

WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION / AGENDA WEDNESDAY, OCTOBER 7, 2015
LOCATION: Wasco County Courthouse, Room #302
511 Washington Street, The Dalles, OR 97058

Public Comment: Individuals wishing to address the Commission on items not already listed on the Agenda may do so during the first half-hour and at other times throughout the meeting; please wait for the current speaker to conclude and raise your hand to be recognized by the Chair for direction. Speakers are required to give their name and address. Please limit comments to five minutes, unless extended by the Chair.

Departments: Are encouraged to have their issue added to the Agenda in advance. When that is not possible the Commission will attempt to make time to fit you in during the first half-hour or between listed Agenda items.

NOTE: With the exception of Public Hearings, the Agenda is subject to last minute changes; times are approximate – please arrive early. **Meetings are ADA accessible.** For special accommodations please contact the Commission Office in advance, (541) 506-2520. TDD 1-800-735-2900.

9:00 a.m. **CALL TO ORDER**

Items without a designated appointment may be rearranged to make the best use of time. Other matters may be discussed as deemed appropriate by the Board.

- Corrections or Additions to the Agenda
- Administrative Officer - Tyler Stone: Comments
- [Discussion Items](#) (Items of general Commission discussion, not otherwise listed on the Agenda) [EZ Manager Designation](#), [OIB Recommendation](#), [NACo Dues](#), [Building Codes](#), [Thank you – Facilities Maintenance](#)
- [Consent Agenda](#) (Items of a routine nature: minutes, documents, items previously discussed.) [Minutes: 9.16.2015 Regular Session](#), [9.17.2015 Town Hall](#), [9.21.2015 Town Hall](#), [Oregon’s Kitchen Table Contract](#), [Emmert Inc. Agreement](#)

9:30 a.m. [Fish & Wildlife Payments](#) – Jill Amery

9:40 a.m. [Surplus Items](#) – Fred Davis

9:50 a.m. [Home At Last Agreements](#) – Kristen Campbell

10:05 a.m. [Road Vacation Report Order](#)
[Cooperative Procurement Participation Agreement Amendment](#) } Arthur Smith

10:15 a.m. [Public Works Building Assessment Update](#)– Arthur Smith/Angie Brewer

10:35 a.m. [Klampe Lot Line Vacation](#) – Dawn Baird

11:00 a.m. [State Marijuana Laws](#) – Angie Brewer

11:30 a.m. [Executive Session](#) – Pursuant to ORS 192.660(2)(e) Real Property Transactions

NEW / OLD BUSINESS
ADJOURN

If necessary, an Executive Session may be held in accordance with: ORS 192.660(2)(a) – Employment of Public Officers, Employees & Agents, ORS 192.660(2)(b) – Discipline of Public Officers & Employees, ORS 192.660(2)(d) – Labor Negotiator Consultations, ORS 192.660(2)(e) – Real Property Transactions, ORS 192.660(2)(f) To consider information or records that are exempt by law from public inspection, ORS 192.660(2)(g) – Trade Negotiations, ORS 192.660(2)(h) - Conferring with Legal Counsel regarding litigation, ORS 192.660(2)(i) – Performance Evaluations of Public Officers & Employees, ORS 192.660(2)(j) – Public Investments, ORS 192.660(2)(m) –Security Programs, ORS 192.660(2)(n) – Labor Negotiations



WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
OCTOBER 7, 2015

PRESENT: Scott Hege, Commission Chair
Rod Runyon, County Commissioner
Steve Kramer, County Commissioner

STAFF: Tyler Stone, Administrative Officer
Kathy White, Executive Assistant

At 9:00 a.m. Chair Hege opened the Regular Session of the Board of Commissioners with the Pledge of Allegiance.

Assessor's Award

Commissioner Kramer announced that County Assessor Jill Amery had recently received a national award recognizing her work over the last year and a half to implement the tax and assessment software system that was left floundering with the passing of Assessor Tim Lynn and further complicated by issues in the County Treasurer's office. Mr. Stone noted that she was recognized by Thomson Reuter out of the 1600 government jurisdictions they serve.

Ms. Amery stated that this is not just about her leadership but about staff's willingness to go forward in the face of adversity; about sharing a vision and working toward common goals. She said she is very proud to be working on this team.

Agenda Item – Oregon Department of Fish & Wildlife Payments

Ms. Amery explained that this is an annual certification for payments made by Oregon Department of Fish and Wildlife in lieu of taxes. Consultant Tom Linhares

explained that normally state property is exempt from taxes but for land purchased by the Oregon Department of Fish and Wildlife prior to 1971, ODFW is required to make an in-lieu payment in the amount that would be paid were property subject to taxation. He went on to say that statute requires the approval of the local governing body. Ms. Amery added that the money goes straight to treasury and is distributed just like property taxes; in terms of how it is calculated and distributed – it is no different than taxable property.

Chair Hege stated that just recently the ODFW acquired significant acreage in Wasco County and assured the Board and stakeholders that they would be paying fees in lieu of taxes for that property; that is not what is being explained here today. He said that it would be very disappointing to learn that is not the case.

Ms. Amery said that they are trying to get an answer to that; there seems to be something different in place for farm use land. Chair Hege asked that she talk with Jeremy Thompson at ODFW to clarify.

{{{Commissioner Kramer moved to approve the notice of determination of value of real property owned by Oregon Department of Fish and Wildlife, Pursuant to ORS 495.340 (4). Commissioner Runyon seconded the motion which passed unanimously.}}}

Ms. Amery reported that they are waiting for tax statements to come back and hope to certify next week. She stated that the lockbox system is done and ready to go; they have created an insert that will explain the process. She said property owners can pay on the website as well.

Chair Hege asked Ms. Amery to explain the lockbox system. She replied that tax payments will be mailed to Portland and run through an automated system which uploads an electronic file that can be accessed by the County system. She said that she is very impressed with how well the setup has gone with such a short timeline. She reported that they have successfully completed test downloads.

Discussion Item – Enterprise Zone Manager Designation

Mr. Stone explained that part of the process for enterprise zones is to designate a manager for the City and County jointly. He said that the manager acts as the primary

point of contact for all enterprise zones making sure that reporting is completed and benchmarks met. The previous manager was Dan Durow who will no longer be filling that role. He stated that the City of The Dalles has appointed Daniel Hunter and needs the concurrence of the County to finalize that appointment.

*****Commissioner Runyon moved to approve Resolution #15-011 designating City of The Dalles Project Coordinator Daniel Hunter as the Local Enterprise Zone Manager. Commissioner Kramer seconded the motion which passed unanimously.*****

Discussion Item – NACo Dues

A brief discussion regarding the benefits of NACo membership ensued.

