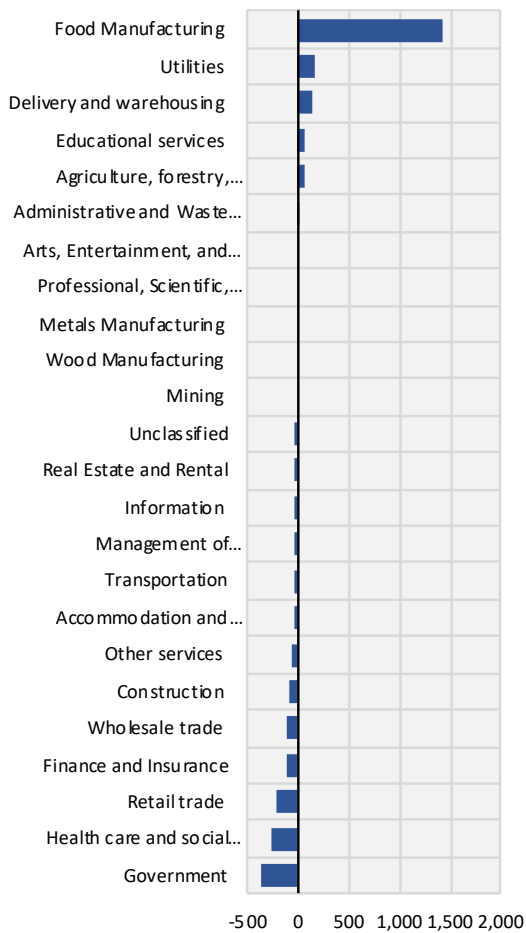
SOURCE: Oregon Employment Department

The top sectors in terms of overall employment were food manufacturing, utilities, and warehouse and deliveries. Manufacturing is a strong export industry, with most product leaving the city and county and bringing outside dollars into the local economy. The large and long-established food processing plants located in the city and Port’s industrial lands are large contributors to the traded sector. Data centers also sell their services to customers largely beyond the local area, and are similarly considered export businesses.

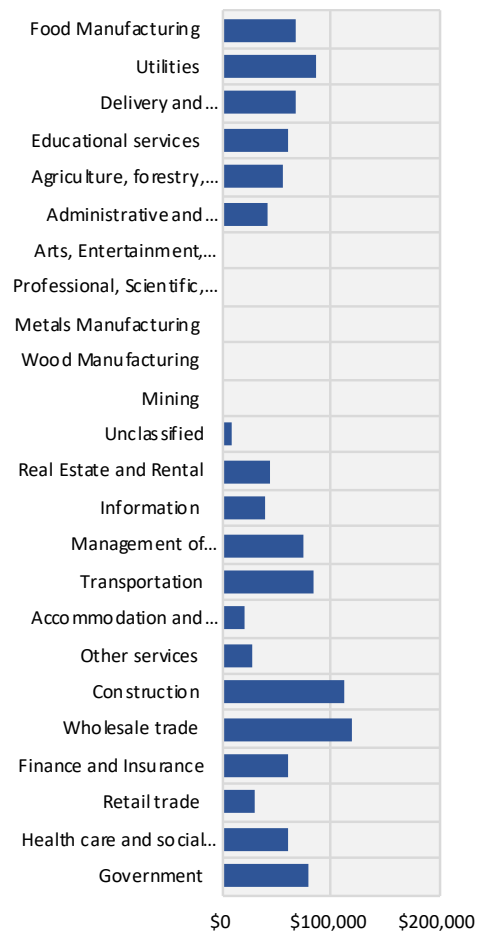
FIGURE 5.4: TOP TEN INDUSTRIES IN TERMS OF TOTAL AND EXPORT EMPLOYMENT, CITY OF BOARDMAN (2023)

Industry	Total Employment	Industry	Location Quotient
Food Manufacturing	1470	Food Manufacturing	32.37
Accommodation and Food Services	217	Utilities	16.99
Delivery and warehousing	200	Delivery and warehousing	3.56
Administrative and Waste Management	195	Agriculture, forestry, fishing, and hunting	3.22
Utilities	187	Educational services	2.16
Health care and social assistance	146	Administrative and Waste Management	1.09
Educational services	129	Accommodation and Food Services	0.81
Retail trade	90	Construction	0.43
Agriculture, forestry, fishing, and hunting	77	Health care and social assistance	0.36
Construction	66	Information	0.35

EXPORT EMPLOYMENT BY INDUSTRY



AVERAGE ANNUAL WAGES BY INDUSTRY



SOURCE: Oregon Employment Department and Bureau of Labor Statistics

ECONOMIC DRIVERS

Shift Share Analysis

The identification of the economic drivers of a local or regional economy is critical in informing the character and nature of future employment, and by extension land demand over a planning cycle. To this end, we employ a shift-share analysis of the local economy emerging out of the latter half of the recent expansion cycle².

A shift-share analysis measures the local effect of economic performance within a particular industry or occupation. The process considers local economic performance in the context of national economic trends—indicating the extent to which local growth can be attributed to unique regional competitiveness or simply growth in line with broader trends. For example, consider that Widget Manufacturing is growing at a 1.5% rate locally, about the same rate as the local economy. On the surface we would consider the Widget Manufacturing industry to be healthy and contributing soundly to local economic expansion. However, consider also that Widget Manufacturing is booming across the country, growing at a robust 4% annually. In this context, local widget manufacturers are struggling, and some local or regional conditions are stifling economic opportunities.

We can generally classify industries, groups of industries, or clusters into four groups:

Growing, Outperforming: Industries that are growing locally at a rate faster than the national average. These industries have characteristics locally leading them to be particularly competitive.

Growing, Underperforming: Industries that are growing locally but slower than the national average. These industries generally have a sound foundation, but some local factors are limiting growth.

Contracting, Outperforming: Industries that are declining locally but slower than the national average. These industries have structural issues that are impacting growth industry wide. However, local firms are leveraging some local or regional factor that is making them more competitive than other firms on average.

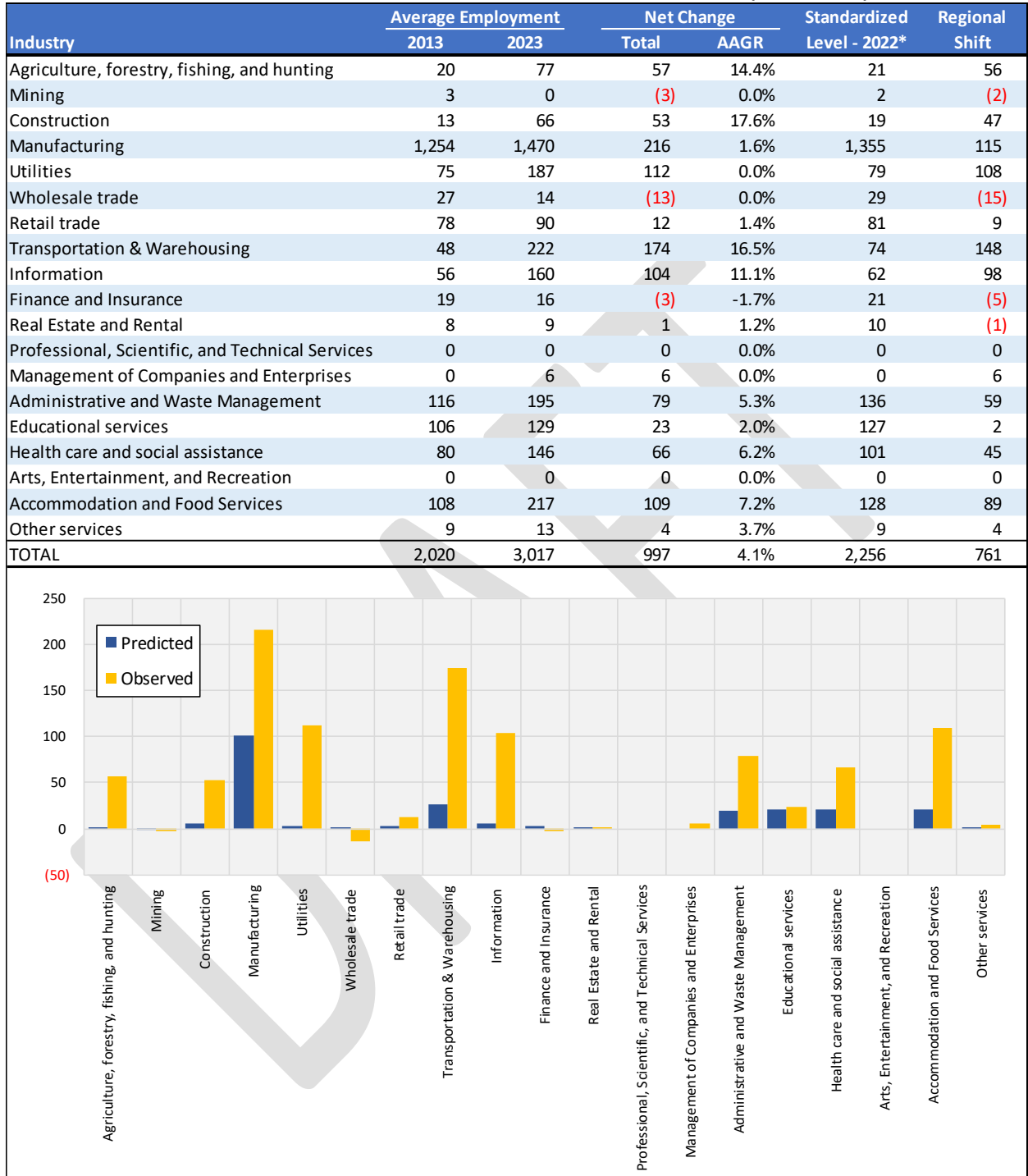
Contracting, Underperforming: Industries that are declining locally at a rate faster than the national average. These industries have structural issues that are impacting growth industry wide. However, some local or regional factors are making it increasingly tough on local firms.

The average annual growth rate by industry from 2013 to 2023 (the latest available data) in Boardman was compared to the national rate. The observed local change was compared to a standardized level reflecting what would be expected if the local industry grew at a rate consistent with national rates for that industry.

As shown in Figure 5.5, most local industries grew at a faster rate than the rest of the country. Sectors that did experience a notable positive regional shift in employment during this period were manufacturing, utilities, delivery and warehousing, and information. Sectors with a negative regional shift in employment compared to the national growth rate include wholesale trade and some professional sectors, however the size of the negative trend is not large.

² Measured from 2013 through 2023

FIGURE 5.5: INDUSTRY SECTOR SHIFT SHARE ANALYSIS, CITY OF BOARDMAN (2013 – 2023)



* Employment level in each industry had it grown at the same rate as its counterparts at the national level over the same period.

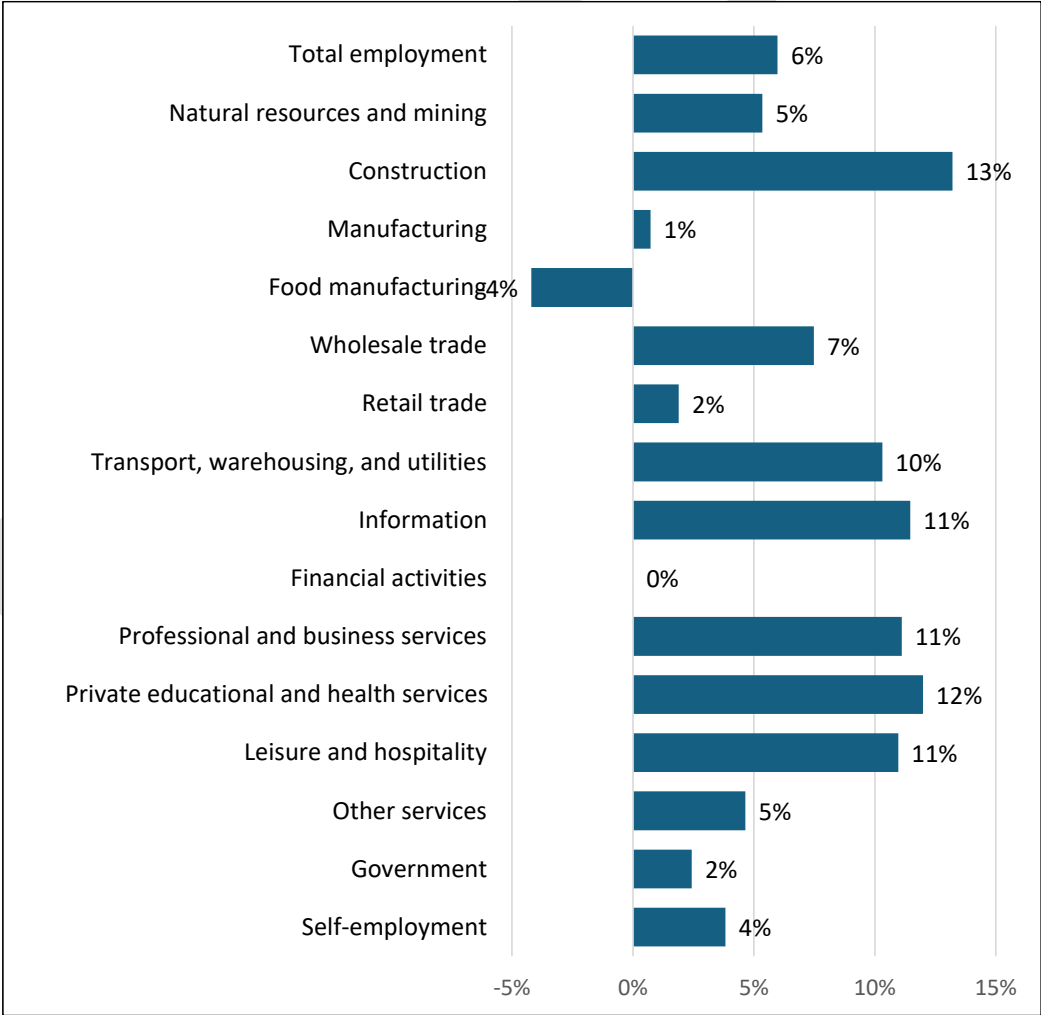
SOURCE: U.S. Department of Commerce, Bureau of Economic Analysis, Bureau of Labor Statistics

PROJECTED EMPLOYMENT GROWTH (OED)

The State of Oregon produces employment forecasts by sector at the broader regional level, which groups the Morrow and Umatilla counties together into one Columbia Basin region. The most recent forecast anticipated an average annual growth rate of less than 1% during the 2023 – 2033 period. This projected growth rate would be slower than Morrow County’s historical average annual growth rate of 3% per year since 2002 as highlighted in Section III.

In this region, the major industries with the fastest projected growth rates are information including data centers, private educational & health services (including nursing facilities), construction, and professional services. Food manufacturing, which is important to the region, is projected to shrink slightly, while some other sectors are expected to experience flat or very low growth. The projected large increase in the information industry is, in part, due to the influx of data centers that have been recently constructed and planned to be introduced in the region.

FIGURE 5.6: PROJECTED EMPLOYMENT GROWTH BY SECTOR, COLUMBIA BASIN COUNTIES (2023 – 2033)



SOURCE: Oregon Employment Department, Workforce and Economic Research Division

DATA CENTER DEVELOPMENT ACTIVITY – MORROW COUNTY

This EOA analysis would be incomplete without addressing the recent history of data center development in the area, including Morrow County and adjacent Umatilla County. These facilities have been attracted to the area, as well as Central Oregon, due to the availability of ample affordable power and water resources that meet the criteria for data center campuses, as well as large, flat development sites to house these substantial facilities. Local and state financial incentives have also helped attract this development.

Data centers accommodate the physical equipment necessary to store, manage, process, and transmit digital information over the internet. Demand for data centers has and continues to increase rapidly, especially as cloud computing, streaming services, e-commerce, and artificial intelligence (AI) become more prevalent.

While data centers come in a wide variety of sizes and capacities, development in Morrow and Umatilla Counties has been almost exclusively of “hyperscale” data center campuses, which serve the needs of the largest internet and cloud computing companies including Amazon, Google, Facebook, Apple, and Microsoft. These companies are among the largest and best capitalized in the world with the resources to make these massive investments.

National Growth

A 2024 report³ by Cushman and Wakefield on the data center (DC) market finds that new development of these facilities is still accelerating globally, with the amount of new development known to be in the current pipeline (excluding those in land planning stage) expected to increase DC capacity by 2.5 times in the Americas market alone. (The data center industry measures capacity in megawatts of power to run equipment.) The report forecasts that DC revenues from cloud storage and AI customers is expected to grow by nearly 900% within the next 5 years.

The hyperscale DC category has been the fastest growing type in terms of capacity. As of 2010, hyperscale campuses represented an estimated 13% of total capacity among data centers. As of 2022, they represented an estimated 77% of total capacity.⁴ With the largest technology companies needing their own dedicated data centers to accommodate their own storage and AI needs or run cloud operations, the growth of hyperscale centers is expected to continue to outpace other categories. McKinsey & Company estimates that hyperscale DC capacity will grow by another 2.5 times by 2030.⁵

Co-location centers, owned by third-party operators with capacity that is leased to multiple other businesses, are also expected to continue to grow, but less quickly (1.8 times). Growth in small “enterprise centers”, run by smaller individual businesses for their own needs, has stagnated as they increasingly rely on outsourcing to the other two categories for their data storage and processing needs. Enterprise now make up 10% of data center capacity and this share is falling year to year.

Physical capacity in land, facilities, power and water will be needed globally, nationally, and regionally to meet this strong demand that is not slowing but accelerating. The United States remains the leading market in the world for DC development, capacity, and usage.

³ “Global Data Center Market Comparison.” Cushman and Wakefield, 2024.

⁴ “What do you Need to Know About Designing Data Centers?”, Consulting Specifying Engineer, May/June 2023

⁵ “Investing in the rising data center economy.” McKinsey & Company, 2023.

Regional Growth (Oregon)

Oregon is now an established major market for data center development with the largest data center clusters focused on the eastern Columbia Basin (Morrow and Umatilla counties), Portland metro area, and Prineville. Currently, the Portland metro area has the greatest number of data centers, with most in the Hillsboro area. However, these tend to be smaller data centers in the co-location category. Land constraints and shortage of available industrial sites in the Metro area restrict the size and expansion of DC campuses. The Prineville area is home to a small number of very large campuses, specifically Apple and Meta (Facebook) campuses of roughly 150 and 360 acres respectively.

The Columbia Basin is home to the greatest concentration of hyperscale data centers in the state, with a much larger number of similarly sized campuses averaging roughly 100 to 125 acres (see more below).

Oregon is a globally significant data center market. The Cushman and Wakefield report assesses Oregon to be the #8 DC market in the world, and #4 in the United States. Oregon is now home to hyperscale data centers for many of the largest tech companies in the world. Established markets have advantages for DC operators including vendors, construction expertise, and state and local governments and utilities that are familiar with the industry and its needs. Oregon ranks even better in some categories, including:

- #3 globally in IT load (computation capacity), #2 nationally
- #6 globally in presence of cloud operators, #4 nationally
- #5 globally in renewable power options, #1 nationally
- #1 in tax structure nationally

Regional Growth (Morrow and Umatilla Counties)

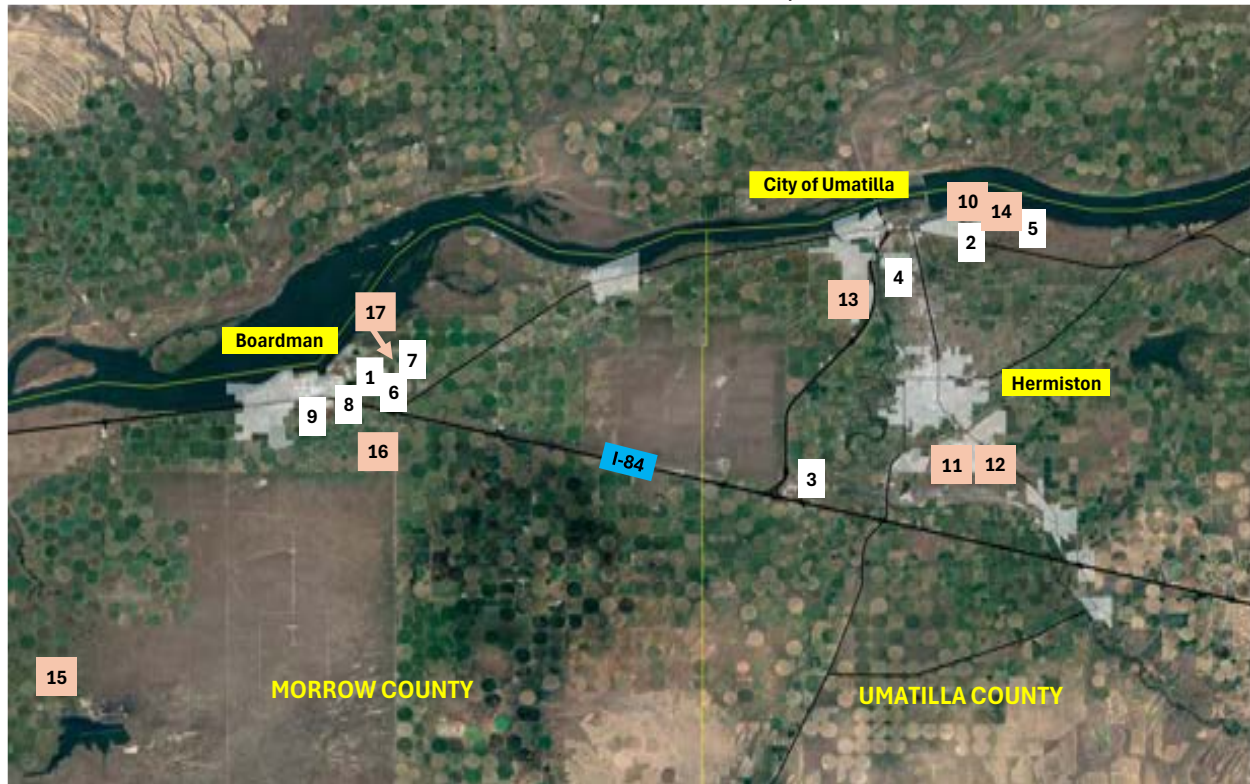
Over the last decade, investment and jobs growth in this sector has been extremely robust and outstripped growth in any other sector in the region. Since roughly 2014, nine large data center campuses have been developed in Morrow and Umatilla Counties. These campuses include 34 individual data center buildings of roughly 200k-225k square feet each, and cover an estimated 850 acres, including accompanying substations. There are currently eight additional campuses currently under construction or in advanced planning, for a total of 17 hyperscale data center campuses expected to be completed over a period of roughly 12 years. (And multiple known campuses *in addition* to these are in less advanced planning and proposed phases.)

Most of this development (7 of 9 completed campuses, with 28 buildings) has taken place just in the last five years, with an average of 1.5 centers completed each year across the two counties. At an average of 108 acres per campus, this is average land development of roughly 160 acres per year for hyperscale data centers.

In Morrow County, there have been five campuses developed over a decade (four in the past five years), three more under development, and more in planning. These developments (existing and proposed) will average 130 acres in size, with an average of four large buildings per campus, qualifying as hyperscale data center campuses. Morrow County is expected to average development of two sites per year over the next three years. Recently, a land use application was approved to allow the region’s first “exascale” data center of over 1,000 acres in Morrow County. The campus might hold 16 or more data center buildings after it is completed in phases.

The following map and table (Figure 5.7) summarize the existing and planned hyperscale data center developments in Morrow and Umatilla Counties. Two of these were built prior to 2019, but all the remaining have been built in the last five years, with eight more under construction or in advanced planning, and more in earlier planning stages.

FIGURE 5.7: EXISTING AND UNDER DEVELOPMENT DATA CENTERS, MORROW & UMATILLA COUNTIES



Site #	Years Built (Est.)	Total Acres	DC Buildings
Completed			
1	2014-2017	60	3
2	2014-2022	35	3
3	2022-2023	126	4
4	2023	187	4
5	2023-2024	83	4
6	2021-2022	108	4
7	2023	100	4
8	2019-2023	68	4
9	2021-2023	82	4
Under Development/Planned			
10	2024	131	4
11	2024-2025	100	4
12	2024-2025	114	4
13	2024-2025	194	4
14	2025-2026	133	4
15	2024-2025	100	4
16	2024-2025	125	4
17	2024-2025	130	4
TOTALS:	17	1,876	66
Since 2019:	15	1,781	60
Avg. Annual (Since 2019):	2.5	297	10

SOURCE: Baxtel, Data Centers.com, Umatilla and Morrow County assessors and GIS, Google Earth, Johnson Economics

Continuous growth over the last five years indicates that large technology companies have the will and resources to develop hyperscale data center campuses at a rate of one to two per year, consuming somewhere between 100 to 300 acres per year, for the foreseeable future.

Data Center Employment

Data from the Oregon Employment Department for Morrow and Umatilla Counties indicates that between 2014 and 2024 job growth in the “Information” sector that includes data centers far outpaced the growth rate in all other sectors. The sector added an estimated 800 new jobs over that decade with most of this growth taking place in the second half of the period. It is important to note that this data is lagging and does not include at least one new data center facility that came online in 2024, which is estimated to have added hundreds of additional jobs in this sector.

The 800 new jobs represented growth of 300% in this sector between 2014 and 2024, or 15% per year. The second fastest growing sector in the county was Construction, which grew at 4% annually (roughly 600 new jobs). The accelerated growth in construction jobs is also at least partially attributable to the development of these large data center campuses.

Data center operators maintain confidentiality over details of their operation. As noted, the most recent year of employment data available from both BEA and QCEW data provided by the state is 2023, which does not include the completion of most of the data centers in the area.

However, a handful of real-world examples analyzed by Johnson Economics finds an average estimated employment at 35 to 40 employees per building (avg. hyperscale building of roughly 200k to 250k sqft). Industry sources also estimate that employment at data centers can be anywhere from 20 – 50 employees per building. So that a hyperscale campus, typically of four buildings, might have an average of 140 employees once it is in operation. This assumption is applied in the following section to estimate average employment at hyperscale data centers.

Indirect and Induced Employment

Due to the sheer size of data center investments, the new direct employment they bring, and continued spending by the enterprise in the local economy, DC development is estimated to have large secondary impacts in other sectors.

Using the IMPLAN (IMPact for PLANning)⁶ economic multiplier model, Johnson Economics estimated the impact of the data center operations activity on secondary employment in the broader economy. Large data center campuses are very high-value investments that generate significant additional spending in the region. This added economic activity helps generate new jobs across support industries. These are called indirect or induced effects.

IMPLAN Methodology: IMPLAN models the magnitude and distribution of economic impacts, and measures three types of effects. These are the direct, indirect, and induced changes within the economy. The following is a brief definition of the three impact types:

Direct Impacts: The actual change in activity affecting the local economy. For example, if a new industrial building is constructed, direct economic impacts represent the value-added output for that firm/user, as well as the jobs required for development and the labor income paid.

⁶ IMPLAN is an economic impact model designed for analyzing the effects of industry activity (employment, income, or business revenues) upon all other industries in an economic area. Minnesota IMPLAN Group (MIG), Stillwater, Minnesota

Indirect Impacts: Indirect impacts reflect the response of all other local businesses within the geographic area to the direct impact. Continuing the previous example, indirect impacts of a new institutional user would comprise revenues for related vendors (e.g., real estate services, vendors, etc.), and the jobs and labor income thereby generated.

Induced Impacts: These reflect the response of households within the geographic area affected by direct and indirect impacts. In the given example, induced impacts would be the increase in all categories of spending by households in the geography directly or indirectly employed by the businesses' activities.

Due to the sheer size of the data center investments in a relatively rural county, the resulting indirect and induced employment across other industries is estimated to be roughly 70% of the direct data center employment. Figure 5.8 shows an estimate of the amount of additional employment generated by the on-going operating activities of one hyperscale data center campus (four buildings of roughly 225k sqft each, with 140 avg. total employees).

**FIGURE 5.8: ESTIMATED INDIRECT AND INDUCED IMPACTS
STANDARD HYPERSCALE DATA CENTER (140 JOBS)**

Employment Category	Jobs	Share of Total	Share of Direct Jobs
Direct (DC per Bldg)	140	59%	
Indirect	80	34%	57%
Induced	18	7%	13%
TOTAL:	238	100%	70%

Source: Minnesota IMPLAN Group, Johnson Economics

IMPLAN estimates that the ongoing operations of a data center will support secondary employment equal to 70% of the direct DC employment. In the case of a 140-employee DC (building), this amounts to an additional 98 employees in secondary industries. Figure 5.9 presents an estimate of the top ten industries that this activity would support.

FIGURE 5.9: ESTIMATED INDIRECT AND INDUCED IMPACTS BY SECTOR

Sector	Description	Est. Share of Indirect/ Induced Empl.
51	Data processing, hosting, ISP, web search portals and related services	40.1%
22	Electric power generation, transmission, and distribution	12.2%
72	Food services and drinking places	7.4%
54	Employment services	4.1%
53	Real estate establishments	3.5%
62	Offices of physicians, dentists, and other health practitioners	3.3%
23	Maintenance and repair construction of nonresidential structures	2.2%
44	Retail Stores - Food and beverage	1.9%
45	Retail Stores - General merchandise	1.7%
62	Private hospitals	1.7%

Source: Minnesota IMPLAN Group, Johnson Economics

The indirect and induced impacts, while significant, are distributed over many other sectors. Indirect and induced impacts are discussed more in the following section, and these figures help form the assumptions for estimated impacts.

VI. FORECAST OF EMPLOYMENT AND LAND NEED

CITY OF BOARDMAN EMPLOYMENT FORECAST

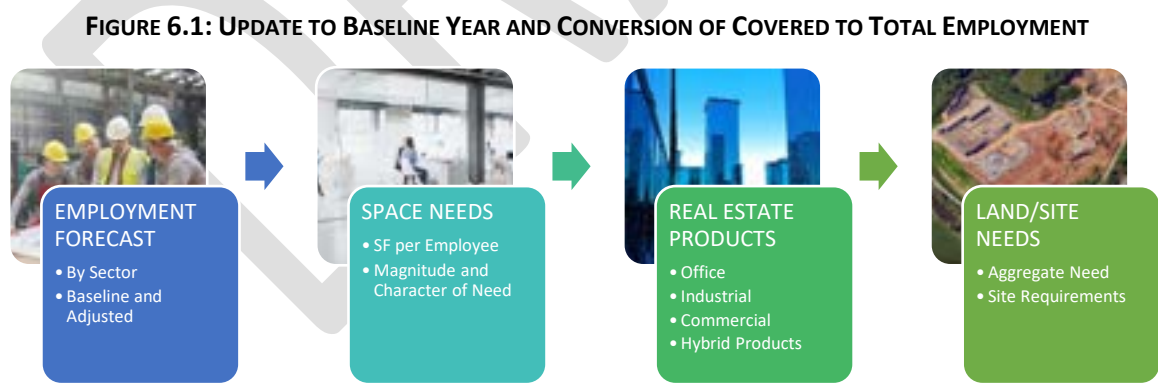
Goal 9 requires that jurisdictions plan for a 20-year supply of commercial and industrial capacity. Because employment capacity is the physical space necessary to accommodate new workers in the production of goods and services, employment need forecasts typically begin with a forecast of employment growth in the community. The previous analysis of economic trends and targeted industries set the context for these estimates. This analysis translates those trends into estimates of employment growth by broad industry. Forecasts are produced at the sector or subsector level (depending on available information) and subsequently aggregated into two-digit North American Industry Classification System (NAICS) sectors. Estimates in this analysis are intended for long-range land planning purposes and are not designed to predict or respond to business cycle fluctuation.

The projections in this analysis are built on an estimate of employment in 2025, the commencement year for the planning period. Employment growth will come as the result of the expansion of existing businesses in the community, new business formation, or the relocation/recruitment of new firms. Forecast scenarios consider a range of factors influencing growth. Long-range forecasts typically rely on a macroeconomic context for growth.

The forecast does not consider the impact of a significant exogenous shift in employment such as recruitment of an unforeseen major employer, as these events are difficult to predict. (This forecast **does** include the anticipated employment at data center facilities currently under construction, because this employer is known at the time of this analysis. More detail below.)

OVERVIEW OF EMPLOYMENT FORECAST METHODOLOGY

Our methodology starts with employment forecasts for major commercial and industrial sectors. Forecasted employment is allocated to building type, and a space demand is a function of the assumed square footage per employee ratio multiplied by projected change. The need for space is then converted into land and site needs based on assumed development densities using floor area ratios (FARs).



The first analytical step of the analysis is to update covered employment to the 2025 base year. The Quarterly Census of Employment and Wages (QCEW) data was used to determine the City of Boardman’s covered employment by industry through 2023, the latest year available. To update these estimates, we use observed industry specific growth rates for Morrow County between 2014 and 2024.

The second step in the analysis is to convert “covered”⁷ employment to “total” employment. Covered employment only accounts for a share of overall employment in the economy. Specifically, it does not consider sole proprietors or commissioned workers. Covered employment was converted to total employment based on observed ratios at the county level derived from the Oregon Employment Department. The adjusted 2025 total employment base for the City of Boardman is just under 3,500 jobs.

FIGURE 6.2: UPDATE TO 2025 BASELINE AND CONVERSION OF COVERED TO TOTAL EMPLOYMENT, CITY OF BOARDMAN (2023 – 2025)

Major Industry Sector	QCEW Employment			Total Emp. Conversion ²	2025 Estimate
	2023 Employment	'23-'25 County Δ ¹	2025 Estimate		
Agriculture, forestry, outdoor	77	0.0%	77	50%	154
Construction	66	2.6%	71	82%	87
Manufacturing	1,470	-0.7%	1,438	97%	1,475
Wholesale Trade	14	0.0%	14	98%	14
Retail Trade	90	4.7%	103	96%	108
Transport., Warehousing, Utilities	409	3.2%	449	90%	498
Information	160	0.0%	160	95%	168
Finance & Insurance	16	-1.3%	15	92%	17
Real Estate	9	-1.3%	9	92%	9
Professional & Technical Services		5.4%	0	92%	0
Administration Services	201	5.4%	236	92%	257
Education	129	8.2%	163	96%	170
Health Care/Social Assistance	146	8.2%	185	96%	193
Leisure & Hospitality	217	4.4%	247	95%	261
Other Services	13	0.0%	13	85%	15
Government	50	1.3%	52	100%	52
TOTAL	3,067	5.4%	3,232	93%	3,479

Source: Johnson Economics, Oregon Employment Department

1/Growth rate calculated using CES data for Morrow County

2/ Bureau of Economic Analysis (2022 County Averages)

BASELINE SCENARIO: BASELINE “SAFE HARBOR” FORECAST

The Goal 9 statute does not have a required method for employment forecasting. However, OAR 660-024-0040(9)(a) outlines several safe harbor methods, which are intended to provide jurisdictions with an agreed-upon methodological approach to job forecasting. The recommended approach for the City of Boardman is 660-024-0040(9)(a)(B), which uses the most recent 20-year coordinated population forecast for the city prepared by Portland State University Population Research Center and assume that the employment growth matches population growth rate.

The second safe harbor method would use the regional employment forecast by industry, published by the Oregon Employment Department (see Figure 5.6), to the current estimated employment base of the city. In the case of Boardman, the first method results in a somewhat higher growth rate. The baseline growth rate used in this analysis is based on the forecasted population growth rate (0.9% annually). The OED employment growth rate (0.6% annually) is not used.

The baseline forecast projects the creation of roughly 650 new jobs over the 20-year forecast period.

⁷ The Department of Labor’s Quarterly Census of Employment and Wages (QCEW) tracks employment data through state employment departments. Employment in the QCEW survey is limited to firms with employees that are “covered” by unemployment insurance.

ADJUSTED EMPLOYMENT FORECAST: DATA CENTER GROWTH, AND ECONOMIC IMPACTS

A second forecast scenario presented in Figure 6.3 is an adjusted forecast. It was influenced by the analysis conducted in the EOA, and specific known employment-use developments that are proposed in Boardman and adjacent parts of Morrow County. The adjusted forecast adopts the employment growth of the baseline scenario as a starting point, but accounts for additional forecasted growth stemming from:

- The anticipated employment created by hyperscale data center developments, including known and proposed projects;
- An estimate of additional “indirect and induced” employment that will result from the economic activity generated in the general community from these large investments;
- An additional estimate of growth in the construction sector employment given the scale and on-going nature of very large and high-investment data center construction projects.
- Additional need for household serving sectors such as retail, education, and health to reflect the rapid permitting and construction of new housing in recent years.

Pace of Hyperscale Development Activity (Morrow County and City of Boardman)

As discussed in Section V, the data center industry has grown rapidly in the region over the past decade, with eight hyperscale data center campuses finished or under development in Morrow County. Three campuses are currently under development or advanced planning in or nearby the City of Boardman. These three campuses cover roughly 360 acres, are assumed to include 12 individual data center buildings, and will house hundreds of future jobs (reflected as future growth in the “Information” sector in Figure 6.3 below).

As Section VII of this report discusses, after the development of these three identified sites, there will be few buildable sites remaining within the UGB suitably large enough for data center development. The remaining supply of large-lot industrial land has largely been exhausted in recent years.

Morrow and Umatilla counties have experienced rapid growth in hyperscale campus development over the last decade, and particularly in the last five years. Considering the pace of development over the past five years, plus anticipated additions over the next three years, the region has experienced the addition of at least two hyperscale data centers per year on average. If appropriate large sites continue to be available, Johnson Economics concludes that this pace will be sustainable for the foreseeable future. Sufficient interest in available sites has already been expressed by multiple developers to maintain this pace for at least the next ten years.

This pace implies an estimated 20 new data center developments in Morrow County over the 20 year planning period of this report, of which the City of Boardman could reasonably expect to capture a significant share if appropriate land is available. The proposed ongoing development of multiple new hyperscale campuses in the immediate area is credible, supported by very large and well-capitalized technology companies.

Based on this analysis, high employment growth has been forecasted in the Information sector as shown in Figure 6.3. As multiple data center developers have demonstrated that they have the intent and the resources to make these large investments on an ongoing basis, this analysis finds that they are not speculative and are feasible if suitable sites are available.

Direct Data Center Employment (Information Industry Sector)

- The adjusted forecast estimates the creation of 955 information sector jobs over the 20-year period, of which 700 would be anticipated to be direct data center employment. At an average of 140 employees per campus, this implies up to 5 potential campuses.
- The remaining 250 information sector jobs are expected to be those induced in related industries and vendors as this sector continues to boom (see below), but these jobs will not be housed directly at data center sites.

Indirect and Induced Employment (Across Sectors)

- Using the IMPLAN (IMPact for PLANning)⁸ economic multiplier model, Johnson Economics estimated the impact of the data center development and operation activity on the broader economy. Large data center campuses are very high-value investments that generate significant additional spending in the region, in the building and operations phases. This added economic activity helps generate new jobs across support industries. These are called indirect or induced effects. Due to the sheer size of the data center investments and ongoing economic activity, the resulting indirect and induced employment across other industries is estimated at roughly 70% of the direct data center employment. (See Section V)
- This analysis indicates that an additional 490 indirect and induced jobs are expected over the 20-year period as the data center development takes place. These jobs are distributed over all sectors as they experience some indirect impact of the new investment and direct employment. However, the employment is not expected to be distributed evenly, with an estimated 40% being in support industries and vendors serving the data center industry. Utilities sector is expected to account for 12% of the indirect growth, with all other sectors experiencing diminishing shares.

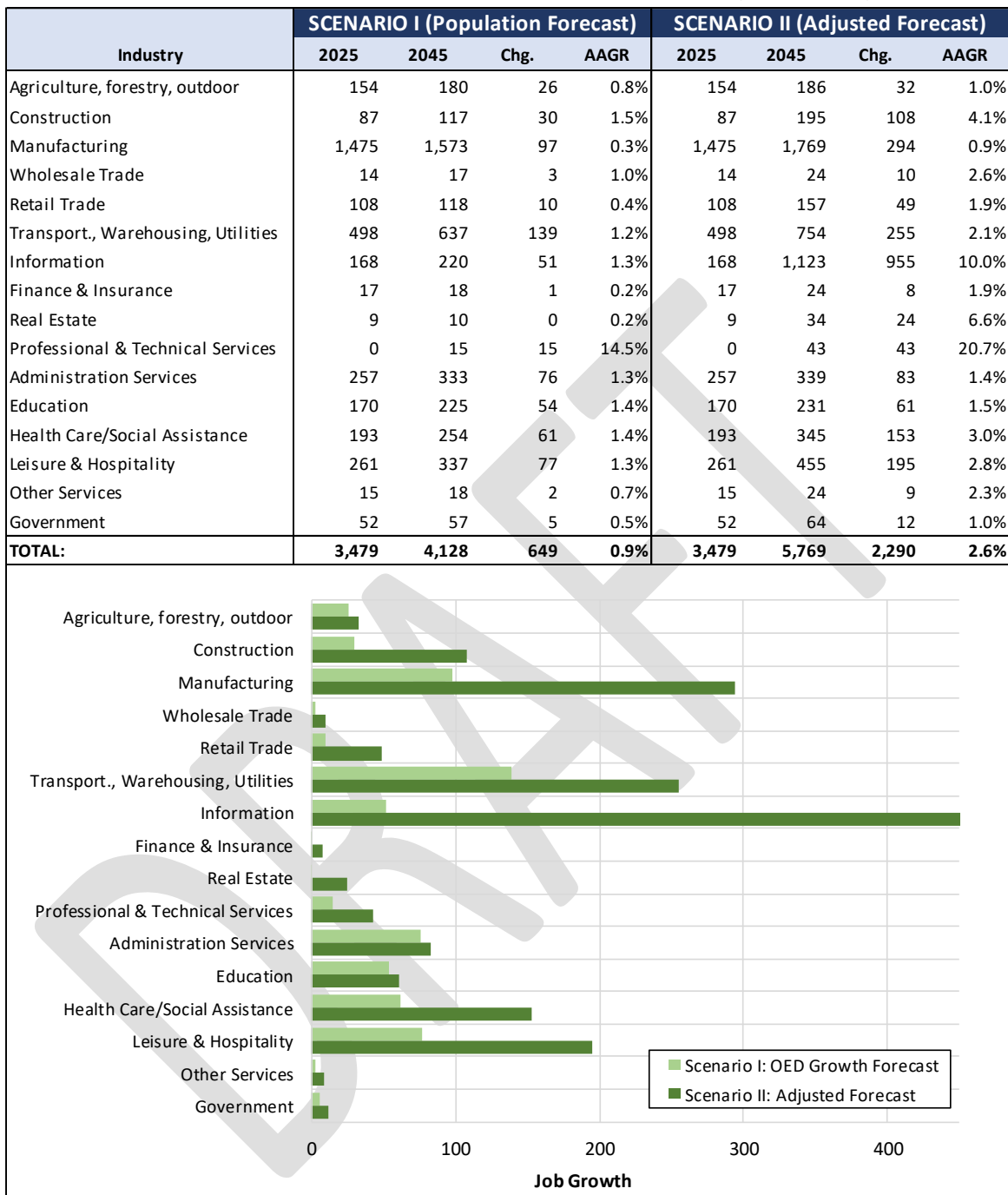
Increased Direct Construction Employment

- Employment in the construction sector in the region has grown at a rate of 4% over the decade 2014 to 2024, adding roughly 600 jobs. The amount and pace of large data center development, construction investments that may approach or exceed \$1B each, has greatly increased since that data was current. Each project is estimated to require hundreds or thousands of individual specialists over the course of the construction phase.
- For this reason, this analysis assumes that the county will experience continued growth in the construction sector beyond the 1.5% reflected in the OED regional forecast. Applying this 1.5% forecast to the baseline scenario results in growth of only 30 jobs over 20 years.
- Assuming continued growth of 4% over the coming 20 years in the county would imply more robust growth. Given the continued local development of high-investment mega-scale construction projects, this seems realistic over a 20-year period. If Boardman grows at this recent trend rate of 4%, that implies over 100 additional construction jobs over the 20-year planning period, which is reflected in Figure 6.3.

As summarized in Figure 6.3 below, this adjusted growth forecast estimates an average annual growth rate of 2.6% for the period, for a total addition of nearly 2,300 new jobs. The forecasted rate of 2.6% while robust would actually be lower than the realized employment growth rate since 2010 of 4.0% per year, (source: Oregon Employment Department, QCEW data).

⁸ IMPLAN is an economic impact model designed for analyzing the effects of industry activity (employment, income, or business revenues) upon all other industries in an economic area. Minnesota IMPLAN Group (MIG), Stillwater, Minnesota

FIGURE 6.3: ADJUSTED GROWTH FORECAST, CITY OF BOARDMAN (2025 - 2045)



Source: Oregon Employment Department, Johnson Economics

FIVE-YEAR INCREMENTAL FORECAST

The adjusted growth forecast, accounting for the development of hyperscale data centers, estimates an annual growth rate of 2.6%, or 2,300 new jobs over the 20-year period. Roughly 950 of these new jobs in the information sector, attributable mostly to data center development, would account for over 40% of the total anticipated growth.

Forecasts grounded in broad based economic variables cannot account for all the realities of local businesses and trends among evolving industries. Any long-term forecast is inherently uncertain and should be updated on a regular basis to reflect more current information. This is particularly true in a smaller jurisdiction such as Boardman, in which a single large firm's location and/or operational decision may substantively impact the rate of growth.

The adjusted growth forecast was further broken down into four five-year increments, assuming a consistent rate of growth over the period. We expect that in reality the twenty-year period will include multiple business cycles, and that the growth rate will be variable over that time.

FIGURE 6.4: GROWTH FORECAST, 5-YEAR INCREMENTS, CITY OF BOARDMAN (2025 - 2045)

Industry	Overall Employment					Net Change by Period				Total 25-45
	2025	2030	2035	2040	2045	25-30	30-35	35-40	40-45	
Adjusted Growth Forecast										
Agriculture, forestry, outdoor	154	162	169	178	186	8	8	8	9	32
Construction	87	106	130	159	195	19	24	29	35	108
Manufacturing	1,475	1,544	1,616	1,691	1,769	69	72	75	79	294
Wholesale Trade	14	16	18	21	24	2	2	3	3	10
Retail Trade	108	119	130	143	157	11	12	13	14	49
Transport, Warehousing, Utilities	498	553	613	680	754	54	60	67	74	255
Information	168	271	435	699	1,123	102	164	264	424	955
Finance & Insurance	17	18	20	22	24	2	2	2	2	8
Real Estate	9	13	18	25	34	4	5	7	9	24
Professional & Technical Services	0	10	20	30	43	10	10	10	13	43
Administration Services	257	275	295	316	339	19	20	21	23	83
Education	170	184	199	214	231	14	15	16	17	61
Health Care/Social Assistance	193	223	258	299	345	30	35	40	47	153
Leisure & Hospitality	261	300	344	396	455	39	45	52	59	195
Other Services	15	17	19	22	24	2	2	2	3	9
Government	52	55	58	61	64	3	3	3	3	12
TOTAL:	3,479	3,865	4,343	4,955	5,769	386	478	612	815	2,290

Source: Oregon Employment Department, Johnson Economics

EMPLOYMENT LAND FORECAST

The next step in the analysis is to convert projections of employment into forecasts of land demand over the planning period. The methodology begins by allocating employment by sector into a distribution of building typologies that those economic activities typically use. As an example, insurance agents typically locate in traditional office space, often along commercial corridors. However, a percentage of these firms are also located in commercial retail space adjacent to retail anchors. Cross tabulating this distribution provides an estimate of employment in each typology.

The next step converts employment growth into real estate space using estimates of the typical square footage exhibited within each typology. Adjusting for the average market vacancy we arrive at an estimate of total space demand for each building type.

Finally, we can consider the physical characteristics of individual building types and the amount of land they typically require for development. The site utilization metric commonly used is referred to as a "floor area ratio" or FAR. For example, assume a 25,000-square foot general industrial building requires a site of roughly 100k square feet to accommodate its structure, setbacks, parking, and necessary yard/storage space. This building would have an FAR of roughly 0.25. Demand for space is then converted to net acres using a standard floor area ratio (FAR) for each development form.

LAND DEMAND ANALYSIS – ADJUSTED GROWTH FORECAST

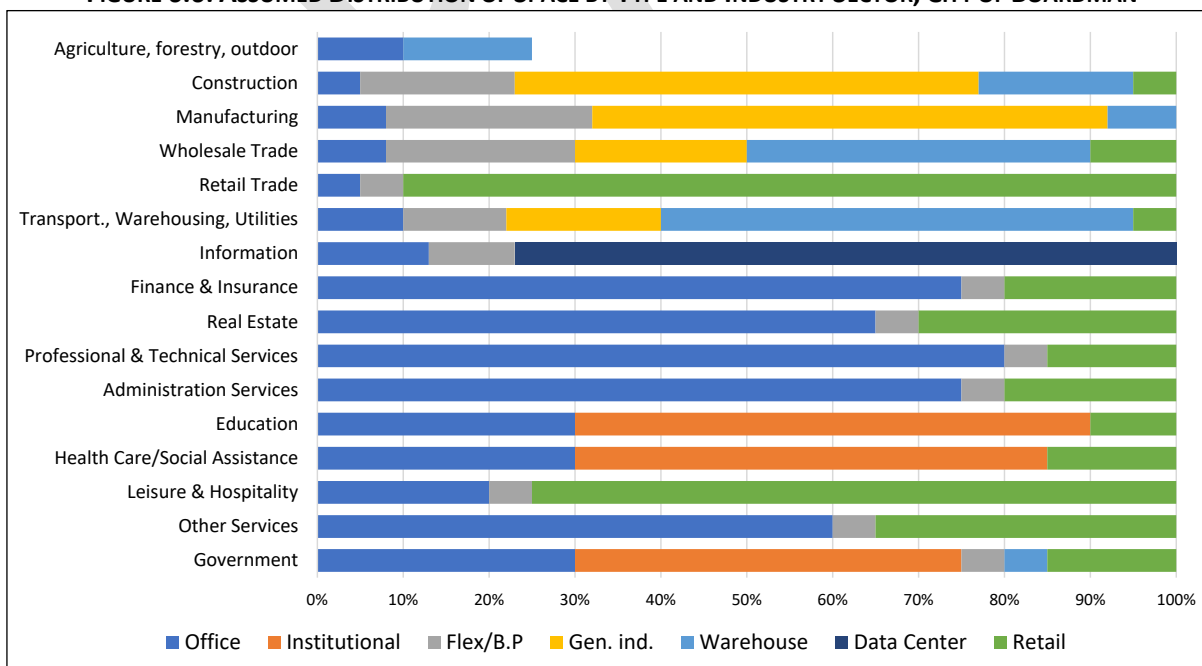
In this step we allocate employment growth to the standard building typologies. The building typology matrix represents the share of sectoral employment that is located across various building types. (Note that only a fraction of employment in the agricultural sector is assumed to need urban real estate, as many of these companies operate in unincorporated areas in the region around the city. Food processing operations are captured under “manufacturing.”)

FIGURE 6.5: DISTRIBUTION OF EMPLOYMENT BY SPACE TYPE, CITY OF BOARDMAN (ADJUSTED FORECAST)

Industry Sector	BUILDING TYPE MATRIX						
	Office	Institutional	Flex/B.P	Gen. ind.	Warehouse	Data Center	Retail
Agriculture, forestry, fishing, hunting	10%	0%	0%	0%	15%	0%	0%
Construction	5%	0%	18%	54%	18%	0%	5%
Manufacturing	8%	0%	24%	60%	8%	0%	0%
Wholesale Trade	8%	0%	22%	20%	40%	0%	10%
Retail Trade	5%	0%	5%	0%	0%	0%	90%
T.W.U.	10%	0%	12%	18%	55%	0%	5%
Information	13%	0%	10%	0%	0%	77%	0%
Finance & Insurance	75%	0%	5%	0%	0%	0%	20%
Real Estate	65%	0%	5%	0%	0%	0%	30%
Professional & Technical Services	80%	0%	5%	0%	0%	0%	15%
Administration Services	75%	0%	5%	0%	0%	0%	20%
Education	30%	60%	0%	0%	0%	0%	10%
Health Care	30%	55%	0%	0%	0%	0%	15%
Leisure & Hospitality	20%	0%	5%	0%	0%	0%	75%
Other Services	60%	0%	5%	0%	0%	0%	35%
Government	30%	45%	5%	0%	5%	0%	15%
TOTAL	16%	6%	9%	7%	5%	43%	11%

Source: Johnson Economics

FIGURE 6.6: ASSUMED DISTRIBUTION OF SPACE BY TYPE AND INDUSTRY SECTOR, CITY OF BOARDMAN



Source: Johnson Economics

Under the adjusted employment forecast scenario, employment housed in data center developments accounts for the greatest share of growth, followed by employment housed in office and retail space. If we exclude the forecasted data center employment (~700 jobs), the combined employment forecast in commercially zoned space (~815 jobs) is greater than that forecast for other (non-data center) industrially zoned space (~715 jobs). Note that the 2,266 total jobs shown here is less than the total employment in the adjusted forecast (2,290 jobs) because not all agricultural jobs require real estate space.

FIGURE 6.7: NET GROWTH IN EMPLOYMENT BY BUILDING TYPE, CITY OF BOARDMAN (ADJUSTED FORECAST) 2025-2045

Industry Sector	20-year Job Forecast		NET CHANGE IN EMPLOYMENT BY BUILDING TYPE - 2025-2045							Total
	Number	AAGR	Office	Institutional	Flex/B.P	Gen. ind.	Warehouse	Data Center	Retail	
Agriculture, forestry, fishing, hunting	32	1.0%	3	0	0	0	5	0	0	8
Construction	108	4.1%	5	0	19	58	19	0	5	108
Manufacturing	294	0.9%	24	0	71	177	24	0	0	294
Wholesale Trade	10	2.6%	1	0	2	2	4	0	1	10
Retail Trade	49	1.9%	2	0	2	0	0	0	44	49
T.W.U.	255	2.1%	26	0	31	46	140	0	13	255
Information	955	10.0%	124	0	95	0	0	735	0	955
Finance & Insurance	8	1.9%	6	0	0	0	0	0	2	8
Real Estate	24	6.6%	16	0	1	0	0	0	7	24
Professional & Technical Services	43	20.7%	35	0	2	0	0	0	6	43
Administration Services	83	1.4%	62	0	4	0	0	0	17	83
Education	61	1.5%	18	37	0	0	0	0	6	61
Health Care	153	3.0%	46	84	0	0	0	0	23	153
Leisure & Hospitality	195	2.8%	39	0	10	0	0	0	146	195
Other Services	9	2.3%	5	0	0	0	0	0	3	9
Government	12	1.0%	4	5	1	0	1	0	2	12
TOTAL	2,290	2.6%	415	126	239	283	193	735	275	2,266

Source: Johnson Economics

Employment growth estimates by building type are then converted to demand for physical space. This conversion assumes the typical space needed per employee on average. This step also assumes a market average vacancy rate, acknowledging that equilibrium in real estate markets is not 0% vacancy. We assume a 10% vacancy rate for office, retail, and flex uses, as these forms have high rates of speculative multi-tenant usage. A 5% rate is used for general industrial and warehouse - these uses have higher rates of owner occupancy that lead to lower overall vacancy. Institutional uses and data centers are assumed to have no vacancy, as they are typically purpose-built for healthcare, nonprofit, government, or the data center operators.

The demand for space is converted into an associated demand for acreage using an assumed Floor Area Ratio (FAR). The combined space and FAR assumptions further provide estimates indicated of job densities, determined on a per net-developable acre basis.

FIGURE 6.8: NET ACRES REQUIRED BY BUILDING TYPOLOGY, CITY OF BOARDMAN (ADJUSTED FORECAST) – 20-YEAR

	DEMAND BY GENERAL USE TYPOLOGY, 2025-2045							Total
	Office	Institutional	Flex/B.P	Gen. Ind.	Warehouse	Data Center	Retail	
Employment Growth	415	126	239	283	193	735	275	2,266
Avg. SF Per Employee	350	350	990	600	1,800	6,000	500	2,423
Demand for Space (SF)	145,300	44,000	237,000	169,500	346,800	4,410,500	137,600	5,490,700
Floor Area Ratio (FAR)	0.30	0.30	0.25	0.25	0.25	0.18	0.25	0.17
Market Vacancy	10.0%	0.0%	10.0%	5.0%	5.0%	0.0%	10.0%	1.4%
Implied Density (Jobs/Acre)	33.6	37.4	9.9	17.2	5.7	1.3	19.6	3.4
Net Acres Required	12.4	3.4	24.2	16.4	33.5	562.5	14.0	666.4
Share for infrastructure (Net-to-Gross)	20%	20%	15%	15%	15%	10%	20%	11%
Gross Acres Required	15.4	4.2	28.4	19.3	39.4	625.0	17.5	749.4

* Average of Totals excludes data centers, due to distorting effect.

Source: Johnson Economics

Commercial office and retail densities are 34 and 20 jobs per acre, respectively. Industrial uses range from 17 for general industrial to less than 6 jobs per acre for warehouse/distribution. Data centers have low employment density due to the very large buildings and large-acreage sites typical of this use.

The projected 2,300-job expansion in the local employment base through 2045 requires an estimated 665 net acres, and 750 gross acres of employment land. A large majority of this needed land (625 gross acres) will be very large industrial sites suitable for planned and new hyperscale data center development. This growth in the data center industry represents 33% of forecasted employment growth, and the bulk of the land need (83%).

Due to the large impact of this identified future use, Figure 6.9 separates out data centers from other industrial uses to better represent the need from other sectors over the planning period. Excluding data centers, there is a forecasted need for 125 gross acres to house job growth in other commercial and industrial categories.

FIGURE 6.9: EMPLOYMENT GROWTH AND LAND NEED BY BUILDING TYPOLOGY, CITY OF BOARDMAN

	Land Use (Excluding D.C.)			Data Center	Total
	Commercial	Industrial	Subtotal		
20-Year Job Growth:	816	715	1,531	735	2,266
Job Share:	53%	47%	100%	32%	100%
Net Needed Acres:	29.8	74.1	103.8	562.5	666.4
Gross Needed Acres:	37.2	87.2	124.4	625.0	749.4
Land Need Share:	30%	70%	100%	83%	100%

Source: Oregon Employment Department, Portland State University, City of Boardman, Johnson Economics LLC

Despite the higher number of commercial jobs, the gross acreage of industrial land needed is 70% of the gross (non-data center) land need, and commercial is 30%. This is because of the relatively lower average job density of industry users requires more land to accommodate the same number of jobs.

VII. RECONCILIATION OF EMPLOYMENT LAND NEED AND INVENTORY

The inventory of buildable employment land provides a snapshot of the current local capacity to accommodate more businesses and jobs over the planning period. This current available land is compared to the forecasted need for new land over the 20-year planning period, presented in Section VI.

SUMMARY OF LAND DEMAND (ACRES)

The estimate of future land need is presented again below. A total need for roughly 750 gross acres was identified across a range of land use and building types, based on the adjusted growth forecast. Data centers account for 625 gross acres of this need. Other industrial uses account for 87 gross acres of need, and commercial uses 37 gross acres.

FIGURE 7.1: SUMMARY OF FORECASTED 20-YEAR LAND NEED BY BUILDING TYPOLOGY (BOARDMAN)

	Land Use (Excluding D.C.)			Data Center	Total
	Commercial	Industrial	Subtotal		
20-Year Job Growth:	816	715	1,531	735	2,266
Job Share:	53%	47%	100%	32%	100%
Net Needed Acres:	29.8	74.1	103.8	562.5	666.4
Gross Needed Acres:	37.2	87.2	124.4	625.0	749.4
Land Need Share:	30%	70%	100%	83%	100%

Source: Oregon Employment Department, City of Boardman, Johnson Economics LLC

SUMMARY OF LAND SUPPLY (ACRES)

To assess the remaining supply of buildable employment land suitable to accommodate the 20-year land need, an inventory of land with the proper zoning was conducted. Figure 7.2 is a summary of the results on that inventory. A more detailed explanation of the methodology and findings of the Buildable Land Inventory (BLI) is presented as an appendix to this report.

FIGURE 7.2: BUILDABLE LAND INVENTORY, NET DEVELOPABLE ACRES BY ZONE (BOARDMAN)

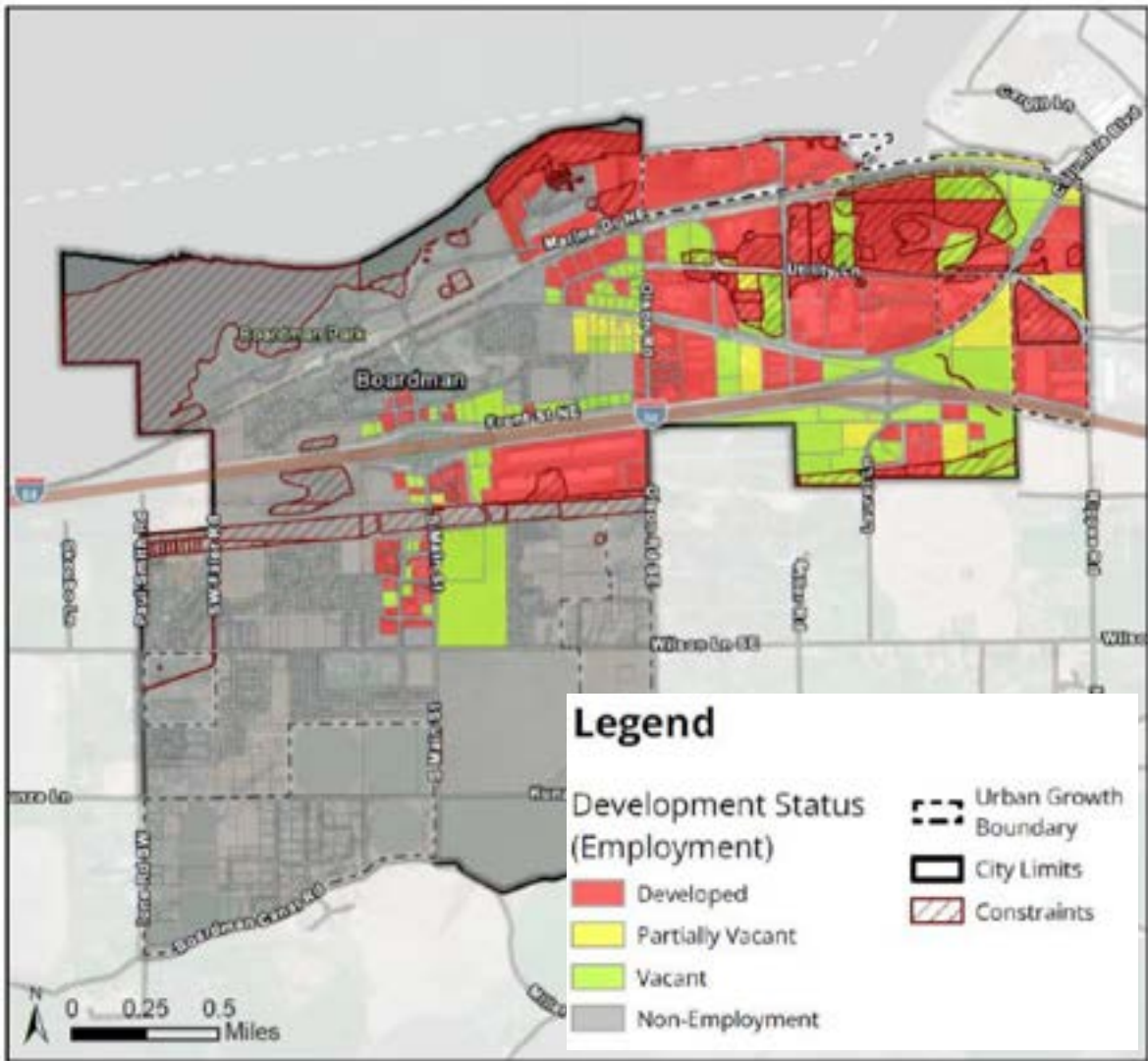
Zoning	Net Developable Acres	
	Vacant and Partially Vacant Lots	Net Developable Acres
Industrial		
General Industrial (County)	1	.1
Port Industrial (County)	0	0
Light Industrial	40	32.3
General Industrial	22	93.8
Commercial		
Commercial	8	50.8
Commercial (Service Center Sub District)	15	73.3
Commercial (Tourist Commercial Sub District)	24	25.9
Total	110	276.3

Source: City of Boardman, MIG

The BLI filtered the zoned employment land in Boardman by Commercial or Industrial zoning category, environmental constraints that will limit development, and whether the parcel is already developed, vacant, or partially vacant (see Appendix for more detail). The inventory was vetted to address development projects in the pipeline and known limitations on specific sites that will prevent development on all or a portion of the site.

The preceding figure presents the estimated net developable acres of land by zone. There are an estimated 161 net acres of buildable Commercial land and an estimated 132 net acres of buildable Industrial land.

FIGURE 7.3: BUILDABLE LAND INVENTORY, EMPLOYMENT LAND BY DEVELOPMENT STATUS (BOARDMAN)



Source: City of Boardman, MIG

RECONCILIATION OF 20-YEAR LAND SUPPLY AND DEMAND (GROSS ACRES)

Comparing the Buildable Land Inventory to the 20-year forecast of employment land need indicates that the City of Boardman faces a deficit of employment land over the planning period, specifically in large-lot sites for hyperscale or larger data center campuses (discussed more below).

There is sufficient *gross* buildable Commercial land and general Industrial land. However, as discussed more below, there is also a shortage of large lot parcels remaining for other commercial and industrial users.

Figure 7.4 shows gross acres of buildable land which reflects the net acres shown in Figure 7.2, plus an assumption of 20% for Commercial land and 15% for Industrial land to accommodate internal streets, right of way, and other infrastructure. This is the same net-to-gross assumption used in preparing the BLI.

A summary of the comparison of land supply and demand in gross acres is presented below.

FIGURE 7.4: RECONCILIATION OF LAND SUPPLY AND 20-YEAR DEMAND (BOARDMAN)

EMPLOYMENT ZONING DESIGNATION	20 YR. DEMAND (Gross Acres)	BUILDABLE LAND (Gross Acres) ¹	SURPLUS OR (DEFICIT) (Gross Acres)
Commercial (Office, Institutional, Retail)	37.2	150.1	112.9
Industrial (Gen. Ind., Warehouse, Flex)	87.2	126.2	39.0
Data Center Campus	625.0	0	(625.0)
TOTAL:	749.4	276.3	(473.1)

¹ While the buildable land inventory found a surplus of industrial land in gross terms, none of the remaining sites meet the specific unique requirements of hyperscale data center campuses. Most importantly, remaining buildable sites lack the size to house a new campus. Following the development of the three known sites identified above, no additional appropriate large-lot sites will remain.

Source: Johnson Economics, City of Boardman, MIG

- This analysis indicates that Boardman has sufficient *gross* acres of general Commercial land, and (non-data center) general Industrial land to accommodate the forecasted 20-year demand for land (other than for large-lot data centers).
- It is important to note that some of the forecasted growth will include employers who may have specific site needs and preferences that are not reflected in the available buildable inventory. (See Appendix A for more details on site preferences for certain key industries.) There is forecasted demand for more suitable large-lot commercial and industrial sites while relatively few of these sites were found to remain in the inventory that are unconstrained. This is discussed in greater detail below.
- Based on proposed data center projects in the Boardman area, and the rate of development of data centers generally in Boardman, Morrow and Umatilla Counties over the past decade, there is a strong identified need for significant acreage for large-lot industrial sites appropriate for these developments.
- In keeping with recent data center campuses in the county, hyperscale data centers require an average of 100 to 120 acres of buildable land to accommodate at least four buildings. Each campus is also accompanied by an electrical substation to meet power needs, that typically requires an additional five to fifteen acres (see Appendix A). The average site size of hyperscale data center campuses in Morrow and Umatilla Counties over the past decade is 110 acres, with more recent developments averaging 128 acres.
- There is an estimated need for 625 gross acres in the Boardman area to accommodate multiple hyperscale data center campuses averaging 125 acres. These campuses may take the form of individual hyperscale centers, or one or more consolidated mega campuses as seen recently in Morrow County. Over a 20-year period, this forecasted rate of development would be in keeping with the observed development of these facilities in the County over the past decade.

SITE SUPPLY VS. SITE DEMAND (NUMBER AND SIZE OF SITES)

This section compares the more specific site requirements of projected future commercial and industrial users with the specific inventory of prospective employment sites identified within the UGB. Oregon Administrative Rules requires a determination of 20-year employment land need, as well as a determination of need for suitable, readily serviceable land to meet short-term demand.

The following definitions from OAR 660-009-005 are relevant to this discussion:

- (2) “Development Constraints” means factors that temporarily or permanently limit or prevent the use of land for economic development. Development constraints include, but are not limited to, wetlands, environmentally sensitive areas such as habitat, environmental contamination, slope, topography, cultural and archeological resources, infrastructure deficiencies, parcel fragmentation, or natural hazard areas....
- (10) “Short-term Supply of Land” means suitable land that is ready for construction within one year of an application for a building permit or request for service extension. Engineering feasibility is sufficient to qualify land for the short-term supply of land. Funding availability is not required. “Competitive Short-term Supply” means the short-term supply of land provides a range of site sizes and locations to accommodate the market needs of a variety of industrial and other employment uses.
- (11) “Site Characteristics” means the attributes of a site necessary for a particular industrial or other employment use to operate. Site characteristics include, but are not limited to, a minimum acreage or site configuration including shape and topography, visibility, specific types or levels of public facilities, services or energy infrastructure, or proximity to a particular transportation or freight facility such as rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes.
- (12) “Suitable” means serviceable land designated for industrial or other employment use that provides, or can be expected to provide the appropriate site characteristics for the proposed use.

As noted in the prior section, the Buildable Land Inventory was screened for major constraints, including current development, floodways, wetlands, steep slopes, and federal ownership. The remaining parcels in the inventory may be buildable but may not meet the specific site requirements of certain users. Others may be part of the long-term supply but not be well-suited for the short-term supply.

ESTIMATED 20-YEAR SITE NEEDS VS. CURRENT SUPPLY

The following figures represent the findings of estimated need (Section VI) and current supply (Section VII) of sites by size. Note that the estimate of future needs is approximate, as economic growth is dynamic and difficult to predict. Communities should maintain flexibility and ensure a supply of a variety of site types with short-term availability, as allowed through the Goal 9 EOA process.

Figure 7.5 presents the estimated supply of sites by zoning and site size as found in the BLI. As shown, there are few remaining Commercial or Industrial sites over 10 acres in size in the inventory. In total, there are 63 commercial sites remaining, mostly under 5 acres in size.

There are some remaining Industrial sites over 10 acres, however, none over 20 acres. There are no remaining medium or large lot industrial sites within the UGB. This will greatly limit the types of firms that can locate in the area unless additional land supply is made available.

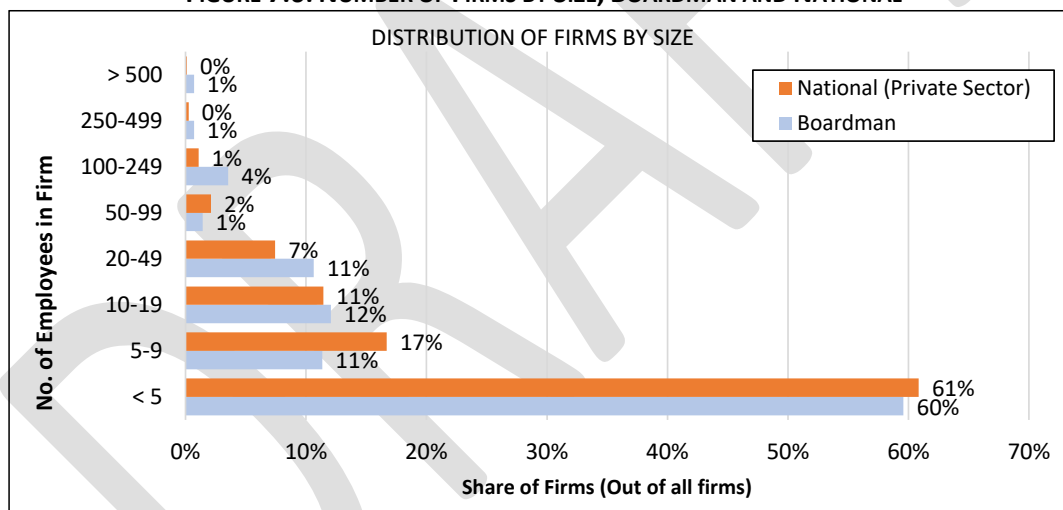
FIGURE 7.5: SUMMARY OF SITE SUPPLY BY LAND USE SIZE (ACRES), BOARDMAN

Size Classification	Number of Lots		Total
	Industrial Designation	Commercial Designation	
<1 Acre	21	15	36
1-5 Acres	34	21	55
5-10 Acres	5	6	11
10-20 Acres	3	4	7
20-30 Acres	0	0	0
30-40 Acres	0	0	0
40-50 Acres	0	1	1
Total	63	47	110

Source: City of Boardman, MIG

As is the trend nationwide, most firms in Boardman are small businesses. The number of firms under five employees is 61% nationally, and 60% in Boardman. Those with fewer than 10 employees are 78% of businesses nationwide and 70% locally. However, while large firms or organizations of at least 100 employees make up a small percentage of businesses, their high employment means they still represent a significant share of overall employment.

FIGURE 7.6: NUMBER OF FIRMS BY SIZE, BOARDMAN AND NATIONAL



Source: Bureau of Economic Analysis

By applying assumptions of the amount of space and land firms require based on size, we come to an estimate of the number of sites needed for commercial and industrial users from the 20-year growth forecast. Note that many of the smallest firms of one to four people will likely include home businesses, those sharing space, in multi-tenant commercial centers and other arrangements than strictly needing their own sites. Most of the larger firms likely will need their own sites, particularly industrial businesses with externalities that make it difficult to operate in shared space.

While need is weighted towards smaller sites for most businesses that have five or fewer employees, there is also a need for sites at larger sizes to provide opportunities for new businesses to locate and allow existing businesses to expand.

Need for medium and large sites: The comparison of forecasted land demand to the remaining inventory found that there is a surplus of commercial land and general industrial land. Through the EOA process, and discussion of interim findings, the advisory committee and local officials expressed the community's desire to have additional medium (10+ acres) and larger sites (20+ acres) available for commercial and industrial users, so that the city can competitively recruit larger businesses.

So while there is surplus of industrial land measured in gross acres, this land is mostly found in fragmented smaller sites. This means that there is a finding of need for additional industrial land and sites to meet the identified community goals.

There is a need for additional sites of 20+ acres for commercial users, and 20 - 30 and 100+ acres for industrial users including data centers (Figures 7.7 and 7.8).

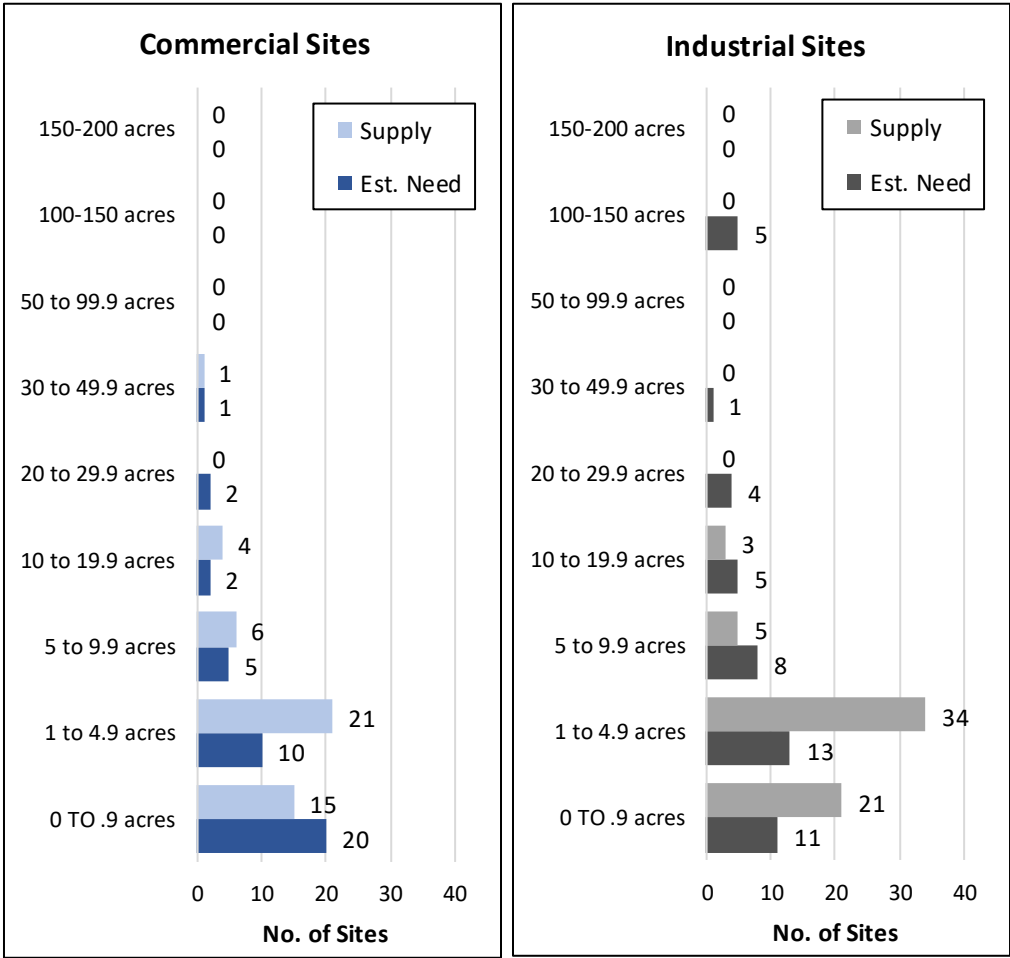
**FIGURE 7.7: ESTIMATE OF FORECASTED 20-YEAR SITE NEED
BY LAND USE AND SITE SIZE (ACRES)**

LAND USE	0 TO .9 acres	1 to 4.9 acres	5 to 9.9 acres	10 to 19.9 acres	20 to 29.9 acres	30 to 49.9 acres	50 to 99.9 acres	100-150 acres	150+ acres	TOTAL (sites)
Office	10	5	2	1	0	0	0	0	0	18
Institutional	5	1	1	0	1	0	0	0	0	8
Retail	5	4	2	1	1	1	0	0	0	14
Commercial Total:	20	10	5	2	2	1	0	0	0	40
Flex/B.P	4	3	2	1	1	0	0	0	0	11
Gen. Ind.	3	5	4	2	2	0	0	0	0	16
Warehouse	4	5	2	2	1	1	0	0	0	15
Industrial Total:	11	13	8	5	4	1	0	0	0	42
Data Center	0	0	0	0	0	0	0	5	0	5
TOTAL:	31	23	13	7	6	2	0	5	0	87

Source: Oregon Employment Department, BEA, Johnson Economics LLC

Figure 7.8 presents a side-by-side comparison of forecasted need and current supply (inventory) by site size.

**FIGURE 7.8: SUMMARY OF FORECASTED 20-YEAR SITE NEED VS. SITE SUPPLY
BY LAND USE AND SITE SIZE (ACRES), BOARDMAN**



Source: Oregon Employment Department, Boardman, Johnson Economics LLC

The forecasted need for sites of different sizes does not match exactly with the current supply. The demand for commercial sites (retail/office/institutional) and industrial (general industrial, warehousing, multi-tenant flex park) exceeds the current supply.

It is estimated that the supply for commercial sites exceeds the 20-year need for most sizes, including small sites, however there is some need for sites of 20 - 30 acres.

Similarly for industrial users, sites are estimated to be undersupplied in a range of large site sizes 20 to 50 acres in size. The remaining sites are less than 20 acres, and most less than 5 acres in size.

FINDINGS OF NEW SITE NEEDS – COMMERCIAL AND INDUSTRIAL

Figure 7.9 summarizes the findings of the number and size of sites that are estimated to be needed over the 20-year planning period, *in addition* to the current remaining inventory of buildable land.

FIGURE 7.9: SUMMARY OF FORECASTED *NEW* SITE NEED & ESTIMATED ACREAGE

Site Size	Commercial		Industrial		Total	
	# of Needed Sites	Total acres (=/-)	# of Needed Sites	Total acres (=/-)	# of Needed Sites	Total acres (=/-)
< 5 acres	0	0	0	0	0	0
5 acres (+/-)	0	0	3	15	3	15
10 acres (+/-)	0	0	2	20	2	20
20 acres (+/-)	2	40	4	80	6	120
30 acres (+/-)	0	0	1	30	1	30
50 acres (+/-)	0	0	0	0	0	0
100 acres (+/-)	0	0	0	0	0	0
125 acres (+/-)	0	0	5	625	5	625
150-200 acres (+/-)	0	0	0	0	0	0
TOTAL:	2	40	15	770	17	810
	Sites	Acres (+/-)	Sites	Acres (+/-)	Sites	Acres (+/-)

Source: Oregon Employment Department, Boardman, Johnson Economics LLC

VIII. CONCLUSIONS

The EOA report points to several key conclusions regarding economic development goals and target industries in Boardman over the next 20 years. It also estimates the projected employment growth and land need within the UGB, and the adequacy of the current supply of employment land to meet that need.

Through this planning process, a few major economic development themes were identified:

- The City of Boardman is a pro-growth community, seeking to attract new jobs, industries, and households to continue its history of rapid expansion. The community seeks to support and build on its traditional foundation of agriculture, food processing, and supporting sectors. However, the city seeks to attract new and growing industries, and data center development specifically.
- To this end, the City has a proactive goal of ensuring an adequate supply of commercial and industrial land within the Urban Growth Boundary to provide job creation and economic growth. The City planning efforts aim to provide adequate infrastructure to support all employment activities through public and private funding sources.
- The single largest growth industry in the Boardman area is the data center industry, which has grown exponentially over the last ten years, and particularly in the last five years. Multiple additional hyperscale data centers are under construction or planned at this time, each requiring an average of 125 acres of appropriate land.
- Trends in this sector point to accelerating growth in coming years, with Oregon looking to be a top five national, and top 10 global location, if appropriate sites for expansion are available.
- The data center industry entails significant investment and on-going economic activity that supports long-term employment in other sectors. The size of this sector in Morrow County will attract competitors, suppliers and support vendors, and construction firms for on-going expansion.
- Other than the “information” and “construction” sectors directly impacted by data center development, sectors with the highest forecasted employment growth include manufacturing, health care, retail, transportation/warehousing/utilities, and tourism-related businesses including hotel and dining.

Employment Growth

Boardman is home to an estimated 3,500 jobs as of 2025. The largest sectors by number of jobs are manufacturing including food processing, utilities, transportation and warehousing, dining and hospitality, and information. Based on a forecasted annual growth rate of 2.6%, the city is expected to add nearly 2,300 jobs by 2045. A significant share of this job growth is projected in the data center industry (33%), with accompanying growth in construction and supportive information-sector jobs among vendors and suppliers. The community’s rapid household growth in recent years is anticipated to bring increased growth in service sectors such as retail, education, and health care.

Broken down into broad categories of employment that tends to use commercial/retail space, or that tends to use industrial space, the analysis forecasts roughly 65% of new employment in industrial categories (including data centers) and 35% in commercial categories.

Employment Land Need

The EOA analysis finds that the forecasted 20-year job growth by industry, will translate to a need for 750 total gross acres of land zoned for employment uses. However, this includes an estimated 625 acres of need for hyperscale data center development. Excluding data centers, an estimated 70% of the remaining land need is for other industrial users (Industrial, Warehouse, Business Park), and 30% of need is for commercial users (Office, Institutional, Retail).

A range of site sizes will be needed ranging from the small to the very large to accommodate the projected business expansion. Different commercial and industrial users have different site requirements driven by the specific nature of their business operations, firm size, location and infrastructure requirements, and other factors.

Adequacy of Employment Land Supply

The Buildable Land Inventory (BLI) of employment lands completed in conjunction with the EOA found a total of 337 gross buildable acres (286 net) in commercial, industrial and mixed-use zones. While this total supply exceeds the total forecasted need (excluding data centers), the zoning categories, site sizes and site characteristics of the available supply do not fully meet the forecasted demand.

