

WASCO COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR SESSION JANUARY 5, 2011

PRESENT: Sherry Holliday, Chair of County Commission

Scott C. Hege, County Commissioner Rod L. Runyon, County Commissioner Kathy McBride, Executive Assistant

At 9:00 a.m. Commissioner Sherry Holliday called the meeting to order.

The first order of business was to elect a Chair of the Board of Commissioners.

{{{Commissioner Runyon moved to nominate Commissioner Sherry Holliday as Interim Chair. Commissioner Hege seconded the motion; it was then passed unanimously.}}}

OPEN TO PUBLIC

Richard Murray stated that he is here to talk about land use planning. He would like to see a change in land use so that anyone that has a legal piece of property could build a house on it. He asked that the Board talk about the County's Land Use Plan.

Murray stated that he was going to file some petitions. The first thing he was going to ask was that the County abolishes all administrative fees for the Planning & Development Department. He referred to the Equal Protection Clause, Article 1, Section 21, of the Constitution. Murray then referred to House Bill 2229, which was passed in 2009. Oregonians in Action will be asking that the Land Conservation and Development Department (LCDC) implement the provisions under this Bill.

Murray briefly discussed the property owned by Thomas Teven. He noted that when the County changed the minimum acreage from 80 acres to 160 acres this was not a mandate by the State of Oregon.

Some discussion occurred in regards to comments made by Murray.

Barbara Seatter, Mid Columbia Center for Living Executive Director, stopped in to introduce herself.

Seatter was informed by the Board of Commissioners that they would be deciding this afternoon which Committees members of the Board would be appointed to.

Seatter stated that she began working for Center for Living in June. They are still making some changes. They are in the process of buying some property on Tenth and Webber Street with the intention of building a new clinic for mental health and addiction services. They are developing building plans with La Clinicia. They want to have more collaborative care for the patients that they share.

Seatter noted that the Mental Health Board meets the first Tuesday of every other month from 11 a.m. to 1 p.m. They have a representative from the Counties of Sherman, Hood River and Wasco. She is considering a larger board consisting of citizen representatives.

Other Business:

Commissioner Runyon stated that Municipal Judge Ron Somers passed away on Monday. He requested that we have a moment of silence to recognize Somers.

OPEN TO DEPARTMENTS

Molly Rogers, Youth Services Director, stated that she received three different letters from three different entities acknowledging and thanking us for the work performed by the County's Work Crew. The letters received were from the U.S. Army Corp of Engineers, the City of Shaniko and the Mt. Hood National Forest, (Attached as Exhibit A).

Chair Holliday stated that the County is very appreciative of the services provided by the Work Crew at the Pine Hollow Reservoir.

Christa Rude, Commission on Children and Families Administrator, stated that they are still waiting to see how the Governor presents what will be happening with the Oregon Commission on Children and Families as to the state's budget. Rude wanted to recognize the great work that Mid-Columbia Center for Living is doing. They had a meeting with the School District in regards to mental health support.

Tyler Stone, Administrative Officer, reported that the Veterans Service Office is in the process of moving to the Transportation Center Building. The antenna is up and there is now phone service at the building.

Some discussion occurred regarding the new Veterans Service Office located at 201 Federal Street in The Dalles.

Commissioner Runyon noted that the tentative date for the Open House for the Veterans Service Office is on January 28th.

WORK SESSION to discuss committee assignments, meetings dates, and other organizational matters.

The Board of Commissioners discussed the tentative Radio Station Schedule for calendar year 2011, (Attached as Exhibit B).

Rodger Nichols, Y102 Radio, invited the Board to be a guest on his talk show on the third Thursday of each month.

The Board felt the tentative schedule for the KIHR Radio Program was fine. Commissioner Runyon is suggesting that the date of our KODL Coffee Break Radio Program be changed from a Monday to a Tuesday.

Chair Holliday noted that she will not be scheduling time to participate on the Coffee Break Program.

Commissioner Runyon will contact Al Wynn to see about changing the date when the County is a guest on the KODL Coffee Break Program.

The Board reviewed and discussed the proposed Board of Commissioners Schedule for 2011, (Attached as Exhibit C).

Commissioner Runyon noted that he may be gone on September 21, 2011.

Commissioner Hege has a conflict on the morning of January 19th. He suggested that the Board not meet until the afternoon.

Commissioner Hege also suggested that the meeting times of the Board of Commissioners be more accessible to members of the public. He would like people to be able to attend our meetings without taking time off from work.

Commissioner Runyon is interested in scheduling meetings throughout Wasco County. He is also interested in scheduling some meetings here in The Dalles that would begin at 4 p.m.

Chair Holliday agrees with the comments from Commissioners Hege and Runyon. She stated that the County Court has held meetings throughout Wasco County in the past. If there is an issue that is important citizens will show up.

Former County Judge/Board Chair Dan Ericksen suggested that the business you want to conduct in the evening is for that specific community. You may plan to have a day meeting here in The Dalles and then go to a night meeting in another community. That way staff does not have to travel.

Some discussion occurred regarding the Board of Commissioners schedule.

The Board directed Stone to work out a tentative Board Schedule that would incorporate evening meetings throughout the County that would accommodate staff so that overtime was not being accrued.

The next item discussed was the Board of Commissioners Agenda. Items discussed pertained to the "Open to Public" and "Open to Departments" times on the Agenda.

Commissioner Runyon prefers that Departments be scheduled on the Agenda. If something comes up that needs the immediate attention of the Board of Commissioners the Department Head could come and meet with the Board. He would like to see a memorandum sent out to Departments encouraging them to get on the Board's Agenda, when possible.

Commissioner Hege stated that he has never been in a situation where specific appointment times are given.

Commissioner Runyon stated that he would like to see where members of the public could address the Board at times other than 9 a.m.

Commissioner Runyon suggested that he be allowed to rewrite the Agenda. He will give his suggestions to Kathy McBride, Executive Assistant, who will share it with Commissioners Holliday and Hege.

CONTINUATION OF THE PUBLIC HEARING on proposed Amendments to the Wasco County Code Compliance and Nuisance Abatement Ordinance.

The Continuation of the Public Hearing was called to order by Chair Sherry Holliday.

