

**MORROW COUNTY BOARD OF COMMISSIONERS LAND USE HEARING
DON ADAMS CONFERENCE ROOM
IRRIGON, OREGON**

Present in-person: Chair David Sykes, Commissioner Roy Drago Jr., Matt Jensen, Valerie Ballard, Tamra Mabbott, Landon Jones, Daisy Goebel; No- Staff: Robert Levy, David Ameneyro

Present via Zoom: Commissioner Jeff Wenholz, Stephen Wreccics; non-staff: JR Cook, Dan Kearns, Megan Lin

Call to Order: 1:02 p.m.

Work Session Items: No Items

Public Land Use Hearing:

AZ-148-23

Chair Sykes read the opening statement for Land Use Hearings.

Commissioner Wenholz noted he had spoken with Mr. Jensen about Commissioner Wenholz' potential conflict of interest as a Board Member for Umatilla Electric Coop. For Data Center discussions, Commissioner Wenholz will need to recuse himself from the discussion and vote, and asked if we could split the hearing into multiple actions from the original single action.

Ms. Mabbott affirmed the hearing could be split into multiple actions so Commissioner Wenholz would be able to vote on the other issues.

Ms. Mabbott, Planning Director introduced herself and Planning Technician, Landon Jones. A Work Session was held in October and a Planning Commission meeting was held in November. Ms. Mabbott noted an error in the meeting packet was found Friday, and only odd numbered pages of correspondence was included. The full letters are available online.

Ms. Mabbott provided a brief overview of the updated Codes. She said that the County is working with Data Center companies to clean up language in codes. Rather than searching for individual codes relating to Data Center development, relevant codes will be compiled for ease of use. Amazon Web Services (AWS) has reviewed this and provided input. There is an added retirement requirement for solar facilities. And Clarifying language on Accessory Dwelling Units (ADU) in House Bill HB 644, counties may allow ADUs in Rural Residential Exception Areas, outside of city limits and outside Urban Growth Areas (UGA). At the last Planning Commission meeting, they tabled the discussion on ADU after hearing testimony against ADU, until more information is known about nitrates in drinking water.

Acknowledging Commissioner Wenholz' concern of a possible conflict of interest, Ms. Mabbott said it would be "cleanest" to follow the meeting packet and then to piece out individual items for vote. Mr. Kearns, Land Use Counsel agreed it was best to keep everything packaged as is and if necessary, to vote separately on items. If there is a split vote, under the Rule of Necessity, a vote may be cast by the recused despite their conflict of interest to break the tie.

Mr. Jones read through the zoning ordinances, from pages 24-79 of the packet, pointing out the changes.

Public Testimony

Chair Sykes opened the hearing for Public Testimony. Mr. Kearns reminded everyone since this is a legislative matter, anyone can comment, not just proponents and opponents of the subject.

Robert Levy of Echo said he farms south of Boardman. Just because Legislature passed something, it might not be well vetted and it's up to the Planning Department to exercise good judgement. Mr. Levy said Morrow County is not unique to nitrates in water and it's an issue Arizona deals with too. He doesn't think that adding ADUs to existing septic systems serving individuals makes sense. He asks that ADUs are not approved within critical groundwater areas or within LUBGWMA (Lower Umatilla Basin Groundwater Management Area) limits. He then asked that the record be held open, citing he only learned of the Land Use Hearing the day before.

Chair Sykes asked if there were different types of septic systems that may help battle the nitrate issue. Ms. Mabbott replied that there is a lot of work being done to understand nitrates in drinking water, and the information isn't there yet.

J.R. Cook of Northeast Oregon Water Association (NOWA) said he supports tabling the discussion of ADU.

Commissioner Wenzholz made the comparison of his three-bedroom 2-bathroom house and moving his mother-in law into his home, versus adding an ADU and moving her in there for more privacy. The ADU would not add to the septic load any more than moving her into his home, and disallowing ADUs could create a "slippery slope".

Moving on to discuss data centers, Commissioner Wenzholz recused himself from that portion of the discussion.

Jacob Cain, representing Port of Morrow, said they would like more time to engage their land use attorneys and consultants as adding standards to outright use language could be impactful and significant and it could affect both current and future data center customers.

David Ameneyro from Amazon Web Services echoed Ms. Mabbott saying AWS worked closely with the Planning Department to develop the language for review, not realizing the effects on partners such as the Port of Morrow and would like more time to consider language.

Chair Sykes concluded the public testimony for Commissioners to deliberate and asked if the hearing should be continued.

Commissioner Drago moved to continue the hearing on March 20, 2024, at 1:00 p.m. in the Don Adams Conference Room. Chair Sykes seconded; Commissioner Wenzholz recused. Vote: 2 votes yes, 1 recused.

Adjourned: 2:32 p.m.