- The inventory of remaining buildable lands points to a lack of medium sized commercial sites and medium and large sized industrial sites. There are no remaining sites large enough to accommodate hyperscale data centers. There are no remaining general industrial sites over 20 acres, which is a detriment to business recruitment and expansion across industrial sectors.
- Given very strong growth trends in the data center industry, the established and growing local cluster, and known future projects under planning by credible investors, there is a need for as many as five large sites averaging 125 acres, appropriate for hyperscale data centers, or larger consolidated campuses. The projected regional, national, and global trends in this industry support this demand if appropriate sites are available.
- The following table summarizes the estimated need for new sites, in addition to the remaining buildable land inventory, to address the finding of a deficit of medium-sized commercial sites and meet the identified community goals towards economic development on industrial land.

FIGURE 8.1: SUMMARY OF FORECASTED *NEW* SITE NEED & ESTIMATED ACREAGE

Site Size	Commercial		Industrial		Total	
	# of Needed Sites	Total acres (+/-)	# of Needed Sites	Total acres (+/-)	# of Needed Sites	Total acres (+/-)
< 5 acres	0	0	0	0	0	0
5 acres (+/-)	0	0	3	15	3	15
10 acres (+/-)	0	0	2	20	2	20
20 acres (+/-)	2	40	4	80	6	120
30 acres (+/-)	0	0	1	30	1	30
50 acres (+/-)	0	0	0	0	0	0
100 acres (+/-)	0	0	0	0	0	0
125 acres (+/-)	0	0	5	625	5	625
150-200 acres (+/-)	0	0	0	0	0	0
TOTAL:	2	40	15	770	17	810
	Sites	Acres (+/-)	Sites	Acres (+/-)	Sites	Acres (+/-)

Source: Oregon Employment Department, Boardman, Johnson Economics LLC

EOA IMPLEMENTATION STRATEGIES

This section discusses a range of strategies and/or action items that the city may consider that are consistent with the findings of this report. (Adoption of this report does not imply official commitment to any of these steps although some of these strategies may be incorporated in Comprehensive Plan policies in some form.)

PROVIDE AN ADEQUATE SUPPLY OF EMPLOYMENT LAND & SITES		
CORE INITIATIVE		
Actions		Notes
MEET INDUSTRIAL AND COMMERCIAL LAND NEEDS		
1	Establish and maintain a competitive short-term and long-term supply of employment land, in readily developable sites.	<p>The City should maintain an inventory of available employment land to meet the 20-year economic development needs of the community, including identifying sites of varying sizes that can be readily served with new infrastructure in the short-term. <u>Options</u>: UGB swap or expansion to increase the land supply; rezoning of other land categories to employment categories; public effort to prioritize and serve key employment areas with infrastructure.</p> <p>Given the finding of a large deficit of employment land to meet 20-year need, and lack of medium and large sites, a UGB expansion is the most likely avenue for maintaining adequate supply.</p>
2	Prioritize serving key employment subareas and sites in the TSP and Capital Improvement Plan	Given limited public resources, ensure that all planning efforts reflect the prioritization and sequencing of infrastructure and utility projects to serve key sites and new areas.
3	Encourage infill, redevelopment and/or adaptive reuse of obsolete or underused properties in current employment zones.	Some existing commercial and retail space in the Downtown area and along commercial corridors might be more intensively used, accommodating more job growth in existing employment areas. More intensive development and mixed-use construction often encounter a feasibility gap between costs and end value. Common approaches to bridging this gap include TIF funding, tax credit programs, tax incentives, and public/private partnerships.
4	Inventory properties that might be good opportunity sites for potential public/private catalyst projects.	Public control of a property by the City, TIF agency, or other public agency provides the public with a valuable incentive with which to forge a public/private deal that provides public benefits that a private development might not. Examples include incentivizing the developer to build at greater density, mixed uses, design elements, transit-oriented or other design elements, and other public goods.

POLICY AND CODE STRATEGIES		
5	Continue to improve and streamline development regulations and review processes where possible, to reduce cost and time, and provide predictability.	The community and city work to be development- and employer-friendly.
6	Ensure that applicable Comp Plan designations and zoning allow the mix of uses sought in employment areas, and if necessary, limit those uses that don't contribute to goals.	<p>Ensure that the desired zones are in place and permit the uses that are foreseen in the City's existing and future employment areas. Where current zoning does not match the vision, consider rezoning, or amending zone standards. Ensure that new uses such as data center have been properly defined in code, with appropriate permissions and standards by zone.</p> <p>In keeping with updated Goal 9 rules, large lot industrial sites brought into the UGB must be protected and preserved for the identified use. There are strict limitations on reusing that added land for other uses unless specific conditions are met.</p>
7	Review and update Development Code language to support the desired development types and streetscape initiatives.	A review of code standards can reveal where the adopted standards for elements like building height, setbacks, floor-area-ratio, parking, etc. may be posing difficulties in achieving feasible development in the target industries. Some large-lot commercial businesses and industrial users may benefit from more flexibility in site and building design to allow for creative design solutions and make projects more feasible.

TARGET INDUSTRIES AND BUSINESS DEVELOPMENT		
CORE INITIATIVE		
Actions		Notes
SUPPORT AND EXPAND EMPLOYMENT IN TARGETED INDUSTRIES		
8	Maintain and enhance business outreach and communication.	Coordinate business cluster and employment district networking opportunities. Participate in efforts of major regional economic development partners. Potential actions in support of this strategy include developing and updating marketing materials, attending industry trade shows, following up on referrals by partner organizations, publicizing the success of local businesses, and highlighting competitive advantages of the area for proposals.

9	Develop a marketing plan to attract businesses within the identified target industry business sectors.	Assemble and distribute materials of specific interest to targeted industries and identify key industry groups.
10	Support and engage regional and statewide partners.	Regularly meet and coordinate with groups such as the Chamber of Commerce, the Port, neighboring cities, Morrow County, GEODC, and Business Oregon. Promote available employment space and land.
11	Regularly update Oregon Prospector to promote available employment space and land to site selectors.	Business Oregon provides the Oregon Prospector tool which provides open, free data on available employment lands across the state, including both industrial and commercial properties. Ensure that all key sites are listed, and information is accurate and up to date.
12	Promote locally available tools: Enterprise Zone and Urban Renewal Programs.	In all site listings and marketing materials, ensure that the benefits of the existing zones are mentioned where applicable.
SUPPORT SMALL BUSINESS DEVELOPMENT		
13	Develop and/or market programs to assist emerging and under-capitalized firms	Technical assistance, micro loans, storefront improvement programs, master leases, and credit enhancement. Urban renewal (TIF) can be one source of funding for these types of programs. Refer businesses to partner agencies providing grants, training, and other programs.
14	Support the growth of the city's new incubator space	An incubator provides space for small but promising companies to work and collaborate in a subsidized environment while they grow. Incubator space can be appropriate for high tech or professional start-ups, but also light industrial, crafting, or food production businesses.
15	Connect small business opportunities with property owners.	The City can serve as a matchmaker, matching business needs with local property owners. This could include food carts, which can serve as an incubator for future food service tenants. Consider using public land for food carts, weekend markets, or similar small businesses.
WORKFORCE INITIATIVES		
16	Support connections between local industry, K-12, BMCC, and state education and training courses.	Help match training programs to employers, potentially coordinating internships, or regular interaction with local businesses. Ensure that these programs address the data center industry and other target industries in particular and stay up to speed on rapidly evolving industry norms and technology.
17	Promote workforce training resources.	Increase knowledge of existing resources for job seekers. Proactively address data center staffing and training needs.

18	Ensure the housing policies allow for an appropriate mix of housing for the local workforce.	The community should strive to provide the full range of housing types and price points to meet the needs of the full workforce and encourage residents to both live and work in Boardman.
19	Support local affordable housing developers	Many lower-wage positions are a foundational component of any local economy, and most industries rely on this workforce either primarily, or through their supporting firms. Subsidized affordable housing is one key segment of the workforce housing puzzle.
20	Prioritize childcare as a workforce readiness issue.	Childcare is a commonly identified need for working households if all adults are working, or working unusual hours, etc. This topic is increasingly raised as an important part of attracting and maintaining an available workforce. Home-based childcare businesses are also usually a category of self-employment.

APPENDIX A: INDUSTRIAL COMPETITIVE SITE NEEDS

STATE OF OREGON - Infrastructure Finance Authority
Industrial Development Competitiveness Matrix

Section 7, Item C.



PROFILE CRITERIA			Production Manufacturing		Value-Added Manufacturing and Assembly		Light / Flex Industrial			Warehousing & Distribuiton		Specialized		
			A	B	C	D	E	F	G	I	H	J	K	L
			Heavy Industrial / Manufacturing	High-Tech / Clean-Tech Manufacturing	Food Processing	Advanced Manufacturing & Assembly	General Manufacturing	Industrial Business Park and R&D Campus	Business / Admin Services	Regional Warehouse / Distribution	Local Warehouse / Distribution	UVA Manufacturing / Research	Data Center	Rural Industrial
1	GENERAL REQUIREMENTS		Use is permitted outright, located in UGB or equivalent and outside flood plain; and site (NCDA) does not contain contaminants, wetlands, protected species, or cultural resources or has mitigation plan(s) that can be implemented in 180 days or less.											
2	TOTAL SITE SIZE**	PHYSICAL SITE												
		Competitive Acreage*	10 - 100+	5 - 100+	5 - 25+	5 - 25+	5 - 15+	20 - 100+	5 - 15+	20 - 100+	10 - 25+	10 - 25+	20 - 100+	5 - 25+
3	COMPETITIVE SLOPE:	Maximum Slope	0 to 5%	0 to 5%	0 to 5%	0 to 7%	0 to 5%	0 to 7%	0 to 12%	0 to 5%	0 to 5%	0 to 7%	0 to 7%	0 to 5%
4	AVAILABLE WORKFORCE POPULATION IN 50 MILE RADIUS:	WORKFORCE												
		People	30,000	150,000	20,000	60,000	30,000	750,000	25,000	75,000	20,000	60,000	10,000 - 25,000	1,000
5	TRIP GENERATION:	TRANSPORTATION												
		Average Daily Trips per Acre	40 to 60 (ADT / acre)	40 to 60 (ADT / acre)	50 to 60 (ADT / acre)	40 to 60 (ADT / acre)	40 to 50 (ADT / acre)	60 to 150 (ADT / acre)	170 to 180 (ADT / acre)	40 to 80 (ADT / acre)	40 to 80 (ADT / acre)	40 to 80 (ADT / acre)	20 to 30 (ADT / acre)	40 to 50 (ADT / acre)
6	MILES TO INTERSTATE OR OTHER PRINCIPAL ARTERIAL:	Miles	w/ in 10	w/ in 10	w/ in 30	w/ in 15	w/ in 20	N/A	N/A	w/ in 5 (only interstate or equivalent)	w/ in 5 (only interstate or equivalent)	N/A	w/ in 30	N/A
7	RAILROAD ACCESS:	Dependency	Preferred	Preferred	Preferred	Not Required	Preferred	Preferred	Not Required	Preferred	Preferred	Not Required	Avoid	N/A
8	PROXIMITY TO MARINE PORT:	Dependency	Preferred	Preferred	Preferred	Not Required	Preferred	Preferred	Not Required	Preferred	Preferred	Not Required	Not Required	N/A
9	PROXIMITY TO REGIONAL COMMERCIAL AIRPORT:	Dependency	Preferred	Competitive	Preferred	Competitive	Preferred	Required	Preferred	Preferred	Preferred	Preferred	Competitive	N/A
		Distance (Miles)	w/ in 60	w/ in 60	w/ in 60	w/ in 30	w/ in 60	w/ in 30	w/ in 60	w/ in 60	w/ in 60	w/ in 30	w/ in 60	N/A
10	PROXIMITY TO INTERNATIONAL AIRPORT:	Dependency	Preferred	Competitive	Preferred	Competitive	Preferred	Competitive	Preferred	Preferred	Preferred	Competitive	Preferred	N/A
		Distance (Miles)	w/ in 300	w/ in 300	w/ in 300	w/ in 100	w/ in 300	w/ in 100	w/ in 300	w/ in 300	w/ in 300	w/ in 100	w/ in 300	N/A

STATE OF OREGON - Infrastructure Finance Authority
Industrial Development Competitiveness Matrix

Section 7, Item C.



<div> <div></div> <div>PROFILE</div> <div>CRITERIA</div> </div>			Production Manufacturing		Value-Added Manufacturing and Assembly		Light / Flex Industrial			Warehousing & Distribution		Specialized		
			A	B	C	D	E	F	G	I	H	J	K	L
			Heavy Industrial / Manufacturing	High-Tech / Clean-Tech Manufacturing	Food Processing	Advanced Manufacturing & Assembly	General Manufacturing	Industrial Business Park and R&D Campus	Business / Admin Services	Regional Warehouse / Distribution	Local Warehouse / Distribution	UVA Manufacturing / Research	Data Center	Rural Industrial
11	WATER:	UTILITIES												
		Min. Line Size (Inches/Dmtr)	8" - 12"	12" - 16"	12" - 16"	8" - 12"	6" - 10"	8" - 12"	4" - 6"	4" - 8"	4" - 6"	4" - 8"	16"	4" - 8"
		Min. Fire Line Size (Inches/Dmtr)	10" - 12"	12" - 18"	10" - 12"	10" - 12"	8" - 10"	8" - 12"	6" - 10"	10" - 12"	6" - 8"	6" - 10"	10"-12"	6" (or alternate source)
		High Pressure Water Dependency	Preferred	Required	Required	Preferred	Not Required	Preferred	Not Required	Not Required	Not Required	Not Required	Required	Not Required
12	SEWER:	Flow Gallons per Day per Acre	1600 (GPD / Acre)	5200 (GPD / Acre)	3150 (GPD / Acre)	2700 (GPD / Acre)	1850 (GPD / Acre)	2450 (GPD / Acre)	1600 (GPD / Acre)	500 (GPD / Acre)	500 (GPD / Acre)	1600 (GPD / Acre)	50-200 (Gallons per MWh) †	1200 (GPD / Acre)
		Min. Service Line Size (Inches/Dmtr)	6" - 8"	12" - 18"	10" - 12"	10" - 12"	6" - 8"	10" - 12"	6" - 8"	4"	4"	6"	8"-10"	4" - 6" (or on-site source)
		Flow (Gallons per Day per Acre)	1500 (GPD / Acre)	4700 (GPD / Acre)	2600 (GPD / Acre)	2500 (GPD / Acre)	1700 (GPD / Acre)	2000 (GPD / Acre)	1600 (GPD / Acre)	500 (GPD / Acre)	500 (GPD / Acre)	1300 (GPD / Acre)	1000 (GPD / Acre) ‡	1000 (GPD / Acre)
		Preferred Min. Service Line Size (Inches/Dmtr)	4" - 6"	6"	4"	6"	4"	6"	2"	2"	2"	2"	4"	N/A
13	NATURAL GAS:	On Site	Competitive	Competitive	Preferred	Competitive	Competitive	Competitive	Preferred	Preferred	Preferred	Preferred	Preferred	Preferred
		Minimum Service Demand	2 MW	4-6 MW	2-6 MW	1 MW	0.5 MW	0.5 MW	0.5 MW	1 MW	1 MW	0.5 MW	5-25 MW	1 MW
		Close Proximity to Substation	Competitive	Competitive	Not Required	Competitive	Preferred	Competitive	Preferred	Not Required	Not Required	Not Required	Required, could be on site	Not Required
		Secondary System Dependency	Required	Preferred	Not Required	Required	Not Required	Competitive	Required	Not Required	Not Required	Not Required	Required	Not Required
14	ELECTRICITY:	Major Communications Dependency	Preferred	Required	Preferred	Required	Required	Required	Required	Preferred	Preferred	Required	Required	Preferred
		Route Diversity Dependency	Not Required	Required	Not Required	Required	Not Required	Preferred	Required	Not Required	Not Required	Not Required	Required	Not Required
		Fiber Optic Dependency	Preferred	Required	Preferred	Required	Preferred	Required	Required	Preferred	Preferred	Required	Required	Not Required
15	TELECOMMUNICATIONS:													

STATE OF OREGON - Infrastructure Finance Authority
Industrial Development Competitiveness Matrix

Section 7, Item C.



<div> <div></div> <div>PROFILE</div> </div> <div>CRITERIA</div>		Production Manufacturing		Value-Added Manufacturing and Assembly		Light / Flex Industrial			Warehousing & Distribution		Specialized		
		A	B	C	D	E	F	G	I	H	J	K	L
		Heavy Industrial / Manufacturing	High-Tech / Clean-Tech Manufacturing	Food Processing	Advanced Manufacturing & Assembly	General Manufacturing	Industrial Business Park and R&D Campus	Business / Admin Services	Regional Warehouse / Distribution	Local Warehouse / Distribution	UVA Manufacturing / Research	Data Center	Rural Industrial
16	SPECIAL CONSIDERATIONS: 	Adequate distance from sensitive land uses (residential, parks, large retail centers) necessary. High throughput of materials. Large yard spaces and/or buffering required. Often transportation related requiring marine/rail links.	Acreage allotment includes expansion space (often an exercisable option). Very high utility demands in one or more areas common. Sensitive to vibration from nearby uses.	May require high volume/supply of water and sanitary sewer treatment. Often needs substantial storage/yard space for input storage. Onsite water pre-treatment needed in many instances.	Surrounding environment of great concern (vibration, noise, air quality, etc.). Increased setbacks may be required. Onsite utility service areas. Avoid sites close to wastewater treatment plants, landfills, sewage lagoons, and similar land uses. Lower demands for water and sewer treatment than High-Tech Manufacturing.	Adequate distance from sensitive land uses (residential, parks) necessary. Moderate demand for water and sewer. Higher demand for electricity, gas, and telecom.	High diversity of facilities within business parks. R&D facilities benefit from close proximity to higher education facilities. Moderate demand on all infrastructure systems.	Relatively higher parking ratios may be necessary. Will be very sensitive to labor force and the location of other similar centers in the region. High reliance on telecom infrastructure.	Transportation routing and proximity to/from major highways is crucial. Expansion options required. Truck staging requirements mandatory. Minimal route obstructions between the site and interstate highway such as rail crossings, drawbridges, school zones, or similar obstacles.	Transportation infrastructure such as roads and bridges to/from major highways is most competitive factor.	Must be located within or near FAA-regulated UAV testing sites. Moderate utility demands. Low reliance on transportation infrastructure.	Larger sites may be needed. The 25 acre site requirement represents the more typical site. Power capacity, water supply, and security are critical. Surrounding environment (vibration, noise, air quality, etc.) is crucial. May require high volume/supply of water and sanitary sewer treatment.	Located in more remote locations in the state. Usually without direct access (within 50 miles) of Interstate or City of more than 50,000 people.

Mackenzie; Business Oregon

Terms:

<div> <div>More Critical</div> <div>↑</div> <div>Less Critical</div> </div>	'Required' factors are seen as mandatory in a vast majority of cases and have become industry standards
	'Competitive' significantly increases marketability and is <u>highly recommended by Business Oregon</u> . May also be linked to financing in order to enhance the potential reuse of the asset in case of default.
	'Preferred' increases the feasibility of the subject property and its future reuse. Other factors may, however, prove more critical.
* Competitive Acreage: Acreage that would meet the site selection requirements of the majority of industries in this sector.	
**Total Site: Building footprint, including buffers, setbacks, parking, mitigation, and expansion space	
† Data Center Water Requirements: Water requirement is reported as gallons per MWh to more closely align with the Data Center industry standard reporting of Water Usage Effectiveness (WUE).	
‡ Data Center Sewer Requirements: Sewer requirement is reported as 200% of the domestic usage at the Data Center facility. Water and sewer requirements for Data Centers are highly variable based on new technologies and should be reviewed on a case-by-case basis for specific development requirements.	

APPENDIX B: BUILDABLE LAND INVENTORY

METHODOLOGY AND FINDINGS



TO: City of Boardman

FROM: Andrew Parish and Meg Gryzbowski, MIG

RE: City of Boardman Employment Buildable Lands Inventory

DATE: October 6, 2025

Introduction

Purpose

This DRAFT memorandum describes the methodology and initial results of the Buildable Lands Inventory (BLI) for the City of Boardman Economic Opportunities Analysis (EOA). This analysis supports the broader EOA by identifying the amount and types of land available for employment uses in the City's Urban Growth Boundary (UGB). The results of this BLI will be compared to the forecast of needed employment land in order to quantify the surplus or deficiency of land in any or all of the City's commercial and industrial land categories.

Regulatory Basis

This BLI is consistent with the following requirements of Statewide Planning Goal 9 (Economic Development) and the Goal 9 administrative rule (OAR 660-009) as they pertain to BLIs. The BLI supports an Economic Opportunities Analysis that is currently underway.

1. **Economic Opportunities Analysis (OAR 660-009-0015).** The Economic Opportunities Analysis (EOA) requires communities to:
 - Identify the major categories of industrial or other employment uses that could reasonably be expected to locate or expand in the planning area based on information about national, state, regional, county or local trends;
 - Identify the number of sites by type reasonably expected to be needed to accommodate projected employment growth based on site characteristics typical of expected uses;
 - Include an inventory of vacant and developed lands within the planning area designated for industrial or other employment use; and
 - Estimate the types and amounts of industrial and other employment uses likely to occur in the planning area.
2. **Industrial and commercial development policies (OAR 660-009-0020).** Cities with a population over 2,500 are required to enact commercial and industrial development policies based on the EOA. Local comprehensive plans must state the overall objectives for economic development in the planning area and identify categories or particular types of industrial and other employment uses desired by the community. Local comprehensive plans must also include policies that commit the city or county to designate an adequate number of employment sites of suitable sizes, types and locations. The plan must also

include policies to provide necessary public facilities and transportation facilities for the planning area.

Methodology

Study Area

The study area for this analysis is the City of Boardman Urban Growth Boundary (UGB). The study area is shown in Figure 1.

Data Sources:

The following data sources were utilized in this analysis.

- National Wetlands Inventory, U.S. Fish and Wildlife Service (2019)
- FEMA Flood Hazard Area, Federal Emergency Management Agency (FEMA) (2023)
- City of Boardman Comprehensive Plan and Zoning Data (2024)
- Morrow County Zoning Data (2024)
- Bonneville Power Authority Right-of-Way and Easements, 2025
- Urban Growth Boundaries, Oregon Department of Land Conservation and Development

Analysis Steps

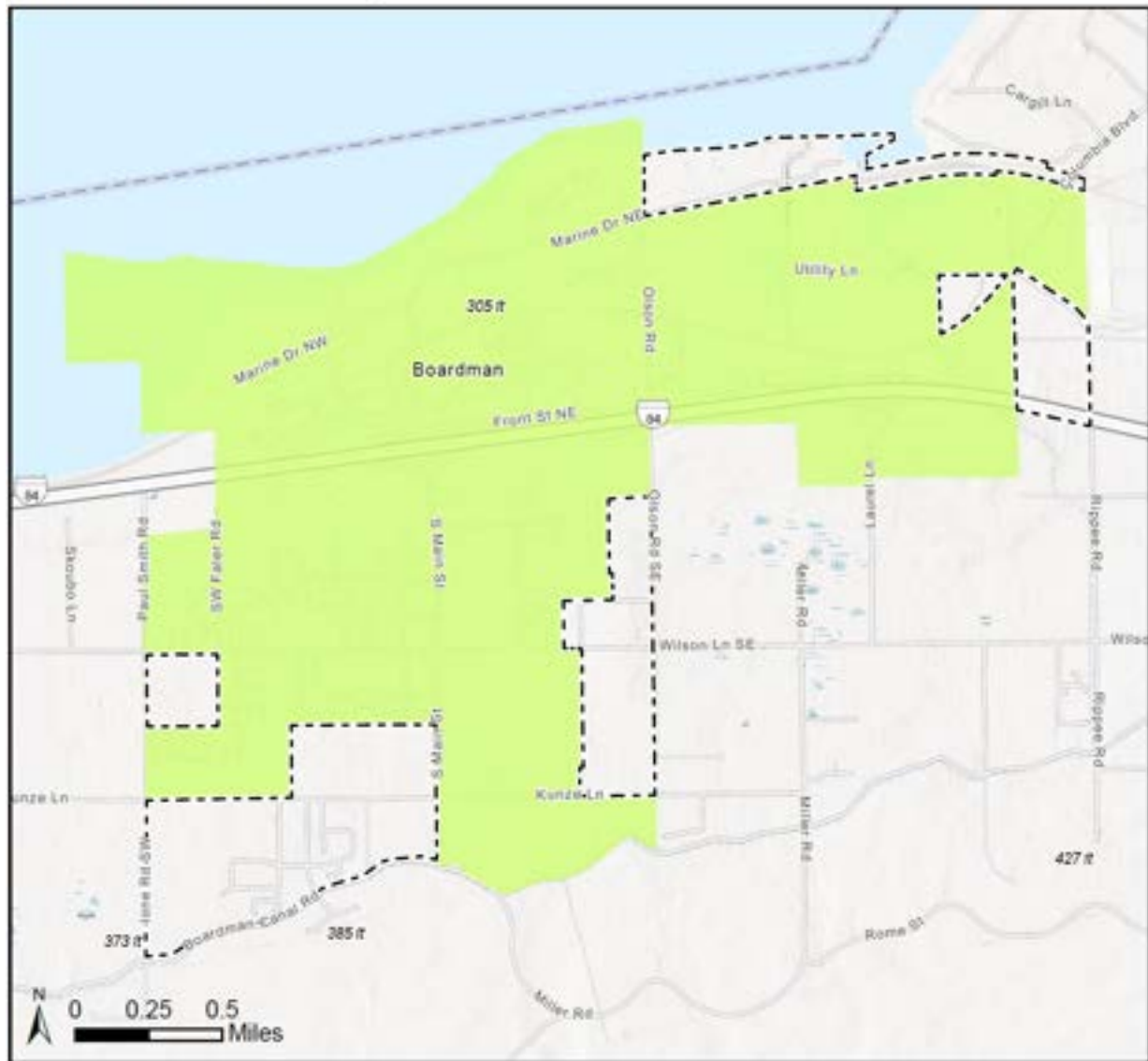
Consistent with OAR 660-009-0015, the BLI is conducted in several steps as follows.

- **Step 1: Classify Land in Study Area** – This step classifies all land within the UGB as either “Employment” or “Non-Employment” based on zoning and additional characteristics. This analysis addresses land that is classified “Employment.”
- **Step 2: Identify and Calculate Constraints** – This step identifies development constraints and removes constrained land from the inventory, in order to measure the amount of developable land within the study area more accurately.
- **Step 3: Assign Development Status** – This step classifies land into categories of “Vacant,” “Partially Vacant,” “Developed,” and “Committed,” based on a series of filters using available data.
- **Step 4: Net Developable Area and Inventory Results** – This step reports the results of the analysis in various ways, and accounts for land needed for right-of-way and other public uses to arrive at total developable net acreage within the UGB.

The remainder of this memorandum addresses each of the above steps in turn.

Figure 1. Study Area Map

Boardman Economic Opportunities Analysis
Buildable Lands Inventory



Legend

- Land Outside City Limits and in Urban Growth Boundary
- City Limits

Step 1: Classify Land in Study Area

Land in the City of Boardman is classified as “Residential,” Employment,” or “Other,” based on City and County Zoning/Comprehensive Plan designations. This BLI focuses on “Employment” land.

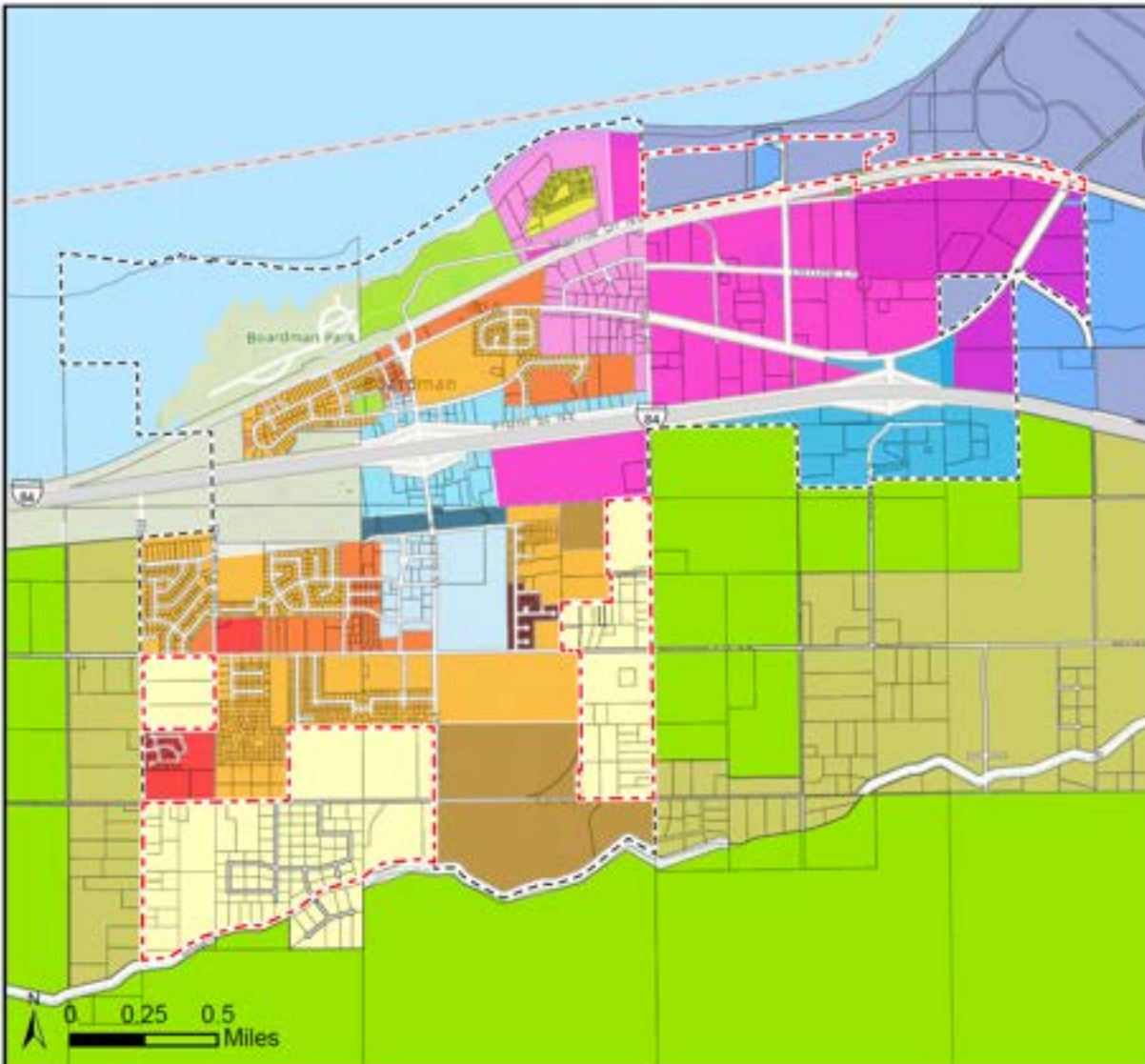
Error! Reference source not found. describes the designations that make up each land category. Additional reclassifications may be made based on site ownership and other characteristics. Land classification within the study area is shown in Figure 3.

Table 1. Land Classification and Boardman Designations

Land Classification	Zoning/Comprehensive Plan Designations
Residential	<p><u>City of Boardman:</u> Residential, Residential (Multifamily Subdistrict), Residential (Future Urban Subdistrict), Residential (Master Plan Development), Residential (Manufactured Home Subdistrict), and Residential (Sunridge Terrace Subdistrict)</p> <p><u>Morrow County:</u> Suburban Residential (SR)</p>
Employment	<p><u>City of Boardman:</u> Commercial, Commercial (Tourist Commercial Subdistrict), Commercial (Service Center Subdistrict), General Industrial, and Light Industrial.</p> <p><u>Morrow County:</u> General Industrial (M-G), Port Industrial (PI)</p>
Other	<p><u>City of Boardman:</u> Commercial (BPA Transmission Easement Subdistrict), Federally Owned Parcels</p> <p><u>Morrow County:</u> Exclusive Farm Use (EFU), Federally-Owned Parcels (UZ)</p>

Figure 2. City and County Zoning

Boardman Economic Opportunities Analysis Buildable Lands Inventory



Legend

City of Boardman Zoning

- COMMERCIAL
- COMMERCIAL (TOURIST)
- COMMERCIAL SUB DISTRICT
- COMMERCIAL (SERVICE CENTER SUB DISTRICT)
- COMMERCIAL (BPA TRANSMISSION EASEMENT SUB DISTRICT)
- LIGHT INDUSTRIAL
- GENERAL INDUSTRIAL
- MASTER PLAN DEVELOPMENT

- RESIDENTIAL
- RESIDENTIAL (MULTIFAMILY SUB DISTRICT)
- RESIDENTIAL (MANUFACTURED HOME SUB DISTRICT)
- RESIDENTIAL (SUNRIDGE TERRACE SUB DISTRICT)
- RESIDENTIAL (FUTURE URBAN SUB DISTRICT)
- PUBLIC SPACE

Morrow County Zoning

- Exclusive Farm Use (EFU)
- Farm Residential (FR2)
- General Industrial (MSO)
- Port Industrial (PI)
- Public (PUB)
- Suburban Residential (SR)

- Urban Growth Boundary
- City Limits
- Taxlots

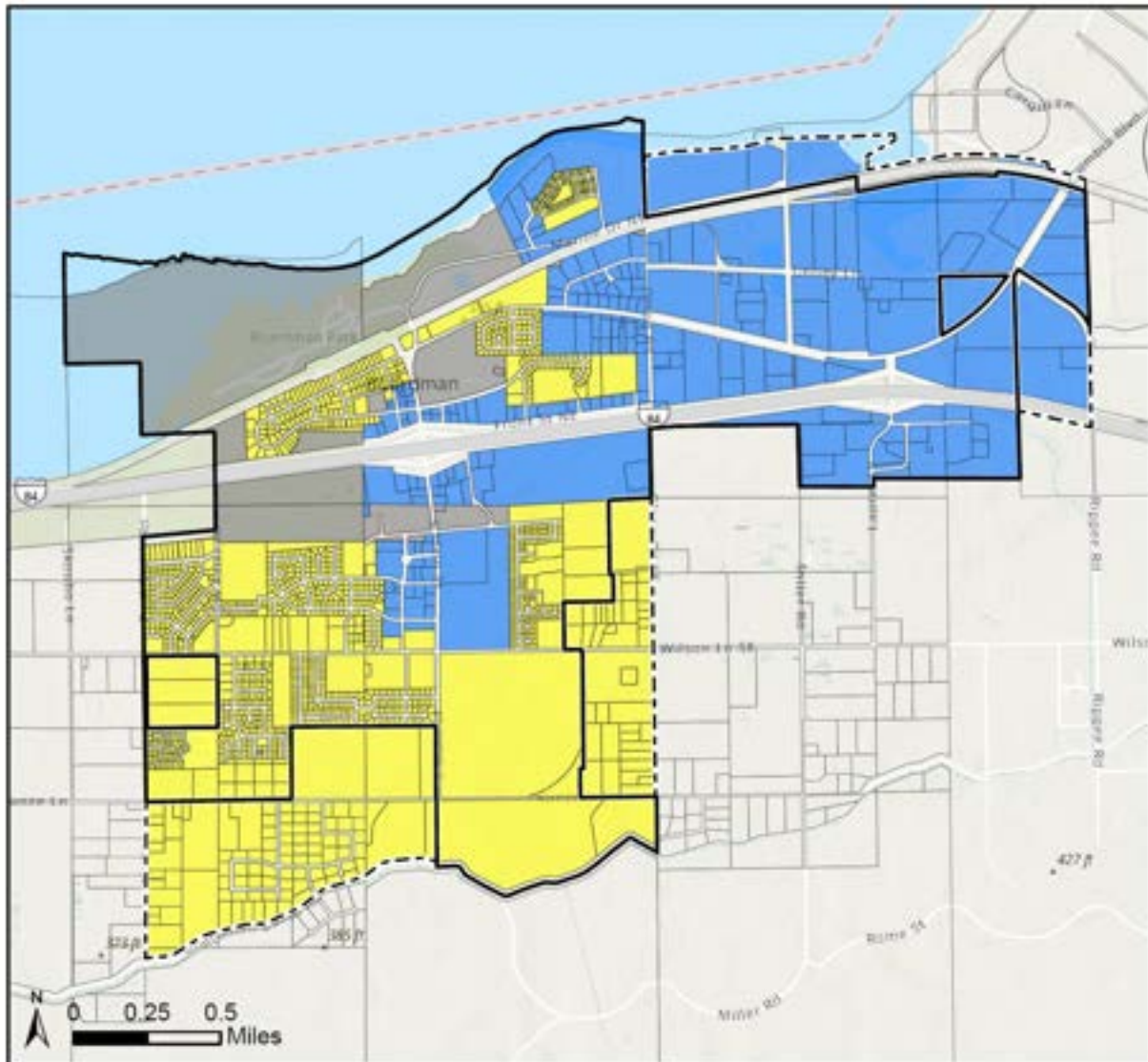
Table 2 summarizes the number of tax lots and gross acreage associated with each classification. Nearly 40% of land in the UGB is classified as “Employment”.

Table 2. Study Area Land Classification Summary

Category	Number of Tax Lots	Gross Acres in Study Area
Employment	228	1,175
Residential	1,415	1,291
Other	18	514
Total	1,661	2,979

Figure 3. City of Boardman Land Classification

Boardman Economic Opportunities Analysis
Buildable Lands Inventory



Legend

Taxots	Land Type
Urban Growth Boundary	Employment
City Limits	Residential
	Other

Step 2: Identify and Calculate Constraints

Constraints are identified to reduce OAR 660-009-005 states:

“Development Constraints” means factors that temporarily or permanently limit or prevent the use of land for economic development. Development constraints include, but are not limited to wetlands, environmentally sensitive areas such as habitat, environmental contamination, slope, topography, cultural and archeological resources, infrastructure deficiencies, parcel fragmentation, or natural hazard areas.

The constraints used for this analysis include:

- Morrow County Steep Slope Inventory (Prepared by APG, 2019)
- Local Wetlands Inventory (Morrow County)
- State of Oregon Wetlands Inventory
- National Wetlands Inventory
- FEMA Flood Hazards
- Bonneville Power Authority Right-of-Way and Easements

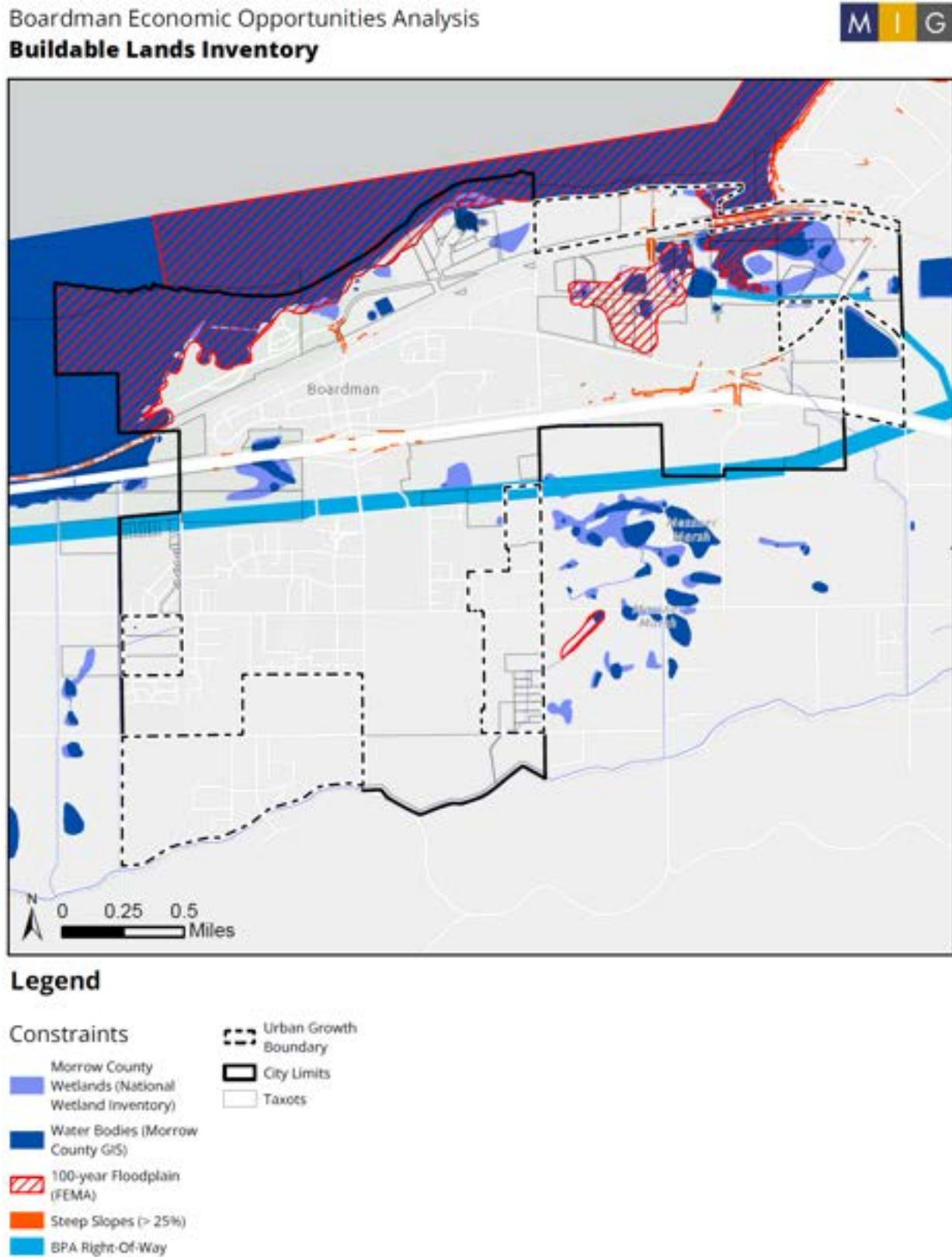
Table 3 provides a summary of the overall amount of constrained areas present within the UGB. This analysis assumes that 100% of land in these categories is unavailable for future development.¹ Based on these assumptions, approximately 219 acres of employment land are constrained within the study area.

Table 3. Study Area Constraints

Category	Constrained Acres	Unconstrained Acres	Total
Employment Land	260	915	1,175
Residential Land	37	1,254	1,291
Other Land	255	259	514
Total	552	2,427	2,979

¹ FEMA is currently planning for the National Flood Insurance Program (NFIP) – Endangered Species Act (ESA) Integration in Oregon which is expected to further limit development within floodplains in Oregon. More information is available at <https://www.fema.gov/about/organization/region-10/oregon/nfip-esa-integration>

Figure 4. Study Area Constraints



Step 3: Assign Development Status

Employment land within the study area is assigned a “Development Status,” as follows. These classifications are based on safe harbors provided in administrative rules, professional judgement, and standard planning practice. Additional input from property owners and City of Boardman planning staff was utilized to refine the development status of specific sites.

- **“Vacant”** land meets one or more of the following criteria:
 - Equal to or larger than ½ acre and not currently containing permanent improvements.²
 - Equal to or larger than 5 acres where less than ½ acre is occupied by permanent buildings or improvements.³
 - Improvement value is less than \$5,000 or less than 5% of the property’s land value.
- **“Partially Vacant”** land has an improvement value of between 5% and 40% of the land value, or is greater than one acre in size with at least ½ acre not improved (based on aerial imagery review). Each Partially Vacant parcel is assigned a vacant area based on review of aerial photos with the assumption that existing uses will remain on site.
- **“Developed”** land does not meet the definition of vacant or partially vacant.
- **“Committed”** land with special uses such as religious or fraternal organizations, charitable property, public property, etc. is considered not developable. Two taxlots belonging to the Boardman Cemetery and slated for cemetery expansion fall into this category, and are shown as “non-employment” on subsequent maps.

Table 4 describes the development status of employment land organized by Comprehensive Plan/Zone designation in the Study Area.

Figure 5 illustrates the development status of employment land within the UGB.

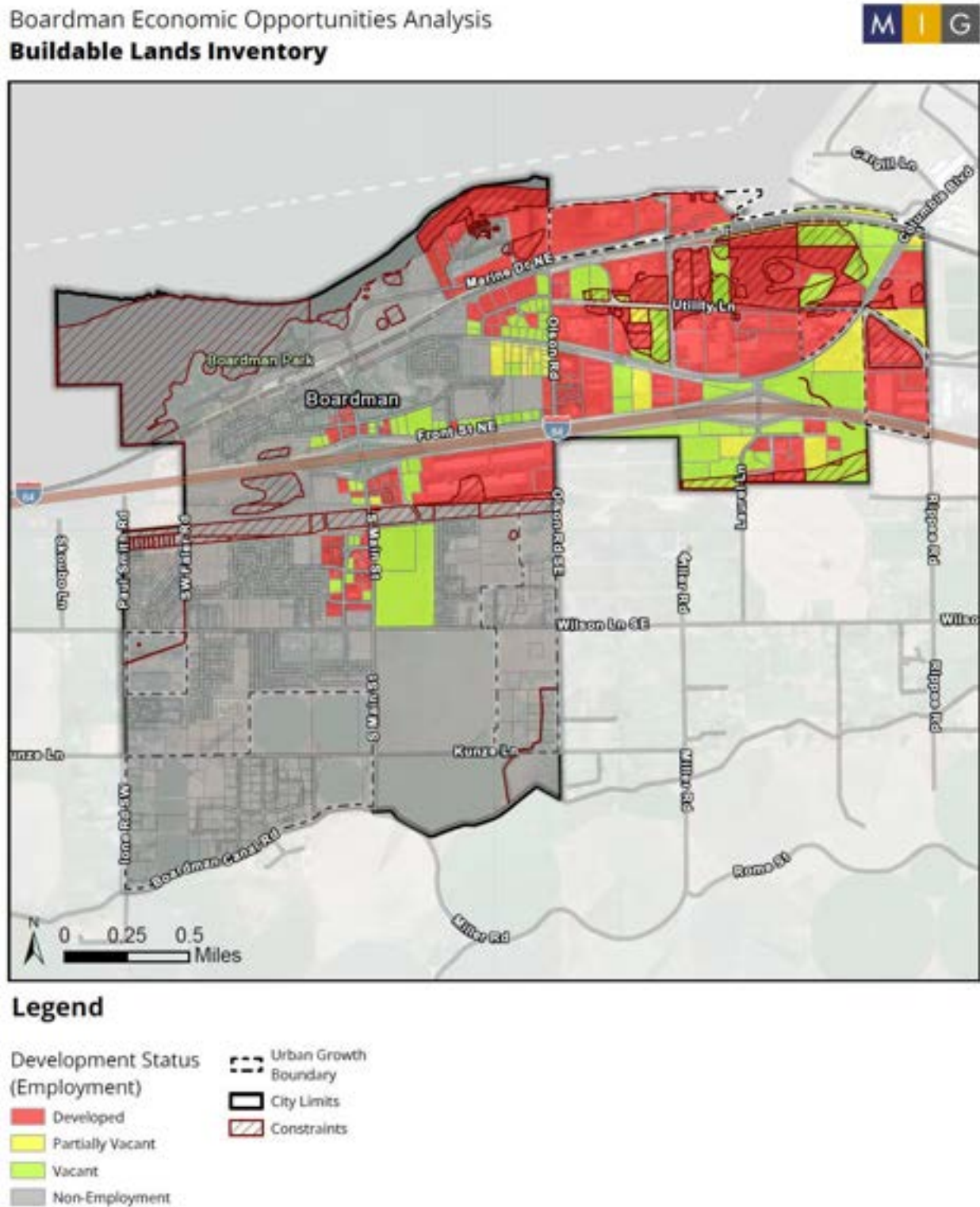
² Safe harbor pursuant to OAR 660-024-0050(3)(a)

³ Safe harbor pursuant to OAR 660-024-0050(3)(b)

Table 4. Development Status of Employment Land

Zoning / Comprehensive Plan	Vacant		Partially Vacant			Developed/ Committed	
	Lots	Un- constrained Acres	Lots	Developed Acres on PV Properties	Un- constrained Acres	Lots	Un- constrained Acres
Industrial	38	95.8	25	16.4	44.9	56	-
General Industrial (County)	1	0.2	-	-	-	4	-
Port Industrial (County)	-	-	-	-	-	2	-
Light Industrial	20	22.5	20	4.8	12.2	16	-
General Industrial	17	73.0	5	6.8	32.7	34	-
Commercial	44	179.9	3	1.7	12.7	54	-
Commercial	8	67.7	-	-	-	24	-
Commercial (Service Center Subdistrict)	13	78.4	2	1.5	12.0	7	-
Commercial (Tourist Commercial Subdistrict)	23	33.7	1	0.3	0.8	21	-
Total	82	275.6	28	18.2	57.6	110	-

Figure 5. Study Area Development Status



Step 4: Net Developable Area and Inventory Results

To report net developable area within study area taxlots, the following rules are applied:

- Developed and committed lots have no net developable area
- Vacant lots have net developable area equal to unconstrained acreage minus land assumed to be used for infrastructure improvements, such as rights-of-way and stormwater treatment facilities, or otherwise unavailable for future employment uses. This analysis uses the following takeouts:
 - 15% of vacant industrial employment land.
 - 20% of vacant commercial employment land.

The 15% and 20% deductions for vacant industrial and commercial employment lands are to account for potential infrastructure improvements on vacant land. Typically, infrastructure improvements include right-of-way dedications for street improvements.⁴

- Partially Vacant land is assumed to have net developable area based on site-specific review of aerial photography.

Table 5 summarizes net developable acreage by development status and Comprehensive Plan designation. Table 6 identifies the number of vacant/partially vacant lots in several size categories ranging from <1 acre to 10-50 acres.

Table 5. Developable Acreage by Zoning Designation

Zoning	Net Developable Acres	
	Vacant and Partially Vacant Lots	Net Developable Acres
Industrial		
General Industrial (County)	1	.1
Port Industrial (County)	0	0
Light Industrial	40	32.3
General Industrial	22	93.8
Commercial		
Commercial	8	50.8
Commercial (Service Center Sub District)	15	73.3
Commercial (Tourist Commercial Sub District)	24	25.9
Total	110	276.3

⁴ Note, OAR 660-024-0040(10) allows a safe harbor deduction of 25% for a residential buildable land inventory to account for streets and roads, parks, and school facilities. There is no equivalent rule in the OAR for an employment buildable land inventory. A lesser set-aside is used for this employment BLI due to the lower intersection density typical of employment land, as seen in many communities throughout the state.

The results of this BLI will be compared to forecasted need and inform policy recommendations in the City's EOA.

Table 6. Number of Vacant/Partially Vacant Lots by Lot Size Within UGB

Size Classification	Number of Lots		Total
	Industrial Designation	Commercial Designation	
<1 Acre	21	15	36
1-5 Acres	34	21	55
5-10 Acres	5	6	11
10-20 Acres	3	4	7
20-30 Acres	0	0	0
30-40 Acres	0	0	0
40-50 Acres	0	1	1
Total	63	47	110



TO: City of Boardman
FROM: Andrew Parish and Meg Gryzbowski, MIG
RE: Draft Comprehensive Plan Amendments - EOA
DATE: November 12, 2025

Introduction

This memorandum includes recommendations and proposed revisions to the City of Boardman's Comprehensive Plan (Plan) chapter narrative, objectives, goals, and implementation policies as they pertain to the Economic Development and Needs of the City. The City is currently in the process of updating their Comprehensive Plan. However, the current narrative for Chapter 9: Economic Needs contains an outdated narrative and reference to a Buildable Lands Inventory (BLI) conducted in 1997.

Recommendations are intended to align with and reflect the findings from the Economic Opportunities Analysis (EOA) Report (2025). Chapter 9 of the City's Comprehensive Plan contains the narrative and policies related to economic growth and development. The updated language is anticipated to be included in the Plan as part of a larger Comprehensive Plan update being undertaken by the City with assistance from Cascadia Partners. The draft information presented in this memo may be further revised to ensure consistency with those efforts.

Changes are shown in underline and ~~strikeout~~ below. Notes are provided in shaded text boxes.

Comprehensive Plan Narrative

Introduction

~~The Boardman area is ideal for economic growth because of a vast amount of agricultural potential and attractive siting for industrial development. As it becomes economical to irrigate lands farther south from the Columbia River, agricultural development will expand. With the railroad, freeway and Columbia River to provide for the efficient movement of goods and services, the Port of Morrow industrial park is an excellent site for a new industrial activity. The City of Boardman has the advantage of planning for growth without the burden of solving a multitude of problems associated with present public services. Boardman has no deteriorated sewer or water lines to replace, no sanitary-storm sewer separation to accomplish, the street and storm drainage systems are in good conditions, and there are no blighted residential or commercial areas to renovate. Instead, the City can concentrate its efforts on sound planning for new growth. Within the Planning Area, sufficient land exists for commercial, light industrial, industrial, and a broad range of residential development choices. For the purposes of this Plan, the planning area includes all areas within the Urban Growth Boundary.~~

Note: We recommend replacing existing narrative with references to the current EOA and BLI.

The City of Boardman updated its Economic Opportunities Analysis (EOA) in 2025, looking at the long-term employment and growth potential for the city over the next 20 years. The EOA builds on five strategic community goals and development objectives adopted by the City as part of a

Strategic Planning process also conducted in 2025. The EOA also evaluates workforce trends, employment potential for targeted industries, provides an employment land needs analysis, and an employment land inventory.

Located along the I-84 corridor, Boardman has strong regional connectivity and is easily accessible to commuters, goods, and visitors traveling to the area. Situated in the eastern part of the Columbia River Gorge, Boardman is also in close proximity to other economic hubs in Morrow, Umatilla, and Wasco Counties, including Hermiston, Umatilla, Pendleton, and the Dalles, as well as Idaho to the east and the Washington Tri-Cities to the northwest. With freight rail and airport connections, Boardman has great connectivity to locations throughout the Pacific Northwest. Access to the Columbia River also opens additional opportunities for water transport and freight services, including through the Port of Morrow's facilities.

Boardman's location provides opportunities for agriculture, food processing and manufacturing, and warehousing and distribution industries. The area features ample power and water resources that are required for emerging industries, like data center campuses. Its proximity and accessibility also lend themselves to recruiting workforce from the surrounding areas. As of 2025, it is estimated that more than four times the amount of people commute to Boardman for work, compared to those that live and work in Boardman. Only 10% of Boardman's population live and work in the city.

However, as a whole, the City of Boardman is home to an estimated 3,500 workers and 140 businesses with "covered" employees.¹ Employment and industry trends in 2025 include:

- The largest employment sectors include manufacturing (42%), utilities, transport and warehousing (14%), administrative services (7%), and hospitality and tourism-related industries (7%). Other industries like finance and insurance, real estate, and other "professional" and technical sectors were ranked amongst the lowest employers in the city.
- Similar to national averages, the majority of firms in the City of Boardman are relatively small, with over 85% of businesses employing less than 20 workers.
- Though the need for skilled labor is seen as a challenge for the growing workforce needs, the majority of data center and IT jobs that are part of the emerging industry do not require college degrees as a condition for employment. According to a study of recent job postings, only 31% of jobs in this sector require a bachelor's degree.
- Although roughly one-third of the adult population in Boardman has earned some level of education beyond high school, that is significantly lower than the broader county representation (44%). While this may be a challenge for Boardman, it may bode well for attracting new households to the area.
- Morrow County's prominent employment base in agriculture, government, and health care or social service has made the region more resilient to the recent COVID-19 (2020) recession, losing fewer jobs compared to the state (-4% versus -7%).
- Renewable energy from the dams, and wind or solar projects all present opportunities to Boardman and Morrow County. Data center development has equally benefited from these resources and has proven to be an emerging industry that should be considered for Boardman's economic growth and development. Between 2014 and 2024, 800 new jobs in

¹ Covered employment refers to jobs that include federal unemployment insurance.

the data industry were added in Umatilla and Morrow counties, accounting for a 300% job growth in this sector (or 15 % per year).

- Between 2014 and 2024, the construction industry grew by 600 jobs (an estimated 4% per year).

Buildable Lands Inventory—1997

As part of the Periodic Review Work Tasks, the City completed a Buildable Lands Inventory in 1997: North Morrow County TGM Project, Community Visioning Analysis of Buildable Lands and Housing Needs. This study is incorporated in this document by reference. It identified that the City of Boardman has ample land within its Urban Growth Boundary (UGB) to meet commercial needs for the next 20 years and beyond, given population projections provided for the Inventory. According to the Inventory, the commercial land supply needed for 2017 is 61.43 acres. Given the total supply of commercial acreage in Boardman of 271 acres, there is ample commercial land zoned to accommodate growth through the year 2017. The amount of industrial acreage in the City is estimated at approximately 240 acres with about 40% of this land currently vacant. These figures reflect that the City of Boardman has ample industrial land to meet the economic development needs of the City through 2017. As per the Buildable Lands Inventory:

- There are 236.8 acres of vacant commercial and 3.26 acres of underdeveloped commercial and 34.21 acres of developed commercial land within the Boardman Urban Growth Boundary.
- Based on the population increases noted above, a total of 61.3 acres of commercial land are needed to accommodate population growth over the next 20 years.

Need for Economic Growth

Economic growth is essential to provide and perpetuate public services for Boardman residents already present. Financing of the major sewerage and water projects is premised on new residential growth, as the result of new industrial and commercial activity. With increased population and the resultant increased tax base, the level of public services can be upgraded at a decreasing per capita cost. Besides residential and industrial growth, the expansion of commercial activity will also take place. The level of private services will increase along with additional employment opportunities.

Control of Growth

With sound planning and policies concerning land use and extension of public utilities, Boardman can control growth and eliminate the intrusion of incompatible land uses into any part of the Planning Area. The Comprehensive Plan provides for logical locations of diverse land uses as well as providing buffers between dissimilar uses.

Regional Deficiency

By encouraging industrial, commercial and residential growth in Eastern Oregon, the State’s economy will become more broad-based and diverse. Presently, Eastern Oregon is underutilized, relative to industrial development. The agricultural industry has recently made major commitments in Eastern Oregon and exemplifies the area’s role in the State’s overall economic [sic].

Replace with new BLI and Economic Growth information

Buildable Lands and Economic Growth

Oregon Statewide Land Use Planning Goal 9 (Economic Development) and related state rules (Oregon Administrative Rule 660-009) require jurisdictions to ensure adequate land and supportive infrastructure to accommodate employment growth over a forecasted 20-year period (including commercial and industrial lands). The City of Boardman's 2025 EOA uses employment growth trends, economic development potential and land use demands, and land availability (or capacity) analysis to determine whether Boardman can meet the projected demands and needs of the community.

The City of Boardman estimates an additional 2,300 jobs by 2045 (Figure 1).

Figure 1. Employment Growth Forecast, City of Boardman (2025-2045)

Industry	Overall Employment					Net Change by Period				Total
	2025	2030	2035	2040	2045	25-30	30-35	35-40	40-45	
Adjusted Growth Forecast										
Agriculture, forestry, outdoor	154	162	169	178	186	8	8	8	9	32
Construction	87	106	130	159	195	19	24	29	35	108
Manufacturing	1,475	1,544	1,616	1,691	1,769	69	72	75	79	294
Wholesale Trade	14	16	18	21	24	2	2	3	3	10
Retail Trade	108	119	130	143	157	11	12	13	14	49
Transport., Warehousing, Utilities	498	553	613	680	754	54	60	67	74	255
Information	168	271	435	699	1,123	102	164	264	424	955
Finance & Insurance	17	18	20	22	24	2	2	2	2	8
Real Estate	9	13	18	25	34	4	5	7	9	24
Professional & Technical Services	0	10	20	30	43	10	10	10	13	43
Administration Services	257	275	295	316	339	19	20	21	23	83
Education	170	184	199	214	231	14	15	16	17	61
Health Care/Social Assistance	193	223	258	299	345	30	35	40	47	153
Leisure & Hospitality	261	300	344	396	455	39	45	52	59	195
Other Services	15	17	19	22	24	2	2	2	3	9
Government	52	55	58	61	64	3	3	3	3	12
TOTAL:	3,479	3,865	4,343	4,955	5,769	386	478	612	815	2,290

Source: Oregon Employment Department, Johnson Economics

According to the Buildable Lands Inventory presented in the EOA update, the projected commercial land supply needed for 2045 is 37.2 acres. Given the total supply of 150.1 buildable commercial acres in Boardman, there is commercial land zoned to accommodate forecasted growth. The amount of industrial acreage in the City is an estimated 87.2 acres. Given the supply of 126.2 buildable acres of general industrial land, the City of Boardman has industrial land to meet these generalized, aggregate growth projections.

While the City has adequate commercial and generalized industrial land supply to provide for the forecasted employment growth rates over the next 20-year period when viewed from a generalized perspective, it does not have sufficient land to accommodate specific types of employment uses, specifically data center campus needs. When considering the demand for these types of uses, the analysis of land needs indicates a deficit of 625 acres (Figure 2).

Figure 2. Land Supply and Availability, City of Boardman (2045)

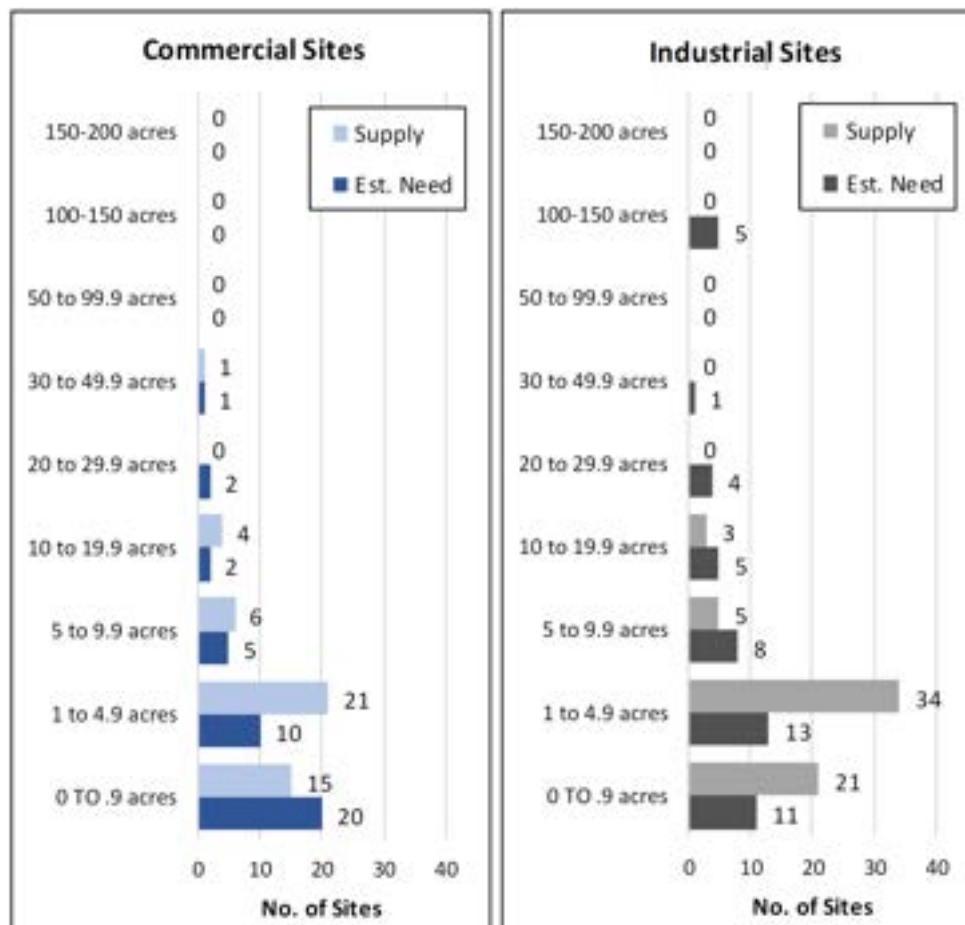
EMPLOYMENT ZONING DESIGNATION	20 YR. DEMAND (Gross Acres)	BUILDABLE LAND (Gross Acres) ¹	SURPLUS OR (DEFICIT) (Gross Acres)
Commercial (Office, Institutional, Retail)	37.2	150.1	112.9
Industrial (Gen. Ind., Warehouse, Flex)	87.2	126.2	39.0
Data Center Campus	625.0	0	(625.0)
TOTAL:	749.4	276.3	(473.1)

¹ While the buildable land inventory found a surplus of industrial land in gross terms, none of the remaining sites meet the specific unique requirements of hyperscale data center campuses. Most importantly, remaining buildable sites lack the size to house a new campus. Following the development of the three known sites identified above, no additional appropriate large-lot sites will remain.

Source: Johnson Economics, City of Boardman, MIG

According to the land use analysis, available lots consist primarily of smaller parcels, creating a mismatch between the supply of land and the estimated need for larger sites (Figure 3). In order to meet demands of emerging data center industries, more medium- (20+ acre) and large-lot (100+ acre) sites are needed (Figure 4).

Figure 3. Forecasted Land Supply Compared to Land Needs



Source: Oregon Employment Department, Boardman, Johnson Economics LLC

Figure 4. Requirements for New Site Supply and Estimated Acreage of Sites

Site Size	Commercial		Industrial		Total	
	# of Needed Sites	Total acres (+/-)	# of Needed Sites	Total acres (+/-)	# of Needed Sites	Total acres (+/-)
< 5 acres	0	0	0	0	0	0
5 acres (+/-)	0	0	3	15	3	15
10 acres (+/-)	0	0	2	20	2	20
20 acres (+/-)	2	40	4	80	6	120
30 acres (+/-)	0	0	1	30	1	30
50 acres (+/-)	0	0	0	0	0	0
100 acres (+/-)	0	0	0	0	0	0
125 acres (+/-)	0	0	5	625	5	625
150-200 acres (+/-)	0	0	0	0	0	0
TOTAL:	2	40	15	770	17	810
	Sites	Acres (+/-)	Sites	Acres (+/-)	Sites	Acres (+/-)

Source: Oregon Employment Department, Boardman, Johnson Economics LLC

Goal IX: Economic Policies

1. ~~Advance the position of Boardman as a regional center for industry, power generation, commerce, recreation, and culture.~~
2. ~~Encourage tourist commercial activity near Interstate 84.~~
3. ~~Allow for the creation of industrial park development with adequate off-street parking, landscaping, and site screening.~~
4. ~~Promote cooperation among the city, the Port of Morrow, and other interested parties to facilitate the most effective uses of public facilities serving the planning area.~~
5. ~~As resources permit, review the City's supply industrial land to monitor supply and demand.~~

Replace current policies with new goal and policy language below.

Economic Goals and Policies

The following goals, policies, and implementation actions are based on the forecasted economic development and employment needs of the community.

Goal 1. Support and build upon the foundation of existing industry sectors in the City of Boardman.

Policy 1.A: The City shall manage the City's Urban Growth Boundary (UGB) to ensure sufficient employment land for continued economic growth and workforce creation, as identified in the Economic Opportunities Analysis (EOA).

Policy 1.B: The City shall work with the Port of Morrow and other regional partners to support industrial and commercial growth.

Policy 1.C: The City shall cluster hyperscale data centers to minimize infrastructure and land needs.

Policy 1.D: The City shall protect sites brought into the UGB for specific employment uses (such as data centers) for those intended uses through policy, annexation agreements, the development code, and/or other means as appropriate.

Goal 2. Incentivize new business development and attract new industries prominent in the region.

Policy 2.A: The City shall evaluate and update as necessary the North Boardman Urban Renewal economic development incentives to attract interest in key development areas.

Policy 2.B: The City shall utilize the Columbia River Enterprise Zone (CREZ) along Olson Rd and near the Port of Morrow Interchange to attract developers.

Policy 2.C: The City shall leverage other existing public finance and economic development tools as deemed necessary and effective to achieve economic and employment goals.

Goal 3. Strengthen Boardman's position as a regional hub for industry and commerce.

Policy 3.A: The City shall promote public-private partnerships with key partners, including the Boardman Chamber of Commerce, Port of Morrow, Greater Eastern Oregon Development Corporation (GEODC), and Business Oregon.

Policy 3.B: The City shall ensure sufficient infrastructure and support systems to sustain business development by collaborating with the Port of Morrow, Oregon Department of Transportation, GEODC, and other regional partners.

Policy 3.C: The City shall facilitate the safe movement of people, goods, and services throughout the region by identifying joint planning efforts and shared funding opportunities for key infrastructure investments based on the City's Transportation System Plan (TSP).

Goal 4. Attract and strengthen a skilled and technical workforce.

Policy 4.A: The City shall identify and pursue partnerships with local training and education or vocational studies programs, including with Columbia River Health Services, Blue Mountain Community College, Eastern Oregon University, other schools or universities with training programs and specialized education for specialized or target industry jobs that could support a workforce pipeline.

Policy 4.B: The City shall aim to maximize workforce recruitment from surrounding jurisdictions through joint marketing efforts with Morrow County and staffing agencies in the region to attract skilled employees in the construction or manufacturing, healthcare, or information technology sector for data centers and other employment gaps in key industry sectors.

Policy 4.C: The City shall attract employees by supporting the development of a variety of housing options and other community amenities, consistent with the City's Housing Capacity Analysis, Parks Master Plan, and Strategic Plan.

Goal 5. Respond to economic development opportunities with speed and flexibility.

Policy 5.A: The City shall identify and implement opportunities to increase staff capacity through interagency or interdepartmental collaboration.

Policy 5.B: The City shall update development standards as needed to allow for projected and desired employment uses and to ensure that development permitting is expeditious and efficient.



TO: City of Boardman

FROM: Andrew Parish and Meg Gryzbowski, MIG

RE: Draft EOA Development Code Recommendations

DATE: November 12, 2025

Introduction

This memorandum includes recommendations for the City of Boardman’s Development Code (Code) for better alignment with the 2025 Economic Opportunities Analysis (EOA) and anticipated Comprehensive Plan revisions. This document includes a description of the existing relevant Code sections, as well as a general approach for making future code revisions. Recommendations are intended to provide high-level context and identify changes that support economic development strategies, goals, and actions for the City.

The City of Boardman is expected to undertake a thorough update of its development code as part of the Comprehensive Plan and Development Code Update process at a later time. We assume that consultants and/or the City will prepare adoption-ready code language for the City to implement the recommendations described in this memo after further consultation and coordination with City staff and stakeholders.

This memorandum contains three sections to address issues and concerns identified by City staff and the Project Advisory Committee. The first section provides targeted recommendations for the City’s development code with regard to data centers, the second section provides examples of mixed use districts from other jurisdictions in Oregon for the City to consider, and the third section addresses potential landscaping standards to include in a development code update.

Section 1: Data Centers

The City of Boardman’s development code contains the following employment zones where data centers may be an appropriate use. This memorandum will only address the Commercial District (C) and Commercial Service Center Subdistrict, the General Industrial (GI) district, as well as the code’s Definitions chapter.

Recommendations are shown in blue boxes; specific underline/strikeout code language will be provided as part of a separate development code update.

Chapter 1.2 – Definitions

Recommendation: Data centers and so-called “hyperscale” data centers or campuses are not included in the definitions.

Recommend including a separate “data centers” or “hyperscale data campuses” definition to create clear and objective language for both commercial and industrial zones and subdistricts. Perhaps, adding site size or structure square footage requirements to these definitions may be desired.

Example language:

Data centers: Structures that house servers and store data and sensitive information.

Hyperscale data centers: Data center campuses that contain multiple structures, are typically greater than 75 acres in size, and often requires dedicated large-scale utility infrastructure.

Chapter 2.2 – Commercial (C) District

Section 2.2.100 Purpose

The primary purpose of the Commercial District is to create standards that allow for a variety of commercial uses in the Commercial areas of the City of Boardman. This Chapter also creates three Sub Districts---Tourist Commercial, City Center and Service Center. The Service Center Sub District provides standards for commercial and light industrial uses located west of the City. This geographic area has been designated to form the “center” of Boardman’s commercial activities. This chapter provides standards for the orderly creation and expansion of the Commercial District by adherence to the following principles:

- Effective and efficient use of land and urban services;
- Direct commercial and retail development to a concentrated and localized area;
- Provide a mix of uses which provides a destination within the community and encourages walking over driving;
- Create connection with the balance of the community by directing connected transportation routes to commercial areas of the city;
- Provide for additional service employment opportunities.

Section 2.2.200 Service Center Sub District

- A. Purpose.** The Service Center Sub District is designed to accommodate heavy commercial uses and light industrial uses along portions of the I-84 corridor. The base standards of the Commercial District apply, except as modified by the standards of this Sub District.
- B. Uses Permitted.** The land uses listed in Table 2.2.200B are permitted in the Service Center Sub District, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.2.200B and land uses that are approved as “similar” to those in Table 2.2.200B, may be permitted. The land uses identified with a “CU” in Table 2.2.200B require Conditional use Permit approval prior to development or a change in use, in accordance with Chapter 4.4.

Table 2.2.200B Land Uses and Building Types Permitted in the Service Center Sub District		
1. Residential: a. One caretaker unit shall be permitted for each development, subject to the standard in Section 2.2.200D. b. RV Parks (CU) 2. Public and Institutional: a. Government facilities (e.g. public safety, utilities, school district bus facilities, public works yards, transit and transportation and similar facilities) where the public is generally not received. b. Private utilities (e.g. natural gas, electricity, telephone, cable and similar facilities) c. Water supply and treatment facility (CU) d. Sewage disposal and treatment facility (CU)	e. Transportation Facilities and Improvements. 1. Normal operation, maintenance; 2. Installation of improvements within the existing right-of-way; 3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval; 4. Landscaping as part of a transportation facility; 5. Emergency Measures; 6. Street or road construction as part of an approved subdivision or partition; 7. Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and 3. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU)	4. Commercial: a. Retail store, office or service establishment b. Commercial / industrial full service trucking and automotive facilities, to include automobile service stations and vehicle refueling. c. Commercial residential use, to include tourist or travelers' accommodations. d. Commercial amusement or recreation establishment. Medical Marijuana dispensary, Medical Marijuana Grow Facility (not on same parcel) *** (CU) 5. Industrial: a. Manufacturing or warehousing. 5. Agricultural: a. Farming excluding commercial livestock feedlot, livestock sales yard hog farms and milk farms. b. Agriculturally-oriented commercial use (CU) c. Medical Marijuana Grow Facility *** (CU) 6. Services: a. Kennel or animal hospital. 5. Wireless Communication Equipment - subject to the standards in Chapter 3.6.200.

Uses marked with an asterisk (*) are subject to the standards in Section 2.2.180 - Special Standards for Certain Uses. Temporary uses are subject to the standards in Chapter 4.9. ** Uses marked with two asterisks are subject to the standards in Section 4.4.400.D. *** Uses subject to Section 4.4.400.E.

Recommendation: Consider including Data Centers as a permitted (or conditional) use included in the Service Center Sub District; outlining where development would be best suited and that would include permitted uses that align with data center needs, subject to siting and design requirements. See later section for sample design requirements.

Chapter 2.3 – General Industrial (GI) District

Section 2.3.100 Purpose

The General Industrial District accommodates a range of light and heavy industrial land uses. It is intended to segregate incompatible developments from other districts, while providing a high quality environment for businesses and employees. This chapter guides the orderly development of industrial areas based on the following principles:

- Provide for efficient use of land and public services;
- Provide transportation options for employees and customers;
- Locate business services close to major employment centers;
- Ensure compatibility between industrial uses and nearby commercial and residential areas;
- Provide appropriate design standards to accommodate a range of industrial users, in conformance with the Comprehensive Plan.

Section 2.3.110 Permitted Land Uses

- A. Permitted Uses.** The land uses listed in Table 2.3.110.A are permitted in the General Industrial District, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.3.110.A, and land uses that are approved as “similar” to those in Table 2.3.110, may be permitted. The land uses identified with a “CU” in Table 2.3.110.A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 4.4.
- B. Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures set in Chapter 4.8 – Interpretations.

Table 2.3.110.A Land Uses and Building Types Permitted in the General Industrial District	
<p>1. Industrial:</p> <p>a. Heavy manufacturing, assembly, and processing of raw materials;</p> <p>b. Light manufacture (e.g., electronic equipment, printing, bindery, furniture, and similar goods);</p> <p>c. Warehousing and distribution;</p> <p>d. Junk yard, motor vehicle wrecking yards, and similar uses;</p> <p>e. Uses similar to those listed above</p> <p>2. Public and institutional uses</p> <p>a. Government facilities (e.g., public safety, utilities, school district bus facilities, public works yards, transit and transportation, and similar facilities) where the public is generally not received;</p> <p>b. Private utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities);</p> <p>c. Passive open space (e.g., natural areas);</p> <p>d. Transportation facilities and improvements:</p> <p>1. Normal operation, maintenance;</p> <p>2. Installation of improvements within the existing right-of-way;</p> <p>3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;</p> <p>4. Landscaping as part of a transportation facility;</p> <p>5. Emergency Measures;</p> <p>6. Street or road construction as part of an approved subdivision or partition;</p> <p>7. Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and</p> <p>8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU)</p>	<p>e. Special district facilities (e.g., irrigation district, and similar facilities);</p> <p>f. Vocational schools co-located with parent industry or sponsoring organization;</p> <p>g. Uses similar to those listed above.</p> <p>3. Residential:</p> <p>a. One caretaker unit shall be permitted for each development, subject to the standards in Section 2.3.160. Other residential uses are not permitted, except that residences existing prior to the effective date of this Code may continue.</p> <p>4. Commercial:</p> <p>a. Offices and other commercial uses that are integral to a primary industrial use (e.g., administrative offices, and wholesale of goods produced on location and similar uses);</p> <p>b. Small-scale retail and service commercial uses up to 10 percent of building in total floor area, for general use of industrial use employees and customers (e.g., restaurants, hair salons, banks, dry cleaners, book stores, coffee retailers).</p> <p>5. Wireless Communication Equipment - subject to the standards in Chapter 3.6.200.</p> <p>6. Accessory uses and Structures</p>

Land uses with (CU) shall require a Conditional Use Permit in accordance with Chapter 4.4. Uses marked with an asterisk (*) are subject to the standards in Section 2.3.160 Special Use standards, "Special Standards for Certain uses" ** Uses marked with two asterisks are subject to the standards in Section 4.4.400 D.

Recommendation: Allow data centers in the general industrial district as a permitted use. See Section 3 in this memorandum for examples of specific landscaping recommendations.

Alternatively, Boardman Development Code (BDC) Chapter 3.6 – Other Standards includes specific standards for special facilities (e.g., telecommunication facilities). This may be an appropriate space for Data Centers’ standards; including purpose, definitions specific to centers/hubs/campuses, what type of data centers are permitted by district and subdistrict, what general provisions are included, and what requires special use approval.

Siting and Design Considerations

Data Centers and Hyperscale Data Centers should be subject to siting and design requirements. The following brief sample language comes from the Urban Land Institute: ULI, *Local Guidelines for Data Center Development* (2024), https://knowledge.uli.org/-/media/files/research-reports/2024/uli-data-center-whitepaper_hm_2024-11-12_final-final-round.pdf.

E. Data centers or hyperscale data campuses. Data centers shall conform to the standards listed in 2.2.200(B). “Data centers” means a primary building and accessory structures that house servers and store data and sensitive information.

1. All outdoor and power supply equipment be fully enclosed, unless otherwise deemed mechanically unfeasible, with the exception of solar panels.

2. Building design standards

a. Building facades must either (1) change in texture, color, pattern, or material every 150 horizontal feet or (2) must be comprised of at least 30% window or fenestration design materials.

b. Primary entrances must be on a separate plane than the building plane.

3. Maximum building height. Can be up to 100 feet, subject to FAA limitations.

Additional considerations for code requirements include addressing noise, lighting, resource extraction, safety features regarding batteries or generators, emergency access, and parking.

Section 2: Examples of Mixed Use Districts

This memorandum also reviewed peer cities with the intent of finding sample code language that could support the City’s goal of developing a new mixed use district that includes both residential and employment opportunities. The peer cities’ code was reviewed for example language that included:

- Clear and objective standards for residential development
- Flexibility for a wider range of uses or development types
- Both integrated mixed residential and commercial development, as well as stand-alone residential development

While adoption-ready code language has not been prepared for this effort, additional recommendations are included for how the City could utilize parts of the code to support the economic development strategies, goals, and actions identified in the Boardman EOA. Commentary and recommendations are included in blue boxes below the sample code language, and links to the corresponding code are included.

Sandy, Oregon Village Commercial Zone (Sandy Municipal Code 17.46)

The City of Sandy has a Village Commercial Zone (C-3) that promotes more mixed-use, nodal development that provides both housing and access to amenities through a compact and walkable environment. Residential units above commercial space and detached (or attached) accessory dwelling units (ADUs) are permitted outright and commercial development is oriented towards service-driven and neighborhood-serving establishments (e.g., restaurants, corner stores, supermarkets, daycare facilities, community services, educational institutions, and medical facilities).

Design standards reiterate the intention of having a walkable pedestrian environment with building entrances facing the sidewalk and massing and articulation standards supporting a more varied and approachable landscape.

- *Site Layout and Vehicle Access* promotes traffic calming measures and parking lots in the rear of the lot (if necessary)
- *Building Facades, Materials, and Colors* encourage “visual interest,” warm color palettes in keeping with the surrounding environment, and look to reduce bulk
- *Building Orientation and Civic Spaces* encourage connectivity and pedestrian-friendly spaces

Some limitations in this code include:

- Residential development is clear and objective, in that the standards for residential units must abide by the standards set by the mixed use zone, including setbacks, building height, and other design standards. This works for Sandy because the zone does not allow for stand-alone residential units, but that may not be the approach Boardman would like to take.
- There are no transitional height standards in Section 17.46 or in the accompanying design standards chapter. Additionally, there are no first-floor height considerations or standards included for a “vertically mixed use building.”
- The maximum building height is limited to 45 feet. However, it might be helpful to consider the inclusion of height bonuses, especially for buildings with a certain percentage of residential use, affordable housing, or green infrastructure (similar to Puyallup’s Municipal Code 20.31.028 (4)).
- “Sandy style” design standards apply, which can be very prescriptive. Boardman likely would want to adopt a simpler set of design standards for its mixed use areas.

Sandy Municipal Code:

https://library.municode.com/or/sandy/codes/code_of_ordinances?nodeId=TIT17DECO_CH17.46_VICOC-

Sisters, Oregon Downtown Commercial Zone (Sisters Development Code Chapter 2.4)

The City of Sisters employs a Downtown Commercial (DC) District to strengthen their mixed-use development types; focusing on creating a mix of development types, promoting pedestrian-scale development, encouraging walkability, providing more employment opportunities and accessibility to employment areas, and preserving the historic nature of Downtown. Detached residential units are permitted outright, including single-family units, duplexes, townhomes (up to two units), manufactured dwelling units, cottage clusters, and accessory dwelling units (ADUs). This is different from Sandy in that it supports limited-scale, standalone residential uses, encouraging a more flexible integration of neighborhood services and residential development. Commercial uses include retail sales, neighborhood services, and entertainment uses (e.g., artist studios, concert halls, daycare facilities, restaurants, corner stores, offices, professional services, and community centers).

Design standards include more specific code language for ground floor and upper story standards. Additional standards are included for stand-alone residential uses within the Downtown Commercial District, by housing type (Table 2.4.2.a). This brings in clear and objective standards for residential units included in this zoning designation. However, it should be noted that these standards have not been audited by MIG to ensure that they are completely clear and objective. Additional development standards that support both employment opportunities and housing include:

- *Exceptions to Building Height* which includes height bonuses for vertical mixed use buildings
- *Building Orientation Standards* that encourage connectivity and pedestrian-friendly environments through walkability and accessibility
- *Pedestrian Amenity Standards* which include a menu of design standards for stand-alone residential units in the mixed-use commercial zone

This code is a good example for integrating stand-alone residential development into a mixed-use zone; including both clear and objective standards, a menu of standards to encourage pedestrian-oriented design and encouraging an environment that supports both vertically integrated buildings as well as stand-alone residential units.

Sisters Development Code:

<https://www.codepublishing.com/OR/Sisters/html/SistersDevCode02/SistersDevCode0204.html>

North Plains, Oregon Community Commercial Zone (North Plains Development Code Section 155.200)

The City of North Plains utilizes a Community Commercial (C-1) District that focuses on being more adaptable to market demands, allowing for flexible design standards that support both new development and redevelopment. This district looks to promote more integration of higher-density housing to use land efficiently and housing for residents. Townhomes, multifamily dwelling units, and mixed use developments are included in the residential development allowed in this zone. Allowed commercial uses include neighborhood-serving amenities (similar to Sisters) that encourage trip-chaining and aim to reduce single-occupancy vehicle trips (e.g., artist studios, daycare facilities, restaurants, corner stores, offices, and professional services such as dry cleaning, and retail spaces).