*****The Board was in consensus to renew the County's NACo membership.*****

Discussion Item – Building Codes

Chair Hege said that we have been hearing about Building Codes for a long time and he would like staff to explore Building Codes in Wasco County. He reported that he has talked to other counties and learned that many provide their own rather than leaving it to the State or contracting out to another entity. He stated that most were favorable as to why a county would run building codes. He said that an IGA from MCCOG is under consideration and this is a good time to look at the options – MCCOG, private contract, state run or in-house. He said other ways may be found as well; he wants to hear the pros and cons as a business case – what makes sense for Wasco County?

Mr. Stone said that he would like to put together a project team for this – it is big and can impact a number of departments.

Commissioner Runyon said he would think this emanated somewhat from Wayne Lease's information. Chair Hege said in part, it did – the Board has been hearing about this for over a year; he added that he has been involved with Building Codes both personally and as a Commissioner. MCCOG will need an IGA to continue the work; now is a good time to look at options.

Commissioner Runyon agreed, saying that there should have been an IGA in place years ago and there is not one; with a new director in place, the State is pressing for an IGA – we need to either do that or see what else is out there. He noted that Hood River has not been using a portion of codes for a while – perhaps we can look at our neighbors and see what we can do to serve the public and save some money. He said that he supports Chair Hege’s request for staff to explore options. Commissioner Kramer concurred.

*****The Board was in consensus to direct the County Administrator to work with staff to explore the options for administering/implementing Building Codes in Wasco County.*****

Discussion Item – Thank You Letter

Commissioner Kramer said that the County recently concluded the contract with Lee Hazel for the maintenance of the facilities located at the Pine Hollow boat ramp. He stated that for several years Mr. Hazel has done a great job and he wants to send a letter of thanks to him.

*****The Board was in consensus to send a letter of thanks to Lee and Debbie Hazel for the work they have done to maintain the facilities at the Pine Hollow boat ramp.*****

Consent Agenda – Minutes, Oregon’s Kitchen Table Contract, Emmert International Contract

Chair Hege explained that both the contracts on the Consent Agenda are for projects previously discussed and approved by the Board in public session.

**{{{Commissioner Kramer moved to approve the Consent Agenda.
Commissioner Runyon seconded the motion which passed unanimously.}}}**

Agenda Item - Surplus

Facilities Manager Fred Davis explained that there is dental equipment in Annex C for which the County has no investment or use. The equipment was left behind by the last tenant – La Clinica. According to the terms of the lease, items left behind by the tenant become property of the County. In addition, Mr. Davis reported that he contacted LaClinica, now One community Health, and they confirmed that they did

not want the equipment. He said that they are common pieces of equipment but are specifically for use by dentists; he believes it worth advertising soon before they lose value.

Mr. Davis went on to say that he had been in touch with sales representatives and canvassed EBay to determine a current market value for the used equipment. He would like to advertise locally – there is already one dentist who has expressed an interest in the equipment. Chair Hege suggested that he advertise on Craig's List and Gorge Net to reach a broader audience.

}}}Commissioner Runyon moved to approve Order 15-083 surplussing on Airstar 30 compressor and one Vacstar 80H vacuum system and to authorize the Facilities Manager to negotiate and complete the sale of the equipment. Commissioner Kramer seconded the motion which passed unanimously.}}

Mr. Davis reported that he contacted another company that moves houses and they were not interested in the County-owned house located at 1519 W. 10th Street. He was not able to find a third firm that does that kind of work. He said that the advantage to the County is to have the house off of the property rather than having it stand empty, deteriorating and vulnerable to vandalism.

}}}Commissioner Kramer moved to approve Order 15-084 surplussing the house located at 1915 West 10th Street, The Dalles, Oregon. Commissioner Runyon seconded the motion which passed unanimously.}}

Mr. Davis reported that Oregon Department of Justice is satisfied with the detail of the switch gear change project and have suggested that the County revise the request from \$42,500 to \$50,000 to allow for the cost of permits and contingency. He noted that it will increase the County's match requirement but is a wise move.

Mr. Davis went on to say that the County needs a generator to run the Courthouse in the event of an emergency. If ODJ shows an interest in that project, he will return to the Board with more information. The current generator circuitry was based on the jail being in the building; at that time it was wired to support the Sheriff, Finance, Tax & Assessment, the Clerk and random circuits that tie into those offices. Facilities wants to do a lunch time shut down and kick in the generator to see exactly what it is

supporting. He stated that if ODJ does not show interest this year, he will try to put it in the grant cycle for next year.

Mr. Davis said that he is tying up loose ends for the change-office project for the Clerk and Assessor. He reported that he discovered that the building specs for the two offices were off as much as a foot in some places; he has re-measured both spaces to insure accuracy. The move should take from noon on a Friday to noon on the following Monday – he is working to confirm that with the participating vendors.

Commission Call

Commissioner Kramer stated that he had met with Waste Connections District Manger Erwin Swetnam to discuss the loss of southern Wasco County recycling services as a result of their recent purchase of Mel's Sanitation. He said that they are looking into DEQ grant funding and enlisting volunteers so that South County will have access to recycling.

Chair Hege observed that he gets curb-side recycling in his rural North County residence. Commissioner Kramer responded that he had asked about that and learned that the service is continuing there because of what the previous provider had done. The statute requires recycling be provided in communities of 4,000 or more; the communities in the southern portion of the County are small and too far apart to make it practical to offer curbside recycling. He reported that there is a recycling center in Maupin and he hopes to get one or two more in place for South County. He added that there is a center operated by the Dufur Lions on Saturdays.

Commissioner Runyon reported that the legislature cut funding for Regional Solutions by 18%. He had pressed for \$500,000 to go to South Wasco County for broad band; that amount has been adjusted to \$482,000 which should be available by spring 2017. He added that there may also be support for the project from QLife.

Agenda Item – Home At Last Contracts

Mr. Stone reminded the Board that they had previously directed staff to move forward to donate the animal shelter site property to Home At Last; the work has been ongoing for eight months.

County Counsel Kristen Campbell stated that this is basically a conveyance of the

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property with a reverter clause. Home At Last will assume the ownership and responsibility of the property and facility maintenance. An additional factor is the cell tower which is located on the property – that tower and the lease income it generates will remain intact for the County's benefit. She said that there is also a clause that allows the County additional leases for that; areas have been designated on the premises that would not impact shelter operations.

Mr. Stone said that originally the County did not want the land to be encumbered; that has been modified to allow an encumbrance to improve the site – it cannot be encumbered to purchase or improve another site. Ms. Campbell added that the County retains the right to review any encumbrance with a provision that any resulting secured interest is first priority for protection.

Mr. Stone stated that the County had originally asked HAL to pay the attorney fees but subsequently capped that at \$5,500. Ms. Campbell reported that \$5,500 should be very close to adequate.

Chair Hege asked Mr. Stone for his recommendation. Mr. Stone responded that since the Board has expressed a desire to move forward with this, he thinks it is a reasonable contract; most differences have been settled. He noted that his original recommendation was not to transfer the property.