Chair Holliday went over the procedures for today's Hearing.

Chair Holliday asked if any Commissioner wished to disqualify them self for any personal or financial interest in this matter. There was no one.

Chair Holliday asked if any member of the audience wished to challenge the right of any Commissioner to hear this matter. There was no one.

Chair Holliday asked if any member of the audience wished to question the jurisdiction of this body to act on behalf of Wasco County in this matter. There was no one.

Chair Holliday called on Staff to present the Staff Report.

Keith Cleveland, Code Compliance Officer, presented his Staff Report at this time, (Attached as Exhibit D).

Commissioner Hege asked why it was important to establish the \$20,000 minimum penalty.

Cleveland informed the Board on how the property owner is fined; that the County is not paid the fine amount; and when the fine is forgiven.

Discussion occurred regarding the abatement process and the reason behind establishing a minimum penalty in the amount of \$20,000.

Gary Nychyk, Senior Planner, reminded the Board of Commissioners that these are complaint driven and that the violations are abated on a voluntary basis.

Cleveland stated that the County will not be considering the septic system violations. The North Central Public Health District is in contract negotiations with the Oregon Department of Environmental Quality (DEQ) regarding those violations. Glenn Pierce, Environmental Health Specialist Supervisor, said he is possibly interested in adding in these septic systems violations into the Ordinance during the next round of updates.

Cleveland continued going over the changes chapter by chapter.

At the conclusion of his Staff Report Cleveland asked if there were any questions. There were none.

Chair Holliday opened the Public Hearing to anyone wishing to testify.

Jim Wilcox, testifying as a citizen and on behalf of the City of The Dalles, is supportive of what the County is doing as to recordings. He stated for years the County took no action and never recorded them. By doing so it puts the public on notice.

Wilcox asked if the County's definition of junk and solid waste coincides with the definitions of the City's. He stated that the City's Code Enforcement Officer tries to figure out if they are responsible or not. He feels it would be helpful for the definitions to be similar before they are adopted by the Board of Commissioners. Wilcox asked that the Board hold off on adopting the proposed amendments for consistency sake. If we can match up the definitions and get them close as we expand the urban growth boundary it will not be a change in philosophy.

Some discussion occurred.

Cleveland noted that the County cannot change the health definition. The County does not have the code authority in the urban growth area; that authority has been transferred to the City of The Dalles. There is an area (urban growth area) that has not been covered.

Wilcox stated that the City did not annex all of the property into the urban growth boundary. This area needs to be covered and should be consistent.

Former County Judge/Chairman of the Board of Commissioners Dan Ericksen stated that the County has dealt with this issue before. The proper place to address it would be in the Joint Management Agreement. If the Agreement between the County and the City was rewritten the code and compliance portion could be explicitly left with the County. Ericksen noted that he has not investigated this issue.

Wilcox stated that the code part works, the nuisance abatement portion got missed. He would agree with Ericksen.

Nychyk pointed out that the definitions that we have are already in effect. Nikki Lesich, City of The Dalles Code Compliance Officer, was on the County's Citizen Involvement Committee when the Ordinance was being put together initially. He does not know if the definitions match exactly. The definitions were developed with the City in mind.

Wilcox stated we still have a hold in the enforcement side. The City Council would like to clear this up.

Chair Holliday stated that Todd Cornett, Planning & Development Director, is in the process of writing up an Agreement. She suggested that the amendments be adopted with the idea that we will continue to work with defining this.

Wilcox stated that he is fine with this since Lesich was involved in the initial Ordinance adoption.

Commissioner Hege asked Cleveland to address where this matter has been posted.

Kathy McBride, Executive Assistant, stated that notice of the Public Hearing was posted throughout the County.

The Public Hearing was closed to further testimony.

{{{Commissioner Runyon moved to adopt the Wasco County Code Compliance and Nuisance Abatement Ordinance as amended. Commissioner Hege seconded the motion; it was then passed unanimously.}}}

McBride noted for the record that the Ordinance will become effective in 90 days, which is on April 5, 2011.

Commissioner Hege stated that the County will keep in mind the issue of consistency with the City of The Dalles. If there is an issue of enforcement then it needs to be addressed.

The Public Hearing was adjourned.

At this time Commissioner Runyon discussed a code compliance issue with Keith Cleveland. He asked Cleveland if he sees the numbers leveling off in 2011 since the County is catching up.

Cleveland responded by stating that he has completed all of the cold cases; they are either resolved or in process. He thinks the numbers will be close to the numbers in 2010. The numbers spiked in 2010.

Some discussion occurred regarding the number of complaints. There is an average of 20 to 25 complaints per year. In 2010 there were 91 complaints.

Nychyk stated when the complaints first came into the County a letter was sent to the property owner. Those are the old cases that Cleveland has picked up. The Planning & Development Department was poorly equipped to take care of the complaints. The Code Compliance Program is a benefit; with the input from the Department Head and Commissioners the County can be much more flexible. Nychyk feels the flood of complaints will continue for a couple of years. We are seeing the fruits of the program.

Commissioner Runyon requested a comparison between now and in 2011.

Cleveland stated that they will be able to see it between 2010 and 2011 since it will be tracked monthly.

EXAMINATION of the books and papers of County Officers.

This is the time for the examination of the books and papers of the following County Officers: Board of Commissioners, County Clerk, County Sheriff and County Treasurer. The EDEN Reports for the following Departments/Divisions were reviewed and discussed at this time: County Court Department, County Clerk Department/Elections Division, Marine Patrol Division/Law Enforcement Division, and Employee & Administrative Services Department for Fiscal Year 2010-2011.

Questions from the Board of Commissioners pertained to revenues and expenditures in the following Departments/Divisions: County Clerk, Elections, Marine Patrol, Law Enforcement and Employee & Administrative Services.

The items that were discussed with County Clerk Linda Brown pertaining to the County Clerk's Office were in regards to recording fees, overtime expenses and changes in personnel.

Items discussed pertaining to the Elections Division was the additional costs associated with the primary and general elections. Three Measures were put on the ballot by the Wasco County Board of Commissioners during 2010.