As stand-alone residential uses are permitted within the Community Commercial District, residential standards by housing type are referenced in the Permitted Uses section (Section 155.216 (Q and R)). This brings standards for residential units into this zoning designation, while also aligning standards with residential development in other parts of the City. Additional development standards that support both employment opportunities and affordable housing include:

- *Multi-family dwellings* allow for density increases (up to 20%) if at least 20% of residential units are affordable
- *Visual examples* provide graphic representation of window transparency and appropriate facades for both commercial spaces along Commercial Street and residential buildings
- *Distinct base* standards include provisions and regulations for a visual separation of the first floor commercial space from additional residential stories above the unit

This code is a good example for integrating stand-alone residential development into a mixed-use zone; including clear and objective standards, a distinction between commercial and residential spaces, exceptions and flexibility to design standards that may change with the marketplace demands and employment opportunities presented to the City over time, and a menu of design standards to encourage pedestrian amenities throughout the landscape.

Design standards are also clear and objective, but not overly restrictive in that there are many options included to help developments meet design standards and encourage redevelopment, as necessary.

North Plains Development Code:

https://codelibrary.amlegal.com/codes/northplainsor/latest/northplains_or/0-0-0-5796

Gladstone, Oregon Downtown Core Overlay District (Gladstone Development Code Chapter 17.21)

The City of Gladstone utilizes an overlay district – The Downtown Core Overlay District – to encourage mixed-use development in the City. Similar to the other jurisdictions, Gladstone encourages walkable, pedestrian-oriented design and development in this district, but the overlay is limited to a four-block section of the City. Residential uses are limited to second-story development unless the development is on a side-street, in which case ground-floor residential units are permitted. Non-residential uses are similar to those seen in other peer city examples and focus on neighborhood-serving and small-scale retail businesses.

Design standards reiterate the intention of having a walkable pedestrian environment with building design and features encouraging interaction with the ground-floor environment.

- *Building Design* includes a building height maximum of 35 feet, but allows for an exemption of up to 45 feet if the ground floor is 12 feet in height, allowing for more flexibility
- *Building Form* encourages “visual interest,” through a menu of design standards that discourage blank walls and facades
- *Color* encourages (though doesn’t require) certain tones and schemes that would align buildings with the surrounding environment

Using an overlay approach adds to the complexity of implementing the development code but might be appropriate for specific locations or intersections where mixed use development is desired.

Gladstone Development Code:

<https://www.codepublishing.com/OR/Gladstone/html/Gladstone17/Gladstone1721.html#17.21>

Another important consideration for a mixed-use district is consistency throughout the code, so including a mixed-use development or district definition in Chapter 1.2 would be helpful to orient those utilizing the development code.

Chapter 1.2 – Definitions

Recommendation: Include a separate “mixed use development or district” definition to create reference language for the new district included in the code.

Example definitions for mixed-use development include:

“Mixed-use development: A development that integrates some combination of retail, residential, commercial, office, institutional, recreation or other functions. It is pedestrian-oriented and contains elements of a live-work-play environment. It maximizes space usage, reduces reliance on the automobile and encourages community interaction.” (North Plains Development Code 155.012)

“Village Commercial Intent: ...Allowing a mixture of residential uses beside and/or above commercial uses will help create a mixed-use environment, which integrates uses harmoniously and increases the intensity of activity in the area. The orientation of the uses should integrate pedestrian access and provide linkages to

adjacent residential areas, plazas and/or parks, and amenities.” (Sandy Municipal Code Section 17.46.00)

These examples include thoughtful language for how the landscape is oriented and what the goal of the distinct district is.

Section 3: Examples of Landscaping Standards

This section provides an overview of Boardman Development Code Chapter 3.2 - Landscaping. It also reviews standards from peer cities with the intent of finding sample code language for a future update of the Boardman Development Code. The goal is to provide slightly more flexibility in how this standard is met but still require buffers to protect surrounding neighborhoods and adjacent areas from negative or adverse impacts.

Each example is followed by considerations in the blue box below the sample code language.

Boardman, Oregon Landscaping, Street Trees, Fences and Walls (Boardman Municipal Code 3.2)

Landscaping is required in all residential, commercial, and industrial districts, though the amount varies:

- Residential = 20%
- Commercial = 10%
- Light Industrial = 10%
- General Industrial = 20%

Hardscape features can account for 30% of the landscaping requirement (unless in the City Center Sub District) and non-vegetative ground covers can account for 25% of the landscaped area. The purpose of these parameters are to allow for up to 75% of coverage over 5 years, while also providing “erosion control, visual interest, buffering, privacy, open space and pathway identification, shading and wind buffering.”

These general provisions and standards for landscaping are relatively flexible and on-par with other cities, there are other considerations that may be positive additions to the existing standards.

Peer Cities

Tualatin, Oregon – Landscaping Standards (Tualatin Development Code 73B.050)

The City of Tualatin has general landscaping requirements for each zone, similar to Boardman. However, the minimum area requirements are different:

- Permitted Uses Residential = None
- Conditional Uses Residential = 25%
- Commercial and Manufacturing **outside of** the Central Tualatin Overlay = 15%
- Commercial, Manufacturing, and Mixed Use **within** the Central Tualatin Overlay = 10%
- Industrial, Medical, Neighborhood Commercial, Manufacturing Park = 25%
- Basalt Creek Employment Zone = 20%

Tualatin’s code contains requirements for residential zones, non-residential zones, and mixed-use commercial zones that specify the type of buffers and screening that are applicable to each type of development. The other one is the inclusion of abutting land uses.

Tualatin's code also addresses adjacent uses in its buffer requirements. The code includes Table 73B-3 and Table 73B-4 that work together to provide specific screening requirements/options in each situation

Tualatin Development Code Table 73B-3

Existing/Abutting Districts	Residential	Commercial	Industrial	Parking Lots 4–50 spaces	Parking Lots 50+ spaces
Residential	—	D	D	C	D
Commercial	C	—	D	—	—
Industrial	D	A	—	—	—
Parking Lots	C	—	—	—	—
Arterial Streets	A	—	A	—	—

Tualatin Development Code Table 73B-4

	Options	Width (feet)	Trees (per linear feet of buffer)	Shrubs or Groundcover	Screening
A	—	10	—	Lawn/living groundcover	—
B	—	10	20 feet min/30 feet max spacing	Lawn/living groundcover	—
C	1	10	15 feet min/30 feet max spacing	Shrubs	4 feet hedges
	2	8		Shrubs	5 feet fence
	3	6		Shrubs	6 feet wall
D	1	30	10 feet min/30 feet max spacing	Shrubs	Berm
	2	20		Shrubs	6 feet hedge
	3	15		Shrubs	6 feet fence
	4	10		Shrubs	6 feet wall

Tualatin's code provides landscaping and buffering standards in for specific combinations of neighboring zones. The code outlines various ways in which an applicant can meet the standard, offering flexibility in the type of landscaping that is implemented alongside the development.

Tualatin Development Code:

https://library.municode.com/or/tualatin/codes/development_code?nodeId=THDECOTUOR_CH73BLAST_TDC_73B.050ADMILAREALUSMIUSCOZO#:~:text=TDC%2073B.&text=Use%20trees%20and%20other%20landscaping,%2C%20noise%2C%20and%20air%20pollution.&text=Use%20trees%20and%20other%20landscaping%20materials%20as,element%20within%20the%20urban%20environment

Prineville, Oregon Landscaping Requirements (Prineville Municipal Code 153.087)

The City of Prineville recently became a hub for hyperscale data centers. The City's landscaping, buffering, and screening requirements in 153.087 list abutting land use types rather than using tables.

1. *Commercial uses abutting a residential zone, public recreation area or use, institutional use, scenic resource, noise sensitive use or public right-of-way.*
2. *Industrial uses abutting residential or commercial zones, public recreation area or use, institutional use, scenic resource, noise sensitive use or public right-of-way.*
3. *Multifamily complexes containing four or more units abutting a residentially zoned parcel that is limited to single-family residential use, public recreation area, scenic resource, institutional use or public right-of-way.*
4. *Manufactured or mobile dwelling subdivision or park abutting a residentially zoned parcel that is limited to single-family residential use, public recreation area, scenic resource, institutional use or public right-of-way.*
5. *Public or private recreation area or facility abutting a residential or commercial use, institutional use, scenic resource, noise sensitive use or public right-of-way.*

This example is provided as a peer community rather than a recommendation to copy. The way abutting uses are addressed may be applicable for Boardman. Code provisions are generally discretionary; more specificity would be required for residential uses in order to meet current State law.

Prineville Municipal Code:

<https://www.codepublishing.com/OR/Prineville/#!/Prineville15/Prineville153.html#153.087>

Sisters, Oregon Landscaping and Screening (Sisters Development Code 3.2.300)

The City of Sisters has similar landscaping standards to the above examples but provides additional detail on fencing and screening that may be useful for Boardman. Section 3.2.300 Screening, Fences, and Walls lists the type of structure required, based on the zone. It includes material, transparency, style, and height requirements for fences.

2. *In Residential Districts, fences shall comply with the following requirements:*
 - a. *Solid, non-transparent fences located in the required front setback area shall not exceed four (4) feet in height, except decorative arbors, gates, and similar features which shall not exceed six (6) feet in length.*
 - b. *Fences with fifty-percent (50%) or greater transparency located in the required front setback area shall not exceed six (6) feet in height.*
 - c. *On corner lots, only one front setback area restriction shall apply relative to the four (4) foot fence height and solid fence restrictions. The fence along the exterior side yard shall not exceed six (6) feet in height from the area subject to the front setback to the rear property line.*
 - d. *All other fences shall not exceed six (6) feet in height.*
3. *In Commercial Districts, fences shall comply with the following requirements:*

- a. Fences located in the required front and exterior side yard setback areas shall not exceed four (4) feet in height, except decorative arbors, gates, and similar features which shall not exceed six (6) feet in length.*
- b. Fences outside of the front and exterior side yard setback areas shall not exceed six (6) feet in height.*

These zone-based requirements may provide a solid foundation for Boardman to construct screening requirements that are more reflective of the City's needs and districts and that complement neighboring uses and neighborhood character.

Sisters Development Code:

<https://www.codepublishing.com/OR/Sisters/html/SistersDevCode03/SistersDevCode0302.html#3.2.300>

MEMORANDUM

To: Mayor Keefer and members of the City Council
 Cc: Brandon Hammond, City Manager
 From: Carla McLane, Planning Official
 Date: December 26, 2025
 RE: Planning Department Monthly Update

When you read this, or by the time the City Council convenes for their first meeting of 2026, the calendar will have turned. Not by just a month but also a year. As we welcome 2026, I think it is a good time to take stock of what was accomplished in the year that is ending. And for the Planning Department the list is long. The following are just a couple of highlights:

- The Transportation System Plan was adopted. We are now waiting for Morrow County to co-adopt which should be concluded by mid-February.
- The Parks Master Plan has been reviewed by the Planning Commission and will come before the City Council on January 13th.
- The Economic Opportunities Analysis is completed with the adoption hearings scheduled for January and February of 2026.
- Development Review Permits for homes in Boardman continued at a regular pace again in 2025 with the approval and infrastructure installation initiated for the Chaparral subdivision assuring that single-family lots will continue to be available.
- New hotels, fast food restaurants, and speculative retail space have either been approved or will soon be.
- Significant work has been accomplished on the Comprehensive Plan and Development Code update project.

Strategic Planning Program: One down, two to go!! And more getting underway! You can follow these projects at [this location](#) on the City's website. For more information on the various projects, see below:

- **Transportation System Plan (TSP):** The City has adopted the TSP and next up is the Morrow County co-adoption. There has been an appeal to the Land Use Board of Appeals. As we move through the various steps of the appeal process, they will be reported here. You can follow the next steps of the TSP Update [here](#).
- **Economic Opportunity Analysis (EOA):** Public hearings are scheduled with the Planning Commission review in January with the City Council to follow in February. You can follow the EOA [here](#).
- **Housing Capacity Analysis (HCA):** We have achieved kickoff! The Public Advisory Committee has been selected with appointment on the February City Council agenda. You can follow the HCA [here](#).

- Parks Master Plan (PMP):** The joint public hearing with the City Council and the Board of the Boardman Park and Recreation District is scheduled for January 13 at 7:00 pm at the Port of Morrow Riverfront Center. You can follow the PMP [here](#).
- Boardman Development Code (BDC) and Comprehensive Plan (CP):** Still in a holding pattern. You can follow the CP/BDC PAC [here](#).
- System Development Charge (SDC) Update:** Look for work on this project in the new year.
- Main Street Interchange Area Management Plan (IAMP) Refinement:** The Scope of Work for this project is under development which will be promoted with a Request for Qualifications, working to get a consultant on board shortly. In the next month or so a Strategic Plan page will be established and a Public Advisory Committee appointed soon thereafter.

Other Programmatic work: Work is also progressing on other projects with a planning focus. Those include the:

- Boardman Municipal Code (BMC):**
 - Addressing Ordinance: Work is currently stalled.
 - The Transient Merchant ordinance is in place with staff doing outreach and education with those individuals and companies currently doing business in Boardman that would be regulated under these new provisions. An application form is available for those wishing to become compliant.
 - Park Regulations: More on this topic over the next two or three months.
- Code Enforcement and Animal Control Program:** Focus areas have been around Winter sidewalk maintenance; abandoned vehicles and vehicles parking over 72 hours; and identifying inconsistencies within the Municipal Code that need to be addressed.

Planning Reviews and Approvals: My intent here will be to add Planning Department actions that end in an approval for development. I will be cautious to protect the City Council’s role as the appeal body for any local decisions. And if there haven’t been any decisions this section may be blank.

- Homes, homes, and more homes:** The winter doldrums are in place with the issuance of Development Review Permits for homes slowing. The development of the Chaparral subdivision will be a welcome addition to the housing inventory in Boardman.
- Community Development:** As 2026 gets underway there are several action items that the Planning Commission will be reviewing over the next several months that will include industrial upgrades, commercial development on both sides of the Interstate, and multi-family development.



Carla McLane

From: Jonathan Tallman <1stjohn217llc@gmail.com>
Sent: Wednesday, January 7, 2026 12:16 AM
To: Amanda Mickles; Carla McLane; Brandon Hammond; Paul Keefer; George Shimer
Cc: HERT Dawn * DLCD; brandi.elmer@dlcd.oregon.gov
Subject: Record Preservation and Request for 7-7-7 – Parks Master Plan Adoption (January 13, 2026)
Attachments: IMG_3566.jpeg; IMG_3520.jpeg; IMG_3881.jpeg; IMG_3568.jpeg; IMG_2684.jpeg; 12022025 PC packet.pdf; 2022 collectors.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Mayor Keefer, City Councilors, Park & Recreation District Board Members, and Planning Staff,

This correspondence is submitted on behalf of 1st John 2:17 LLC, owner of property depicted within or adjacent to corridor concepts and site-specific recommendations contained in the Parks Master Plan (PMP) materials scheduled for consideration at the January 13, 2026 joint meeting.

This submission is made solely to preserve the administrative record and to request procedural clarity prior to any final action.

1. Landowner Record Preservation

The PMP materials, including mapped corridors and site-specific recommendations, depict linear facilities and connectivity concepts that overlap or directly affect privately owned land. While the City characterizes the PMP as a guidance document, the inclusion of specific corridors, acquisition labels, and coordination references creates real-world implications for property use, valuation, financing, and long-term planning.

From a landowner perspective, depiction of corridors in an adopted plan—regardless of regulatory label—can function as a planning baseline for future governmental action.

2. Relationship to Other Active Proceedings

The corridor concepts shown in the PMP overlap with infrastructure and alignment issues that are currently the subject of:

- Transportation System Plan review and appeal,
- County-level Heritage Trail and PAPA-related proceedings, and
- Prior City and County records referencing future access, alignment, and funding.

Advancing the same corridor concepts through multiple planning vehicles, without consolidated review or clear landowner coordination, raises concerns regarding incremental pre-commitment of alignment and purpose.

3. Request for Clarification and Procedural Safeguards

Accordingly, the property owner respectfully requests that the City and the Park & Recreation District:

1. Clearly state on the record whether the mapped corridors and site-specific recommendations are intended to be purely illustrative, or whether they are anticipated to guide future alignment, acquisition, dedication, or coordination decisions; and
2. Defer reliance on corridor depictions affecting private property until appropriate notice, coordination, and procedural protections have occurred, including any applicable response periods under Oregon land-use law.

To the extent the City or Park & Recreation District relies on, clarifies, or introduces new evidence, interpretations, or implementation intent regarding corridor alignments, acquisition authority, funding sources, or coordination with other jurisdictions during or after the January 13, 2026 hearing, the property owner formally requests that the evidentiary record remain open in accordance with ORS 197.763(6) to allow adequate opportunity for response.

4. Reservation of Rights

Nothing in this correspondence constitutes consent to any corridor placement, alignment, access, or future acquisition affecting the property. All rights and remedies under Oregon law—including rights under ORS Chapter 35—are expressly reserved.

5. Prior Acquisition Discussions (Record Context)

The property owner further notes for the record that the Boardman Park & Recreation District (George Shimer, Executive Director) previously initiated acquisition discussions regarding the same property now depicted within the Parque Cultural / Power Trail Park corridor. Those discussions were memorialized in a Letter of Intent between the parties.

The transaction did not proceed after additional transportation and trail concepts affecting the property were raised during those discussions, materially altering the scope and implications of the proposed acquisition. The existence of those negotiations demonstrates that the corridor has been treated in practice as a real and implementable project—not merely an abstract or illustrative concept.

This history is directly relevant to the City's characterization of the Parks Master Plan as a guidance-only document.

To preserve confidentiality, the Letter of Intent itself is not attached at this time. However, the property owner is prepared to provide the document to the City, the District, DLCD, or a reviewing body under appropriate confidentiality protections if requested.

Please include this correspondence and referenced materials in the official public record for the January 13, 2026 Parks Master Plan public hearing.

Respectfully,

Jonathan Tallman

1st John 2:17 LLC

Attachments / Record References:

- Morrow County Planning Commission Packet and Minutes (Dec. 2, 2025)
- April 15, 2025 PMP PAC meeting video (YouTube)
- 2020 Collector Road materials (remand context)

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

1st JOHN 2:17, LLC and JONATHAN TALLMAN,
Petitioners,

vs.

CITY OF BOARDMAN,
Respondent.

LUBA No. 2022-062

FINAL OPINION
AND ORDER

Appeal from City of Boardman.

Sarah C. Mitchell filed the petition for review and reply brief and argued on behalf of petitioners. Also on the brief was Kellington Law Group, PC.

Christopher D. Crean filed the respondent's brief and argued on behalf of respondent. Also on the brief was Beery, Elsner & Hammond, LLP.

RYAN, Board Chair; ZAMUDIO, Board Member, participated in the decision.

RUDD, Board Member, did not participate in the decision.

REMANDED

10/27/2022

You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850.

NATURE OF THE DECISION

Petitioners appeal a city council decision approving improvements to an existing intersection and an existing street, and construction of a new collector.

FACTS

Yates Lane is an existing, unpaved street that extends east from Laurel Lane in the Commercial district and the Service Center (SC) subdistrict. Laurel Lane is a north-south arterial that connects to I-84 north of the Laurel Lane/Yates Lane intersection, forming what is referred to as the Port of Morrow Interchange. The Port of Morrow Interchange is subject to the Port of Morrow Interchange Area Management Plan (IAMP), which the city adopted in 2012 as part of its Transportation System Plan (TSP). The IAMP lists as a city transportation project improvements to the Laurel Lane/Yates Lane intersection and the construction of a new collector, Devin Loop. Devin Loop would begin on Yates Lane east of the Laurel Lane/Yates Lane intersection, loop south and west from Yates Lane, and connect to Laurel Lane south of the Laurel Lane/Yates Lane intersection, just north of a Bonneville Power Administration (BPA) transmission easement.

On November 16, 2021, city staff filed an application seeking planning department approval to improve the Laurel Lane/Yates Lane intersection and construct Devin Loop, as described in the IAMP. In addition, the application proposed improving to neighborhood collector standards the Yates Lane right-of-way between the Laurel Lane/Yates Lane intersection and the Yates

1 Lane/Devin Loop intersection. We refer to Devin Loop and Yates Lane, together,
2 as the “Loop Road,” and we refer to the proposed construction, collectively, as
3 the “Loop Road project.”

4 On March 11, 2022, city staff approved a “Zoning Permit” authorizing the
5 Loop Road project. The city provided notice of the Zoning Permit to persons,
6 including petitioners, who own property west of Laurel Lane. After petitioners
7 attempted to file a local appeal of the Zoning Permit, the city chose to proceed
8 under its “Type II” land use procedures, effectively allowing petitioners to appeal
9 the Zoning Permit to the planning commission.

10 The planning commission held a public hearing on May 18, 2022, and
11 ultimately denied petitioners’ appeal, affirming city staff’s approval of the Loop
12 Road project. Petitioners appealed the planning commission’s decision to the city
13 council. The city council conducted a public hearing on June 28, 2022, and denied
14 the appeal, adopting in support of its decision city staff’s findings, the planning
15 commission’s findings, and its own findings. The city council expressly adopted
16 any code interpretations made in city staff’s and the planning commission’s
17 findings. This appeal followed.

18 **FIRST ASSIGNMENT OF ERROR**

19 In its March 11, 2022 decision, city staff noted that the SC subdistrict
20 allows as permitted uses (1) installation of improvements within the existing
21 right-of-way and (2) projects identified in the TSP. Record 11. The city council
22 concluded that the Loop Road project involves uses that are permitted in the SC

1 subdistrict and, therefore, “do not require further land use review.” Record 6. The
2 city council stated:

3 “Because the permit approves a transportation facility that is
4 authorized by and consistent with the IAMP and [Boardman
5 Development Code (BDC)], it is not a land use decision and the city
6 was not required to process the permit application under its land use
7 procedures. Nonetheless, after the City mailed notice of the decision
8 to area property owners, [petitioners] sought to file a local appeal
9 and, out of an excess of caution and to ensure full public
10 participation, the City agreed to process the permit as if it was a
11 Type II land use decision. Accordingly, an appeal was heard before
12 the Planning Commission on May 18, 2022.” Record 5.

13 On appeal to LUBA, petitioners do not dispute that the Loop Road project
14 involves uses that are permitted in the SC subdistrict. However, petitioners
15 dispute the view that the city’s approval of the project is not a “land use decision”
16 and, in particular, the implication that, because the approval is not a land use
17 decision, no land use standards apply to the project.¹ Petitioners argue that it is
18 clear that the project is subject to many land use standards, including the IAMP
19 and a number of city land use regulations.

20 The city responds that petitioners misunderstand the above-quoted
21 findings and that the city does not dispute that the project is subject to land use

¹ ORS 197.015(10)(a) defines “land use decision,” in relevant part, as a “final decision or determination made by a local government” that “concerns” the application of a comprehensive plan provision or land use regulation. The city does not dispute that the challenged decision concerns the application of one or more comprehensive plan provisions or land use regulations, and is a “land use decision,” as defined at ORS 197.015(10)(a).

1 standards, as evidenced by the fact that, in approving the project, the city applied
2 a number of land use standards.

3 We agree with the city that petitioners' arguments under the first
4 assignment of error provide no basis for reversal or remand. The city's
5 characterization of the Loop Road as a "permitted use" and its conclusion that
6 approving an application for a use that is permitted in the SC subdistrict does not
7 result in a "land use decision" or necessarily trigger the city's Type II procedures
8 are merely *dicta* because the city proceeded to apply land use regulations to the
9 application.

10 The first assignment of error is denied.

11 **SECOND ASSIGNMENT OF ERROR**

12 Under the second assignment of error, petitioners advance four
13 subassignments of error that challenge the city's conclusions that the Loop Road
14 project complies with applicable land use regulations.

15 **A. Neighborhood Collector**

16 The IAMP designates the Loop Road as a "City Collector," but it does not
17 determine what kind of collector. The TSP identifies two kinds of collectors:
18 neighborhood and minor. The city concluded that the Loop Road is functionally
19 classified as a "neighborhood collector" and, therefore, subject to standards that
20 apply to that functional classification. Petitioners argued below, however, that
21 the Loop Road is more properly classified as a "minor collector" subject to

1 different, more demanding standards. For example, the minimum right-of-way
2 width for a neighborhood collector is 60 feet; that of a minor collector is 68 feet.

3 The city rejected those arguments, noting that the existing, graveled Yates
4 Lane right-of-way is 60 feet in width and classified as a neighborhood collector,
5 and concluding that Devin Loop will also qualify as a neighborhood collector
6 under the applicable IAMP, TSP, and BDC standards.²

7 On appeal, petitioners argue that the city council's findings fail to explain
8 why the Loop Road is properly classified as neighborhood collector. Petitioners
9 note that the TSP includes the following descriptions:

10 *"Minor Collectors"*

11 "Collector facilities link arterials with the local street system. As
12 implied by their name, collectors are intended to collect traffic from
13 local streets and sometimes from direct land access, and channel it
14 to arterial facilities. Collectors are shorter than arterials and tend to
15 have moderate speeds.

16 "* * * * *

17 *"Neighborhood Collectors"*

² The city council's findings state, in relevant part:

"[Petitioners] argue that the proposed roads 'on balance' are a minor collector, not a neighborhood collector. Staff disagrees. Under the applicable standards in the IAMP, TSP and [BDC] described in the findings above, staff concludes that the proposed roadways are a neighborhood collector and comply with all of the relevant standards for a neighborhood collector." Record 8.

1 “Neighborhood collectors are a subset of collectors serving the
2 objective of penetrating local neighborhoods to provide direct land
3 access serviced and traffic circulation. These facilities tend to carry
4 lower traffic volumes at slower speeds than typical collectors. On-
5 street parking is more prevalent and bike facilities may be exclusive
6 or shared roadways.” (*Italics in original.*)

7 Petitioners note that the TSP description under the heading “Minor Collectors”
8 mentions linking arterials with the local street system, while the description under
9 the heading “Neighborhood Collectors” does not mention linking to arterials.
10 Because the Loop Road will connect to an arterial, Laurel Lane, at both ends, and
11 because it could carry heavy truck traffic when adjoining properties develop,
12 petitioners argue that, on balance, the Loop Road is more like a minor collector
13 than a neighborhood collector.

14 The city responds that the TSP describes neighborhood collectors as a
15 “subset” of the general category of collectors, and the city suggests that the
16 description under the heading “Minor Collectors” is not limited to that
17 subcategory but, instead, describes the overall category of “collector facilities,”
18 which includes both neighborhood and minor collectors. Under that
19 interpretation, the city argues, both neighborhood and minor collectors are
20 intended to “link arterials with the local street system.”

21 We agree with petitioners that the city’s findings on this point are
22 inadequate. The city council’s finding refer to “applicable standards in the IAMP,
23 TSP and [BDC] described in the findings above.” *See* n 2. However, we see no
24 preceding findings that identify the applicable standards that the city used to

1 determine that the Loop Road is properly classified as a neighborhood collector
2 rather than a minor collector. The respondent's brief also does not identify what
3 criteria city staff used to determine the functional classification of the Loop Road.
4 The interpretation of the TSP descriptions suggested in the respondent's brief
5 might be sustainable, if it were adopted by the city council. However,
6 interpretations of a local code provision offered for the first time in a respondent's
7 brief at LUBA are not interpretations made by the local government. *Munkhoff*
8 *v. City of Cascade Locks*, 54 Or LUBA 660, 665-66 (2007). Because the decision
9 must be remanded in any event, as discussed below, the better course is to also
10 remand under this subassignment of error for the city council to adopt more
11 adequate findings, supported by any necessary local plan or code interpretations,
12 to explain its conclusion that the Loop Road is properly classified as a
13 neighborhood collector.

14 The first subassignment of error is sustained.

15 **B. Street Standards**

16 **1. Minor Collector Standards**

17 The findings address a number of BDC standards that apply to
18 neighborhood collectors and conclude that the Loop Road meets those standards.
19 For example, the findings note that the Yates Lane right-of-way is 60 feet wide,
20 which complies with the 60-foot minimum right-of-way width for a
21 neighborhood collector. Petitioners first argue that these findings are erroneous
22 if, in fact, the proper classification for the Loop Road is minor collector. We agree

1 with petitioners that, if, on remand, the city concludes that minor collector is the
2 appropriate functional classification, then the city must address compliance with
3 the standards for a minor collector.

4 **2. Roadway Width**

5 Alternatively, petitioners argue that, even if neighborhood collector is the
6 appropriate functional classification, the city still erred in two respects.
7 Petitioners cite evidence that the paved roadway width for some portions of the
8 Loop Road will be only 32 feet, and they argue that the minimum paved roadway
9 width for a neighborhood collector under BDC Table 3.4.100(F) is 38 feet. The
10 city does not respond to this argument or cite any findings addressing the
11 minimum roadway width. We agree with petitioners that, on remand, the city
12 must address compliance with the appropriate paved roadway width.

13 **3. Lateral Improvements**

14 Finally, petitioners argue, even if the Loop Road is classified as a
15 neighborhood collector, the city erred in failing to require construction of lateral
16 improvements such as sidewalks, planter strips, bicycle lanes, curbs, streetlights,
17 and other improvements, as required by BDC 3.4.100(J), (O), and (X).

18 BDC 3.4.100(J) provides, “Sidewalks, planter strips and bicycle lanes shall
19 be installed in conformance with the standards in Table 3.4.100, applicable
20 provisions of the [TSP], the Comprehensive Plan, and adopted street plans.
21 Maintenance of sidewalks, curbs, and planter strips is the continuing obligation
22 of the adjacent property owner.” BDC 3.4.100(O) provides, “Concrete curbs,

1 curb cuts, wheelchair, bicycle ramps and driveway approaches shall be
2 constructed in accordance with the standards specified in Chapter 3.1 - Access
3 and Circulation.” BDC 3.4.100(X) provides, “Streetlights shall be installed in
4 accordance with City standards which provides for installation at intervals of 300
5 feet.”

6 The planning commission’s decision explains that the full standards at
7 BDC 3.4.100 will be met when adjoining properties are developed:

8 “The City is purposefully not improving the street to the full
9 standards identified in the BDC leaving those future improvements
10 to be the responsibility of development along the roads being
11 installed to the east of Laurel Lane. Those additional improvements
12 that will be required at the time of development include curb,
13 sidewalk, access cuts, and other associated street improvements. A
14 four-foot-wide paved walking and bicycle path is included in the
15 pavement width to support limited multi-path utilization.” Record
16 21.

17 The city council also adopted findings rejecting petitioners’ arguments that the
18 requirements of BDC 3.4.100(J) and (X) must be met when the Loop Road is
19 constructed:

20 “Staff finds that [BDC 3.4.100(J)] is intended to apply at the time of
21 site development of the adjacent property; it does not apply to the
22 installation of a public roadway that provides access to the adjacent
23 property. In this case, the ‘applicable standards’ of the TSP is the
24 IAMP which does not include standards for sidewalks, planters and
25 bike lanes. Further, under the Comprehensive Plan and adopted
26 street plans (if any), the location, nature and extent of the sidewalks,
27 planter strips and bike lanes will vary depending on the type and
28 nature of development on the adjacent property. Moreover, any
29 continuous curbs, planter strips or sidewalks that are installed now
30 would be subject to frequent cuts, removal and damage as the

1 adjacent properties develop with driveways, underground utility
2 installations, construction traffic and other related impacts.
3 Accordingly, staff finds that this criterion is intended to apply in
4 coordination with [BDC 3.4.100(O)] concurrent with development
5 of the adjacent property. * * * Finally, staff finds that it would be
6 inappropriate and the city did not intend to impose a maintenance
7 obligation for public improvements on the adjacent property owner
8 until such time as the adjacent property develops. For these reasons,
9 staff finds that this criterion does not apply. It will apply at the time
10 the adjacent property develops and the design, location and
11 installation of the improvements will be determined based on the
12 nature of the development.” Record 7.

13 The city council adopted a similar finding regarding the streetlights required
14 under BDC 3.4.100(X).³

15 Petitioners argue that the city council’s code interpretations are
16 inconsistent with the express language of the relevant code provisions, which

³ The city council’s findings state:

“For the same reasons described in the findings above for [BDC 3.4.100(J)], staff concludes that [BDC 3.4.100(X)] does not apply. Staff interprets this standard to apply at the time the adjacent property develops. Until the site design of development on the subject properties is known, the City cannot determine the proper spacing for streetlights. Simply placing streetlights every 300 feet could conflict with the site plan for development on the adjacent properties (for example, driveway locations), which would then require lights to be removed and replaced. This results in unnecessary costs and potentially wasting public resources. Moreover, until the adjacent properties develop, there will be little need for street lights because there will be few if any pedestrians. Accordingly, staff finds that the city does not intend this criterion to apply to the installation of roadways except when provided in conjunction with development of the adjacent property.” Record 8.

1 provide that certain infrastructure “shall be installed” and “shall be constructed.”
2 Petitioners contend that the required infrastructure may be long delayed, or never
3 installed, if adjoining property owners fail to develop their properties. Petitioners
4 also note that some of the properties that will be served by the Loop Road are
5 already developed, and the city does not explain when and how the infrastructure
6 for those properties will be constructed.

7 The city responds that nothing in the relevant code sections or elsewhere
8 requires that such infrastructure be installed at the same time a roadway is built.
9 We understand the city to argue that the relevant code provisions are silent or
10 ambiguous on this point and that the city council’s interpretation resolving that
11 ambiguity is plausible and should be affirmed under the deferential standard of
12 review that LUBA applies to a governing body’s code interpretations under ORS
13 197.829(1).⁴ *Siporen v. City of Medford*, 349 Or 247, 243 P3d 776 (2010).

⁴ ORS 197.829(1) provides:

“[LUBA] shall affirm a local government’s interpretation of its comprehensive plan and land use regulations, unless the board determines that the local government’s interpretation:

- (a) Is inconsistent with the express language of the comprehensive plan or land use regulation;
- (b) Is inconsistent with the purpose for the comprehensive plan or land use regulation; [or]
- (c) Is inconsistent with the underlying policy that provides the basis for the comprehensive plan or land use regulation[.]”

1 We agree with petitioners. Although the relevant code provisions do not
2 explicitly require concurrency between roadway construction and lateral
3 improvements, the code provisions mandate that lateral improvements be
4 constructed, with the strong implication that lateral improvements must be built
5 at the same time as the roadway. As petitioners argue, if adjoining property is
6 never developed, then, under the city council's interpretation, no lateral
7 improvements will be constructed, contrary to the express requirements of the
8 code. The city council's interpretation also provides no mechanism or process to
9 require lateral improvements for already-developed properties that are adjacent
10 to the new roadways. The clear purpose of the relevant code provisions is to
11 require lateral improvements to be constructed along city roadways. The city
12 council's interpretation may not be inconsistent with any *express* language in the
13 cited code provisions, but it is certainly inconsistent with the purpose of those
14 code provisions. Accordingly, we cannot affirm that interpretation. ORS
15 197.829(1)(b).

16 The second subassignment of error is sustained.

17 **C. Other City Land Use Regulations**

18 Petitioners argue that the city erred in failing to apply a number of other
19 city land use regulations, including BDC chapter 4.2 (Development Review and
20 Site Design Review); BDC chapter 3.1 (Access and Circulation); BDC chapter
21 3.2 (Landscaping, Street Trees, Fences and Walls); BDC 3.4.100(A)
22 (Development Standards); BDC 3.4.100(G) (Traffic Signals and Traffic Calming

1 Features); BDC 3.4.100(I) (Street Alignment and Connections); BDC 3.4.100(K)
2 (Intersection Angles); BDC 3.4.100(L) (Existing Rights-of-Way); BDC
3 3.4.100(Q) (Development Adjoining Arterial Streets); BDC 3.4.100(T) (Street
4 Names); BDC 3.4.100(U) (Survey Monuments); BDC 3.4.100(V) (Street Signs);
5 BDC 3.4.100(W) (Mail Boxes); BDC 3.4.100(Y) (Street Cross-Sections); BDC
6 3.4.400 (Storm Drainage); BDC 3.4.500 (Utilities); and BDC chapter 3.5
7 (Stormwater Management).

8 To explain why petitioners believe the foregoing are applicable approval
9 criteria for the challenged decision, petitioners direct us to the jurisdictional
10 section of the petition for review and to unspecified arguments in the first
11 assignment of error. However, the jurisdictional section simply lists the same
12 code provisions, in a footnote, without providing any basis to conclude that the
13 cited code provisions are applicable approval criteria. Petition for Review 10 n 4.
14 The only argument we can find in the first assignment of error that bears on any
15 of the cited code provisions is a single paragraph arguing that transportation
16 improvements are subject to site design review standards at BDC chapter 4.2.
17 Petition for Review 27. The planning commission adopted findings rejecting this
18 contention. Record 21. Petitioners do not challenge that finding or provide any
19 basis to conclude that site design review standards or the other cited code
20 provisions apply to the Loop Road project.

21 The third subassignment of error is denied.

1 **D. BPA Subdistrict**

2 Petitioners argue that the city erred in finding that the Loop Road is located
3 entirely within the SC subdistrict.⁵ According to petitioners, a portion of Devin
4 Loop would be located within the BPA easement south of the Loop Road.
5 Petitioners argue that property located within the BPA easement is subject to an
6 entirely different subdistrict, the BPA Transmission Easement (BPA) subdistrict,
7 which has its own regulations that the city did not apply.

8 The city responds first that petitioners failed to raise any issue during the
9 proceedings below that the BPA subdistrict regulations apply, and petitioners are
10 precluded from raising that issue for the first time at LUBA. ORS 197.835(3);
11 ORS 197.797(1). In the reply brief, petitioners respond that ORS 197.835(4)(a)
12 allows them to raise the issue raised in the fourth subassignment of error because
13 the notices for the city's hearings failed to list the criteria that apply to the BPA

⁵ Again, rather than supply argument in support of this subassignment of error, petitioners direct us to unspecified arguments made in the jurisdictional section of the petition for review. Simply directing LUBA to unidentified arguments made in other sections of a brief runs the risk that LUBA will fail to locate those arguments. In addition, relying on arguments in the jurisdictional section of a petition for review to establish a basis for reversal or remand on the merits, especially in an appeal where jurisdiction is undisputed, runs the risk that such arguments will be overlooked. *See Regency Centers, L.P. v. Washington County*, 265 Or App 49, 61, 335 P3d 856 (2014) (LUBA was not required to scour the petition for review for material that potentially could have supported an argument that the county's decision involved a "proposed development of land" when the petitioners did not make that argument for themselves).

1 subdistrict.⁶ The waiver question depends on whether the provisions of the BPA
2 subdistrict are applicable criteria. We therefore turn to that question.

3 We agree with the city's response to the substance of the fourth
4 subassignment of error that petitioners are mistaken and that the BPA easement
5 is not subject to the BPA subdistrict, which is located a mile to the west. The city
6 attaches to its brief a zoning map showing the different locations of the subject
7 property and the BPA subdistrict.

8 The city is correct that the BPA easement south of the Loop Road is not
9 subject to the BPA subdistrict. Petitioners' unsupported arguments under this
10 subassignment of error do not provide a basis for reversal or remand.

11 The fourth subassignment of error is denied.

12 The second assignment of error is sustained, in part.

13 The city's decision is remanded.

⁶ ORS 197.835(4)(a) provides that a petitioner at LUBA may raise new issues that were not raised below if "[t]he local government failed to list the applicable criteria for a decision under ORS * * * 197.797(3)(b)[.]"



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, December 2, 2025, 6:00 pm
Bartholomew Building, Heppner, OR

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

Members of Commission

Stacie Ekstrom, Chair

John Kilkenny, Vice Chair

Norma Ayala

Charlene Cooley

Stephen Henthorn

Karl Smith

Tripp Finch

Brian Thompson

Elizabeth Peterson

Members of Staff

Tamra Mabbott, Planning Director

Stephen Wreccics, GIS Analyst

Michaela Ramirez, Administrative Assistant

Clint Shoemake, Planning Technician

Kaitlin Kennedy, Code Compliance Planner

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Minutes:** (Draft) October 28, 2025 [pgs. 4-6](#)
5. **Public Hearings** to begin at 6:00 PM (COMMISSION ACTION REQUIRED)

I. **Goal 5 Aggregate Resources Amendment: AC-161-25, Comprehensive Plan**

Amendment. Cliff Dougherty, Applicant; Patricia Dougherty, Owner. Application is to identify an existing Goal 5 aggregate resource as a Large Significant Resource in the Goal 5 inventory. Criteria for approval include Morrow County Zoning Ordinance (MCZO) Article 8 Amendments, ORS 215.298, and OAR 660-023-0180(3)(5)(7), OAR 660-023-040, and OAR 660-023-060. [pgs. 8-33](#)

- II. **Variance V-N-060-25: Rock It, LLC, Wade Aylett, Applicant and Owner:** The property is described as tax lot 800 of Assessor's Map 5N 26E 23A. The property is zoned Rural Residential (RR) and located on Washington Lane, approximately 0.7 miles west of the Irrigon city limits. The request is to allow a variance to seek relief from the age requirement for a manufactured home. Criteria for approval include Morrow County Zoning Ordinance (MCZO) Section 4.110(B) Manufactured Homes in a Rural Residential Zone and 7.200 Major Variance. [pgs. 35-55](#)

- 6. Other Business:
- 7. Correspondence:
- 8. Public Comment:
- 9. Adjourn

Next Meeting: Tuesday, January 27, 2026, at 6:00 p.m.
Location: Morrow County Government Center, Irrigon, OR

ELECTRONIC MEETING INFORMATION

Morrow County Planning is inviting you to a scheduled Zoom meeting. Topic: Planning Commission
Time: December 2, 2025, 6:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/6554697321?pwd=dFMxR2xlaGZkK1ZJRFVrS1Q0SmRxUT09&omn=84249165172>

Meeting ID: 655 469 7321

Passcode: 513093

Find your local number: <https://us02web.zoom.us/j/6554697321?pwd=dFMxR2xlaGZkK1ZJRFVrS1Q0SmRxUT09&omn=84249165172>

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@morrowcountyor.gov.

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**Draft Minutes of the Public Meeting of the
Morrow County Planning Commission
Tuesday, October 28, 2025, 6:00 pm
Morrow County Government Center
215 NE Main Ave, Irrigon, OR**

COMMISSIONERS PRESENT:

Stacie Ekstrom, Chair
Norm Ayala
Charlene Cooley
Stephen Henthorn
Karl Smith
Liz Peterson

COMMISSIONERS ABSENT:

John Kilkenny
Brian Thompson

ATTENDANCE via ZOOM:

Tripp Finch

STAFF PRESENT:

Tamra Mabbott, Planning Director
Michaela Ramirez, Administrative Assistant
Clint Shoemake, Planning Technician
Kaitlin Kennedy, Code Compliance Planner

Staff Zoom:

Stephen Wrecsics, GIS Analyst

1. CALL TO ORDER

Chair Ekstrom called the meeting to order at 6:00 PM

2. ROLL CALL**3. PLEDGE****4. APPROVAL OF October 28, 2025, DRAFT MINUTES**

Recommended Action: Approved with noted changes on page 5, an interruption, and a name misspelling.

Motion by: Commissioner **Peterson**

Seconded by: Commission **Cooley**

Action: **Unanimously Approved**

Presented by: Planning Director Tamra Mabbott

Request: Legislative Code Update: AZ-160-25, Morrow County Zoning Ordinance

Amendment. Zoning Code text update to implement new Eastern Oregon Solar Siting Standards found in Oregon Administrative Rules 660-33-0130(44) and OAR 660-006-0025. The new standards will be incorporated into the Exclusive Farm Use Zone and the Forest Use Zone. Criteria for approval are provided in MCZO Article 8 Amendments.

Director Mabbott: said that pages eight through ten were a summary of the rules. She went on to explain that the rules increase local thresholds for permitting based on the value of farm ground and include requirements for mitigating agricultural impacts. The commission considered adding Section 44 standards to their zoning ordinance, which would allow for more flexible rule application, while maintaining the existing Section 38 rules. She pointed out that Section 38 was not being replaced by 44.

Chair Ekstrom asked if the Planning Commission had any questions for Staff:

Commissioner Henthorn: asked why the acreage threshold was raised before permits came to the Planning Commission. He also asked if a plan came in under 140 acres under Section 44 on high-value farmland, it would automatically be approved.

Director Mabbott: responded no, they would need to meet all the standards.

Commissioner Henthorn: asked if a permit met the standards, it would not come to the Planning Commission.

Director Mabbott: responded that the project had to be 160 acres or lower to meet Section 44, and if not, it would then go to EFSC to meet the statewide acceptance goals.

Commissioner Henthorn: then asked why they changed it from 12 acres.

Director Mabbott: responded that the state had changed the rule.

Commissioner Henthorn: asked what would be the reason for Oregon opting out and said he also believes these projects would not be a cure-all. He went on to explain how these types of projects needed some type of backup and gave an example of a state that had a bad situation.

Director Mabbott: explained that the decision was made at a higher policy level.

Chair Ekstrom opened the Public Hearing for public testimony, comments, presentations, or rebuttal. There were none.

Testifying Parties:

Randy Baker, 70215, Boardman, OR 97818

Randy: asked if they were Topcon-type panels or Perth-type panels.

Director Mabbott: responded that she didn't know and that is not a site standard.

Randy: said he was asking about the technology.

Director Mabbott: responded that it's not a site standard.

Chair Ekstrom then closed the Public Hearing.

She then asked if the Planning Commission had any questions for the Staff; there were none.

Recommended Action: The Planning Commission recommends that the Board Of Commissioners approve Legislative Code Update: AZ-160-25, Morrow County Zoning Ordinance

Motion: The Planning Commission recommended that the Board Of Commissioners approve Legislative Code Update: AZ-160-25, Morrow County Zoning Ordinance

Motion by: Commissioner Peterson

Seconded by: Commissioner Smith

Vote: All voted

Action: 6 commissioners voted to recommend that the Board of Commissioners approve; Commissioner Henthorn voted not to recommend that the Board of Commissioners approve.

Director Mabbott: wanted to apologize about the previous meeting (Heritage Trail Concept Plan) and if there

was any confusion. She went on to say it was only a work session and not a formal hearing or proceeding, and that was why they didn't take public testimony. They would, however, schedule to adopt at the January 27th Planning Commission meeting. This would be adopted as an appendix, and public comments would be taken.

Counsel Kearns: spoke on Jonathan Tallman's comments and recommended that a Land Use procedure be done for the Heritage Trail Plan.

Clint: said he wanted to summarize the memo on page 22. He said they found a mistake and that the trail did entail private land. He pointed out that there were 11 miles of proposed trail west of Boardman. He stated that there were seven and a half miles of the trail on the Port of Morrow and Threemile Farms properties. Both organizations confirmed they were in support of the concept. He also spoke with the City of Boardman and reviewed the master park plan; they were supportive and mentioned the plan could be subject to change. The City of Boardman also had to come to an agreement with the BPA. Oregon Potato requested that its property be taken out of the plan.

Correspondence: October Planning Update

Public Comment:

Jonathan Tallman, Boardman, OR 97818

Adjourned: Meeting adjourned at 6:56 PM

Next Meeting: Tuesday, December 2, 2025, at 6:00 p.m. The next meeting will be held in Heppner, OR, in the Bartholomew Building in Heppner, OR.

Respectfully submitted,
Michaela Ramirez

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PLANNING DEPARTMENT

PO Box 40 • Irrigon, Oregon 97844
(541) 922-4624

November 24, 2025

MEMO

TO: Planning Commission
FROM: Tamra Mabbott, Planning Director *TJM*
CC: Planning Department
RE: Comprehensive Plan Amendment to designate the Dougherty Quarry as a Goal 5 Large Significant Site in the Comprehensive Plan.

The above application is quasi-judicial as well as legislative and requires the Planning Commission to review and make a recommendation to the Board of Commissioners. The Board hearing is scheduled for December 17, 2025.

In 2019, the Planning Commission approved the quarry as a Conditional Use Permit (CUP) and limited the extraction to 500,000 tons, consistent with Oregon Administrative Rule 660—023-0180. The landowner now would like to designate the quarry as a Large Significant Site, which enables them to produce more than 500,000 tons of material.

In 2019, the CUP also approved a temporary concrete batch plant. Approval of this application would not affect the CUP approval for a temporary concrete batch plant; rather, that CUP remains valid.

The Planning Commission's action is to make a recommendation to the Board of Commissioners. That hearing is scheduled for December 17, 2025.

**Morrow County Board of Commissioners
Findings of Fact
AC-161-25
Expansion of Existing Goal 5 Aggregate Site**

REQUEST: To amend the Comprehensive Plan Goal 5 Aggregate Resources Inventory to amend the designation of the Dougherty Rock Quarry. The proposal is to increase the volume of material to be extracted from 500,000 tons to an undetermined amount, within the existing exterior boundary. Technically, the request is to amend the Goal 5 Significant Aggregate Resource Inventory in the County Comprehensive Plan and designate the quarry as a Large Significant Site in accordance with OAR 660-023-0180(4), and to modify the existing Conditional Use Permit CUP-S-336-19 for the aggregate activities.

APPLICANT/OWNER: Cliff Dougherty and Patricia Dougherty
65450 Spur Loop
Heppner, OR 97836

PROPERTY DESCRIPTION: Tax Lot 505 of Assessor's Map 1S 27

PROPERTY LOCATION: The property is located 14 miles north of Heppner on Spur Loop Road.

FINDINGS OF FACT:

I. BACKGROUND INFORMATION:

In 2019, the Planning Commission approved Conditional Use Permit CUP-S-336-19 which re-established a rock quarry and also approved a concrete batch plant. The 2019 CUP limited the volume of material to 500,000 tons. The Dougherty family would like to increase the volume of material to be extracted, although the surface area boundaries of the quarry area will not change. The quarry is on a list of significant aggregate resources in the Comprehensive Plan as required in OAR 660-023-0180. To permit the increased volume of material extracted, the county must adopt Findings to identify this as a Large Significant Site.

The quarry site is large enough to produce more than 500,000 tons of aggregate material; accordingly, the applicant has applied for protection as a site that will produce more than 500,000 tons. The applicant submitted test results from a lab that shows the material meets the Oregon Department of Transportation Base Aggregate Specifications.

Surrounding Land Uses. The surrounding land is agricultural, including dryland wheat and range land.

Quarry Site Operation and Reclamation. The applicant has provided information that indicates the area of extraction is 2.64 acres in size and will be mined in phases as the

aggregate is needed. The applicant currently operates under Department of Geology and Mineral Industries (DOGAMI) permit 25-0034.

II. SUMMARY OF APPLICABLE CRITERIA

To approve the request, the Board of Commissioners will be required to adopt findings to show that the request meets the necessary criteria. Those criteria are presented below in **bold** print with responses in regular print.

Morrow County Zoning Ordinance Section 3.010 Exclusive Farm Use Zone

E. CONDITIONAL USES PERMITTED. The following uses are permitted subject to county review, any specific standards for the use set forth in Section F, Article 6, the general standards for the zone, and any other applicable standards and review process in the ordinance:

- 10. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.**

Morrow County Zoning Ordinance Section 3.200 Significant Resource Overlay Zone

A. PURPOSE: The purpose of the Significant Resource Overlay Zone is to provide a mechanism to recognize and protect resources deemed significant in Morrow County and listed in the Morrow County Comprehensive Plan Inventory of Significant Resources. (MC OR-1-2013).

B. APPLICATION. The Significant Resource Overlay Zone shall be applied to those sites that have been designated by Morrow County as a Significant Resource and listed in the Morrow County Comprehensive Plan. The resource categories in Division 23 that can be listed as “significant” and protected under Goal 5 are:

- Mineral and Aggregate Resources
- Wetlands
- Wildlife Habitat
- Federal Wild and Scenic Rivers
- Oregon Scenic Waterways
- Groundwater Resources
- Approved Oregon Recreation Trails
- Natural Areas
- Wilderness Areas
- Riparian Corridors
- Energy Sources
- Historic Resources

- **Open Space**
- **Scenic Views and Sites (MC-OR-1-2013)**

The proposed site is currently designated a “significant” Goal 5 resource in the Comprehensive Plan. Approval of the application would identify the site as a Large Significant Resource Site. The Significant Resource Overlay Zone would continue to be in effect.

C. CATEGORIES.

1. **Aggregate and Mineral Sites.** The Zoning Map will be amended to apply the Overlay Zone to an approved mining site including an impact area. Mineral and aggregate sites approved in Morrow County may have an impact area of up to 1500 feet when permitted under certain Comprehensive Plan approval processes. Based on the Comprehensive Plan analysis development in an Overlay Zone impact area is subject to the following standard:
 - a. **Uses permitted Outright.** Uses permitted outright in the underlying zone, except conflicting uses described in the Comprehensive Plan Analysis may be permitted subject to the standards and criteria of the underlying zone.
 - b. **Uses Allowed Conditionally.** Uses permitted conditionally in the underlying zone and conflicting uses shall be reviewed as conditional uses subject to the standards and criteria of the underlying zone and the criteria listed in paragraph 4 below.
 - c. **Prohibited Uses.** Uses identified through the Comprehensive Plan analysis as incompatible with mining in all instances shall not be permitted within the impact area.
 - d. **Approval Criteria for proposed uses allowed conditionally in the impact area.** The applicant must demonstrate compliance with the following criteria:
 - i. The proposed use will not interfere with or cause an adverse impact on lawfully established and lawfully operating mining operations;
 - ii. The proposed use will not cause or threaten to cause the mining operation to violate any applicable standards of this Section or County approval in the Comprehensive Plan;
 - iii. An application for a new noise or dust sensitive use shall demonstrate that the mining operation in the adjacent extraction area will maintain compliance with DEQ noise control standards and ambient air quality and emission standards as measured at the new noise or dust sensitive use. If deemed necessary by the Planning Director, the applicant for a new noise sensitive use shall submit an analysis prepared by an acoustical engineer, demonstrating that the applicable DEQ noise control standards are met or can be met by a specified date. If noise mitigation measures are necessary to ensure continued compliance on the part of the mining operation such measures shall be a condition of approval. If noise mitigation

measures are inadequate to ensure compliance with DEQ noise control standards, the noise sensitive use shall not be approved within the impact area. (MC OR-1-2013)

The above criteria would apply to future conditional use permit applications on land located within the impact area. All the land in the 1,500 foot impact area is zoned Exclusive Farm Use and therefore only a limited number of uses are allowed. There are no dwellings in the impact area or commercial power generation windmills in the impact area.

Parcels abutting the proposed site include lands zoned EFU. See attached map.

The quarry location is on a rock bluff. According to OAR 660-023-0180(5), future land uses that are expected to conflict with the quarry are required to be analyzed. As noted above, the underlying EFU Zoning would permit only a very limited number of uses other than farming or possibly another farm dwelling. Provided an application meets the farm dwelling standards, a future dwelling may be permitted on land inside the impact area, and the property line setback will be 100 feet.

Given the above, the application appears to comply with this standard.

Termination of the Overlay Zone. When a significant aggregate site has been depleted or can be proven to be uneconomical to mine, and either the reclamation completed or a proposed zone change and development is approved by the County that would eliminate the need for the reclamation, the Overlay Zone can be removed. Rezoning or other actions to terminate mining or the protection of the resource will not relieve requirements on the part of the owner or operator of obligations regarding the site in accordance with County approvals and Oregon State Law. (MC OR-1-2013)

Morrow County Zoning Ordinance Article 8 Amendments

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

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

This amendment is requested by the landowners to extract more material. The amendment is required by the Oregon Revised Statutes and Oregon Administrative Rules.

- B. The public services and facilities are sufficient to support a change in designation including, but not limited to, water availability relevant to both**

quantity and quality, waste and storm water management, other public services, and streets and roads.

The proposed Plan amendment to designate the quarry a Large Significant Site will not require changes to existing roadways. The mining activity and use complies with the county TSP.

1. **Amendments to the zoning ordinance or zone changes which significantly affect a transportation facility shall assure that land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:**
 - a. **Limiting allowed land uses to be consistent with the planned function of the transportation facility or roadway;**
 - b. **Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,**
 - c. **Altering land use designations, densities, or design requirements to reduce demand for automobile travel to meet needs through other modes.**
2. **Amendments to the zoning ordinance or zone changes which significantly affect a transportation facility shall assure that land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:**
 - a. **Changes the functional classification of an existing or planned transportation facility;**
 - b. **Changes standards implementing a functional classification;**
 - c. **Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or**
 - d. **Would reduce the level of service of the facility below the minimal acceptable level identified in the Transportation System Plan.**

(MC-C-8-98)

The proposed quarry will generate a modest volume of traffic only seasonally and will not cause a change to the functional classification of the primary and secondary access roads. The application complies with these standards.

- C. **That the proposed amendment is consistent with unamended portions of the Comprehensive Plan and supports goals and policies of the Comprehensive Plan, that there is a public need for the proposal, and that the need will be best served by allowing the request. If other areas in the county are designated for a use as requested in the application, then a showing of the**

necessity for introducing that use into an area not now so zoned and why the owners there should bear the burden, if any, of introducing that zone into their area.

The proposed amendment is consistent with unamended portions of the Comprehensive Plan. The application otherwise supports adopted goals and policies and complies with this standard.

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

This approval includes a condition to implement dust abatement measures.

III. OREGON REVISED STATUTES 215.298 Mining in exclusive farm use zone; Land use permit.

- (a) For purposes of ORS 215.213 (2) and 215.283 (2), a land use permit is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre. A county may set standards for a lower volume or smaller surface area than that set forth in this subsection.**
- (b) A permit for mining of aggregate shall be issued only for a site included on an inventory in an acknowledged comprehensive plan.**

This application will require a determination of Goal 5 significance by the Board of Commissioners for mining to be permitted. If approved, the site will be included in Morrow County's inventory of Large Significant Aggregate Sites in the Comprehensive Plan.

Oregon Case Law; Oregon Case Law LUBA Beaver State Sand and Gravel v. Douglas County, 43 or LUBA 140 (2002). The ORS 215.298 provision allows a mining operation on EFU-zoned lands if the site is on an "inventory" in a comprehensive plan. Because under the 1982 Goal 5 rule the term "inventory" referred to an inventory of significant mineral sites, ORS 215.209 allows mining in an EFU zone only if the site is on a comprehensive plan inventory of significant mineral sites, not if the site is on a separate list of non-significant sites. This action takes into account the LUBA Case described above. The aggregate mine will be placed on the Comprehensive Plan list of significant mineral sites and designated as a Large Significant Site that will produce more than 500,000 tons.

IV. STANDARDS OF THE OREGON ADMINISTRATIVE RULES, DIVISION 23 FOR GOAL 5 LARGE SIGNIFICANT SITES, OAR 660-023-0180(3),(5),(7), OAR 660-023-040 and OAR 660-023-050.

OAR 660-023-0180 Mineral and Aggregate Resources

This application can be found to comply with Statewide Planning Goal 5 where it

complies with OAR 660-023-0180(3) for Mineral and Aggregate Resources.

- (3) [Large Significant Sites] An aggregate resource site shall be considered significant if adequate information regarding the quantity, quality, and location of the resource demonstrates that the site meets any one of the criteria in subsections (a) through (c) of this section, except as provided in subsection (d) of this section:**
- (a) A representative set of samples of aggregate material in the deposit on the site meets applicable Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and soundness, and the estimated amount of material is more than 2,000,000 tons in the Willamette Valley, or more than 500,000 tons outside the Willamette Valley;**
 - (b) The material meets local government standards establishing a lower threshold for significance than subsection (a) of this section; or**
 - (c) The aggregate site was on an inventory of significant aggregate sites in an acknowledged plan on September 1, 1996.**
 - (d) Notwithstanding subsections (a) and (b) of this section, except for an expansion area of an existing site if the operator of the existing site on March 1, 1996, had an enforceable property interest in the expansion area on that date, an aggregate site is not significant if the criteria in either paragraphs (A) or (B) of this subsection apply:**
 - (A) More than 35 percent of the proposed mining area consists of soil classified as Class I on Natural Resource and Conservation Service (NRCS) maps on June 11, 2004; or**
 - (B) More than 35 percent of the proposed mining area consists of soil classified as Class II, or of a combination of Class II and Class I or Unique soil, on NRCS maps available on June 11, 2004, unless the average thickness of the aggregate layer within the mining area exceeds:**
 - (i) 60 feet in Washington, Multnomah, Marion, Columbia, and Lane counties; (ii) 25 feet in Polk, Yamhill, and Clackamas counties; or (iii) 17 feet in Linn and Benton counties.**

Adequate information has been provided to the Planning Department regarding the quality, quantity, and location of the aggregate, and it does meet (a) above. Test results from Carlson Testing, Inc. are attached. Based on the test results, the site can be deemed a large significant resource. The quarry area is comprised of predominantly Gravel very gravelly loam, a class VII soil (USDA Soil Survey of Morrow County Area, 1983). According to the landowner, the site has the potential to produce in excess of 500,000 tons of aggregate. The application complies with this standard.

- (5) [Large Significant Sites] For significant mineral and aggregate sites, local governments shall decide whether mining is permitted. For a PAPA application involving an aggregate site determined to be significant under section (3) of this rule, the process for this decision is set out in subsections (a) through (g) of this**

section. A local government must complete the process within 180 days after receipt of a complete application that is consistent with section (8) of this rule, or by the earliest date after 180 days allowed by local charter.

- (a) The local government shall determine an impact area for the purpose of identifying conflicts with proposed mining and processing activities. The impact area shall be large enough to include uses listed in subsection (b) of this section and shall be limited to 1,500 feet from the boundaries of the mining area, except where factual information indicates significant potential conflicts beyond this distance. For a proposed expansion of an existing aggregate site, the impact area shall be measured from the perimeter of the proposed expansion area rather than the boundaries of the existing aggregate site and shall not include the existing aggregate site.

An impact area map is attached to these findings. The existing uses within the impact area are agriculture, mainly grazing and dryland wheat farming.

- (b) The local government shall determine existing or approved land uses within the impact area that will be adversely affected by proposed mining operations and shall specify the predicted conflicts. For purposes of this section, “approved land uses” are dwellings allowed by a residential zone on existing platted lots and other uses for which conditional or final approvals have been granted by the local government. For determination of conflicts from proposed mining of a significant aggregate site, the local government shall limit its consideration to the following:

- (A) Conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities (e.g., houses and schools) that are sensitive to such discharges;

The 1,500-foot impact area surrounding the proposed quarry boundary contains farmland and range land. The subject parcel is very large and abuts other similar farmland and range lands. The applicant owns the quarry site and entire impact area. The quarry activities do not appear to create noise, dust or other discharges that would impact future farms or grazing in the impact area.

- (B) Potential conflicts to local roads used for access and egress to the mining site within one mile of the entrance to the mining site unless a greater distance is necessary in order to include the intersection with the nearest arterial identified in the local transportation plan. Conflicts shall be determined based on clear and objective standards regarding sight distances, road capacity, cross section elements, horizontal and vertical alignment, and similar items in the transportation plan and implementing ordinances. Such standards for trucks associated with the mining operation shall be equivalent to standards for other trucks of equivalent size, weight, and capacity that haul other materials;

The quarry operation has been in existence and has not created conflicts or

negative impacts on the roadways and transportation system. Traffic and transportation operations are expected to be similar with the proposed expansion. There are no proposed mitigating measures. The application can be found to comply with this standard.

(C) Safety conflicts with existing public airports due to bird attractants, i.e., open water impoundments as specified under OAR chapter 660, division 013;

There is no airport within the impact area, or anywhere nearby. The closest airport identified by the Comprehensive Plan is located in Lexington. There are no proposed mitigating measures.

(D) Conflicts with other Goal 5 resource sites within the impact area that are shown on an acknowledged list of significant resources and for which the requirements of Goal 5 have been completed at the time the PAPA is initiated;

No significant resources have been identified on the site or within the impact area. There are no proposed mitigating measures.

(E) Conflicts with agricultural practices; and

Agricultural use within 1,500 feet is primarily grazing. The quarry owner also owns the land within the 1,500 foot impact area and does not anticipate that mining activities will interfere with current farming practices.

(F) Other conflicts for which consideration is necessary in order to carry out ordinances that supersede Oregon Department of Geology and Mineral Industries (DOGAMI) regulations pursuant to ORS 517.780;

No other conflicts have been identified.

- (c) [If conflicts exist, measures to minimize] The local government shall determine reasonable and practicable measures that would minimize the conflicts identified under subsection (b) of this section. To determine whether proposed measures would minimize conflicts to agricultural practices, the requirements of ORS 215.296 shall be followed rather than the requirements of this section. If reasonable and practicable measures are identified to minimize all identified conflicts, mining shall be allowed at the site and subsection (d) of this section is not applicable. If identified conflicts cannot be minimized, subsection (d) of this section applies.**

For this application, the only conflict mentioned is the possibility of fugitive dust, which can be easily mitigated with a gravel surface or water abatement on the haul roads. Reasonable and practicable measures are identified that will minimize the identified conflict and mining should be allowed at the site.

- (d) [If conflicts cannot be minimized, then conduct an Economic, Social,**

Environmental and Energy (ESEE) analysis.] The local government shall determine any significant conflicts identified under the requirements of subsection (c) of this section that cannot be minimized. Based on these conflicts only, local government shall determine the ESEE consequences of either allowing, limiting, or not allowing mining at the site. Local governments shall reach this decision by weighing these ESEE consequences, with consideration of the following:

- (A) The degree of adverse effect on existing land uses within the impact area;**
- (B) Reasonable and practicable measures that could be taken to reduce the identified adverse effects; and**
- (C) The probable duration of the mining operation and the proposed post-mining use of the site.**

Mitigations can be added here in the future if conflicts are identified. Conflicting uses have not been identified.

- (e) Where mining is allowed, the plan and implementing ordinances shall be amended to allow such mining. Any required measures to minimize conflicts, including special conditions and procedures regulating mining, shall be clear and objective. Additional land use review (e.g., site plan review), if required by the local government, shall not exceed the minimum review necessary to assure compliance with these requirements and shall not provide opportunities to deny mining for reasons unrelated to these requirements, or to attach additional approval requirements, except with regard to mining or processing activities:**

- (A) For which the PAPA application does not provide information sufficient to determine clear and objective measures to resolve identified conflicts;**
- (B) Not requested in the PAPA application; or**
- (C) For which a significant change to the type, location, or duration of the activity shown on the PAPA application is proposed by the operator.**

The application did not identify any conflicts. The 1,500 foot impact area does not suggest the potential for impacts. The Comprehensive Plan may be amended based on the Board of Commissioners adopted findings.

- (f) Where mining is allowed, the local government shall determine the post-mining use and provide for this use in the comprehensive plan and land use regulations. For significant aggregate sites on Class I, II and Unique farmland, local governments shall adopt plan and land use regulations to limit post-mining use to farm uses under ORS 215.203, uses listed under ORS 215.213(1) or 215.283(1), and fish and wildlife habitat uses, including wetland mitigation banking. Local governments shall coordinate with DOGAMI regarding the regulation and reclamation of mineral and aggregate sites, except where exempt under ORS 517.780.**

The site will be reclaimed after the mining operation is no longer in operation. The quarry is permitted by the Department of Geology and Mineral Industries

(DOGAMI) and will comply with all mining and reclamation requirements of that state agency. The application can be found to comply with this standard.

- (g) Local governments shall allow a currently approved aggregate processing operation at an existing site to process material from a new or expansion site without requiring a reauthorization of the existing processing operation unless limits on such processing were established at the time it was approved by the local government.**

The proposed site is an existing site proposed for expansion.

V. COMPREHENSIVE PLAN GOAL 5 INVENTORY

This proposed amendment to the Morrow County Comprehensive Plan is to add the Dougherty Pit to the list of Goal 5 protected sites and classify it as a Large Significant Aggregate site. The following proposed changes will be made in Chapter Page 7, updated in 2013 MC OR-1-2013.

Open Space, Scenic and Historic Area Aggregate mines with Goal 5 Protection. A list of aggregate sites, attached, includes both those with protections under Goal 5 and those located on farmland and listed in the Comprehensive Plan. Some aggregate sites were declared significant when the Comprehensive Plan was adopted in 1980 and acknowledged in 1986, and others were on Morrow County's inventory of significant aggregate sites as of September 1, 1996, thus meeting the requirements of OAR 660-023-0180(3)(c). The remainder, approved or reclassified since that date, were protected under the rules prescribed in OAR 660 Division 23. Comprehensive Plan (MC OR-1-2013) See attached Appendix Inventory of Natural Resources, Aggregate and Mineral Resources.

VI. MORROW COUNTY ZONING ORDINANCE ARTICLE 6 CONDITIONAL USES

SECTION 6.020. GENERAL CRITERIA.

In judging whether 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.

- A. 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 subject quarry area is a rocky hillside. Stockpiling, screening, crushing, and hauling of aggregate is located on land zoned for Exclusive Farm Use, where mining and mining activities are allowed. This application includes a Plan Amendment to change the designation of the site in the Aggregate and Natural Resources inventory in the Comprehensive Plan and classify it as a Large Significant Site. With the adoption of the plan amendment and in compliance with the applicable criteria in the MCZO, the proposed quarry complies with this standard.

B. 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.

This requirement does not apply as the property is not located within the Urban Growth boundary of any city.

C. The proposal will not exceed the carrying capacities of natural resources or public facilities.

The mining operation area is not located within a designated Critical Groundwater Area as defined in Administrative Rule by the Oregon Department of Water Resources (OWRD). According to the application, water for dust abatement and crushing will come from an existing well on the property. The mining operation area is within the Heppner Rural Fire Protection District, and the District was mailed a copy of the preliminary Staff Report. No comments from the Fire District have been provided to date. The application stated that all solid waste will be hauled from the proposed site. Portable restrooms will be provided.

There is a flood hazard area located through part of the quarry area. See attached National Flood Hazard Flood Insurance Rate Map. Although no permanent structures are proposed, the quarry operation should avoid any obstruction to the drainage or floodplain. Stockpiling should also be located outside of the designated flood hazard area. This is listed as a condition of approval.

Based on the above, the application can be found to not exceed carrying capacities of natural resources or public facilities and therefore complies with this standard.

SECTION 6.025 RESOURCE ZONE STANDARDS FOR APPROVAL

Note: These county standards are the same as ORS 215.298.

A. In the Exclusive Farm Use Zone, a conditional use may be approved only when the County finds that the use will not:

- 1. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or**
- 2. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.**

The proposed mining activity is common throughout central and southern Morrow County and historically has been compatible with adjacent farming and grazing. Mining of this site has occurred for many years, including crushing for Morrow County Public Works, and no complaints have been filed and no negative impacts have been noted. While dust from mining activities can be a nuisance or negatively impact some farming operations, vineyards for example, this existing mining operation has no record of negative impacts to surrounding farming operations. As a precautionary measure, dust abatement is recommended as a condition of approval. Based on the above, the application complies with this standard.

Where these county standards are the same as ORS 215.298, the land use is found to comply with both state and local standards in this regard.

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 mining activities will remain within the boundaries of the permitted area and are expected to create minimal environmental effects.

If an air quality permit is required by the Department of Environmental Quality, for example, for the operator or permittee of the portable rock crusher, said operator shall be required to secure appropriate permits from the DEQ. To ensure the discharges of contaminants and dust created by the mining operation comply with the applicable DEQ ambient air quality and emissions standards, this is listed as a condition of approval.

Hours of operation were not mentioned in the application. Given the remoteness of the site, and the fact that the quarry owner also owns all lands within the 1,500-impact area, the Planning Department proposes that the hours of operation not be limited unless complaints are filed.

This application can be found to comply with this standard.

- B. Establishing a special yard or other open space or lot area or dimension. Given the distance from neighboring lands and property lines, there does not appear to be a need to impose additional setbacks other than required in the underlying zone and to comply with reclamation requirements.**

Additional setbacks are not recommended. The application can be found to comply with this standard.

- C. Limiting the height, size or location of a building or other structure.**

There are no plans for a permanent structure at the mining site.

- D. Designating the size, number, location and nature of vehicle access points.**

Spur Loop Road, a county road, will provide the single point of access to the quarry area.

- 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.**

Landowner will use existing access to the existing quarry.

- 2. In addition to the other standards and conditions set forth in this**

section, a Traffic Impact Analysis (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. (MC-C-8-98)

The application did not address traffic impacts or estimate traffic volume. However, based on estimates from Public Works, truck traffic during hauling will be far below the 400-passenger car equivalent trips per day. Identified road impacts are addressed below. No TIA is deemed necessary.

E. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.

Additional street dedication is not proposed and is not warranted. The mining activity will utilize private internal roads that connect to Spur Loop Road, a county roadway.

1. It is the responsibility of the landowner to provide appropriate access for emergency vehicles at the time of development. (MC-C-8-98)

The subject site is in the Heppner Rural Fire Protection District, which was provided with a notice of the hearing. The District may recommend changes to access; however, the existing access appears to accommodate emergency services vehicles.

F. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or loading area.

The applicant provided a site plan that shows the general area for mining activity. A more specific site plan may be submitted in the future by the applicant or operator. The survey submitted with the application shows a stream, which was confirmed by the drone photos. The stream is intermittent. No permanent structures are proposed to be placed inside the channel. As noted above, a condition to comply with recommendations of the Natural Hazards Team of DLCD relative to the floodzone is listed as a condition of approval. The location is remote and parking will be provided on site. The applicant did not specify how dust will be controlled but did note there is a well on the property. Owner may use water for dust abatement if necessary. Drainage from the mining is expected to be contained on the subject property.

G. Limiting or otherwise designating the number, size, location, height, and lighting of signs.

The application did not indicate whether signs will be used for the aggregate site. Safety signs such as “trucks crossing” may be installed temporarily during hauling periods if recommended by Morrow County Public Works or the quarry operator.

H. Limiting the location and intensity of outdoor lighting and requiring its shielding.

The application did not identify outdoor lighting. It is expected that, when needed, lights may be used during hours of operation. It is recommended that lighting be limited during non-operating hours.

I. Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.

Installation of a culvert may be considered as a precautionary measure, to prevent obstruction of water in the intermittent stream channel.

J. Designating the size, height, location and materials for a fence.

Signs are not proposed in the application. Any fence 6 feet in height or taller will require a Zoning Permit.

K. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.

The mining area will occur within an area that has limited vegetation. Milk Canyon runs through the middle of the mining area. According to the Federal Emergency Management Agency (FEMA) digital flood map, there is a special *flood hazard area* that runs through the property, however, there is not a regulatory *floodway* on the property. There is a well on-site for dust abatement. A notice of this application was provided to the Oregon Department of Fish and Wildlife (ODFW), Oregon Water Resources Department (OWRD) and Federal Emergency Management Agency (FEMA), who have an opportunity to provide comments and recommend conditions of approval.

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.

No other policies are known to apply, and therefore, no additional conditions of approval are recommended.

SECTION 6.050. STANDARDS GOVERNING CONDITIONAL USES.

A conditional use shall comply with the standards of the zone in which it is located and with the standards set forth in this subsection.

Local Permit Approval Criteria: An application for mineral or aggregate mining must address provisions found in Article 6 Conditional Uses Section 6.020 General Criteria, Section 6.025 Resource Zone Standards for Approval when in a Farm or Forest Zone, and the following:

1. Proposed hours and/or days of operation. The conditions as to when the mining and processing would be restricted to specific hours of operation or days when mining operations would be limited. For operations conducted after dark, limiting the location and intensity of outdoor lighting and requiring its shielding.

See above discussion under Criteria 6.030(A) above.

2. **Limiting or otherwise designating the number, size, location, height, and lighting of signs. Signs other than safety signs must comply with the sign requirements in Section 4 of the Zoning Ordinance.**
See above discussion under Criterion 6.030(G).
3. **A rock crusher, washer or sorter shall not be located within 500 feet from a residential or commercial use unless it can be established that the use will meet DEQ performance standards for noise and not be expected to cause a noise nuisance at nearby residential or commercial uses. In farm or forest use zones the processing of rock, aggregate or minerals shall not be within one-half mile of a noise sensitive area if the operation operates more than nine hours per day or for more than five days per week. (ORS 467.120(2)).**
There are no dwellings within miles of the quarry. The application complies with this standard.
4. **All water necessary for the proposed operation shall be appropriated and legally available to the site.**
According to the application, there is a well on the property.
5. **The discharge of airborne contaminants and dust created by mining shall comply with applicable DEQ ambient air quality and emissions standards, or approval shall be conditioned to ensure that such standards will not be violated.**
The application does not identify the name of the rock crushing company. The owner of the rock crusher is responsible for holding appropriate DEQ air permits.
6. **A Reclamation Plan approved by DOGAMI will be required for mining operations. When reviewing an applicant's submittal regarding a proposed reclamation plan, Morrow County will review the plan against the following criteria:**
 - a. **A description of the present land use and planned beneficial use of the site following the mining activity. The applicant must demonstrate that the planned beneficial use is compatible with the Comprehensive Plan and Zoning Ordinance.**
 - b. **Provisions for the backfilling, recontouring, topsoil replacement, seedbed preparation, mulching, fertilizing, selection of plant species, seeding or planting rates, and schedules;**
 - c. **Provisions for adequate setbacks and slopes to protect adjacent property and public safety;**
 - d. **A proposed time schedule for surface mining and reclamation procedures for the removal or disposal of all equipment, refuse, structures, and foundations from the permit area except permanent structures that are part of an approved Reclamation Plan.**
The landowner is responsible for complying with DOGAMI reclamation requirements. This is included as a condition of approval.
7. **In accordance with the Transportation System Plan, the requirements of the Public Works Department or the Oregon Department of Transportation shall**

be complied with regarding the minimization of potential conflicts to local roads used for access and egress to the mining site.

No changes are proposed and the existing access will continue to be used for the quarry operation. A notice of this application was submitted to ODOT and Morrow County Public Works Department, who may make recommendations relative to roads and access.

8. **Designating the size, number, location and nature of vehicle access points.**
 - a. **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.**
See above discussion under Criterion 6.030(D).
 - b. **In addition to the other standards and conditions set forth in this section, a Traffic Impact Analysis (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. (MC-C-8-98)**
See above discussion under Criterion 6.030(D). The application does not warrant a TIA as traffic will be significantly less than 400 trips per day. The application is in compliance with this standard.
9. **Increasing the amount of street dedication, roadway width or improvements within the street right-of-way. It is the responsibility of the land owner to provide appropriate access for emergency vehicles at the time of development. (MC-C-8- 98)**
See above discussion under Criterion 6.030(E). Additional street dedication is not warranted.
10. **An application for a mining operation contiguous to an existing operation approved under this section shall be evaluated in conjunction with the existing site when it appears the sites will be managed and operated as one.**
The proposed mining operation is not contiguous to an existing approved operation.
11. **Ensuring adequate space for parking and loading.**
See above discussion under Criterion 6.030(F).
12. **Approvals for or that include operations that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. (one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed).**
There is not a vineyard within miles of the property. A temporary batch plant was approved as part of CUP-S-336-19. That CUP relative to the temporary batch plant will remain valid after this plan amendment is approved. This criterion is

not applicable as the subject property is not within two miles of a planted vineyard.

13. A plan for the control of noxious weeds. (MC OR-1-2013)

The applicant shall provide to the Morrow County Weed Coordinator/Inspector a weed plan for the control of noxious weeds and “weeds of economic importance.” This shall include a pre-mining weed survey. This is listed as a condition of approval.

VII. AGENCIES NOTIFIED: Amanda PUNTON, Goal 5 Specialist, Dawn HERT, Eastern Region Representative, Natural Hazards Team, Department of Land Conservation and Development; Teresa Penninger, Oregon Department of Transportation; Nicholas Tatalovich, DOGAMI; Department of Environmental Quality, Bend Region Office, Air Quality Specialist; Mike Gorman, Morrow County Assessor; Eric Imes, Morrow County Public Works; Heppner Rural Fire Protection District, Lindsay Somers, Steve Cherry, Oregon Department of Fish & Wildlife, FEMA Region 10.

VIII. HEARING DATES:

Planning Commission
December 2, 2025
Bartholomew Building
Heppner, OR 97836

Board of Commissioners
December 17, 2025
Bartholomew Building
Heppner, OR 97836

IX. FINAL DECISION:

Option to Approve:

The Planning Commission may recommend to the Morrow County Board of Commissioners approval of the application, specifically to:

1. Adopt the Findings.
2. Include the aggregate site as a Large Significant Site in the list of Goal 5 Significant Aggregate Resources in the Comprehensive Plan.
3. Apply the Aggregate Resources Overlay Zone to the quarry area boundaries.
4. The Conditional Use Permit for the concrete batch plant remains unchanged and may continue.

Approval of the application is subject to the following Conditions of Approval:

CONDITIONS OF APPROVAL:

1. The quarry operator shall comply with mining and operating permits in accordance with permits issued by the Department of Geology and Mineral Industries (DOGAMI).

2. Reclamation of the quarry shall be completed in compliance with the reclamation standards of the DOGAMI.
3. Quarry will be operated in accordance with state and federal Mine Safety regulations.
4. The applicant and operator shall take appropriate measures to abate blowing dust and sand.
5. Once adopted, the Goal 5 protection and the Significant Resources Overlay Zone requires that any new use within 1,500 feet from the quarry that would have the potential to conflict with the protected mining site, such as a residential use, or uses that would cover or prevent access to the site, shall be evaluated as required and shown to not conflict with the mining use. For mitigation purposes, appropriate conditions of approval for the new use may be required.
6. Consult with the Morrow County Weed Coordinator/Inspector and develop a weed plan for the control of noxious weeds and “weeds of economic importance.” This shall include a pre-mining weed survey.
7. Verify DEQ that the mining operation complies with applicable DEQ ambient air quality and emissions standards and submit the air permit, if applicable.
8. Provide water for dust abatement and mining, as necessary, to avoid fugitive dust.
9. Site shall remain free of garbage and debris and will otherwise comply with the Solid Waste Ordinance.
10. Operation of the quarry and mining activities shall not obstruct the flow of water from the intermittent stream.
11. Comply with recommendations of the state Natural Hazards Planning Team and/or FEMA, if any, relative to the special flood hazard area. Permanent structures within the mapped flood plain are prohibited unless the landowner complies with Flood Hazard Overlay Zone requirements.