Commissioner Runyon asked if anyone from Home At Last wanted to speak. Kathy Norton said that her only concern is for the cell towers – if the designated sites are not acceptable, where else would the County place a tower; would it be in the center of the parking lot? Chair Hege replied that should an opportunity arise, the County would want to work cooperatively with Home At Last to resolve that. The County wants Home At Last to continue – they do great work for a needed service and the County wants to support that. Commissioner Runyon observed that the County would not have considered this agreement if the intent was not to make it better.

}}}Commissioner Kramer moved to approve the Donation Agreement between Wasco County and Home At Last Animal Friends. Commissioner Kramer seconded the motion which passed unanimously.}}}

Ms. Campbell explained that the Management Agreement is essentially a statement of

a combination of State requirements and the existing relationship. Mr. Stone stated that it gives Home At Last the authority to issue dog licenses and collect the revenue associated with that, insures that animals brought in by the Sheriff's Department will be accepted and have a space, provides the County with an accounting for the number of animals housed and sets forth maintenance requirements to keep the building in good repair and condition. He went on to say that it allows the City of The Dalles animal control and the County to inspect the facility and lays out some of the agreement regarding the cell tower. He added that the agreement requires that the relationship will always be between Home At Last and the County – it cannot be subcontracted.

}}{Commissioner Kramer moved to approve the Management Agreement between Home At Last Animal Friends and Wasco County. Commissioner Runyon seconded the motion which passed unanimously.}}

Agenda Item – Road Vacation

Public Works Director Arthur Smith reported that he has received a properly prepared petition requesting the vacation of a County road. The petitioner owns four lots there; the platted road is in a very steep, weedy, scrub oak area that people often use as a recreational area. He said that the petitioner has paid the fee and gone through Tenneson engineering for the legal description.

Commissioner Kramer observed that it appears that only half of the right of way is being vacated. Mr. Smith confirmed saying that he cannot make a recommendation until he has completed his report, noting that this will be complicated.

Chair Hege asked how people who use it will find out that it is no longer available should the vacation be approved. Mr. Smith said that when all adjacent land-owners sign off, vacations are a “slam-dunk.” However, when that is not the case public hearings are held prior to a vacation being granted.

}}{Commissioner Runyon moved to approve Order 15-085 directing the Public Works Director to prepare his report on the proposed vacation of Public Road “H,” within Fruitland Park Addition adjoining Lots 46,47,59 and 60, located in Section 5, Township 1 North, Range 13 East and Section 32, Township 1 North, Range 13 East, Willamette Meridian. Commissioner Kramer seconded

the motion which passed unanimously.}}}

Agenda Item – Procurement Contract

Mr. Smith explained that this contract allows public entities to leverage the purchasing power of the Oregon Cooperative Procurement Program. This amendment reinstates that agreement which lapsed several years ago, although the County has continued to pay the annual fee and use the program. He stated that Public Works and IT uses it – it is not only a cost-savings program, it assists them in gauging costs when going out for bid on projects as they use the program pricing as a base.

Chair Hege noted that the fee schedule on page 4 of the original contract would indicate that our annual fee would be more than we appear to be paying. Mr. Stone noted that the County fee is probably based on the Public Works budget rather than the County budget. Chair Hege said that he would like that confirmed.

Chair Hege noted that the original contract was signed by the County Surveyor and wondered if it would be appropriate for Public Works to sign if they are the department using it. Commissioner Kramer pointed out that the contract designates several departments able to access the program. Mr. Stone added that currently all the contracts come through the Board.

}}{Commissioner Kramer moved to approve the Oregon Cooperative Procurement Program Cooperative Procurement Participation Agreement Reinstatement and Amendment. Commissioner Runyon seconded the motion which passed unanimously.}}}

Agenda Item – Public Works Building Assessment

Mr. Smith said that he and Planning Director Angie Brewer have been negotiating a scope of work and pricing with Peter Meijer Architects for an assessment of the Public Works Building. Mr. Smith reported that the latest bid is still over the original budget and has actually increased from the previous pricing. Ms. Brewer noted that when the original RFP went out, it did not include budget information.

Mr. Smith said that he is not satisfied with the scope of work or the increase in pricing – the original bid was \$58,000, the first revised bid was \$32,000 and the

current bid is \$40,000. He stated that the rules allow that if a contract cannot be satisfactorily negotiated, the agency can terminate negotiations and open negotiations with another candidate, terminate the process altogether, or modify the RFP and go out for further bids. He said that his recommendation would be to terminate and reassess. Mr. Stone said that he would like to go out to a broader group with the RFP – the original RFP went only the group of eight pre-approved by the State. He stated that he does not want to give up on the project and recommends terminating negotiations and putting the project out for bid again.

Chair Hege said that he would definitely concur with Mr. Stone's recommendation to move forward.

}}} Commissioner Kramer moved to direct staff to terminate negotiations with Peter Meijer Architects for an assessment of the Public Works building and move forward with a new RFP for the project. Commissioner Runyon seconded the motion which passed unanimously.}}

Chair Hege called a recess at 10:30 a.m.

The session reconvened at 10:33 a.m.

Agenda Item – Lot Line Vacation

Associate Planner Dawn Baird stated that she received a request to consolidate two lots into one in Murray's Addition; she reviewed her staff report (attached). She explained that many of the lots are undersized for the placement of a house, garage and septic field; because there are some issues around septic fields in that vicinity, homeowners often have to have a second field.

She said that the findings are simple and standard; the Board can approve, approve with amended findings or disapprove if they feel it does not meet the burden of state law. She said that she recommends approval.

}}} Commissioner Runyon moved to approve Order 15-082 accepting the vacation of an interior lot line between the East ½ and West ½ of Lot 4, Block C, West Hi-Land Addition, and adopting findings of fact contained in PLALLV-15-07-0002. Commissioner Kramer seconded the motion which

passed unanimously.}}}

Chair Hege asked what PLALLV stands for. Ms. Baird replied:

PLA – Planning

LLV – Lot Line Vacation

15 – the year in which the application is received

07 – the month in which the application is received

0002 – the order in which the application is received

Public Comment

South Wasco Alliance member Mike Davis announced that there is a SWA meeting tomorrow where they will discuss the Pine Hollow Project. Mr. Stone said that a group of stakeholders are looking at recreation in South Wasco County – Pine Hollow is part of that larger discussion.

Mr. Davis reported that they are looking at how to interact with citizen's to discover what they want. They are also looking at buildings that need repair at Hunt Park, what to do with White River Falls and the possibility of a parks and recreation district. He said that as they have engaged citizens, the scope of the work has broadened and has set the stage for Oregon's Kitchen Table's work.

Mr. Stone pointed out that Commissioner Kramer has been leading the charge to talk about recreation in southern Wasco County – how and where people recreate. He said that it has been an interesting project and the group is learning a lot from Oregon's Kitchen Table about how to get the information and what questions are important to ask. At Commissioner Kramer's direction, a stakeholder group has been developed starting with the issues at Pine Hollow and expanding from there. He reported that there have been a lot of high level discussions to determine a focus for moving forward – there have been several meetings over the last 6-8 weeks.