Sheriff Rick Eiesland noted that temporary employees are hired to perform the duties of the Marine Patrol Program. Due to budget cuts the program runs April through September.

Items discussed pertaining to the Law Enforcement Division were in regards to gun permits, the use of the Part Time Sheriff Account, Forest Contract Deputy Account, and Search and Rescue expenses.

McBride noted that the Finance Department was added to the Administrative Services Department Employee and Administrative Services Division this year. The expenses for the County Treasurer are included in this Division.

Commissioner Hege asked who monitors these Departments/Divisions on a month to month basis.

Stone stated that Departments are directly responsible for monitoring their budgets on a monthly basis. He and Monica Morris, Finance Manager, are working on doing a quarterly or semiannual review of the entire budget.

Some discussion occurred.

ADOPTION of the Wasco County Family and Medical Leave of Absence Policy.

The Board of Commissioners considered the adoption of the Wasco County Family and Medical Leave of Absence Policy.

Some discussion occurred.

Stone stated that there were major changes in the federal law which made it necessary for the County to update our Policy. The Policy is being amended to bring it in compliance with federal law.

Commissioner Runyon stated it would be helpful to have a summary of what changes have been made to the Policy.

Stone responded to Commissioner Runyon's comments by stating that the Policy has been totally rewritten.

{{{Commissioner Runyon moved to adopt the Wasco County Family and Medical Leave of Absence Policy. Commissioner Hege seconded the motion; it was then passed unanimously.}}

The Board recessed at 11:34 a.m.

The Board reconvened at 11:39 a.m.

WORK SESSION to discuss committee assignments, meetings dates, and other organizational matters.

A lengthy discussion occurred regarding assigning County Commissioners to various Boards, Committees and Commissions.

The following is the summary of Committee assignments for each of the County Commissioners:

Chair Sherry Holliday

Commission on Children and Families
Deschutes River Management
Emergency Food and Shelter Board
Forestland Urban Interface Classification Committee
Hospital Facility Authority Board of Directors
Local Public Safety Coordinating Council
Mid-Columbia Council of Governments Board of Directors
North Central Public Health Board of Directors

NORCOR Board of Directors Wasco/Hood River Forestland Classification Committee Weed Council

Commissioner Scott Hege

Board of Property Tax Appeals
Columbia Gorge Regional Bi-State Advisory Committee
Mount Hood Economic Alliance
QLife Board of Directors
The Dalles Area Chamber of Commerce Ex-Officio Member
Tri-County Mental Health Board of Directors
Urban Renewal Advisory Committee
Wasco County Strategic Investment Program Advisory Committee

Commissioner Rod Runyon

Columbia Cascade Housing Corporation Loan Committee
Mid-Columbia Community Action Council
Mid-Columbia Council of Governments Board of Directors
Mid-Columbia Economic Development District Board of Directors
Mid-Columbia Housing Authority
NORCOR Board of Directors (Alternate)

Former County Judge/Board Chair Dan Ericksen will continue to serve on the QLife Board of Directors, as well as the Strategic Investment Advisory Committee.

No Commissioner was assigned to the Crates Point Board of Directors, Courthouse Security Committee and Oregon Consortium Private Industry Council.

The Board recessed for lunch at 12:18 p.m.

The Board reconvened at 1:02 p.m.

Other Business:

Chair Holliday stated that Jessica Metta, Wasco County Economic Development Coordinator, has issued her Economic Development Report, (Attached as Exhibit E). The Board of Commissioners in the past liked receiving a monthly report. Commissioner Hege stated that he can read the written report. If we need to discuss something or they need the Board's input then scheduling an appointment before the Board of Commissioners is fine. He does not want to waste Metta's time.

Commissioner Runyon agreed with Commissioner Hege. He suggested that we schedule Metta to discuss this issue at the Board's next meeting.

Stone noted that at the Board's last meeting in December he discussed the need to upgrade the card lock system at the Courthouse. The Board felt that the cost of upgrading the system should come out of the Courthouse Security Fund. Since that time he is bringing in people during the weekend to insure that the Courthouse doors are closing correctly. Stone suggested that we get the doors fixed and then we ask that the Courthouse Security Committee approve reimbursing Wasco County for the cost of the upgrade. The County's current vendor has submitted a proposal and they are willing to upgrade the system.

{{{Chair Holliday moved that the Board finds that an emergency exists in the need to upgrade the Courthouse Security Doors, that the existing vendor be utilized and that the Board authorizes the expenditure up to \$10,000 for said upgrade. Commissioner Runyon seconded the motion; it was then passed unanimously.}}}

CONTINUATION OF WORK SESSION to discuss committee assignments, meetings dates, and other organizational matters.

The Board discussed the Election of the Chair of the Board of Commissioners.

Chair Sherry Holliday stated that she was thinking about declining the appointment of Chair. She is concerned with the desire of Commissioner Hege in having all Commissioners being located in one office. If that is where the Board is going she would decline the appointment as Chair. It is important to her that the Commissioners have separate offices.

Commissioner Hege stated that he is not advocating for that. He is advocating for them to be in an area. It is not acceptable to him that some of the Commissioners are upstairs and some are downstairs. It would be perfect to have staff out front and then have separate offices for the Commissioners behind their staff. He does not feel it is currently functional.

Commissioner Runyon stated that he agrees with some of what Commissioner Hege stated. It is the way of finding out how the Board and our staff work. He would like to empower Stone to figure out a way to accommodate this.

Chair Holliday stated that it would be ideal to have the Commissioners all on one floor. However she does not know how that will happen. The prior Board of Commissioners envisioned that the Chair would be located in Former County Judge/Board Chair's Office on the third floor. Chair Holliday noted that she is not disagreeing on what you

said; she just wonders how much it will cost and how soon it will happen. She does not want to disrupt another office.

Commissioner Hege stated that he does not want to spend a lot of money and create a lot of disruption. He wants the public to have easy access to the Board of Commissioners.

Some discussion occurred regarding the issue of office location.

Stone noted that he has been thinking about this for some time. Some of the options are not ideal and others have their challenges.

{{{Commissioner Runyon moved to elect Commissioner Sherry Holliday as Chair of the Wasco County Board of Commissioners effective January 5, 2011. Commissioner Hege seconded the motion; it was then passed unanimously.}}}

The next items to be discussed during the Work Session were the Board of Commissioners' meetings and agendas.