MORROW COUNTY BOARD OF COMMISSIONERS

David Sykes, Chair

Jeff Wenholz, Vice Chair

Gus Peterson, Commissioner

DATE: _____

Attachments:

Vicinity Map

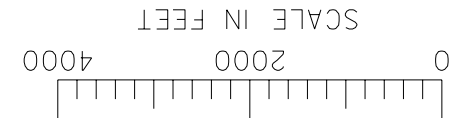
Soils Map

1,500 Impact Study Area Map

Comprehensive Plan Goal 5 Significant Resource Inventory

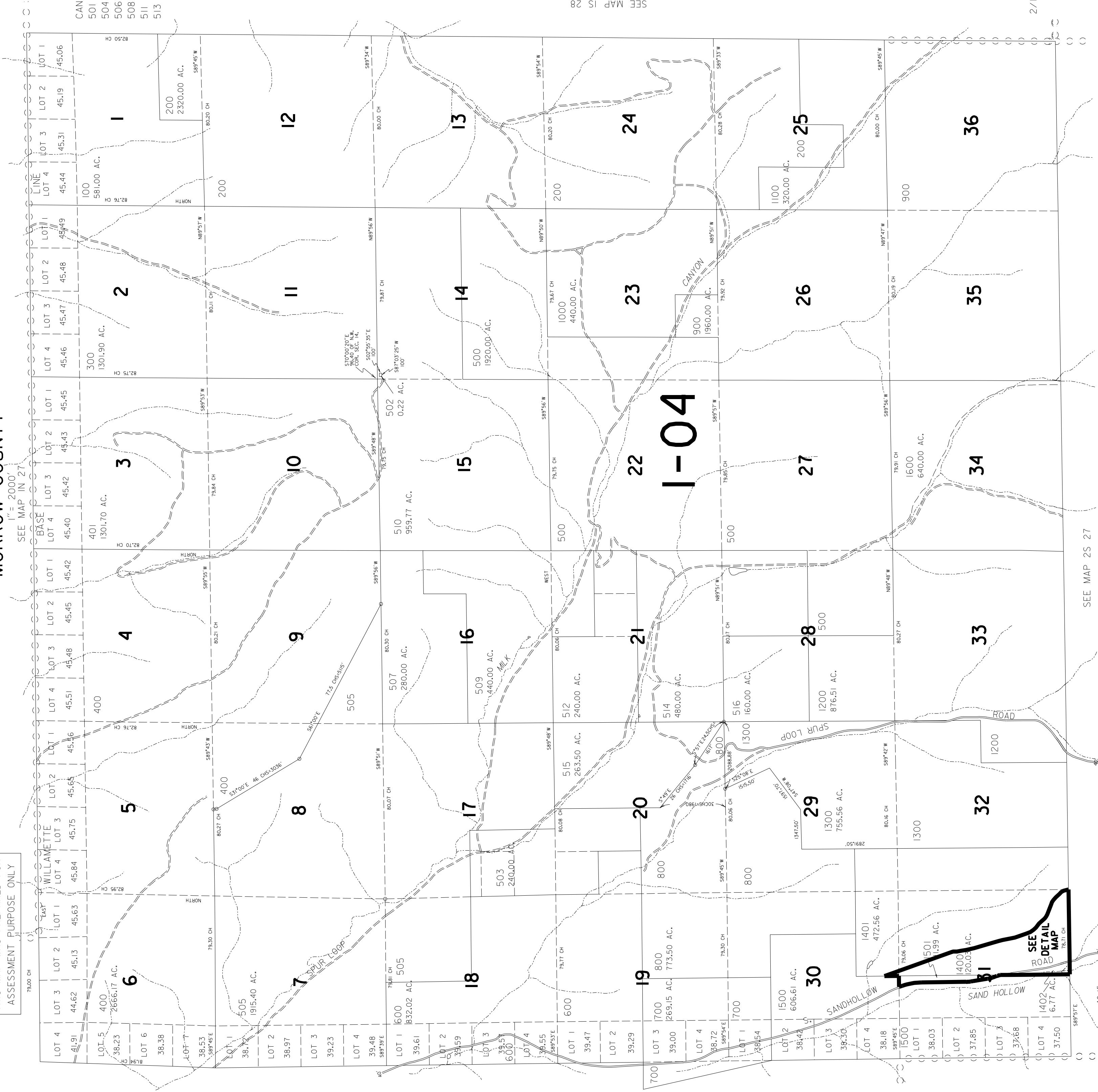
[./planning/amendments/2025/Cliff Dougherty/BOC Findings](#)

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



\$TIMES\$
\$DATES\$
\$FILES\$
\$USERNAME\$

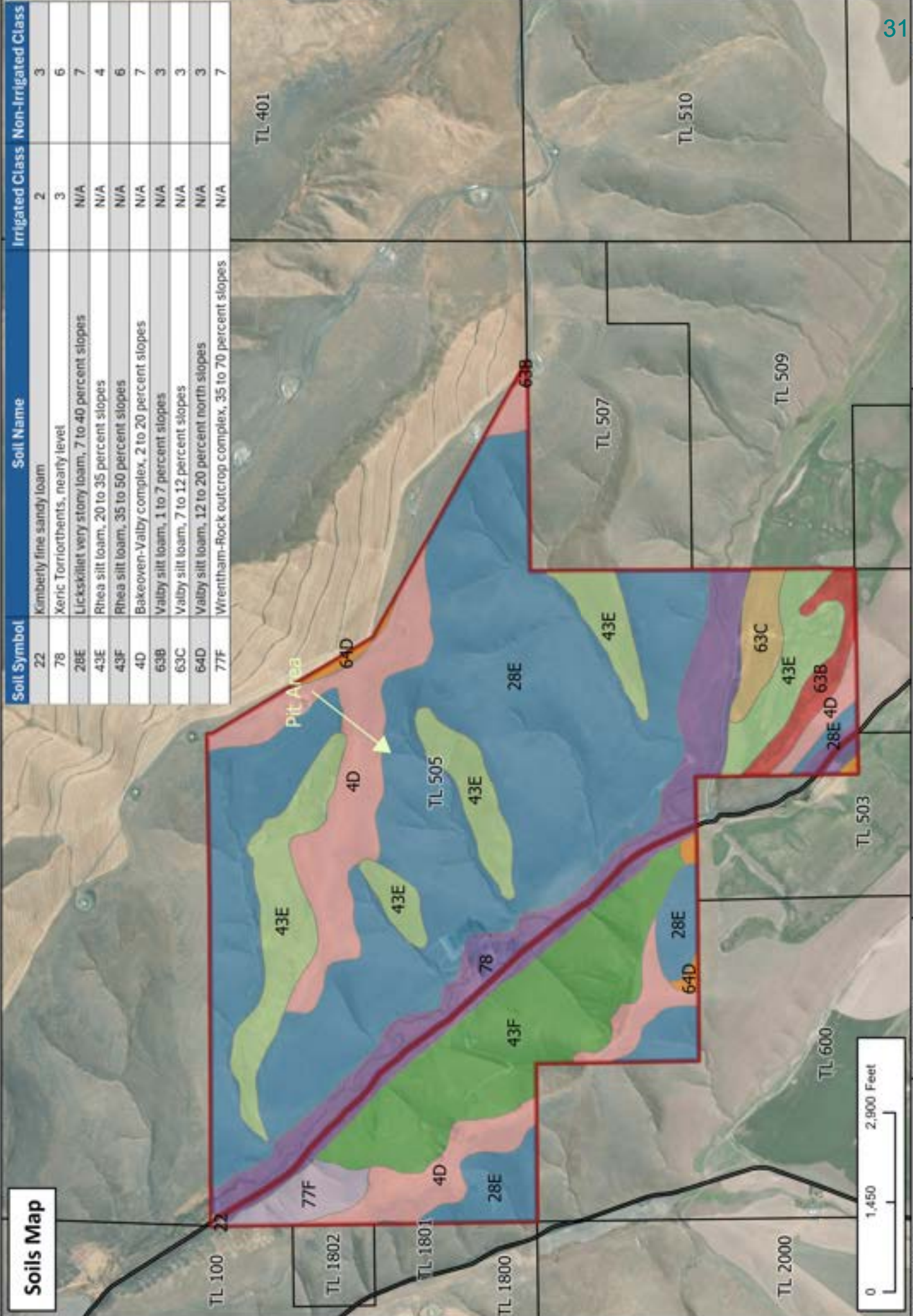
1" = 2000'
SEE MAP IN 27



SEE MAP IS 26

SEE MAP IS 28

CANCELLED NO.
501
504
506
508
511
513



Soils Map

Soil Symbol	Soil Name	Irrigated Class	Non-Irrigated Class
22	Kimberly fine sandy loam	2	3
78	Xeric Torriorthents, nearly level	3	6
28E	Licksillet very stony loam, 7 to 40 percent slopes	N/A	7
43E	Rhea silt loam, 20 to 35 percent slopes	N/A	4
43F	Rhea silt loam, 35 to 50 percent slopes	N/A	6
4D	Bakeoven-Valby complex, 2 to 20 percent slopes	N/A	7
63B	Valby silt loam, 1 to 7 percent slopes	N/A	3
63C	Valby silt loam, 7 to 12 percent slopes	N/A	3
64D	Valby silt loam, 12 to 20 percent north slopes	N/A	3
77F	Wrentham-Rock outcrop complex, 35 to 70 percent slopes	N/A	7

Application Number:
AC-161-25

Assessor's Map and Tax Lot:
01527E TL505

Property Owner:
Cliff Dougherty

Subject Property Size:
1915.4ac

Subject Property Zone:
EFU

Applicable MC20 Section:
Section 3.010

☐ Morrow County Tax Lots

☐ City Limits

☐ Urban Growth Boundary

☐ Subject Parcel

Coordinate System
NAD 1983 HARN StatePlane Oregon North FIPS 3601
Projection: Lambert Conformal Conic
Datum: North American 1983 HARN
Cartography By: Stephen Woodcock
Friday, October 24, 2025
Morrow County Planning Department

S-Planning/Amendments/2025

31



1500ft Area Study

Spur Loop Rd

TL 1802

TL 1800

TL 1801

TL 505

Spur Loop Rd

PR. Molloupuas

TL 2000

TL 600

TL 503

TL 507

TL 509

TL 512

TL 510

TL 401

TL 400

Pit Area

0 1,500 3,000 Feet

Application Number:	AC-161-25
Assessor's Map and Tax Lot:	01527E TL505
Property Owner:	Cliff Dougherty
Subject Property Size:	1915.4ac
Subject Property Zone:	EFU
Applicable MC20 Section:	Section 3.010

- Morrow County Tax Lots
- City Limits
- Urban Growth Boundary
- Subject Parcel
- Approximate Pit Boundary
- 1500ft Impact Area

Coordinate System
 NAD 1983 HARN StatePlane Oregon North FIPS 3601
 Projection: Lambert Conformal Conic
 Datum: North American 1983 HARN
 Cartography By: Stephen Woodcock
 Tuesday, October 28, 2025
 Morrow County Planning Department



S. Planning/Amendments/2025

National Flood Hazard Layer FIRMette



119°30'7"W 45°29'34"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000 119°29'30"W 45°29'9"N

Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

Without Base Flood Elevation (BFE)
Zone A, V, A99

With BFE or Depth
Zone AE, AO, AH, VE, AR

Regulatory Floodway

0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile
Zone X

Future Conditions 1% Annual Chance Flood Hazard
Zone X

Area with Reduced Flood Risk due to Levee. See Notes.
Zone X

Area with Flood Risk due to Levee
Zone D

NO SCREEN
Zone X

Area of Minimal Flood Hazard
Zone X

Effective LOMRs
Zone D

Area of Undetermined Flood Hazard
Zone D

Channel, Culvert, or Storm Sewer

Levee, Dike, or Floodwall

Cross Sections with 1% Annual Chance Water Surface Elevation
20.2
17.5

Coastal Transect

Base Flood Elevation Line (BFE)

Limit of Study

Jurisdiction Boundary

Coastal Transect Baseline

Profile Baseline

Hydrographic Feature

Digital Data Available

No Digital Data Available

Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **10/28/2025 at 9:59 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

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**PRELIMINARY FINDINGS OF FACT
MAJOR VARIANCE
V-N-060-25**

REQUEST: Request is for a variance to the manufactured home siting standards limiting installation to models that are no more than 10 years old.

APPLICANT/OWNER: Rock It, LLC
Wade Aylett
74854 Washington Ln.
Irrigon, OR 97844

PROPERTY DESCRIPTION: Tax lot 800 of Assessor's Map 5N 26E 23A

PROPERTY LOCATION: Approximately 0.7 miles west of Irrigon city limits and 0.25 miles south of the Columbia River, on the north side of Washington Lane.

I. BACKGROUND INFORMATION:

The subject parcel is approximately 3.27 acres, zoned Rural Residential (RR), and is located outside the Irrigon Urban Growth Boundary. It is fronted to the south by Washington Lane. Adjacent properties are zoned RR and developed accordingly.

The parcel currently contains two single-wide manufactured homes with separate driveways. The dwelling to the west is addressed as 74891 Washington Lane and the dwelling to the east is addressed as 74905 Washington Lane. The landowner recently purchased the parcel and is attempting to improve its condition.

The dwelling currently addressed as 74891 Washington Lane is an approximately 960 ft² 1990 Champion single-wide manufactured home in poor condition. The applicant proposes to replace it with an approximately 1,838 ft² 1993 Fleetwood double-wide manufactured home. The applicant has submitted as part of their application photos of the existing dwelling and the proposed replacement dwelling (see attached).

The Morrow County Zoning Ordinance (MCZO) requires a manufactured home placed in a rural residential zone to meet the manufactured home siting standards outlined in Section 4.110(B), Manufactured Homes in a Rural Residential Zone. This request would be a variance from the age requirement of MCZO Section 4.010(B)(1), which requires a manufactured home, "be multi-sectional (double-wide or larger); be a minimum of 1000 square feet; and be manufactured no more than ten years before the receipt date of the siting request application by the Planning Department".

II. APPROVAL CRITERIA:

Morrow County Zoning Ordinance (MCZO) Article 4, Section 4.110(B) Manufactured Homes in a Rural Residential Zone and Article 7, Section 7.200(B) Major Variance will apply. Criteria are listed below in **bold type**, followed by a response in standard type.

V-N-060-25

Preliminary Findings of Fact

S:/Planning/Variations/North/2025/V-N-060-25 Aylett MFH

Page 1 of 6

ARTICLE 4. SUPPLEMENTARY PROVISIONS

SECTION 4.110. Minimum Standards for a Manufactured Home on Individual Lots or Parcels as a Single-Family Dwelling.

- B. Manufactured Homes in a Rural Residential Zone:** A manufactured home permitted as a single-family dwelling on an individual lot or parcel in a residential zone (Rural Residential, Farm Residential or Suburban Residential) shall be in compliance with the following standards and regulations as a minimum.
- 1. Be multi-sectional (double-wide or larger); be a minimum of 1000 square feet; and be manufactured no more than ten years before the receipt date of the siting request application by the Planning Department.**
The proposed replacement dwelling is an approximately 1,838 ft² 1993 Fleetwood double-wide manufactured home. This application requests a variance from this age requirement, as it is more than ten years old.
 - 2. Placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.**
The existing dwelling is not installed on a foundation, however the applicant proposes to install the replacement dwelling on a foundation. It is recommended and included as a Condition of Approval that the replacement dwelling be placed on a foundation that meets these standards.
 - 3. Have a pitched roof with a nominal slope of at least three feet in height for each 12 feet in width.**
The applicant states the replacement dwelling meets this standard. This criterion is met.
 - 4. Certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code.**
The applicant states the replacement dwelling meets this standard. Per conversation with the Building Official, it is likely a 1993 manufactured home is not constructed to any lesser energy conservation standard than a 1993 stick-built home. This is one of the standards that will be inspected by the Building Department.
 - 5. Have exterior siding and roofing materials which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Planning Department.**
The replacement dwelling is a neutral gray color with material and appearance comparable to surrounding dwellings. This criterion is met.

6. **Have a garage or carport sited on the same lot or parcel of at least 180 square feet in size of like materials constructed before occupancy.**

The existing dwelling does not have a garage or carport that meets these requirements. It is recommended and listed as a Condition of Approval that the applicant construct a qualifying garage or carport prior to occupancy of the replacement dwelling.

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

It is recommended and listed as a Condition of Approval that the required garage or carport shall be constructed of similar material and color and comply with state and local construction and installation standards. No other structures are being proposed as part of this application.

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

The applicant proposes to install the replacement dwelling on a foundation as described in the response to 4.110(B)(2). This is recommended and listed as a Condition of Approval.

As part of the permitting process, the applicant will be required to obtain on-site septic approval from Umatilla County Public Health. This is recommended and listed as a Condition of Approval.

9. **A manufactured structure is recognized as any manufactured dwelling, or prefabricated structure more than 8 ½ feet wide that can be moved to a new location.**

The existing dwelling and replacement dwelling both meet this definition.

ARTICLE 4. DIMENSIONAL ADJUSTMENTS, VARIANCES, TEMPORARY USE PERMITS, AND NON-CONFORMING USES

SECTION 7.200 VARIANCES

A Variance can serve multiple purposes and is designed to provide relief from the literal requirements of a regulation found within this Zoning Ordinance. The result of approving a Variance should result in improved planning that would benefit the applicant and the broader community, and it may be the first step in reevaluating requirements or allowed uses within a use zone.

- B. **MAJOR VARIANCE.** The following are examples of Variances that could be considered: siting a manufactured home that is not in compliance with current manufactured home requirements, allowing for less frontage than required, allowing for a smaller lot size than required, approve a variance when a dimensional adjustment does not accomplish the needs of the property owner, and other similar or related instances. Use Variances amend or change the use of a property or structure. Area Variances tend to amend or change the area needed to validate a lot or parcel, or reduce necessary setbacks. Financial hardship does not qualify for a use or area Variance.

APPROVAL CRITERIA. The Planning Commission may grant a Major Variance upon finding that all of the following criteria are met. The burden is on the applicant to demonstrate compliance with the criteria.

1. **The variance relates to a specific lot or parcel of land.**
This variance is requested for a specific parcel. This criterion is met.
2. **The Variance can be granted without substantial detriment to the public good. It would allow for a building or site plan that is more compatible with adjacent land and land uses, or it does not create a conflict with adjacent uses.**
The subject parcel is in an area with several neighboring manufactured homes. The siting of a double-wide manufactured home which meets the design standards of Article 4 would be an improvement over the existing dwelling and would be comparable to homes within the surrounding area. This criterion is met.
3. **The Variance does not hinder compliance with applicable building code requirements or engineering design standards.**
This variance request is for relief from the age requirement of MCZO Article 4, Section 4.110(B)(1), which states that in a rural residential zone, a manufactured home permitted as a single-family dwelling shall be, "multi-sectional (double-wide or larger); be a minimum of 1000 square feet; and be manufactured no more than ten years before the receipt date

V-N-060-25

Preliminary Findings of Fact

S:/Planning/Variances/North/2025/V-N-060-25 Aylett MFH

Page 4 of 6

of the siting request application by the Planning Department.” The design standards are otherwise consistent with applicable building code requirements and engineering standards. The applicant will be required to comply with all other Building Code requirements for the proposed manufactured home.

4. **Approval of the Variance does not create a violation of this or any other adopted ordinance or code standard.**
Approval of this variance would not create a violation of any ordinance or code standard. If approved, the use would conform to the intent of the Zoning Ordinance. This criterion is met.
5. **Applicant shall provide evidence from the applicable fire district that services can be provided in the event of an emergency.**
A copy of these findings have been provided to the Irrigon Rural Fire Protection District for review and comment. It is recommended and listed as a Condition of Approval that the applicant comply with any recommendations regarding emergency vehicle access.
6. **Application for a Variance should include all necessary Variances anticipated for the proposed development.**
No other variances are requested or anticipated for the proposed development. This criterion is met.
7. **Application for a Variance is limited to one per year.**
There are no previous variances approved for this property and none are anticipated within the next year. This criterion is met. This permit is valid for the length of time the manufactured home is in place.

- III. **LEGAL NOTICE PUBLISHED:** November 12, 2025
East Oregonian

November 12, 2025
Heppner Gazette-Times
- IV. **AGENCIES NOTIFIED:** Mike Gorman, Morrow County Tax Assessor; Glenn McIntire, Building Official; Thomas Roberts, Irrigon RFPD; Umatilla County Public Health
- V. **PROPERTY OWNERS NOTIFIED:** November 6, 2025
- V. **COMMENTS RECEIVED:** None
- VI. **HEARING DATE:** December 2, 2025
Bartholomew Building
Heppner, OR
- VII. **PLANNING COMMISSION:**
Option #1: The Planning Commission may deny Major Variance V-N-060-25

V-N-060-25

Preliminary Findings of Fact

S:/Planning/Variances/North/2025/V-N-060-25 Aylett MFH

Page 5 of 6

Option #2: The Planning Commission may approve Major Variance V-N-060-25 subject to the following **CONDITIONS OF APPROVAL**:

1. Applicant shall construct a garage or carport on the same lot of at least 180 square feet in size, of similar color and material, and in compliance with state and local construction and installation standards, prior to occupancy.
2. Applicant shall install the replacement dwelling on a foundation that meets the standards of MCZO Subsection 4.110(B)(2).
3. Applicant shall obtain appropriate Zoning and Building Permits for the replacement dwelling and the new garage or carport.
4. Applicant shall obtain on-site septic approval from Umatilla County Public Health.
5. Applicant shall comply with any recommendations from Irrigon RFPD regarding emergency vehicle access.

Stacie Ekstrom, Chair

Date

ATTACHMENTS:

Vicinity Map
 Adjoining Property Owners List
 Application
 Photographs of existing and replacement dwelling

Vicinity Map

Steagall Rd

Steagall Rd

Washington Ln

Washington Ln

TL 601

TL 600

TL 700

TL 701

TL 1100

TL 900

TL 800

TL 1000

TL 1200

TL 1100

TL 900

TL 1500

0 90 180 Feet

Application Number:

V-N-060-25

Assessor's Map and Tax Lot:

05N26E23A TL800

Property Owner:

Rock It LLC

Subject Property Size:

3.27ac

Subject Property Zone:

RR

Applicable MC20 Section:

Section 3.040

☐ Morrow County Tax Lots

☐ City Limits

☐ Urban Growth Boundary

☒ Subject Property

Coordinate System:

NAD 1983 HARN StatePlane Oregon North FIPS 3601

Projection: Lambert Conformal Conic

Datum: North American 1983 HARN

Cartography By: Stephen Woodcock

Thursday, October 23, 2025

Morrow County Planning Department



ASSESSOR'S MAP/TAX	OWNER 1	OWNER 2	MAIL ADDRESS	CITY	STATE	ZIPCODE
05N26E23D001100	CARDENAS HERRERA, EUDORO ETAL		195 NE OREGON AVE	IRRIGON	OR	97844
05N26E23D001000	CARDENAS, GONZALO ETAL		311 KLUCKITAT ST	UMATILLA	OR	97882
05N26E23D001200	CARDENAS, GONZALO ETAL		311 KLUCKITAT ST	UMATILLA	OR	97882
05N26E23D001600	AYLETT, DEBORA & AYLETT, WADE		74854 WASHINGTON LN	IRRIGON	OR	97844
05N26E23A000800	ROCK IT LLC		74854 WASHINGTON AVE	IRRIGON	OR	97844
05N26E23A001000	STEAGALL, CAROLE J		74953 WASHINGTON LN	IRRIGON	OR	97844
05N26E23A000400	STEAGALL, CAROLE J		74953 WASHINGTON LN	IRRIGON	OR	97844
05N26E23A000900	STEAGALL, CAROLE J		74953 WASHINGTON LN	IRRIGON	OR	97844
05N26E23D001504	CLEMENTS, MICHAEL & CLEMENTS, SHERENA		74958 BRACE RD	IRRIGON	OR	97844
05N26E23D001500	GEORGE, FREDERICK W		PO BOX 1755	UMATILLA	OR	97882
05N26E23D001503	TAYLOR, MARION, III		PO BOX 298	IRRIGON	OR	97844
05N26E23A000600	YOUNG, PAUL D		PO BOX 714	IRRIGON	OR	97844
05N26E23A000601	YOUNG, PAUL D		PO BOX 714	IRRIGON	OR	97844
05N26E23A000701	TURNER, THOMAS R		PO BOX 966	IRRIGON	OR	97844

V-N-060-25 | Rock It, LLC | RR 250ft Notice Area.

05N26E23A TL800

S:\Planning\Variances\North\2025



LAND USE APPLICATION Major VARIANCE REQUEST

RECEIVED 43
OCT 22 2025

BY: MR

V-N-060-25

PAID
ck 33836

Internal Use

File Number V-N-060-25 Date Received 10-22-25 Deemed Complete 10-29-25 Fee 100

Type: ☐ Minor Variance (Administrative) ☒ Major Variance (Planning Commission)

Applicant / Contractor:

Name(s) Wade Aylett

Mailing Address 74859 Washington lane Irrigon or.

Phone 541-571-9200 E-mail Rocksolid-live.com

Legal Property Owner: (if different from applicant)

Name(s) _____

Mailing Address _____

Phone _____ E-mail _____

Existing Property Description:

Township 5N Range 26 Section 23A Tax Lot 800 Zoning Designation RR

Physical Address 74891 + 74905 Washington lane Irrigon or.

Located within a UGB? No If yes, which city? _____

Legal Access (e.g. road name) Washington lane

General Location The south 390 Feet of lot 2 + south 390 Feet west 35 ft. of lot 1 Block 35 west in section 23 Township 5N Range 26

The Planning Director or the Planning Commission, dependent upon the criteria identified, may authorize dimensional adjustments or variances from the requirements of this ordinance, or authorize temporary use permits, where it can be shown that owing to special and unusual circumstances related to a specific lot or desired activity, strict application of the ordinance would cause an undue or unnecessary hardship. In granting these permits, Planning Director decisions would be done either under clear and objective standards; or when discretion is applied by providing notice as required by law. Those decisions identified to be approved by the Planning Commission, conditions may be attached when the Planning Commission finds it necessary to protect the best interest of the surrounding property or vicinity and otherwise achieve the purpose of this ordinance.

Variance Type Requested: ☐ Area Variance ☐ Use Variance

Please explain why the variance is requested This variance is being requested to

replace an old single wide trailer with a newer 1993 double wide. This property was purchased recently and we are trying to improve the property.

Signature: I/we, the undersigned, acknowledge that I am familiar with requirements of approval for a variance and propose to meet all standards set forth as outlined above. I certify that the statements and information provided with this application are true and correct to the best of my knowledge.

Signed: Wade Aylett
Applicant

Wade Aylett
Legal Property Owner

Printed: Wade Aylett
Applicant

Legal Property Owner

Date 10-21-25

If this application is not signed by the property owner, a letter authorizing signature by the applicant must be attached.

Morrow County Planning Department
215 NE Main Ave, PO Box 40, Irrigon, OR 97844
(541) 922-4624 FAX: (541) 922-3472

Revised 3/4/25

We are asking the planning commission for a variance on property legal description : the south 390 feet of lot 2 and the south 390 feet of the west 35 feet of lot 1 block 35 west, in section 23, Township 5 north, Range 26, east of the willamete meridian, in the county of morrow and the united states.

The purpose of the variance is to replace a single wide trailer which is currently on the property. The single wide trailer measures 16 by 60. We are wanting to replace it with a 1993 double wide measuring 27.6 by 66.6.

This property was purchased recently and we are trying to clean up and improve the property.

Thank you

APPLICANT PHOTOS

EXISTING DWELLING

1990 SINGLE-WIDE
MANUFACTURED HOME







APPLICANT PHOTOS

REPLACEMENT DWELLING

1993 DOUBLE-WIDE

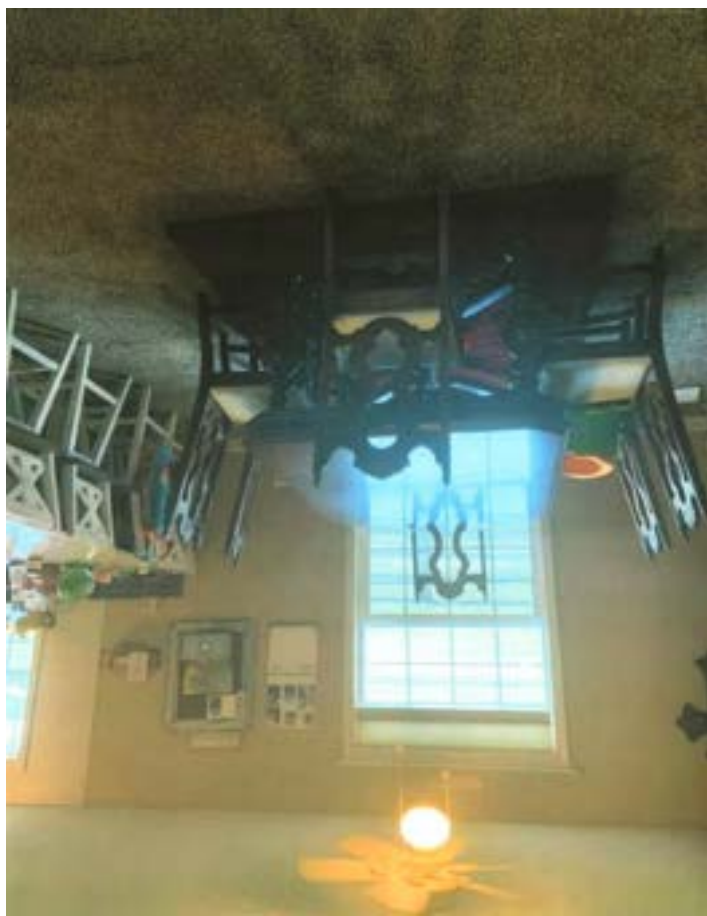
MANUFACTURED HOME













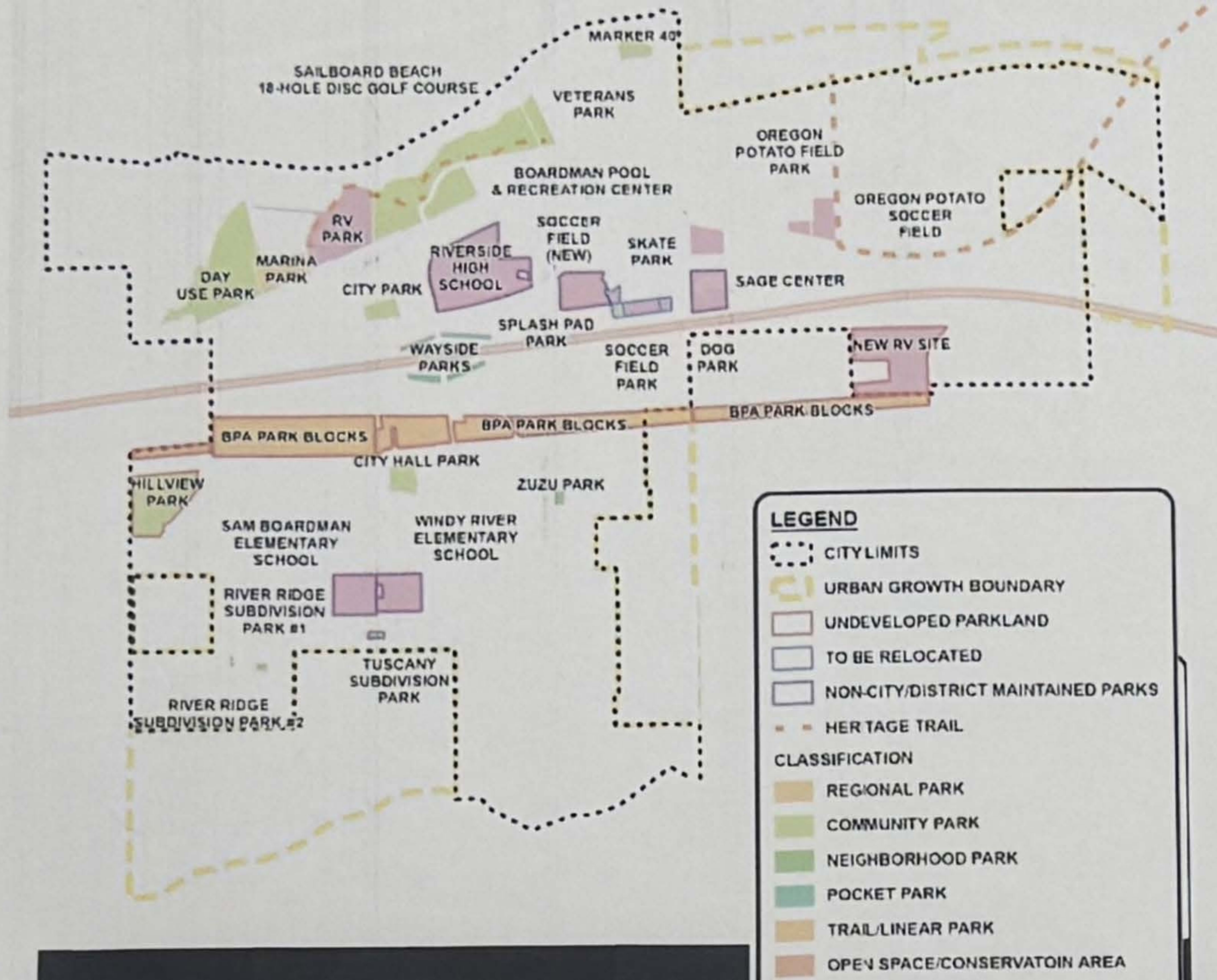
4 miles)
Cross Marina
crosswalk on

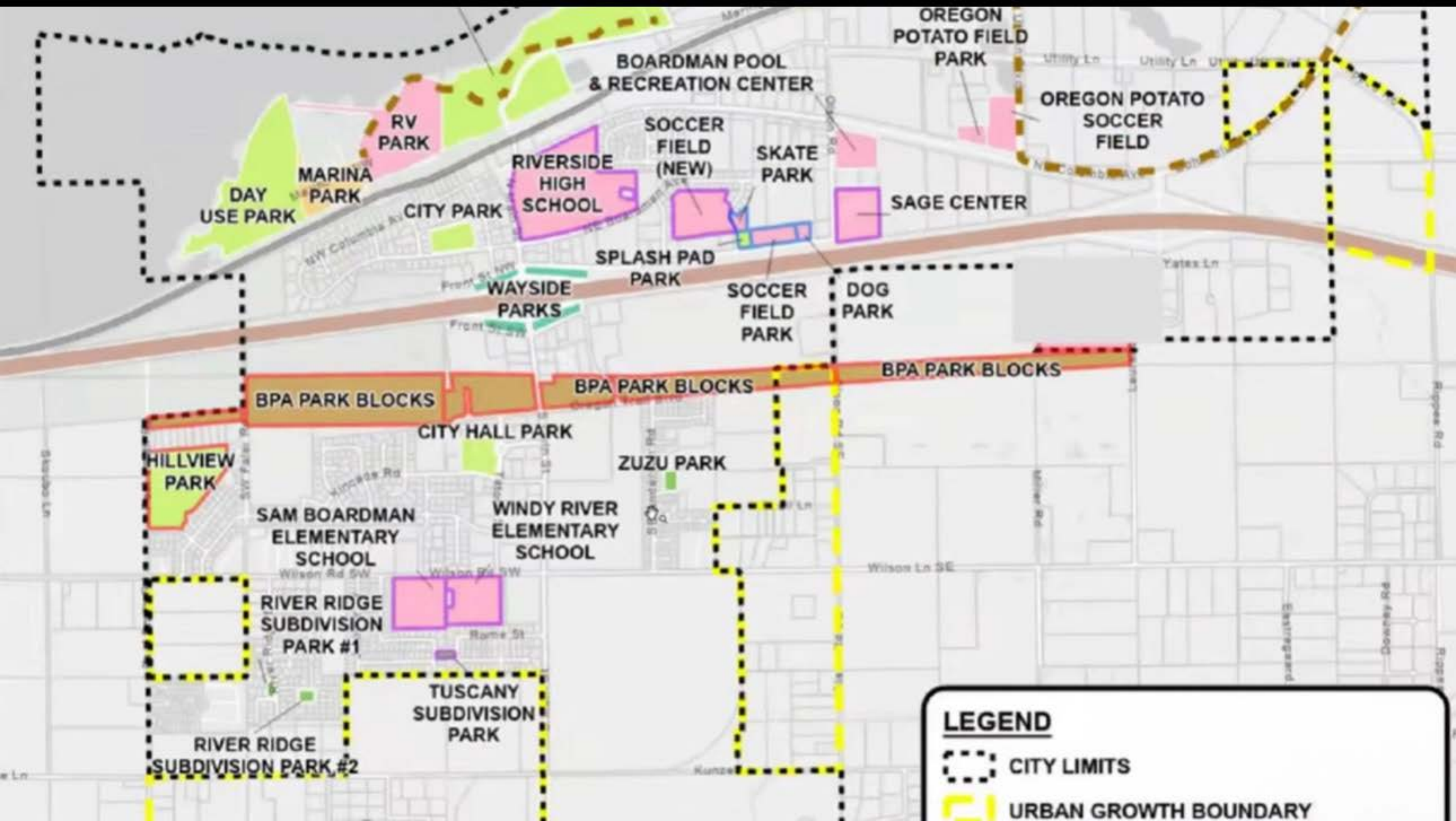
nts
ay Use Park
g Park

ety
pik
at existing

with future
with sidewalk
anned along
ng west
g at existing

n County





LEGEND

-  CITY LIMITS
-  URBAN GROWTH BOUNDARY

away from what's

1:52:43

his name? Is it Did I hear a a rumor that he sold that? There's Amazon. No,

1:52:51

this this Oh, well, so Amazon is potentially funding um the development

1:52:57

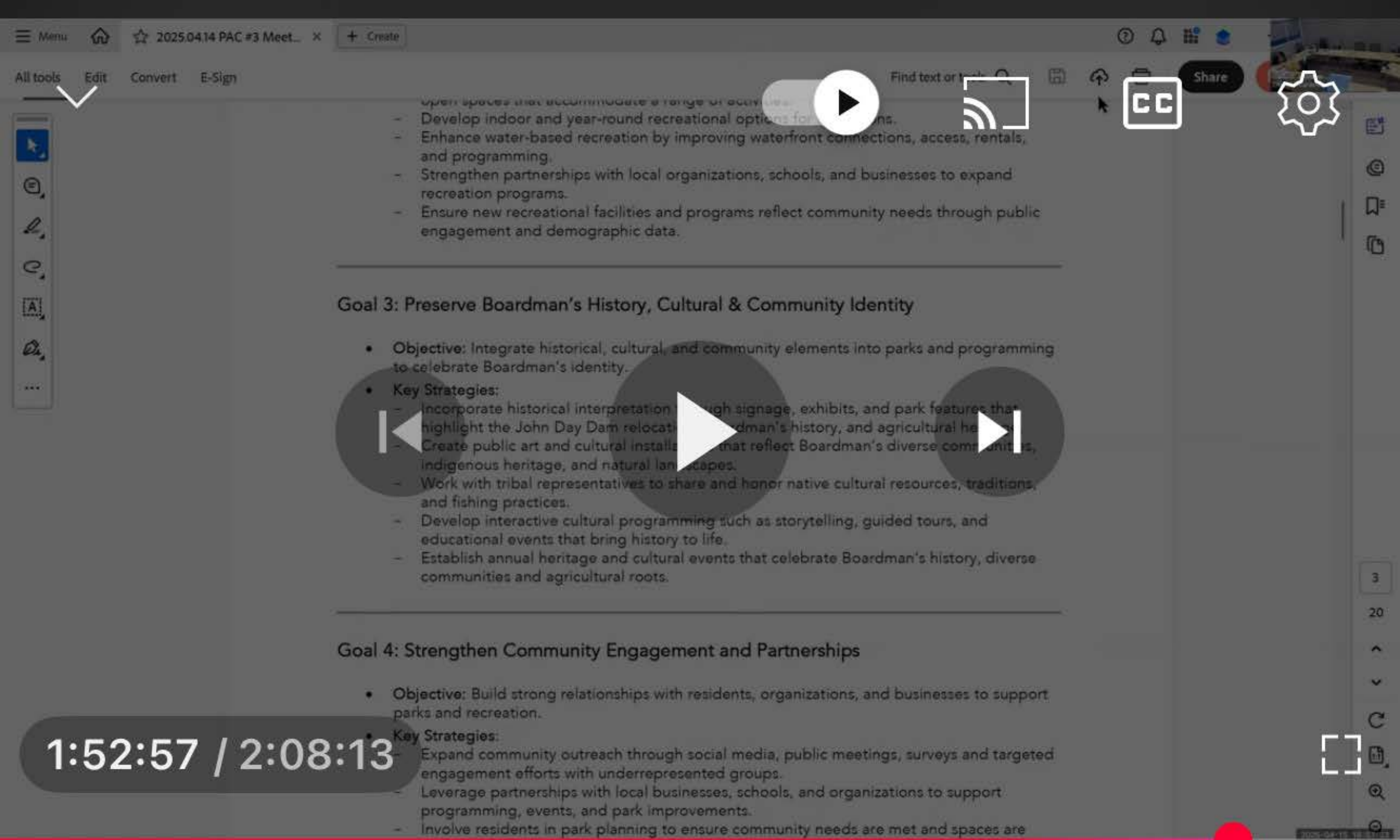
of an RV park. Yeah. Not for a data center. I didn't mean that way, but for that Yes. Oh, wait. Don't That's where

1:53:04

that sun that cafe or that coffee shop is at the port exit.

1:53:10

Farmers somewhere in there What's What was J's name? Terry Tolman. Yeah



Boardman, OR PMP PAC Meeting 4/15/25

90 views 5mo ago ...more



City of Boardman, Oregon

29

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Key Concepts



Economic growth

In economics, economic growth is an i...

View concept

April 6, 2021

7:22 PM

David M. Blanc
d.blanc@blancfirm.com
Licensed in OR & WA

Jack R. Blanc
j.blanc@blancfirm.com
Licensed in OR & CA

The
BLANC FIRM
LLC

39 SE Court
Pendleton, OR 97656
Phone: (541) 215-1111
Fax: (541) 215-1112
www.blancfirm.com

April 5, 2021

Mr. and Mrs. Terry Tallman
706 SE Mt. Hood Ave.
Boardman, OR 97818

RE: City of Boardman
Loop Road Right-of-Way

Dear Mr. and Mrs. Terry Tallman:

I represent the City of Boardman, who has asked that I write to you about obtaining the necessary right-of-way to construct a loop road on the west and east sides of Laurel Lane.

First, enclosed you will find a letter to Karen Pettigrew from Matt Scrivner, Morrow County Public Works Director, dated March 25, 2021. Please be advised Morrow County has provided notice that it will be closing and removing the unpermitted access within 30 days of March 25, 2021 if an approved approach permit and safety concerns have not been met. To comply and prevent closure, the City is required to finalize its plans to construct the loop road as shown on the map provided by the City to you with the letter dated March 1, 2021.

Second, the City has asked that I respond to your letter to Karen Pettigrew, dated March 17, 2021. In your letter you asked if the City had any objections to using the west 10 acres for residential housing. The property is zoned Service Center. The property must be used as allowed for that zone pursuant to the Boardman Development Code, unless a zone change is requested. The City cannot advise you on whether you should retain a lawyer or have your son, Jonathan, handle negotiations. If you choose to retain a lawyer, this letter should be delivered to that individual.

Third, with the deadline of the County to close the unpermitted access, action needs to be taken as soon as possible to resolve this issue. As an offer of compromise, the City is offering to pay the sum of \$30,000 for the necessary right-of-way. I need to hear from you on or before April 16, 2021. In the event this offer is not accepted by April 16, 2021, the City will have no choice but to proceed to the next step.

Carla McLane

From: Jonathan Tallman <1stjohn217llc@gmail.com>
Sent: Thursday, January 8, 2026 3:46 PM
To: Amanda Mickles; Carla McLane; Brandon Hammond; George Shimer; Paul Keefer
Cc: HERT Dawn * DLCD; brandi.elmer@dlcd.oregon.gov
Subject: Re: Joint city Council Special Meeting January 13, 2026

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Amanda,

Thank you for your January 8 message regarding the amendment and reposting of the Parks Plan packet.

Given the timing of the upcoming meeting, I am submitting this correspondence to ensure the record reflects the sequence of postings and amendments.

To ensure clarity and a complete public record, I am submitting this correspondence for inclusion in the official record for the January 13, 2026 meeting. Given the sequence of notices and corrections issued on January 6, January 7, and January 8, I respectfully request confirmation of the following for the record:

1. Whether the amended version of the Parks Plan will fully supersede the previously posted "2026.01.06_Park Plan 2035-OPT."
2. Whether the amended document is the version intended to be relied upon by the Board at the January 13 meeting.
3. Whether the amended document will be clearly posted and accessible to the public in advance of the meeting so that interested parties are reviewing the same materials as the Board.

This correspondence is not intended to advocate for any particular outcome, but solely to ensure procedural clarity and consistency in the materials relied upon for the upcoming decision.

For transparency, I will be copying the Oregon Department of Land Conservation and Development (DLCD) on this correspondence for record-keeping purposes.

Thank you for your assistance, and please include this email and the related correspondence as part of the meeting record.

Sincerely,

Jonathan Tallman

----- Forwarded message -----

From: Amanda Mickles <micklesa@cityofboardman.com>

Date: Thu, Jan 8, 2026 at 3:18 PM

Subject: Re: Joint city Council Special Meeting January 13, 2026

To:

Good afternoon,

Due to formatting issues within the original document, the "2026.01.06_Park Plan 2035-OPT" will be edited and reposted. Edits will be accomplished tomorrow morning, look for the update as it will say "Amended" in the document title.

Amanda Mickles

City Clerk | [City of Boardman](#)



From: Amanda Mickles <micklesa@cityofboardman.com>

Sent: Wednesday, January 7, 2026 9:40 AM

Subject: Re: Joint city Council Special Meeting January 13, 2026

Good morning,

Correction - the scheduled date for this special meeting is January 13th.

It was brought to my attention that I provided the incorrect date in the original email body. The date for this meeting in the official posting and subject line is correct for January 13th. This meeting will be held at the Port of Morrow Riverfront Event Center at 7:00 PM. My apologies for the confusion and any inconvenience this caused.

Amanda Mickles

City Clerk | [City of Boardman](#)



From: Amanda Mickles <micklesa@cityofboardman.com>

Sent: Tuesday, January 6, 2026 5:25 PM

Subject: Joint city Council Special Meeting January 13, 2026

Good evening,

Packet for the special meeting scheduled on Tuesday, January 6, 2026 are available for review.

[Special Meeting 7:00 PM](#) at Port of Morrow Riverfront Event Center

As always, please let me know if you have any questions or concerns.

Amanda Mickles

City Clerk | [City of Boardman](#)



PO Box 229 | [200 City Center Circle](#)

[Boardman, OR 97818](#)

PH: (541) 481-9252

Carla McLane

From: Jonathan Tallman <1stjohn217llc@gmail.com>
Sent: Friday, January 9, 2026 7:01 AM
To: Amanda Mickles; Carla McLane; Brandon Hammond; George Shimer; Paul Keefer
Cc: HERT Dawn * DLCD; brandi.elmer@dlcd.oregon.gov; Tamra Mabbott; Clint Shoemake; Matthew Jensen; Michaela Ramirez
Subject: Re: Joint city Council Special Meeting January 13, 2026
Attachments: IMG_3657.png; IMG_4463.jpeg; IMG_3520.jpeg; IMG_2684.jpeg; IMG_4614.jpeg; IMG_4615.jpeg; IMG_4616.jpeg; 2022 collectors.pdf; City of Boardman 2025 cIP.pdf; BOC CIP morrow county.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Mickles,

I am writing in my capacity as an affected landowner to request that this correspondence, together with the referenced Capital Improvement Plan materials, be entered into the official record for the January 13, 2026 Park & Recreation District hearing concerning the Heritage Trail. I am copying the Oregon Department of Land Conservation and Development (DLCD) with Morrow County for transparency and records continuity.

On December 30, 2025, at 9:00 a.m., the Morrow County Board of Commissioners held a Special Session and considered Agenda Item 4.a., CIP Initial Project Approval. The agenda packet for that meeting identifies the Heritage Trail as a Parks capital project within the County's preliminary Capital Improvement Plan, with an estimated cost of \$2,000,000.

In addition, the City of Boardman issued its 2025 Capital Improvement Plan on August 26, 2025, which identifies capital projects tied to transportation, parks, and connectivity and serves as the City's capital planning framework for implementation of adopted and proposed plans, including the Transportation System Plan. The City's CIP predates both the County's December 30, 2025 capital programming action and the Park & Recreation District hearing scheduled for January 13, 2026.

As reflected in the County materials, while the Heritage Trail is identified as a capital project, the Board of Commissioners' packet contains no information regarding route, alignment, right-of-way acquisition, affected parcels, or landowner impacts. No maps, corridor descriptions, or implementation details were included in the materials considered by the Board. Similarly, neither the City nor County CIP materials identify parcel-level impacts associated with the Heritage Trail at this stage.

Because the Park & Recreation District hearing scheduled for January 13, 2026 occurs after both the City's issuance of its CIP and the County's capital programming action, the District's consideration of the Heritage Trail has direct procedural significance. Proceeding with a Park & Recreation vote without route, right-of-way, or land-impact information separates capital funding decisions from land-use impacts and limits the ability of affected landowners to meaningfully evaluate or respond to the proposal.

This submission is provided solely for inclusion in the record to document the timing, content, and relationship between the City and County capital planning actions and the Park & Recreation District's upcoming hearing.

In addition, and in the interest of avoiding unnecessary procedural disputes or appeals, I remain willing to engage in good-faith discussion and coordination regarding the Heritage Trail as it relates to my property and any potential alignment, access, or right-of-way considerations. I believe these issues are best addressed collaboratively and transparently before further implementation steps are taken.

Please include any intergovernmental agreements relied upon for implementation of the Parks Master Plan in the record.

Please note and add the collectors Luba case 2022 (remand) attached.

Finally, to ensure clarity and a complete public record, I respectfully request that any formatting changes to the Parks Plan be accompanied by a redlined version identifying those changes, and that the record remain open in accordance with applicable 7-7-7 requirements to allow meaningful review and response.

Please confirm that this correspondence and the referenced CIP materials will be included in the official record for the January 13, 2026 Park & Recreation District proceedings.

Thank you for your assistance.

Sincerely,

Jonathan Tallman
1st John 2:17 LLC

cc: Oregon Department of Land Conservation and Development (DLCD), Morrow county officials for record preservations

On Thu, Jan 8, 2026 at 3:46 PM Jonathan Tallman <1stjohn217llc@gmail.com> wrote:

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Jonathan Tallman

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City Clerk | [City of Boardman](#)



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City Clerk | [City of Boardman](https://www.cityofboardman.com)



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Subject: Joint city Council Special Meeting January 13, 2026

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[Special Meeting 7:00 PM](#) at Port of Morrow Riverfront Event Center

As always, please let me know if you have any questions or concerns.

Amanda Mickles
City Clerk | [City of Boardman](https://www.cityofboardman.com)



PO Box 229 | [200 City Center Circle](#)
[Boardman, OR 97818](#)
PH: (541) 481-9252

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

1st JOHN 2:17, LLC and JONATHAN TALLMAN,
Petitioners,

vs.

CITY OF BOARDMAN,
Respondent.

LUBA No. 2022-062

FINAL OPINION
AND ORDER

Appeal from City of Boardman.

Sarah C. Mitchell filed the petition for review and reply brief and argued on behalf of petitioners. Also on the brief was Kellington Law Group, PC.

Christopher D. Crean filed the respondent's brief and argued on behalf of respondent. Also on the brief was Beery, Elsner & Hammond, LLP.

RYAN, Board Chair; ZAMUDIO, Board Member, participated in the decision.

RUDD, Board Member, did not participate in the decision.

REMANDED

10/27/2022

You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850.

NATURE OF THE DECISION

Petitioners appeal a city council decision approving improvements to an existing intersection and an existing street, and construction of a new collector.

FACTS

Yates Lane is an existing, unpaved street that extends east from Laurel Lane in the Commercial district and the Service Center (SC) subdistrict. Laurel Lane is a north-south arterial that connects to I-84 north of the Laurel Lane/Yates Lane intersection, forming what is referred to as the Port of Morrow Interchange. The Port of Morrow Interchange is subject to the Port of Morrow Interchange Area Management Plan (IAMP), which the city adopted in 2012 as part of its Transportation System Plan (TSP). The IAMP lists as a city transportation project improvements to the Laurel Lane/Yates Lane intersection and the construction of a new collector, Devin Loop. Devin Loop would begin on Yates Lane east of the Laurel Lane/Yates Lane intersection, loop south and west from Yates Lane, and connect to Laurel Lane south of the Laurel Lane/Yates Lane intersection, just north of a Bonneville Power Administration (BPA) transmission easement.

On November 16, 2021, city staff filed an application seeking planning department approval to improve the Laurel Lane/Yates Lane intersection and construct Devin Loop, as described in the IAMP. In addition, the application proposed improving to neighborhood collector standards the Yates Lane right-of-way between the Laurel Lane/Yates Lane intersection and the Yates

1 Lane/Devin Loop intersection. We refer to Devin Loop and Yates Lane, together,
2 as the “Loop Road,” and we refer to the proposed construction, collectively, as
3 the “Loop Road project.”

4 On March 11, 2022, city staff approved a “Zoning Permit” authorizing the
5 Loop Road project. The city provided notice of the Zoning Permit to persons,
6 including petitioners, who own property west of Laurel Lane. After petitioners
7 attempted to file a local appeal of the Zoning Permit, the city chose to proceed
8 under its “Type II” land use procedures, effectively allowing petitioners to appeal
9 the Zoning Permit to the planning commission.

10 The planning commission held a public hearing on May 18, 2022, and
11 ultimately denied petitioners’ appeal, affirming city staff’s approval of the Loop
12 Road project. Petitioners appealed the planning commission’s decision to the city
13 council. The city council conducted a public hearing on June 28, 2022, and denied
14 the appeal, adopting in support of its decision city staff’s findings, the planning
15 commission’s findings, and its own findings. The city council expressly adopted
16 any code interpretations made in city staff’s and the planning commission’s
17 findings. This appeal followed.

18 **FIRST ASSIGNMENT OF ERROR**

19 In its March 11, 2022 decision, city staff noted that the SC subdistrict
20 allows as permitted uses (1) installation of improvements within the existing
21 right-of-way and (2) projects identified in the TSP. Record 11. The city council
22 concluded that the Loop Road project involves uses that are permitted in the SC

1 subdistrict and, therefore, “do not require further land use review.” Record 6. The
2 city council stated:

3 “Because the permit approves a transportation facility that is
4 authorized by and consistent with the IAMP and [Boardman
5 Development Code (BDC)], it is not a land use decision and the city
6 was not required to process the permit application under its land use
7 procedures. Nonetheless, after the City mailed notice of the decision
8 to area property owners, [petitioners] sought to file a local appeal
9 and, out of an excess of caution and to ensure full public
10 participation, the City agreed to process the permit as if it was a
11 Type II land use decision. Accordingly, an appeal was heard before
12 the Planning Commission on May 18, 2022.” Record 5.

13 On appeal to LUBA, petitioners do not dispute that the Loop Road project
14 involves uses that are permitted in the SC subdistrict. However, petitioners
15 dispute the view that the city’s approval of the project is not a “land use decision”
16 and, in particular, the implication that, because the approval is not a land use
17 decision, no land use standards apply to the project.¹ Petitioners argue that it is
18 clear that the project is subject to many land use standards, including the IAMP
19 and a number of city land use regulations.

20 The city responds that petitioners misunderstand the above-quoted
21 findings and that the city does not dispute that the project is subject to land use

¹ ORS 197.015(10)(a) defines “land use decision,” in relevant part, as a “final decision or determination made by a local government” that “concerns” the application of a comprehensive plan provision or land use regulation. The city does not dispute that the challenged decision concerns the application of one or more comprehensive plan provisions or land use regulations, and is a “land use decision,” as defined at ORS 197.015(10)(a).

1 standards, as evidenced by the fact that, in approving the project, the city applied
2 a number of land use standards.

3 We agree with the city that petitioners' arguments under the first
4 assignment of error provide no basis for reversal or remand. The city's
5 characterization of the Loop Road as a "permitted use" and its conclusion that
6 approving an application for a use that is permitted in the SC subdistrict does not
7 result in a "land use decision" or necessarily trigger the city's Type II procedures
8 are merely *dicta* because the city proceeded to apply land use regulations to the
9 application.

10 The first assignment of error is denied.

11 **SECOND ASSIGNMENT OF ERROR**

12 Under the second assignment of error, petitioners advance four
13 subassignments of error that challenge the city's conclusions that the Loop Road
14 project complies with applicable land use regulations.

15 **A. Neighborhood Collector**

16 The IAMP designates the Loop Road as a "City Collector," but it does not
17 determine what kind of collector. The TSP identifies two kinds of collectors:
18 neighborhood and minor. The city concluded that the Loop Road is functionally
19 classified as a "neighborhood collector" and, therefore, subject to standards that
20 apply to that functional classification. Petitioners argued below, however, that
21 the Loop Road is more properly classified as a "minor collector" subject to

1 different, more demanding standards. For example, the minimum right-of-way
2 width for a neighborhood collector is 60 feet; that of a minor collector is 68 feet.

3 The city rejected those arguments, noting that the existing, graveled Yates
4 Lane right-of-way is 60 feet in width and classified as a neighborhood collector,
5 and concluding that Devin Loop will also qualify as a neighborhood collector
6 under the applicable IAMP, TSP, and BDC standards.²

7 On appeal, petitioners argue that the city council's findings fail to explain
8 why the Loop Road is properly classified as neighborhood collector. Petitioners
9 note that the TSP includes the following descriptions:

10 *"Minor Collectors*

11 "Collector facilities link arterials with the local street system. As
12 implied by their name, collectors are intended to collect traffic from
13 local streets and sometimes from direct land access, and channel it
14 to arterial facilities. Collectors are shorter than arterials and tend to
15 have moderate speeds.

16 "* * * * *

17 *"Neighborhood Collectors*

² The city council's findings state, in relevant part:

"[Petitioners] argue that the proposed roads 'on balance' are a minor collector, not a neighborhood collector. Staff disagrees. Under the applicable standards in the IAMP, TSP and [BDC] described in the findings above, staff concludes that the proposed roadways are a neighborhood collector and comply with all of the relevant standards for a neighborhood collector." Record 8.

1 “Neighborhood collectors are a subset of collectors serving the
2 objective of penetrating local neighborhoods to provide direct land
3 access serviced and traffic circulation. These facilities tend to carry
4 lower traffic volumes at slower speeds than typical collectors. On-
5 street parking is more prevalent and bike facilities may be exclusive
6 or shared roadways.” (*Italics in original.*)

7 Petitioners note that the TSP description under the heading “Minor Collectors”
8 mentions linking arterials with the local street system, while the description under
9 the heading “Neighborhood Collectors” does not mention linking to arterials.
10 Because the Loop Road will connect to an arterial, Laurel Lane, at both ends, and
11 because it could carry heavy truck traffic when adjoining properties develop,
12 petitioners argue that, on balance, the Loop Road is more like a minor collector
13 than a neighborhood collector.

14 The city responds that the TSP describes neighborhood collectors as a
15 “subset” of the general category of collectors, and the city suggests that the
16 description under the heading “Minor Collectors” is not limited to that
17 subcategory but, instead, describes the overall category of “collector facilities,”
18 which includes both neighborhood and minor collectors. Under that
19 interpretation, the city argues, both neighborhood and minor collectors are
20 intended to “link arterials with the local street system.”

21 We agree with petitioners that the city’s findings on this point are
22 inadequate. The city council’s finding refer to “applicable standards in the IAMP,
23 TSP and [BDC] described in the findings above.” *See* n 2. However, we see no
24 preceding findings that identify the applicable standards that the city used to

1 determine that the Loop Road is properly classified as a neighborhood collector
2 rather than a minor collector. The respondent's brief also does not identify what
3 criteria city staff used to determine the functional classification of the Loop Road.
4 The interpretation of the TSP descriptions suggested in the respondent's brief
5 might be sustainable, if it were adopted by the city council. However,
6 interpretations of a local code provision offered for the first time in a respondent's
7 brief at LUBA are not interpretations made by the local government. *Munkhoff*
8 *v. City of Cascade Locks*, 54 Or LUBA 660, 665-66 (2007). Because the decision
9 must be remanded in any event, as discussed below, the better course is to also
10 remand under this subassignment of error for the city council to adopt more
11 adequate findings, supported by any necessary local plan or code interpretations,
12 to explain its conclusion that the Loop Road is properly classified as a
13 neighborhood collector.

14 The first subassignment of error is sustained.

15 **B. Street Standards**

16 **1. Minor Collector Standards**

17 The findings address a number of BDC standards that apply to
18 neighborhood collectors and conclude that the Loop Road meets those standards.
19 For example, the findings note that the Yates Lane right-of-way is 60 feet wide,
20 which complies with the 60-foot minimum right-of-way width for a
21 neighborhood collector. Petitioners first argue that these findings are erroneous
22 if, in fact, the proper classification for the Loop Road is minor collector. We agree

1 with petitioners that, if, on remand, the city concludes that minor collector is the
2 appropriate functional classification, then the city must address compliance with
3 the standards for a minor collector.

4 **2. Roadway Width**

5 Alternatively, petitioners argue that, even if neighborhood collector is the
6 appropriate functional classification, the city still erred in two respects.
7 Petitioners cite evidence that the paved roadway width for some portions of the
8 Loop Road will be only 32 feet, and they argue that the minimum paved roadway
9 width for a neighborhood collector under BDC Table 3.4.100(F) is 38 feet. The
10 city does not respond to this argument or cite any findings addressing the
11 minimum roadway width. We agree with petitioners that, on remand, the city
12 must address compliance with the appropriate paved roadway width.

13 **3. Lateral Improvements**

14 Finally, petitioners argue, even if the Loop Road is classified as a
15 neighborhood collector, the city erred in failing to require construction of lateral
16 improvements such as sidewalks, planter strips, bicycle lanes, curbs, streetlights,
17 and other improvements, as required by BDC 3.4.100(J), (O), and (X).

18 BDC 3.4.100(J) provides, “Sidewalks, planter strips and bicycle lanes shall
19 be installed in conformance with the standards in Table 3.4.100, applicable
20 provisions of the [TSP], the Comprehensive Plan, and adopted street plans.
21 Maintenance of sidewalks, curbs, and planter strips is the continuing obligation
22 of the adjacent property owner.” BDC 3.4.100(O) provides, “Concrete curbs,

1 curb cuts, wheelchair, bicycle ramps and driveway approaches shall be
2 constructed in accordance with the standards specified in Chapter 3.1 - Access
3 and Circulation.” BDC 3.4.100(X) provides, “Streetlights shall be installed in
4 accordance with City standards which provides for installation at intervals of 300
5 feet.”

6 The planning commission’s decision explains that the full standards at
7 BDC 3.4.100 will be met when adjoining properties are developed:

8 “The City is purposefully not improving the street to the full
9 standards identified in the BDC leaving those future improvements
10 to be the responsibility of development along the roads being
11 installed to the east of Laurel Lane. Those additional improvements
12 that will be required at the time of development include curb,
13 sidewalk, access cuts, and other associated street improvements. A
14 four-foot-wide paved walking and bicycle path is included in the
15 pavement width to support limited multi-path utilization.” Record
16 21.

17 The city council also adopted findings rejecting petitioners’ arguments that the
18 requirements of BDC 3.4.100(J) and (X) must be met when the Loop Road is
19 constructed:

20 “Staff finds that [BDC 3.4.100(J)] is intended to apply at the time of
21 site development of the adjacent property; it does not apply to the
22 installation of a public roadway that provides access to the adjacent
23 property. In this case, the ‘applicable standards’ of the TSP is the
24 IAMP which does not include standards for sidewalks, planters and
25 bike lanes. Further, under the Comprehensive Plan and adopted
26 street plans (if any), the location, nature and extent of the sidewalks,
27 planter strips and bike lanes will vary depending on the type and
28 nature of development on the adjacent property. Moreover, any
29 continuous curbs, planter strips or sidewalks that are installed now
30 would be subject to frequent cuts, removal and damage as the

1 adjacent properties develop with driveways, underground utility
2 installations, construction traffic and other related impacts.
3 Accordingly, staff finds that this criterion is intended to apply in
4 coordination with [BDC 3.4.100(O)] concurrent with development
5 of the adjacent property. * * * Finally, staff finds that it would be
6 inappropriate and the city did not intend to impose a maintenance
7 obligation for public improvements on the adjacent property owner
8 until such time as the adjacent property develops. For these reasons,
9 staff finds that this criterion does not apply. It will apply at the time
10 the adjacent property develops and the design, location and
11 installation of the improvements will be determined based on the
12 nature of the development.” Record 7.

13 The city council adopted a similar finding regarding the streetlights required
14 under BDC 3.4.100(X).³

15 Petitioners argue that the city council’s code interpretations are
16 inconsistent with the express language of the relevant code provisions, which

³ The city council’s findings state:

“For the same reasons described in the findings above for [BDC 3.4.100(J)], staff concludes that [BDC 3.4.100(X)] does not apply. Staff interprets this standard to apply at the time the adjacent property develops. Until the site design of development on the subject properties is known, the City cannot determine the proper spacing for streetlights. Simply placing streetlights every 300 feet could conflict with the site plan for development on the adjacent properties (for example, driveway locations), which would then require lights to be removed and replaced. This results in unnecessary costs and potentially wasting public resources. Moreover, until the adjacent properties develop, there will be little need for street lights because there will be few if any pedestrians. Accordingly, staff finds that the city does not intend this criterion to apply to the installation of roadways except when provided in conjunction with development of the adjacent property.” Record 8.

1 provide that certain infrastructure “shall be installed” and “shall be constructed.”
2 Petitioners contend that the required infrastructure may be long delayed, or never
3 installed, if adjoining property owners fail to develop their properties. Petitioners
4 also note that some of the properties that will be served by the Loop Road are
5 already developed, and the city does not explain when and how the infrastructure
6 for those properties will be constructed.

7 The city responds that nothing in the relevant code sections or elsewhere
8 requires that such infrastructure be installed at the same time a roadway is built.
9 We understand the city to argue that the relevant code provisions are silent or
10 ambiguous on this point and that the city council’s interpretation resolving that
11 ambiguity is plausible and should be affirmed under the deferential standard of
12 review that LUBA applies to a governing body’s code interpretations under ORS
13 197.829(1).⁴ *Siporen v. City of Medford*, 349 Or 247, 243 P3d 776 (2010).

⁴ ORS 197.829(1) provides:

“[LUBA] shall affirm a local government’s interpretation of its comprehensive plan and land use regulations, unless the board determines that the local government’s interpretation:

- (a) Is inconsistent with the express language of the comprehensive plan or land use regulation;
- (b) Is inconsistent with the purpose for the comprehensive plan or land use regulation; [or]
- (c) Is inconsistent with the underlying policy that provides the basis for the comprehensive plan or land use regulation[.]”

1 We agree with petitioners. Although the relevant code provisions do not
2 explicitly require concurrency between roadway construction and lateral
3 improvements, the code provisions mandate that lateral improvements be
4 constructed, with the strong implication that lateral improvements must be built
5 at the same time as the roadway. As petitioners argue, if adjoining property is
6 never developed, then, under the city council's interpretation, no lateral
7 improvements will be constructed, contrary to the express requirements of the
8 code. The city council's interpretation also provides no mechanism or process to
9 require lateral improvements for already-developed properties that are adjacent
10 to the new roadways. The clear purpose of the relevant code provisions is to
11 require lateral improvements to be constructed along city roadways. The city
12 council's interpretation may not be inconsistent with any *express* language in the
13 cited code provisions, but it is certainly inconsistent with the purpose of those
14 code provisions. Accordingly, we cannot affirm that interpretation. ORS
15 197.829(1)(b).

16 The second subassignment of error is sustained.

17 **C. Other City Land Use Regulations**

18 Petitioners argue that the city erred in failing to apply a number of other
19 city land use regulations, including BDC chapter 4.2 (Development Review and
20 Site Design Review); BDC chapter 3.1 (Access and Circulation); BDC chapter
21 3.2 (Landscaping, Street Trees, Fences and Walls); BDC 3.4.100(A)
22 (Development Standards); BDC 3.4.100(G) (Traffic Signals and Traffic Calming

1 Features); BDC 3.4.100(I) (Street Alignment and Connections); BDC 3.4.100(K)
2 (Intersection Angles); BDC 3.4.100(L) (Existing Rights-of-Way); BDC
3 3.4.100(Q) (Development Adjoining Arterial Streets); BDC 3.4.100(T) (Street
4 Names); BDC 3.4.100(U) (Survey Monuments); BDC 3.4.100(V) (Street Signs);
5 BDC 3.4.100(W) (Mail Boxes); BDC 3.4.100(Y) (Street Cross-Sections); BDC
6 3.4.400 (Storm Drainage); BDC 3.4.500 (Utilities); and BDC chapter 3.5
7 (Stormwater Management).

8 To explain why petitioners believe the foregoing are applicable approval
9 criteria for the challenged decision, petitioners direct us to the jurisdictional
10 section of the petition for review and to unspecified arguments in the first
11 assignment of error. However, the jurisdictional section simply lists the same
12 code provisions, in a footnote, without providing any basis to conclude that the
13 cited code provisions are applicable approval criteria. Petition for Review 10 n 4.
14 The only argument we can find in the first assignment of error that bears on any
15 of the cited code provisions is a single paragraph arguing that transportation
16 improvements are subject to site design review standards at BDC chapter 4.2.
17 Petition for Review 27. The planning commission adopted findings rejecting this
18 contention. Record 21. Petitioners do not challenge that finding or provide any
19 basis to conclude that site design review standards or the other cited code
20 provisions apply to the Loop Road project.

21 The third subassignment of error is denied.

1 **D. BPA Subdistrict**

2 Petitioners argue that the city erred in finding that the Loop Road is located
3 entirely within the SC subdistrict.⁵ According to petitioners, a portion of Devin
4 Loop would be located within the BPA easement south of the Loop Road.
5 Petitioners argue that property located within the BPA easement is subject to an
6 entirely different subdistrict, the BPA Transmission Easement (BPA) subdistrict,
7 which has its own regulations that the city did not apply.

8 The city responds first that petitioners failed to raise any issue during the
9 proceedings below that the BPA subdistrict regulations apply, and petitioners are
10 precluded from raising that issue for the first time at LUBA. ORS 197.835(3);
11 ORS 197.797(1). In the reply brief, petitioners respond that ORS 197.835(4)(a)
12 allows them to raise the issue raised in the fourth subassignment of error because
13 the notices for the city's hearings failed to list the criteria that apply to the BPA

⁵ Again, rather than supply argument in support of this subassignment of error, petitioners direct us to unspecified arguments made in the jurisdictional section of the petition for review. Simply directing LUBA to unidentified arguments made in other sections of a brief runs the risk that LUBA will fail to locate those arguments. In addition, relying on arguments in the jurisdictional section of a petition for review to establish a basis for reversal or remand on the merits, especially in an appeal where jurisdiction is undisputed, runs the risk that such arguments will be overlooked. *See Regency Centers, L.P. v. Washington County*, 265 Or App 49, 61, 335 P3d 856 (2014) (LUBA was not required to scour the petition for review for material that potentially could have supported an argument that the county's decision involved a "proposed development of land" when the petitioners did not make that argument for themselves).

1 subdistrict.⁶ The waiver question depends on whether the provisions of the BPA
2 subdistrict are applicable criteria. We therefore turn to that question.

3 We agree with the city's response to the substance of the fourth
4 subassignment of error that petitioners are mistaken and that the BPA easement
5 is not subject to the BPA subdistrict, which is located a mile to the west. The city
6 attaches to its brief a zoning map showing the different locations of the subject
7 property and the BPA subdistrict.

8 The city is correct that the BPA easement south of the Loop Road is not
9 subject to the BPA subdistrict. Petitioners' unsupported arguments under this
10 subassignment of error do not provide a basis for reversal or remand.

11 The fourth subassignment of error is denied.

12 The second assignment of error is sustained, in part.

13 The city's decision is remanded.

⁶ ORS 197.835(4)(a) provides that a petitioner at LUBA may raise new issues that were not raised below if "[t]he local government failed to list the applicable criteria for a decision under ORS * * * 197.797(3)(b)[.]"

MORROW COUNTY BOARD OF COMMISSIONERS MEETING AGENDA

Tuesday, December 30, 2025 At 9:00 A.M.

Bartholomew Building Upper Conference Room

110 N. Court Street, Heppner, Oregon

Zoom Meeting Information On Page 2

1. Call to Order and Pledge of Allegiance
2. Public Comment
3. Consideration and Adoption of Agenda
4. Business Items
 - a. Consideration to Approve Initial Project List for Capital Improvement Plan (Matthew Jensen)
 - b. Update on CFAA for funding Community Mental Health Programs (Matthew Jensen)
5. Adjourn

Agendas are available every Friday on our website (www.co.morrow.or.us/meetings). Meeting Packets can also be found the following Monday.

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

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

Zoom Meeting Information

<https://zoom.us/j/83773016778>

Password: **97836**

Meeting ID: 837 7301 6778

One tap mobile

+12532050468,,83773016778#,,,,*97836# US

+12532158782,,83773016778#,,,,*97836# US (Tacoma)

Zoom Specific Notes:

If joining by a browser, use the raise hand icon to indicate you would like to provide public comment, if and when allowed. If using a phone, press *9 to indicate you would like to speak and *6 to unmute when you are called on.

El Condado de Morrow ofrece la opción de subtítulos traducidos en Zoom.

Instrucciones: https://support.zoom.com/hc/es/article?id=zm_kb&sysparm_article=KB007415If you need further assistance, please contact Justin Nelson at jnelson@morrowcountyor.gov

Commissioner Contact Information		
David Sykes, Chair	Jeff Wenholz, Commissioner	Gus Peterson, Commissioner
dsykes@morrowcountyor.gov	jwenholz@morrowcountyor.gov	apeterson@morrowcountyor.gov
541-240-0909	541-240-0750	541-379-2597



AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

(for BOC Use)

Item #

4.a.

Presenter at BOC: Matthew Jensen, County Administrator

Date Submitted: December 23, 2025

Department: Administration

Requested Agenda Date: December 30, 2025

Short Title of Agenda Item: CIP Initial Project Approval

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

The Board of Commissioners met in a work session on December 17, 2025, to review the initial project list prepared by the Capital Improvement Plan Advisory Committee. The Committee presented a list of 30 capital projects that mainly focused on buildings, new and remodeled, that would assist in continuing government services across the County. Of the thirty (30) projects listed, fourteen (14) were selected for inclusion in the initial Capital Improvement Plan (CIP), which includes projects for the next five years (2027-2031). An additional thirteen (13) projects were noted as important projects but should be included in future CIP consideration beyond fiscal year 2031. Three (3) projects were determined to not be a priority at this time.

As these discussions were held in a work session, no final approving action could be taken. Staff requests that the Board approves a motion to proceed with full estimating and scope development for the fourteen (14) approved projects in anticipation of a final presentation to the Board in February.

For the Board's consideration, an informal request for written solicitation for a consultant to assist in the final presentation has been distributed. The County has received several interested responses and proposals will be received before this meeting. Due to the anticipated amount of the contract, the Board is not expected to take any action. With the Board's approval of the project list, the Advisory Committee will meet with the chosen consultant on January 6, 2026, to review projects and make assignments.

2. FOR CONTRACTS AND AGREEMENTS:

Contractor/Entity:

Contractor/Entity Address:

Effective Dates - From:

Through:

Total Contract Amount:

3. FISCAL IMPACT:

Approval of the project list has no immediate fiscal impact. However, adoption of the final CIP will provide budgeting direction for the next five years that can be adjusted on an annual basis. The consultant contract is anticipated to be less than \$50,000 and will be taken from budgeted funds for strategic development.

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

Motion to approve the initial project list of fourteen (14) projects for inclusion in the five-year capital improvement plan.

5. Reviewed By:

Matthew Jensen, County Administrator

Created/Initiated - 12/23/2025

Matthew Jensen, County Administrator
Matthew Jensen, County Administrator

Approved - 12/23/2025
Final Approval - 12/23/2025

6 . ATTACHMENTS:

1. 2026 CIP Project Files - 2025 12 30

Preliminary Capital Projects List

5-Year Consideration

Project	Reason	Fund	Reserve Funds	Yes	Extend	No
Circuit Courthouse	Federal/State	Courts	\$ 18,803,004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courthouse Annex - City of Boardman	Expanded Svs	Courts	\$ -	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fair Flood Mitigation	Safety	Fair	\$ -	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fair Grounds - Dance Hall / Arcade Project	Modernization	Fair	\$ 1,223,000	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fair Stadium Stabilization & ADA Access	Safety	Fair	\$ -	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Facilities Shop	Federal/State	General	\$ -	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic Courthouse Seismic Upfit	Safety	General	\$ -	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Health Building - Boardman Facility	Operational	General	\$ 2,000,000	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheriff's Office Building - New Structure	Operational	General	\$ -	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Weeds Building	Expanded Svs	General	\$ -	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anson Wright Shower/Office Building	Operational	Parks	\$ -	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Heritage Trail	Expanded Svs	Parks	\$ 2,000,000	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electrical Management & Generator at PW	Safety	PW	\$ -	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SW Transfer Station Improvements	Expanded Svs	PW	\$ -	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fair Arena Improvements & Announcer Stand	Modernization	Fair	\$ -	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fair Grounds Parking	Modernization	Fair	\$ -	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
New Stage - Mobile or stationary	Expanded Svs	Fair	\$ -	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sheep Barn Roof & Structure	Modernization	Fair	\$ -	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Historic Courthouse Exterior Update	Modernization	General	\$ -	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Historic Courthouse Interior Remodel	Modernization	General	\$ 1,000,000	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sheriff's Office North Satellite Building	Expanded Svs	General	\$ -	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cutsforth Park 4-H Building Replacement	Modernization	Parks	\$ -	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
New Park on Columbia River	Expanded Svs	Parks	\$ -	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
OHV Lodge Building	Expanded Svs	Parks	\$ -	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public Works Admin Building - Lexington	Modernization	PW	\$ 2,000,000	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public Works Shop - North County	Expanded Svs	PW	\$ -	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public Transit Building - Boardman	Expanded Svs	Transit	\$ 651,073	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Airport Pilots Lounge	Expanded Svs	General	\$ -	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sheriff Shooting Range	Expanded Svs	General	\$ -	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sheriff's Office Emergency Operation	Safety	General	\$ -	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Planning Considerations

Fairgrounds Flood Mitigation Plan

Fairgrounds Master Plan

Parks Master Plan



AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

(for BOC Use)

Item #

4.b.

Presenter at BOC: Matthew Jensen, County Administrator

Date Submitted: December 23, 2025

Department: Administration

Requested Agenda Date: December 30, 2025

Short Title of Agenda Item: Update on CMHP Funding

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

The CFAA provides the majority of funding for the County's Community Mental Health Programs. Historically, the County has contracted with Community Counseling Solutions (CCS) to provide these services. These services are generally funded by the State of Oregon on a biennial cycle with the most recent contract expiring on June 30, 2025. In negotiating a new funding agreement, the State made some minor but significant adjustments that would open up the counties to covering the costs of these programs if State funding was withdrawn. This liability was unacceptable and the Association of Oregon Counties along with several county counsels led a negotiation session with the Governor's Office to address this exposure.

Initial discussions hit an impasse and an amendment extending the current contract to December 31, 2025, was distributed to each county. The CCS contract had a clause that automatically extended their term if the CFAA term was amended. Negotiations continued until last week when a compromise was made that allowed the Governor's Office and AOC to provide a path forward. A red-lined copy of this contract (without contractual amounts) is attached for your consideration. As part of the compromise, the contract acknowledges that many counties may not be able to adopt the contract before December 31, 2025. In good faith, the contract will retroactively cover any services provided between January 1, 2026 and actual adoption of the contract.

With this settlement, the County has three steps that it needs to take:

1. **Adopt Local Plan** - This is a comprehensive plan which outlines the County's approach on administering mental health programs. CCS has developed and submitted the Local Plan to the state and has received its approval. After a review with CCS, the Local Plan will be presented to the entire Board, as the Local Mental Health Authority, for approval.
2. **Approve CFAA Contract** - This is the funding document from the State. The County has not received the final iteration and needs to confirm a few issues around prevention funding. The term is anticipated to be January 1, 2026 through June 30, 2027. Generally, these contracts are submitted via electronic signature so the Board may need to designate a single person to sign.
3. **Award Provider Contract** - The contract with CCS has expired with the previous CFAA. Due to the uncertain nature of the CFAA negotiations, the County did not issue an RFP for these services. It is recommended that a Sole Source Determination be granted to CCS. County Counsel is outlining the process for proper notification for other interested parties.

As such, staff anticipates this work to largely take place at the Board meeting on January 21, 2026. We would rather delay action and make sure all is in order. This delay is softened as the assurance has been given that all services will be retroactively covered.

2. FOR CONTRACTS AND AGREEMENTS:

Contractor/Entity:

Contractor/Entity Address:

Effective Dates - From:

Through:

Total Contract Amount:

3. FISCAL IMPACT:

Presentation and Update only.

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

No action required.

5. Reviewed By:

Matthew Jensen, County Administrator

Matthew Jensen, County Administrator

Matthew Jensen, County Administrator

Created/Initiated - 12/23/2025

Approved - 12/23/2025

Final Approval - 12/23/2025

6 . ATTACHMENTS:

1. agreed-upon red lined CFAA1 12-17-25

In compliance with the Americans with Disabilities Act, this document is available in alternate formats such as Braille, large print, audio recordings, Web-based communications, and other electronic formats. To request an alternate format, please send an e-mail to dhs-oha.publicationrequest@odhsoha.oregon.gov or call 503-378- 3486 (voice) or 503-378-3523 (TTY) to arrange for the alternative format.

AGREEMENT # «KT»

2026-2027 INTERGOVERNMENTAL AGREEMENT FOR THE FINANCING OF COMMUNITY MENTAL HEALTH PROGRAMS

This 2026-2027 Intergovernmental Agreement for the Financing of Community Mental Health Programs (this “**Agreement**”) is between the State of Oregon acting by and through its Oregon Health Authority (“**OHA**”) and «**AGENCY_NAME**», a political subdivision of the State of Oregon (“**County**”).

RECITALS

1. OHA is authorized to assist Oregon counties and groups of Oregon counties in the establishment and financing of Community Mental Health Programs (as hereinafter defined) operated or contracted for by one or more counties;
2. County has established and proposes, during the term of this Agreement, to operate or contract for the operation of a Community Mental Health Program in accordance with the policies, procedures, and administrative rules of OHA;
3. County has requested Financial Assistance (as hereinafter defined) from OHA to operate or contract for the operation of its Community Mental Health Program;
4. OHA is willing, upon the terms and conditions of this Agreement, to provide Financial Assistance to County to operate or contract for the operation of its Community Mental Health Program to provide the Services (as hereinafter defined); and
5. Various statutes authorize OHA and County to collaborate and cooperate in providing for basic services and incentives for community-based care in a manner that ensures appropriate and adequate statewide Service delivery capacity.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. **Effective Date and Duration.** This Agreement shall become effective on January 1, 2026 (the “**Effective Date**”). Unless terminated earlier in accordance with its terms, this Agreement shall expire on June 30, 2027.
2. **Agreement Documents, Order of Precedence.** This Agreement consists of the following documents:

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OHA County CFAA

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This Agreement without exhibits

Exhibit A	Definitions
Exhibit B	Service Descriptions
Exhibit C	Financial Assistance Award
Exhibit D	Special Terms and Conditions
Exhibit E	General Terms and Conditions
Exhibit F	Standard Terms and Conditions
Exhibit G	Required Federal Terms and Conditions
Exhibit H	Insurance Requirements
Exhibit I	Catalog of Federal Domestic Assistance (CFDA) Number Listing

In the event of a conflict between two or more provisions within any of the documents comprising this Agreement, the language in the provision with the highest precedence will control. The precedence of each of the documents comprising this Agreement is as follows, listed from highest precedence to lowest precedence: (i) this Agreement without exhibits, (ii) Exhibit G, (iii) Exhibit A, (iv) Exhibit C, (v) Exhibit D, (vi) Exhibit B, (vii) Exhibit F, (viii) Exhibit E, (ix) Exhibit H, (x) Exhibit I.

EACH PARTY, BY EXECUTION OF THIS AGREEMENT, HEREBY ACKNOWLEDGES THAT IT HAS READ THIS AGREEMENT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

3. Signatures.

«County»
By:

_____	_____	_____	_____
Authorized Signature	Printed Name	Title	Date

State of Oregon, acting by and through its Oregon Health Authority
By:

_____	_____	_____	_____
Authorized Signature	Printed Name	Title	Date

Approved by: Director, OHA Behavioral Health Division
By:

_____	_____	_____	_____
Authorized Signature	Printed Name	Title	Date

Approved for Legal Sufficiency:
Approved by Lisa Gramp, Sr. Assistant Attorney General on XXXX XX, 2025; email in Agreement file

**2026-2027 INTERGOVERNMENTAL AGREEMENT
FOR THE FINANCING OF COMMUNITY MENTAL HEALTH PROGRAMS**

**EXHIBIT A
DEFINITIONS**

As used in this Agreement, the following words and phrases have the indicated meanings. Certain additional words and phrases are defined in the Service Descriptions and Special Conditions. When a word or phrase is defined in a particular Service Description or Special Condition, the word or phrase will not have the ascribed meaning in any part of the Agreement other than the particular Service Description or Special Condition in which it is defined.