Mr. Davis complimented Mr. Stone for his leadership; he has engaged a group that has historically not come together – everyone in South County appreciates that.

Mr. Stone said that one of the positive outcomes of the meetings is that the group is trying to move away from what has happened in the past and look to the future. He

said that previously, the focus was on what had happened 46 years ago; now we care about where we are going and how to get there – no more looking at fault; we are looking at fixes. He stated that it is a positive momentum that he wants to maintain. He noted that as they move forward they will need the support of the Board and the media to get the message out – the more public participation, the better the information will be.

Mr. Stone went on to say that there will be a survey on line October 26th; it has already been announced in the Wam Pin Rock along with information about the work being done by the group. Once the survey is done, there will be a strong effort to reach out to the community to motivate participation.

Mr. Davis added that once the public is engaged it will be important that the group is committed to follow through; they need to act on the information to insure that something is accomplished.

Agenda Item – State Marijuana Laws

Ms. Brewer said that she had come before the Board in August with a high level overview of the State laws regarding marijuana; in September the Board held two Town Halls. The Dufur Town Hall had approximately 50 people in attendance; the Mosier Town Hall had approximately 70 people in attendance. Each town hall revealed different perspectives on the issue.

Commissioner Runyon stated that he is not prepared to make any decision today. He wants people to know that the town halls are not the only input received by the Board – Commissioners are getting phone calls and emails and hear from people on the street. He said the Board wants to keep taking that input.

Ms. Brewer continued by saying that she has not received significant follow-up questions. She reported that early-start sales began in October. She said that she has taken some inquiries from growers but not much has changed.

Chair Hege asked about the questions that were posed at the town halls. Ms. Brewer replied that most were answered in the OLCC FAQ sheet. She said that she learned that for land use compatibility, applications must go through local planning and the County can add a requirement for Water Master approval.

Chair Hege asked about the 3% option tax. Ms. Brewer replied that it would have to go to a vote and would be applied at the retail, consumer level and not to growers selling to dispensaries. Chair Hege observed that since there is little commercial zoning in the unincorporated areas of the County, there would be very little revenue for the County were such a tax enacted. He said that he wants to make sure that is clear since many people have pointed out that the County stands to benefit from local tax revenues – in fact, the County would have little opportunity to apply such a tax.

Chair Hege said that as he understands it, the State tax will initially be distributed based on population and after a period of time, it will be based on the number of dispensaries located in the County. He asked that Ms. Brewer seek clarification for that.

Chair Hege asked if Maupin has opted out. Commissioner Kramer replied that it is not official, although they have drafted the necessary documents – there will be more discussion on the 12th with a final decision on the 20th. Chair Hege asked if a Maupin opt-out would push the issue onto the ballot in 2016. Ms. Brewer replied that it would.

Chair Hege stated that the reality is that if the County opts out, it will go to a vote. If the County does not opt out, the people can collect petitions and put it to the ballot. He said some people have already expressed intent to begin that process. Either scenario leaves an uncertainty for growers. He noted that even though there is a decision before the Board, it is ultimately up to the electorate.

Chair Hege pointed out that medical marijuana dispensaries and grows are legal but there are no licenses available for recreational grows; he noted that if the County is going to opt out, it should do so prior to the issuance of licenses in order to prevent any grandfathered businesses before it could go to a vote of the people.

Cole Griffith said that the medical dispensary in town has no product on the shelf and will not likely be able to sustain their business without recreational marijuana. Chair Hege stated that ultimately it will not be decided until the end of 2016. Ms. Brewer said that the approval of use may run with the land but the license may run with the person. She said that she will follow up on that.

Mr. Davis pointed out that there is also the question of the amount of time it will take to issue licenses; it may be the later part of 2016 before that happens. Michelle Halle stated that retail establishments will not have doors open until fall, but licenses will be issued prior to that.

Chair Hege said there have been comments about regulating specific crops. Ms. Brewer stated that marijuana is a commercial farm use under current regulations and plans – the only zone that must do that is the exclusive farm use zone. There are other areas that would allow the crop and could be further regulated for that specific crop. She went on to say that it is good practice to not single out a particular crop but some counties are looking into that. She said that time, manner and place regulations could address a lot of the issues being discussed. She pointed out that most of what the County will see in the unincorporated areas is growers. She said that we need to understand the concerns associated with that – a grower could apply for a greenhouse now and change the use later; marijuana requires an OLCC license whereas other crops do not. She said that the only way to keep it out of the EFU is to opt out.

Chair Hege asked if she could bring back more information regarding the regulatory possibilities for zones outside the EFU Zone. He noted that there are strong smells associated with the crop; water and lighting are also issues. He said that he would like to know what other counties are looking at. He added that proponents at the Mosier Town Hall expressed a desire to be good neighbors.

Ms. Brewer stated that the nuisance ordinance can regulate smell, lighting, etc. outside of the EFU. She explained that if someone builds a residence within the EFU, they sign off on farm nuisances. She said she would research to confirm and would also look at what is possible in the scenic area. Chair Hege said that could be a problem if the homeowner is there first and then marijuana grow goes in next door.

Mr. Griffith said that in Mosier there is 1,300 acres zoned forest. He said that he has just invested \$100,000 into a well-engineered greenhouse; it is a structure than can be blacked out even when lit. He said that although there are filters that can be installed for the smell, a greenhouse would require quite a few; an air conditioning system would be a better solution. He said it is expensive to do it right – indoor lighting is good for marijuana as well as some other crops.

Ms. Brewer pointed out that the County does not have the ability to regulate the four plants allowed for each home.

Kurt Wagner said that almost all medical and recreational growing will go indoors due to the legalization of industrial hemp grows. He explained that the pollen from the hemp will migrate and pollinate marijuana plants. He stated that hemp.33% THC while marijuana is approximately 30% THC. He went on to say that anything made from petroleum can be made from hemp.

Ms. Brewer added that hemp is not a psycho-active crop and therefore does not have the same restrictions. Mr. Griffith added that it is not nearly as irrigated as orchards. He said that hemp plants are male while marijuana plants are female; when the marijuana plant is pollinated with hemp, it becomes a male plant.

Mr. Davis pointed out that a large portion of south Wasco County is in the EFU zone; the concern is growing in more confined areas – for instance in the middle of a rural residential area where agriculture is still allowed. He asked how long it would take to enact new regulations to address those issues.

Ms. Brewer replied that changes require a public process that is specified in ordinance – it would take a few months. Chair Hege said that he would like to know more specifics.

John Pearson if hemp is an outright use crop. Ms. Brewer replied that the County does not have the option of opting out of hemp. She added that the County can regulate marijuana outside the EFU and said that she would look into it further. She said hemp is an agricultural product and would fall under the current farm use regulations. Commissioner Kramer stated that hemp would be regulated by the department of agriculture; the Farm Bureau is being heard on that.