Commissioner Runyon stated that he feels it is important for the Board Meetings to begin on time. He felt there were times in the past when the meeting did not begin until three or five minutes after the time posted on the Agenda.

Commissioners Runyon and Hege suggested that we purchase a new clock for the Courtroom since the antique clock does not keep accurate time. Stone was directed to install a new clock in the Courtroom.

Commissioner Hege stated that it is important that the person addressing the Board needs to state their name or for the Chair to identify who the individual is.

Commissioner Runyon stated that he wants to reword the Board's agenda. He would like to see, whenever possible, for the agenda to be on one page. Commissioner Runyon will work on changing the format and McBride will continue to prepare the agenda as is until the change has been made.

Commissioner Runyon had a question on expenditures. Stone will get the Board a copy of the Contract Review Board Rules.

Commissioner Hege feels there needs to be a cut off period for the agenda and Board Packet. He feels that a week cut off is reasonable. His hope is that the Board will have the Board Packet by the Friday before the meeting.

Commissioner Runyon would like to have the Packet three working days prior to the meeting.

Some discussion occurred regarding establishing a cut off period.

Stone will prepare a memorandum to Departments in regards to the cut off period for getting on the Board's agenda. He will share the proposed memorandum with members of the Board prior to its distribution.

Staff was directed to distribute the Board Packet by the Friday before the meeting.

Chair Holliday wants to continue to receive a hard copy of the Board Packet.

Commissioner Runyon stated that he likes it in electronic format.

Commissioner Hege would like to find an electronic system that will work for us and will replace the paper packet. An electronic document could be available to the public and the news media. He would like Stone to find a solution that will work for the Board of Commissioners.

The Board signed:

- Wasco County Code Compliance and Nuisance Abatement Ordinance.
- Family and Medical Leave of Absence Policy.

The Board adjourned at 2:06 p.m.

WASCO COUNTY BOARD OF COMMISSIONERS

Sherry Holliday, Chair of Commission

Scott C. Hege, County Commissioner

Rod L. Runyon, Jounty Commissioner

Moly,

On the eve of my retirement as Forest Supervisor of the Mt. Hood National Forest, I wanted to take a moment to thank you for your steadfast partnership and support of the Forest. The enclosed coin is the first release of the Mt. Hood Quarter. Please accept it as a token of the Forest's high regard for you and the contributions you have made over the years to the greater public good.

Best Regards,

Day R. Rome



City of Shaniko in appreciation



October 30, 2010

Dear Molly and John,

The Shaniko City Council would like to thank you for helping us here in Shaniko with weed control. We understand John, that without a crew you still came out and worked in Shaniko. We appreciate you so much. Thank you, both for helping us and for the work you do to help kids in trouble hopefully see a better path for their future.

Mayor,

Council.

Shirley Stevens

Holdis Lee Noberts

Recorder,

SHANIKO: Out Where The West Still Lives

Hugh Hollind

DECEIVE Dear Molly, DEC 1.7 2010 Thanks for all you and your staff down to help youth in our eventy. Even though you work with them after they are in trouble, they can sure decide to turn around. Though it is a help to "us" here in Shaniko the best would be no troubled teens! Does Shanko donate still, or "15 your work not in need of small edg Support? I just vou

made to a council meeting years ago. - We donated back when. De you think a visit would benefit us here (about your scope of work + possible resources the South wasco co, population does not know about). I guess my concerns stem from the one shild we have here that "is heading for direct contact with you, if he foesnt get the help he needs. I think he is only in 4th grade.

Anyway, Have very good, 5afe + blessed holidaya -Thanks again, Deb Holbrook November 24, 2010

U.S. Army Corps of Engineers The Dalles Dam Ranger Office Highway 84, Exit 88 The Dalles, OR 97058

Jack Bisset 8545 Clear Creek Rd Parkdale, OR 97041

Dear Mr. Bisset,

I wanted to thank you for being such a dependable volunteer for US Army Corps of Engineers here at The Dalles Dam. My records show that you and your crew have spent a total of 130 hours of valuable time with us over the past year. The litter pick-up and wood removal all of you have completed is so important to us. It frees up labor costs and time that are sorely needed in many other areas. As shortages in budget and staff significantly affect decisions in what we can devote our time and resources to, your public service and support is a valued gift that allows us as an agency to keep up with an ever growing 'to do' list.

Included with this letter is a token of our appreciation. (I included more than one in case you wanted to recognize people on your crew who did an exceptional job here.) We hope you enjoy working as a volunteer for us as much as we enjoy working with you. As always, if you have any feedback as to how we could make your volunteer experiences more rewarding, please let us know.

Happy Holidays,

Amber Tilton, Park Ranger amber.c.tilton@usace.army.mil The Dalles Dam Visitor Center

Office# 541-506-7819

PROPOSED RADIO STATION SCHEDULE, 2011

January 3, 2011

KIHR

KODL

January 11 Sherry Holliday

February 8 Scott Hege

March 8 Rod Runyon

April 12 Sherry Holliday

May 10 Scott Hege

June 14 Rod Runyon

July 12 Sherry Holliday

August 9 Scott Hege

September 13 Rod Runyon

October 11
Sherry Holliday

November 8 Scott Hege

December 13 Rod Runyon

PROPOSED 2011 BOARD OF COUNTY COMMISSIONERS SCHEDULE

Created on January 3, 2011

January 5, 2011 January 11, 2011 Work Session January 19, 2011

> February 2, 2011 February 16, 2011

March 2, 2011 March 9, 2011 Work Session March 16, 2011

April 6, 2011 April 20, 2011 Budget Session – April 25, 26, 27 & 28, 2011

> May 4, 2011 May 11, 2011 Work Session May 18, 2011

> > June 1, 2011 June 8, 2011 June 15, 2011

July 6, 2011 July 13, 2011 Work Session July 20, 2011

> August 3, 2011 August 17, 2011

September 7, 2011 September 14, 2011 Work Session September 21, 2011

> October 5, 2011 October 19, 2011

November 2, 2011 November 9, 2011

December 7, 2011 December 21, 2011

STAFF REPORT

Amendments to the WASCO COUNTY CODE COMPLIANCE AND NUISANCE ABATEMENT ORDINANCE

Request:

- 1. Amend Sections 3.130 <u>Establishment of Administrative Civil Penalties (Step 3)</u> and 3.140 <u>Determination of Amount of Administrative Civil Penalty (Step 3)</u> to reflect a minimum penalty of \$20,000 for illegal structures and dwellings.
- 2. Add septic system violations to the WCCCNAO
- 3. Add a definitive process for recording a violation on a property deed
- **4.** Remove duplicative language from Chapter 3 regarding "Enforcement of Hearings Officer Order"
- 5. Clarify what "Solid Waste" is
- 6. Update "County Court" language
- 7. Update "Wasco-Sherman County Health Dept" language
- 8. From Section 1.120 Definitions:
 - a. Add "Notice of Failure to Comply: Violation Recorded on Deed" to Compliance Notices and Compliance Orders definition
 - b. Remove definition for County Court, add definition for Board of Commissioners
 - c. Clarify the "Dwelling" definition to include permanent and temporary structures that are occupied full or part time
 - d. Expand the "Junk" definition" and remove the "Waste" definition
- 9. Miscellaneous language corrections
- 10. Changes from Hearing #1:
 - a. "Board of Commissioner" language updated
 - b. Septic violation language removed
 - c. From section 1.120 (change in blue)

Dwelling - Any structure, <u>permanently affixed or temporarily sited or parked</u>, containing dwelling units, including all dwelling classifications covered by the LUDO or NSA LUDO, that are occupied full time, periodically or are unoccupied.

NOTE: See the definition for Recreational Vehicle or Camping Vehicle to determine when an RV is considered a dwelling.

d. From section 3.130.G (change in blue)

NOTE: If the violation is still active on the property, penalties and County charges resulting from an illegal dwelling or structure will be paid to the County at the time the property is sold by collection of the lien amount. If

the illegal dwelling or structure remains in violation on the property the fine will be assessed daily up to \$20,000 or the assessed value of the dwelling or structure; whichever is higher, then be recorded as a lien against the property.

Prepared by:

Keith Cleveland, Code Compliance Officer

Prepared for:

Wasco County Board of Commissioners

Applicant:

Wasco County Code Compliance

Department

BOCC Hearing Date:

1st Hearing:

December 15, 2010

2nd Hearing:

January 5, 2011 January 5, 2011

Approved: Effective:

April 5, 2011

Applicability:

All property as described in the WCCCNAO

Procedure Type:

Legislative

I. BACKGROUND INFORMATION

In order to create more of a deterrent for placing illegal structures and dwellings, as well as increased incentive for removing current illegal structures and dwellings, the Wasco County Board of Commissioners requested a minimum penalty of \$20,000. Changes to clarify and update language and procedures are also needed.

II. NOTICE & PUBLIC/AGENCY INVOLVEMENT

- A. Notice: An Order was prepared and filed November 15, 2010 calling for a Public Hearing and a legal notice advertising the date and time of the hearings. The notice will be published as well as posted throughout Wasco County by the WCBOCC Office.
- B. Public Involvement: N/A
- C. Agency involvement: N/A

III. DISCUSSION OF PROPOSED WCCCNAO TEXT AMENDMENTS

Formatting Key:

Strikeout = Language to be removed.

<u>Double underline</u> = Language to be added.

The following describes proposed amendments. Each proposed amendment includes the page number of the zone where it is located.

A. SECTION 1.030 Purpose (pg 1-1)

B. Establishing and enforcing minimum standards regulating the accumulation of waste junk, solid waste, tires, and inoperable or abandoned vehicles on public and private property; and by,

B. SECTION 1.050 Scope (pg 1-2)

The provisions of this Ordinance shall apply to all unincorporated property in Wasco County except as otherwise excluded. The Solid Waste provisions of this Ordinance (Solid Waste as defined in section 1.120 Definitions) shall apply to all property in Wasco County.

C. SECTION 1.060 Administration Authority and Responsibility (pg 1-2)

The <u>County Court Board of Commissioners</u> is hereby authorized to administer and enforce all of the provisions of this Ordinance. The <u>County Court Board of Commissioners</u> may employ qualified officers, inspectors, assistants, and other employees as shall be necessary to carry out the provisions of this Ordinance

D. SECTION 1.120 Definitions

- a. (pg1-4) **Compliance Officer** The Wasco County Planning Director, or their designee, or the Environmental Health Officer, or their designee, or any other person designated by the <u>County Court Board of Commissioners</u> to enforce this Ordinance.
- b. (pg1-4) Compliance Notices and Compliance Orders Documents that are sent to the owner of record or person in charge of property during and after the code compliance process. They include but are not limited to: Notice of Violation, Notice of Failure to Comply: Violation Recorded on Deed, Notice of Failure to Comply/Administrative Civil Penalty, Notice of Abatement Cost, Notice of Summary Abatement, Order to Correct and, all forms of Order to Abate Nuisance, and all Hearings Officer Orders.

- c. (pg1-4) County Court The County Court (Commissioners) of Wasco County, Oregon.
- d. (pg 1-4) Board of Commissioners Wasco County Board of Commissioners\
- e. (pg1-5) **Dwelling** Any structure, <u>permanently affixed or temporarily sited</u> or <u>parked</u>; <u>sontaining</u> dwelling units, including all dwelling classifications covered by the LUDO or NSA LUDO, <u>that are occupied full time</u>, <u>periodically or are unoccupied</u>.
 - NOTE: See the definition for Recreational Vehicle or Camping Vehicle to determine when an RV is considered a dwelling.
- f. (pg1-5) **Health Officer** The Wasco-Sherman County North Central Public Health District Health Unit Officer or Environmental Health Officer.
- g. (pg1-5) Hearings Officer Individual or group appointed by the County Court Board of Commissioners to issue orders and hear appeals of enforcement actions initiated under this Ordinance.
- h. (pg1-5) Junk Includes, but is not limited to, all old motor vehicles, old motor vehicle parts, abandoned automobiles, old machinery, old machinery parts, old appliances or appliance parts, old iron or other metal, glass, paper, lumber, wood or other waste useless, unwanted, or discarded material. The fact that materials, which would otherwise come within the definition of Junk, may from time-to-time have value and thus could be utilized, shall not remove them from the definition. For purposes of this subsection, the term "old" shall include, but not be limited to, a description of items which are dilapidated, abandoned, inoperable, or otherwise in a state of disrepair.
- i. (pg 1-9) Recreational Vehicle or Camping Vehicle A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, but not for residential purposes, and is identified as a recreational vehicle by the manufacturer. A recreational or camping vehicle shall be considered a dwelling unit if any of the following is true:
 - **d.** It is parked on property that is without a legally placed dwelling for more than 30 days during any <u>consecutive</u> 6 month period."
- j. (pg1-10) **Solid Waste** Includes all putrescible and nonputrescible wastes, whether in solid or semi-solid form, including but not limited to:

garbage, trash, rubbish, refuse, ashes, paper, cardboard; commercial and industrial wastes; demolition and construction wastes; manure, vegetable or animal solid or semi-solid wastes including yard debris, dead animals; medical and infectious waste as defined in ORS 459.386 and OAR 340-93-030 (42) and (52); all wastes capable of being recycled that are commingled with other wastes; and, incidental Household Hazardous Waste or Small Quantity Generator Hazardous waste as defined under 40 CFR 261.5. The fact that materials, which would otherwise come within the definition of Solid Waste, may from time-to-time have value and thus could be utilized, shall not remove them from the definition. The term "Solid Waste" shall not include Hazardous Waste as defined in ORS 466.005 or any of the following:

k. (pg 1-11) Waste Useless, unwanted or discarded materials. The fact that materials, which would otherwise come within the definition of Solid Waste or Waste, may from time to time have value and thus could be utilized, shall not remove them from the definition.

E. (pg 2-1) SECTION 2.010 Chapter 2 Purpose

The purpose of Chapter 2 is to provide codes which will be used to regulate public health violations, including but not limited to: the accumulation of waster solid waste, junk tires, and inoperable or abandoned vehicles on public and private property as well as designated violations of the Wasco Land Use and Development Ordinances.

F. (pg 2-1) SECTION 2.020 Exemptions

NOTE: sub-sections C and D above do not apply to solid waste nuisances (Solid Waste as defined in section 1-120 Definitions)

G. (pg 2-2) SECTION 2.040 Unenumerated Nuisances

The acts, conditions or objects specifically enumerated and defined in this Chapter are declared public nuisances and may be abated by the procedures set forth in Chapter 3. In addition to the nuisances specifically enumerated in this Ordinance, every other thing, substance or act that is determined by the Compliance Officer or County Count Board of Commissioners to be injurious or detrimental to the public health, safety or welfare of the County is declared a nuisance and may be abated as provided for in this ordinance.

H. (pg 2-2) SECTION 2.060 Solid Waste and Junk Nuisances

unsanitary conditions, or create a fire hazard.

A. <u>Accumulation</u>, <u>Collection or Storage of Solid Waste or Waste Junk</u>
All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage, so as not to breed insects and rodents, produce dangerous or offensive gases, odors and bacteria, or other

Any accumulation, collection or storage of solid waste or waste junk, shall constitute a nuisance, and no person responsible shall cause or permit such condition to exist unless the person responsible is licensed by lawful authority to operate a business specifically for those purposes.

- <u>C. Storage of Non-Trash Items</u>. All items listed below shall be removed and kept removed from properties, unless specifically authorized by ordinance to do otherwise:
 - 1. Accumulations of wood pallets;
 - 2. All firewood that is not stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property;

Wood piles that accumulate, on agriculturally zoned land, as a result of accepted farming practice are exempt from this section.

- Accumulations of vehicle parts or tires;
- D. <u>Outdoor Nuisance Storage of Tires</u>
 - **3.** Any storage of tires that constitutes a health hazard on any property under the jurisdiction of the Wasco Sherman North Central Public Health Dept is prohibited
- I. (pg 2-7) SECTION 2.090 Illegal Uses
 - **G.** Other uses: Any other use of land that occurs in Wasco County that the Compliance Officer or Court Board of Commissioners determines is in conflict with LUDO or NSA LUDO requirements.
- J. (pg 2-8) SECTION 2:100 2:110 National Scenic Area (NSA) Violations

 C. Violation of Structure Restrictions: No structures larger than 60 square feet in area and or 10 feet in height are permitted without review.
 - **D.**Violation of Fence Restrictions:

Wire-strand or woven-wire fences used for gardens, yards, livestock, and similar uses greater than 500 feet in length and or 10 feet in height that are accessory to an existing dwelling are not permitted without review. Woven-wire fences must be brown or black if visible from key viewing areas. Height is measured from the ground to the top wire.

K. (pg 3-4) <u>SECTION 3.055</u> Enforcement Of Hearings Officer Order Penalties, fees and county Charges are payable on the effective date of the order and are a debt owed to the County, under ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If penalties, fees, and County charges are not paid within 60 days after payment is ordered, the County may file and record the order in the County Clerk Lien Record. The cost of filing and releasing the lien shall be added to the amount of the lien and the responsibility of the owner of record or person in charge of the property.

The County may institute appropriate suit or legal action, in law or equity, in any court of competent jurisdiction to enforce the provisions of any order of the Hearings Officer, including, an action to obtain judgment for any civil penalties, fees, or County charges imposed by such order.

The Compliance Officer shall notify the owner of record or person in charge of the property that the penalty and associated County charges have been assessed against the real property upon which the failure to comply occurred, and has been entered in the County Clerk's Lien Record. The lien may be enforced in the same manner as a judgment, or as a lien for street improvements, and shall bear interest at the rate prescribed in ORS 82 010.

L. (pg 3-4) **SECTION 3.080** <u>Initiation of Enforcement Action</u> Enforcement action will be initiated pursuant to the policy established by the Wasse County Court Board of Commissioners in consideration of staff resources

Wasco County Court Board of Commissioners in consideration of staff resources and nuisance priorities.