1. **“Addiction Treatment, Recovery, & Prevention Services”** means Services for Individuals at risk of developing or diagnosed with SUD.
2. **“Aging and People with Disabilities”** or **“APD”** means a division within the Oregon Department of Human Services that is responsible for management, financing, and regulating services for aging adults and people with disabilities.
3. **“Agreement Settlement”** means OHA’s reconciliation, after termination or expiration of this Agreement, of amounts OHA actually disbursed to County with amounts that OHA is obligated to pay to County under this Agreement from the Financial Assistance Award, as determined in accordance with the Financial Assistance calculation methodologies set forth in the Service Descriptions.
4. **“Allowable Costs”** means the costs described in 2 CFR Part 200 or 45 CFR Part 75, as applicable, except to the extent such costs are limited or excluded by other provisions of this Agreement, whether in the applicable Service Descriptions, Special Conditions identified in the Financial Assistance Award, or otherwise.
5. **“Allowable Services”** means the reasonable, allocable, and necessary Services eligible for funding through this Agreement.
6. **“Behavioral Health”** refers to mental and emotional wellbeing or actions that affect wellness.
7. **“Behavioral Health Disorder”** means a mental illness, Mental or Emotional Disturbance, or Substance Use Disorder.
8. **“Behavioral Health Division”** or **“BHD”** means for the purpose of this Agreement, the division of OHA that is responsible for the functions described in [ORS 430.021\(2\)](#), including but not limited to coordinating, assisting, and directing a Community Mental Health Program in cooperation with local government units and integrate such a program with the state Community Mental Health Program, and direct and coordinate Addiction Treatment, Recovery, & Prevention Services.
9. **“Behavioral Health Prevention”** means interventions to minimize Behavioral Health Problems by addressing determinants of Behavioral Health Problems before a specific Behavioral Health Problem has been identified in the Individual, group, or population of focus.

10. **“Behavioral Health Problem”** means a mental illness, Mental or Emotional Disturbance, Substance Use Disorder, or serious psychological distress and suicide.
11. **“Behavioral Health Promotion”** means a set of strategies that encourage and increase protective factors and health behaviors to help prevent the onset of a diagnosable Behavioral Health Disorders and reduce risk factors that can lead to the development of a Behavioral Health Disorder.
12. **“Budget”** means the written plan of projected income and expenditures for Services paid for with the Financial Assistance, as approved by OHA.
13. **“Community Mental Health Program”** or **“CMHP”** means an entity established under [ORS 430.620](#) that is responsible for planning and delivery of Services for Individuals with or at risk of developing a Behavioral Health Disorder in a specific geographic area of the state under an agreement with OHA or a Local Mental Health Authority.
14. **“Coordinated Care Organizations”** or **“CCO”** means a corporation, governmental agency, public corporation, or other legal entity that is certified as meeting the criteria adopted by the Oregon Health Authority under [ORS 414.572](#) to be accountable for care management and to provide integrated and coordinated health care for each of the organization’s members.
15. **“County Financial Assistance Administrator”** means a County appointed officer to administer this Agreement and amend the Financial Assistance Award on behalf of County, by execution and delivery of amendments to this Agreement in the name of County, in hard copy or electronically.
16. **“Federal Funds”** means all funds paid to County under this Agreement that OHA receives from an agency, instrumentality, or program of the federal government of the United States.
17. **“Financial Assistance Award”** or **“FAA”** means the description of financial assistance set forth in [Exhibit C](#).
18. **“Financial Assistance”** means all or a portion of the Financial Assistance Award.
19. **“Individual”** or **“Client”** means any person being considered for or receiving Services funded with the Financial Assistance.
20. **“Local Mental Health Authority”** or **“LMHA”** has the meaning set forth in [ORS 430.630\(9\)\(a\)](#).
21. **“Local Plan”** or **“Plan”** means the comprehensive plan, adopted by the Local Mental Health Authority as set forth in [ORS 430.630\(9\)](#) and approved by OHA in accordance with [ORS 430.640\(1\)\(f\)](#). Each Local Mental Health Authority that operates or contracts for the operation of a Community Mental Health Program shall determine the need for local services and adopt a comprehensive Local Plan for the delivery of services for children, families, adults and older adults that describes the methods by which the Local Mental Health Authority shall provide or ensure provision of those services. The Local Plan must describe, among other things, how County will provide or ensure provision of the Services outlined in [Exhibit B](#) with the Financial Assistance. The Plan shall be consistent with content and format to that of OHA’s Local Plan guidelines located at <https://www.oregon.gov/OHA/HSD/AMH/Pages/Reporting-Requirements.aspx>. County shall provide Services in accordance with the Local Plan and Budget.

22. **“Mandated State Data System”** means the OHA data system that stores non-Medicaid Service data submitted by OHA contractors and subcontractors.
23. **“Medicaid”** means the federal grant-in-aid program to state governments to provide medical assistance to eligible individuals under Title XIX of the Social Security Act. ([OAR 309-019-0105](#)(96)).
24. **“Mental or Emotional Disturbance”** means a disorder of emotional reactions, thought processes, or behavior that results in substantial subjective distress or impaired perceptions of reality or impaired ability to control or appreciate the consequences of the person's behavior and constitutes a impairment of the resident’s social, educational, or economic functioning. Medical diagnosis and classification must be consistent with the Diagnostic and Statistical Manual of Mental Disorders (DSM 5-TR) of the American Psychiatric Association."
25. **“Misexpenditure”** means funds, other than an Overexpenditure, disbursed to County by OHA under this Agreement and expended by County that are:
- a. Identified by the federal government as expended contrary to applicable statutes, rules, OMB Circulars, or 45 CFR Part 75, as applicable, or any other authority that governs the permissible expenditure of such funds, for which the federal government has requested reimbursement by the State of Oregon, whether in the form of a federal determination of improper use of federal funds, a federal notice of disallowance, or otherwise; or
 - b. Identified by the State of Oregon or OHA as expended in a manner other than that permitted by this Agreement, including without limitation any funds expended by County contrary to applicable statutes, rules, OMB Circulars, or 45 CFR Part 75, as applicable, or any other authority that governs the permissible expenditure of such funds; or
 - c. Identified by the State of Oregon or OHA as expended on the delivery of a Service that did not meet the standards and requirements of this Agreement with respect to that Service.
26. **“ODHS”** means the Department of Human Services of the State of Oregon.
27. **“Older Adults”** means adults who are 60 years old or older.
28. **“OHA Contract Administrator”** means the person identified in Section 16 of [Exhibit F](#) or their designee.
29. **“Overexpenditure”** means funds disbursed to County by OHA under this Agreement and expended by County that is identified by the State of Oregon or OHA, through Agreement Settlement or any other disbursement reconciliation permitted or required under this Agreement, as in excess of the funds County is entitled to as determined in accordance with [Exhibit C](#), “Financial Assistance Award” or in [Exhibit D](#), “Special Terms and Conditions.”
30. **“Provider”** means an entity or qualified person that holds all licenses, certificates, authorizations, and other approvals required by applicable law to deliver the Services. Provider also includes County if County provides the Service directly.
31. **“Provider Contract”** means the agreement by and between County and a Provider under which County subcontracts for the provision of certain Services, the terms and conditions of which must

be consistent with this Agreement with regard to any duties or obligations that are subcontracted. OHA's consent to any Provider or Provider Contract does not relieve County of any of its duties or obligations under this Agreement and County remains responsible for such duties or obligations regardless of any Provider Contract. The Provider Contract must be in writing, identify for sub-recipients the amount of federal funds included in the Provider Contract and provide the CFDA number.

32. "Qualifying Mental Disorder" means:

- a. A developmental or intellectual disability, traumatic brain injury, brain damage or other biological dysfunction that is associated with distress or disability causing symptoms or impairment in at least one important area of the defendant's or youth's functioning and is defined in the current Diagnostic and Statistical Manual of Mental Disorders (DSM 5-TR) of the American Psychiatric Association; or
- b. Any diagnosis of a psychiatric condition which is a significant behavioral or psychological syndrome or pattern that is associated with distress or disability causing symptoms or impairment in at least one important area of the defendant's or youth's functioning and is defined in the Diagnostic and Statistical Manual of Mental Disorders (DSM 5-TR) of the American Psychiatric Association.
- c. Qualifying Mental Disorder does not include:
 - (1) A diagnosis solely constituting the ingestion of substances (e.g., chemicals or alcohol), including but not limited to transitory, episodic alcohol or drug-induced psychosis;
 - (2) An abnormality manifested solely by repeated criminal or otherwise antisocial conduct;
 - (3) An abnormality constituting a personality disorder; or
 - (4) Constituting solely a conduct disorder for a youth.

33. "Required Federal Terms and Conditions" mean the requirements set forth in Exhibit G.

34. "Service(s)" or "Core Service Area(s)" means any one of the following Services or group of related Services as described in the Service Descriptions.

Service Name	Service Code
Core Service Area(s):	BHD 500
a. System Management & Coordination	
b. Crisis Services	
c. Forensic & Involuntary Services	
d. Outpatient & Community-Based Services	
e. Residential & Housing Services	
f. Behavioral Health Promotion & Prevention	
g. Block Grant Funded Services	
h. Invoiced Services	

35. "Service Description" means the description of the Services as set forth in Exhibit B.

**36. "Service Priorities" means the tiered provision of Services set forth in Section 2 of Exhibit B-
~~interpreted consistent, provided that such Service Priorities do not conflict~~ with ORS Ch. 430-.**

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Commented [MV1]: See ORS 430.644

Commented [LG2]: This revision allocates the appropriate authority of OHA to establish the priority of funding consistent with ORS 430.646 and ORS 430.644 and OHA's mandatory obligations under ORS 426 and ORS 161.

37. **“Special Condition”** means a clause added to a specific line item in the Financial Assistance Award.
38. **“Substance Use Disorder”** or **“SUD”** means, as defined in DSM-5-TR, disorders related to the taking of a drug of abuse including alcohol, the side effects of a medication, or a toxin exposure. The disorders include substance use disorders and substance-induced disorders, which include substance intoxication and withdrawal, and substance-related disorders such as delirium, neuro-cognitive disorders, and substance-induced psychotic disorder.
39. **“Substantial Compliance”** means a level of adherence to applicable administrative rules, statutes, other applicable regulations, and the required metrics associated with each Core Service Area that, even if one or more requirements is not met in the reasonable determination of OHA, subject to any and all ORS 183 appeal rights, does not:
- a. Constitute a danger to the health, welfare, or safety of any Individual or to the public;
 - b. Constitute a willful, negligent, or ongoing violation of the rights of any Individuals as set forth in administrative rules; or
 - c. Constitute significant impairment to the accomplishment of the purposes in providing funding through this Agreement.
40. **“Trauma Informed Services”** means services that are reflective of the consideration and evaluation of the role that trauma plays in the lives of people seeking mental health and substance use services, including recognition of the traumatic effect of misdiagnosis and coercive treatment. Trauma Informed Services are responsive to the vulnerabilities of trauma survivors and are delivered in a way that avoids inadvertent re-traumatization and facilitates individual direction of services. ([OAR 309-019-0105](#)(162)).
41. **“Underexpenditure”** means funds disbursed by OHA under this Agreement that remain unexpended at Agreement termination or expiration, other than funds County is permitted to retain and expend in the future under Exhibit E, “General Terms and Conditions,” section 3.b.”
42. **“Young Adult in Transition”** means an Individual who is developmentally transitioning into independence, sometime between the ages of 14 to 25. ([OAR 309-019-0105](#)(172)).

Commented [LG3]: OHA is fine with this standard.

Commented [MV4]: OHA committed to adding more language to address counties concerns about unilateral decision-making. We will respond to any additions, including the addressing of potential remedies.

**2026-2027 INTERGOVERNMENTAL AGREEMENT
FOR THE FINANCING OF COMMUNITY MENTAL HEALTH PROGRAMS**

**EXHIBIT B
SERVICE DESCRIPTIONS**

The parties acknowledge and agree that the Financial Assistance provided in this Agreement may not be sufficient to fully provide the Services to all Individuals. Likewise, the parties acknowledge and agree that the Local Plan and Budget, as well as County's CMHP obligations under ORS 430.630, encompass obligations that are not covered by this Agreement. ~~Nothing in this Agreement entitles a third party to enforce its terms.~~

In addition, OHA acknowledges that County is not a party to the Mink-Bowman litigation. The intention of this Agreement is, consistent with ORS 430.646(1)-(3) and ORS 430.644, to ensure that the Financial Assistance is prioritized for the Service Priorities. In no event will County be required to use funds other than the Financial Assistance to fund the Services ~~or other requirements that solely arise under this agreement, in this Exhibit B.~~ Likewise, this Agreement does not create an obligation for County to create residential infrastructure.

County shall provide the Services described in this Exhibit B with the Financial Assistance Award provided by this Agreement, in accordance with the approved Local Plan and corresponding Budget. In providing the Services described in this Exhibit B, County shall follow the Service Priorities identified in Section 2. of this Exhibit B. To the extent that the Service Priorities set forth in Section 2.a. are adequately funded with the Financial Assistance, then, to the extent that Financial Assistance remains available, County shall provide the lower tiered Service Priorities in Section 2. ~~County's compliance with this Exhibit B will be solely determined based on whether: (i) County has an approved Local Plan and Budget; (ii) is in Substantial Compliance with the required metrics for each Core Service Area in consideration of the approved Local Plan and Budget consistent with the approved Local Plan and Budget; and (iii) is in Substantial Compliance with the required services section for each Core Service Area in consideration of the approved Local Plan and Budget consistent with the approved Local Plan and Budget.~~

1. **Goals.** The parties agree that the goals of this Agreement are to:
 - a. Provide a coordinated crisis system to all Individuals within the geographic service area of the County(ies).
 - b. Provide individualized services to ensure that people are served in the least restrictive most integrated setting possible allowing Individuals across the lifespan to live as independently as possible.
 - c. Coordinate access to stable housing to prevent Individuals with Behavioral Health Disorders and their families from being unhoused.
 - d. Services address the unique needs of Individuals without regard to race, ethnicity, gender, gender identity, gender presentation, sexual orientation, religion, creed, national origin, age, intellectual and/or developmental disability, IQ score, or physical disability.
 - e. Reduce risk of unnecessary emergency department utilization, criminal/legal involvement, and acute psychiatric hospitalizations by providing upstream services.
 - f. Provide a trained, competent and compassionate system for Individuals at risk of involuntary civil or forensic commitment that focuses on diversion these services, when appropriate.
 - g. Engage, and when appropriate, lead in community efforts that decrease deaths by suicide.

Commented [MV5]: While we can see this as a concession on OHA's responsibilities, we are concerned about how this specifically reads and may be interpreted in light of the Mink-Bowman litigation. For this reason, striking it entirely could resolve any concern over misinterpretation.

Commented [MV6]: We agree there may be some provisions that will require funding being spent, such as compliance with federal laws. This language would support the spending on the services without extending to any requirements that are already required under state or federal law.

Commented [LG7]: OHA rejects this change because the language proposed undermines the accountability of CMHPs for the Services provided by CMHPs. OHA's revisions reaffirms that there is no obligation for Services beyond the Financial

Commented [EM8]: The Counties propose language that more clearly indicates their obligations are inclusive of the entire agreement, not just the service priorities and in order to align the contract with

Commented [SE9R8]: Agreed. The current contract draft appears to leave multiple requirements in the CFAA unfunded. I still am unsure if that is actually OHA's intent or if (more likely) it is just a byproduct

Commented [KP10]: This would nullify the contribution language that resides outside of Exhibit B. This would effectively result in the State indemnifying the county, which it cannot legally do under Article

Commented [EM11]: Since OHA has declined to provide a clear definition of "service priorities", the Counties are seeking to clarify what constitutes "compliance" with the service priorities, and focus that

Commented [SE12R11]: Agreed. If OHA wants counties to sacrifice critical preventative health services, which would likely increase mental health needs long term, then OHA should say so. If not, then

Commented [EM13]: Since OHA has declined to provide a clear definition of "service priorities", the Counties are seeking to clarify what constitutes "compliance" with the service priorities, and focus that

Commented [EM14]: Memorializes OHA's email of October 8, 2025, regarding statutory obligations in order to address county concerns regarding assignment of liability and statutory obligations.

Commented [SE15R14]: Agreed. OHA told Marion County that "the CFAA does not override statutory requirements." This mirrors that.

Commented [LG16]: The Local Plan does not currently contain sufficient detail to be contractually binding and does not override the contractual provisions for required metrics and required services.

- h. Engage, and when appropriate, lead in community efforts that decrease overdose and overdose deaths.
- i. Engage, and when appropriate, lead in community efforts that decrease unnecessary criminal/legal involvement for Individuals with Behavioral Health Disorders.

2. **Service Priorities. The Individuals described under each subsection below are listed in no particular order. County shall be in Substantial Compliance with the required metrics and required services under each Core Service Area in consideration of the approved Local Plan and Budget consistent with the Local Plan and Budget.**

a. **County shall give first priority in providing Services to each of the following, based on community need:**

(1) **Aid & Assist – Individuals who the court:**

- (a) Has reason to doubt are fit to proceed by reason of incapacity (as defined in [ORS 161.360](#)) under [ORS 161.365](#);
- (b) Has determined lack the fitness to proceed under [ORS 161.370](#) but has not yet determined what action to take under [ORS 161.370\(2\)\(c\)](#);
- (c) Has found to lack fitness to proceed under [ORS 161.370](#) and are committed to the custody of the superintendent of the Oregon State Hospital (OSH); or
- (d) Has determined lack of fitness to proceed under [ORS 161.370](#) and are ordered to engage in community restoration services.
- (e) Has determined to have no substantial probability of gaining or regaining fitness under [ORS 161.367](#) and who are being discharged to the community.

(2) **Psychiatric Security Review Board (PSRB – Individuals who:**

- (a) Are found guilty except for insanity of a criminal offense under [ORS 161.327](#) or responsible except for insanity under [ORS 419C.529](#); or
- (b) Are committed as extremely dangerous persons with qualifying mental disorders under [ORS 426.701](#), or recommitted under [ORS 426.702](#).

(3) **Civil Commitment - Individuals who:**

- (a) Are currently committed to OHA for treatment under [ORS 426.130](#) or recommitted to OHA under [ORS 426.307](#);
- (b) Are diverted through the civil commitment process to voluntary treatment, conditional release, outpatient commitment, and assisted outpatient treatment (AOT) as described in [ORS 426.125](#) through [ORS 426.133](#), or [ORS 426.237](#); or
- (c) Require emergency hold, custody, or secure transport services under [ORS 426.228](#), [ORS 426.231](#), [ORS 426.232](#) and [ORS 426.233](#), or are being held on a warrant of detention pending a civil commitment hearing under [ORS 426.070](#).

b. **Depending on the availability of funds, County shall give second priority in providing Services to Individuals who are 18 years or older, and have a mental illness(es), including co-occurring mental health and Substance Use Disorders, and who as a result of their symptoms from their mental illness:**

- (1) Have had law enforcement contact that could have resulted in an arrest, citation, booking, criminal charge, or transport to jail, but have instead been referred to County for Services;
- (2) Are in jail and are in need of mental health treatment; or

Commented [LG17]: Same comment as above

- (3) In the previous six months, have been twice detained on an emergency hold under [ORS 426.232](#) or on a warrant of detention under [ORS 426.070](#) but have not yet, as a result, been civilly committed.

c. Depending on the availability of funds, County shall give third priority in providing Services to all other Individuals, who do not otherwise qualify under Subsection 2.a and 2.b of Exhibit B, who:

- (1) Are at immediate risk of hospitalization for the treatment of Mental or Emotional Disturbances, or are in need of Services to avoid hospitalization or posing a health or safety risk to themselves or others;
- (2) Are under 18 years of age who, in accordance with the assessment of professionals in the field of mental health, are at immediate risk of removal from their homes for treatment of Mental or Emotional Disturbances or exhibit behavior indicating high risk of developing disturbances of a severe or persistent nature;
- (3) Because of the nature of their mental illness, their geographic location or their family income, are least capable of obtaining assistance from the private sector; or
- (4) In accordance with the assessment of professionals in the field of mental health, are experiencing Mental or Emotional Disturbances but will not require hospitalization in the foreseeable future.

d. Depending on the availability of funds, County shall give fourth priority in providing Services to all other Individuals who do not otherwise qualify under Subsections 2.a through 2.c of Exhibit B, and who have or are at risk of developing a Mental or Emotional Disturbance or Substance Use Disorder.

3. Core Service Areas

a. System Management and Coordination

(1) Planning and Service Delivery

- (a) **Description:** County is responsible for developing a comprehensive Local Plan that describes how County will deliver mental health Services for Individuals that are responsive to the needs of Individuals in their community, as described in [ORS 430.630\(9\)](#).
- (b) **Population:** County shall provide a delivery system for Services responsive to Individuals with Behavioral Health needs in their geographic service area, which specifically addresses the needs of Individuals described in Section 2.a of [Exhibit B](#).
- (c) **Required Services:** County shall:
 - i. Establish and maintain a structure for meaningful system design and oversight of Services funded with the Financial Assistance;
 - ii. Submit a comprehensive Local Plan, consistent with [ORS 430.630\(9\)](#) and this Agreement;
 - iii. Implement the delivery of Services as described in the County's Local Plan approved by OHA;
 - iv. Monitor the delivery of Services described in the County's Local Plan approved by OHA;
 - v. Evaluate delivery of Services described in the County's Local Plan approved by OHA;
 - vi. Ensure adequate administrative support for:

- A. Activities related to contract negotiation, administration, and monitoring as needed to meet the Service needs of Individuals receiving Services under this Agreement;
 - B. Data collection, performance measurement, and reporting;
 - C. Activities to support the County’s mental health advisory committee required in [ORS 430.630\(7\)](#); and
 - D. Activities to support collaboration in new developments for residential treatment, foster homes, crisis stabilization centers supported housing, and independent living resources.
 - vii. Provide complex case consultation, care coordination, and transition coordination as appropriate to the needs, preferences, and choices of each Individual including, but not limited to:
 - A. Coordination of Services not funded by Medicaid;
 - B. Providing assistance to interested Individuals in applying for public assistance, medical assistance, and any other state or federal benefits that they may be eligible for;
 - C. Collaborate with OSH, OHA, or ODHS to verify that entitlement enrollments (e.g. Medicaid, Medicare, SSI/SSDI) are in place and anticipated to be active upon discharge from a community hospital, residential treatment program, or OSH.
 - D. Facilitate access to quality, individualized community-based Services so that Individuals are served in the most integrated, least restrictive setting possible.
- (d) **Other Allowable Services (Subject to Availability of Funds):** County may provide:
 - i. Public education and information related to Behavioral Health.
 - ii. Guidance and assistance to other human Service agencies for joint development of prevention programs and activities to reduce factors causing alcohol abuse, alcoholism, drug abuse and drug dependence.
 - iii. In the event of a disaster declaration, disaster response, crisis counseling Services to include responding to local disaster events by:
 - A. Providing Crisis counseling and critical incident stress debriefing to disaster victims; police, firefighters and other “first-responders”; disaster relief shelters; and the community-at-large.
 - B. Coordinating crisis counseling Services with County Emergency Operations Manager (CEOM); and providing crisis counseling and stress management Services to Emergency Operations Center staff according to agreements established between the County and CEOM.
 - C. Assisting other counties in the provision of these Services as part of a mutual aid agreement.
- (e) **Required Metrics:** County shall be in Substantial Compliance with all reporting deadlines associated with the Local Plan and as otherwise noted in this Agreement.
- (2) **Protective Services:**
 - (a) **Description:** Protective services are the necessary actions taken by the County to prevent abuse or exploitation of an adult, to prevent self-destructive acts,

and to safeguard the adult's person, property and funds, including petitioning for a protective order as defined in [ORS 125.005](#).

(b) Population:

- i. Adults with severe and persistent mental illness who receive mental health treatment from a community program as defined in [ORS 430.735](#). Services may be provided posthumously in the event a person who would otherwise be eligible if living was reported to have died in a manner other than natural or accidental means.
- ii. Severe and Persistent Mental Illness has the meaning set forth in [OAR 419-110-0010](#)
- iii. The prioritization categories, described in Section 2 of [Exhibit B](#), do not apply to Protective Services.

- (c) Required Services:** County shall provide protective services as described in [OAR Chapter 419 Division 110](#), and ensure they are completed in the least intrusive manner feasible and support the greatest level of independence.

b. Crisis Services

- (1) Description:** Crisis services are designed to prevent or ameliorate a Behavioral Health crisis or reduce acute symptoms of a mental illness or a Substance Use Disorder.
- (2) Population:** Individuals experiencing a Behavioral Health crisis as defined by [OAR 309-023-0110](#). The prioritization categories, described in Section 2 of [Exhibit B](#), do not apply to crisis services.
- (3) Required Services:** County shall provide or ensure provision of mobile crisis intervention services (MCIS) and mobile response and stabilization services (MRSS) delivered in accordance with [OAR Chapter 309 Division 72](#) as may be revised from time to time.
- (4) Other Allowable Services (Subject to Availability of Funds):** To the extent that MCIS and MRSS Services are in Substantial Compliance with [OAR Chapter 309 Division 72](#), as may be revised from time to time, funds may also be allocated to support the following Services provided at a certified location:
 - (a)** Crisis stabilization centers operated in accordance with [OAR Chapter 309 Division 73](#) as may be revised from time to time.
 - (b)** Walk-in Crisis Services: Outpatient clinics that operate for walk-in visits with no appointment needed for immediate mental health and substance use support during day hours. Services may include, but are not limited to:
 - i. Screening;
 - ii. Assessment;
 - iii. Brief intervention;
 - iv. Prescribing capabilities; and
 - v. Referrals and linkages to longer term Services.
 - (c)** Crisis line services provided in accordance with [OAR 309-019-0300](#), as may be revised from time to time.
- (5) Required Metrics:** County shall be in Substantial Compliance with the following requirements:
 - (a)** MCIS and MRSS responses are conducted within the timelines required in [OAR Chapter 309 Division 72](#).

- (b) Individuals receiving an MCIS response are contacted (or contact attempts are made and documented) for follow-up within 72 hours of the MCIS response.
- (c) Adults receiving MCIS receive the Services necessary to remain in the community following the initial MCIS response.
- (d) Youth receiving MRSS receive the Services necessary to remain in the community following the initial MRSS response.
- (e) Youth are screened for stabilization services following the initial MCIS response.
- (f) Youth and families that consent to stabilization services are enrolled in stabilization services.
- (g) Youth enrolled in stabilization services are referred to the recommended ongoing Services prior to discharge from stabilization services.

c. **Forensic & Involuntary Services**

(1) **Aid and Assist and Competency Restoration Services:**

- (a) **Description:** Competency restoration services are provided to assist Individuals in gaining or regaining their competency in the most integrated, least restrictive setting possible. Competency restoration services, for Individuals found unable to aid and assist in their own defense, are provided either in the community or at OSH. Services include, but are not limited to, community transition planning, treatment designed to restore competency, placement in appropriate community-based care, monitoring and coordination of Services, coordination with providers and the court, and periodic assessment of the Individual's fitness to proceed.
- (b) **Population:** Individuals who are described in Subsection 2.a(1) of Exhibit B.
- (c) **Required Services:** County shall:
 - i. Ensure that community consultations are conducted as required in OAR 309-088-0125;
 - ii. Provide community restoration services as defined in OAR 309-088-0115 including, but not limited to:
 - A. Competency restoration services as defined in OAR 309-088-0115;
 - B. Forensic care coordination as defined in OAR 309-088-0115; and
 - C. Supportive services as defined in OAR 309-088-0115 necessary to support community integration.
 - iii. Provide competency restoration services during commitment at OSH including, but not limited to:
 - A. Community transition planning defined in OAR 309-088-0115;
 - B. Forensic care coordination defined in OAR 309-088-0115; and
 - C. If applicable, the plan of resolution described in Exhibit D.
 - iv. Ensure compliance with OAR 309-088-0130 including, but not limited to:
 - A. Developing within 30 calendar days of admission and updating at least once every 30 calendar days a community transition plan for the Individual in the least restrictive, most integrated

setting appropriate to meet the Individual's Behavioral Health needs, preferences, choices, and strengths;

- B.** Have both a primary community transition plan and at least one backup community transition plan;
 - C.** In developing the community transition plan, County shall be primarily guided by the State Hospital's treating clinical team's recommendations. County may provide information to the State Hospital's treating clinical team to inform their recommendations.
 - D.** The community transition plan must provide information about the availability of the State Hospital treating clinical team's clinical recommendations in the community, including any reasonable and clinically appropriate alternatives if the State Hospital treating clinical team's clinical recommendations are not present or available in the community.
 - E.** Completion or coordination of any referrals, screenings, or other work to implement the community transition plan: and
 - F.** Monitoring the status of any referrals, screenings, or other work to implement the community transition plan.
 - G.** At least every 30 calendar days, County staff are required to:
 - I.** Meet with the hospital to facilitate an effective transition back to the community. These meetings are required to create, update, or implement a community transition plan that aligns with the Individual's specific treatment needs outside of a hospital level of care setting. These meetings must include, but are not limited to:
 - (A)** Attending Treatment Team meetings; or
 - (B)** Speaking with the assigned qualified mental health professional (QMHP).
 - II.** Meet with the Individual (in-person or by phone call or video conference) to discuss transition planning and treatment available in the community. These meetings also help with creating, reviewing, updating or implementing a community transition plan.
 - III.** Determine whether community restoration services have become present and available. Consulting with Providers, agencies, CCOs, exceptional needs care coordinators (ENCCs), and Tribes (if applicable) helps to inform the 30-day review.
- v.** After OSH issues notice that an Individual is ready to place (RTP) under [ORS 161.371\(3\)\(a\) or \(4\)\(a\)](#), and the court orders a community consultation, County shall:

- A. Attempt to consult with the Individual and with any local entity that would be responsible for providing community restoration services, if the Individual were to be released in the community, to determine whether community restoration services are present and available in the community;
 - B. Identify appropriate Providers that are able to meet the Individual's Behavioral Health needs and willing to provide that care, treatment, and Services to the Individual;
 - C. Identify Providers and planning for a community restoration placement, primarily guided by the level of Services, supervision or type of placement identified by OSH in its RTP notice, and advise whether those resources are present and available in the community;
 - D. Coordinate access to Services provided in the least restrictive and most integrated setting appropriate to meet the Individual's Behavioral Health needs;
 - E. Facilitate timely discharge from OSH and diversion from placement at a secure residential treatment facility (SRTF) when consistent with the level of Services, supervision or type of placement identified by OSH in its RTP notice, whenever possible;
 - F. Obtain any necessary approvals from the Provider to allow admission, if it is a residential placement;
 - G. Continue to send referrals to Providers until the Individual is accepted and can be immediately placed unless otherwise ordered by the court, if and when the court orders community restoration for the Individual;
 - H. Complete the standardized consultation report template available at <https://www.oregon.gov/oha/osh/legal/pages/information-mental-health-providers.aspx>; and
 - I. Within five judicial days, provide a copy of the consultation to OHA at aidand.assistadmin@odhsoha.oregon.gov, the court and OSH if applicable at cmhp.consults@odhsoha.oregon.gov.
 - J. If the court does not discharge the Individual from OSH due to a lack of an available and appropriate Provider, continue to send referrals and update the community transition plan until the Individual is discharged from OSH, collaborating with the extended care management unit (ECMU) unless otherwise ordered by the court.
- vi. County shall provide Services to youth under juvenile fitness to proceed who the court:

- A. Has determined lack of fitness to proceed as defined in [ORS 419C.378](#) and court has ordered into an OHA designated facility for restoration services.
 - B. Services include case management and placement in appropriate community-based care.
- vii. As directed by OHA, County shall attend and participate in weekly ECMU care coordination meetings and collaborate with ECMU staff to:
 - A. Facilitate timely Client transition across the residential system from OSH to supported housing.
 - B. Facilitate effective utilization of Services and facility-based care in the community.
 - C. Collaborate with care coordination teams and other state agencies as necessary to secure placements that meet individual Client needs.
 - D. Begin discharge planning to more integrated settings as soon as an Individual is admitted to OSH, SRTF, RTF settings.
 - E. Make referrals to the most integrated settings appropriate for the Individual's assessed needs and level of care.
 - F. Assist in identification of financial alternatives for Individuals who are over resourced for Medicaid.
- viii. Participate in OSH interdisciplinary meetings for each Individual within the County's Service area to update the discharge plan and to coordinate appropriate community-based Services.
- ix. For Individuals receiving community restoration services, County shall coordinate the Individual's Behavioral Health and medical treatment in the community:
 - A. Attempt to conduct an individualized assessment of the Individual and develop a treatment Service plan in coordination with the Individual's Provider and consistent with any court-ordered conditions; If the Individual does not participate in the initial assessment, continued efforts should be made to engage with the Individual to complete the assessment and develop a treatment Service plan;
 - B. Monitor the care, custody, and treatment of the Individual while on community restoration;
 - C. Monitor the Individual's progress in their treatment Service plan, and identify when the Individual may receive Services in a lower level of care and report that to the court;
 - D. Ensure treatment Service planning continues throughout the Individual's receipt of Services with the goal of the Individual receiving Services in the lowest level of care that will maintain their mental and physical health long term;

- E.** Provide care coordination to facilitate ongoing communication and collaboration to meet the Individual's needs, such as:
 - I.** Facilitating communication between natural supports, community resources, Providers, agencies (if eligible for APD or I/DD Services) and CCOs (if an enrolled member);
 - II.** Organizing, facilitating and participating in client staffing meetings;
 - III.** Providing for continuity of care by creating linkages to and managing transitions between levels of care;
 - IV.** Coordinating or providing transportation to and from the forensic evaluations and court appearances in this case; and
 - V.** Communication of court ordered requirements, limitations, and court dates to the defendant.
- F.** Provide coordination and consultation to the jurisdictional court or other designated agencies within the criminal justice system and OSH while the Individual is residing in the community and in the process of being returned to fitness. Services include, but are not limited to:
 - I.** Coordination of the periodic assessments of the Individual's fitness to proceed as required in OAR Chapter 309 Division 88;
 - II.** Collaboration and coordination with community corrections;
 - III.** Consultation to the county mental health court, if mental health court is available in the Service area;
 - IV.** Participation in mental health and law enforcement collaboration meetings; and
 - V.** Communication of court ordered requirements, limitations, and court dates.
- G.** Provide status reports as required in OAR Chapter 309 Division 88 to the appropriate court on the Individual's:
 - I.** Compliance or non-compliance with their conditional release requirements; and
 - II.** Progress in gaining or regaining fitness to proceed;
- H.** Notify the court if the Individual gains or regains fitness to proceed, and develop a transitional treatment Service plan for that Individual;
- I.** Provide interim quarterly reports for the purpose of communicating current status of Individuals to OHA and the court of jurisdiction;

- J. Provide community restoration Services, which are necessary to safely allow the Individual to gain or regain fitness to proceed in the community; and
 - K. Coordinate transition from forensic services for Individuals discharging from community restoration.
 - x. When appropriate, County shall attempt to enter into a Memoranda of Understanding (MOU) between law enforcement agencies, jails, circuit and municipal courts, local mental health providers, and other parties involved in the referral and treatment of Individuals receiving aid & assist Services, that outline:
 - A. Roles of each entity;
 - B. Sequence and protocols of forensic diversion model including referral process;
 - C. Data sharing agreements;
 - D. Communication and reporting;
 - E. Confidentiality agreements; and
 - F. Individual rights while receiving diversion Services.
- (d) **Other Allowable Services (Subject to Availability of Funds):** County may coordinate the transition from forensic services for Individuals described in Subsection 2.b of [Exhibit B](#).
- (e) **Required Metrics.** County shall be in Substantial Compliance with the following requirements:
 - i. Individuals under aid & assist orders or transitioning from OSH or jails are referred to community navigator services.
 - ii. Individuals under aid & assist commitment orders on the OSH waitlist are screened for forensic diversion services.
 - iii. Individuals under aid & assist orders at OSH who have been found ready to place will have a completed community transition plan by the time the community consult is sent to the court.
 - iv. All reports associated with aid & assist populations are completed and returned to OHA as required in [OAR Chapter 309 Division 88](#).
- (2) **Monitoring, Security and Supervision Services for Individuals Under the Jurisdiction of the Psychiatric Security Review Board (PSRB)**
 - (a) **Description:** Monitoring, security, and supervision Services delivered in accordance with [OAR 309-019-0160](#).
 - (b) **Population:** Individuals who are described in Subsection 2.a(2) of [Exhibit B](#).
 - (c) **Required Services:** County shall:
 - i. Complete requests for evaluation order as required by [OAR 309-019-0160](#);
 - ii. Provide supervision and urinalysis drug screen consistent with the requirements of the PSRB Conditional Release Order;
 - iii. Coordinate with OSH and OHA (e.g. Civil, ECMU, aid & assist), a hospital, or facility designated by OHA on transition activities related to conditional release of an Individual to the community;

- iv. Provide intensive case management for identified programs at approved budgeted rates;
- v. Complete administrative activities related to the monitoring services described above, including but not limited to:
 - A. Reporting of the Individual's compliance with the conditional release requirements, as identified in the order for conditional release, through monthly progress notes to the PSRB;
 - B. Providing interim reports for the purpose of communicating the current status of an Individual to the PSRB;
 - C. Submitting requests for modifications of conditional release orders to the PSRB;
 - D. Implementing board-approved modifications of conditional release orders;
 - E. Implementing revocations of conditional release due to violation(s) of conditional release orders and facilitating readmission to OSH or facility designated by OHA;
 - F. Contacting the Individual when County is notified by the law enforcement data system that the Individual under the jurisdiction of PSRB has had an encounter with a law enforcement agency; and
 - G. Completion of the annual comprehensive review of supervision and treatment services to determine if significant modifications to the conditional release order should be requested from the PSRB.
 - H. Utilize an OHA approved risk assessment tool for the purposes of providing structured risk feedback to the PSRB, inclusion in the annual comprehensive review, and in determining security payment rates; and
 - I. Report to OHA in writing to the GEI Coordinator at oha.gei.coordinator@odhsoha.oregon.gov the next business day, when there is concern that the County cannot provide the appropriate care and supervision that is needed for an Individual as stated in the conditional release plan. This concern and the communication with OHA must be documented in the Individual's Service record.
- vi. Providing expert witness testimony to the PSRB from both the case monitor and a licensed medical professional who can speak to the Individual's current treatment regimen, including psychotropic medications;
- vii. Completion of evaluation reports and the summary of conditions of release plan, if the Individual is accepted to a placement, as required by [OAR 309-019-0160](#);
- viii. Completion of monthly reports as required by [OAR 309-019-0160](#);

- ix. Completion of annual comprehensive reviews as required [by OAR 309-019-0160](#); and
 - x. Coordinating transition from forensic services for Individuals ending jurisdiction under the PSRB within six months of termination.
- (d) **Required Metrics:** County shall be in Substantial Compliance with the following requirements:
- i. Conditional release evaluations for GEIs are completed and submitted within 30 calendar days of receiving the orders.
 - ii. PSRB monthly reports are submitted to PSRB as required [by OAR 309-019-0160](#);
 - iii. Comprehensive annual reviews are submitted to OHA as required [by OAR 309-019-0160](#);
 - iv. Treatment plans are reviewed and updated within 364 calendar days of the previous plan.
 - v. OHA approved risk assessments are updated within 180 calendar days of the previous assessment.
- (3) **Civil Commitment Services**
- (a) **Description:** Civil commitment services include pre-commitment services, placement and post-commitment activities, and outreach and stabilization activities.
- (b) **Population:** Individuals who are described in Subsection 2.a(3) of [Exhibit B](#).
- (c) **Required Services:** County shall:
- i. **Provide pre-commitment services including:**
 - A. Providing notice as required under [ORS 426.070](#), [ORS 426.233](#), [ORS 426.234](#), and [ORS 426.235](#);
 - B. Notifying and directing approved persons or peace officers to take custody and transport Individuals when appropriate;
 - C. Completing reporting and filing requirements relevant to authorized involuntary Services pursuant to [ORS Chapter 426](#) such as custody, admission to nonhospital facilities, and Notices of Mental Illness;
 - D. Receiving Notices of Mental Illness submitted from the community under [ORS 426.070](#) and from the circuit courts under [ORS 426.070 and ORS 426.234](#);
 - E. Overseeing the placement and transfer of Individuals during the pre-hearing period of detention, including providing or arranging for transportation;
 - F. Having a certified mental health investigator initiate and conduct a prehearing investigation, within applicable statutory timeframes, pursuant to [ORS 426.070](#), [ORS 426.074](#), [ORS 426.180](#), [ORS 426.200](#) and [OAR 309-033-0920 through OAR 309-033-0940](#);

- G. Providing notices required in [ORS Chapter 426](#) and OAR Chapter 309 Division 33 for Individuals eligible for diversion from civil commitment.
 - H. Monitor the Individual's cooperation with the provider's treatment plan throughout and move for a hearing, as appropriate, if the Individual disengages or requests to discharge.
 - I. Writing and submitting an investigation report as required under [ORS 426.070](#), including a recommendation to the court to pursue or not pursue a civil commitment hearing, or to pursue a hearing for AOT;
 - J. Developing a person-centered treatment plan that is in the least restrictive, most integrated setting appropriate to meet the Individual's Behavioral Health needs, preferences, choices, and strengths, and addresses risk and protective factors;
 - K. Monitoring the person's progress in completing the treatment plan and provide regular and as-requested updates to the court, including making requests for the appointment of a guardian ad litem when indicated; and
 - L. Provide linkage to Services that enhance Individuals' life skills abilities including money management, nutrition, hygiene and personal care, shopping, social skills, and cooking.
- ii. Provide placement and post-commitment Services including:
- A. In providing recommendations, County shall ensure Individuals:
 - I. Are recommended for Services in the least restrictive, most integrated setting appropriate to meet the Individual's Behavioral Health needs;
 - II. Are certified for diversion or recommended for AOT whenever appropriate and feasible;
 - III. Are diverted from placement in OSH, community hospitals or SRTFs whenever possible; and
 - IV. Are considered for alternatives to inpatient placement such as voluntary treatment, conditional release, outpatient commitment, and, if already in an inpatient setting, trial visit;
 - B. Ensure that transition planning begins with intake and that the Individual is considered for initial outpatient commitment placement whenever appropriate;
 - C. Ensure the placement of Individuals with an appropriate provider in the least restrictive, most integrated setting appropriate to meet the Individual's Behavioral Health needs, preferences, choices and strengths;

- D. Issue a written placement order immediately upon the civil commitment of the Individual and as required by [OAR 309-033-0290](#) thereafter. Submit completed placement orders to OHA as required by [OAR 309-033-0290](#);
- E. Monitor the Individual's progress in their placement, and identify when the Individual may benefit from a more integrated, less restrictive level of care, up to and including independent living, attributable to symptom improvement; discharging from a facility and accessing more integrated community-based resources and treatment; or discharging from civil commitment because the Individual is no longer a person with mental illness or the Individual's best interest is to transfer to a voluntary status;
- F. Monitor the Individual's progress while placed in an inpatient setting and assess for readiness to step-down on a trial visit or discharge from civil commitment;
- G. Monitor Individual's progress while placed on outpatient commitment and assess for readiness to discharge for civil commitment;
- H. Establish conditions of placement prior to placement on outpatient commitment or trial visit in accordance with [ORS 426.127](#), [ORS 426.273](#), and [ORS 426.278](#);
- I. Support the Individual in adhering to the conditions of placement and completing the court requirements associated with the order for treatment if the Individual is placed in the community. This may include modifying conditions of placement as indicated in accordance with [ORS 426.273\(5\)](#) and [ORS 426.275\(3\)](#);
- J. Provide notice to the court when the Individual is not adhering to the conditions of placement and when a revocation hearing is being requested. Complete revocation processes as indicated in [ORS 426.275](#) and [OAR 309-033-0320](#);
- K. Facilitate communication between and collaborate with the Individual, family, natural supports, community resources, providers, ODHS if eligible for Aging and People with Disabilities (APD) or Intellectual and Developmental Disabilities (I/DD) Services and the courts (when applicable); and
- L. If discharging the Individual from civil commitment prior to the expiration date of the civil commitment order, file a written certificate discharging the Individual early from civil commitment pursuant to [ORS 426.300](#) with the last committing court and the court in the county of residence.

- (d) **Other Allowable Services (Subject to Availability of Funds).** The County may provide outreach and stabilization services, which include:
- i. Establishing practices and procedures to identify Individuals within the Service area who are eligible for outreach and stabilization services in order to prevent or divert from civil commitment Services;
 - ii. Providing community-based supportive engagement with Individuals with aim of establishing rapport, identifying chronic needs resulting in multiple custodies, detentions, or holds; and proactively engaging in low barrier Services to reduce crisis episodes, access longer term benefits, and prevent civil commitments.
 - iii. Facilitating communication between and collaborate with the Individual, family, natural supports, community resources, providers, ODHS if eligible for APD or I/DD services and the courts (when applicable);
 - iv. Supporting Individuals access to and assistance in completing a Declaration for Mental Health Treatment (DMHT) including coordinating with providers to have the DMHT made part of the medical record; and
 - v. Removing barriers to support the life skills development needed for the Individual to live as independently as possible in the community, including but not limited to providing assistance in navigating communities safely, managing prescriptions and health-related needs, shopping, hobbies and social engagement, housekeeping, laundry, and paying bills.
- (e) **Required Metrics:** County shall be in Substantial Compliance with the following requirements:
- i. Individuals transitioning from OSH are referred to community navigator services.
 - ii. Individuals under civil commitment will be provided a blank DMHT and offered the opportunity to complete one within 30 calendar days of being transferred to County's supervision.
 - iii. All reports associated with civil populations are completed and returned to OHA as required in [OAR Chapter 309 Division 33](#).
- (4) **Forensic Diversion Services**
- (a) **Description:** Services designed to address Behavioral Health Disorders contributing to criminal behavioral and reduce unnecessary criminal justice involvement.
- (b) **Population:** Notwithstanding Section 2 of Exhibit B, the County shall prioritize providing forensic diversion services to:
- i. Individuals described in Subsections 2.a and 2.b in [Exhibit B](#);
 - ii. Individuals on the OSH aid & assist waitlist;
 - iii. Individuals the court has ordered to be evaluated under [ORS 161.365](#) or [ORS 161.370](#) and are in jail; and

- iv. Individuals who the court has determined lack trial competency under [ORS 161.370](#) at least twice in the preceding 24 months.
- (c) **Required Services:** County shall:
 - i. Provide Behavioral Health treatment Services in accordance with [ORS 430.450](#), [ORS 430.490-430.515](#), and [ORS 430.630](#);
 - ii. Designate a forensic jail liaison(s) to coordinate with the jail, court and health care delivery system to screen defendants who may be suitable for diversion from jail and OSH. The liaison shall:
 - A. Attempt to complete a Behavioral Health screening and, if the screening indicates further referrals, assessment and treatment are necessary, then attempt to coordinate them;
 - B. Identify jail and OSH diversion resources, including but not limited to:
 - I. Community-based placement resources;
 - II. Outpatient Behavioral Health services; and
 - III. Other basic needs and supports.
 - C. Identify those Individuals who a certified forensic evaluator has determined does not need hospital level of care or the CMHP has determined may be appropriate for community placement, and attempt to develop a community transition plan;
 - D. Facilitate communication with the court to discuss all potential actions such as: dismissal, commitment, community restoration, referral to OSH for each case;
 - E. Coordinate rapid forensic evaluations;
 - F. Coordinate with other programs such as aid and assist, civil commitment, PSRB, and crisis services; and
 - G. Coordinate with the jail medical staff to ensure continuity of care for Individuals known to County, including ensuring transmission of medication information and other treatment needs.
 - iii. Use the [“Sequential Intercept Model”](#) (SIM) to identify and intervene upon “points of interception” or opportunities for interventions to prevent Individuals from entering or penetrating deeper into the criminal legal system. Regardless of the intervention point, forensic diversion treatment Services include:
 - A. Providing voluntary, person-centered case planning;
 - B. Coordinating access to outpatient behavioral health treatment, housing, vocational, educational, and other Services;
 - C. Providing support Services to prevent or curtail relapses and other crises;
 - D. Supporting Individuals in their criminal justice obligations and navigating the court and legal system, which may include liaising with attorneys if applicable; and

- E. Promoting peer support and the social inclusion of Individuals with or in recovery from Behavioral Health Disorders in the community.
 - iv. Facilitate communication between and collaborate with the Individual, family, natural supports, community resources, providers, ODHS if eligible for APD or I/DD services and the courts (when applicable).
 - (d) **Required Metrics:** County shall be in Substantial Compliance with the following requirements:
 - i. Attempt to contact and complete a Behavioral Health screening for Individuals who are described above in Subsection (4)(b) of this Exhibit B:
 - A. Within 7 business days of the applicable court order; or
 - B. Within 7 business days of the court, CMHP, a party, or OHA identifying the Individual as someone who the court determined lacked trial competency under ORS 161.370 at least twice in the preceding 24 months; and
 - ii. Develop a transition plan for Individuals, who a certified forensic evaluator has determined does not need hospital level of care or the CMHP has determined may be appropriate for community placement, within 14 calendar days of that determination. The transition plan must align with the least restrictive, most integrated setting appropriate to meet the Individual's Behavioral Health needs, preferences, choices, and strengths, and addresses risk and protective factors.
- d. **Outpatient & Community-Based Support Services**
 - (1) **General Outpatient & Community-Based Support Services**
 - (a) **Description:** A range of Services necessary to ensure that Individuals receive the appropriate level of care in the most integrated setting, based on their needs, to facilitate recovery and enhance overall well-being.
 - (b) **Population:** Individuals with a Mental or Emotional Disturbance or a Substance Use Disorder, subject to the prioritization described in Section 2. of Exhibit B.
 - (c) **Required Services:** County shall provide or ensure provision of:
 - i. **Early Assessment and Support Alliance (EASA).**
 - A. Provide EASA services, delivered in accordance with the fidelity standards located at <https://easacommunity.org/pro-resource/practice-guidelines/>, for Individuals ages 12 through 30 years of age whom:
 - I. Have not had a diagnosable psychotic disorder other than psychosis-risk syndrome, identified by the structured interview for psychosis risk syndrome or other EASA Center for Excellence approved formal assessment, for a period longer than 12 months; and
 - II. Have psychotic symptoms not known to be caused by the temporary effects of substance intoxication, major depression, or attributable to a known medical condition.

- B. Upon referral to EASA, contact shall be made within two (2) business days of the referral by EASA staff with the referent, the Individual, and the Individual's family in a location that best suits the Individual. Individuals are enrolled in EASA once they are determined to have met the eligibility criteria. The referent and/or the Individual and their family are provided crisis resources and tailored psychoeducation upon first contact;
 - C. Ensure that EASA Services are rendered based on the needs of the Individual and their family as frequently as needed to optimize the EASA program's support and impact on short- and long-term outcomes; and
 - D. Provide access to crisis Services for Individuals enrolled in EASA and their family and primary supports.
 - ii. **Outpatient Programs:** Ongoing treatment delivered in a community setting including, but not limited to:
 - A. Individual therapy;
 - B. Group therapy;
 - C. Medication management;
 - D. Skills training; and
 - E. Case management.
 - iii. **Intensive Outpatient Programs:** Structured programs that provide more frequent and intensive therapy while allowing Individuals to live at home. Typically, these programs involve several hours of treatment per week. Intensive outpatient programs may include, but are not limited to, Services such as assertive community treatment (ACT) delivered in accordance with [OAR 309-019-0225 through 309-019-0255](#).
 - iv. **Aftercare and Recovery Support:** Ongoing support Services to help Individuals maintain their recovery and reintegrate into the community including, but not limited to:
 - A. Educational and vocational supports;
 - B. Recovery coaching; and
 - C. Relapse prevention programs.
 - v. **Services to Remove Barriers to Community-Based Care:** Financial Assistance made on behalf of an Individual with a Behavioral Health Disorder which may include, but is not limited to:
 - A. Phone or internet bills;
 - B. Transportation;
 - C. Interpreter services;
 - D. Medical services and medications; and
 - E. Costs associated with obtaining or continuing representative payee or guardianship services.
- (d) **Other Allowable Services (Subject to Availability of Funds):** County may provide:

- i. **Early Intervention:** Services that identify and address mental health or substance use issues at an early stage, often involving screening and brief interventions.
 - ii. **Partial Hospitalization Programs/Day Treatment:** A step between inpatient care and outpatient treatment, providing a higher level of care with daily programming while allowing Individuals to return home in the evenings.
 - iii. **Peer Delivered Services:** Community-based Services provided by peer support specialists, peer wellness specialists, family support specialists, and recovery mentors to Individuals or family members with similar lived experience. These Services are intended to support Individuals and families to engage Individuals in ongoing treatment and to live successfully in the community.
 - iv. **Care Coordination:** A process-oriented activity to facilitate ongoing communication and collaboration to meet multiple needs including facilitating communication between natural supports, community resources, and involved providers and agencies; organizing, facilitating, and participating in client staffing meetings; and providing for continuity of care by creating linkages to and managing transitions between levels of care.
 - v. **Case Management:** Services to assist Individuals to connect to and gain access to needed Services outlined in an Individual intervention plan; Substance Use Disorder treatment, health care, housing, employment and training, childcare and other applicable Services.
 - vi. **IPS Supported Employment** delivered in accordance with [OAR 309-019-0270 through 309-019-0295](#) or other evidence-based vocational supports.
 - vii. **Supported Education** delivered in accordance with SAMHSA's Best Practices available at: <https://store.samhsa.gov/sites/default/files/d7/priv/sma11-4654-buildingyourprogram-sed.pdf>.
- (e) **Required Metrics:** County shall be in Substantial Compliance with the following requirements:
- i. Individuals are offered an appointment with a licensed medical provider within seven (7) business days of enrollment in EASA.
 - ii. Individuals enrolled in EASA are offered supported employment or supported education services to 100% of.
 - iii. Individuals enrolled in EASA and their families will have access to structured family psychoeducational groups.
 - iv. Adults with mental illness enrolled in Services are screened for potential home and community-based services eligibility and are referred when indicated.
 - v. New mental illness or Substance Use Disorder diagnoses are followed up by treatment within 14 calendar days of initial diagnosis.

- vi. New mental illness or Substance Use Disorder diagnoses are followed up by two engagement visits or medication treatments within 30 calendar days of initial treatment.
- vii. A letter of acceptance and entry is sent to Individuals deemed eligible for Assertive Community Treatment as required by [OAR 309-019-0248](#).

(2) Gero-Specialist Services:

- (a) **Description:** Specialized geriatric Services.
- (b) **Population:** Older or disabled adults subject to the prioritization described in Section 2. of [Exhibit B](#).
- (c) **Required Services:** County shall:
 - i. Provide direct care Services that are either supervised or delivered by a QMHP as defined in [OAR 309-019-0105](#), including, but not limited to:
 - A. Quarterly interagency staffing;
 - B. Follow-up Services after treatment in local or state inpatient psychiatric hospitals; and
 - C. Screening and referrals.
 - ii. Collaborate and coordinate with APD, ODHS's Aging and Disabilities Resource Connection, ODHS's Adult Protective Services, CCOs, CMHPs, acute care hospitals, OSH, caregivers, community partners, family members, and any other appropriate participants in an Individual's care.
 - iii. Provide at least one workforce development training in geriatric Behavioral Health competencies each quarter. Trainings must include a competency confirmation verified by the gero-specialist including, but not limited to a certificate of attendance; and must be provided to a wide cross section of professionals, paraprofessionals, and volunteers using a variety of modalities such as:
 - A. Virtual webinars developed by OHA;
 - B. Team meetings,
 - C. Seminars, conferences, or symposiums;
 - D. Community of practice or learning collaboratives; or
 - E. Other community training forums.
 - iv. Provide complex case consultation and system navigation whether planned through a multidisciplinary team that meets regularly, ad hoc or crisis, or having regular office hours with APD/AAA to provide consultation to their case management staff; and
 - v. Provide consultation to key teams within the CMHP including, but not limited to, ACT, forensic services, SUD services, and crisis services. Regular complex care consultation meetings should include short didactic learning sessions on key Behavioral Health competencies.
- (d) **Other Allowable Services (Subject to Availability of Funds):** County may provide indirect care Services including, but not limited to:
 - i. Consultation;
 - ii. Assistance working with multiple systems;

- iii. Case coordination and planning;
- iv. Supporting interagency collaboration; and
- v. Education and training to agencies and caregivers who provide Services that may affect older and disabled adults with mental illness or Substance Use Disorder.

- (e) **Required Metrics:** County shall be in Substantial Compliance with the following requirement: Older or disabled adults receiving Services are screened for potential home and community-based services eligibility and are referred when indicated.

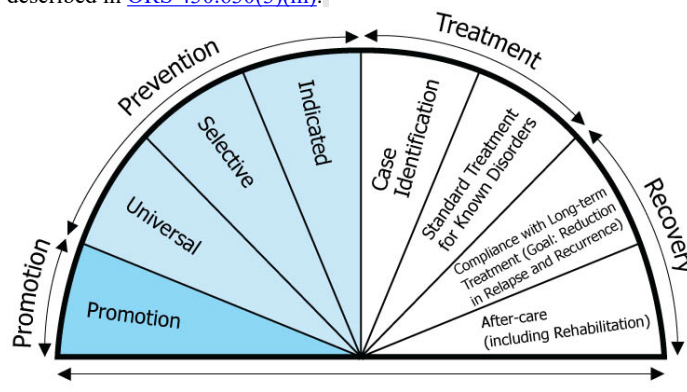
e. **Residential & Housing Support Services**

- (1) **Description:** Services to ensure that Individuals with Behavioral Health Disorders are served in the most integrated, least restrictive setting possible based on their individualized needs and strengths.
- (2) **Population:** Individuals in need of residential Behavioral Health treatment subject to the prioritization described in Section 2. of Exhibit B.
- (3) **Required Services:** County shall:
 - (a) Ensure that a Service plan is in place for each Individual in the least restrictive, most integrated setting appropriate to meet the Individual's Behavioral Health needs, preferences, choices, and strengths;
 - (b) Identify an appropriate residential services Provider that is able to meet the Individual's Behavioral Health needs and willing to provide that care, treatment, and Services to the Individual;
 - (c) Ensure that Services are provided in the least restrictive and most integrated setting appropriate to meet the Individual's Behavioral Health needs;
 - (d) Divert the Individual from placement at a state hospital, community hospital, or secure residential treatment facility, whenever possible;
 - (e) Obtain any necessary approvals from the Provider to allow admission, if it is a residential or state hospital placement;
 - (f) Continue to send referrals to Providers until the Individual is placed at or is no longer in need of residential Services;
 - (g) Monitor the Individual's progress in their Service plan while in a residential placement and identify when the Individual may be transferred to a lower level of care; and
 - (h) Ensure that discharge planning is conducted throughout the Individual's placement in a hospital or residential placement with the goal of moving the Individual to the lowest level of care that will maintain their mental and physical health.
 - (i) Provide care coordination to facilitate the Individual's access to Services in the least restrictive, most integrated setting appropriate to meet the Individual's Behavioral Health needs, preferences, choices and strengths, including:
 - i. Facilitate communication between the Individual, family, natural supports, community resources, Providers, and ODHS (if eligible for APD or I/DD Services);

- ii. Identify Providers that can provide Behavioral Health Treatment Services consistent with the Individual's treatment Service plan, whether it is provided on an inpatient, residential or outpatient basis;
 - iii. Organize, facilitate and participate in interdisciplinary team meetings with the Individual, Providers, and CCO care coordinators (if the Individual is a CCO member);
 - iv. Facilitate access to community-based rehabilitative Behavioral Health treatment services that are recovery-oriented, culturally responsive, and geographically accessible;
 - v. Facilitate access to peer delivered services; and
 - vi. Collaborate with the ODHS, APD and I/DD divisions to support the Behavioral Health treatment needs of Individuals determined service-eligible for APD or I/DD.
- (j) Within the limits of the Part A funds awarded in this Agreement, County shall provide the following housing support services, as clinically indicated, for Individuals who qualify under Subsection 2.a of Exhibit B:
- i. **Rental Assistance:** Financial Assistance made on behalf of an Individual and their family, when applicable, that covers payment to landlords, property management companies, housing providers, property owners, or specific vendors for all or a portion of the monthly rent, or payment to specific vendors for resident utility expenses. Individuals who receive assistance may be living with other family members (e.g., where a parent is re-assuming custody of one or more children).
 - ii. **Housing Coordination Services:** Staff to support and assist Individuals to locate and secure safe, suitable housing, and provide referrals to other resources.
 - iii. **Services to Remove Barriers to Community-Based Care:** Financial Assistance made on behalf of an Individual may include, but is not limited to:
 - A. Room and board payments;
 - B. Utility deposits and fees including past due utility bills;
 - C. Phone or internet bills;
 - D. Moving and storage costs;
 - E. Household goods and supplies;
 - F. Cleaning or pest management Services; and
 - G. Interpreter Services.
- (4) **Other Allowable Services (Subject to Availability of Funds):** County may provide:
- (a) Peer Delivered Services: Services provided by peer support specialists, peer wellness specialists, family support specialists, and recovery mentors to Individuals or family members with similar lived experience. These Services are intended to support Individuals and families to engage Individuals in ongoing treatment and to live successfully in the community.

- (b) Respite Services: Short-term residential services (less than 30 calendar days) for Individuals who require 24-hour observation and support but do not require acute psychiatric hospitalization. Services include access to multidisciplinary treatment including therapeutic supports and may include treatment with medications.
- (c) Housing support services, as clinically indicated, for Individuals who meet second, third, or fourth priority criteria outlined in Section 2. above:
 - i. **Rental Assistance:** Financial Assistance made on behalf of an Individual and their family, when applicable, that covers payment to landlords, property management companies, housing providers, property owners, or specific vendors for all or a portion of the monthly rent, or payment to specific vendors for resident utility expenses. Individuals who receive assistance may be living with other family members (e.g., where a parent is re-assuming custody of one or more children).
 - ii. **Housing Coordination Services:** Staff to support and assist Individuals to locate and secure safe, suitable housing, and provide referrals to other resources.
 - iii. **Services to Remove Barriers to Community-Based Care:** Financial assistance made on behalf of an Individual may include, but is not limited to:
 - A. Room and board payments;
 - B. Utility deposits and fees including past due utility bills;
 - C. Phone or internet bills;
 - D. Moving and storage costs;
 - E. Household goods and supplies;
 - F. Cleaning or pest management services; and
 - G. Interpreter services.
- (5) **Required Metrics:** County shall be in Substantial Compliance with the following requirements:
 - (a) Individuals who need residential treatment services are screened for potential home and community-based services eligibility and are referred when indicated.
 - (b) Individuals who receive housing support services are screened for potential home and community-based services eligibility and are referred when indicated.
 - (c) Individuals receiving residential Behavioral Health treatment are offered Services to assist with their transition to outpatient Services prior to discharge from residential treatment.
 - (d) Individuals enrolled in Behavioral Health treatment services establish or maintain housing prior to completion of treatment.
- f. **Behavioral Health Promotion & Prevention**
 - (1) **Description:** Strategies aimed at improving mental health or preventing mental illness or Substance Use Disorders before they occur.

- (2) **Population:** Individuals with or at risk of developing a Mental or Emotional Disturbance or a Substance Use Disorder, subject to the prioritization described in Section 2 of Exhibit B.
- (3) **Required Services:** Using a framework, such as the Institute of Medicine's Continuum of Care Model (see graphic below) or other Behavioral Health Promotion and Prevention framework or strategy, the County shall:
- (a) Create and implement an evidence-based continuum of activities, strategies, and supports that align with existing local prevention and promotion strategies;
 - (b) Provide preventive mental health Services for children and adolescents, including primary prevention efforts, early identification and early intervention Services as described in [ORS 430.630\(3\)\(L\)](#); and
 - (c) Preventive mental health Services for older adults, including primary prevention efforts, early identification and early intervention Services as described in [ORS 430.630\(3\)\(m\)](#).



- (4) **Other Allowable Services (Subject to Availability of Funds):** County may:
- (a) Develop and implement strategies and/or activities that prioritize the following determinants of Behavioral Health wellness across the life span.
 - (b) Develop and implement strategies to maintain healthy communities: Strategies and/or activities may include but are not limited to, community safety promotion, violence reduction, bullying prevention, social connectivity, and resource dissemination activities;
 - (c) Individual skill development: Strategies and/or activities may include but are not limited to, skill-building programs in schools, community and senior centers, assisted living facilities, and other community-based settings that emphasize social connection, problem solving and development of self-regulation; and
 - (d) Social emotional competence: Strategies and/or activities may include but are not limited to developing or sustaining community infrastructure, parenting/grandparenting education, stress reduction classes, communication skills classes, programs that address social isolation and loneliness, grief and other post distress supports, divorce and other losses, and community-based activities.

- (5) **Required Metrics:** County shall be in Substantial Compliance with the following requirements:
- (a) Individuals receiving Behavioral Health Prevention and Promotion Services report an increased understanding of mental health, substance use prevention, and available resources.
 - (b) Individuals receiving Behavioral Health Prevention and Promotion Services report a change in attitude toward mental health, substance use, or coping strategies.
 - (c) Individuals receiving Behavioral Health Prevention and Promotion Services report an increased likelihood of engaging in behavior change such as accessing counseling Services or delaying or decreasing use of alcohol and other drugs.

g. **Block Grant Funded Services:**

- (1) **Description:** Activities and Services to address the complex needs of Individuals, families, and communities impacted by mental illness and Substance Use Disorders and associated problems paid for, in whole or in part, by Substance Use, Prevention, Treatment, and Recovery Services Block Grant (“SUPTRS BG”) or Community Mental Health Services Block Grant (“MHBG”) funds awarded in this Agreement.
- (2) **Definitions:** For use in this section:
 - (a) “**Serious Mental Illness**” or “**(SMI)**” means an Individual 18 years of age or older who, within the past year, has had a diagnosable mental, behavioral, or emotional disorder that substantially interferes with their life and ability to function.
 - (b) “**Serious Emotional Disturbance**” or “**(SED)**” means an Individual under the age of 18 who, within the past year, has had a diagnosable mental, behavioral, or emotional disorder that resulted in functional impairment that substantially interferes with or limits the child’s role or functioning in family, school, or community activities.
- (3) **Population:**
 - (a) County shall ensure that MHBG funds awarded through this Agreement are used to support Services for the MHBG Priority Populations:
 - i. Children with Serious Emotional Disturbance;
 - ii. Adults with Serious Mental Illness including Older Adults; and
 - iii. Individuals with SMI or SED in rural areas and who are experiencing homelessness.
 - (b) County shall ensure that SUPTRS BG funds awarded through this Agreement are used to support Services for the SUPTRS BG Priority Populations:
 - i. Pregnant women with dependent children;
 - ii. Persons who inject drugs;
 - iii. Persons in need of recovery support Services for Substance Use Disorder;
 - iv. Individuals with a co-occurring mental illness and Substance Use Disorder;
 - v. Persons experiencing homelessness;
 - vi. Services for persons with SUD who have or are at risk of:
 - A. HIV/AIDS, designated states per CDC only; or
 - B. Tuberculosis; and
 - vii. Services for Individuals in need of substance use primary prevention.

- (4) **Required Services:** County shall:
- (a) Comply, and as indicated, require all Providers to comply with the Required Federal Terms and Conditions for Services funded in whole or in part by MHBG or SUPTRS BG funds;
 - (b) Allocate and expend no less than the minimum MHBG amount indicated in the Financial Assistance Award for Crisis Services;
 - (c) Allocate and expend no less than the minimum MHBG amount indicated in the Financial Assistance Award for EASA Services; and
 - (d) County shall ensure that MHBG or SUPTRS BG funds be directed toward the following purposes:
 - i. To fund priority treatment and support Services for Individuals without insurance or who cycle in and out of health insurance coverage;
 - ii. To fund those priority treatment and support Services not covered by Medicaid, Medicare or private insurance and that demonstrate success in improving outcomes and/or supporting recovery;
 - iii. To fund universal, selective, and targeted prevention activities and Services;
 - iv. To collect performance and outcome data to determine the ongoing effectiveness of Behavioral Health prevention, treatment, and recovery support Services and to plan the implementation of new Services on a nationwide basis. Additionally, SAMHSA strongly supports that states provide additional recovery support Services with SUPTRS BG funds beyond the scope of treatment programs currently available in most communities across the nation;
 - v. To ensure Oregonians have access to a comprehensive, integrated physical and Behavioral Health Service array statewide that is inclusive and where Individuals can choose providers that best fit their needs and cultural preferences within their community;
 - vi. To ensure that Individuals transitioning from a hospital level of care, including OSH, to community-based settings will be fully supported through care coordination, and inclusive Services and support;
 - vii. To ensure that older adults who live in rural areas of Oregon receive accessible and affordable Services;
 - viii. To ensure that Individuals have access to necessary Services and eliminate disparities in accessing care;
 - ix. To foster healthy families and environments through integrated care that promotes equitable health and well-being, for pregnant and post-partum persons;
 - x. To provide peer support services for Individuals transitioning between levels of care;
 - xi. To promote and provide activities that support physical health, substance use treatment, and mental health Services for young adults 18-25; or
 - xii. To increase prevention efforts including overdose, crisis response, and chronic disease prevention.
- (5) **Other Allowable Services (Subject to Availability of Funds):** County may:
- (a) Promote participation by Individuals with SMI, SED, or Substance Use Disorders in shared decision making and self-direction of their Services;

- (b) Ensure access to effective culturally and linguistically appropriate Services for underserved populations including Tribes, racial and ethnic minorities, and LGBTQI+ Individuals;
 - (c) Promote recovery, resiliency, and community integration for adults with SMI and children with SED and their families;
 - (d) Prevent the use, misuse, and abuse of alcohol, tobacco products, illicit drugs, and prescription medications;
 - (e) Conduct outreach to encourage Individuals injecting or using illicit and/or licit drugs to seek and receive treatment;
 - (f) Provide early intervention Services for HIV at the sites at which Individuals receive Substance Use Disorder treatment Services;
 - (g) Coordinate Behavioral Health Prevention, early identification, treatment and recovery support services with other health and social services;
 - (h) Increase accountability for prevention, early identification, treatment, and recovery support activities through uniform reporting regarding substance use and abstinence, criminal justice involvement, education, employment, housing, and recovery support services;
 - (i) Ensure access to a comprehensive system of care, including education, employment, housing, case management, rehabilitation, dental services, and health services, as well as Behavioral Health services; and
 - (j) Provide continuing education regarding substance abuse prevention and Substance Use Disorder treatment services to any facility or program receiving amounts from the SUPTRS BG for such activities or Services.
- (6) **Required Metrics:** County shall be in Substantial Compliance with the following requirements:
- (a) Reduce the rate at which Individuals with a Mental or Emotional Disturbance or a Substance Use Disorder are admitted to the emergency room.
 - (b) SUD treatment Services are made available to Individuals who are pregnant or post-partum and request such Services.
 - (c) Ensure Individuals have a culturally responsive healthcare provider.

h. Invoiced Services

- (1) **Description:** Services eligible for reimbursement through Part C funds identified in Exhibit C.
- (2) **Invoiceable Services:** County may invoice OHA for:
 - (a) **Mental Health Residential Services:**
 - i. Daily Service rate for mental health residential treatment Services provided to adults age 18 years old or older in a secure residential treatment facility, residential treatment facility, or residential treatment home licensed under [OAR Chapter 309 Division 35](#), who:
 - A. Are uninsured, underinsured, not eligible for Medicaid, or have exhausted Medicaid Services, including those who meet the criteria for Citizen Alien Waived Medical Program; or
 - B. Have been ordered by a court or PSRB to receive Services in a level of care for which the Individual does not meet medical necessity.
 - ii. Daily Service rate for mental health residential treatment Services provided to young adults in transition (YAT) age 17 through 25 years

old in a YAT residential treatment home licensed under [OAR Chapter 309 Division 35](#) who:

- A. Are uninsured, underinsured, not eligible for Medicaid, or have exhausted Medicaid Services, including those who meet the criteria for citizen alien waived medical program; or
- B. Have been ordered by a court to receive Services in a level of care for which the Individual does not meet medical necessity.

(b) Room and board for:

- i. Adults age 18 years old or older with limited or no income residing in a secure residential treatment facility, residential treatment facility, or residential treatment home licensed under [OAR Chapter 309 Division 35](#); and
- ii. YAT age 17 through 25 years old with limited or no income residing in a YAT residential treatment home licensed under [OAR Chapter 309 Division 35](#).

(c) Personal Incidental Funds for:

- i. Adults age 18 years old or older with limited or no income residing in a secure residential treatment facility, residential treatment facility, or residential treatment home licensed under [OAR Chapter 309 Division 35](#); and
- ii. YAT age 17 through 25 years old with limited or no income in a YAT residential treatment home licensed under [OAR Chapter 309 Division 35](#).

(d) PSRB Security and Supervision Services

- i. Security services as identified in the PSRB conditional release order, which are not medically necessary Services but are required for the safety of the Individual and the public, and are covered at a rate based on a determination of the risk and care needs identified in the security services matrix below:

Security Services Matrix (Community)	Low Risk	Med Risk	High Risk
High Care	Rate 1	Rate 2	Rate 3
Med Care	Rate 2	Rate 3	Rate 4
Low Care	Rate 3	Rate 4	Rate 5

- ii. Supervision services are non-medically necessary Services that are necessary for an Individual to maintain compliance with terms set by a court or other supervising authority including, but not limited to:
 - A. Assessment;
 - B. Evaluation (including evaluations ordered beyond typical monitoring required by the PSRB);
 - C. Outpatient treatment; and
 - D. Polygraph if such expenses are needed to maintain compliance with the terms of a conditional release and not covered by some other mechanism.

- (3) **Invoice Requirements:** Invoices must be submitted by email to BHD.Contracts@oha.oregon.gov using the BHD's forms and procedures available at <http://www.oregon.gov/OHA/HSD/AMH/Pages/Reporting-Requirements.aspx>.

4. **Reporting Requirements**

a. County shall:

- (1) Prepare a Local Plan and Budget using forms and procedures prescribed by OHA located at <https://www.oregon.gov/OHA/HSD/AMH/Pages/Reporting-Requirements.aspx>. County shall submit a draft Local Plan and Budget April -1, 2027, for the 2027-2029 biennium for review and approval by OHA electronically, to BHD.Contracts@oha.oregon.gov no later than June 30, 2027.
- (2) Prepare quarterly Local Plan implementation and financial expenditure reports using forms and procedures prescribed by OHA located at <https://www.oregon.gov/OHA/HSD/AMH/Pages/Reporting-Requirements.aspx>. County shall submit the quarterly Local Plan implementation and financial expenditure report electronically, to BHD.Contracts@oha.oregon.gov no later than 45 calendar days following the end of each subject quarter for which Financial Assistance is awarded through this Agreement.
- (3) Prepare and submit monthly aid & assist reports using forms and procedures prescribed by OHA located at <https://www.oregon.gov/OHA/HSD/AMH/Pages/Reporting-Requirements.aspx>, no later than 14 calendar days following the end of each subject month for which Financial Assistance is awarded through this Agreement.
- (4) Prepare a quarterly MCIS report using forms and procedures prescribed by OHA, located at <https://www.oregon.gov/OHA/HSD/AMH/Pages/Reporting-Requirements.aspx>. County shall submit the quarterly MCIS report electronically, to mobilecrisisinfo@ohsu.edu no later than 30 calendar days following the end of each subject quarter for which Financial Assistance is awarded through this Agreement.
- (5) Prepare a quarterly MRSS report using forms and procedures prescribed by OHA, located at <https://www.oregon.gov/OHA/HSD/AMH/Pages/Reporting-Requirements.aspx>. County shall submit the quarterly MRSS report electronically, to stabilizationsvcinfo@ohsu.edu no later than 30 calendar days following the end of each subject quarter for which Financial Assistance is awarded through this Agreement.
- (6) Prepare quarterly EASA data using forms and procedures prescribed by OHA, located at <https://www.oregon.gov/OHA/HSD/AMH/Pages/Reporting-Requirements.aspx>. County shall submit the quarterly EASA data electronically, to Oregon Health & Science University using the EASA RedCap Data System at <https://octri.ohsu.edu/redcap/> no later than 15 calendar days following the end of each subject quarter for which Financial Assistance is awarded through this agreement. Instructions for data entry into RedCap are located at <https://www.easacommunity.org/resources-for-professionals.php>.
- (7) Prepare quarterly older adult Behavioral Health data using forms and procedures prescribed by OHA, located at <https://www.oregon.gov/OHA/HSD/AMH/Pages/Reporting-Requirements.aspx>. County shall submit quarterly older adult Behavioral Health data electronically, to Portland State University through Qualtrics at <https://sso.pdx.edu/idp/profile/SAML2/Redirect/SSO?execution=e1s1> no later than 45

calendar days following the end of each subject quarter for which Financial Assistance is awarded through this agreement.

5. **Financial Assistance Calculation, Disbursement, and Confirmation Requirements**

- a. **OHA provides funding for Services through Part A, B, or C awards.** The award type is identified in Exhibit C, “Financial Assistance Award,” on lines in which column “Part ABC,” contains an “A” for Part A award, a “B” for Part B award, and a “C” for Part C award:
- (1) Funds awarded to County or Provider are subject to the following:
 - (2) OHA shall not authorize in aggregate, under this “Financial Assistance Calculation and Disbursement” section, Financial Assistance requested for Services in excess of the contractual Not-to-Exceed amount. “Total aggregate funding” means the total of all funding authorized in Exhibit C, “Financial Assistance Award.” The monthly rate will be prorated for any month in which the Individual does not receive Services for a portion of the month. Funding received by County or Service Provider from an Individual, the Individual’s health insurance provider, another person’s health insurance provider under which Individual is also covered, or any other Third-Party Resource (TPR) in support of Individual’s care and Services, in addition to payments received under this Financial Assistance agreement for the same Service, during the same time period or date of Service for the same Individual, must be returned to OHA unless TPR funding is used to provide additional Service – increasing capacity.
 - (3) County must make reasonable efforts to obtain payment first from other resources consistent with [OAR 410-120-1280](#). County is obligated to report to OHA, by email at BHD.Contracts@oha.oregon.gov, any TPR payments received, no later than 30 calendar days following expiration of this Agreement. The following information shall be provided:
 - (a) OHA Contract name and number;
 - (b) Client name and date of birth;
 - (c) Service for which payment was received;
 - (d) Date of Service covered by payment;
 - (e) Date of TPR payment received by County or Service Provider; and
 - (f) Amount of payment.
 - (4) County is not entitled to funding in combination with Medicaid funds for the same Service, during the same time period or date of Services for the same Individual;
 - (5) At no time will OHA pay above the Medicaid rate.
 - (6) OHA is not obligated to provide funding for any Services that are not properly reported in accordance with the “Reporting Requirements” section of this Agreement or as required in an applicable Specialized Service Requirement by the date 60 calendar days after the earlier of expiration or termination of this Agreement, termination of OHA’s obligation to provide funding for Services, or termination of County’s obligation provide Services.
- b. **Part A awards:**
- (1) OHA provides Financial Assistance for Services through Part A awards for non-Medicaid-eligible Services. County and Service Providers shall maintain compliance with [OAR 410-172-0600 through 410-172-0860](#) (Medicaid Payment for Behavioral Health), and [OAR 943-120-0310 through 943-120-0320](#) (Provider Rules).
 - (2) Calculation of Financial Assistance: OHA will provide Financial Assistance for Services provided under a particular line of Exhibit C, “Financial Assistance Award,” containing an “A” in column “Part ABC,” from funds identified in that line in an

amount equal to that line of the Financial Assistance Award during the period specified in that line. The total of OHA funds for all Services delivered under a particular line of Exhibit C, “Financial Assistance Award” containing an “A” in column “Part ABC,” shall not exceed the total of awards for Services as specified in that line of the Financial Assistance Award and are subject to the limitations described herein.

- (3) Disbursement of Financial Assistance: Unless a different disbursement method is specified in that line of Exhibit C, “Financial Assistance Award,” OHA will disburse the Part A allotments for Services provided under a particular line of the Financial Assistance Award containing an “A” in column “Part ABC,” to County in substantially equal monthly allotments during the period specified in that line of the Financial Assistance Award subject to the following:

- (a) OHA may, upon written request of County, adjust monthly allotments;
- (b) Upon amendment to the Financial Assistance Award, OHA shall adjust monthly allotments as necessary, to reflect changes in the funds shown for Services provided under that line of the Financial Assistance Award; and
- (c) OHA may, after 30 calendar days (unless parties agree otherwise) written notice to County, reduce the monthly allotments based on under-used funding identified through MOTS the state mandated data system and other reports in accordance with the “Reporting Requirements” and “Special Reporting Requirements” sections or applicable special conditions.

c. **Part B awards:** [Reserved – Not currently in use]

d. **Part C awards:**

- (1) Part C awards are calculated and applied as follows:

- (a) Unless a different disbursement method is specified in that line of Exhibit C, “Financial Assistance Award,” OHA will disburse the Part C funds for Services provided under a particular line of the Financial Assistance Award containing a “C” in column “Part ABC” to County per receipt and approval of a written invoice with required attachments, as specified below, in the monthly allotment during the period specified in that line of the Financial Assistance Award. Invoice and required attachments are due no later than 45 calendar days following the end of the subject month or quarter, and must be submitted to BHD.Contracts@oha.oregon.gov, with the subject line “Invoice, contract # (your contract number), contractor name.”
- (b) For Services to Medicaid-eligible Individuals for whom the Services provided are not covered under Medicaid but are medically appropriate, County shall attach a copy of the Plan of Care (POC) and Coordinated Care Organization (CCO) refusal of payments for the item or Service. OHA will provide funding at the Medicaid Fee Schedule rate. At no time will OHA provide funding above the Medicaid Fee Schedule rate for Services.
- (c) For Services to non-Medicaid-eligible Individuals, County shall attach a copy of the bill or receipt, for the item or Service, to a combined monthly invoice, itemized by Individual. Part C funding for Psychiatric Security Review Board (PSRB) non-medically approved Services are only for the time period shown and do not carry forward into following years’ allotments.

e. **Confirmation of Performance Requirements:**

- (1) OHA uses Confirmation of Performance requirements at the end of each contracting period.

- (2) County shall be required to demonstrate through the data properly reported in accordance with the “Reporting Requirements section, the qualifying Services to which these Services can be attributed, how funds awarded were utilized consistent with the terms and limitations herein to meet the performance requirements of the Service Description, and that County shall be subject to the monitoring and review of performance requirements and quality measures by the OHA Contract Administrator for the Program under which these Services fall and subject to the terms and limitations in this Agreement.

2026-2027 INTERGOVERNMENTAL AGREEMENT
FOR THE FINANCING OF COMMUNITY MENTAL HEALTH PROGRAMS

EXHIBIT C
FINANCIAL ASSISTANCE AWARD

MOD#: _____
CONTRACT#: _____ CONTRACTOR: _____
INPUT CHECKED BY: _____ DATE CHECKED: _____
COLUMN HEADERS:

<u>SE#</u>	<u>FUND</u>	<u>PROJ CODE</u>	<u>CPMS</u>	<u>PROVIDER</u>	<u>EFFECTIV E DATES</u>
<u>SLOT CHANGE / TYPE</u>	<u>RATE</u>	<u>OPERATING DOLLARS</u>	<u>PART ABC</u>	<u>PAAF CD</u>	<u>BASE</u>
<u>CLIENT CODE</u>	<u>SP#</u>				

EXPLANATION OF FINANCIAL ASSISTANCE AWARD

The Financial Assistance Award set forth above and any Financial Assistance Award amendment must be read in conjunction with this explanation for purposes of understanding the rights and obligations of OHA and County reflected in the Financial Assistance Award.

1. Format and Abbreviations in Financial Assistance Award

- a. **Heading.** The heading of the Financial Assistance Award consists of the following information:
 - (1) **MOD#** is the alphanumeric modification code, assigned by the OHA BHD contracts unit staff member, for that specific Financial Assistance Award. A MOD# beginning with an M is a mental health modification; a MOD# beginning with an A is a Substance Use Disorder modification.
 - (2) **CONTRACT#** is the unique identification number of this Agreement containing the Financial Assistance Award. This number is assigned by the Office of Contracts & Procurement (OC&P).
 - (3) **CONTRACTOR** is the County or the legal entity named in and for that specific Agreement containing the Financial Assistance Award.
 - (4) **Input Checked** is for OHA's internal use only.
 - (5) **Date Checked** is for OHA's internal use only.
- b. **Financial and Service Information.** Each Service awarded funds is listed by Fiscal Year and then by the Service Element number. The amount of Financial Assistance awarded for each Service and certain other Service information is listed below the Fiscal Year and then by the Service Element number on one or more lines. Financial Assistance awarded for a particular Service may not be used to cover the costs of any other Service, except as permitted under Exhibit E, "General Terms and Conditions," section 3.a, of this Agreement. The funds, as set forth on a particular line, will be disbursed in accordance with and are subject to the restrictions set forth on that particular line. The awarded funds, disbursement information and restrictions on a particular line are displayed in a columnar format as follows:
 - (1) **Column 1, SE#:** The Service Element number(s) identifies the Services to be delivered as set forth on that particular line of the Financial Assistance Award.
 - (2) **Column 2, Fund:** This column identifies the fund number and description of the funding source, according to BHD's financial system, used for payments for this specific line of the Financial Assistance Award. The types of funds are as follows:
 - (a) **301: Mental Health Block Grant (MHBG) – Federal Funds:** County shall ensure expenditure of MHBG funds only as allowed by [sections 1911-1920 of Title XIX, Part B, Subpart I and III of the Public Health Service Act](#)
 - (b) **307: MHBG EASA Services – Federal Funds:** County shall ensure expenditure of MHBG EASA Services funds only for EASA Services as described in [Exhibit B](#).
 - (c) **309: MHBG Crisis Services – Federal Funds:** County shall ensure expenditure of MHBG Crisis Services funds only for Crisis Services as described in [Exhibit B](#).
 - (d) **401: Mental Health Marijuana Tax – Other Funds:** County shall ensure expenditure of Mental Health Marijuana Tax funds only as allowed by [ORS 475C.726\(d\)\(B\)](#).
 - (e) **406: Tobacco Tax New Investments – Other Funds:** County shall ensure

expenditure of Tobacco Tax New Investments funds only for Services described in Exhibit B.