Dr. David Werhly asked what the timeline is for a decision. Commissioner Runyon replied that the Board will keep this topic on the agenda and continue to receive input; he said he would think it will be before the end of December – we want to keep talking and listening. Commissioner Kramer said that he is visiting with people on this issue daily.

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Chair Hege said that a previous estimate for tax distribution to Wasco County was \$20,000 but if the initial distribution is based on population – that will be a much smaller number. He pointed out that part of the discussion has been to use that revenue for prevention, but if there may not be revenue to support that.

Commissioner Runyon stated that the Board has not discussed this among their members but it is his intent to wait until the end of the year. He observed that the County deputies answer almost as many of the calls in the City as the City Police; The Dalles is not taking action to opt out – if there are problems, County deputies will be involved and we are paying for that. He said that The Dalles is the center for education and sales and the County will bear some of the cost of law enforcement. He went on to say that this is very complicated and he believes the State is basically blackmailing two counties by saying that if they opt out they will not get any of the revenue even though the counties will bear some of the cost.

Discussion ensued as to the timeline for citizens to get this on the ballot. County Clerk Lisa Gambie said she would bring the details of that process to the Board at an upcoming session.

Mr. Wagner said that Measure 91 failed in Wasco County by only 193 votes.

Commissioner Hege said that he doesn't know what the timeline is for a decision but at this point it is uncertain. Commissioner Kramer said he has plans to tour some medical grows this week. Mr. Pearson stated that he would like to see another Town Hall.

Ms. Brewer asked for confirmation that she would be on the agenda for the next Board session. The Board was in concurrence that she should return with more information at the next session.

At 11:55 a.m. Chair Hege called an executive session.

At 12:16 p.m. Chair Hege reconvened the regular session and adjourned the meeting.

Summary of Actions

Motions Passed

- to approve the notice of determination of value of real property owned by Oregon Department of Fish and Wildlife, Pursuant to ORS 495.340 (4).
- to approve Resolution #15-011 designating City of The Dalles Project Coordinator Daniel Hunter as the Local Enterprise Zone Manager.
- to approve the Consent Agenda: 9.16.2015 Regular Session Minutes, 9.17.2015 Town Hall, 9.21.2015 Town Hall, Contract between Portland State University and Wasco County for Oregon's Kitchen Table Services, and option agreement with Emmert International.
- to approve Order 15-083 surplussing on Airstar 30 compressor and one Vacstar 80H vacuum system and to authorize the Facilities Manager to negotiate and complete the sale of the equipment.
- to approve Order 15-084 surplussing the house located at 1915 West 10th Street, The Dalles, Oregon.
- to approve the Donation Agreement between Wasco County and Home At Last Animal Friends.
- To approve the Management Agreement between Home At Last Animal Friends and Wasco County.
- to approve Order 15-085 directing the Public Works Director to prepare his report on the proposed vacation of Public Road "H," within Fruitland Park Addition adjoining Lots 46,47,59 and 60, located in Section 5, Township 1 North, Range 13 East and Section 32, Township 1 North, Range 13 East, Willamette Meridian.
- To approve the Oregon Cooperative Procurement Program Cooperative Procurement Participation Agreement Reinstatement and Amendment.
- To direct staff to terminate negotiations with Peter Meijer Architects for an assessment of the Public Works building and move forward with

a new RFP for the project.

- To approve Order 15-082 accepting the vacation of an interior lot line between the East ½ and West ½ of Lot 4, Block C, West Hi-Land Addition, and adopting findings of fact contained in PLALLV-15-07-0002.

Consensus

- To renew the County's NACo membership.
- To direct the County Administrator to work with staff to explore the options for administering/implementing Building Codes in Wasco County.
- To send a letter of thanks to Lee and Debbie Hazel for the work they have done to maintain the facilities at the Pine Hollow boat ramp.

WASCO COUNTY BOARD
OF COMMISSIONERS



Scott Hege, Commission Chair



Rod Runyon, County Commissioner



Steve Kramer, County Commissioner

**WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
OCTOBER 7, 2015**

DISCUSSION LIST

ACTION AND DISCUSSION ITEMS:

1. [Enterprise Zone Manager Designation](#)
2. [OIB Recommendation](#) – Kathy White
3. [NACo Dues](#)
4. [Building Codes](#)
5. [Thank you – Facilities Maintenance](#)

Discussion Item
EZ Manager Designation

- [City Resolution](#)
- [County Resolution](#)

**A RESOLUTION DESIGNATING
THE ENTERPRISE ZONE MANAGER
FOR THE CITY/WASCO COUNTY ENTERPRISE ZONE**

WHEREAS, The City of The Dalles is co-sponsoring an enterprise zone with Wasco County; and

WHEREAS, Section 4 of Resolution No. 07-019 dated the 26th day of March 2007 appointed Dan Durow, as the local Enterprise Zone Manager; and

WHEREAS, Daniel Hunter, Project Coordinator for the City of The Dalles has been permanently hired by The City, and the City desires to have him assume responsibility for the services which have been provided by Mr. Durow;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES RESOLVES AS FOLLOWS:

Section 1. The appointment of Dan Durow as Enterprise Zone Manager is hereby ended.

Section 2. The City of The Dalles appoints Daniel Hunter, Project Coordinator for the City, as the local Enterprise Zone Manager contingent on concurrence of the Wasco County Court of Commissioners.

Section 3. Effective Date. This resolution shall be considered effective as of the 28th day of September, 2015.

PASSED AND ADOPTED THIS 28TH DAY OF SEPTEMBER, 2015.

Voting Yes, Councilors: _____
Voting No, Councilors: _____
Absent, Councilors: _____
Abstaining, Councilors: _____

AND APPROVED BY THE MAYOR THIS 29TH DAY OF SEPTEMBER, 2015.

Steve Lawrence, Mayor

Attest:

Julie Kruger, MMC, City Clerk

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF DESIGNATING)	
CITY OF THE DALLES PROJECT)	RESOLUTION
COORDINATOR DANIEL HUNTER)	#15-011
AS THE LOCAL ENTERPRISE ZONE)	
MANAGER)	

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Board being present; and

WHEREAS, Wasco County is co-sponsoring an enterprise zone with the City of The Dalles; and

WHEREAS, City of The Dalles Economic Development Specialist Dan Durow was previously appointed by the City of The Dalles as the local Enterprise Zone Manager; and

WHEREAS, City of The Dalles Project Coordinator Daniel Hunter has been permanently hired by the City of The Dalles; and

WHEREAS, The City of The Dalles, contingent on concurrence of the Wasco County Board of Commissioners, has ended the appointment of Dan Durow as Enterprise Zone Manager and appointed Daniel Hunter as Enterprise Zone Manager effective September 28, 2015.