M. (pg 3-9) SECTION 3.130 <u>Establishment of Administrative Civil Penalties</u> (Step 3)

(add to section G)

NOTE: Fines and county charges resulting from an illegal dwelling or structure will be paid to the county at the time the property is sold by collection of the lien amount. If the illegal dwelling or structure remains in violation on the property the fine will be assessed daily up to \$20,000 or the assessed value of the dwelling or structure; whichever is higher, then be recorded as a lien against the property.

J. Enforcement Of Hearings Officer Order: Penalties, fees and county Charges are payable on the effective date of the order and are a debt owed to the County, under ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If penalties, fees, and County charges are not paid within 60 days after payment is ordered, the County may file and record the order in the County Clerk Lien Record. The cost of filing and releasing the lien shall be added to the amount of the lien and the responsibility of the owner of record or person in charge of the property.

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N. (pg 3-9) Section 3.140 <u>Determination of Amount of Administrative Civil</u> Penalty (Step 3)

- E. Illegal dwellings or structures, permanent: \$2,000 per day, per violation. Penalty ceases to accrue when it reaches the assessed value of the dwelling or structure or \$20,000, whichever is higher. If the assessed value is not available then the fine amount may be set to cease at \$20,000. Penalty is forgiven when the violation is addressed (removed, permitted, or converted to an allowed use) by owner of record or person in charge of the property.
- F. Illegal dwellings or structures, temporary: \$2,000 per day, per violation. Penalty ceases to accrue when it reaches the assessed value of the dwelling or structure or \$20,000, whichever is higher. If the assessed value is not available then the fine amount may be set to cease at \$20,000. Penalty is forgiven when the violation is addressed (removed, permitted, or converted to an allowed use) by owner of record or person in charge of the property.

O. (pg 3-13) SECTION 3.160 Order to Abate Nuisances (Step 4)

F.Enforcement Of Hearings Officer Order: Abatement costs, penalties, fees and county Charges are payable on the effective date of the order and are a debt owed to the County, under ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If abatement costs, penalties, fees, and County charges are not paid within 60 days after payment is ordered, the County may file and record the order in the County Clerk Lien Record. The cost of filing and releasing the lien shall be added to the amount of the lien and the responsibility of the owner of record or person in charge of the property.

The County may institute appropriate suit or legal action, in law or equity, in any court of competent jurisdiction to enforce the provisions of any order of the Hearings Officer, including, an action to obtain judgment for any civil penalties, fees, or County charges imposed by such order.

The Compliance Officer shall notify the owner of record or person in charge of the property that the abatement costs, penalties, fees, and associated County charges have been assessed against the real property upon which the failure to comply occurred, and has been entered in the County Clerk's Lien Record. The lien may be enforced in the same manner as a judgment, or as a lien for street improvements, and shall bear interest at the rate prescribed in ORS 82.010.

P. (pg 3-19) SECTION 3.210 Right to Appeal

Appeals will be heard by a Hearings Officer appointed by the County Court Board of Commissioners.

Q. (pg 3-21) SECTION 3.220 Appeal Fees and Deposits

A.To help defray the costs of processing the appeal, all appeals shall be accompanied by an appeal fee of \$100 established by the County Court Board of Commissioners.

Enforcement Of Hearings Officer Order: Abatement costs, penalties, fees and county Charges are payable on the effective date of the order and are a debt owed to the County, under ORS 30:460, and may be collected in the same manner as any other debt allowed by law. If penalties, fees, and County charges are not paid within 60 days after payment is ordered, the County may file and record the order in the County Clerk Lien Record. The cost of filing and releasing the lien shall be added to the amount of the lien and the responsibility of the owner of record or person in charge of the property.

The County may institute appropriate suit or legal action, in law or equity, in any court of competent jurisdiction to enforce the provisions of any order of the Hearings Officer, including, an action to obtain judgment for any civil penalties, fees, or County charges imposed by such order.

R. (pg 3-22) SECTION 3.250 Recorded Notice of Violation
If the Compliance Officer finds violations of this Ordinance on any property, the
Compliance Officer may record with the County Clerk information regarding
County code violations and the potential for liens to be placed on the property as
a result of these violations. The document will notify a prospective buyer that the
property is tainted and can not legally be developed. When the violation is cured
a Notice of Compliance will be recorded.

A. The Code Compliance Officer will send a Notice of Failure to Comply: Violation Recorded on Deed via First Class Mail and certified mail, return receipt requested to the owner of record or person in charge of the property or served by personal service. Notice to the owner of record or person in charge of the property may also be accomplished by posting the Notice of Failure to Comply. Violation Recorded on Deed on the property or personal property.

- B. The Notice of Failure to Comply Violation Recorded on Deed Shall Include:
- The street address or a description sufficient for identification of the property on which the nuisance exists:
- 2. A statement that one or more violations of this Ordinance exist at the property with a general description of the violation(s) and the section(s) violated:
- 3. A request that the owner of record or person in charge of the property contact the Compliance Officer to resolve the violation(s):

- 4. Specification of a 15 day response period during which the property may be brought into compliance with this Ordinance before a Recorded Notice of Violation is attached to the property deed record.
- 5. Disclose the right to appeal the findings of the Notice of Failure to Comply/Administrative Penalty and a description of the time limits for requesting an appeal, as described in Section 3.210, Right to Appeal, to the owner of record or person in charge of the property.
- C. Voluntary Compliance: If the owner of record or person in charge of the property responds to the Notice of Failure to Comply: Violation Recorded on Deed and achieves voluntary compliance within 15 days of the notice, a compliance letter will be sent and the file will be closed (see also sub-section F).
- D. Hearings Officer Order: If the owner of record or person in charge of the property does not file a written appeal within 15 days of the date when the Notice of Failure to Comply: Violation Recorded on Deed is served or mailed, the Compliance Officer shall forward the Notice of Failure to Comply: Violation Recorded on Deed to the Hearings Officer for review and issuance of a written order. However, the Compliance Officer does have the discretion to allow for additional time if they feel the owner of record or person in charge of the property will abate the violation.

If the Hearings Officer determine(s) the findings, or other information were lawful, the Hearings Officer shall issue a written order affirming the findings, or other information in the Notice of Failure to Comply: Violation Recorded on Deed and shall sign and submit a Recorded Notice of Violation to the Wasco County Clerk.