- (f) **407: 988 Tax Revenue – Other Funds:** County shall ensure expenditure of 988 Tax Revenue funds only for the expansion and ongoing funding of mobile crisis intervention teams as defined in ORS 430.626.
- (g) **411: Tobacco Master Settlement Account – Other Funds:** County shall ensure expenditure of Tobacco Master Settlement Account funds only for Services described in Exhibit B.
- (h) **421: Beer and Wine Tax (40%) Treatment – Other Funds:** County shall ensure expenditure of Beer and Wine Tax (40%) Treatment funds only as allowed by ORS 430.380.
- (i) **450: Marijuana Tax (40%) – Other Funds:** County shall ensure expenditure of Marijuana Tax (40%) funds only as allowed by ORS 475C.726(d)(B).
- (j) **520: Substance Use Prevention, Treatment, and Recovery Services Block Grant (SUPTRS BG) – Federal Funds:** County shall ensure expenditure of SUPTRS BG funds only as allowed by section 1921 of Title XIX, Part B, Subpart II and III of the Public Health Service Act.
- (k) **804: Mental Health General Fund – General Funds:** County shall ensure expenditure of Mental Health General Fund funds only for Services described in Exhibit B that are provided for Individuals with or at risk of developing a Mental or Emotional Disturbance which may include a co-occurring Substance Use Disorder.
- (l) **806: Mental Health New Investments – General Funds:** County shall ensure expenditure of Mental Health New Investment funds only for Services described in Exhibit B that are provided for Individuals with or at risk of developing a Mental or Emotional Disturbance which may include a co-occurring Substance Use Disorder.
- (m) **807: Alcohol and Drug Treatment – General Funds:** County shall ensure expenditure of Alcohol and Drug Treatment funds only for Services described in Exhibit B provided for Individuals with or at risk of developing a Substance Use Disorder which may include a co-occurring Mental or Emotional Disturbance.
- (n) **815: Mobile Response and Stabilization Services (MRSS) – General Fund:** County shall ensure expenditure of MRSS funds only for MRSS Services as described in Exhibit B.

Commented [SE18]: I'm fine with this OHA change.

Additional fund numbers may be added during the term of this Agreement and in the Financial Assistance Award by using an Administrative Memo to Counties via email to the contact person listed in Exhibit E, "Standard Terms and Conditions," section 18., "Notice." to note the new code number and description.

The fund numbers with source descriptions identifying General Funds or Other Funds as the funding source may actually be paid under a different fund number and source based upon actual funds available at the time of payment. Changes to the Financial Assistance Award to move amounts from one fund source to another fund source but otherwise Budget neutral will be processed as an Administrative Adjustment rather than issuing an Amendment to the Financial Assistance Award.

The notice of Administrative Adjustment will be sent to County via email to the contact person listed in Exhibit F, “Standard Terms and Conditions,” Section 18., “Notice.” County shall have 30 calendar days to request OHA replace the Administrative Adjustment notice with an Amendment to the Financial Assistance Award. If County does not make such a request, the Financial Assistance Award shall be deemed amended as noted in the Administrative Adjustment and agreed to by both parties.

- (3) **Column 3, Proj Code:** This item is for OHA’s internal use only.
- (4) **Column 4, CPMS:** This item is for OHA’s internal use only.
- (5) **Column 5, Provider:** This is either the Provider’s name or a description for a specific Service as set forth on that particular line of the Financial Assistance Award.
- (6) **Column 6, Effective Dates:** This specifies the time period during which the Service or Service capacity, as applicable, is expected to be delivered utilizing the approved Service funds as set forth on that particular line of the Financial Assistance Award. For purposes of disbursement method “A” (as described in Section (10), “Column 10, Part ABC,” below), these dates also specify the time period during which the approved Service funds will be disbursed to County.
- (7) **Column 7, Slot Change/Type:** This is either the number of slots or number of days of Service or Service capacity, as applicable, OHA anticipates County to deliver during the period specified and utilizing the approved Service funds set forth on that particular line of the Financial Assistance Award. The Service or Service capacity, as applicable, must be delivered in the amounts and over the course of the time period specified on that line of the Financial Assistance Award. This column will be blank, followed by “NA” if the basis of payment set forth in the applicable Service Description is not tied to actual delivery of Services or Service capacity. The Slot Change/Type is the unit of measurement associated with the Effective Dates set forth in column 6. The Slot Change/Type is expressed in three-character designations and have the following meanings:
 - (a) **CSD:** One CSD (or Client Service Day) is one day of Service or Service capacity, as applicable, delivered to one Individual or made available for delivery to one Individual, as applicable.
 - (b) **N/A:** N/A means Slot Change/type is not applicable to the particular line.
 - (c) **SLT:** One SLT (or Slot) is the delivery or capacity to deliver, as applicable, the Service to an Individual during the entire period specified in the corresponding line of the Financial Assistance Award.
- (8) **Column 8, Rate:** This is the cost per day, per month, or per Slot Change/Type measurement for the Service or Service capacity, as applicable, to be delivered utilizing the approved Service funds as set forth on that line of the Financial Assistance Award.
- (9) **Column 9, Operating Dollars:** This is the total amount of Financial Assistance Award for delivery of the Services and is OHA’s maximum, not-to-exceed obligation during the time period specified on that particular line, in support of the Services described on that particular line, of the Financial Assistance Award.
- (10) **Column 10, Part ABC:** This column indicates the method by which OHA disburses the Financial Assistance. The disbursement method listed in this column, as indicated by the letter A, B, or C, will usually be consistent with the disbursement method set forth in the Service Description for the particular Service

Element. The characters A, B and C indicate the following disbursement methods:

- (a) The letter 'A' indicates OHA will disburse the awarded funds to County in substantially equal monthly allotments during the period set forth in Column 6, "Effective Dates."
- (b) [Reserved] (The letter 'B' is no longer used.)
- (c) The letter 'C' indicates OHA will disburse the awarded funds in the manner specified in Column 14, "SP#."

If the disbursement method listed in this column is different than the method set forth in the Service Description, the disbursement method listed in this column shall control. This column only indicates the disbursement method to be used should County be entitled to receive Financial Assistance, which shall be determined in accordance with the basis of payment as set forth in the applicable Service Element. Any disbursements made to County in excess of the funds County is entitled to, as determined in accordance with the applicable basis of payment and through the Agreement Settlement process, will be recovered by OHA in accordance with the terms of this Agreement.

- (11) **Column 11, PAAF CD:** This column is the Plan/Amendment Approval Form (PAAF) code, which is the lookup field to title the various sections of the PAAF based on this PAAF code.
- (12) **Column 12, Base:** This is the code used to indicate how the Services being provided, as set forth on that line of the Financial Assistance Award, are to be handled at the end of the respective biennium, as follows:
 - (a) The letter "Y" in this field indicates the Services subject to and modified by this Agreement, hereafter referred to as MOD, as set forth on that line of the Financial Assistance Award may continue into the next biennium. This will be contingent on the Services still being required, at that time and at that level, and upon OHA's funding being continued at the present funding level or higher, through the legislatively adopted budget for that specific biennium.
 - (b) The letter "N" in this field indicates the Services being modified in this MOD, as set forth on that line of the Financial Assistance Award, are not continuing into the next biennium.
 - (c) The letter "M" in this field indicates the Services being modified in this MOD, as set forth on that line of the Financial Assistance Award, are "maybe" going to continue into the next biennium. This will be determined at the time OHA is preparing the next biennium's Agreements. This code is typically used for Services paid by Federal Grants.
- (13) **Column 13, Client Code:** This column is used when Service funds, as set forth on that line of the Financial Assistance Award, are for a specific Individual. The coded Individual name indicates the approved Service funds may only be expended on the delivery of the specified Service to the specified Individual. If this column is blank, Service funds are not intended for any particular Individual.
- (14) **Column 14, SP#:** This column is for Special Conditions, if any, that must be complied with when providing the Service using approved Service funds set forth on that line of the Financial Assistance Award. For certain Services, the Special Conditions specify the rate at which Financial Assistance will be calculated for delivery of that Service or delivery of capacity for that Service. The Special Conditions are identified by a numeric code. A table or tables listing the Special

Conditions by numeric code is included in the Financial Assistance Award.

- c. **Format and Abbreviations in Financial Assistance Award Amendments.** The format and abbreviations in a Financial Assistance Award amendment are the same as those used in the initial Financial Assistance Award. If a Financial Assistance Award amendment amends the financial and Service information in the Financial Assistance Award, the financial and Service information line in the amendment will either amend an existing line in the financial and Service information of the Financial Assistance Award or constitute a new line added to the financial and Service information of the Financial Assistance Award. A financial and Service information line in a Financial Assistance Award amendment (an “Amending Line”) amends an existing line of the Financial Assistance Award (a “Corresponding Line”) if the line in the Financial Assistance Award amendment awards funds for the same Service in the Financial Assistance Award and specifies a date range falling within the Effective Dates specified in that existing line (as previously amended, if at all). If an Amending Line has a positive number in the approved Operating Dollars column, those funds are added to the approved Operating Dollars of the Corresponding Line for the period specified in the Amending Line. If an Amending Line has a negative number in the approved Operating Dollars column, those funds are subtracted from the approved Operating Dollars of the Corresponding Line for period specified in the Amending Line. If an Amending Line has a positive number in the Slot Change/Type column, those Slots are added to the Slot Change/Type in the Corresponding Line for the period specified in the Amending Line. If an Amending Line has a negative number in the Slot Change/Type column, those Slots are subtracted from the Slot Change/Type in the Corresponding Line for the period specified in the Amending Line. All Special Conditions identified in a Corresponding Line apply to funds identified on an Amending Line (unless a Special Condition or portion thereof on an Amending Line specifies a rate). If an Amending Line contains a Special Condition or portion of a Special Condition that specifies a rate, that Special Condition or portion thereof replaces, for the period specified in the Amending Line, any Special Condition or portion thereof in the Corresponding Line that specifies a rate. If a financial and Service information line in a Financial Assistance Award amendment is not an Amending Line, as described above, it is a new line added to the Financial Assistance Award.

**2026-2027 INTERGOVERNMENTAL AGREEMENT
FOR THE FINANCING OF COMMUNITY MENTAL HEALTH PROGRAMS**

**EXHIBIT D
SPECIAL TERMS AND CONDITIONS**

1. **County Expenditures on Services.** In accordance with [ORS 430.345 to ORS 430.380](#) (the “**Mental Health Alcoholism and Drug Services Account**”), County shall maintain its 2025-2026 financial contribution to alcohol and other drug treatment and prevention services at an amount not less than that for fiscal year 2024. Furthermore, and in accordance with the Mental Health Alcoholism and Drug Services Account, County shall maintain its 2026-2027 financial contribution to alcohol and other drug treatment and prevention services at an amount not less than that for fiscal year 2025. OHA may waive all or part of the financial contribution requirement in consideration of severe financial hardship or any other grounds permitted by law.
2. **Basic Accounting Records.** County shall comply with the basic record keeping standards prescribed in [OAR 309-013-0120 through OAR 309-013-0220](#).
3. **Local Plan Revisions.**
 - a. County shall notify OHA if, at any time, it determines that the Financial Assistance is insufficient to adequately fund the Service Priorities identified in Subsection 2.a. and other mandatory Services in [Exhibit B](#), in which case, the parties shall work in good faith to create a [mutually agreed upon](#) revised Local Plan and Budget ~~for OHA’s review and approval~~.
 - a.b. Once approved, a Local Plan is valid until changes are mutually agreed upon. In no event will County be required to expend funds other than Financial Assistance to fund any such revised Local Plan and Budget for the Services.
 - b.c. Upon notification from OHA that OHA has received a court order [or written court appointed monitor directive that may requires a change to the Local Plan and Budget, and if so, the parties shall work in good faith to](#) prepare and complete [an agreed upon](#) revised Local Plan and Budget within 30 calendar days of such notification. ~~Any such revised Local Plan and Budget must be reviewed and approved by OHA.~~ Any such OHA approved revised Local Plan and Budget must be initiated within 30 calendar days of OHA’s approval or such date that the parties agree. In no event will County be required to expend funds other than Financial Assistance to fund any such revised Local Plan and Budget for the Services.
4. **Services for Children, Youth, and Families.** Services funded with the Financial Assistance must be guided by the following policy:
 - a. Each child and youth is an Individual with unique strengths and needs and must be met with developmentally, culturally and linguistically appropriate and individually responsive services that recognize the as a whole person;
 - b. Children, youth and their families are the experts on their lives and needs and must be meaningfully included in all decisions about their Individual services and be meaningfully included in policy making and service design:
 - c. All children and youth, regardless of the type or severity of diagnoses or the disability they experience, must be supported to live, work, play and attend school in integrated community settings and must be supported to safely and successfully remain in their family

Commented [EM19]: Given the lack of a description of the “service priorities” and the broad language of “substantial compliance” it is unclear whether this shifts the responsibility for certain services to the County. For instance, it is unclear if this obligates the County to create inpatient treatment infrastructure that is beyond its fiscal capacity or legal responsibility based on the service priorities. We assume that this is not OHA’s intent.

Commented [SE20R19]: Counties want to protect community-focused mental health services via local plans that are mutually agreed and protected. See ORS 430.630(9). A clause like this is needed due to other changes OHA wants to make to the current CFAA language that everyone (including OHA) has found agreeable for years.

- homes and local schools to the maximum extent possible;
- d. The unique strengths and potential of each child, youth, and family must be proactively recognized and built upon;
- e. Child, youth, and family-centered supports must be prioritized toward prevention and recovery;
- f. Children and youth must not be restricted to a single-Service setting or delivery system and must be provided with access to all Services for which the children or youth are eligible regardless of their disability type or family situation; and
- g. Children, youth and their families must be supported to access the appropriate comprehensive home and community-based services that prevent crises from happening or from reoccurring and that provide support and stabilization in the event of a crisis.

5. **Trauma Informed Services** also referred to as **Trauma Informed Care (TIC)**. County shall ensure that the Services funded by the Financial Assistance comply with [OAR 309-019-0105\(162\)](#) and OHA's Trauma Informed Care Policy. The Local Plan must include County's TIC plan and will describe how County has incorporated TIC as a core principle in policies, mission statements, and written program and Service information, in accordance with the OHA Trauma Informed Care (TIC) Policy located at <https://www.oregon.gov/oha/HSD/BH-Child-Family/Documents/Trauma-Informed%20Services%20Policy.pdf>. County will initiate and complete an agency self-assessment and have a quality assurance structure/process to further develop and sustain TIC.
6. **Clinical Interventions and Support Services** provided to any Individual enrolled in the Oregon Health Plan (OHP) who is covered for these Services and for which the CCO or Medical Assistance Programs (MAP) pays for these Services are not eligible for Services. The OHP benefit package includes many of the Services provided under this Agreement. The intent is not to duplicate OHP but rather augment the package of Services.
7. **Corrective Action Plan.** Upon OHA's identification of any deficiencies in County's performance under this Agreement, including without limitation failure to submit reports as required, failure to expend available funding, or failure to meet performance requirements, County shall prepare and submit to OHA within 30 calendar days a Corrective Action Plan (CAP) to be reviewed and approved by OHA. The CAP shall include, but is not limited to, the following information:
 - a. Reason or reasons for the CAP;
 - b. The date the CAP will become effective, with timelines for implementation;
 - c. Planned action already taken to correct the deficiencies, as well as proposed resolutions to address remaining deficits identified, with oversight and monitoring by OHA; and
 - d. Proposed remedies, short of termination, should County not come into compliance within the timeframe set forth in the CAP.
8. **Mandated State Data System Reporting Requirement.** All Individuals receiving Services paid for with the Financial Assistance must be enrolled and that Individual's record maintained in ROADS (Resilience Outcomes Analysis and Data Submission), the mandated state data system, as required in [OAR 309-019-0135\(1\)\(e\)](#).
9. **Plan of Resolution Related to Individuals in OSH or Community Hospitals**
 - a. County acknowledges that OHA does not provide direct Services to the following Individuals, except for some services at Oregon State Hospital, and that OHA provides the Financial Assistance for County to provide placement-related Services to:

- (1) Individuals who the court:
 - (a) Are found to lack fitness to proceed under [ORS 161.370](#) and are committed to the custody of the superintendent of OSH;
 - (b) Has determined lack the fitness to proceed under [ORS 161.370](#) and are ordered to engage in community restoration Services; or
 - (c) Has determined have no substantial probability of gaining or regaining fitness under [ORS 161.367](#) and who are being discharged to the community.
 - (2) Individuals who are currently committed to OHA for treatment under [ORS 426.130](#) or recommitted to OHA under [ORS 426.307](#).
- b.** If County determines that, for Individuals described in this Subsection 9.a.(1) and 9.a.(2) of [Exhibit D](#), it cannot reasonably meet the requirements related to the identification and placement of an Individual with a Provider outside of the state or community hospital within 30 calendar days from when the state or community hospital notifies County that the Individual no longer requires state hospital level of care, then County shall follow the resolution process described in Subsections 9.d and 9.e of this [Exhibit D](#).
- c.** If County makes the determination described in Subsections 9.b of [Exhibit D](#), County shall:
- (1) Develop a Plan of Resolution that provides the following information to OHA:
 - (a) Identify the barrier(s) to providing the Service to the Individual including, but not limited to: insufficient funds, lack of Providers, Individual-specific barrier(s), or coordination issues with Providers, governmental bodies or contractors, or any other interested parties;
 - i. If the barrier is insufficient funding, provide OHA with specific information about the amount of funds that County has left under this Agreement to provide Services to Individuals described in Subsection 2.a of [Exhibit B](#) for the remaining term of the Agreement;
 - ii. If the barrier is lack of Providers, identify the specific gaps in Provider capacity (e.g., level of care and geographic area);
 - iii. If the barrier is an Individual-specific barrier(s), provide information whether this is an exceptional case or likely to reoccur with other Individuals; or
 - iv. If the barrier is in coordination, identify the issue and the entities or persons involved.
 - (b) Provide information on how County has already attempted to address the identified barrier(s), such as:
 - i. Requested proposals for contracts from new Providers;
 - ii. Used existing funds to develop and fund new Providers;
 - iii. Contacted OHA to discuss complex case management and the use of funds or need for additional funds for new Providers or Individual-specific Services; or
 - iv. Coordinated with other entities or persons involved in providing or funding the Services to the Individuals described in Subsection 2.a of [Exhibit B](#).
 - (c) Provide a plan on how to resolve the identified barrier(s); and
 - (d) Identify how OHA can assist County in resolving the barrier(s).
 - (2) Timely submit the Plan of Resolution to OHA, but no later than 10 business days from the date that County determines it cannot provide the Services to the

- Individual due to insufficient funds, lack of Providers, Individual-specific barrier(s), or coordination issues;
- (3) If OHA does not approve County's Plan of Resolution, meet with OHA within 10 business days of receipt of the non-approval in order to discuss it, unless the timeframe is extended by the mutual written agreement of County and OHA;
 - (4) After the meeting, submit a first Revised Plan of Resolution to OHA within 10 business days; and
 - (5) Implement the OHA-approved Plan of Resolution or OHA-approved Revised Plan of Resolution within the reasonable deadline set by OHA in its approval notice or by the mutually agreed upon deadline set by the County and OHA, whichever is longer.
- d. If County's Plan of Resolution and first Revised Plan of Resolution are not approved by OHA, County shall elevate the issue to senior management or appropriate designee.
- (1) County's senior management or their designee shall meet with OHA's senior management or designee to discuss the first Revised Plan of Resolution and the ways OHA can support County in resolving the issue within 10 business days from the date of OHA's notice of non-approval of the first Revised Plan of Resolution.
 - (2) County shall continue to submit Revised Plans of Resolution to OHA for review until it is approved by OHA. If County and OHA agree that further revisions will not resolve the barriers or allow County to provide the Services to the Individual, no further revisions of the Plan of Resolution will be required.
 - (3) If a revised Plan of Resolution is approved by OHA, County shall implement it within the reasonable deadline set by OHA in its approval notice or by the mutually agreed upon deadline set by County and OHA, whichever is longer.
- e. OHA agrees to provide the following support to County for Services provided to Individuals described in Subsections 9.a of Exhibit D:
- (1) Provide complex case management support to assist County in locating placements or Services for Individuals with placement barriers (e.g., sex offender history, special medical needs, and dual diagnosis).
 - (2) Assist County in resolving coordination issues with Coordinated Care Organizations, ODHS, and any other entities involved in providing or funding the Individual's Services.
 - (3) Act as a good faith partner with County to address shortages in staffing, capacity, or other needs required by County to provide the Services to Individuals described in Subsections 9.a of this Exhibit D.
- f. If County submits a Plan of Resolution or Revised Plan of Resolution under Subsections 9.c and 9.d of this Exhibit D, OHA shall:
- (1) Review the Plan of Resolution or Revised Plan of Resolution;
 - (2) OHA will send a written notice of approval or non-approval of the Plan of Resolution or Revised Plan of Resolution within three (3) business days of receiving it;
 - (3) If OHA does not approve County's Plan of Resolution or Revised Plan of Resolution, meet with County within 10 business days as described in Subsections 9.c and 9.d of this Exhibit D;
 - (4) Not unreasonably withhold approval of County's Plan of Resolution or Revised Plan of Resolution; and
 - (5) Set a reasonable timeframe, as determined by OHA, to implement the OHA-

approved Plan of Resolution or Revised Plan of Resolution based on the type of actions to be implemented by County to resolve the issue.

- g.** If OHA does not approve County's Plan of Resolution and first Revised Plan of Resolution, OHA shall elevate the issue to senior management or appropriate designee.

 - (1)** OHA's senior management or designee shall meet with County's senior management or designee to discuss the first Revised Plan of Resolution and the ways OHA can support County in resolving the issue within 10 business days from the date of OHA's notice of non-approval of the first Revised Plan of Resolution.
 - (2)** OHA shall continue to work with County and review any subsequently submitted Revised Plans of Resolution and shall respond to County with approval or non-approval of that Plan within 3 business days of receiving it. If County and OHA agree that further revisions will not resolve the barriers or allow County to provide the Services to the Individual, no further revisions will be required.

10. Mid-Term Agreement Changes.

- a.** Any changes by OHA to policies, forms, templates, procedures, or other external documents that are referenced by web links without being attached as exhibits to this Agreement that have a material effect require a fifteen (15) calendar day advance written notice of such change by OHA to County, and a copy of such notice must be sent by mail and to any emails designated in writing by County for this purpose. County will then have fifteen (15) calendar days from the date of the notice to consent or object to the change, and an objection can be sent to the email account from which OHA emailed the notice. If County does not object timely to the change, it will be binding on County. Any timely objected to changes will not go into effect unless negotiated and implemented through any amendment.
- b.** Any subsequent change to an administrative rule referenced in this Agreement is not binding on County if such change is determined by a court of competent jurisdiction to exceed OHA's authority or is otherwise invalid.

**2026-2027 INTERGOVERNMENTAL AGREEMENT
FOR THE FINANCING OF COMMUNITY MENTAL PROGRAMS**

**EXHIBIT E
GENERAL TERMS AND CONDITIONS**

1. **Disbursement and Recovery of Financial Assistance.**
 - a. **Disbursement Generally.** Subject to the conditions precedent set forth below, OHA shall disburse the Financial Assistance described in the Financial Assistance Award to County in accordance with the procedures set forth below and, as applicable, in the Service Descriptions and the Financial Assistance Award. Disbursement procedures may vary by Service.
 - (1) **Disbursement of Financial Assistance for Services.** As set forth in the Service Description for a particular Service, OHA will generally disburse financial assistance that is described in the Financial Assistance Award to County in monthly allotments in advance of actual delivery of the Service.
 - (2) **Disbursements Remain Subject to Recovery.** All disbursements of Financial Assistance, including disbursements made directly to Providers, remain subject to recovery from County, in accordance with Recovery of Financial Assistance section below.
 - b. **Conditions Precedent to Disbursement.** OHA's obligation to disburse Financial Assistance to County is subject to satisfaction, with respect to each disbursement, of each of the following conditions precedent:
 - (1) No County default, as described in Section 6 of Exhibit F, "Standard Terms and Conditions," has occurred.
 - (2) County's representations and warranties, as set forth in Section 4 of Exhibit F, "Standard Terms and Conditions," are true and correct on the date of disbursement with the same effect as though made on the date of disbursement.
 - c. **Recovery of Financial Assistance.**
 - (1) **Notice of Underexpenditure, Overexpenditure.** If OHA believes there has been an Underexpenditure or Overexpenditure of moneys disbursed under this Agreement, OHA shall provide County with written notice thereof, with a detailed spreadsheet providing supporting data of an under or over expenditure, and OHA and County shall engage in the process described in the Recovery of Underexpenditure or Overexpenditure section below. If OHA believes there has been a Misexpenditure of moneys disbursed to County under this Agreement, OHA shall provide County with written notice thereof and OHA and County shall engage in the process described in Recovery of Misexpenditures section below.
 - (2) **Recovery of Underexpenditure or Overexpenditure.**
 - (a) **County's Response.** County shall have 90 calendar days from the effective date of the notice of Underexpenditure or Overexpenditure or from the date of receipt of the notice, whichever is later, to pay OHA in full or notify OHA that it wishes to engage in the appeals process set forth in the Appeals Process section below. If County fails to respond within that 90 calendar-day time period, County shall promptly pay the noticed Underexpenditure or Overexpenditure.
 - (b) **Appeals Process.** Upon receipt of the final notice, if County notifies OHA that it wishes to engage in the Appeals Process, County and OHA shall

engage in non-binding discussions to give County an opportunity to present reasons why it believes that there was no Underexpenditure or Overexpenditure, or that the amount of the Underexpenditure or Overexpenditure was different than the amount identified by OHA, and to give OHA the opportunity to reconsider its notice. County and OHA may negotiate an appropriate apportionment of responsibility for the repayment of an Underexpenditure or Overexpenditure. At County request, OHA will meet and negotiate with County in good faith concerning appropriate apportionment of responsibility for repayment of an Underexpenditure or Overexpenditure. In determining an appropriate apportionment of responsibility, County and OHA may consider any relevant factors. An example of a relevant factor is the extent to which either party contributed to an interpretation of a statute, regulation or rule prior to the expenditure that was officially reinterpreted after the expenditure. If OHA and County reach agreement on the amount owed to OHA, County shall promptly repay that amount to OHA by issuing payment to OHA or by directing OHA to withhold future payments pursuant to the Recovery from Future Payment section below. If OHA and County are unable to agree to whether there has been an Underexpenditure or Overexpenditure or as to the amount owed, the parties may agree to consider further appropriate dispute resolution processes, including, subject to State of Oregon Department of Justice and County Counsel approval, arbitration. If both parties are unable to agree to further dispute resolution, the parties shall proceed according to the procedures described in the Recovery from Future Payments section below.

- (c) **Recovery from Future Payments.** To the extent that OHA is entitled to recover an Underexpenditure or Overexpenditure pursuant to this Recovery of Underexpenditure or Overexpenditure section, OHA may recover the Underexpenditure or Overexpenditure by offsetting the amount thereof against future amounts owed to County by OHA, including, but not limited to, any amount owed to County by OHA under any other agreement between County and OHA, present or future. OHA shall provide County written notice of its intent to recover the amount of the Underexpenditure or Overexpenditure from amounts owed County by OHA as set forth in this Section and shall identify the amounts, which OHA intends to offset, (including the agreements, if any, under which the amounts owed arose and from those from which OHA wishes to deduct payments). County shall then have 14 calendar days from the date of OHA's notice in which to request the deduction be made from other amounts owed to County by OHA and identified by County. OHA shall comply with County's request for alternate offset. In the event that OHA and County are unable to agree on which specific amounts, owed to County by OHA, OHA may offset in order to recover the amount of the Underexpenditure or Overexpenditure, OHA may select the particular agreements, between OHA and County, and amounts from which it will recover the Underexpenditure or Overexpenditure, after providing notice to County and subject to the following limitations: OHA shall first look to amounts owed to County (but unpaid) under this Agreement. If that amount is insufficient, then OHA may look to any other amounts currently owing or owed in the future to County by OHA. In no

case, without the prior consent of County, shall OHA deduct from any one payment due to County under the agreement from which OHA is offsetting funds an amount in excess of twenty-five percent (25%) of that payment. OHA may look to as many future payments as necessary in order to fully recover the amount of the Underexpenditure or Overexpenditure.

(3) **Recovery of Misexpenditure.**

- (a) If OHA believes there has been a Misexpenditure of money disbursed to County under this Agreement, OHA shall provide to County a written notice of recovery, with a detailed spreadsheet providing supporting data of the Misexpenditure attached, and OHA and County shall engage in the process described in the Appeal Process section below.
- (b) **County's Response.** From the effective date of the Misexpenditure notice or from the date of receipt of notice, whichever is later, County shall have the lesser of 60 calendar days; or if a Misexpenditure relates to a federal government request for reimbursement, 30 calendar days fewer than the number of days (if any) OHA has to appeal a final written decision from the federal government, to either:
 - i. Make a payment to OHA in the full amount of the Misexpenditure as identified by OHA in the notice; or
 - ii. Notify OHA that County wishes to repay the amount of the Misexpenditure, as identified by OHA in the notice, from future payments pursuant to the Recovery from Future Payments section below; or
 - iii. Notify OHA that it wishes to engage in the applicable appeal process, as set forth in the Appeal Process section below.

If County fails to respond within the time required by this Section, OHA may recover the amount of the Misexpenditure identified in the notice from future payments as set forth in Recovery from Future Payment section below.

- (c) **Appeal Process.** If County notifies OHA that it wishes to engage in an appeal process with respect to a notice of Misexpenditure from OHA, the parties shall comply with the following procedures, as applicable:
 - i. **Appeal from OHA-Identified Misexpenditure.** If OHA's notice of Misexpenditure is based on a Misexpenditure solely of the type described in Section 20(b) or (c) County and OHA shall engage in the process described in this Appeal Process section to resolve a dispute regarding the notice of Misexpenditure. First, County and OHA shall engage in non-binding discussions, to give County an opportunity to present reasons why it believes that there is, in fact, no Misexpenditure or that the amount of the Misexpenditure is different than the amount identified by OHA in the notice, and to give OHA the opportunity to reconsider its notice. County and OHA may negotiate an appropriate apportionment of responsibility for the repayment of the Misexpenditure. At County's request, OHA will meet and negotiate with County in good faith concerning appropriate apportionment of responsibility for repayment of the Misexpenditure. In determining an appropriate apportionment of responsibility, County and OHA may consider any relevant factors. An example of a

relevant factor is the extent to which either party contributed to an interpretation of a statute, regulation or rule prior to the expenditure that was officially reinterpreted after the expenditure. If OHA and County reach agreement on the amount owed to OHA, County shall promptly repay that amount to OHA by issuing payment to OHA or by directing OHA to withhold future payments pursuant to the Recovery from Future Payments section below. If OHA and County continue to disagree as to whether there has been a Misexpenditure or as to the amount owed, the parties may agree to consider further appropriate dispute resolution processes, including, subject to State of Oregon Department of Justice and County Counsel approval, arbitration.

ii. **Appeal from Federal-Identified Misexpenditure.**

A. If OHA's notice of Misexpenditure is based on a Misexpenditure of the type described in Section 20(a) and the relevant federal agency provides a process either by statute or administrative rule to appeal the determination of improper use of federal funds, the notice of disallowance or other federal identification of improper use of funds, and if the disallowance is not based on a federal or state court judgment founded in allegations of Medicaid fraud or abuse, then County may, 30 calendar days prior to the applicable federal appeals deadline, request that OHA appeal the determination of improper use, notice of disallowance or other federal identification of improper use of funds in accordance with the process established or adopted by the federal agency. If County so requests that OHA appeal the determination of improper use of federal funds, federal notice of disallowance or other federal identification of improper use of funds, the amount in controversy shall, at the option of County, be retained by County or returned to OHA pending the final federal decision resulting from the initial appeal. If County requests, prior to the deadline set forth above, that OHA appeal, OHA shall appeal the determination of improper use, notice of disallowance or other federal identification of improper use of funds in accordance with the established process and shall pursue the appeal until a decision is issued by the Departmental Grant Appeals Board of the Department of Health and Human Services (the "Grant Appeals Board") pursuant to the process for appeal set forth in 45 C.F.R. Subtitle A, Part 16, or an equivalent decision is issued under the appeal process established or adopted by the federal agency. County and OHA shall cooperate with each other in pursuing the appeal. If the Grant Appeals Board or its equivalent denies the appeal then either County, OHA, or both may, at their discretion, pursue further appeals. Regardless of any further appeals, within 90 calendar days of the date the federal decision resulting from the initial appeal is

final, County shall repay to OHA the amount of the Misexpenditure (reduced, if at all, as a result of the appeal) by issuing payment to OHA or by directing OHA to withhold future payments pursuant to Recovery from Future Payments section below. To the extent that County retained any of the amount in controversy while the appeal was pending, County shall also pay to OHA the interest, if any, charged by the federal government on such amount.

- B.** If the relevant federal agency does not provide a process either by statute or administrative rule to appeal the determination of improper use of federal funds, the notice of disallowance or other federal identification of improper use of funds or County does not request that OHA pursue an appeal 30 calendar days prior to the applicable federal appeals deadline, and if OHA does not appeal, within 90 calendar days of the date the federal determination of improper use of federal funds, the federal notice of disallowance or other federal identification of improper use of funds is final, County shall repay to OHA the amount of the Misexpenditure by issuing a payment to OHA or by directing OHA to withhold future payments pursuant to the Recovery from Future Payments section below.
- C.** If County does not request that OHA pursue an appeal of the determination of improper use of federal funds, the notice of disallowance or other federal identification of improper use of funds 30 calendar days prior to the applicable federal appeals deadline but OHA nevertheless appeals, County shall repay to OHA the amount of the Misexpenditure (reduced, if at all, as a result of the appeal), within 90 calendar days of the date the federal decision resulting from the appeal is final, by issuing payment to OHA or by directing OHA to withhold future payments pursuant to the Recovery from Future Payments section below.
- D.** Notwithstanding County's Response section above, if the Misexpenditure was expressly authorized by OHA rule or an OHA writing that applied when the expenditure was made but was prohibited by federal statutes or regulations that applied when the expenditure was made, County will not be responsible for repaying the amount of the Misexpenditure to OHA, provided that:

 - I.** Where post-expenditure official reinterpretation of federal statutes or regulations results in a Misexpenditure, County and OHA will meet and negotiate in good faith an appropriate apportionment of responsibility between them for repayment of the Misexpenditure.
 - II.** For purposes of this Section, an OHA writing must interpret this Agreement or OHA rule and be signed

by the Director of OHA, the Director of Behavioral Health Division or the Section Director.

OHA shall designate an alternate officer in the event the Behavioral Health Division is abolished. Upon County's request, OHA shall notify County of the names of the Individual officers listed above. OHA shall send OHA writings described in this paragraph to County by mail and email and to County directors by email.

III. The OHA writing must be in response to a request from County for expenditure authorization or a statement intended to provide official guidance to County or counties generally for making expenditures under this Agreement. The writing must not be contrary to this Agreement or contrary to law or other applicable authority that is clearly established at the time of the OHA writing.

IV. If the OHA writing is in response to a request from County for expenditure authorization, County's request must be in writing and signed by the director of a County department with the authority to make such a request or by County Counsel. It must identify the supporting data, provisions of this Agreement and provisions of applicable law relevant to determining if the expenditure should be authorized.

V. An OHA writing expires on the date stated in the writing, or if no expiration date is stated, six years from the date of the writing. An expired OHA writing continues to apply to County expenditures that were made in compliance with the writing and during the term of the writing.

VI. OHA may revoke or revise an OHA writing at any time if it determines in its sole discretion that the writing allowed expenditure in violation of this Agreement, law, or any other applicable authority. However, County is not responsible for a Misexpenditure that was based on an OHA writing that was effective at the time of the Misexpenditure.

VII. OHA rule does not authorize an expenditure that this Agreement prohibits.

(d) **Recovery from Future Payments.** To the extent that OHA is entitled to recover a Misexpenditure pursuant to the Appeal Process section above, OHA may recover the Misexpenditure by offsetting the amount thereof against future amounts owed to County by OHA, including, but not limited to, any amount owed to County by OHA under this Agreement or any amount owed to County by OHA under any other agreement between County and OHA, present or future. OHA shall provide County written notice of its intent to recover the amount of the Misexpenditure from

amounts owed County by OHA as set forth in this Section, and shall identify the amounts owed by OHA which OHA intends to offset (including the agreements, if any, under which the amounts owed arose and from those from which OHA wishes to deduct payments). County shall then have 14 calendar days from the date of OHA's notice to request the deduction be made from other amounts owed to County by OHA and identified by County. OHA shall comply with County's request for alternate offset. In the event that OHA and County are unable to agree on which specific amounts, owed to County by OHA, OHA may offset in order to recover the amount of the Misexpenditure, then OHA may select the particular agreements between OHA and County and amounts from which it will recover the amount of the Misexpenditure, after providing notice to County, and subject to the following limitations: OHA shall first look to amounts owed to County (but unpaid) under this Agreement. If that amount is insufficient, then OHA may look to any other amounts currently owing or owed in the future to County by OHA. In no case, without the prior consent of County, shall OHA deduct from any one payment due County under the agreement from which OHA is offsetting funds an amount in excess of twenty-five percent (25%) of that payment. OHA may look to as many future payments as necessary in order to fully recover the amount of the Misexpenditure.

(4) Additional Provisions related to parties' rights and obligations with respect to Underexpenditures, Overexpenditures and Misexpenditures.

- (a)** County shall cooperate with OHA in the Agreement Settlement process.
- (b)** OHA's right to recover Underexpenditures, Overexpenditures and Misexpenditures from County under this Agreement is not subject to or conditioned upon County's recovery of any money from any other entity.
- (c)** If the exercise of OHA's right to offset under this provision requires County to complete a re-budgeting process, nothing in this provision shall be construed to prevent County from fully complying with its budgeting procedures and obligations, or from implementing decisions resulting from those procedures and obligations.
- (d)** Nothing in this provision shall be construed as a requirement or agreement by County to negotiate and execute any future contract with OHA.
- (e)** Nothing in this Section shall be construed as a waiver by either party of any process or remedy that might otherwise be available.

2. Use of Financial Assistance. County shall use the Financial Assistance solely to cover actual Allowable Costs reasonably and necessarily incurred to deliver Services during the term of this Agreement.

3. Award Adjustments

- a.** County may use Financial Assistance to cover actual Allowable Costs reasonably and necessarily incurred to deliver Services, from the Effective Date of this Agreement through the termination or expiration of this Agreement.
 - (1)** If County uses Financial Assistance described in the Financial Assistance Award in reliance on this Award Adjustments section (1) or (2) above, County shall promptly notify OHA in writing of such use.
- b.** Financial Assistance disbursed to County under this Agreement that County would be

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entitled to retain if used prior to the termination or expiration of this Agreement (as calculated in accordance with the methodologies set forth in the applicable Service Descriptions), may be retained by County even if not used prior to the termination or expiration of this Agreement provided that other provisions of this Agreement do not require the Financial Assistance to be used by County prior to the termination or expiration of this Agreement and provided further that County uses the Financial Assistance solely to deliver future Services for the purpose it was originally awarded.

4. Amendments Proposed by OHA.

- a. Amendments of Financial Assistance Award.** County shall review all proposed amendments to the Financial Assistance Award prepared and presented to County by OHA in accordance with this Section. Amendments to the Financial Assistance Award will be presented to County in electronic form. OHA may withdraw a proposed amendment by and effective upon written notice to County. If not sooner accepted or rejected by County, or withdrawn by OHA, a proposed amendment will be deemed rejected by County 60 calendar days after County's receipt thereof and OHA's offer to amend the Financial Assistance Award will be automatically revoked. If County chooses to accept a proposed amendment presented in electronic form, County shall return the proposed amendment to OHA signed by County Financial Assistance Administrator. Upon OHA's actual physical receipt and signature of a proposed amendment signed by County Financial Assistance Administrator but otherwise unaltered, the proposed amendment will be considered accepted by the parties and the Financial Assistance Award, as amended by the proposed amendment, will become the Financial Assistance Award under this Agreement. If County returns a proposed amendment altered in any way (other than by signature of County Financial Assistance Administrator), OHA may, in its discretion, accept the proposed amendment as altered by County but only if County Financial Assistance Administrator has initialed each alteration. A proposed amendment altered by County and returned to OHA will be considered accepted by OHA on the date OHA initials each alteration and on that date the Financial Assistance Award, as amended by the proposed amendment (as altered), will become the Financial Assistance Award.
- b. Other Amendments.** County shall review all proposed amendments to this Agreement prepared and presented to County by OHA, other than those described in the previous subsection a., promptly after County's receipt thereof. If County does not accept a proposed amendment within 60 calendar days of County's receipt thereof, County shall be deemed to have rejected the proposed amendment and the offer to amend the Agreement, as set forth in the proposed amendment, will be automatically revoked. If County chooses to accept the proposed amendment, County shall return the proposed amendment to OHA signed by a duly authorized County official. Upon OHA's actual physical receipt and signature of a proposed amendment signed by a duly authorized County official but otherwise unaltered, the proposed amendment will be considered accepted by the parties and this Agreement will be considered amended as set forth in the accepted amendment. If County returns a proposed amendment altered in any way (other than by signature of a duly authorized County official), OHA may, in its discretion, accept the proposed amendment as altered by County but only if a duly authorized County official has initialed each alteration. A proposed amendment altered by County and returned to OHA will be considered accepted by OHA on the date OHA initials each alteration and on that date this Agreement will be considered amended as set forth in the accepted amendment.

5. **Provider Contracts.** Except when the Service expressly requires the Service or a portion thereof to be delivered by County directly and subject to the Provider Monitoring section below, County may use the Financial Assistance to purchase a particular Service from a Provider through a Provider Contract. Subject to the Provider Monitoring section below, County may permit a Provider to purchase the Service, or a portion thereof, from another person or entity under a subcontract and such subcontractors will also be considered Providers for purposes of this Agreement and those subcontracts will be considered Provider Contracts under this Agreement. County shall maintain an originally executed copy of each Provider Contract at its office and shall furnish a copy of any Provider Contract to OHA upon request.
6. **Provider Monitoring.** County shall monitor each Provider's delivery of = and promptly report to OHA when County identifies a deficiency in a Provider's delivery of a Service or in a Provider's compliance with the Provider Contract between the Provider and County. County shall promptly take all necessary action to remedy any identified deficiency on the part of the Provider. County shall also monitor the fiscal performance of each Provider and shall take all lawful management and legal action necessary to pursue this responsibility. In the event of a deficiency in a Provider's delivery of a Service or in a Provider's compliance with the Provider Contract between the Provider and County, nothing in this Agreement shall limit or qualify any right or authority OHA has under state or federal law to take action directly against the Provider.
7. **Alternative Formats and Translation of Written Materials, Interpreter Services.**
In connection with the delivery of Services, County shall make available to Client, without charge, upon the Client's reasonable request:
- All written materials related to the Services provided to the Client in alternate formats, including accessible electronic formats, brail documents, and large print upon request. If County does not have access to such alternate formats, then County can request them from OHA.
 - All written materials related to the Services provided to the Client in the Client's language. If County does not have access to such languages, then County can request written materials in the Client's language from OHA.
 - Oral interpretation services related to the Services provided to the Client in the Client's language.
 - Sign language interpretation services and telephone communications access services related to the Services provided to the Client. County shall work with OHA if it does not have staff that fluently speak the language of an eligible Client, including qualified Sign Language Interpreters for Client's who are deaf or hard of hearing and whose preferred mode of communication is sign language.
- For purposes of the foregoing, "written materials" means materials created by County, in connection with the Service being provided to the requestor. County may develop its own forms and materials and with such forms and materials County shall be responsible for making them available to a Client, without charge to the Client in the prevalent non-English language(s) within County Service area. OHA shall be responsible for making its forms and materials available, without charge to the Client or County, in the prevalent non-English language(s) within County Service area.
8. **Operation of CMHP.** County shall operate or contract for the operation of a CMHP during the term of this Agreement. If County uses Financial Assistance for a particular Service, County shall include that Service in its CMHP from the date it begins using Financial Assistance for that

Service until the earlier of: (a) termination or expiration of this Agreement; (b) termination by OHA of OHA's obligation to provide the Financial Assistance for that Service in accordance with Exhibit F, Termination section; or (c) termination by County, in accordance with Exhibit F, Termination section, of County's obligation to include in its CMHP a Core Service Area that includes that Service.

9. **OHA Reports.** To the extent resources are available to OHA to prepare and deliver the information, OHA shall, during the term of this Agreement, provide County with the following reports:
 - a. Summary reports to County and County's Providers from data as reported to OHA through the mandated state data system under this Agreement; and
 - b. Monthly reports to County that detail disbursement of Financial Assistance under the Financial Assistance Award for the delivery of Services.
10. **Technical Assistance.** During the term of this Agreement, OHA shall provide technical assistance to County in the delivery of Services to the extent resources are available to OHA for this purpose. If the provision of technical assistance to County concerns a Provider, OHA may require, as a condition to providing the assistance, that County take all action with respect to the Provider reasonably necessary to facilitate the technical assistance.
11. **Payment of Certain Expenses.** If OHA requests that an employee of County or a Provider or a citizen of County attend OHA training or an OHA conference or business meeting and County has obligated itself to reimburse the Individual for travel expenses incurred by the Individual in attending the training or conference, OHA may pay those travel expenses on behalf of County but only at the rates and in accordance with the reimbursement procedures set forth in the Oregon Accounting Manual available at: <https://www.oregon.gov/das/financial/acctng/pages/oam.aspx> under 40.10.00 as of the date the expense was incurred and only to the extent that OHA determines funds are available for such reimbursement.
12. **Effect of Amendments Reducing Financial Assistance.** If County and OHA amend this Agreement to reduce the amount of Financial Assistance awarded, County is not required by this Agreement to utilize other County funds to replace the funds no longer received under this Agreement as a result of the amendment and County may, from and after the date of the amendment, reduce the quantity of that Service included in its CMHP commensurate with the amount of the reduction in Financial Assistance awarded for that Service. Nothing in the preceding sentence shall affect County's obligations under this Agreement with respect to Financial Assistance actually disbursed by OHA under this Agreement or with respect to Services actually delivered.
13. **Resolution of Disputes over Additional Financial Assistance Owed County After Termination or Expiration.** If, after termination or expiration of this Agreement, County believes that OHA disbursements of Financial Assistance under this Agreement are less than the amount of Financial Assistance that OHA is obligated to provide to County under this Agreement, as determined in accordance with the applicable Financial Assistance calculation methodology, County shall provide OHA with written notice thereof. OHA shall have 90 calendar days from the effective date of County's notice to pay County in full or notify County that it wishes to engage in a dispute resolution process. If OHA notifies County that it wishes to engage in a dispute resolution process, County and OHA's Chief Health Systems Officer for the Behavioral Health Division shall engage in non-binding discussion to give OHA an opportunity to present reasons why it believes that it

does not owe County any additional Financial Assistance or that the amount owed is different than the amount identified by County in its notices, and to give County the opportunity to reconsider its notice. If OHA and County reach agreement on the additional amount owed to County, OHA shall promptly pay that amount to County. If OHA and County continue to disagree as to the amount owed, the parties may agree to consider further appropriate dispute resolution processes, including, subject to Department of Justice and County Counsel approval, binding arbitration. Nothing in this Section shall preclude County from raising underpayment concerns at any time prior to termination or expiration of this Agreement under Alternative Dispute Resolution below.

14. **Alternative Dispute Resolution.** The parties should attempt in good faith to resolve any dispute arising out of this Agreement. This may be done at any management level, including at a level higher than persons directly responsible for administration of the agreement. In addition, the parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.
15. **Purchase and Disposition of Equipment.**
 - a. For purposes of this Section, "Equipment" means tangible, non-expendable personal property having a useful life of more than one year and a net acquisition cost of more than \$10,000 per unit. However, for purposes of information technology equipment, the monetary threshold does not apply (except as provided below for Software and storage devices). Information technology equipment shall be tracked for the mandatory line categories listed below:
 - (1) Network;
 - (2) Personal Computer;
 - (3) Printer/Plotter;
 - (4) Server;
 - (5) Storage device that will contain Client information;
 - (6) Storage device that will not contain Client information, when the acquisition cost is \$100 or more; and
 - (7) Software, when the acquisition cost is \$100 or more.
 - b. For any Equipment authorized by OHA for purchase with funds from this Agreement, ownership shall be in the name of County and County is required to accurately maintain the following Equipment inventory records:
 - (1) Description of the Equipment;
 - (2) Serial number;
 - (3) Where Equipment was purchased;
 - (4) Acquisition cost and date; and
 - (5) Location, use, and condition of the Equipment.
 - c. County shall provide the Equipment inventory list electronically to the Agreement Administrator at BHD.Contracts@oha.oregon.gov no later than 45 calendar days following the end of this Agreement. County shall be responsible to safeguard any Equipment and maintain the Equipment in good repair and condition while in the possession of County or any Providers. County shall depreciate all Equipment, with a value of more than \$10,000, using the straight-line method.
 - d. Upon termination of this Agreement, or any Service thereof, for any reason whatsoever, County shall, upon request by OHA, immediately, or at such later date specified by OHA, tender to OHA any and all Equipment purchased with funds under this Agreement as OHA may require to be returned to the State. At OHA's direction, County may be required to deliver said Equipment to a subsequent contractor for that contractor's use in the delivery of

Services formerly provided by County. Upon mutual agreement, in lieu of requiring County to tender the Equipment to OHA or to a subsequent contractor, OHA may require County to pay to OHA the current value of the Equipment. Equipment value will be determined as of the date of Agreement or Service termination.

- e. If funds from this Agreement are authorized by OHA to be used as a portion of the purchase price of Equipment, requirements relating to title, maintenance, Equipment inventory reporting and residual value shall be negotiated, and the agreement reflected in a Special Condition authorizing the purchase.
- f. Notwithstanding anything herein to the contrary, County shall comply with [45 CFR 75.320](#), which generally describes the required maintenance, documentation, and allowed disposition of equipment purchased with federal grant funds.

16. Nothing in this Agreement shall cause or require County or OHA to act in violation of state or federal constitutions, statutes, regulations, or rules. The parties intend this limitation to apply in addition to any other limitation in this Agreement, including limitations in Disbursement and Recovery of Financial Assistance above.

**2026-2027 INTERGOVERNMENTAL AGREEMENT
FOR THE FINANCING OF COMMUNITY MENTAL HEALTH PROGRAMS**

**EXHIBIT F
STANDARD TERMS AND CONDITIONS**

- 1. Governing Law, Consent to Jurisdiction.** This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively, “Claim”) between the parties that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within a circuit court for the State of Oregon of proper jurisdiction. THE PARTIES, BY EXECUTION OF THIS AGREEMENT, HEREBY CONSENT TO THE IN PERSONAM JURISDICTION OF SAID COURTS. Except as provided in this section, neither party waives any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, from any Claim or from the jurisdiction of any court. The parties acknowledge that this is a binding and enforceable agreement and, to the extent permitted by law, expressly waive any defense alleging that either party does not have the right to seek judicial enforcement of this Agreement.
- 2. Compliance with Law.** Both parties shall comply with laws, regulations, and executive orders to which they are subject, and which are applicable to the Agreement or to the delivery of Services. Without limiting the generality of the foregoing, both parties expressly agree to comply with the following laws, rules, regulations and executive orders to the extent they are applicable to the Agreement:

 - a.** [OAR 943-005-0000 through 943-005-0070](#), prohibiting discrimination against Individuals with disabilities and all applicable requirements of state civil rights and rehabilitation statutes, rules and regulations;
 - b.** All state laws governing operation of Community Mental Health Programs, including without limitation, all administrative rules adopted by OHA related to Community Mental Health Programs or related to Client rights;
 - c.** All state laws requiring reporting of Client abuse;
 - d.** [ORS 659A.400 to 659A.409](#), [ORS 659A.145](#); and
 - e.** 45 CFR 164 Subpart C, and all regulations and administrative rules established pursuant to those laws in the construction, remodeling, maintenance and operation of any structures and facilities, and in the conduct of all programs, services and training associated with the delivery of Services.
 - f.** These laws, regulations and executive orders are incorporated by reference herein to the extent that they are applicable to the Agreement and required by law to be so incorporated. All employers, including County and OHA that employ subject workers who provide services in the State of Oregon shall comply with [ORS 656.017](#) and provide the required Workers’ Compensation coverage, unless such employers are exempt under [ORS 656.126](#).
- 3. Independent Contractors.** The parties agree and acknowledge that their relationship is that of independent contracting parties and that County is not an officer, employee, or agent of the State of Oregon as those terms are used in [ORS 30.265](#) or otherwise.
- 4. Representations and Warranties.** County represents and warrants as follows:

 - a. Organization and Authority.** County is a political subdivision of the State of Oregon

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duly organized and validly existing under the laws of the State of Oregon. County has full power, authority, and legal right to make this Agreement and to incur and perform its obligations hereunder.

- b. **Due Authorization.** The making and performance by County of this Agreement:
 - (a) have been duly authorized by all necessary action by County; (b) do not and will not violate any provision of any applicable law, rule, regulation, or order of any court, regulatory commission, board, or other administrative agency or any provision of County's charter or other organizational document; and (c) do not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which County is a party or by which County may be bound or affected. No authorization, consent, license, approval of, filing or registration with or notification to any governmental body or regulatory or supervisory authority is required for the execution, delivery, or performance by County of this Agreement.
- c. **Binding Obligation.** This Agreement has been duly executed and delivered by County and constitutes a legal, valid, and binding obligation of County, enforceable in accordance with its terms subject to the laws of bankruptcy, insolvency, or other similar laws affecting the enforcement of creditors' rights generally.
 - (1) County has the skill and knowledge possessed by well-informed members of its industry, trade or profession and County will apply that skill and knowledge with care and diligence to perform the Services in a professional manner and in accordance with standards prevalent in County's industry, trade, or profession;
 - (2) County shall, at all times during the term of this Agreement, be qualified, professionally competent, and duly licensed to perform the Services; and
 - (3) County prepared its proposal related to this Agreement, if any, independently from all other proposers, and without collusion, fraud, or other dishonesty.
- d. **Services.** To the extent Services are performed by County, the delivery of each Service will comply with the terms and conditions of this Agreement and meet the standards for such Service as set forth herein, including but not limited to, any terms, conditions, standards, and requirements set forth in the Financial Assistance Award, applicable Service Description, and applicable Specialized Service Requirement.
- e. OHA represents and warrants as follows:
 - (1) **Organization and Authority.** OHA has full power, authority, and legal right to make this Agreement and to incur and perform its obligations hereunder.
 - (2) **Due Authorization.** The making and performance by OHA of this Agreement: (a) have been duly authorized by all necessary action by OHA; (b) do not and will not violate any provision of any applicable law, rule, regulation, or order of any court, regulatory commission, board, or other administrative agency; and (c) do not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which OHA is a party or by which OHA may be bound or affected. No authorization, consent, license, approval of, filing or registration with or notification to any governmental body or regulatory or supervisory authority is required for the execution, delivery, or performance by OHA of this Agreement, other than approval by the Department of Justice if required by law.
 - (3) **Binding Obligation.** This Agreement has been duly executed and delivered by OHA and constitutes a legal, valid, and binding obligation of OHA, enforceable in

accordance with its terms subject to the laws of bankruptcy, insolvency, or other similar laws affecting the enforcement of creditors' rights generally.

- f. **Warranties Cumulative.** The warranties set forth in this section are in addition to, and not in lieu of, any other warranties provided.

5. Ownership of Intellectual Property.

- a. Except as otherwise expressly provided herein, or as otherwise required by state or federal law, OHA will not own the right, title and interest in any intellectual property created or delivered by County or a Provider in connection with the Services. With respect to that portion of the intellectual property that County owns, County grants to OHA a perpetual, worldwide, non-exclusive, royalty-free and irrevocable license, subject to any provisions in the Agreement that restrict or prohibit dissemination or disclosure of information, to: (1) use, reproduce, prepare derivative works based upon, distribute copies of, perform and display the intellectual property; (2) authorize third parties to exercise the rights set forth in Section 5.a.(1) on OHA's behalf; and (3) sublicense to third parties the rights set forth in Section 5.a.(1).
- b. If state or federal law requires that OHA or County grant to the United States a license to any intellectual property, or if state or federal law requires that OHA or the United States own the intellectual property, then County shall execute such further documents and instruments as OHA may reasonably request in order to make any such grant or to assign ownership in the intellectual property to the United States or OHA. To the extent that OHA becomes the owner of any intellectual property created or delivered by County in connection with the Services, OHA will grant a perpetual, worldwide, non-exclusive, royalty-free, and irrevocable license, subject to any provisions in the Agreement that restrict or prohibit dissemination or disclosure of information, to County to use, copy, distribute, display, build upon and improve the intellectual property.
- c. County shall include in its Provider Contracts terms and conditions necessary to require that Providers execute such further documents and instruments as OHA may reasonably request in order to make any grant of license or assignment of ownership that may be required by federal or state law.

6. County Default. County shall be in default under this Agreement upon the occurrence of any of the following events:

- a. County fails to perform, observe, or discharge any of its covenants, agreements or obligations set forth herein;
- b. Any representation, warranty or statement made by County herein or in any documents or reports made in connection herewith or relied upon by OHA to measure the delivery of Services, the expenditure of Financial Assistance or the performance by County is untrue in any material respect when made;
- c. County: (1) applies for or consents to the appointment of, or taking of possession by, a receiver, custodian, trustee, or liquidator of itself or all of its property; (2) admits in writing its inability, or is generally unable, to pay its debts as they become due; (3) makes a general assignment for the benefit of its creditors; (4) is adjudicated a bankrupt or insolvent; (5) commences a voluntary case under the Federal Bankruptcy Code (as now or hereafter in effect); (6) files a petition seeking to take advantage of any other law relating to bankruptcy, insolvency, reorganization, winding-up, or composition or adjustment of debts; (7) fails to controvert in a timely and appropriate manner, or acquiesces in writing to, any petition filed against it in an involuntary case under the Bankruptcy Code; or (8) takes any action for the

purpose of effecting any of the foregoing;

- d. A proceeding or case is commenced, without the application or consent of County, in any court of competent jurisdiction, seeking:
 - (1) The liquidation, dissolution or winding-up, or the composition or readjustment of debts, of County;
 - (2) The appointment of a trustee, receiver, custodian, liquidator, or the like of County or of all or any substantial part of its assets; or
 - (3) Similar relief in respect to County under any law relating to bankruptcy, insolvency, reorganization, winding-up, or composition or adjustment of debts, and such proceeding or case continues undismissed, or an order, judgment, or decree approving or ordering any of the foregoing is entered and continues unstayed and in effect for a period of sixty consecutive days, or an order for relief against County is entered in an involuntary case under the Federal Bankruptcy Code (as now or hereafter in effect); or
 - (4) The delivery of any Service fails to comply with the terms and conditions of this Agreement or fails to meet the standards for Service as set forth herein, including but not limited to, any terms, condition, standards, and requirements set forth in the Financial Assistance Award and applicable Service Description.

7. **OHA Default.** OHA shall be in default under this Agreement upon the occurrence of any of the following events:

- a. OHA fails to perform, observe, or discharge any of its covenants, agreements, or obligations set forth herein; or
- b. Any representation, warranty or statement made by OHA herein or in any documents or reports made in connection herewith or relied upon by County to measure performance by OHA is untrue in any material respect when made.

8. **Termination.**

- a. **County Termination.** County may terminate this Agreement in its entirety or may terminate its obligation to include a particular Program Area in its CMHP:
 - (1) For its convenience, upon at least three calendar months advance written notice to OHA, with the termination effective as of the first day of the month following the notice period;
 - (2) Upon 45 calendar days advance written notice to OHA, if County does not obtain funding, appropriations, and other expenditure authorizations from County's governing body, federal, state, or other sources sufficient to permit County to satisfy its performance obligations under this Agreement, as determined by County in the reasonable exercise of its administrative discretion;
 - (3) Upon 30 calendar days advance written notice to OHA, if OHA is in default under this Agreement and such default remains uncured at the end of said 30 calendar day period or such longer period, if any, as County may specify in the notice; or
 - (4) Immediately upon written notice to OHA, if Oregon statutes or federal laws, regulations or guidelines are modified, changed, or interpreted by the Oregon Legislative Assembly, the federal government, or a court in such a way that County no longer has the authority to meet its obligations under this Agreement.
- b. **OHA Termination.** OHA may terminate this Agreement in its entirety or may terminate its obligation to provide Financial Assistance:
 - (1) For its convenience, upon at least three calendar months advance written notice to

- County, with the termination effective as of the first day of the month following the notice period;
- (2) Upon 45 calendar days advance written notice to County, if OHA does not obtain funding, appropriations, and other expenditure authorizations from federal, state, or other sources sufficient to meet the payment obligations of OHA under this Agreement, as determined by OHA in the reasonable exercise of its administrative discretion. Notwithstanding the preceding sentence, OHA may terminate this Agreement in its entirety or may terminate its obligation to provide Financial Assistance under this Agreement for one or more particular Services, immediately upon written notice to County or at such other time as it may determine if action by the Oregon Legislative Assembly or Emergency Board reduces OHA's legislative authorization for expenditure of funds to such a degree that OHA will no longer have sufficient expenditure authority to meet its payment obligations under this Agreement, as determined by OHA in the reasonable exercise of its administrative discretion, and the effective date for such reduction in expenditure authorization is less than 45 calendar days from the date the action is taken;
 - (3) Immediately upon written notice to County if Oregon statutes or federal laws, regulations or guidelines are modified, changed, or interpreted by the Oregon Legislative Assembly, the federal government, or a court in such a way that OHA no longer has the authority to meet its obligations under this Agreement or no longer has the authority to provide the Financial Assistance from the funding source it had planned to use;
 - (4) Upon 30 calendar days advance written notice to County, if County is in default under this Agreement and such default remains uncured at the end of said 30 calendar day period or such longer period, if any, as OHA may specify in the notice;
 - (5) Immediately upon written notice to County, if any license or certificate required by law or regulation to be held by County or a Provider to deliver a Service described in the Financial Assistance Award is for any reason denied, revoked, suspended, not renewed, or changed in such a way that County or a Provider no longer meets requirements to deliver the Service. This termination right may only be exercised with respect to the particular Service or Services impacted by loss of necessary licensure or certification; or
 - (6) Immediately upon written notice to County, if OHA reasonably determines that County or any of its Providers have endangered or are endangering the health or safety of a Client or others in performing the Services covered in this Agreement.

~~c. OHA and County agree that this Agreement extends to September 1, 2025, but only for the purpose of amendments to adjust the Financial Assistance Award for Services performed, or not performed, by County during the 2024 calendar year and first quarter of the 2025-2027 biennium, prior to July 1, 2025. If there is more than one amendment modifying the Financial Assistance Award, the amendment must be applied to the Financial Assistance Award in the order in which the amendments are executed by County and OHA. In no event is County authorized to provide any Services under this Agreement, and County is not required to provide any Services under this Agreement, after June 30, 2025.~~

9. Effect of Termination.

a. Entire Agreement.

- (1) Upon termination of this Agreement in its entirety, OHA shall have no further

XXXXXXXX/xxx
OHA County CFPA

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obligation to pay or disburse Financial Assistance to County under this Agreement, whether or not OHA has paid or disbursed to County all Financial Assistance described in the Financial Assistance Award except: (a) with respect to funds described in the Financial Assistance Award, to the extent OHA's disbursement of Financial Assistance for a particular Service, the Financial Assistance for which is calculated on a rate per unit of Service or Service capacity basis, is less than the applicable rate multiplied by the number of applicable units of Service or Service capacity of that type performed or made available from the effective date of this Agreement through the termination date; and (b) with respect to funds described in the Financial Assistance Award, to the extent OHA's disbursement of Financial Assistance for a particular Service, the Financial Assistance for which is calculated on a cost reimbursement basis, is less than the cumulative actual Allowable Costs reasonably and necessarily incurred with respect to delivery of that Service, from the effective date of this Agreement through the termination date.

- (2) Upon termination of this Agreement in its entirety, County shall have no further obligation under this Agreement to operate a CMHP.

b. Individual Program Area or Service.

- (1) Upon termination of OHA's obligation to provide Financial Assistance for a particular Service, OHA shall have no further obligation to pay or disburse any Financial Assistance to County for that Service, whether or not OHA has paid or disbursed to County all Financial Assistance described in the Financial Assistance Award for that Service except: (a) with respect to funds described in the Financial Assistance Award and if the Financial Assistance for that Service is calculated on a rate per unit of Service or Service capacity basis, to the extent that OHA's prior disbursement of Financial Assistance for that Service is less than the applicable rate multiplied by the number of applicable units of Service or Service capacity of that type performed or made available during the period from the first day of the period for which the funds were awarded through the earlier of the termination of OHA's obligation to provide Financial Assistance for that Service or the last day of the period for which the funds were awarded; and (b) with respect to funds described in the Financial Assistance Award and if the Financial Assistance for that Service is calculated on a cost reimbursement basis, to the extent that OHA's prior disbursement of Financial Assistance for that Service is less than the cumulative actual Allowable Costs reasonably and necessarily incurred by County with respect to delivery of that Service, during the period from the effective date of this Agreement through the termination of OHA's obligation to provide Financial Assistance for that Service.
- (2) Upon termination of OHA's obligation to provide Financial Assistance for a particular Service, County shall have no further obligation under this Agreement to include that Service in its CMHP.
- (3) Upon termination of County's obligation to include a Program Area in its CMHP, OHA shall have (a) no further obligation to pay or disburse Financial Assistance to County for System Management and Coordination –whether or not OHA has paid or disbursed to County all Financial Assistance described in the Financial Assistance Award for local administration of Services in that Program Area; and (b) no further obligation to pay or disburse any Financial Assistance to County for Services in that Program Area, whether or not OHA has paid or disbursed to County all Financial Assistance described in the Financial Assistance Award for

those Services except: (1) with respect to funds described in the Financial Assistance Award, to the extent OHA's disbursement of Financial Assistance for a particular Service falling within that Program Area, the Financial Assistance for which is calculated on a rate per unit of Service or Service capacity basis, is less than the applicable rate multiplied by the number of applicable units of Service or Service capacity of that type performed or made available during the period from the Effective Date of this Agreement through the termination of County's obligation to include the Program Area, in which that Service falls, in County's CMHP; and (2) with respect to funds described in the Financial Assistance Award, to the extent OHA's disbursement of Financial Assistance for a particular Service falling within that Program Area, the Financial Assistance for which is calculated on a cost reimbursement basis, is less than the cumulative actual Allowable Costs reasonably and necessarily incurred by County with respect to delivery of that Service, during the period from the Effective Date of this Agreement through the termination of County's obligation to include the Program Area, in which that Service falls, in County's CMHP.

- (4) Upon termination of County's obligation to include a Program Area in its CMHP, County shall have no further obligation under this Agreement to include that Program Area in its CMHP.

c. Disbursement Limitations. Notwithstanding subsections (a) and (b) above:

- (1) Under no circumstances will OHA be obligated to provide Financial Assistance to County in excess of the amount awarded under this Agreement for that Service as set forth in the Financial Assistance Award; and
- (2) Under no circumstances will OHA be obligated to provide Financial Assistance to County from funds described in the Financial Assistance Award in an amount greater than the amount due County under the Financial Assistance Award for Services, as determined in accordance with the Financial Assistance calculation methodologies in the applicable Services Descriptions.

d. Survival. Exercise of a termination right set forth in the Termination section of this exhibit or expiration of this Agreement in accordance with its terms, shall not affect County's right to receive Financial Assistance to which it is entitled hereunder, as described in subsections a. and b. above and as determined through the Agreement Settlement process, or County's right to invoke the dispute resolution processes under Sections 14 and 15 of Exhibit E. Notwithstanding subsections a. and b. above, exercise of the termination rights in Section 8 of this exhibit or expiration of this Agreement in accordance with its terms, shall not affect County's obligations under this Agreement or OHA's right to enforce this Agreement against County in accordance with its terms, with respect to Financial Assistance actually disbursed by OHA under this Agreement, or with respect to Services actually delivered. Specifically, but without limiting the generality of the preceding sentence, exercise of a termination right set forth in Section 8 of this exhibit or expiration of this Agreement in accordance with its terms shall not affect County's representations and warranties, reporting obligations, record-keeping and access obligations, confidentiality obligations, obligation to comply with applicable federal requirements, the restrictions and limitations on County's use of Financial Assistance actually disbursed by OHA hereunder, County's obligation to cooperate with OHA in the Agreement Settlement process, or OHA's right to recover from County, in accordance with the terms of this Agreement, any Financial Assistance disbursed by OHA under this Agreement that is identified as an Underexpenditure, Overexpenditure or Misexpenditure. If a termination right set forth in

Section 8 of this exhibit is exercised, both parties shall make reasonable, good faith efforts to minimize unnecessary disruption or other problems associated with the termination.

10. **Insurance.** County shall require Providers to maintain insurance as set forth in Exhibit I, “Provider Insurance Requirements,” which is attached hereto.
11. **Information Privacy/Security/Access.** If the Services performed under this Agreement requires County or its Provider(s) to access or otherwise use any OHA Information Asset or Network and Information System to which security and privacy requirements apply, and OHA grants County, its Provider(s), or both access to such OHA Information Assets or Network and Information Systems, County shall comply and require its Provider(s) to which such access has been granted to comply with the terms and conditions applicable to such access or use, including [OAR 943-014- 0300 through OAR 943-014-0320](#). For purposes of this section, , “Information Asset” means any information, also known as data, provided through OHA, regardless of the source or media, which requires measures for security and privacy of the information ([OAR 943-014-0305\(6\)](#)) and “Network and Information System” means the State of Oregon’s computer infrastructure, which provides personal communications, client records and other sensitive information assets, regional, wide area and local area networks, and the internetworking of various types of networks on behalf of OHA ([OAR 943-014-0305\(7\)](#)).
12. **Assignment of Agreement, Successors in Interest.**
 - a. County shall not assign or transfer its interest in this Agreement without prior written approval of OHA. Any such assignment or transfer, if approved, is subject to such conditions and provisions as OHA may deem necessary. No approval by OHA of any assignment or transfer of interest shall be deemed to create any obligation of OHA in addition to those set forth in this Agreement.
 - b. The provisions of this Agreement shall be binding upon and shall inure to the benefit of the parties to this Agreement, and their respective successors and permitted assigns.
13. **No Third Party Beneficiaries.** OHA and County are the only parties to this Agreement and are the only parties entitled to enforce its terms. The parties agree that County’s performance under this Agreement is solely for the benefit of OHA to assist and enable OHA to accomplish its statutory mission. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly, or otherwise, to third persons any greater than the rights and benefits enjoyed by the general public unless such third persons are Individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.
14. **Amendment.** No amendment, modification or change of terms of this Agreement will bind either party unless in writing and signed by both parties and when required by the Department of Justice. Such amendment, modification, or change, if made, shall be effective only in the specific instance and for the specific purpose given.
15. **Severability.** The parties agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

16. **Notice.** Except as otherwise expressly provided in this Agreement, any communications between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, or mailing the same, postage prepaid to County or OHA at the address or number set forth below, or to such other addresses or numbers as either party may indicate pursuant to this section. Any communication or notice so addressed and mailed shall be effective five calendar days after mailing. Any communication or notice given by personal delivery shall be effective when actually delivered to the addressee.

OHA: Marisha L. Elkins
CFAA Administrator
500 Summer Street NE, E-86
Salem, OR 97301
Telephone: 971-900-7366
E-mail address: CFAA.Administrator@oha.oregon.gov

COUNTY: Contact Name: _____
Title: _____
Street Address: _____
City, State Zip: _____
Telephone: _____
E-mail address: _____

17. **Headings.** The headings and captions to sections of this Agreement have been inserted for identification and reference purposes only and shall not be used to construe the meaning or to interpret this Agreement.
18. **Counterparts.** This Agreement and any subsequent amendments may be executed in several counterparts, all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Agreement and any amendments so executed shall constitute an original.
19. **Integration and Waiver.** This Agreement, including all exhibits, constitutes the entire Agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. The failure of either party to enforce any provision of this Agreement shall not constitute a waiver by that party of that or any other provision. No waiver or consent shall be effective unless in writing and signed by the party against whom it is asserted.
20. **Construction.** This Agreement is the product of extensive negotiations between OHA and County. The provisions of this Agreement are to be interpreted and their legal effects determined as a whole. An arbitrator or court interpreting this Agreement shall give a reasonable, lawful, and effective meaning to the Agreement to the extent possible, consistent with the public interest.
21. **Contribution.** If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in [ORS 30.260](#) ("Third Party Claim") against a party (the "Notified Party") with respect to which the other party ("Other Party") may have liability, the Notified Party must promptly notify the Other Party in writing of the Third Party Claim and

deliver to the Other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Either party is entitled to participate in the defense of a Third-Party Claim, and to defend a Third-Party Claim with counsel of its own choosing. Receipt by the Other Party of the notice and copies required in this paragraph and meaningful opportunity for the Other Party to participate in the investigation, defense, and settlement of the Third-Party Claim with counsel of its own choosing are conditions precedent to the Other Party's liability with respect to the Third-Party Claim.

With respect to a Third-Party Claim for which the State is jointly liable with County (or would be if joined in the Third-Party Claim), the State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by County in such proportion as is appropriate to reflect the relative fault of the State on the one hand and of County on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of the State on the one hand and of County on the other hand shall be determined by reference to, among other things, the parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines, or settlement amounts. The State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if the State had sole liability in the proceeding.

With respect to a Third Party Claim for which County is jointly liable with the State (or would be if joined in the Third Party Claim), County shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by the State in such proportion as is appropriate to reflect the relative fault of County on the one hand and of the State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of County on the one hand and of the State on the other hand shall be determined by reference to, among other things, the parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines, or settlement amounts. County's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if it had sole liability in the proceeding.

22. **Indemnification by Providers.** County shall include in all Provider Contracts with Provider(s) that are not units of local government as defined in [ORS 190.003](#), if any, a requirement to indemnify, defend, save and hold harmless the State of Oregon and its officers, employees and agents (the "**Indemnatee**") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including attorneys' fees) arising from a tort (as now or hereafter defined in [ORS 30.260](#)) caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Provider or any of the officers, agents, employees or subcontractors of Provider ("**Claims**"). It is the specific intention of the parties that the Indemnatee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnatee, be indemnified by Provider from and against any and all Claims. Provided, however, neither Provider nor any attorney engaged by Provider may defend any Claim in the name of the Indemnatee, nor purport to act as legal representative for the Indemnatee, without first receiving from the Oregon Attorney General in a form and manner determined appropriate by the Oregon Attorney General, authority to act as legal counsel for the Indemnatee, nor may Provider settle any

Claim on behalf of the Indemnatee without the approval of the Oregon Attorney General.

**2026-2027 INTERGOVERNMENTAL AGREEMENT
FOR THE FINANCING OF COMMUNITY MENTAL HEALTH PROGRAMS**

**EXHIBIT G
REQUIRED FEDERAL TERMS AND CONDITIONS**

In addition to the requirements of Section 2 of Exhibit F, County shall comply, and as indicated, require all Providers to comply with the following federal requirements when federal funding is being used. For purposes of this Agreement, all references to federal and state laws are references to federal and state laws.

- 1. Miscellaneous Federal Provisions.** County shall comply and require all Providers to comply with all federal laws, regulations, and executive orders applicable to the Agreement or to the delivery of Services. Without limiting the generality of the foregoing, County expressly agrees to comply and require all Providers to comply with the following laws, regulations and executive orders to the extent they are applicable to the Agreement:
 - a.** Title VI and VII of the Civil Rights Act of 1964, as amended;
 - b.** Sections 503 and 504 of the Rehabilitation Act of 1973, as amended;
 - c.** The Americans with Disabilities Act of 1990, as amended;
 - d.** Executive Order 11246, as amended;
 - e.** The Health Insurance Portability and Accountability Act of 1996, as amended;
 - f.** The Age Discrimination in Employment Act of 1967, as amended;
 - g.** The Age Discrimination Act of 1975, as amended;
 - h.** The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended;
 - i.** All regulations and administrative rules established pursuant to the foregoing laws;
 - j.** All other applicable requirements of federal civil rights and rehabilitation statutes, rules and regulations, and
 - k.** All federal law governing operation of Community Mental Health Programs, including without limitation, all federal laws requiring reporting of Client abuse. These laws, regulations and executive orders are incorporated by reference herein to the extent that they are applicable to the Agreement and required by law to be so incorporated. No federal funds may be used to provide Services in violation of 42 U.S.C. 14402.
- 2. Equal Employment Opportunity.** [RESERVED]
- 3. Clean Air, Clean Water, EPA Regulations.** If this Agreement, including amendments, exceeds \$100,000 then County shall comply and require all Providers to comply with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (42 U.S.C. 7606), the Federal Water Pollution Control Act as amended (commonly known as the Clean Water Act) (33 U.S.C. 1251 to 1387), specifically including, but not limited to Section 508 (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (2 CFR Part 1532), which prohibit the use under non-exempt Federal contracts, grants or loans of facilities included on the EPA List of Violating Facilities. Violations shall be reported to OHA, United States Department of Health and Human Services and the appropriate Regional Office of the Environmental Protection Agency. County shall include and require all Providers to include in all contracts with subcontractors receiving more than \$100,000, language requiring the subcontractor to comply with the federal laws identified in this section.
- 4. Energy Efficiency.** County shall comply and require all Providers to comply with applicable mandatory standards and policies relating to energy efficiency that are contained in the Oregon

energy conservation plan issued in compliance with the Energy Policy and Conservation Act 42 U.S.C. 6201 et. seq. (Pub. L. 94-163).

5. **Truth in Lobbying.** By signing this Agreement, County certifies, to the best of County's knowledge and belief that:
- a. No federal appropriated funds have been paid or will be paid, by or on behalf of County, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any federal contract, grant, loan or cooperative agreement.
 - b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan or cooperative agreement, County shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions.
 - c. County shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients and subcontractors shall certify and disclose accordingly.
 - d. This certification is a material representation of fact upon which reliance was placed when this Agreement was made or entered into. Submission of this certification is a prerequisite for making or entering into this Agreement imposed by section 1352, Title 31 of the U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
 - e. No part of any federal funds paid to County under this Agreement shall be used, other than for normal and recognized executive legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the United States Congress or any State or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government.
 - f. No part of any federal funds paid to County under this Agreement shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before the United States Congress or any State government, State legislature or local legislature or legislative body, other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.
 - g. The prohibitions in subsections (e) and (f) of this section shall include any activity to advocate or promote any proposed, pending, or future Federal, State, or local tax increase, or any proposed, pending, or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.

- h. No part of any federal funds paid to County under this Agreement may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive congressional communications. This limitation shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.
6. **Resource Conservation and Recovery.** County shall comply and require all Providers to comply with all mandatory standards and policies that relate to resource conservation and recovery pursuant to the Resource Conservation and Recovery Act (codified at 42 U.S.C. 6901 et. seq.). Section 6002 of that Act (codified at 42 U.S.C. 6962) requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by the Environmental Protection Agency. Current guidelines are set forth in 40 CFR Part 247.
7. **Audits.** Sub recipients, as defined in 45 CFR 75.2, which includes, but is not limited to County, shall comply, and County shall require all Providers to comply, with applicable Code of Federal Regulations (CFR) governing expenditure of federal funds including, but not limited to, if a sub-recipient expends \$500,000 or more in Federal funds (from all sources) in its fiscal year beginning prior to December 26, 2014, a sub-recipient shall have a single organization-wide audit conducted in accordance with the Single Audit Act. If a sub-recipient expends \$750,000 or more in federal funds (from all sources) in a fiscal year beginning on or after December 26, 2014, it shall have a single organization-wide audit conducted in accordance with the provisions of 45 CFR part 75, subpart F. Copies of all audits must be submitted to OHA within 30 calendar days of completion. If a sub recipient expends less than \$500,000 in Federal funds in a fiscal year beginning prior to December 26, 2014, or less than \$750,000 in a fiscal year beginning on or after that date, it is exempt from Federal audit requirements for that year. Records must be available for review or audit by appropriate officials.
8. **Debarment and Suspension.** County shall not permit any person or entity to be a Provider if the person or entity is listed on the non-procurement portion of the General Service Administration's "List of Parties Excluded from Federal Procurement or Non-procurement Programs" in accordance with Executive Orders No. 12549 and No. 12689, "Debarment and Suspension". (See 2 CFR Part 180). This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory authority other than Executive Order No. 12549. Providers with awards that exceed the simplified acquisition threshold shall provide the required certification regarding their exclusion status and that of their principals prior to award.
9. **Drug-Free Workplace.** County shall comply and require all Providers to comply with the following provisions to maintain a drug-free workplace: (i) County certifies that it will provide a drug-free workplace by publishing a statement notifying its employees that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance, except as may be present in lawfully prescribed or over-the-counter medications, is prohibited in County's workplace or while providing Services to Clients. County's notice shall specify the actions that will be taken by County against its employees for violation of such prohibitions; (ii) Establish a drug-free awareness program to inform its employees about: The dangers of drug abuse in the workplace, County's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon

employees for drug abuse violations; (iii) Provide each employee to be engaged in the performance of Services under this Agreement a copy of the statement mentioned in paragraph (i) above; (iv) Notify each employee in the statement required by paragraph (i) above that, as a condition of employment to provide Services under this Agreement, the employee will: abide by the terms of the statement, and notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) calendar days after such conviction; (v) Notify OHA within ten (10) calendar days after receiving notice under subparagraph (iv) above from an employee or otherwise receiving actual notice of such conviction; (vi) Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program by any employee who is so convicted as required by Section 5154 of the Drug-Free Workplace Act of 1988; (vii) Make a good-faith effort to continue a drug-free workplace through implementation of subparagraphs (i) through (vi) above; (viii) Require any Provider to comply with subparagraphs (i) through (vii) above; (ix) Neither County, or any of County's employees, officers, agents or Providers may provide any Service required under this Agreement while under the influence of drugs. For purposes of this provision, "under the influence" means observed abnormal behavior or impairments in mental or physical performance leading a reasonable person to believe County or County's employee, officer, agent, or Provider has used a controlled substance, prescription or non-prescription medication that impairs County or County's employee, officer, agent, or Provider's performance of essential job function or creates a direct threat to Clients or others. Examples of abnormal behavior include, but are not limited to hallucinations, paranoia, or violent outbursts. Examples of impairments in physical or mental performance include, but are not limited to slurred speech, difficulty walking or performing job activities; and (x) Violation of any provision of this subsection may result in termination of this Agreement.