NOW, THEREFORE, THE WASCO COUNTY BOARD OF COMMISSIONERS HEREBY RESOLVES to designate City of The Dalles Project Coordinator Daniel Hunter as the local Enterprise Zone Manager.

DATED this 7th day of October, 2015.

WASCO COUNTY
BOARD OF COMMISSIONERS

Scott C. Hege, Commission Chair

Rod L. Runyon, County Commissioner

Steven D. Kramer, County Commissioner

APPROVED AS TO FORM:

Kristen Campbell
Wasco County Counsel

Discussion Item

OIB Recommendation

- [MCEDD Memo](#)
- [Rick Leibowitz Application](#)
- [Letter of Recommendation](#)

Memorandum

Date: September 29, 2015
To: Wasco County Board of Commissioners
From: Amanda Hoey, MCEDD Executive Director
Re: Oregon Investment Board Appointment

Overview

Mid-Columbia Economic Development District (MCEDD) provides management of the Oregon Investment Board (OIB) program, which provides providing grants and loans to advance economic development interests on the Oregon side of the Columbia Gorge National Scenic Area. The OIB is governed by a seven member Board with two representatives from each of the three Oregon counties in the National Scenic Area (Wasco, Hood River and Multnomah counties) and one at-large representative.

There is currently one open position on the board representing Wasco County. This position has a three year term. As a member of the board, the individual serving in this role is responsible for setting policies, providing oversight for the OIB funds, analyzing loan and grant requests and participating in the Columbia Gorge Bi-State Advisory Council. Desired qualifications for a new board member include: background in finance or economic and community development; residence in Wasco County; and an interest in the future of economic development for the region.

Interest Forms were requested by close of business on Tuesday, September 29, 2015. One application was submitted prior to the deadline:

- **Rick Leibowitz**

Request

The Wasco County Board of Commissioners is requested to make a recommendation to the Governor's Executive Appointments office for a candidate to serve as the Wasco County representative on the Oregon Investment Board. The final appointment is made by the Governor.



EXECUTIVE APPOINTMENTS INTEREST FORM



Check this box if this is for reappointment *

****Please also include a résumé and statement of interest.****

This form is an application for an Oregon Board or Commission. Please fill it out completely and return it to the Governor's Office. If you have any questions feel free to call the Executive Appointments office at: (503) 378-2317.

Options to Return This Form:

Mail: Executive Appointments, Office of the Governor 900 Court St. NE Salem, OR 97301-4075

Use our secure fax number at: (503) 373-0840

Email a scanned copy to: executive.appointments@oregon.gov

Note: Information provided in this application is subject to the Public Records Act and may be disclosed upon request. Personal information will be redacted

Board/Commission Appointment(s) Desired: (Please print or type)

Oregon Investment Board

(Board Name)

Position Requirements (If any)

(Board Name)

Position Requirements (If any)

First Name: Fredric MI: M Last Name: Leibowitz

Preferred Name: Rick (Ex: Thomas -> Tom) Title: (Mr. Ms. Dr.) Mr. Suffix: (Jr., PhD) _____

Occupation: Regional Director - SBDC (Select one) Home: Work:

Preferred Mailing Address: _____

City: The Dalles State: OR Zip Code: 97058 County: Wasco

(Ex: Marion, Multnomah; Not USA)

Cell Phone: _____ Work Phone: _____ Home Phone: _____

Email Address: (Please print) _____

State Senate District #: 30 State House District #: 59 Federal Congressional District #: 2

(You can find this information at: <https://www.oregonlegislature.gov/> - Find My Legislators - or call your county elections office. **This is your home voting district.**)

To assist us in meeting our affirmative action objectives, we would appreciate information about your gender identity and background. This information is optional and is used for data collection only. Under state and federal law, this information may not be used to discriminate against you.

Gender Identity: Male LGBTQ: Disability: _____

Race/Ethnicity: Asian/Pacific Islander African American: Hispanic: Native American: Caucasian:

Select One Multi/Other:

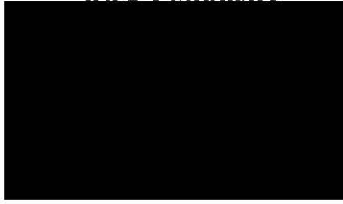
IMPORTANT (Please Read)!

A résumé detailing your work, educational background, and relevant experience is required. For boards requiring senate confirmation, a short Bio* is also required highlighting key career and personal/professional community activities. A statement of interest describes why you wish to serve on this particular board or commission, and why you meet the requirements for appointment. You must be an Oregon resident to apply unless otherwise noted. Please review your information to ensure accuracy.


* Did you remember to include your Bio*, Resúme, Statement of Interest, and sign your background form?



Rick Leibowitz



EDUCATION


Rutgers University, New Brunswick, NJ
Bachelor of Science

PROFESSIONAL EXPERIENCE

June 2015 – Present

Columbia Gorge Community College SBDC, The Dalles, OR

Director

- Manage center that provided free and confidential business counseling services as part of the Oregon Statewide Small Business Development Center program
- Provide strategic planning to ensure quality service delivery to existing and potential small business owners in the Columbia Gorge region of Oregon
- Develop training program and client resources to help increase center performance in key metrics (capital formation, long term clients and new business starts)

March 2015 – Present

Focus Forward, The Dalles, OR

Owner

- Provide part time CFO services to clients needing budget analysis and guidance on establishing key performance metrics
- Deliver contracted management services on a limited term, project basis (inventory control processes, job costing analysis, cash gap planning and employee training development)

January 2014 – March 2015

Ashland Partners & Company LLP, Jacksonville, OR

Director of Operations/Controller

- Managed all administrative functions for an international accounting firm (six offices, 105 employees)
- Served as Chief Financial Officer, creating operational budgets and providing analysis of key productivity indicators for Partners
- Supervised all HR functions and led process of updating professional development plans with performance metrics for all team members

March 2013 – January 2014

Cary's of Oregon, LLC Grants Pass, OR

Director of Operations

- Developed processes to ensure quality control, maintain food/workplace safety and maximize productivity for confections manufacturer
- Served as Chief Financial Officer, providing weekly financial reports, monthly forecasts and long range financing plans to ownership team (15 member LLC)
- Guided strategic planning process for product line growth and entry into new markets, resulting in 10% growth over previous year performance

July 2011 – March 2013

Rogue Community College Small Business Development Center, Grants Pass, OR

Director

- Managed center that provided free and confidential business counseling services as part of the Oregon Statewide Small Business Development Center program
- Developed financial forecasting tools and other tools for industry specific performance management
- Successfully increased center performance in key metrics (capital formation, long term clients and new business starts)

July 2008 – June 2011

North Country Small Business Development Center, Plattsburgh, NY

Regional Director

- Managed center that provided free and confidential business counseling services as part of the New York Statewide Small Business Development Center program
- Created financial forecasting templates and developed training seminars relating to small business educational topics
- Wrote grant and served as Project Director for US SBA Portable Assistance Project award to develop online marketing cooperative (1 of 11 nationwide awards in 2010)