If the Hearings Officer determine(s) the findings, or other information were not lawful, the owner of record or person in charge of the property shall not be responsible for meeting the requirements of the Notice of Failure to Comply. Violation Recorded on Deed.

A copy of the Hearings Officer Order shall be sent to the owner of record or person in charge of the property by certified mail

E. Recording Notice of Compliance: At such time as the violation is abated by the owner, a Notice of Compliance will be mailed via first class mail. The owner may record this document on the property deed with the County Clerk to cover the Recorded Notice of Violation at the owner's expense.

VI. Board of Commissioner Options

A. Approve the requested amendments as proposed by staff

- B. Deny the requested amendments as proposed by staff
- **C.** Continue the discussion of the amendments to a date and time certain for additional information and direct staff as to what information is required.
- **D. VII. Staff Recommendation** Approve the requested amendments as proposed by staff

Wasco County Board of Commissioners Economic Development Commission Update: January 5, 2011

EDC News

- Needs and Issues: The Needs and Issues forms have been sent out to begin collecting information for the 2011 process. Forms will come in through January with presentations from submitting entities scheduled for February 18.
- Grant Writing Assistance: Jessica assisted both The Dalles Riverfront Trail and the Fort Dalles Museum in submitting applications for Oregon Department of Transportation's Transportation Enhancement grant program. The grants are being processed and a public comment period is open until January 28. There is a fast and easy online survey to submit supportive comments: www.surveymonkey.com/s/TE_Public_Comments_Survey_2010.
- Next EDC Meeting: The next meeting of the EDC will be January 20, 10am to 12pm at
 Northern Wasco PUD in The Dalles. Rep. Huffman will be attending. Other agenda items
 include a decision on the EDC vacancy and on an ag-related research project for the EDC.
- Gorge PubTalk in The Dalles: The EDC is hosting the Gorge PubTalk in The Dalles on February 15 at the Sunshine Mill, 5:30pm. This event connects businesses looking for investment or advice with potential investors/ advisors. It also offers business networking opportunities and a business-related keynote presentation. Jessica is currently seeking entrepreneurs that might be interested in "pitching" their business idea to potential investors. February 4 deadline.

Other Economic News & Events

- Columbia Gorge Bi-State Renewable Energy Zone (CGBREZ): Members of CGBREZ had their regional marketing booth at the Small Wind and Community Conference in Portland on December 9-11. This was the first AWEA small wind conference in which CGBREZ has participated as an exhibitor. The exhibit hall was open to the public which provided good opportunities for marketing the Columbia Gorge Community College Renewable Technologies Program. CGBREZ meets regularly on the first Friday of the month at 10am at CGCC in The Dalles. The next meeting is Jan. 7 in the Small Board Room.
- Gorge Health Connect (GHC): GHC is a new non-profit formed by a variety of health and education providers to serve Hood River, Wasco, Sherman, and Gilliam county medical practices and hospitals with exchanging health information electronically. They have applied for funding to create a health information exchange of community health records for patients across the network of providers in the four counties. GHC is awaiting an award from a Health Resources and Services Administration grant that will help them build the technical and administrative infrastructure for the organization.
- Tourism Development Workshops: Travel Oregon is completing its series of tourism development workshops focused on Sherman, Gilliam and Wheeler counties. Each workshop has valuable information for those in other counties as well. The final two are "Rural Tourism Marketing on a Shoestring" on January 11 and "Fundraising for Tourism & Teaming for Success" on January 12. Each workshop will be from 9:00 am to 4:00 pm at the Hotel Condon in Condon, OR and is \$5 to attend.

Grant Opportunities

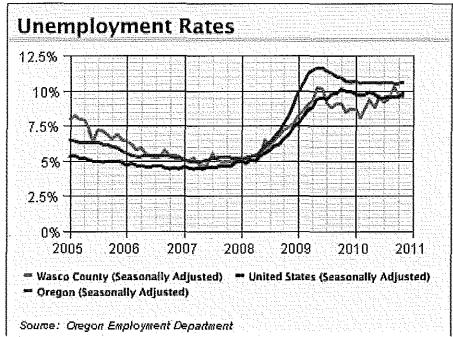
• Arts & Cultural Tourism Grant Program: January 31, 2011 deadline, \$10,000 maximum award. The Oregon Arts Commission offers this grant to support projects and partnerships that advance arts-based cultural tourism activities. The program supports activities undertaken by

- arts or tourism groups and especially projects in which both collaborate designed to increase tourism motivated entirely or in part by the arts-related offerings of a community or region. For more information, visit www.oregonartscommission.org.
- Woody Biomass Utilization Grant Program: March 1, 2011 deadline, \$250,000 maximum award. The USDA and the Forest Service offer this grant: 1) to promote projects that target and help remove economic and market barriers to using woody biomass for renewable energy; 2) to assist projects that produce renewable energy from woody biomass; 3) to reduce forest management costs by increasing the value of biomass and other forest products generated from hazardous fuels reduction and forest health activities on forested lands; and 4) to create incentives and/or reduce business risk to increase use of woody biomass from our nation's forest-lands for renewable energy projects. For more information, visit http://www07.grants.gov/search/search.do?&mode=VIEW&oppId=58881.
- Specialty Crop Grants: February 15 deadline, \$25,000 to \$100,000 grant range. Oregon Department of Agriculture offers this grant program to solely enhance the competitiveness of specialty crops. For the purposes of this program, specialty crops are defined as commonly recognized fruits, vegetables, tree nuts, dried fruits, and nursery crops (including floriculture and horticulture). Eligible non-profit organizations, local, government entities, for-profit organizations, industry trade associations, producer groups, and commodity commissions can submit projects that aim to enhance the production and competitiveness of Oregon's specialty crop industries. For more information, visit http://oregon.gov/ODA/grants_spec_crops.shtml.

Employment

Seasonally Adjusted Unemployment Rates (Source: Oregon Employment Department)

	November 2010	October 2010	November 2009
Oregon	10.6%	10.5%	10.7%
Wasco County	9.6%	9.7%	8.5%



-respectfully submitted by Jessica Metta, EDC Staff