10. **Pro-Children Act.** County shall comply and require all Providers to comply with the Pro-Children Act of 1994 (codified at 20 U.S.C. Section 6081 et. seq.).
11. **Medicaid Services.** To the extent County provides any Service in which costs are paid in whole or in part by Medicaid, County shall comply with all applicable federal and state laws and regulation pertaining to the provision of Medicaid Services under the Medicaid Act, Title XIX, 42 U.S.C. Section 1396 et. seq., including without limitation:
 - a. Keep such records as are necessary to fully disclose the extent of the Services provided to Individuals receiving Medicaid assistance and shall furnish such information to any state or federal agency responsible for administering the Medicaid program regarding any payments claimed by such person or institution for providing Medicaid Services as the state or federal agency may from time to time request. 42 U.S.C. Section 1396a (a) (27); 42 CFR Part 431.107(b)(1) & (2).
 - b. Comply with all disclosure requirements of 42 CFR Part 1002.3(a) and 42 CFR 455 Subpart (B).
 - c. Maintain written notices and procedures respecting advance directives in compliance with 42 U.S.C. Section 1396 (a) (57) and (w), 42 CFR Part 431.107 (b) (4), and 42 CFR Part 489 subpart I.
 - d. Certify when submitting any claim for the provision of Medicaid Services that the information submitted is true, accurate and complete. County shall acknowledge County's understanding that payment of the claim will be from federal and state funds and that any falsification or concealment of a material fact may be prosecuted under federal and state laws.
 - e. Entities receiving \$5 million or more annually (under this Agreement and any other

Medicaid agreement) for furnishing Medicaid health care items or services shall, as a condition of receiving such payments, adopt written fraud, waste and abuse policies and procedures and inform employees, Providers and agents about the policies and procedures in compliance with Section 6032 of the Deficit Reduction Act of 2005, 42 U.S.C. § 1396a (1)(68).

12. **ADA.** County shall comply with Title II of the Americans with Disabilities Act of 1990 (codified at 42 U.S.C. 12131 et. seq.) in the construction, remodeling, maintenance and operation of any structures and facilities, and in the conduct of all programs, services and training associated with the delivery of Services.
13. **Agency-Based Voter Registration.** If applicable, County shall comply with the Agency-based Voter Registration sections of the National Voter Registration Act of 1993 that require voter registration opportunities be offered where an Individual may apply for or receive an application for public assistance.
14. **Disclosure.**
 - a. 42 CFR 455.104 requires the State Medicaid agency to obtain the following information from any provider of Medicaid or CHIP services, including fiscal agents of providers and managed care entities: (1) the name and address (including the primary business address, every business location and P.O. Box address) of any person (Individual or corporation) with an ownership or control interest in the provider, fiscal agent or managed care entity; (2) in the case of an Individual, the date of birth and Social Security Number, or, in the case of a corporation, the tax identification number of the entity, with an ownership interest in the provider, fiscal agent or managed care entity or of any subcontractor in which the provider, fiscal agent or managed care entity has a 5% or more interest; (3) whether the person (Individual or corporation) with an ownership or control interest in the provider, fiscal agent or managed care entity is related to another person with ownership or control interest in the provider, fiscal agent or managed care entity as a spouse, parent, child or sibling, or whether the person (Individual or corporation) with an ownership or control interest in any subcontractor in which the provider, fiscal agent or managed care entity has a 5% or more interest is related to another person with ownership or control interest in the provider, fiscal agent or managed care entity as a spouse, parent, child or sibling; (4) the name of any other provider, fiscal agent or managed care entity in which an owner of the provider, fiscal agent or managed care entity has an ownership or control interest; and, (5) the name, address, date of birth and Social Security Number of any managing employee of the provider, fiscal agent or managed care entity.
 - b. 42 CFR 455.434 requires as a condition of enrollment as a Medicaid or CHIP provider, to consent to criminal background checks, including fingerprinting when required to do so under state law, or by the category of the provider based on risk of fraud, waste, and abuse under federal law. As such, a provider must disclose any person with a 5% or greater direct or indirect ownership interest in the provider who has been convicted of a criminal offense related to that person's involvement with the Medicare, Medicaid, or title XXI program in the last 10 years.
 - c. OHA reserves the right to take such action required by law, or where OHA has discretion, it deems appropriate, based on the information received (or the failure to receive) from the provider, fiscal agent, or managed care entity.

15. **Special Federal Requirements Applicable to Addiction Treatment, Recovery, & Prevention Services for Counties receiving Substance Use Prevention, Treatment, and Recovery Services (SUPTRS) Block Grant funds.**

a. **Order for Admissions:**

- (1) Pregnant women who inject drugs;
- (2) Pregnant substance abusers;
- (3) Other Individuals who inject drugs; and
- (4) All others.

b. **Pregnant Women.** If County provides any Addiction Treatment, Recovery, & Prevention Services, County must:

- (1) Within the priority categories, if any, set forth in Exhibit B - Service Descriptions, give preference in admission to pregnant women in need of treatment, who seek or are referred for and would benefit from such Services, within 48 hours;
- (2) If County has insufficient capacity to provide treatment Services to a pregnant woman, County must refer the woman to another Provider with capacity or if no available treatment capacity can be located, the outpatient Provider that the Individual is enrolled with will ensure that Interim Services are being offered. Counseling on the effects of alcohol and drug use on the fetus must be given within 48 hours, including a referral for prenatal care; and
- (3) Perform outreach to inform pregnant women of the availability of treatment Services targeted to them and the fact that pregnant women receive preference in admission to these programs.

c. **Intravenous Drug Abusers.** If County provides any Addiction Treatment, Recovery, & Prevention Services, County must:

- (1) Within the priority categories, if any, set forth in Exhibit B - Service Descriptions and subject to the preference for pregnant women described above, give preference in admission to intravenous drug abusers;
- (2) Programs that receive funding under the grant and that treat Individuals for intravenous substance abuse, upon reaching 90 percent of its capacity to admit Individuals to the program, must provide notification of that fact to the State within 7 calendar days;
- (3) If County receives a request for admission to treatment from an intravenous drug abuser, County must, unless it succeeds in referring the Individual to another Provider with treatment capacity, admit the Individual to treatment not later than:
 - (a) 14 calendar days after the request for admission to County is made;
 - (b) 120 calendar days after the date of such request if no Provider has the capacity to admit the Individual on the date of such request and, if Interim Services are made available not less than 48 hours after such request; or
 - (c) If County has insufficient capacity to provide treatment Services to an intravenous drug abuser, refer the intravenous drug abuser to another Provider with capacity or if no available treatment capacity can be located, the outpatient provider that the Individual is enrolled with will ensure that Interim Services are being offered. If the Individual is not enrolled in outpatient treatment and is on a waitlist for residential treatment, the provider from County of the Individual's residence that is referring the Individual to residential Services will make available counseling and education about human immunodeficiency virus (HIV) and tuberculosis(TB), risk of sharing needles, risks of transmission to sexual

partners and infant, steps to ensure HIV and TB transmission does not occur, referral for HIV or TB treatment Services, if necessary, within 48 hours.

(d) **“Interim Services”** as described in 45 CFR §96.121, means:

- i. Services provided, until an Individual is admitted to substance abuse treatment program, for reducing the adverse health effects of such abuse, promoting the health of the Individual, and reducing the risk of transmission of disease. At a minimum Interim Services include counseling and education about HIV and tuberculosis, the risks of needle sharing, the risks of transmission of disease to sexual partners and infants, and steps that can be taken to ensure that HIV and tuberculosis transmission does not occur;
- ii. Referral for HIV or TB treatment Services, where necessary; and
- iii. Referral for prenatal care, if appropriate, until the Individual is admitted to a Provider’s Services.
- iv. If County treats recent intravenous drug users (those who have injected drugs within the past year) in more than one-third of its capacity, County shall carry out outreach activities to encourage Individual intravenous drug users in need of such treatment to undergo treatment and shall document such activities.

d. **Infectious Diseases.** If County provides any Addiction Treatment, Recovery, & Prevention Services, County shall:

- (1) Complete a risk assessment for infectious disease including Human Immunodeficiency Virus (HIV) and tuberculosis, as well as sexually transmitted diseases, based on protocols established by OHA, for every Individual seeking Services from County; and
- (2) Routinely make tuberculosis Services available to each Individual receiving Services for alcohol/drug abuse either directly or through other arrangements with public or non-profit entities and, if County denies an Individual admission on the basis of lack of capacity, refer the Individual to another provider of tuberculosis Services.
- (3) For purposes of (2) above, “tuberculosis Services” means:
 - (a) Counseling the Individual with respect to tuberculosis;
 - (b) Testing to determine whether the Individual has contracted such disease and testing to determine the form of treatment for the disease that is appropriate for the Individual; and
 - (c) Appropriate treatment Services.

e. **OHA Referrals.** If County provides any Addiction Treatment, Recovery, & Prevention Services, within the priority categories, if any, set forth in Exhibit B - Service Descriptions and subject to the preference for pregnant women and intravenous drug users described above, give preference in Addiction Treatment, Recovery, & Prevention Service delivery to persons referred by OHA.

f. **Barriers to Treatment.** Where there is a barrier to delivery of any Addiction Treatment, Recovery, & Prevention Service due to culture, gender, language, illiteracy, or disability, County shall develop support Services available to address or overcome the barrier, including:

- (1) Providing, if needed, hearing impaired or foreign language interpreters.
- (2) Providing translation of written materials to appropriate language or method of

communication.

(3) Providing devices that assist in minimizing the impact of the barrier.

(4) Not charging Clients for the costs of measures, such as interpreters, that are required to provide nondiscriminatory treatment.

- g. **Misrepresentation.** County shall not knowingly or willfully make or cause to be made any false statement or representation of a material fact in connection with the furnishing of items or Services for which payments may be made by OHA.
- h. **Oregon Residency.** Addiction Treatment, Recovery, & Prevention Services funded through this Agreement may only be provided to residents of Oregon. Residents of Oregon are Individuals who live in Oregon. There is no minimum amount of time an Individual must live in Oregon to qualify as a resident so long as the Individual intends to remain in Oregon. A child's residence is not dependent on the residence of his or her parents. A child living in Oregon may meet the residency requirement if the caretaker relative with whom the child is living is an Oregon resident.
- i. **Tobacco Use.** If County has Addiction Treatment, Recovery, & Prevention Services treatment capacity that has been designated for children, adolescents, pregnant women, and women with dependent children, County must implement a policy to eliminate smoking and other use of tobacco at the facilities where the Services are delivered and on the grounds of such facilities.
- j. **Client Authorization.** County must comply with 42 CFR Part 2 when delivering an Addiction Treatment, Recovery, & Prevention Service that includes disclosure of Client information for purposes of eligibility determination. County must obtain Client authorization for disclosure of billing information, to the extent and in the manner required by 42 CFR Part 2, before a Disbursement Claim is submitted with respect to delivery of an Addiction Treatment, Recovery, & Prevention Service to that Individual.

16. **Community Mental Health Block Grant (MHBG)** funds, if any, awarded under this Agreement are subject to the federal use restrictions and requirements set forth in Catalog of Federal Domestic Assistance Number 93.958 and to the federal statutory and regulatory restrictions imposed by or pursuant to the Community Mental Health Block Grant portion of the Public Health Services Act, 42 U.S.C. 300x-1 *et. seq.*, and County shall comply with those restrictions.

17. **Substance Use Prevention, Treatment, and Recovery Support Services (SUPTRS BG).** To the extent County provides any Service in which costs are paid in whole or in part by the Substance Use, Prevention, Treatment, and Recovery Services Block Grant, County shall comply with federal rules and statutes pertaining to the Substance Use, Prevention, Treatment, and Recovery Services Block Grant, including the reporting provisions of the Public Health Services Act (42 U.S.C. 300x through 300x-66) and 45 CFR 96.130 regarding the sale of tobacco products. Regardless of funding source, to the extent County provides any substance abuse prevention or treatment Services, County shall comply with the confidentiality requirements of 42 CFR Part 2. County may not use the funds received under this Agreement for inherently religious activities, as described in 45 CFR Part 87.

18. **Information Required by 2 CFR Subtitle B with guidance at 2 CFR Part 200.** All required data elements in accordance with 45 CFR 75.352 are available at:
<https://www.oregon.gov/oha/hsd/amh/Pages/federal-reporting.aspx>.

19. **Super Circular Requirements.** 2 CFR Part 200, or the equivalent applicable provision adopted by

the awarding federal agency in 2 CFR Subtitle B, including but not limited to the following:

- a. **Property Standards.** 2 CFR 200.313, or the equivalent applicable provision adopted by the awarding federal agency in 2 CFR Subtitle B, which generally describes the required maintenance, documentation, and allowed disposition of equipment purchased with federal funds.
- b. **Procurement Standards.** When procuring goods or services (including professional consulting services), applicable state procurement regulations found in the Oregon Public Contracting Code, ORS chapters [279A](#), [279B](#), and [279C](#) or 2 CFR §§ 200.318 through 200.326, or the equivalent applicable provision adopted by the awarding federal agency in 2 CFR Subtitle B, as applicable.
- c. **Contract Provisions.** The contract provisions listed in 2 CFR Part 200, Appendix II, or the equivalent applicable provision adopted by the awarding federal agency in 2 CFR Subtitle B, that are hereby incorporated into this exhibit, are, to the extent applicable, obligations of recipient, and recipient shall also include these contract provisions in its contracts with non-Federal entities.

**2026-2027 INTERGOVERNMENTAL AGREEMENT
FOR THE FINANCING OF COMMUNITY MENTAL HEALTH PROGRAMS**

**EXHIBIT H
PROVIDER INSURANCE REQUIREMENTS**

County shall require its first tier Providers(s) that are not units of local government as defined in [ORS 190.003](#), if any, to: i) obtain insurance specified under TYPES AND AMOUNTS and meeting the requirements under ADDITIONAL INSURED, "TAIL" COVERAGE, NOTICE OF CANCELLATION OR CHANGE, and CERTIFICATES OF INSURANCE before the Providers perform under contracts between County and the Providers (the "Provider Contracts"); and ii) maintain the insurance in full force throughout the duration of the Provider Contracts. The insurance must be provided by insurance companies or entities that are authorized to transact the business of insurance and issue coverage in the State of Oregon and that are acceptable to OHA. County shall not authorize Providers to begin work under the Provider Contracts until the insurance is in full force. Thereafter, County shall monitor continued compliance with the insurance requirements on an annual or more frequent basis. County shall incorporate appropriate provisions in the Provider Contracts permitting it to enforce Provider compliance with the insurance requirements and shall take all reasonable steps to enforce such compliance. Examples of "reasonable steps" include issuing stop work orders (or the equivalent) until the insurance is in full force or terminating the Provider Contracts as permitted by the Provider Contracts, or pursuing legal action to enforce the insurance requirements. In no event shall County permit a Provider to work under a Provider Contract when County is aware that the Provider is not in compliance with the insurance requirements. As used in this section, a "first tier" Provider is a Provider with whom County directly enters into a Provider Contract.

TYPES AND AMOUNTS.

1. **Workers Compensation:** Must be in compliance with [ORS 656.017](#), which requires all employers that employ subject workers, as defined in [ORS 656.027](#), to provide workers' compensation coverage for those workers, unless they meet the requirement for an exemption under [ORS 656.126\(2\)](#).
2. **Professional Liability:** ☒ **Required by OHA** ☐ **Not required by OHA.**
Professional Liability Insurance covering any damages caused by an error, omission or any negligent acts related to the Services to be provided under the Provider Contract, with limits not less than the following, as determined by OHA, or such lesser amount as OHA approves in writing:
☒ **Per occurrence for all claimants for claims arising out of a single accident or occurrence: \$1,000,000 per occurrence with \$2,000,000 aggregate.**
3. **Commercial General Liability:** ☒ **Required by OHA** ☐ **Not required by OHA.**
Commercial General Liability Insurance covering bodily injury, death, and property damage in a form and with coverages that are satisfactory to OHA. This insurance shall include personal injury liability, products and completed operations. Coverage shall be written on an occurrence form basis, with not less than the following amounts as determined by OHA, or such lesser amount as OHA approves in writing:
Bodily Injury, Death and Property Damage:
☒ **Per occurrence for all claimants for claims arising out of a single accident or occurrence:**

\$1,000,000 per occurrence with \$2,000,000 aggregate.

4. **Automobile Liability:** ☒ **Required by OHA** ☐ **Not required by OHA.**
Automobile Liability Insurance covering all owned, non-owned and hired vehicles. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits for “Commercial General Liability” and “Automobile Liability”).
Automobile Liability Insurance must be in not less than the following amounts as determined by OHA, or such lesser amount as OHA approves in writing:
Bodily Injury, Death and Property Damage:
☒ **Per occurrence for all claimants for claims arising out of a single accident or occurrence: \$1,000,000 per occurrence with \$2,000,000 aggregate.**
5. **Additional Insured.** The Commercial General Liability insurance and Automobile Liability insurance must include the State of Oregon, its officers, employees, and agents as Additional Insureds but only with respect to the Provider's activities to be performed under the Provider Contract. Coverage must be primary and non-contributory with any other insurance and self-insurance.
6. **Notice of Cancellation or Change.** The Provider or its insurer must provide written notice to County at least 30 calendar days before cancellation of, material change to, potential exhaustion of aggregate limits of, or non-renewal of the required insurance coverage(s).
7. **“Tail” Coverage.** If any of the required insurance policies is on a “claims made” basis, such as professional liability insurance, the Provider shall maintain either “tail” coverage or continuous “claims made” liability coverage, provided the effective date of the continuous “claims made” coverage is on or before the effective date of the Provider Contract, for a minimum of 24 months following the later of : (i) the Provider’s completion and County ’s acceptance of all Services required under the Provider Contract; or (ii) the expiration of all warranty periods provided under the Provider Contract. Notwithstanding the foregoing 24-month requirement, if the Provider elects to maintain “tail” coverage and if the maximum time period “tail” coverage reasonably available in the marketplace is less than the 24-month period described above, then the Provider may request and OHA may grant approval of the maximum “tail” coverage period reasonably available in the marketplace. If OHA approval is granted, the Provider shall maintain “tail” coverage for the maximum time period that “tail” coverage is reasonably available in the marketplace.
8. **Certificate(s) of Insurance.** County shall obtain from the Provider a certificate(s) of insurance for all required insurance before the Provider performs under the Provider Contract. The certificate(s) or an attached endorsement must specify: i) all entities and Individuals who are endorsed on the policy as Additional Insured; and ii) for insurance on a “claims made” basis, the extended reporting period applicable to “tail” or continuous “claims made” coverage.

**2026-2027 INTERGOVERNMENTAL AGREEMENT
FOR THE FINANCING OF COMMUNITY MENTAL HEALTH PROGRAMS**

EXHIBIT I

CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) NUMBER LISTING

- 1. 93.958 – Block Grants for Community Mental Health Services (MHBG)**
- 2. 93.959 – Block Grants for Prevention and Treatment of Substance Abuse (SUPTRS BG)**

CAPITAL IMPROVEMENTS PLAN UPDATE - 2025

FOR

CITY OF BOARDMAN, OREGON

August 2025



ANDERSON PERRY & ASSOCIATES, INC.

La Grande, Redmond, Hermiston, and Enterprise, Oregon

Walla Walla, Washington

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Introduction

This Capital Improvements Plan (CIP) provides the framework for implementing the City of Boardman's facility and infrastructure asset-based improvement process over a five-year period starting in fiscal year 2025-26. The CIP outlines cost estimates for projects that require significant capital investment and are essential for safeguarding the City's financial health, while providing continued delivery of services to citizens and businesses.

The CIP is anticipated to continue to be reviewed and updated periodically (approximately every two years) to accommodate community needs and changes in financial resources. The CIP includes a list of the City's capital improvements projects, prioritizes the projects (subject to periodic review), and schedules the projects for funding and construction.

The CIP is a tool to be used in the development of responsible and progressive financial planning goals. The CIP complies with the City's financial policies. City policies and the CIP form the basis for making annual capital budget decisions and support the City's continued commitment to sound, long-range financial planning and direction.

The CIP identifies budgets and fiscal years for several types of capital projects. Capital improvements projects will be coordinated with the annual budget process to maintain full utilization of available resources. For each capital improvements project, the CIP provides a variety of information, including a project description, the service needs to be addressed, a proposed timetable, and proposed funding sources.

Generally, capital improvements projects will be prioritized with the most urgent projects first. In some instances, projects have been scheduled to coincide with an urgently needed project of another department to maximize effort, saving overall cost and/or maintaining the integrity of previously made investments. Ongoing operating costs are not included in the CIP.

Development of the CIP is a collaborative effort between the City's leadership team and the Public Works department to identify projects via specific master plans and other planning tools. Major capital improvements projects require City Council interaction during the development and funding stages.

Department Area Descriptions

This CIP is divided into the following sections:

- General
- Parks Department
- Planning Department
- Water Department
- Wastewater Department
- Street Department
- General Appendix
- Parks Department Appendix
- Planning Department Appendix
- Water Department Appendix
- Wastewater Department Appendix
- Street Department Appendix

Project Types

Projects generally fall within the primary categories identified below:

- System Repairs and Replacements - Projects needed to maintain existing infrastructure, typically needed to ensure reliable service.
- System Improvements - Projects designed to increase the functionality, efficiency, and/or capability of the infrastructure.
- Capacity-increasing Projects to Meet Population and Commercial Business Growth.
- Redevelopment and Community Enhancement - Projects created for urban renewal, overall community or neighborhood livability, and safety enhancement.
- Guidance and Regulatory Systems - Amendment of land use or other long-range planning documents to facilitate development of residential, commercial, and industrial land to help ensure water, wastewater, and transportation systems are adequate.

Department Goals

- Provide quality management of the CIP.
- Provide meaningful input for the City Council to make fiscally responsible decisions.
- Update the City Council on program implementation.
- Ensure timely information is provided to the Finance Department and City Council for cost differences.
- Provide timely project starts and completions.

What Projects Are in the Capital Improvements Plan

This CIP presents capital improvements and capital outlay. Capital improvements are expansions of, or improvements to, the City's physical facilities, such as buildings, land, and infrastructure, including roads, bridges, sidewalks, and utility systems. Capital outlay is generally used for equipment, vehicles, and technologies. The City's capitalization threshold has a minimum value of \$5,000 and a life expectancy of at least three years. Projects costing less than \$5,000 are not considered capital and are funded through operating budgets. Land use and other planning processes are also incorporated into this CIP to help ensure adequate funding for this important work is available going forward.

Projects in the CIP can include:

- Construction costs (i.e., labor, materials, and contractors involved in completing a project).
- Acquisition of land or structures.
- Engineering or architectural services, professional studies, or other administrative costs.
- Costs associated with the development or amendment of land use or other long-range planning documents.
- Expenses for City equipment, vehicles, and technologies.
- Expenses for expanding City facilities.

Funding Overview

Implementation of the CIP relies on a variety of potential funding sources. These include utility rate charges, tax increment revenues, user fees, general fund revenues, grants, and system development charges. Most of the funding scenarios may be somewhat complex and interwoven based on project goals, anticipated construction elements, and project timelines. The accounting of infrastructure income prohibits the transfer of funds between some departments. For example, street income can only be utilized for repair and maintenance or capital improvements associated with the Street Department.

Capital improvement cost estimates are created and/or updated based on discussions with City staff and vendors and current bid results of other recent construction projects in the area. Each project estimate includes a 5 percent per year inflation rate anticipated to cover escalating project costs realized each year. This percentage is based on inflation rates that vary based on the economy, and it is anticipated that rates will vary from those estimated. Estimates include planning fees, if any, design engineering fees, construction costs, and anticipated construction engineering service fees (i.e., bidding assistance, project observations technical assistance, construction surveying, etc.).

Each of the six departments/sections contain figures that show project priority with an estimated cost for the next five-year period.

The CIP is not a financing document. Rather, the CIP is a planning document that places projects in the annual budget whereby funds are appropriated for them by the City Council. Prior to actual project work, refined scopes of work, construction cost estimates, and associated design fees will be presented to the City Council for final approval to expend funds.

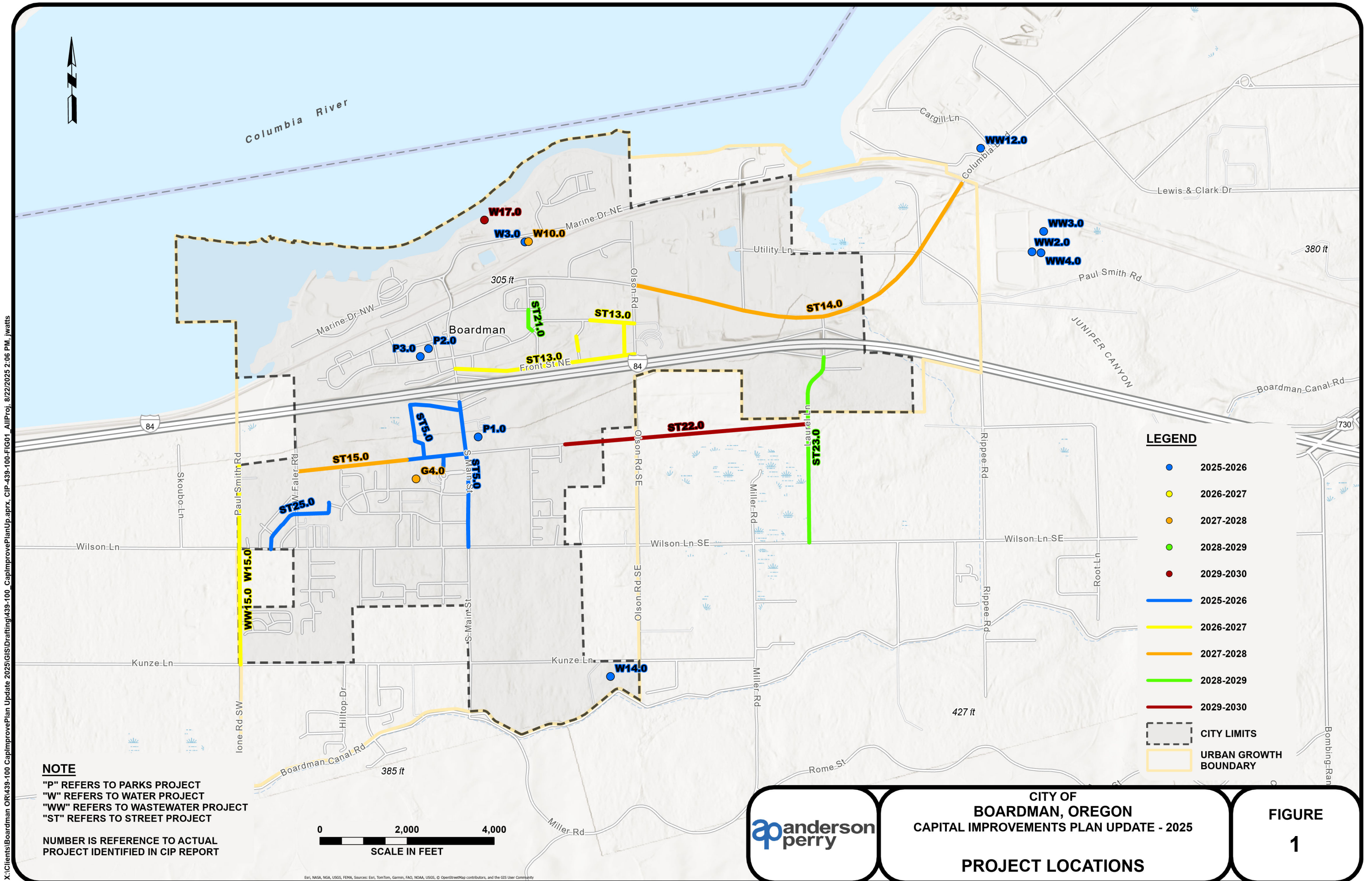
Project Overview

Projects across the City that entail infrastructure improvements for the Parks, Water, Wastewater, Street, and Community Development and Planning Department, as well as the General section, are identified in this CIP. The projects within these departments are identified on Figure 1, and the associated labels are referenced to project summaries included in each of the six department sections.

Additional projects within each of the six departments/sections that are currently prioritized outside of the five-year CIP window due to funding limitations or priority have been identified. These projects are included in the appendices for inclusion in future CIP updates.

Completed CIP projects within each of the six departments/sections are shown in the appendices for reference.

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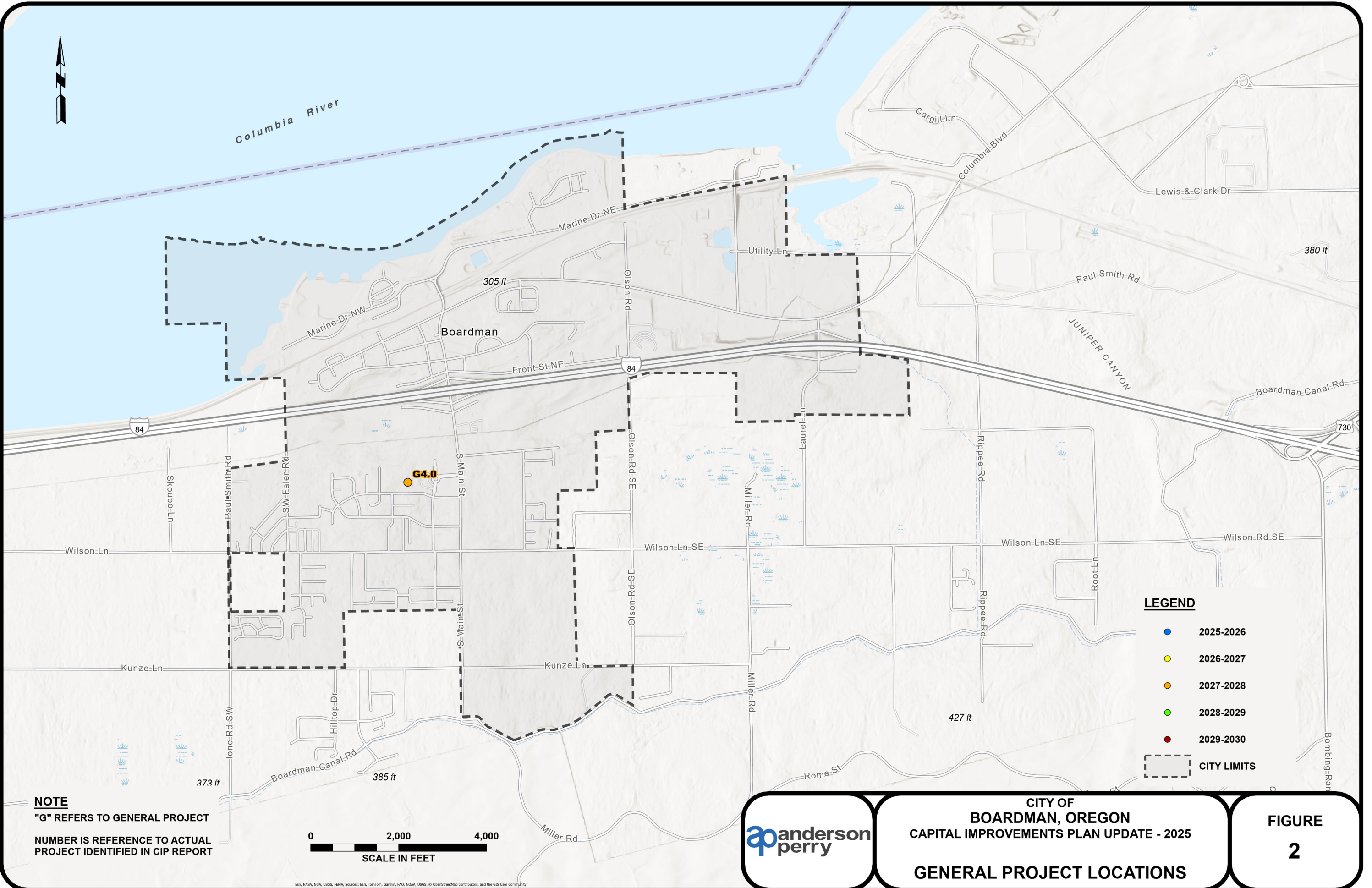
General

The City of Boardman, Oregon, has projects that need to be planned but will not be covered by the planning, water, wastewater, or street departments. The general fund covers these projects. Table 1 provides an overview of the proposed general projects, anticipated financial expenditures, and the proposed fiscal year of each improvement. Figure 2 shows the physical locations of the proposed general improvements projects throughout the City.

City of Boardman, Oregon
Capital Improvements Plan
Future Value - General Project Summary

Project No.	Project	FY 25-26	FY 26-27	FY 27-28	FY 28-29	FY 29-30
General Projects						
G 4.0	Police Station	\$ -	\$ -	\$ 15,000,000	\$ -	\$ -
General Total		\$ -	\$ -	\$ 15,000,000	\$ -	\$ -

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Project Number: G 4.0

Project Name: Police Station

Fund: General

Estimated Cost: \$15,000,000

Fiscal Year: 2027-28

Project Description:

Construct a new police station.

Project Justification:

The Police Department at City Hall has reached space capacity with current staffing levels. The City purchased 3 acres adjacent to City Hall where the new police station will be constructed. The new facility will be constructed to accommodate a municipal court in the future as Boardman is the largest city in Morrow County and continues to grow.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
G 4.0	General Fund	\$15,000,000	2027-28
Total		\$15,000,000	

Parks Department

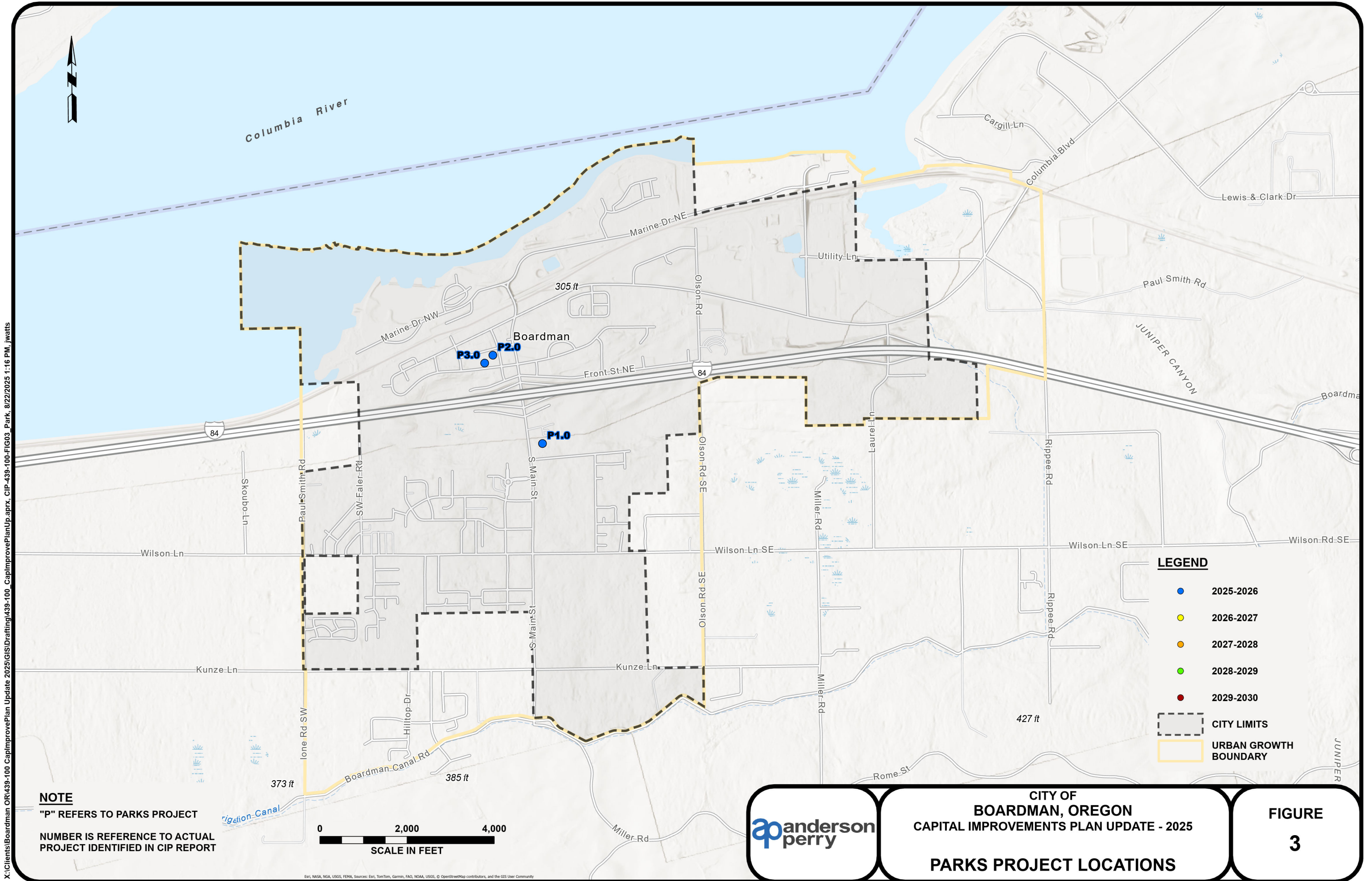
The City of Boardman is preparing to adopt its first Parks Master Plan (PMP) in fall 2025. The PMP will help the City inventory its current assets and identify community needs and priorities for future improvements. The PMP is expected to guide decisions around budgeting, staffing, and long-term planning for the Parks Department. It will serve as a useful tool for aligning future investments with the City's goals and the needs of its growing population.

Table 1 provides an overview of the current Parks Department projects, anticipated financial expenditures, and the proposed fiscal year of each improvement. The physical locations of the proposed parks improvements throughout the City are shown on Figure 2. The capital improvements list for the Parks Department provided herein is based on anticipated improvements that will be included in the PMP.

City of Boardman, Oregon
Capital Improvements Plan
Future Value - Parks Project Summary

Project No.	Project	FY 25-26	FY 26-27	FY 27-28	FY 28-29	FY 29-30
General Projects						
P 1.0	Oregon Trail Greenspace and Walking Path	\$ 400,000	\$ -	\$ -	\$ -	\$ -
P 2.0	Splash Pad	\$ 550,000	\$ -	\$ -	\$ -	\$ -
P 3.0	Park Improvements	\$ 150,000	\$ 750,000		\$ -	\$ -
Parks Total		\$ 1,100,000	\$ 750,000	\$ -	\$ -	\$ -

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Project Number: P 2.0

Project Name: Splash Pad

Fund: Parks

Estimated Cost: \$550,000

Fiscal Year: 2025-26

Project Description:

Build a splash pad at Boardman Park.

Project Justification:

A splash pad will provide a safe, accessible, and cost-effective recreational amenity that promotes outdoor activity, especially for young children and families. It will enhance community well-being, support public health through active play, serve as a gathering space during hot summer months, and is particularly important in areas with limited access to aquatic facilities.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
P 2.0	Parks	\$550,000	2025-26
Total		\$550,000	



Project Number: P 3.0

Project Name: Park Improvements

Fund: Parks

Estimated Cost: \$900,000

Fiscal Year: 2025-26, 2026-27

Project Description:

This project will include parking and sidewalk improvements to improve accessibility to the facility and address Americans with Disabilities Act (ADA) compliance.

Project Justification:

The current park configuration is limited on parking and lacks sidewalks for pedestrian and ADA accessibility.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
P 2.0	Parks	\$150,000	2025-26
P 2.0	Parks	\$750,000	2026-27
Total		\$900,000	

Community Development and Planning Department

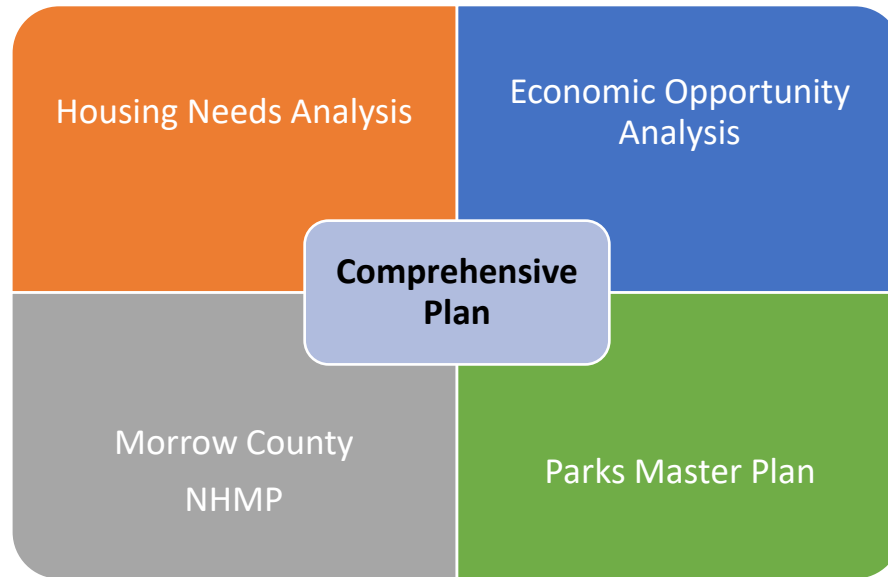
The City of Boardman's Community Development and Planning Department (CDPD) is responsible for assisting citizens and developers by applying the adopted City codes for proposed developments. The CDPD has identified the long-range planning work needed to update and upgrade the City of Boardman planning program.

Projects included in the Capital Improvements Plan are anticipated to be completed by subconsultants. Therefore, updates to planning documents that will be completed by the CDPD are not included.

Table 2 provides an overview of the proposed CDPD projects, anticipated financial expenditures, and the proposed fiscal year of each project.

**City of Boardman, Oregon
Capital Improvements Plan
Future Value - Community Development and Planning Project Summary**

Project No.	Project	FY 25-26	FY 26-27	FY 27-28	FY 28-29	FY 29-30
Planning Projects						
CD 1.0	Comprehensive Plan	\$ -	\$ -	\$ -	\$ -	\$ -
CD 1.1	Housing Needs Analysis	\$ -	\$ -	\$ 40,000	\$ -	\$ -
CD 4.0	Main Street Interchange Area Management Plan		\$ 37,500	\$ 37,500		
Planning Total		\$ -	\$ 37,500	\$ 77,500	\$ -	\$ -



Project Number: CD 1.0

Project Name: Comprehensive Plan

Fund: Planning

Estimated Cost: *

Fiscal Years: 2024-25 to 2026-27

Project Description:

The project will include updating the City's 2003 Comprehensive Plan, which includes, but is not limited to, a Housing Needs Analysis, Economic Opportunity Analysis, Morrow County Natural Hazards Mitigation Plan (NHMP), and a Parks Master Plan.

Project Justification:

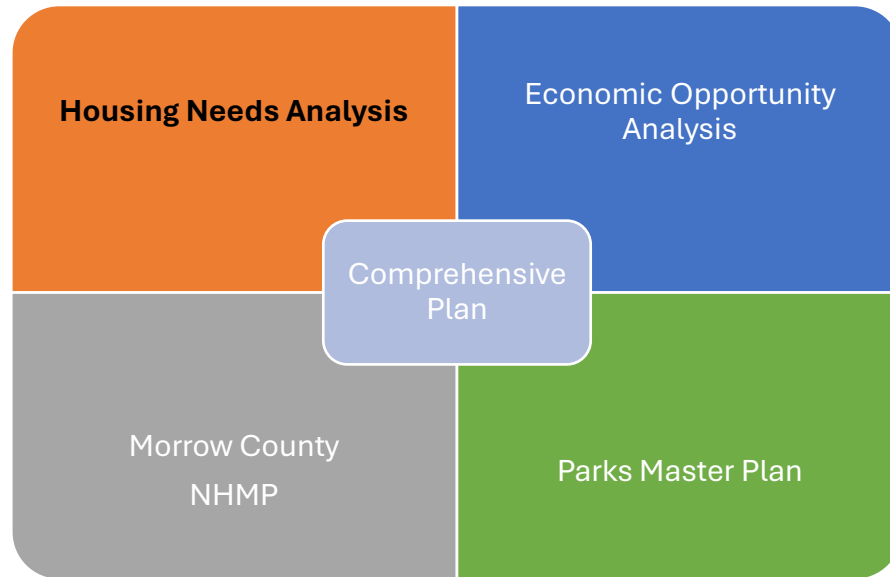
The Comprehensive Plan was adopted in 2003 with minimal amendments since. The Comprehensive Plan needs to be updated with a Housing Needs Analysis (Goal 10), Economic Opportunities Analysis (Goal 9), Morrow County Natural Hazards Mitigation Plan (Goal 7), and a Parks Master Plan (Goal 8). There may be other work identified to be completed prior to work on other sections of the Comprehensive Plan. The updates are needed to support urban growth boundary expansion, which is anticipated for residential and employment land needs.

The NHMP is an effort led by Morrow County at no cost to the City of Boardman. Due to the no cost impact to the City, it has not been included in the CIP.

*Costs included in projects CD 1.1 through CD 1.3.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Years
CD 1.0	Planning Fund	*	2024-25 to 2026-27
Total		See subsequent cost breakdown	



Project Number: CD 1.1

Project Name: Housing Needs Analysis

Fund: Planning

Estimated Cost: \$40,000

Fiscal Year: 2027-28

Project Description:

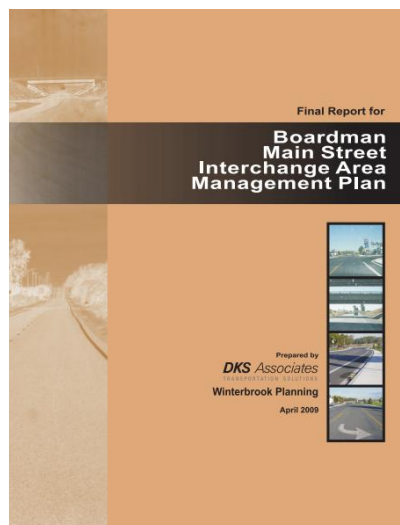
The project will include development of a Housing Needs Analysis.

Project Justification:

The Housing Needs Analysis (Goal 10) will inventory the City's buildable lands to help ensure there is enough zoned land to accommodate housing needs.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
CD 1.1	Planning Fund	\$20,000	2027-28
CD 1.1	Planning Fund	\$20,000	2027-28
Total		\$40,000	



Project Number: CD 4.0

Project Name: Main Street Interchange Area Management Plan

Fund: Street

Estimated Cost: \$75,000

Fiscal Year: 2026-27, 2027-28

Project Description:

Update the 2009 Main Street Interchange Area Management Plan (IAMP).

Project Justification:

The IAMP provides planning and improvements for the Main Street overpass.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
CD 4.0	Planning Fund	\$37,500	2026-27
CD 4.0	Planning Fund	\$37,500	2027-28
Total		\$75,000	

Water Department

The City of Boardman completed a Water System Master Plan (WSMP) in September 2015 that presents a detailed description and evaluation of the City's water system. In general, the City's water system consists of:

- Water Reservoirs 2
- Total Water Storage 1,300,000 gallons
- Miles of Pipe Approximately 17.5 miles
- Water Wells 3
- Booster Pump Stations 1

The City supplies water to residential, commercial, and industrial water users within its service area. The proposed projects in the Capital Improvements Plan may include "increased-capacity" projects, "replacement/ renewal" projects, and equipment upgrades. The proposed improvements have been programmed based on facility needs, the urgency of proposed upgrades, and anticipated funding availability.

Table 3 provides an overview of the proposed water system projects, anticipated financial expenditures, and the proposed fiscal year of each improvement. Figure 3 shows the physical locations of the proposed water system improvements throughout the City.

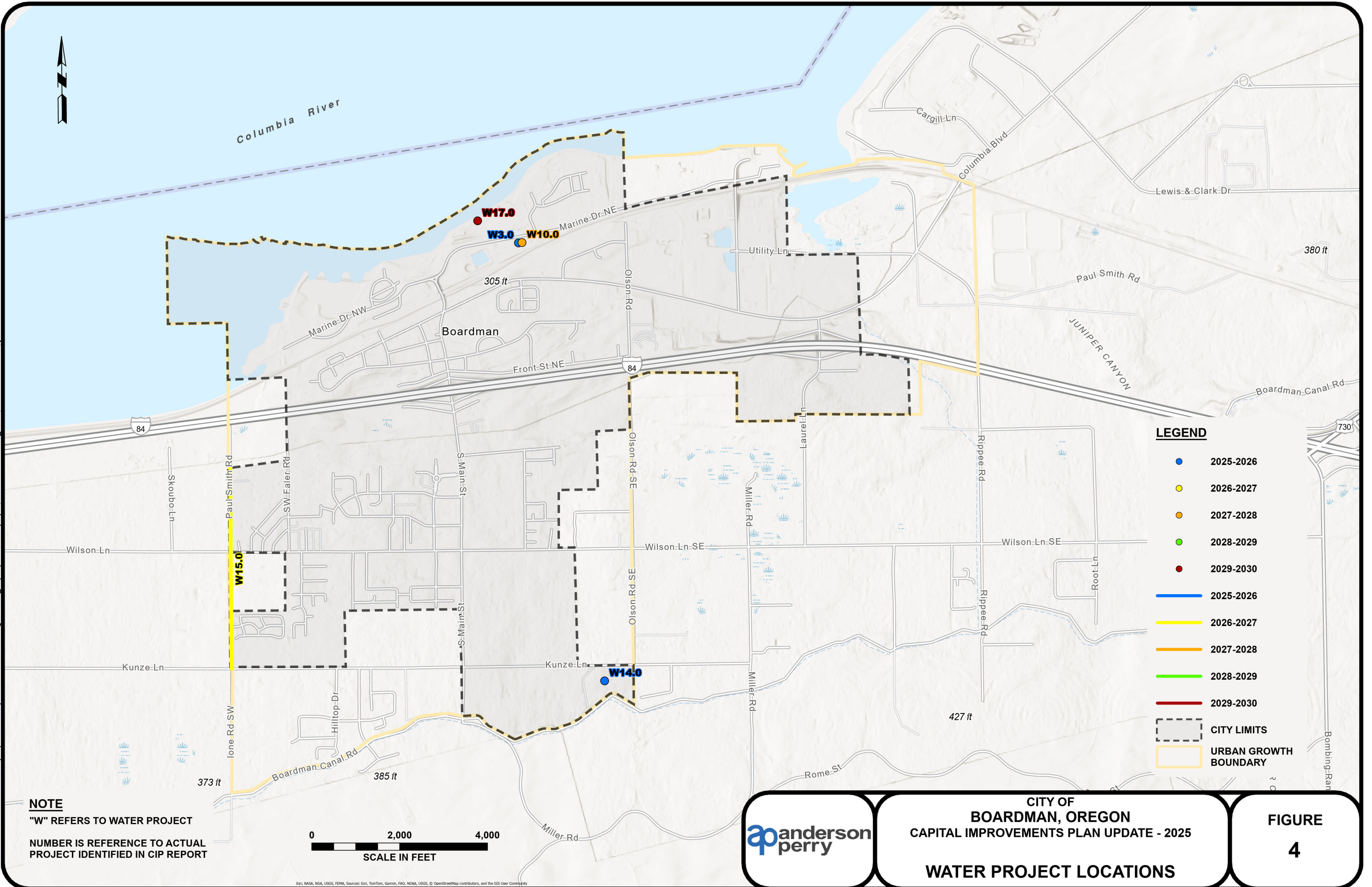
The capital improvements list for the Water Department provided herein is based on replacement/renewal/repair projects completed and the City's WSMP prepared in 2015. Projects within the Water Department include distribution system improvements, reservoir modifications/construction, and improvements planned to improve system reliability.

Refer to the City's WSMP for additional information and future projects beyond the CIP five-year outlook.

**City of Boardman, Oregon
Capital Improvements Plan
Future Value - Water Project Summary**

Project No.	Project	FY 25-26	FY 26-27	FY 27-28	FY 28-29	FY 29-30
Water Projects						
W 3.0	300,000-gallon Reservoir Recoating		\$ 410,000	\$ -	\$ -	\$ -
W 4.0	Water System Master Plan Update	\$ 80,000	\$ -	\$ -	\$ -	\$ -
W 8.0	Ten-yard Dump Truck	\$ -	\$ 12,000	\$ -	\$ -	\$ -
W 9.0	Water Management and Conservation Plan Update	\$ -	\$ 50,000	\$ -	\$ -	\$ -
W 10.0	Decommission Old Water Booster Pump Station	\$ -	\$ -	\$ 25,000	\$ -	\$ -
W 11.0	Backhoe	\$ -	\$ 20,100	\$ -	\$ -	\$ -
W 12.0	Rate Analysis	\$ 12,000	\$ -	\$ -	\$ -	\$ -
W 13.0	Public Works Standards Update	\$ 2,000	\$ -	\$ -	\$ -	\$ -
W 14.0	Kunze Well	\$ 1,000,000	\$ -	\$ -	\$ -	\$ -
W 15.0	Paul Smith Rd. Improvements	\$ -	\$ 500,000	\$ 500,000	\$ -	\$ -
W 16.0	Source Water Protection Plan	\$ 120,000	\$ -	\$ -	\$ -	\$ -
W 17.0	Collector Well No. 1 Improvements	\$ -	\$ -	\$ -	\$ -	\$ 3,000,000
Water Total		\$ 1,214,000	\$ 992,100	\$ 525,000	\$ -	\$ 3,000,000

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Eri, NASA, NOAA, USGS, FEMA, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



Project Number: W 3.0

Project Name: 300,000-gallon Reservoir Recoating

Fund: Water

Estimated Cost: \$410,000

Fiscal Year: 2026-27

Project Description:

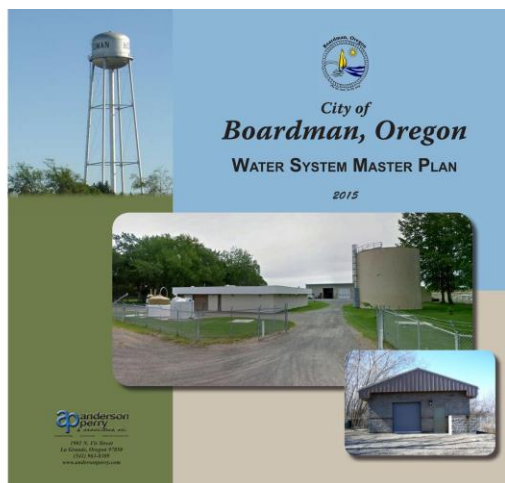
The project will include painting the welded steel reservoir interior and exterior surfaces. The reservoir will be drained and sandblasted to remove compromised coatings and rust. The reservoir will be coated with industry standard coatings and the cathodic protection system will be upgraded.

Project Justification:

The welded steel reservoir was constructed in 2001 with an inspection completed in approximately 2018. The inspection revealed coatings failure and rusting. Recoating of the welded steel reservoir and upgrading the cathodic protection system is needed to prolong the City's investments and are common practice considering the age of the reservoir.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 3.0	Water Fund	\$410,000	2026-27
Total		\$410,000	



Project Number: W 4.0

Project Name: Water System Master Plan Update

Fund: Water

Estimated Cost: \$80,000

Fiscal Year: 2025-26

Project Description:

Updating the City's current Water System Master Plan (WSMP) will include analyzing the City's water system and providing suggestions for improvements to increase, or meet, capacity and distribution requirements.

Project Justification:

The City's WSMP needs to be updated every ten years to maintain regulatory compliance. Since the WSMP was adopted in 2015, an update will be needed within the five-year scope of this Capital Improvements Plan. The WSMP will help the City identify areas of the water system that need improvements and help ensure the City will meet distribution and capacity needs for the future.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 4.0	Water Fund	\$80,000	2025-26
Total		\$80,000	



Project Number: W 8.0, WW 9.0, ST 12.0

Project Name: Ten-yard Dump Truck

Fund: Water, Wastewater, Street

Estimated Cost: \$12,000

Fiscal Year: 2026-27

Project Description:

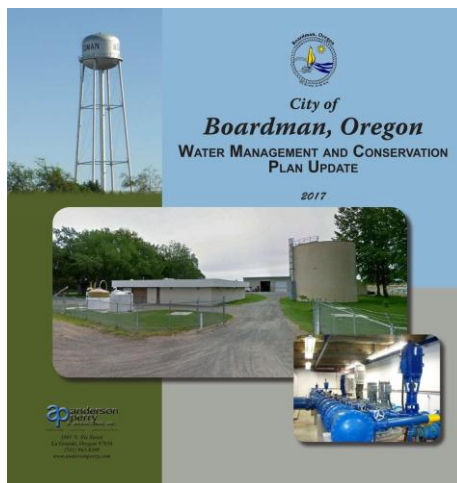
Purchase a ten-yard dump truck for Public Works use.

Project Justification:

Public Works needs a ten-yard dump truck to be more efficient in daily operations.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 8.0	Water Fund	\$12,000	2026-27
WW 9.0	Wastewater Fund	\$8,000	2026-27
ST 12.0	Street Fund	\$20,000	2026-27
Total		\$40,000	



Project Number: W 9.0

Project Name: Water Management and Conservation Plan Update

Fund: Water

Estimated Cost: \$50,000

Fiscal Year: 2026-27

Project Description:

Updating the City's current Water Management and Conservation Plan (WMCP) will require analyzing the City's water system. After an analysis is finished, the WMCP will discuss how the City is managing and conserving water as well as permit requirements.

Project Justification:

The City's WMCP is required to be updated every ten years to maintain regulatory compliance. Since the last update to the WMCP was in 2017, an update will be needed within the five-year scope of this Capital Improvements Plan. The WMCP will help the City identify areas of the water system that need improvements. This will help the City meet distribution and capacity needs for the future.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 9.0	Water Fund	\$50,000	2026-27
Total		\$50,000	



Project Number: W 10.0

Project Name: Decommission Old Water Booster Pump Station

Fund: Water

Estimated Cost: \$25,000

Fiscal Year: 2027-28

Project Description:

Decommission the old water booster pump station.

Project Justification:

After construction of the new water booster pump station, the City's old booster pump station is redundant. The building structure and equipment enclosed is past its service life, and it is not feasible or reasonable to restore a redundant booster pump station.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 10.0	Water Fund	\$25,000	2027-28
Total		\$25,000	



Project Number: W 11.0, WW 11.0, ST 18.0

Project Name: Backhoe

Fund: Water, Wastewater, Street

Estimated Cost: \$20,100

Fiscal Year: 2026-27

Project Description:

Purchase a backhoe for public works use

Project Justification:

Public Works needs a backhoe to be more efficient in daily operations.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 11.0	Water Fund	\$20,100	2026-27
WW 11.0	Wastewater Fund	\$13,400	2026-27
ST 18.0	Street Fund	\$33,500	2026-27
Total		\$67,000	



Project Number: W 12.0, WW 13.0

Project Name: Rate Analysis

Fund: Water, Wastewater

Estimated Cost: \$12,000

Fiscal Year: 2025-26

Project Description:

Provide a financial analysis and evaluation of the City's existing water and wastewater systems to ensure near- and long-term sustainable operations

Project Justification:

A rate analysis for the City would provide a clear understanding of how to budget effectively and allocate resources efficiently, ensuring that funds are used wisely to maintain and improve the City's water and wastewater systems.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 12.0	Water Fund	\$12,000	2025-26
WW 13.0	Wastewater Fund	\$13,000	2025-26
Total		\$25,000	



Project Number:	W 13.0, WW 14.0, ST 20.0
Project Name:	Public Works Standards Update
Fund:	Water, Wastewater, Street
Estimated Cost:	\$2,000
Fiscal Year:	2025-26

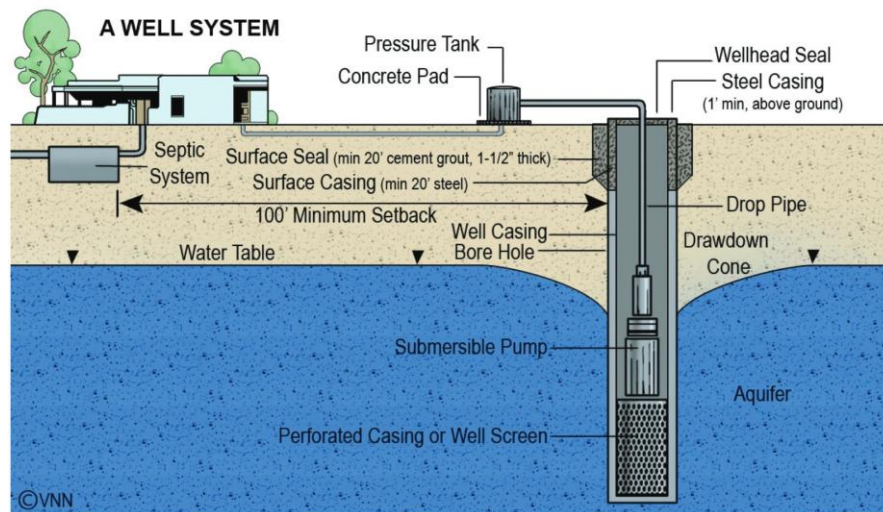
Project Description:

Update the City's existing public works standard drawings and technical specifications.

Project Justification:

The City's existing public works standards need to be updated to ensure specifications for current regulations are up to date. Additional standards will be added or updated to provide uniformity for utilities, roads, structures, and other required elements for developers.

Funding Data:			
Project No.	Fund Name	Amount	Fiscal Year
W 13.0	Water Fund	\$2,000	2025-26
WW 14.0	Wastewater Fund	\$3,000	2025-26
ST 20.0	Street Fund	\$5,000	2025-26
Total		\$10,000	



Project Number: W 14.0

Project Name: Kunze Well

Fund: Water

Estimated Cost: \$1,000,000

Fiscal Year: 2025-26

Project Description:

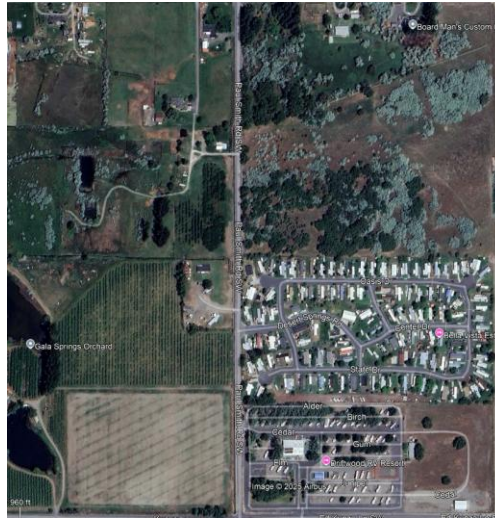
Decommission existing water well and construct a new well for the City's backup water supply. The existing water right will be transferred from the existing well to the new well.

Project Justification:

The City's existing groundwater well has not been used because the water is non-aesthetically pleasing due to hydrogen sulfide odors. Constructing a new well will provide a redundant drinking water source and allow the City to better serve areas in the southern parts of Boardman.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 14.0	Water Fund	\$1,000,000	2025-26
Total		\$1,000,000	



Project Number:	W 15.0, WW 15.0
Project Name:	Paul Smith Road Improvements
Fund:	Water, Wastewater
Estimated Cost:	\$1,000,000
Fiscal Year:	2026-27, 2027-28

Project Description:

This project is a collaboration between Morrow County, the West Extension Irrigation District (WEID), and the City. WEID is relocating and piping the irrigation canal, and the City intends to install water and sewer infrastructure during WEID's construction. The County will resurface the road once all infrastructure is installed.

Project Justification:

The City should use this opportunity to install infrastructure in a road that will be resurfaced, reducing the overall construction cost.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 15.0	Water Fund	\$1,000,000	2026-27, 2027-28
WW 15.0	Wastewater Fund	\$1,000,000	2026-27, 2027-28
Total		\$2,000,000	

Water Sources



Project Number: W 16.0

Project Name: Source Water Protection Plan

Fund: Water

Estimated Cost: \$120,000

Fiscal Year: 2025-26

Project Description:

Provide a Source Water Protection Plan that addresses the following elements associated with the City's drinking water system: identify potential risks, prioritize those risks, identify strategies for addressing risks, develop an implementation plan and a contingency plan, as well as consider future water sources.

Project Justification:

Strategic and proactive protection and management of surface and groundwater sources are essential to ensuring a sustainable drinking water source for the community.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 16.0	Water Fund	\$120,000	2025-26
Total		\$120,000	



Project Number: W 17.0

Project Name: Collector Well No. 1 Improvements

Fund: Water

Estimated Cost: \$3,000,000

Fiscal Year: 2029-30

Project Description:

The project will include removing the old drywell and pumps. A new building will be constructed that includes new pumps, power service, electrical equipment, and backup generator.

Project Justification:

The Collector Well No. 1 pumps are installed in a subsurface drywell that requires confined space entry and makes operation and maintenance difficult. Pumps and electrical equipment have surpassed their design life and need to be replaced.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 17.0	Water Fund	\$3,000,000	2029-30
Total		\$3,000,000	

Wastewater Department

The City of Boardman completed a Wastewater Facilities Plan (WWFP) in 2021 that presents a detailed description and evaluation of the City's wastewater system. In general, the City's wastewater system consists of:

- | | |
|----------------------------------|--|
| • Miles of Pipe | Approximately 28 |
| • Manhole Structures | Approximately 417 |
| • Cleanouts | 30 |
| • Recycled Water Discharge Point | The City's land application site (Circle 52) |
| • Sanitary Lift Stations | Seven |

The proposed projects included in the Capital Improvements Plan are based on "increased-capacity" projects where upgrades are required to accommodate growth and "replacement" projects for collection system components that have deteriorated past the reasonable point of repair. When upgrading a system component, the project is sized to accommodate growth, reduce infiltration and inflow of stormwater and groundwater into the system, and to repair identified deficiencies in older collection system components.

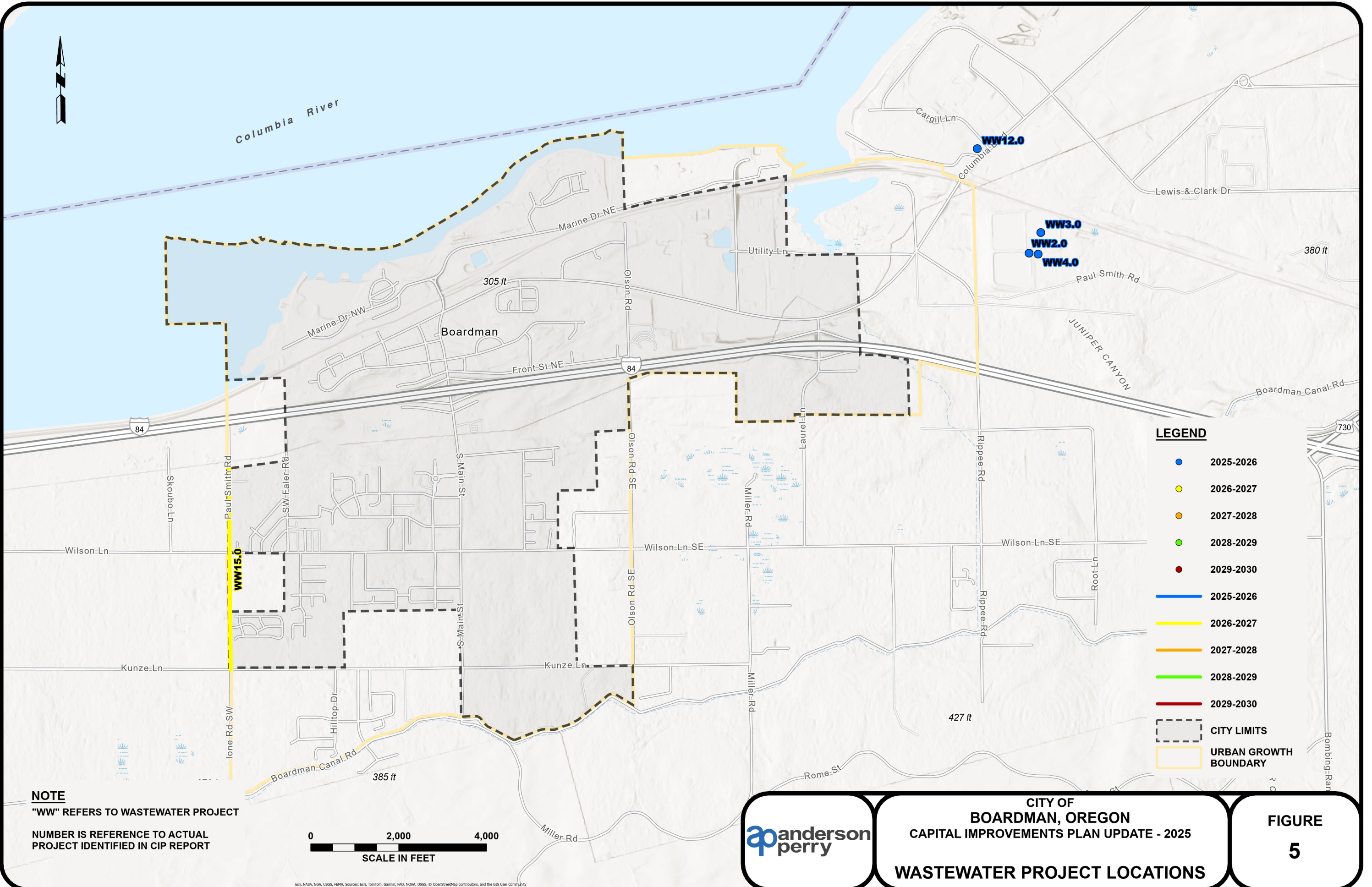
Table 4 provides an overview of the proposed sewer system projects, anticipated financial expenditures, and the proposed fiscal year of each improvement. Figure 4 provides maps showing the physical locations of the proposed sewer system improvements throughout the City.

Refer to the City's WWFP for additional information and future projects beyond the CIP five-year outlook.

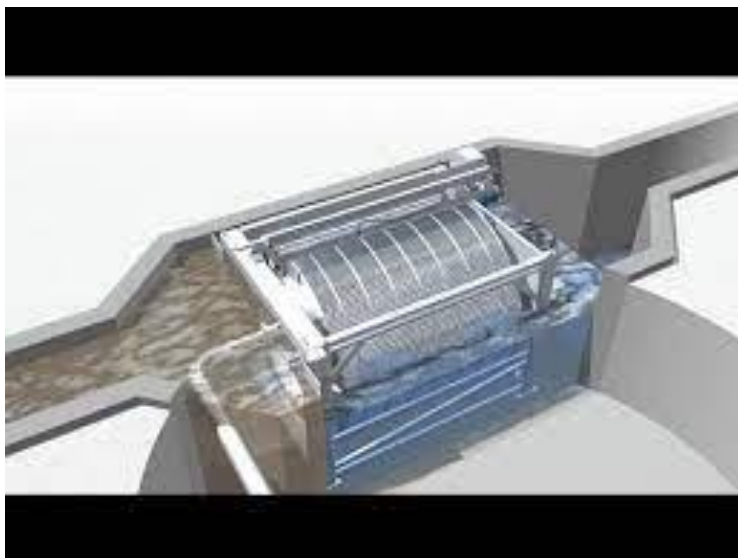
**City of Boardman, Oregon
Capital Improvements Plan
Future Value - Wastewater Project Summary**

Project No.	Project	FY 25-26	FY 26-27	FY 27-28	FY 28-29	FY 29-30
Wastewater Projects						
WW 2.0	Headworks Screen and Septage Receiving Station	\$ 1,120,000	\$ -	\$ -	\$ -	\$ -
WW 3.0	Lagoon 1 Biosolids Removal	\$ 1,310,000	\$ -	\$ -	\$ -	\$ -
WW 4.0	Replace On-Site Sodium Hypochlorite System	\$ 380,000	\$ -	\$ -	\$ -	\$ -
WW 5.0	Collection System Study	\$ 80,000	\$ -	\$ -	\$ -	\$ -
WW 9.0	Ten-yard Dump Truck	\$ -	\$ 8,000	\$ -	\$ -	\$ -
WW 11.0	Backhoe	\$ -	\$ 13,400	\$ -	\$ -	\$ -
WW 12.0	East Beach Flowmeter	\$ 30,000	\$ -	\$ -	\$ -	\$ -
WW 13.0	Rate Analysis	\$ 13,000	\$ -	\$ -	\$ -	\$ -
WW 14.0	Public Works Standards Update	\$ 3,000	\$ -	\$ -	\$ -	\$ -
WW 15.0	Paul Smith Rd. Improvements	\$ -	\$ 500,000	\$ 500,000	\$ -	\$ -
Wastewater Total		\$2,936,000	\$ 521,400	\$ 500,000	\$ -	\$ -

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Esri, NASA, NOAA, USGS, FEMA, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



Project Number: WW 2.0

Project Name: Headworks Screen and Septage Receiving Station

Fund: Wastewater

Estimated Cost: \$1,120,000

Fiscal Year: 2025-26

Project Description:

Construct a new headworks and septage receiving station.

Project Justification:

The City's lagoon system operates without a headworks screen allowing garbage to accumulate in the lagoon system. The project will involve installation of a new headworks screen to help remove garbage from wastewater influent and the installation of a septage receiving station to accept hauled waste.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
WW 2.0	Wastewater Fund	\$1,120,000	2025-26
Total		\$1,120,000	



Project Number: WW 3.0

Project Name: Lagoon 1 Biosolids Removal

Fund: Wastewater

Estimated Cost: \$1,310,000

Fiscal Year: 2025-26

Project Description:

The project will include draining Lagoon 1 at the wastewater treatment facility (WWTF). After the lagoon is drained, the biosolids will take approximately one to two years to dry. Once the biosolids have dried, work can begin to remove the biosolids, which will restore Lagoon 1 to its original depth. Since the WWTF does not currently have a headworks screen, the biosolids removed will contain inorganics and will need to be disposed of at the landfill.

Project Justification:

Increasing the depth of Lagoon 1 via biosolids removal will increase the overall capacity of the City's WWTF. Increasing the capacity of the WWTF will allow the City to accept more wastewater as the City grows. By removing biosolids from Lagoon 1, the overall efficiency of the WWTF will be improved, ensuring the City has reliable wastewater treatment for years to come.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
WW 3.0	Wastewater Fund	\$1,310,000	2025-26
Total		\$1,310,000	



Project Number: WW 4.0

Project Name: Replace On-Site Sodium Hypochlorite System

Fund: Wastewater

Estimated Cost: \$380,000

Fiscal Year: 2025-26

Project Description:

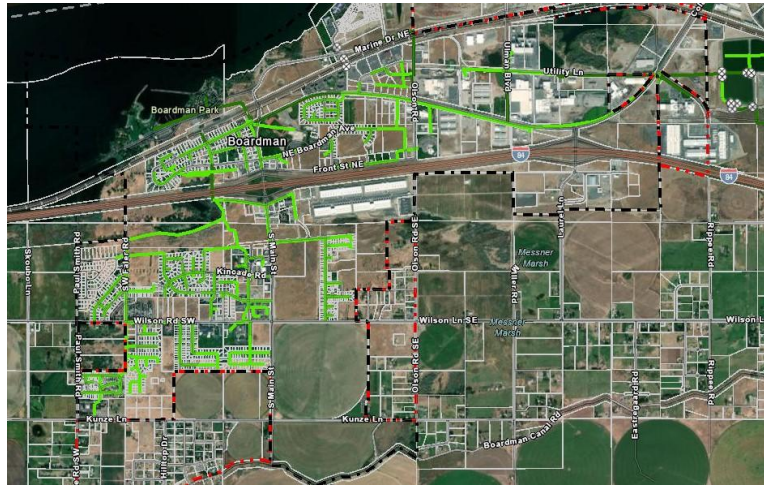
Replace the on-site sodium hypochlorite system.

Project Justification:

The existing on-site sodium hypochlorite system used for disinfecting recycled water land applied at Circle 52 has surpassed its service life and needs replaced.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
WW 4.0	Wastewater Fund	\$380,000	2025-26
Total		\$380,000	



Project Number: WW 5.0

Project Name: Collection System Study

Fund: Wastewater

Estimated Cost: \$80,000

Fiscal Year: 2025-26

Project Description:

Develop a wastewater Collection System Study.

Project Justification:

The Collection System Study will be developed for a 20-year planning period and will include design criteria and service goals for the planning period, identifying present and anticipated future system deficiencies, and evaluating future wastewater collection system needs. A system improvements implementation program will be developed to be incorporated in the Capital Improvements Plan.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
WW 5.0	Wastewater Fund	\$80,000	2025-26
Total		\$80,000	



Project Number: W 8.0, WW 9.0, ST 12.0

Project Name: Ten-yard Dump Truck

Fund: Water, Wastewater, Street

Estimated Cost: \$8,000

Fiscal Year: 2026-27

Project Description:

Purchase a ten-yard dump truck for Public Works use.

Project Justification:

Public Works needs a ten-yard dump truck to be more efficient in daily operations.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 8.0	Water Fund	\$12,000	2026-27
WW 9.0	Wastewater Fund	\$8,000	2026-27
ST 12.0	Street Fund	\$20,000	2026-27
Total		\$40,000	



Project Number: W 11.0, WW 11.0, ST 18.0

Project Name: Backhoe

Fund: Water, Wastewater, Street

Estimated Cost: \$13,400

Fiscal Year: 2026-27

Project Description:

Purchase a backhoe for Public Works use.

Project Justification:

Public Works needs a backhoe to be more efficient in daily operations.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 11.0	Water Fund	\$20,100	2026-27
WW 11.0	Wastewater Fund	\$13,400	2026-27
ST 18.0	Street Fund	\$33,500	2026-27
Total		\$67,000	



Project Number: WW 12.0

Project Name: East Beach Flowmeter

Fund: Wastewater

Estimated Cost: \$30,000

Fiscal Year: 2025-26

Project Description:

Replace flowmeter and connect to the City's supervisory control and data acquisition (SCADA) system.

Project Justification:

The existing flowmeter is aging and is currently unconnected from the City's SCADA system. Replacing the flowmeter and connecting it to the SCADA system will help the City track flows more accurately and efficiently.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
WW 12.0	Wastewater Fund	\$30,000	2025-26
Total		\$30,000	



Project Number: W 12.0, WW 13.0

Project Name: Rate Analysis

Fund: Water, Wastewater

Estimated Cost: \$13,000

Fiscal Year: 2025-26

Project Description:

Provide a financial analysis and evaluation of the City's existing water and wastewater systems to ensure near- and long-term sustainable operations

Project Justification:

A rate analysis for the City would clarify how to budget effectively and allocate resources efficiently, ensuring that funds are used wisely to maintain and improve the City's water and wastewater systems.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 12.0	Water Fund	\$12,000	2025-26
WW 13.0	Wastewater Fund	\$13,000	2025-26
Total		\$25,000	



Project Number: W 13.0, WW 14.0, ST 20.0

Project Name: Public Works Standards Update

Fund: Water, Wastewater, Street

Estimated Cost: \$3,000

Fiscal Year: 2025-26

Project Description:

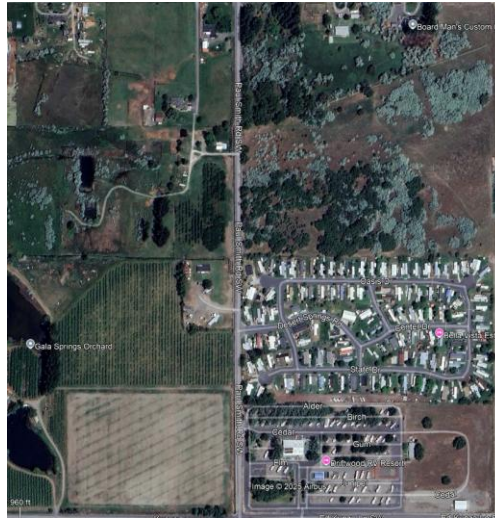
Update the City's existing public works standard drawings and technical specifications.

Project Justification:

The City's existing public works standards need to be updated to ensure specifications for current regulations are up to date. Additional standards will be added or updated to provide uniformity for utilities, roads, structures, and other required elements for developers.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 13.0	Water Fund	\$2,000	2025-26
WW 14.0	Wastewater Fund	\$3,000	2025-26
ST 20.0	Street Fund	\$5,000	2025-26
Total		\$10,000	



Project Number: W 15.0, WW 15.0

Project Name: Paul Smith Road Improvements

Fund: Water, Wastewater

Estimated Cost: \$1,000,000

Fiscal Year: 2026-27, 2027-28

Project Description:

This project is a collaboration between Morrow County, the West Extension Irrigation District (WEID), and the City. WEID is relocating and piping the irrigation canal, and the City intends to install water and sewer infrastructure during WEID's construction. The County will resurface the road once all infrastructure is installed.

Project Justification:

The City should use this opportunity to install infrastructure in a road that will be resurfaced, reducing the overall construction cost.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 15.0	Water Fund	\$1,000,000	2026-27, 2027-28
WW 15.0	Wastewater Fund	\$1,000,000	2026-27, 2027-28
Total		\$2,000,000	

Street Department

The capital improvements list for the City of Boardman Street Department is based on knowledge of the system provided by the Street Department staff. In general, the City's street system consists of:

- Roadway Centerline Miles Approximately 19
- Traffic Signals 0

The Capital Improvements Plan projects identified by the Street Department include street rehabilitation, street beautification, street widening, intersection safety improvements, pedestrian improvements, and new streets.

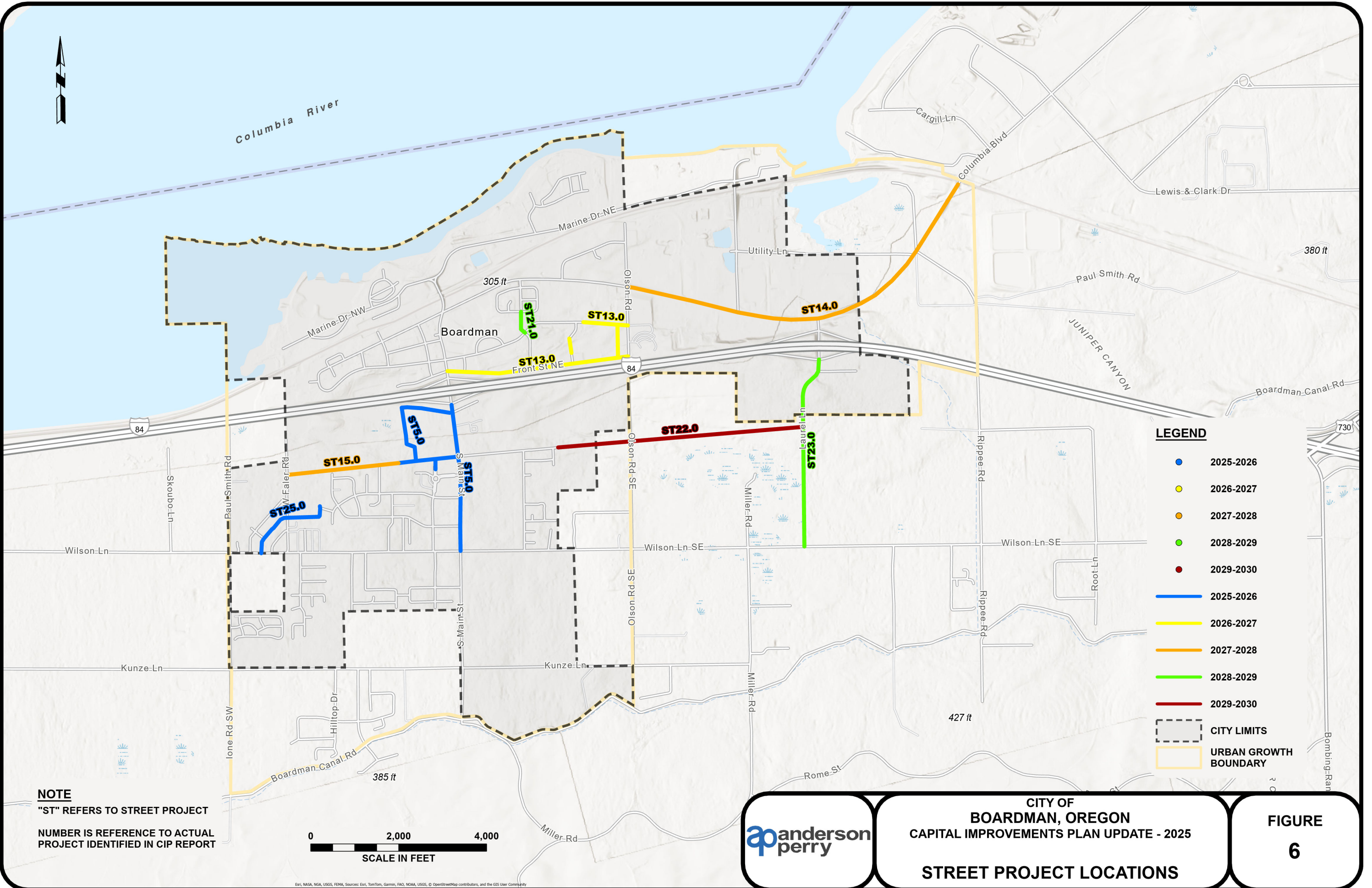
Table 5 provides an overview of the proposed street system projects, anticipated financial expenditures, and the proposed fiscal year of each improvement. Figure 5 shows the physical locations of the proposed system improvements throughout the City.