July 2007 – June 2008

East Central Indiana Small Business Development Center, Muncie, IN

Regional Director

- Managed center that provided free and confidential business counseling services as part of the Indiana Statewide Small Business Development Center program
- Assisted with the development of a client assessment tool and created business planning template for use by network peers
- Provided outreach resulting in over \$60,000 of new funding for center operations and opened two satellite offices to expand service outreach

August 2006 – August 2007

Zen Nosh, Inc., Cranford, NJ

President

- Created business plan to increase sales and improve financial performance at retail bagel store and deli that previously operated as Bagel Junction
- Managed all aspects of operations, including food production, marketing, bookkeeping and personnel management
- Built gross revenues by 30% over previous owner's performance and sold at a profit

July 2005 – July 2006

Coconino County Small Business Development Center, Flagstaff, AZ

Director

- Provided free and confidential business counseling services as part of the Arizona Statewide Small Business Development Center program
- Received Distinguished Service Award from Association of Small Business Development Centers for participation in Hurricane Katrina disaster relief assistance for small business owners in Mississippi

June 2004 – June 2005

ARAMARK, University of Alaska Anchorage, Anchorage, AK

Food Service Director

- Managed all contracted operations for five food service locations and one convenience store operation at the University of Alaska Anchorage
- Developed residential dining menu cycles, catering menu and implemented refreshed brand concepts at retail dining locations
- At end of tenure, operational financial statements showed a 20% revenue increase and \$200,000 increase in EBIT over previous year

March 2003 – February 2004

Sheraton Anchorage Hotel, Anchorage, AK (Interstate Hotels and Resorts, Inc)

Food & Beverage Director

- Managed all aspects of Food and Beverage Department for a full service hotel that included two restaurant outlets, a cocktail lounge and banquet/meeting facilities for up to 1,500 guests
- Attended Interstate and Hotels Resorts, Inc. Food & Beverage Operations School
- Provided forecasts for financial performance and established annual budget for operations
- Increased revenues by 15% and net profit by 10% over prior year's performance
- Supervised a staff that included three department managers and 85 associates

June 2001 – August 2005

Bagels Alaska, Inc., Wasilla, AK

President

- Created concept, developed business plan and was involved in all aspects of design, construction and management of a retail bagel bakery
- Recruited, trained and supervised staff level of over 10 employees
- Averaged over 20% annual growth in revenues and achieved profitability in the second year of operations

January 1999 – July 2000 (Ketchikan); January 2001 - July 2002 (Wasilla)

Alaska Small Business Development Center, Ketchikan, AK & Wasilla, AK

Director

- Provided free and confidential business counseling services as part of the Alaska Statewide Small Business Development Center program
- Created business planning workbook for network peers and presented seminars relating to small business educational topics
- Developed partnerships with local bankers, business leaders and government organizations to help promote the mission of the organization

May 1991 – August 1999

RJ's Bagels, Inc., Ewing, NJ & Morrisville, PA

President

- Created concept, developed business plan and was involved of all aspects of design, construction and management of two retail/wholesale bagel bakeries
- Acted as managing consultant and adviser for the opening of 4 other independently owned bagel stores (Cranford, NJ; Montgomery, NJ; Naples, FL & Juneau, AK)
- Achieved profitability within the first year of operation at both locations and maintained annual sales growth pace of over 15% annually

March 1989 – February 1991

Mercer County Planning Division, Trenton, NJ

Associate Planner

- Managed Water Quality Management program for Mercer County
- Developed new regulations to update Mercer County Water Quality Management Plan to maintain compliance with Section 208 of the Federal Clean Water Act
- Served as Secretary for Mercer County Policy Advisory Committee (composed of Mayors of all 13 municipalities in Mercer County)

1990– 1996 (Seasonal)

Hopewell Valley High School, Pennington, NJ

Varsity Ice Hockey Coach

- Focused on teaching skill fundamentals, team theory and sportsmanship to prepare students for interscholastic competition
- Compiled 58-39-16 record over five seasons
- Cited as “Coach of the Year” in 1995 by both *The Trentonian* and *Trenton Times*

COMMUNITY INVOLVEMENT

- Sigma Nu Tau – National Entrepreneurship Honors Society (National Board of Directors, 2011 – Present)
- Rotary International (Member, 1999-Present)
- Mat-Su Services for Children & Adults (Board of Directors, 2001 – 2005)
- Mat-Su Resource, Conservation & Development Council (Executive Director, 2004; Treasurer, 2001 – 2003)
- SUNY Plattsburgh Intercollegiate Athletic Board (Board Chair, 2009 – 2011)



WASCO COUNTY

Board of County Commissioners

511 Washington Street, Suite 302
The Dalles, Oregon 97058-2237
(541) 506-2520
Fax: (541) 506-2521

Scott Hege, *Chair of the Board*
Rod Runyon, *County Commissioner*
Steve Kramer, *County Commissioner*

October 7, 2015

Executive Appointments
Office of the Governor
900 Court Street NE
Salem, OR 97301-4075

RE: Wasco County OIB Representative Appointment

There currently exists a vacancy for a Wasco County Representative on the Oregon Investment Board. Acting on behalf of Wasco County, MCEDD solicited applications to fill that vacancy.

With experience in business development and economic sustainability along with a focus on working as a team, we feel Rick Leibowitz will make an outstanding addition to the Oregon Investment Board and highly recommend his appointment.

Wasco County
Board of Commissioners

Scott C. Hege, Commission Chair

Rod L. Runyon, County Commissioner

Steven D. Kramer, County Commissioner

Discussion Item

NACo Dues

- [Invoice](#)
- [Benefits Report](#)



National Association of Counties
PO Box 79007
Baltimore, MD 21279-0007
 Phone: 888.407.NACo (6226) x291
 Direct: 202.942.4291
 Fax: 866.467.1825
 EIN# 53-0190321

ID: 41065

Ms. Sue Ann Stephens
 Executive Assistant
 Wasco County
 511 Washington St Ste 302
 The Dalles, OR 97058-2237

Invoice

Invoice #: 133063
 Invoice Date: 9/20/2015

Description

Dues Amount

County Membership Dues

01/01/2016 - 12/31/2016

\$504

Why NACo? Because it's a tremendous value! Take advantage of the many ways that NACo membership saves you money, time and resources. NACo's expert team fights for you in Washington, D.C., working to stop unfunded federal mandates and onerous regulations, while defending essential programs.

NACo also provides members with essential cost-saving tools such as:

- Deferred Compensation Program
- US Communities
- NACo's Live Healthy US Counties program, which includes the Prescription, Health and Dental Discount programs
- Grants Clearinghouse and more!