Refer to the City's Transportation System Plan for additional information and future projects beyond the CIP five-year outlook.

City of Boardman, Oregon
Capital Improvements Plan
Future Value - Street Project Summary

Project No.	Project	FY 25-26	FY 26-27	FY 27-28	FY 28-29	FY 29-30
Street Projects						
ST 5.0	S. Main Street and S.W. Loop Rd Improvements	\$ 5,000,000	\$ -	\$ -	\$ -	\$ -
ST 12.0	Ten-yard Dump Truck	\$ -	\$ 20,000	\$ -	\$ -	\$ -
ST 13.0	N.E. Front Street Improvements	\$ -	\$ 5,500,000	\$ -	\$ -	\$ -
ST 14.0	N.E. Columbia Avenue: Olson Road to Union Pacific Railroad Overpass	\$ -	\$ -	\$ 3,900,000	\$ -	\$ -
ST 15.0	Oregon Trail Boulevard to Faler Road S.W. Street Improvements	\$ -	\$ -	\$ 3,000,000	\$ -	\$ -
ST 18.0	Backhoe	\$ -	\$ 33,500	\$ -	\$ -	\$ -
ST 20.0	Public Works Standards Update	\$ 5,000	\$ -	\$ -	\$ -	\$ -
ST 21.0	2nd Avenue NE Improvements	\$ -	\$ -	\$ -	\$ 500,000	\$ -
ST 22.0	Oregon Trail Boulevard to Laurel Lane	\$ -	\$ -	\$ -	\$ -	\$ 7,300,000
ST 23.0	Laurel Lane Improvements	\$ -	\$ -	\$ -	\$ 2,500,000	\$ -
ST 24.0	Street Maintenance	\$ 2,000,000	\$ -	\$ -	\$ -	\$ -
ST 25.0	Mt. Hood Sidewalk Improvements	\$ 210,000	\$ -	\$ -	\$ -	\$ -
ST 26.0	Stormwater Improvements	\$ 600,000	\$ -	\$ -	\$ -	\$ -
Street Total		\$ 7,815,000	\$ 5,553,500	\$ 6,900,000	\$ 3,000,000	\$ 7,300,000

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Project Number: ST 5.0

Project Name: S. Main Street and S.W. Loop Road Improvements

Fund: Street

Estimated Cost: \$5,000,000

Fiscal Year: 2025-26

Project Description:

The project will include a complete road reconstruction along S. Main Street from Interstate 84 to Wilson Lane, include demolition of the existing asphalt concrete road surface, concrete curbs, and asphalt concrete pedestrian path. After the demolition of existing surfaces and structures, construction of a new asphalt concrete road surface, curb and gutter, Americans with Disabilities Act curb ramps, center concrete median, and concrete sidewalk will be accomplished. Additionally, decorative streetlights will be installed, and storm drainage improvements will be made.

Project Justification:

This road is identified in the City's Main Street Downtown Development Plan as the main north-south arterial for the City and is considered the "downtown" portion of the City. Improvements to this road will ensure future traffic and pedestrian demands will be met and will accommodate future development of the area.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
ST 5.0	Street Fund	\$5,000,000	2025-26
Total		\$5,000,000	



Project Number: W 8.0, WW 9.0, ST 12.0

Project Name: Ten-yard Dump Truck

Fund: Water, Wastewater, Street

Estimated Cost: \$20,000

Fiscal Year: 2026-27

Project Description:

Purchase a ten-yard dump truck for Public Works use.

Project Justification:

Public Works needs a ten-yard dump truck to be more efficient in daily operations.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 8.0	Water Fund	\$12,000	2026-27
WW 9.0	Wastewater Fund	\$8,000	2026-27
ST 12.0	Street Fund	\$20,000	2026-27
Total		\$40,000	



Project Number: ST 13.0

Project Name: N.E. Front Street Improvements

Fund: Street

Estimated Cost: \$5,500,000

Fiscal Year: 2026-27

Project Description:

The project will include the reconstruction of N.E. Front Street from N. Main Street to Olson Road, as well as extensions of N.E. 3rd Street, N.E. 4th Street, and Boardman Avenue N.E. The project consists of reconstructing/constructing asphalt concrete surfaces, curb and gutter, concrete sidewalk, and Americans with Disabilities Act (ADA) curb ramps. The project also includes storm drainage improvements and new street lighting. ADA curb ramps will be developed to meet current ADA standards. All other aspects of the project will be constructed according to City standards.

Project Justification:

N.E. Front Street needs to be reconstructed due to the road's poor condition. This road has areas of instability with poor ride quality; extensive transverse, longitudinal, and alligator cracking with trench settlement and/or potholes; drainage problems; and obvious evidence of structural deficiencies. Reconstruction of this road will ensure the roadway is functional for the community and area. Along with ADA curb ramps, sidewalk improvements will benefit the public by allowing greater mobility to the area for future development.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
ST 13.0	Street Fund	\$5,500,000	2026-27
Total		\$5,500,000	



Project Number: ST 14.0

Project Name: N.E. Columbia Avenue: Olson Road to Union Pacific Railroad Overpass Overlay

Fund: Street

Estimated Cost: \$3,900,000

Fiscal Year: 2027-28

Project Description:

The project will consist of an overlay for the entire length of N.E. Columbia Avenue, ranging from Olson Road to the Union Pacific Railroad overpass to the northeast. The project includes removing cold plane pavement, adjusting utility covers and valve boxes to grade, and permanent pavement markings and striping.

Project Justification:

The condition of this stretch of road has been rated as fair quality and contains cracking, deformations, drainage problems, and structural deficiencies. Generally, this road provides a stable, fair ride, but improvements will ensure a safe and comfortable road for all to use. Improvements will also ensure that this stretch of road will be functional for use for the foreseeable future.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
ST 14.0	Street Fund	\$3,900,000	2027-28
Total		\$3,900,000	



Project Number: ST 15.0

Project Name: Oregon Trail Boulevard to Faler Road S.W. Street Improvements

Fund: Street

Estimated Cost: \$3,000,000

Fiscal Year: 2027-28

Project Description:

The project will be an extension of approximately 2,800 feet of Oregon Trail Boulevard to the west following the completion of the extension of Oregon Trail Boulevard to S.W. 1st Street. The project will include curb and gutter, concrete sidewalk, Americans with Disabilities Act (ADA) curb ramps, storm drainage systems, and street lighting. ADA curb ramps will be developed to meet current ADA standards. All aspects of the project will be constructed according to City standards.

Project Justification:

Extending Oregon Trail Boulevard is identified in the City's 2009 Main Street Interchange Area Management Plan. Extending this road can strengthen east-west as well as north-south connectivity. This section of road will also provide access to future development in the area. This section of Oregon Trail Boulevard will be constructed using private development funds.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
ST 15.0	Street Fund	\$3,000,000	2027-28
Total		\$3,000,000	



Project Number:	W 11.0, WW 11.0, ST 18.0
Project Name:	Backhoe
Fund:	Water, Wastewater, Street
Estimated Cost:	\$33,500
Fiscal Year:	2026-27

Project Description:

Purchase a backhoe for Public Works use.

Project Justification:

Public Works needs a backhoe to be more efficient in daily operations.

Funding Data:			
Project No.	Fund Name	Amount	Fiscal Year
W 11.0	Water Fund	\$20,100	2026-27
WW 11.0	Wastewater Fund	\$13,400	2026-27
ST 18.0	Street Fund	\$33,500	2026-27
Total		\$67,000	



Project Number: W 13.0, WW 14.0, ST 20.0

Project Name: Public Works Standards Update

Fund: Water, Wastewater, Street

Estimated Cost: \$5,000

Fiscal Year: 2025-26

Project Description:

Update the City's existing public works standard drawings and technical specifications.

Project Justification:

The City's existing public works standards need to be updated to ensure specifications for current regulations are up to date. Additional standards will be added or updated to provide uniformity for utilities, roads, structures, and other required elements for developers.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 13.0	Water Fund	\$2,000	2025-26
WW 14.0	Wastewater Fund	\$3,000	2025-26
ST 20.0	Street Fund	\$5,000	2025-26
Total		\$10,000	



Project Number: ST 21.0

Project Name: 2nd Avenue N.E. Improvements

Fund: Street

Estimated Cost: \$500,000

Fiscal Year: 2028-29

Project Description:

Improvements for this project include a new stretch of roadway between 2nd Avenue N.E. and Columbia Avenue N.E. This new roadway will include new sewer line and will require right-of-way acquisition.

Project Justification:

This new roadway will improve vehicular and pedestrian access to Riverside High School and existing subdivisions, as well as promote development of the adjacent properties.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
ST 21.0	Street Fund	\$500,000	2028-29
Total		\$500,000	



Project Number: ST 22.0

Project Name: Oregon Trail Boulevard to Laurel Lane

Fund: Street

Estimated Cost: \$7,300,000

Fiscal Year: 2029-30

Project Description:

This project will include connecting Oregon Trail Boulevard to Laurel Lane. The new connection will include new roadway, curb and gutter, sidewalk, street lighting, storm drainage, and water lines.

Project Justification:

The City's Transportation System Plan identifies Oregon Trail Boulevard as an arterial. Improving this arterial will improve access to existing residential areas and will improve traffic flows in adjacent local streets.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
ST 22.0	Street Fund	\$7,300,000	2029-30
Total		\$7,300,000	



Project Number: ST 23.0

Project Name: Laurel Lane Improvements

Fund: Street

Estimated Cost: \$2,500,000

Fiscal Year: 2028-29

Project Description:

This project is a collaboration with Morrow County to realign Laurel Lane to improve site distance, local road access, and interchange traffic flow in accordance with the Transportation System Plan.

Project Justification:

This project is identified in the Transportation System Plan.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
ST 23.0	Street Fund	\$2,500,000	2028-29
Total		\$2,500,000	



Project Number: ST 24.0

Project Name: Street Maintenance

Fund: Street

Estimated Cost: \$2,000,000

Fiscal Year: 2025-26

Project Description:

Construct roadway improvements and pavement preservation on portions of Wilson Lane, Kinkade Road, Willow Fork Drive S.W., Boardman Avenue N.E., Oregon Trail Boulevard, and Anderson Road. The project will consist of pavement crack sealing, chip seal, and/or asphalt concrete pavement grind and inlay.

Project Justification:

Maintenance is vital for the longevity of the City's roads and provides safe travel for vehicles.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
ST 24.0	Street Fund	\$2,000,000	2025-26
Total		\$2,000,000	



Project Number: ST 25.0

Project Name: Mt. Hood Sidewalk Improvements

Fund: Street

Estimated Cost: \$210,000

Fiscal Year: 2025-26

Project Description:

Construct sidewalks in the existing residential area.

Project Justification:

Constructing sidewalks will help improve pedestrian access and safety.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
ST 25.0	Street Fund	\$210,000	2025-26
Total		\$210,000	



Project Number: ST 26.0

Project Name: Stormwater Improvements

Fund: Street

Estimated Cost: \$600,000

Fiscal Year: 2025-26

Project Description:

The City intends to construct stormwater improvements on sections of Juniper Drive S.W., Anderson Road, and Eagle Drive S.W. The improvements will consist of the installation of new drywells.

Project Justification:

The existing stormwater infrastructure in these sections have insufficient capacity during storm events.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
ST 26.0	Street Fund	\$600,000	2025-26
Total		\$600,000	

General Appendix

Projects in the “General Appendix” are either completed or are proposed projects that are not included in the five-year Capital Improvements Plan (CIP) planning period. Any dates included with the projects in the “General Appendix” section have not been approved by the City Council. These projects should be considered as supported by the City Council, pending adequate funding. Projects included in this list should be the first to be considered during updates to the five-year CIP, as well as for potential grant funding opportunities if they arise and do not compete for grant funds with projects listed in the current five-year CIP.

PROPOSED GENERAL CAPITAL IMPROVEMENT PROJECTS

Project No.*	Project Name	Cost Estimate
G 3.0	Indoor Shooting Range	\$2,500,000
G 5.0	Multi-Purpose Facility	\$2,000,000
G 6.0	Arena Sports Complex	\$4,000,000

**Project numbers have no implication to priority.*

COMPLETED GENERAL CAPITAL IMPROVEMENT PROJECTS

Project No.	Project Name	Fiscal Year Completed
G 1.0	Bonneville Power Administration Greenspace	2024-25
G 2.0	Surplus Old City Shop	2025-26



Project Number: G 1.0

Project Name: Bonneville Power Administration Greenspace

Fund: General

Estimated Cost: \$485,000

Actual Cost: \$400,000

Fiscal Year: 2024-25

Project Description:

The City will acquire approximately 28 acres for a net cost of approximately \$290,000 around the Bonneville Power Administration (BPA) right-of-way (ROW). The project will develop the BPA ROW into usable space for public use. The project will include walking paths, sidewalks, grass areas, and public restrooms. Project will be funded by the Central Urban Renewal Area (CURA).

Project Justification:

The City of Boardman is dissected by the BPA ROW. This space is generally unusable as allowed uses around the ROW are minimal. Constructing greenspaces around the ROW is an allowed use of the space. The greenspace will beautify the area and bring recreation, both providing benefit to the community.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
G 1.0	CURA Funds	\$485,000	2024-25
Total		\$485,000	



Project Number: G 2.0

Project Name: Surplus Old City Shop

Fund: General

Estimated Cost: \$60,000

Actual Cost:

Fiscal Year: 2025-26

Project Description:

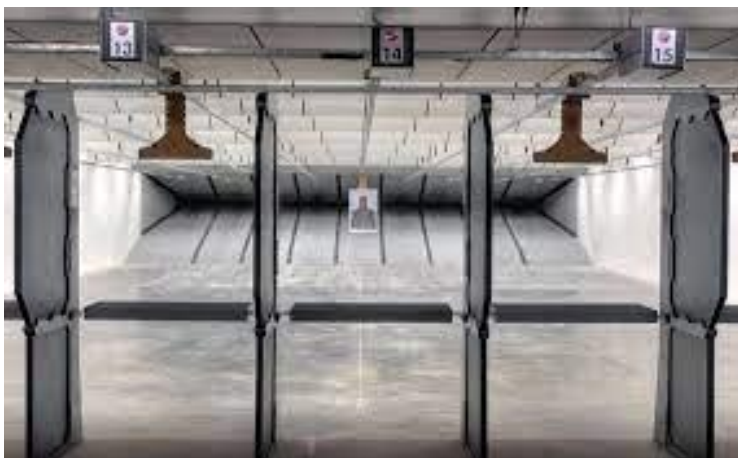
The project will include decommissioning the infrastructure associated with the old City Shop such as the groundwater well, backup generator, etc., so the City can sell the property.

Project Justification:

The City desires to sell the property so it can be developed.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
G 2.0	General Fund	\$60,000	2025-26
Total		\$60,000	



Project Number: G 3.0

Project Name: Indoor Shooting Range

Fund: General

Estimated Cost: \$2,500,000

Fiscal Year: To be determined

Project Description:

Construct an indoor shooting range.

Project Justification:

The City's old shooting range was demolished and is now the location of the new wastewater storage lagoon. The City desires to construct a new indoor shooting range for training purposes and for public use.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
G 3.0	General Fund	\$2,500,000	To be determined
Total		\$2,500,000	



Project Number: G 5.0

Project Name: Multi-Purpose Facility

Fund: General

Estimated Cost: \$2,000,000

Fiscal Year: To be determined

Project Description:

The multipurpose facility will be for the use of the public for special events such as weddings, birthday parties, banquets, club activities, etc.

Project Justification:

The City lacks a public facility for groups to gather in.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
G 5.0	General	\$2,000,000	To be determined
Total		\$2,000,000	



Project Number: G 6.0

Project Name: Arena Sports Complex

Fund: General

Estimated Cost: \$4,000,000

Fiscal Year: To be determined

Project Description:

The arena sports complex will be an indoor sports facility for soccer, football, and other field sports for use during inclement weather periods.

Project Justification:

The City lacks an indoor public facility for activities.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
G 6.0	General	\$4,000,000	To be determined
Total		\$4,000,000	

Parks Department Appendix

Projects in the "Parks Department Appendix" are either completed or are proposed projects that are not included in the five-year Capital Improvements Plan (CIP) planning period. Any dates included with the projects in the "Parks Department Appendix" section have not been approved by the City Council. These projects should be considered as supported by the City Council, pending adequate funding. Projects included in this list should be the first to be considered during updates to the five-year CIP, as well as for potential grant funding opportunities if they arise and do not compete for grant funds with projects listed in the current five-year CIP.

PROPOSED PARKS CAPITAL IMPROVEMENT PROJECTS

Project No.*	Project Name	Cost Estimate
P 4.0	Hillview Sports Complex	\$5,000,000

**Project numbers have no implication to priority.*

COMPLETED PARKS CAPITAL IMPROVEMENT PROJECTS

Project No.	Project Name	Fiscal Year Completed
P 1.0	Oregon Trail Greenspace and Walking Path	2024-25



Project Number: P 1.0

Project Name: Oregon Trail Greenspace and Walking Path

Fund: Parks

Estimated Cost: \$400,000

Actual Cost: \$400,000

Fiscal Year: 2025-26

Project Description:

Build a greenspace and walking path on approximately 28 acres around the Bonneville Power Administration right-of-way between Olson Road and S.W. 1st Street. The greenspace and walking path will include, but is not limited to, an asphalt concrete pedestrian path, grass areas, and public restrooms.

Project Justification:

The City needs new park space for the community to enjoy. This park will provide outdoor recreation and beautify an area of the City that is lacking in aesthetics.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
P 1.0	Parks	\$400,000	2024-25
Total		\$400,000	



Project Number: P 4.0

Project Name: Hillview Sports Complex

Fund: Parks

Estimated Cost: \$5,000,000

Fiscal Year: To be determined

Project Description:

The Project will consist of development of approximately 20 acres into a public facility for soccer, baseball, softball, pickleball, and basketball. Amenities to include bbq areas, concession stand, bathrooms, parking lots, and playground. This project will also include the construction of Oregon Trail Boulevard between Faler Road SW and Paul Smith Road, the construction of Paul Smith Road from the terminus of Oregon Trail Boulevard to Wilson Lane, and the construction of interim roads.

Project Justification:

The City of Boardman lacks a public facility to accommodate large sporting events.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
P 2.0	Parks	\$5,000,000	2025-26
Total		\$5,000,000	

Community Development and Planning Department Appendix

Projects in the "Community Development and Planning Department Appendix" are either completed or are proposed projects that are not included in the five-year Capital Improvements Plan (CIP) planning period. Any dates included with the projects in the "Community Development and Planning Department Appendix" section have not been approved by the City Council. These projects should be considered as supported by the City Council, pending adequate funding. Projects included in this list should be the first to be considered during updates to the five-year CIP, as well as for potential grant funding opportunities if they arise and do not compete for grant funds with projects listed in the current five-year CIP.

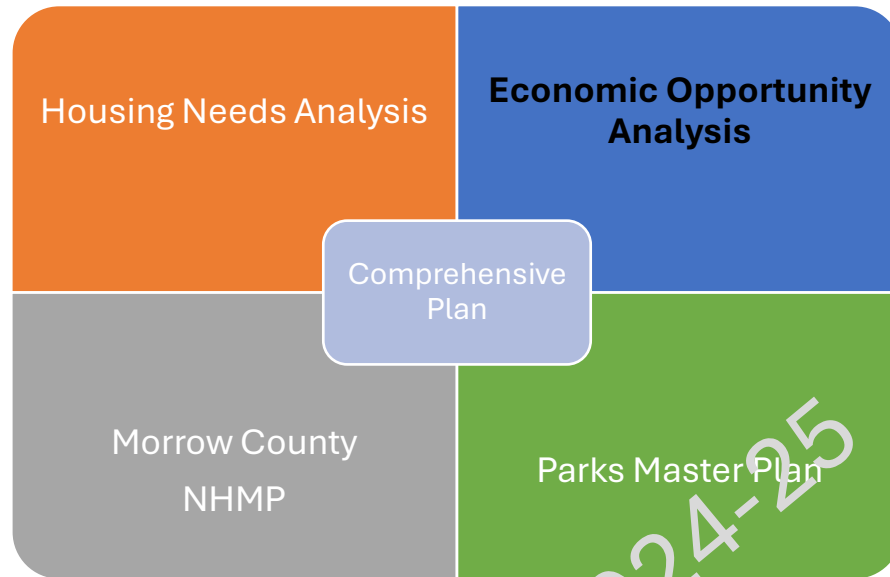
PROPOSED COMMUNITY DEVELOPMENT AND PLANNING CAPITAL IMPROVEMENT PROJECTS

Project No.*	Project Name	Cost Estimate

**Project numbers have no implication to priority.*

COMPLETED COMMUNITY DEVELOPMENT AND PLANNING CAPITAL IMPROVEMENT PROJECTS

Project No.	Project Name	Fiscal Year Completed
CD 1.2	Economic Opportunity Analysis	2024-25
CD 1.3	Parks Master Plan	2024-25
CD 2.0	Boardman Development Code Update	2024-25
CD 3.0	Boardman Municipal Code Update	2024-25



Project Number: CD 1.2

Project Name: Economic Opportunity Analysis

Fund: Planning

Estimated Cost: \$55,000

Actual Cost:

Fiscal Year: 2024-2025

Project Description:

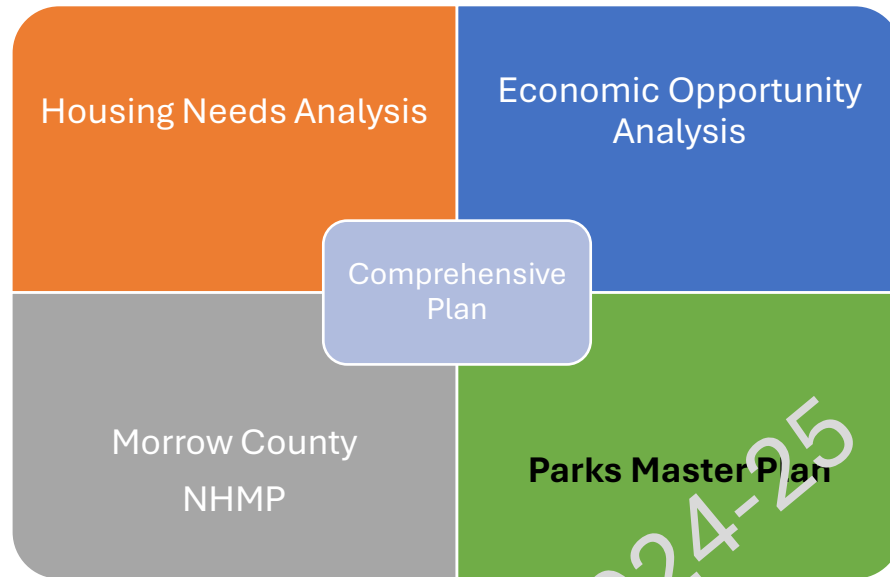
The project will include development of an Economic Opportunity Analysis.

Project Justification:

The Economic Opportunity Analysis (Goal 9) is to analyze and forecast growth in the City's industrial and other business zones to help ensure there is an adequate supply of developable lands for businesses and jobs.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
CD 1.2	Planning Fund	\$55,000	2024-25
Total		\$55,000	



Project Number: CD 1.3

Project Name: Parks Master Plan

Fund: Planning

Estimated Cost: \$40,000

Actual Cost:

Fiscal Year: 2024-25

Project Description:

This includes a collaborative effort between the City of Boardman and the Boardman Parks & Recreation District to develop a Parks Master Plan for the City.

Project Justification:

Parks Master Plans are written for new and existing parks and present a balance of recreation opportunities with resource protection while guiding future park development and community engagement.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
CD 1.3	Planning Fund	\$40,000	2024-25
Total		\$40,000	

Boardman Development Code Update

Project Number: CD 2.0

Project Name: Boardman Development Code Update

Fund: Planning

Estimated Cost: \$170,800

Actual Cost:

Fiscal Year: 2024-25 to 2025-26

Project Description:

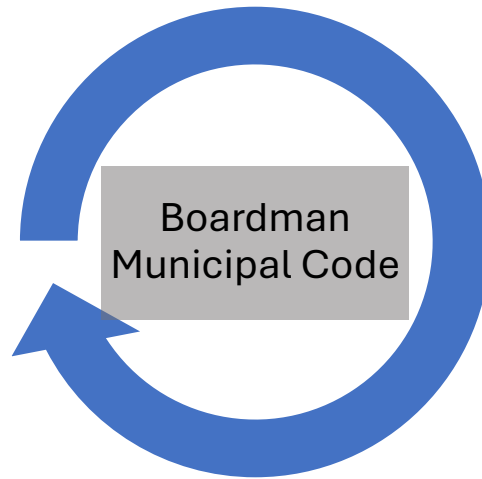
Update the Boardman Development Code, which was last adopted in 2002.

Project Justification:

The Boardman Development Code needs to be updated to be consistent with current Oregon State law and to form the basis for the other planning document updates.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
CD 2.0	Planning Fund	\$55,000	2024-25
CD 2.0	Planning Fund	\$115,800	2025-26
Total		\$170,800	



Project Number: CD 3.0

Project Name: Boardman Municipal Code Update

Fund: Planning

Estimated Cost: \$30,000

Actual Cost:

Fiscal Year: 2025-26

Project Description:

Update the Boardman Municipal Code.

Project Justification:

The Boardman Municipal Code needs to be updated to adopt new codes related to business licenses and the City's current Code Enforcement program including animal control. There will be other updates to the Municipal Code for consistency with the Development Code updates.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
CD 3.0	Planning Fund	\$30,000	2025-26
Total		\$30,000	

Water Department Appendix

Projects in the "Water Department Appendix" are either completed or are proposed projects that are not included in the five-year Capital Improvements Plan (CIP) planning period. Any dates included with the projects in the "Water Department Appendix" section have not been approved by the City Council. These projects should be considered as supported by the City Council, pending adequate funding. Projects included in this list should be the first to be considered during updates to the five-year CIP, as well as for potential grant funding opportunities if they arise and do not compete for grant funds with projects listed in the current five-year CIP.

PROPOSED WATER CAPITAL IMPROVEMENT PROJECTS

Project No.*	Project Name	Cost Estimate
W 6.0	Loader	\$80,000

**Project numbers have no implication to priority.*

COMPLETED WATER CAPITAL IMPROVEMENT PROJECTS

Project No.	Project Name	Fiscal Year Completed
W 1.0	Columbia Avenue N.W. Improvements	2024-25
W 2.0	South Boardman Water System Feasibility Study	2024-25
W 5.0	Maintenance and Storage Shop	2024-25
W 7.0	Vac Truck	2024-25



Project Number: W 1.0, WW 1.0, ST 2.0

Project Name: Columbia Avenue N.W. Improvements

Fund: Water, Wastewater, Street

Estimated Cost: \$400,000

Actual Cost: \$468,104

Fiscal Year: 2023-24

Project Description:

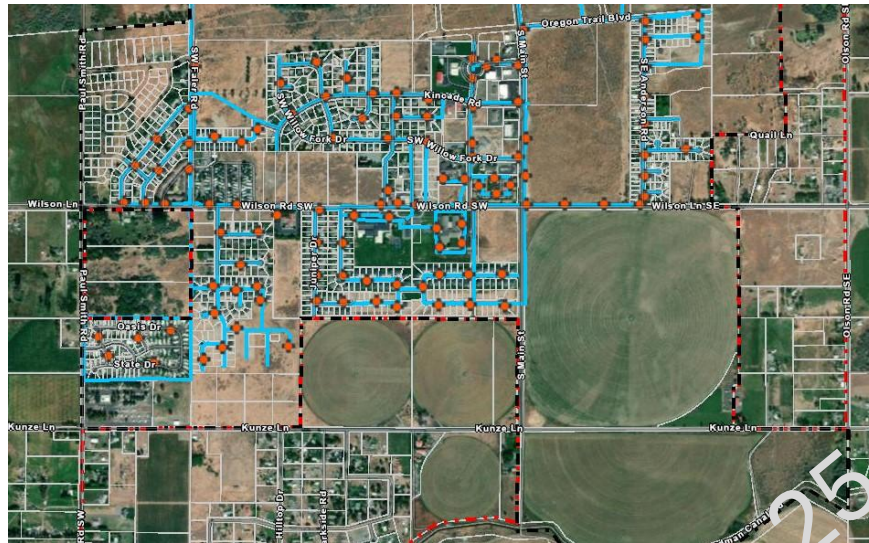
The City would like to consolidate two parallel water lines into one line in Columbia Avenue N.W. Work will include replacing 4- and 6-inch water lines with one 12-inch water line, as well as replacing fire hydrants and installing new valves and new water service connection lines.

Project Justification:

The parallel water lines along Columbia Avenue are asbestos concrete (AC) and often require repairs. Replacing the AC pipes with one polyvinyl chloride line will help reduce maintenance costs and improve water quality to the area.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 1.0	Water Fund	\$400,000	2023-24
WW 1.0	Wastewater Fund	\$400,000	2023-24
ST 2.0	Street Fund	\$500,000	2023-24
Total		\$1,300,000	



Project Number: W 2.0

Project Name: South Boardman Water System Feasibility Study

Fund: Water

Estimated Cost: \$50,000

Actual Cost: \$68,195

Fiscal Year: 2023-24

Project Description:

The project will include building a water model for the City to analyze the water system. From the water model, recommendations can be made on how to better provide water and sufficient pressure to the southern half of the City, where development is most likely to occur. The Water System Feasibility Study (WSFS) will recommend one alternative from the various alternatives evaluated that will be the most suitable for the City.

Project Justification:

The City's water distribution system is currently operating at low pressure at various locations in the southern portion of the City. Future development is anticipated, which will further decrease the pressure as development continues south away from the City's booster pump station. South Boardman has high potential for future development, but placing the responsibility of paying for an additional booster pump station on developers may discourage development. The WSFS will generally evaluate how to best provide needed water flow capacity and pressure to the area south of Interstate 84 and within the Boardman urban growth boundary.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 2.0	Water Fund	\$50,000	2023-24
Total		\$50,000	



Project Number: W 5.0, WW 6.0, ST 8.0

Project Name: Maintenance and Storage Shop

Fund: Water, Wastewater, Street

Estimated Cost: \$130,000

Actual Cost: \$476,200

Fiscal Year: 2025-26

Project Description:

Construct a maintenance and storage shop to support the Public Works Department.

Project Justification:

As the City of Boardman grows, so does the Public Works Department. There is a need to provide additional vehicle/equipment storage in conditioned space.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 5.0	Water Fund	\$130,000	2025-26
WW 6.0	Wastewater Fund	\$120,000	2025-26
ST 8.0	Street Fund	\$130,000	2025-26
Total		\$380,000	



Project Number: W 7.0, WW 8.0, ST 11.0

Project Name: Vac Truck

Fund: Water, Wastewater, Street

Estimated Cost: \$190,000

Actual Cost: \$530,000

Fiscal Year: 2025-26

Project Description:

Purchase a new vac truck for Public Works use.

Project Justification:

The existing vac truck has surpassed its service life and needs to be replaced.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 7.0	Water Fund	\$190,000	2025-26
WW 8.0	Wastewater Fund	\$190,000	2025-26
ST 11.0	Street Fund	\$170,000	2025-26
Total		\$550,000	



Project Number: W 6.0, WW 7.0, ST 10.0

Project Name: Loader

Fund: Water, Wastewater, Street

Estimated Cost: \$80,000

Fiscal Year: To be determined

Project Description:

Purchase a loader for Public Works use.

Project Justification:

Public Works needs a loader to be more efficient in daily operations.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 6.0	Water Fund	\$80,000	To be determined
WW 7.0	Wastewater Fund	\$70,000	To be determined
ST 10.0	Street Fund	\$80,000	To be determined
Total		\$230,000	

Wastewater Department Appendix

Projects in the "Wastewater Department Appendix" are either completed or are proposed projects that are not included in the five-year Capital Improvements Plan (CIP) planning period. Any dates included with the projects in the "Wastewater Department Appendix" section have not been approved by the City Council. These projects should be considered as supported by the City Council, pending adequate funding. Projects included in this list should be the first to be considered during updates to the five-year CIP, as well as for potential grant funding opportunities if they arise and do not compete for grant funds with projects listed in the current five-year CIP.

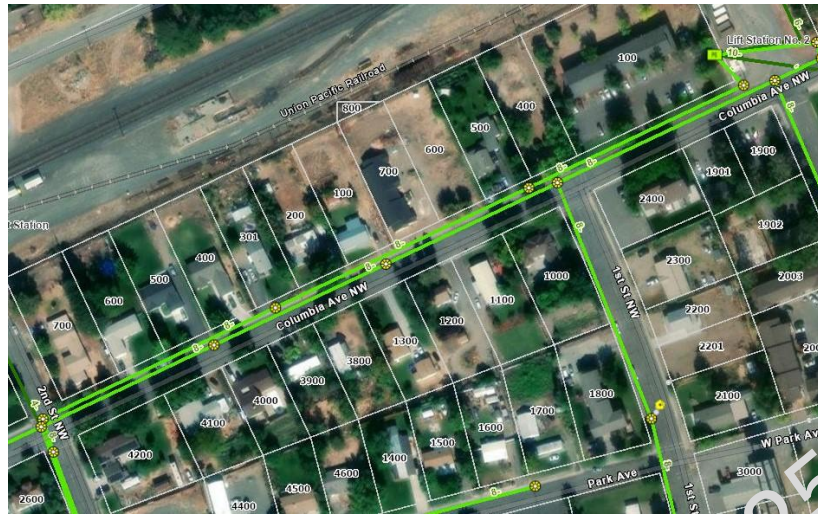
PROPOSED WASTEWATER CAPITAL IMPROVEMENT PROJECTS

Project No.*	Project Name	Cost Estimate
WW 7.0	Loader	\$70,000
WW 10.0	Annual Collection System Repair Project	\$100,000/year

**Project numbers have no implication to priority.*

COMPLETED WASTEWATER CAPITAL IMPROVEMENT PROJECTS

Project No.	Project Name	Fiscal Year Completed
WW 1.0	Columbia Avenue N.W. Improvements	2024-25
WW 6.0	Maintenance and Storage Shop	2024-25
WW 8.0	Vac Truck	2024-25



Project Number: W 1.0, WW 1.0, ST 2.0

Project Name: Columbia Avenue N.W. Improvements

Fund: Water, Wastewater, Street

Estimated Cost: \$400,000

Actual Cost: \$468,104

Fiscal Year: 2023-24

Project Description:

The City intends to replace the two parallel 8-inch concrete sewer lines along Columbia Avenue N.W., southwest of N. Main Street with one 15-inch polyvinyl chloride (PVC) sewer line. The project will include reinstating sewer service to residences, installing new manholes, and all work required to replace the sewer lines.

Project Justification:

In 2022, the City performed a closed-circuit television inspection of the sewer lines along this stretch of Columbia Avenue N.W. The inspection identified deficiencies, including root intrusions, pipe sags, and failed joints, and revealed that both sewer lines were reaching capacity during high demand periods. Replacing the existing concrete sewer lines with a single PVC line will ensure capacity requirements for the area are met.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 1.0	Water Fund	\$400,000	2023-24
WW 1.0	Wastewater Fund	\$400,000	2023-24
ST 2.0	Street Fund	\$500,000	2023-24
Total		\$1,300,000	



Project Number: W 5.0, WW 6.0, ST 8.0

Project Name: Maintenance and Storage Shop

Fund: Water, Wastewater, Street

Estimated Cost: \$120,000

Actual Cost: \$476,200

Fiscal Year: 2025-26

Project Description:

Construct a maintenance and storage shop to support the Public Works Department.

Project Justification:

As the City of Boardman grows, so does the Public Works Department. There is a need to provide additional vehicle/equipment storage in conditioned space.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 5.0	Water Fund	\$130,000	2025-26
WW 6.0	Wastewater Fund	\$120,000	2025-26
ST 8.0	Street Fund	\$130,000	2025-26
Total		\$380,000	



Project Number: W 7.0, WW 8.0, ST 11.0

Project Name: Vac Truck

Fund: Water, Wastewater, Street

Estimated Cost: \$190,000

Actual Cost: \$530,000

Fiscal Year: 2025-26

Project Description:

Purchase a new vac truck for Public Works use.

Project Justification:

The existing vac truck has surpassed its service life and needs to be replaced.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 7.0	Water Fund	\$190,000	2025-26
WW 8.0	Wastewater Fund	\$190,000	2025-26
ST 11.0	Street Fund	\$170,000	2025-26
Total		\$550,000	



Project Number: W 6.0, WW 7.0, ST 10.0

Project Name: Loader

Fund: Wastewater

Estimated Cost: \$70,000

Fiscal Year: 2025-26

Project Description:

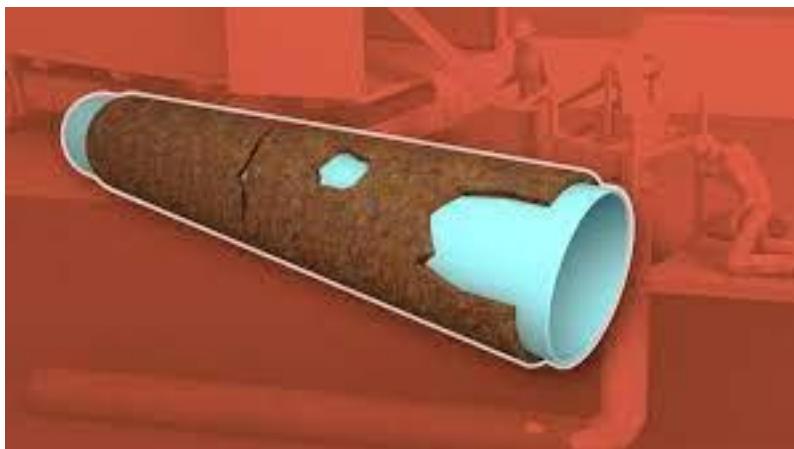
Purchase a loader for Public Works use.

Project Justification:

Public Works needs a loader to be more efficient in daily operations.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 6.0	Water Fund	\$80,000	To be determined
WW 7.0	Wastewater Fund	\$70,000	To be determined
ST 10.0	Street Fund	\$80,000	To be determined
Total		\$230,000	



Project Number: WW 10.0

Project Name: Annual Collection System Repair Project

Fund: Wastewater

Estimated Cost: \$100,000 per year

Fiscal Year: To be determined

Project Description:

Annual maintenance project for the collection system.

Project Justification:

The Collection System Study is anticipated to identify deficiencies in the collection system that need to be repaired. Therefore, budgeting for future collection system repairs is recommended.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
WW 10.0	Wastewater Fund	\$100,000 per year	To be determined
Total Annual Cost		\$100,000 per year	

Street Department Appendix

Projects in the "Street Department Appendix" are either completed or are proposed projects that are not included in the five-year Capital Improvements Plan (CIP) planning period. Any dates included with the projects in the "Street Department Appendix" section have not been approved by the City Council. These projects should be considered as supported by the City Council, pending adequate funding. Projects included in this list should be the first to be considered during updates to the five-year CIP, as well as for potential grant funding opportunities if they arise and do not compete for grant funds with projects listed in the current five-year CIP.

PROPOSED STREET CAPITAL IMPROVEMENT PROJECTS

Project No.*	Project Name	Cost Estimate
ST 6.0	S.W. Loop Road Improvements	\$2,350,000
ST 7.0	Boardman Avenue and N. Main Street Intersection Signalization	\$1,300,000
ST 9.0	Sand Shed	\$220,000
ST 10.0	Loader	\$80,000
ST 16.0	Annual Sidewalk Improvements	\$400,000/year
ST 17.0	Annual Road Repair and Maintenance Projects	\$1,000,000/year
ST 28.0	Port of Morrow Interchange	\$3,000,000
ST 29.0	Main Street Overpass Improvements	\$50,000,000

**Project numbers have no implication to priority.*

COMPLETED STREET CAPITAL IMPROVEMENT PROJECTS

Project No.	Project Name	Fiscal Year Completed
ST 1.0	Pavement Evaluation Study	2023-24
ST 2.0	Columbia Avenue N.W. Improvements	2024-25
ST 3.0	Wilson Lane and Faler Road Sidewalk Improvements	2024-25
ST 4.0	S.E. Front Street and S.E. 1st Street Improvements	2024-25
ST 8.0	Maintenance and Storage Shop	2024-25
ST 11.0	Vac Truck	2024-25
ST 19.0	Street Sweeper	2024-25



Project Number: ST 1.0

Project Name: Pavement Evaluation Study

Fund: Street

Estimated Cost: \$10,000

Actual Cost: \$13,349

Fiscal Year: 2023-24

Project Description:

The purpose of the Pavement Evaluation Study is to document the existing condition of paved streets within the City, to develop recommended maintenance practices and options, and to serve as a guide for maintaining and improving street conditions.

Project Justification:

The City does not currently have a set plan for road maintenance, and generally repairs roads when they are in poor condition or other work is in progress, such as during water and sewer projects. Without adequate planning and funding, streets receive limited maintenance and deteriorate. Implementation of the pavement maintenance recommendations outlined in the Pavement Evaluation Study will help to produce a high-quality, reliable street network that will meet the City's needs for the foreseeable future.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
ST 1.0	Street Fund	\$10,000	2023-24
Total		\$10,000	



Project Number: W 1.0, WW 1.0, ST 2.0

Project Name: Columbia Avenue N.W. Improvements

Fund: Water, Wastewater, Street

Estimated Cost: \$500,000

Actual Cost: \$468,106

Fiscal Year: 2023-24

Project Description:

The project will include the reconstruction of Columbia Avenue N.W. from N. Main Street to approximately 350 feet southwest of N.W. Allen Court. The project will reconstruct the roadway after the completion of water and sewer line improvements and will include storm drainage improvements. Work will restore centerline stripes and adjust all roadway non-mentation, manholes, catch basins, and existing valve boxes.

Project Justification:

New water and sewer lines will be installed, requiring roadwork for this stretch of road. Currently, the road has sections of very good, fair, and poor conditions. Conditions for fair and poor include poor ride quality, cracking, trench settlement, drainage problems, potholes, and obvious structural deficiencies. Roadway improvements are required to prevent premature roadway failure and ensure the roadway is functional for the community and area.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 1.0	Water Fund	\$400,000	2023-24
WW 1.0	Wastewater Fund	\$400,000	2023-24
ST 2.0	Street Fund	\$500,000	2023-24
Total		\$1,300,000	



Project Number:	ST 3.0
Project Name:	Wilson Lane and Faler Road Sidewalk Improvements
Fund:	Street
Estimated Cost:	\$400,000
Actual Cost:	\$562,444
Fiscal Year:	2023-24

Project Description:

The City wishes to construct concrete sidewalk, curb and gutter, and storm drainage improvements along Wilson Lane between Faler Road and Mt. Adams Avenue and along Faler Road between Wilson Lane and Mt. Hood Avenue. The project will include Americans with Disabilities Act (ADA) curb ramps and concrete driveway approaches.

Project Justification:

Currently, this stretch of road does not have adequate pedestrian accessibility or storm drainage. Constructing sidewalk, curb and gutter, ADA curb ramps, and other storm drainage improvements will provide adequate pedestrian accessibility and storm drainage to the area.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
ST 3.0	Street Fund	\$400,000	2023-24
Total		\$400,000	



Project Number: ST 4.0

Project Name: S.E. Front Street and S.E. 1st Street Improvements

Fund: Street

Estimated Cost: \$1,500,000

Actual Cost: \$

Fiscal Year: 2024-25

Project Description:

The project will include the reconstruction of S.E. Front Street and the construction of S.E. 1st Street between

S.E. Front Street and Oregon Trail Boulevard. Work for the project will include approximately 7,290 square yards of roadway, 10,200 square feet of sidewalk, 2,210 linear feet of curb and gutter, storm drainage improvements, and parking improvements.

Project Justification:

S.E. Front Street needs to be reconstructed due to the poor condition of the road. This road has areas of instability with poor ride quality; extensive transverse, longitudinal, and alligator cracking with trench settlement and/or potholes; drainage problems; and obvious evidence of structural deficiencies. The construction of S.E. 1st Street will create a road section that supports increased traffic volumes from future development in the area.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
ST 4.0	Street Fund	\$1,500,000	2024-25
Total		\$1,500,000	



Project Number: W 5.0, WW 6.0, ST 8.0

Project Name: Maintenance and Storage Shop

Fund: Water, Wastewater, Street

Estimated Cost: \$130,000

Actual Cost: \$476,200

Fiscal Year: 2025-26

Project Description:

Construct a maintenance and storage shop to support the Public Works Department.

Project Justification:

As the City of Boardman grows, so does the Public Works Department. There is a need to provide additional vehicle/equipment storage in conditioned space.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 5.0	Water Fund	\$130,000	2025-26
WW 6.0	Wastewater Fund	\$120,000	2025-26
ST 8.0	Street Fund	\$130,000	2025-26
Total		\$380,000	



Project Number: W 7.0, WW 8.0, ST 11.0

Project Name: Vac Truck

Fund: Water, Wastewater, Street

Estimated Cost: \$170,000

Actual Cost: \$530,000

Fiscal Year: 2025-26

Project Description:

Purchase a new vac truck for Public Works use.

Project Justification:

The existing vac truck has surpassed its service life and needs to be replaced.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 7.0	Water Fund	\$190,000	2025-26
WW 8.0	Wastewater Fund	\$190,000	2025-26
ST 11.0	Street Fund	\$170,000	2025-26
Total		\$550,000	



Project Number: ST 19.0

Project Name: Street Sweeper

Fund: Street

Estimated Cost: \$320,000

Actual Cost: \$320,000

Fiscal Year: 2025-26

Project Description:

Purchase a street sweeper for Public Works use.

Project Justification:

Purchasing a street sweeper will help with maintaining clean streets for the City, which improves safety and overall community attractiveness.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 19.0	Street Fund	\$320,000	2025-26
Total		\$320,000	



Project Number: ST 6.0

Project Name: S.W. Loop Road Improvements

Fund: Street

Estimated Cost: \$2,350,000

Fiscal Year: 2025-26

Project Description:

The project will be an extension of approximately 1,200 feet of Oregon Trail Boulevard to the west. The project will include curb and gutter, concrete sidewalk, Americans with Disabilities Act (ADA) curb ramps, storm drainage systems, and street lighting. ADA curb ramps will be developed to meet current ADA standards. All aspects of the project will be constructed according to City standards.

Project Justification:

Extending Oregon Trail Boulevard is identified in the City's 2009 Main Street Interchange Area Management Plan. Extending this road can strengthen east-west as well as north-south connectivity. This section of road will also provide access to future development in the area.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
ST 6.0	Street Fund	\$2,350,000	2025-26
Total		\$2,350,000	



Project Number:	ST 7.0
Project Name:	Boardman Avenue and N. Main Street Intersection Signalization
Fund:	Street
Estimated Cost:	\$1,300,000
Fiscal Year:	2025-26

Project Description:

The project will consist of signalizing the intersection of N. Main Street and Boardman Avenue. A center median on N. Main Street will also be constructed to improve traffic flow and pedestrian safety. The intersection will be reconfigured to accommodate the signal and center median.

Project Justification:

The improvements have been identified in the Technical Memorandum “Boardman Main Street Circulation Assessment” published by Kittelson & Associates, Inc. This intersection was identified as an intersection that would benefit from becoming signalized and will greatly improve traffic flow for the City’s main north-south arterial.

Funding Data:			
Project No.	Fund Name	Amount	Fiscal Year
ST 7.0	Street Fund	\$1,300,000	2025-26
Total		\$1,300,000	



Project Number: ST 9.0

Project Name: Sand Shed

Fund: Street

Estimated Cost: \$220,000

Fiscal Year: 2025-26

Project Description:

Construct a sand shed to store material for the City.

Project Justification:

The City's current sand storage uses tarps to keep sand free of moisture. The tarps often catch wind, allowing the sand to become saturated and causes a safety hazard for staff. Constructing a sand shed will eliminate the use of tarps, therefore increasing the safety of City staff and keeping the sand dry.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
ST 9.0	Street Fund	\$220,000	2025-26
Total		\$220,000	



Project Number: W 6.0, WW 7.0, ST 10.0

Project Name: Loader

Fund: Water, Wastewater, Street

Estimated Cost: \$80,000

Fiscal Year: 2025-26

Project Description:

Purchase a loader for Public Works use.

Project Justification:

Public Works needs a loader to be more efficient in daily operations.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
W 6.0	Water Fund	\$80,000	2025-26
WW 7.0	Wastewater Fund	\$70,000	2025-26
ST 10.0	Street Fund	\$80,000	2025-26
Total		\$230,000	



Project Number: ST 16.0

Project Name: Annual Sidewalk Improvements

Fund: Street

Estimated Cost: \$400,000 per year

Fiscal Year: To be determined

Project Description:

The project is a multi-year program to improve sidewalks around the City. The City will allocate \$400,000 per year for the purpose of improving sidewalks. Improvements include Americans with Disabilities Act (ADA) curb ramps, concrete sidewalk, concrete curb and gutter, and other improvements important to improving pedestrian safety and mobility around the City. City staff will identify portions of the City in need of sidewalk improvements.

Project Justification:

Portions of the City are missing essential elements to pedestrian safety and mobility. Likewise, it is important the City complies with the ADA and updates curb ramps at locations that are noncompliant.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
ST 16.0	Street Fund	\$400,000 per year	To be determined
Total Annual Cost		\$400,000 per year	



Project Number: ST 17.0

Project Name: Annual Road Repair and Maintenance Projects

Fund: Street

Estimated Cost: \$1,000,000 per year

Fiscal Year: To be determined

Project Description:

The City will conduct an annual road maintenance project based on the recommendations in the Pavement Evaluation Study. If a road project has been planned, such as Columbia Ave N.W. Improvements (ST 2.0) or S.E. Front Street (ST 1.0), those projects will be considered the annual road project for the year. After all planned projects have been completed, the City will plan a road project based on the recommendations made in the Pavement Evaluation Study.

Project Justification:

Implementation of the pavement maintenance recommendations outlined in the Pavement Evaluation Study will help provide the City with a high-quality, reliable street network that will meet the City's needs for many years to come.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
ST 17.0	Street Fund	\$1,000,000 per year	To be determined
Total Annual Cost		\$1,000,000 per year	



Project Number: ST 28.0

Project Name: Port of Morrow Interchange

Fund: Street

Estimated Cost: \$3,000,000

Fiscal Year: To be determined

Project Description:

Refer to the Port of Morrow Interchange Area Management Plan.

Project Justification:

Refer to the Port of Morrow Interchange Area Management Plan.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
ST 25.0	Street Fund	\$3,000,000	To be determined
Total		\$3,000,000	



Project Number: ST 29.0

Project Name: Main Street Overpass Improvements

Fund: Street

Estimated Cost: \$50,000,000

Fiscal Year: To be determined

Project Description:

Refer to the Main Street Interchange Area Management Plan.

Project Justification:

Refer to the Main Street Interchange Area Management Plan.

Funding Data:

Project No.	Fund Name	Amount	Fiscal Year
ST 26.0	Street Fund	\$50,000,000	To be determined
Total		\$50,000,000	

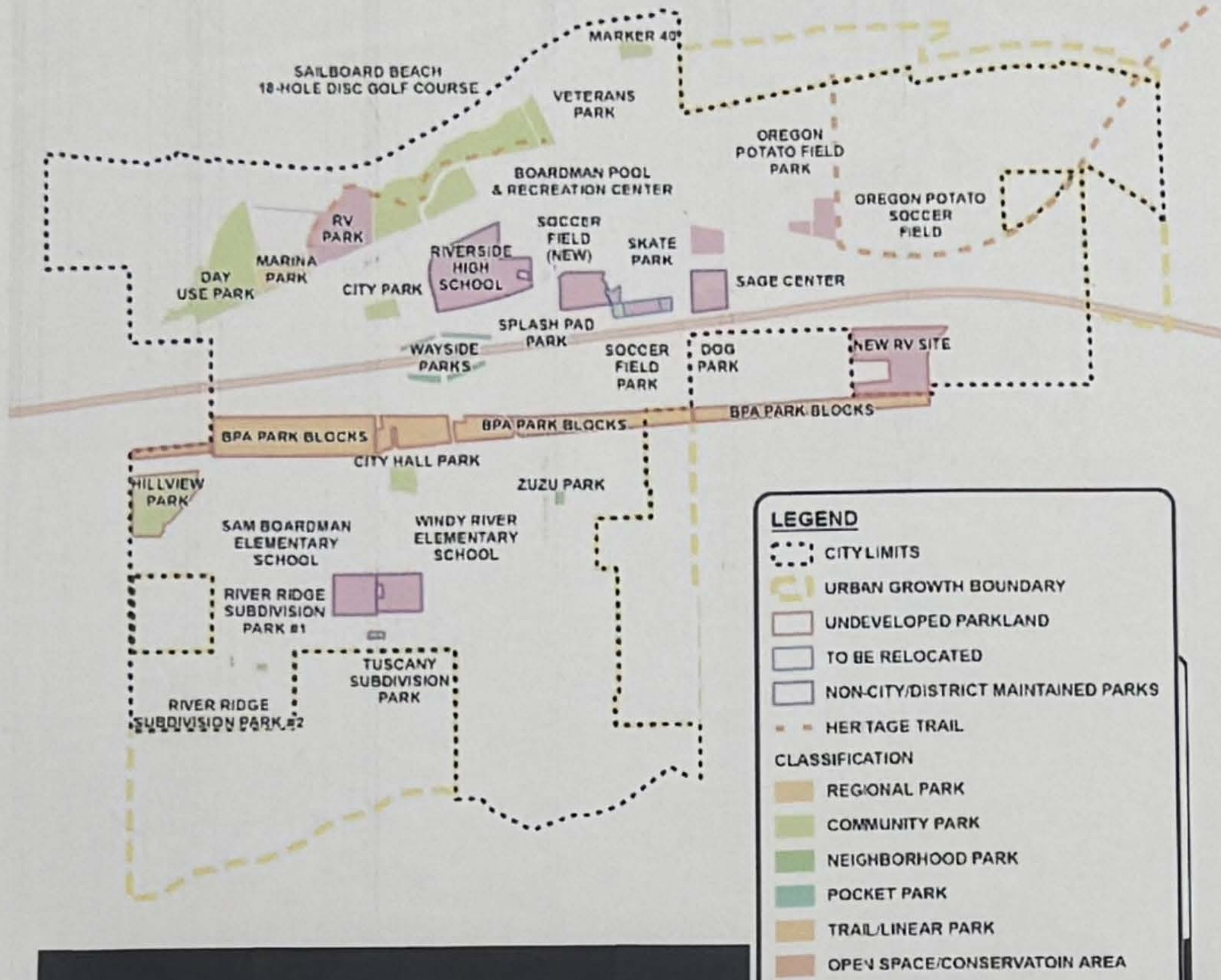
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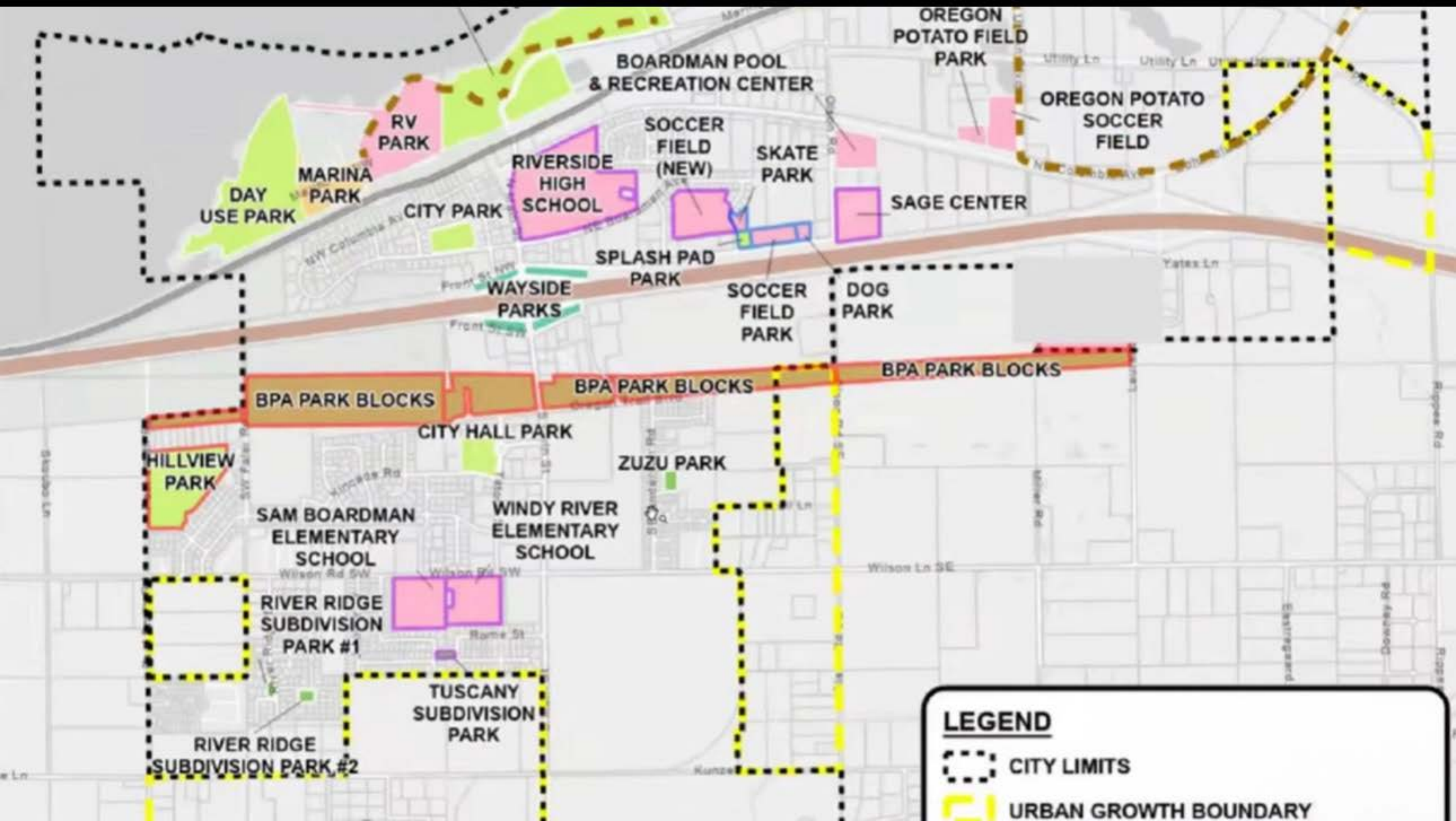
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with future
with sidewalk
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ng west
g at existing

n County







BPA EASEMENT EAST



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BPA) transmission corridors is subject to BPA review coordinated with BPA early in design to confirm the Park Blocks corridor contains 500 kV lines with the contains 230 kV lines with somewhat more flexibility.

es such as trails, signage, site furnishings, and t to BPA confirmation.

ctures (e.g., play features, poles, or lighting that



Parque Cultural & Power Trail Park

The Parque Cultural–Power Trail Park Corridor is envisioned as a continuous linear park and trail system from Skoubo Lane to Laurel Lane, running below the BPA transmission lines just south of I-84. Parque Cultural extends west of Main Street and Power Trail Park east. Though named separately for identity and wayfinding, the two segments function as one unified greenway connecting neighborhoods, civic sites and recreation destinations such as Tatone Park, Sunset Park, Zuzu Park, and the Senior Center, while forming a critical segment of Boardman’s long-distance trail system. Planned projects are to:

- Secure additional dedications and easements to complete the corridor. Explore acquisition of adjacent parcels to allow for additional amenities restricted under the power lines.
- Develop a continuous greenway with trails, rest areas, interpretation, art and signage coordinated with the system-wide Trail Master Plan.
- Relocate Front Street dog park and improve with restroom (relocated from Splash Pad), parking, shade, seating, and signage (Power Trail Park).
- Incorporate recreation features such as a bike skills park, pump track, and story walk in coordination with the Library (if not located elsewhere).
- Coordinate corridor planning with roadway extensions, the County’s Columbia River Heritage Trail through Parque Cultural, and other public infrastructure.
- Implement vegetation management practices to reduce wildfire risk and maintain safe, clear access.

Development Restrictions

Development within Bonneville Power Administration (BPA) transmission corridors is subject to BPA review and clearance standards. All design elements must be coordinated with BPA early in design to confirm allowable uses. In Boardman, the southern portion of Power Trail Park–Parque Cultural corridor contains 500 kV lines with the most restrictive limitations, while the northern portion contains 230 kV lines with somewhat more flexibility.

- Potentially Allowable (with review): Low-profile uses such as trails, signage, site furnishings, and vegetation management for fire mitigation—subject to BPA confirmation.
- Typically Prohibited: Permanent buildings, tall structures (e.g., play features, poles, or lighting that exceed BPA height limits), excavation near tower footings, and vegetation capable of reaching the lines.
- Clearances & Access: Minimum vertical and horizontal clearances must be confirmed with BPA for both 230 kV and 500 kV lines. Emergency and maintenance routes must remain unobstructed year-round.

Figure 8-8: Parque Cultural (West of Main Street)



Figure 8-9: Power Trail Park (East of Main Street)



PLANNED PROJECTS

The following Capital Improvement Plan (CIP) guides investments through 2035. It includes both system-wide initiatives and site-specific improvements, presented in three tables: Table 9.1 (System-Wide Projects), Table 9.2 (District Projects), and Table 9.3 (City Projects). Each entry lists the site, project type— (S) System Improvement, (P) Park Improvement, (D) Park Development, or (A) Acquisition—along with a description, cost, and priority level.

Cost estimates are planning-level only, intended to provide order-of-magnitude guidance for decision-making and grant applications. As projects move into design and construction, estimates will require refinement. Detailed project descriptions and the full CIP framework are provided in Appendix I.

Table 9.1: System-Wide Projects

Project ID	Site	Project Description	Cost	Priority
S1	System	Public Art & Cultural Identity Master Plan	\$110,250	Low
S2	System	Trail Master Plan	\$65,500	Medium
S3	System	Park Furnishing Standards	\$33,300	High
S4	System	Wayfinding & Signage System (per sign)	\$133,200*	High
		Monument Sign (per sign)	\$13,800	(included above)
		Information Kiosk (per sign)	\$6,900	(included above)
		Interpretive Sign (per sign)	\$4,140	(included above)
		Directional Sign / Regulatory Sign (per sign)	\$1,380	(included above)
		Trail Marker / Accessible Route Indicator (per sign)	\$690	(included above)
S5.1	System	Future Amenities Requiring Siting - Bike Skills Park	\$225,975	Medium
S5.2	System	Future Amenities Requiring Siting - Pump Track	\$451,950	Medium
S5.3	System	Future Amenities Requiring Siting - Skatepark	\$4,389,564	Medium
S5.4	System	Future Amenities Requiring Siting - (4) Pickleball Courts*	\$382,950	High
S5.5	System	Future Amenities Requiring Siting - (2) Soccer Fields**	\$1,531,800	High
S5.6	System	Future Amenities Requiring Siting - (1) Softball Field**	\$1,148,850	High

* Note: Unit-cost estimate only. The subtotal assumes one (1) sign per category for budgeting reference. The City/District should update quantities by sign type to develop a project-level signage budget.
**Note: Pricing for pickleball courts and soccer fields assumes multiple conjoined play areas. Pricing may fluctuate based on the final number.

Figure 9-1: District Projects

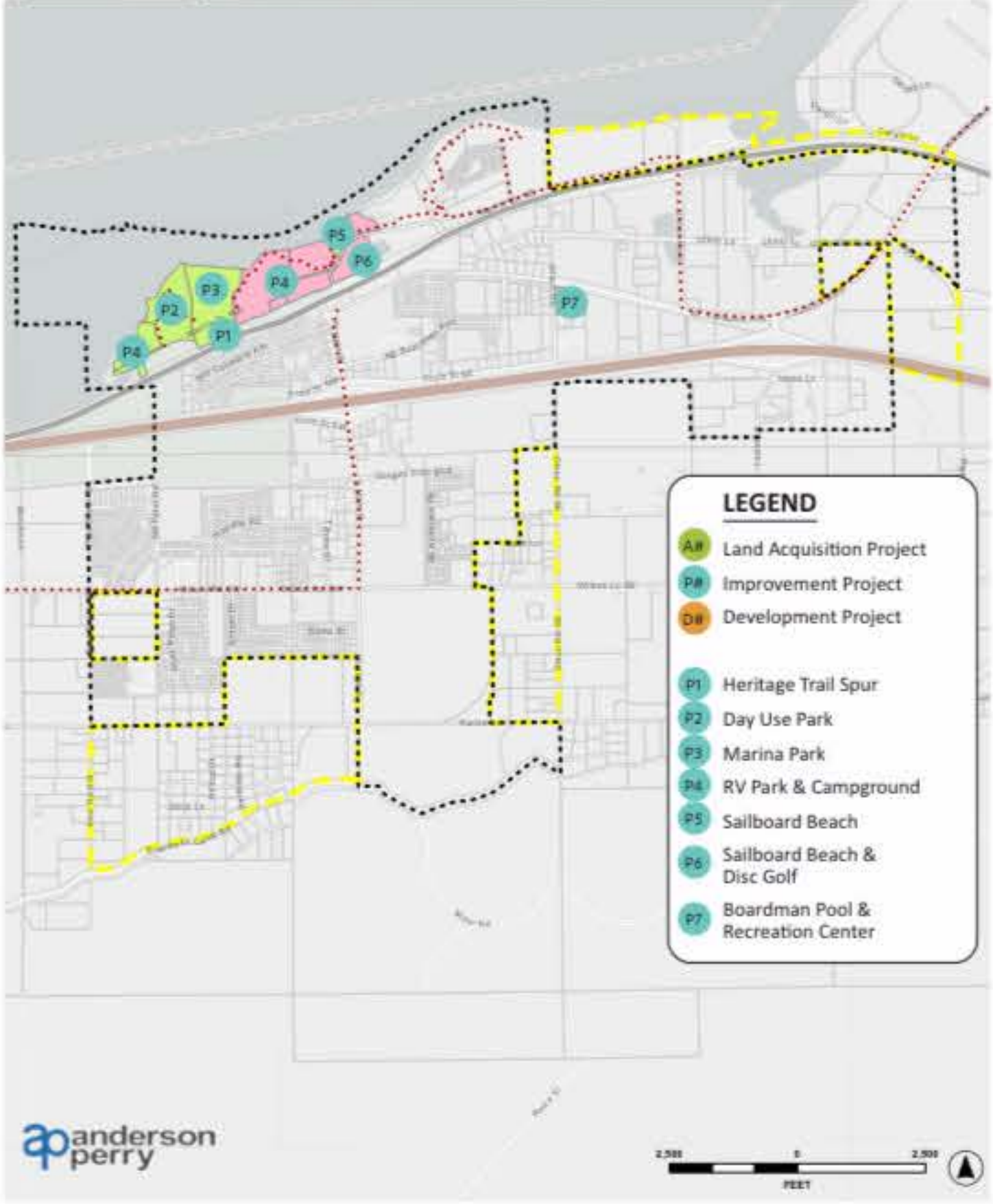
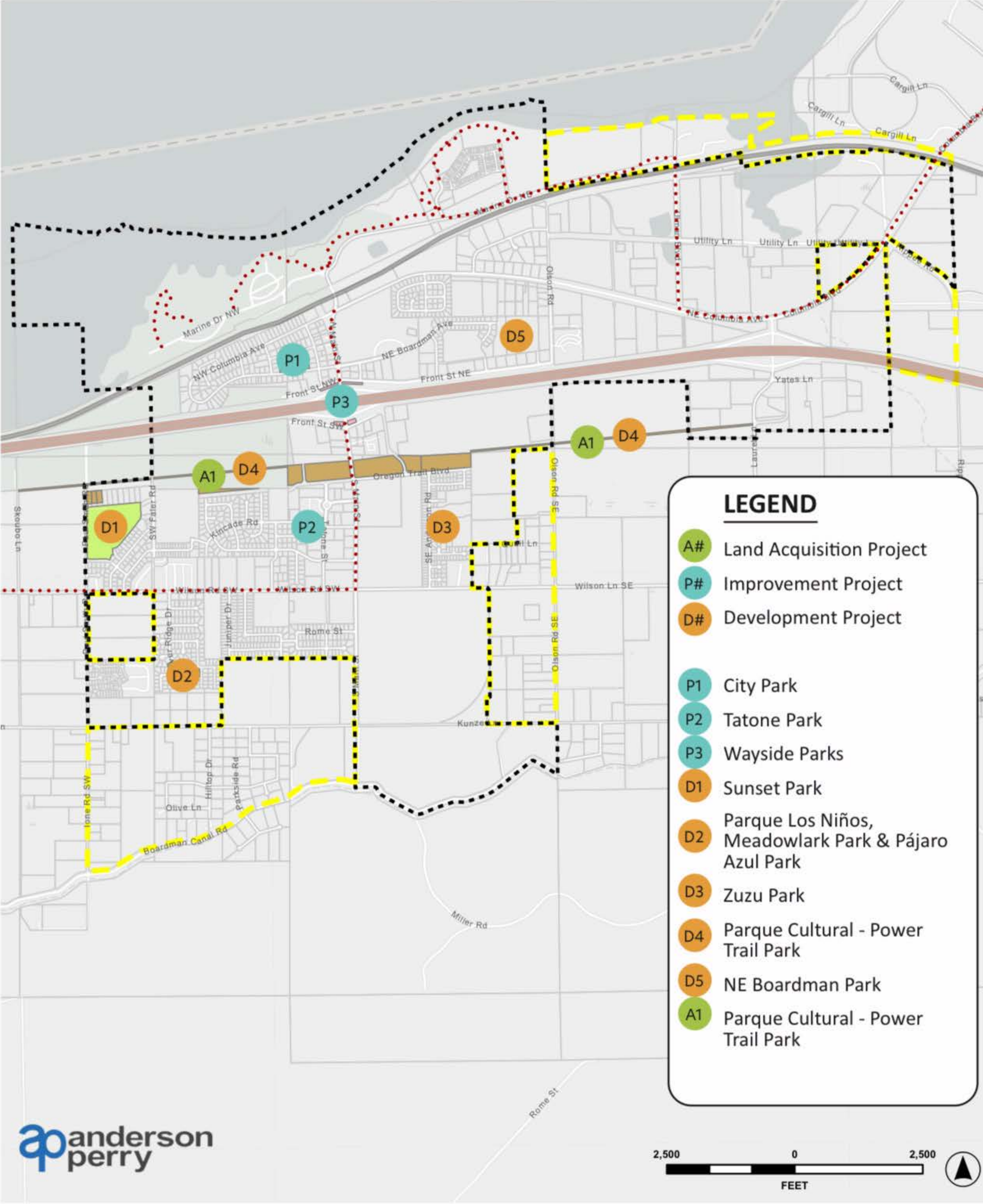


Table 9.2: District Projects

Project ID	Site	Project Description	Cost	Priority
P1.1	Heritage Trail Spur	Trail Extension Across Marina	\$269,980	High
P1.2	Heritage Trail Spur	Trail Extension Along South Side of Marine Drive	\$799,887	High
P1.3	Heritage Trail Spur	Trail Extension Using Existing Roadway	\$73,526	High
P1.4	Heritage Trail Spur	Trail Extension Near Hidden Gem Beach	\$363,324	High
P1.5	Heritage Trail Spur	Trail Rest Stops and Interpretive Signage	\$133,075	High
P1.6	Heritage Trail Spur	Trail Maintenance	\$533,802	High
P1.7	Heritage Trail Spur	Trail Widening	\$787,478	Medium
P1.8	Heritage Trail Spur	Exercise Station Replacement	\$47,455	Medium
P1.9	Heritage Trail Spur	Pedestrian Bridge Replacement	\$287,213	High
P2.1	Day Use Park	"Old Boardman" Interpretive Area Improvements	\$43,108	Low
P2.2	Day Use Park	Cultural Display Enhancements (with CTUIR Coordination)	\$120,438	High
P2.3	Day Use Park	Accessible Watercraft Launch with Transfer Mat and Rollout Mat	\$199,988	Medium
P2.4	Day Use Park	Picnic Table Shelter Additions	\$427,093	Medium
P2.5	Day Use Park	Restroom Building Replacement and Expansion (Unisex/Family Unit + Rental Facility)	\$1,191,453	Medium
P2.6	Day Use Park	Toddler Play Area Addition with PIP Surfacing	\$236,472	High
P2.7	Day Use Park	Rinse Station	\$16,948	Medium
P2.8	Day Use Park	Maintenance: Ballfields, Courts, Beach, Surfacing and Site Furnishings	\$243,046	High
P2.9	Day Use Park	RV Parking Relocation with Utility Hookups	\$186,429	Medium
P2.10	Day Use Park	Play Structure Replacement with PIP Surfacing Upgrade	\$503,206	Medium
P2.11	Day Use Park	Hidden Gem Beach Access Improvements and Streambank Erosion Protection	\$70,654	High
P3.1	Marina Park	Dock #2 Expansion and Reconfiguration	\$3,110,083	Medium
P3.2	Marina Park	New Skatepark Facility (Location Alternative)	See System Projects for costs	Low

Figure 9-2: City Projects



Carla McLane

From: Jonathan Tallman <1stjohn217llc@gmail.com>
Sent: Sunday, January 11, 2026 6:46 AM
To: Amanda Mickles; Carla McLane; Brandon Hammond; George Shimer; Paul Keefer
Cc: HERT Dawn * DLCD; brandi.elmer@dlcd.oregon.gov; Tamra Mabbott; Clint Shoemake; Matthew Jensen; Michaela Ramirez
Subject: Re: Joint city Council Special Meeting January 13, 2026

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Mickles, Mr. Hammond, and City Counsel,

I am writing on behalf of 1st John 2:17 LLC, the owner of property identified within the Heritage Trail, BPA Park Blocks, and related transportation and parks corridors currently being advanced by the City and County.

Because the City of Boardman and Morrow County have now programmed capital funding for the Heritage Trail and related corridor facilities through their respective Capital Improvement Plans, any adoption of the Parks Master Plan that maps, relies upon, or advances this corridor has direct land-use and property-rights implications for our property.

In addition, although the City indicated that the Parks Plan would be amended and reposted due to formatting issues, no amended or redlined version has been provided to 1st John 2:17 LLC. As of today, it remains unclear which version of the document is intended to be relied upon by the Park & Recreation District at the January 13, 2026 hearing.

Absent resolution of these corridor impacts and document inconsistencies prior to the January 13 hearing, 1st John 2:17 LLC anticipates that the same land-use, property-rights, and procedural issues will need to be addressed in the County's Chapter 9 / Heritage Trail proceeding beginning January 26, 2026, in order to preserve its rights and ensure a complete administrative record.

Because the County Planning Commission will be required to evaluate corridor feasibility, land-use impacts, and consistency with state planning goals as part of that process, unresolved property and process issues may affect how the Heritage Trail proposal is reviewed by the County and by the Oregon Department of Land Conservation and Development (DLCD). We therefore seek to address these matters cooperatively before those proceedings advance. Neither 1st John 2:17 LLC nor its tenant(s) The Farmer's Cup seeks to delay or disrupt funding or grant timelines.

This correspondence is not intended to delay or obstruct public projects. It is intended to ensure that corridor planning, capital programming, and land-use approvals are not advanced without addressing affected property interests and the requirements of ORS Chapter 35, as well as applicable notice and record-keeping obligations.

For clarity and preservation of the administrative record, 1st John 2:17 LLC notes that any final adoption by the Boardman Park & Recreation District that relies upon or advances corridor facilities affecting

private property may constitute a land use decision subject to appeal. Consistent with Oregon law, any such appeal rights would be preserved through the filing of a Notice of Intent to Appeal within the applicable statutory timeframe following issuance of a written decision. This statement is provided solely to clarify procedural posture and does not reflect a desire to initiate litigation if these matters can be resolved cooperatively in advance through lawful coordination under ORS Chapter 35.

To facilitate good-faith coordination, we respectfully request that the City contact counsel for The Farmer's Cup (TFC), Ty Wyman of Dunn Carney LLP, for coordination purposes relating to that entity, to begin discussion of a Memorandum of Understanding (MoU) addressing corridor location, required easements or acquisitions, construction timing, and compensation or mitigation consistent with Oregon law.

In addition, we request that the City Council consider placing the following item on the January 13, 2026 joint meeting agenda for discussion:

"Heritage Trail Corridor Coordination, ORS Chapter 35 Process, and Delegation of Negotiation Authority."

Given the existence of City and County capital funding and the pending Park & Recreation District action, and in light of the fact that 1st John 2:17 LLC has raised these corridor-impact issues more than once without resolution, we request that the City Council consider authorizing the City Manager and City Attorney to negotiate corridor-related agreements — including good-faith payments, land transactions, or acquisitions — consistent with ORS Chapter 35, without requiring repeated Council approvals.

For clarity and to support an accurate and complete administrative record, 1st John 2:17 LLC notes that it possesses additional materials, maps, meeting records, and correspondence relevant to the Heritage Trail corridor and associated property impacts. However, because the Parks Master Plan has been identified as subject to amendment and reposting, and because it remains unclear which version of the document is intended to be relied upon by the Park & Recreation District, we are awaiting confirmation of the operative version before submitting further supplemental materials.

To ensure meaningful participation and a complete administrative record, 1st John 2:17 LLC respectfully requests that any amended or reposted version of the Parks Master Plan, together with any staff reports, findings, exhibits, or materials intended to be relied upon by the Boardman Park & Recreation District, be made publicly available with sufficient notice to allow review and response. Consistent with Oregon land-use procedures, we request a reasonable opportunity to submit written evidence and, if applicable, written rebuttal addressing any new or revised materials prior to or following the January 13, 2026 hearing. This request is made solely to preserve procedural fairness and does not seek delay or prejudice to the proceeding.

This sequencing is intended solely to ensure that any additional submissions are responsive to the final format and content of the Parks Master Plan and are accurately aligned with the document being considered for adoption. Nothing herein waives any rights to supplement the record consistent with applicable notice and record-keeping requirements.

Providing such delegation would allow these matters to be addressed efficiently and would help reduce administrative, legal, and financial risk associated with advancing funded projects while property impacts remain unresolved.

For transparency and record continuity, we are copying the Oregon Department of Land Conservation and Development (DLCD) and Morrow County Planning on this correspondence.

Sincerely,

Jonathan Tallman
1st John 2:17 LLC

On Fri, Jan 9, 2026 at 7:00 AM Jonathan Tallman <1stjohn217llc@gmail.com> wrote:
Dear Ms. Mickles,

I am writing in my capacity as an affected landowner to request that this correspondence, together with the referenced Capital Improvement Plan materials, be entered into the official record for the January 13, 2026 Park & Recreation District hearing concerning the Heritage Trail. I am copying the Oregon Department of Land Conservation and Development (DLCD) with Morrow County for transparency and records continuity.

On December 30, 2025, at 9:00 a.m., the Morrow County Board of Commissioners held a Special Session and considered Agenda Item 4.a., CIP Initial Project Approval. The agenda packet for that meeting identifies the Heritage Trail as a Parks capital project within the County's preliminary Capital Improvement Plan, with an estimated cost of \$2,000,000.

In addition, the City of Boardman issued its 2025 Capital Improvement Plan on August 26, 2025, which identifies capital projects tied to transportation, parks, and connectivity and serves as the City's capital planning framework for implementation of adopted and proposed plans, including the Transportation System Plan. The City's CIP predates both the County's December 30, 2025 capital programming action and the Park & Recreation District hearing scheduled for January 13, 2026.

As reflected in the County materials, while the Heritage Trail is identified as a capital project, the Board of Commissioners' packet contains no information regarding route, alignment, right-of-way acquisition, affected parcels, or landowner impacts. No maps, corridor descriptions, or implementation details were included in the materials considered by the Board. Similarly, neither the City nor County CIP materials identify parcel-level impacts associated with the Heritage Trail at this stage.

Because the Park & Recreation District hearing scheduled for January 13, 2026 occurs after both the City's issuance of its CIP and the County's capital programming action, the District's consideration of the Heritage Trail has direct procedural significance. Proceeding with a Park & Recreation vote without route, right-of-way, or land-impact information separates capital funding decisions from land-use impacts and limits the ability of affected landowners to meaningfully evaluate or respond to the proposal.

This submission is provided solely for inclusion in the record to document the timing, content, and relationship between the City and County capital planning actions and the Park & Recreation District's upcoming hearing.

In addition, and in the interest of avoiding unnecessary procedural disputes or appeals, I remain willing

to engage in good-faith discussion and coordination regarding the Heritage Trail as it relates to my property and any potential alignment, access, or right-of-way considerations. I believe these issues are best addressed collaboratively and transparently before further implementation steps are taken.

Please include any intergovernmental agreements relied upon for implementation of the Parks Master Plan in the record.

Please note and add the collectors Luba case 2022 (remand) attached.

Finally, to ensure clarity and a complete public record, I respectfully request that any formatting changes to the Parks Plan be accompanied by a redlined version identifying those changes, and that the record remain open in accordance with applicable 7-7-7 requirements to allow meaningful review and response.

Please confirm that this correspondence and the referenced CIP materials will be included in the official record for the January 13, 2026 Park & Recreation District proceedings.

Thank you for your assistance.

Sincerely,

Jonathan Tallman
1st John 2:17 LLC

cc: Oregon Department of Land Conservation and Development (DLCD), Morrow county officials for record preservations

On Thu, Jan 8, 2026 at 3:46 PM Jonathan Tallman <1stjohn217llc@gmail.com> wrote:

Good afternoon Amanda,

Thank you for your January 8 message regarding the amendment and reposting of the Parks Plan packet.

Given the timing of the upcoming meeting, I am submitting this correspondence to ensure the record reflects the sequence of postings and amendments.

To ensure clarity and a complete public record, I am submitting this correspondence for inclusion in the official record for the January 13, 2026 meeting. Given the sequence of notices and corrections issued on January 6, January 7, and January 8, I respectfully request confirmation of the following for the record:

1. Whether the amended version of the Parks Plan will fully supersede the previously posted "2026.01.06_Park Plan 2035-OPT."

2. Whether the amended document is the version intended to be relied upon by the Board at the January 13 meeting.
3. Whether the amended document will be clearly posted and accessible to the public in advance of the meeting so that interested parties are reviewing the same materials as the Board.

This correspondence is not intended to advocate for any particular outcome, but solely to ensure procedural clarity and consistency in the materials relied upon for the upcoming decision.

For transparency, I will be copying the Oregon Department of Land Conservation and Development (DLCD) on this correspondence for record-keeping purposes.

Thank you for your assistance, and please include this email and the related correspondence as part of the meeting record.

Sincerely,

Jonathan Tallman

----- Forwarded message -----

From: **Amanda Mickles** <micklesa@cityofboardman.com>

Date: Thu, Jan 8, 2026 at 3:18 PM

Subject: Re: Joint city Council Special Meeting January 13, 2026

To:

Good afternoon,

Due to formatting issues within the original document, the "2026.01.06_Park Plan 2035-OPT" will be edited and reposted. Edits will be accomplished tomorrow morning, look for the update as it will say "Amended" in the document title.

Amanda Mickles

City Clerk | [City of Boardman](https://www.cityofboardman.com)



From: Amanda Mickles <micklesa@cityofboardman.com>

Sent: Wednesday, January 7, 2026 9:40 AM

Subject: Re: Joint city Council Special Meeting January 13, 2026

Good morning,

Correction - the scheduled date for this special meeting is January 13th.

It was brought to my attention that I provided the incorrect date in the original email body. The date for this meeting in the official posting and subject line is correct for January 13th. This meeting will be held at the Port of Morrow Riverfront Event Center at 7:00 PM. My apologies for the confusion and any inconvenience this caused.

Amanda Mickles

City Clerk | [City of Boardman](#)



From: Amanda Mickles <micklesa@cityofboardman.com>

Sent: Tuesday, January 6, 2026 5:25 PM

Subject: Joint city Council Special Meeting January 13, 2026

Good evening,

Packet for the special meeting scheduled on Tuesday, January 6, 2026 are available for review.

[Special Meeting 7:00 PM](#) at Port of Morrow Riverfront Event Center

As always, please let me know if you have any questions or concerns.

Amanda Mickles

City Clerk | [City of Boardman](#)



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