In addition to programs that bring real dollars back to your county and residents, NACo provides County News, frequent federal legislative updates, world-class conferences and county-specific research. To top it all off, we offer tons of free information, education, publications and training. Our webinars allow counties to attend sessions without leaving the office and at NO COST to members.

Amount Paid: \$0

Amount Due: \$504

For additional information, please contact Alex Koroknay-Palicz, Membership Coordinator, at 1-888-407-NACo (6226) x291 or e-mail akpalicz@naco.org.

◆ PLEASE DETACH AND RETURN WITH PAYMENT ◆

ID: 41065

Ms. Sue Ann Stephens
 Wasco County
 511 Washington St Ste 302
 The Dalles, OR 97058-2237

Invoice #: 133063

Remit Payment To:
 National Association of Counties
 PO Box 79007
 Baltimore, MD 21279-0007

Select the Method of Payment on Reverse Side

We encourage you to submit payments electronically by ACH credit
 Bank Routing# (ABA) – 021052053 Account # 93404817



PARTICIPATION & MEMBERSHIP BENEFITS REPORT

This report provides a detailed summary of services and dollars Wasco County has received as a direct benefit from being a member of the National Association of Counties.

MEMBERSHIP OVERVIEW

NACo Member County
Member Dues: \$504

Wasco County, OR
511 Washington Street
County Courthouse
The Dalles, OR 97058-2231
Phone: (541)296-2207
Website: <http://www.co.wasco.or.us>

FEDERAL FUNDING RESULTS OF NACo'S ADVOCACY

At the federal level, NACo works to increase, maintain, or create funding for programs that benefit county governments and their residents. It is important to note that these programs listed here represent the types of programs on which NACo lobbies. This is not the complete list of all the federal funds counties receive, but a sample of specific federal programs through which counties receive funding as a result of NACo's lobbying efforts.



Year	PILT	SCAAP	CDBG	HOME	SRS	USDA RD
2015	\$88,234	TBD			TBD	\$9,646,975
2014	\$95,705	\$0			\$921,632	\$1,683,363
2013	\$73,569	\$5,445			\$946,961	\$5,245,659
2012	\$75,303	\$4,903			\$978,142	\$5,608,739
2011	\$73,085	\$0			\$938,183	\$6,565,704

AWARDS & RECOGNITION



Started in 1970, the annual Achievement Award Program is a non-competitive awards program that recognizes innovative county government programs. Each application is judged on its own merits and not against other applications received. Awards are given in 21 different categories. For more information, please visit www.naco.org/achievementawards.

Wasco County is not participating in NACo's Award Program.

EDUCATION, TRAINING & PROFESSIONAL DEVELOPMENT



Events and conferences attended by individuals in Wasco County. The savings figures indicate reduced rates for member counties over the prices for non-member counties to participate. Other events are only open to member counties or are free to attend so there is no non-member rate. In all cases, the true value of the networking, education and professional development far exceeds the savings.

Year	Webinar	Attendees
2014	Trends in County Recovery - NACo Research	1

BOARDS & COMMITTEE PARTICIPATION



NACo is a grassroots-driven organization that encourages member engagement. Currently, we have more than 1,100 individual county elected and appointed officials from every region of the country represented on our 10 policy steering committees, ad hoc and standing committees, and various caucuses and task forces. Help make NACo and America's counties stronger by joining a committee today! Find out how by visiting www.naco.org/about/committees-state-associations-and-affiliates

Committee	Position	Member
Community, Economic and Workforce Development Steering Committee	Member	Rod Runyon

PUBLICATIONS & SUBSCRIPTIONS



NACo is happy to provide member counties with these free newsletters to keep you up to date on issues affecting counties across the country. Our acclaimed publication, County News, typically costs \$50/subscription for non-member counties, but you get the subscriptions for FREE as a member. The subscription saving figure is the money Wasco County saved by being a member county.

Subscription	Subscription Saving
10 County News subscriptions	10 @ \$50ea = \$ 500
16 Washington Watch and electronic County News subscriptions	

Discussion Item

Building Codes

- [No documents have been submitted for this item](#)
– [RETURN TO AGENDA](#)

Discussion Item
Thank you Letter

- [Thank you – Facilities Maintenance](#)



WASCO COUNTY

Board of County Commissioners

511 Washington Street, Suite 302

The Dalles, Oregon 97058-2237

(541) 506-2520

Fax: (541) 506-2521

Scott Hege, *Chair of the Board*

Rod Runyon, *County Commissioner*

Steve Kramer, *County Commissioner*

October 7, 2015

Lee & Debbie Hazel



Dear Lee and Debbie-

The Wasco County Board of Commissioners would like to express their thanks for your years of work in maintaining the facilities at Pine Hollow Reservoir – work that is important to both residents and visitors.

We wish you the best and thank you, once again, for your hard work on behalf of Wasco County, tourists and the Pine Hollow community.

Wasco County

Board of Commissioners

Scott C. Hege, Commission Chair

Rod L. Runyon, County Commissioner

Steven D. Kramer, County Commissioner

**WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
OCTOBER 7, 2015**

CONSENT AGENDA

1. [Minutes](#)
2. [Oregon's Kitchen Table Contract](#)
3. [Emmert Inc Agreement](#)

Consent Agenda Minutes

- [9.16.2015 Regular Session Minutes](#)
- [9.17.2015 Dufur Town Hall Minutes](#)
- [9.21.2015 Mosier Town Hall Minutes](#)



WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
SEPTEMBER 16, 2015

PRESENT: Scott Hege, Commission Chair
Rod Runyon, County Commissioner
Steve Kramer, County Commissioner

STAFF: Tyler Stone, Administrative Officer
Kathy White, Executive Assistant

At 9:00 a.m. Chair Hege opened the Regular Session of the Board of Commissioners with the Pledge of Allegiance.

Ms. White asked to add the Pine Hollow Facilities Personal Services Contract, Multi-County Code Update Program and a November PERS meeting to the Discussion List.

Public Comment – Building Codes

Wayne Lease, Washington resident and Oregon Licensed Master Electrician, shared documents listing some facts and dates related to MCCOG's Building Codes department (attached). He pointed out that if the City or County does not want to run Building Codes, the State will do it – the County can opt out. He noted that the State runs Building Codes for Coos and Umitilla Counties where the fees are 20% lower than they are in Wasco County; considering the addition 12% surtax, the total savings to the customer would be about 23%. He stated that he believes the only reason to run it locally would be to skim off money from the fee revenue. He noted some discrepancies in the finances at MCCOG and observed that the MCCOG Board members need to read their own bylaws.

WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
SEPTEMBER 16, 2015
PAGE 2

Chair Hege asked Mr. Lease if he believes the State can provide an adequate service level. Mr. Lease responded that they provide adequate service in Coos and Umitilla Counties. He said that MCCOG has stolen money and the taxpayers should get it back. He added that if they are going to hire a new MCCOG director, they should make sure he understands the law – Building Codes fees have to be separated from other finances.

Public Comment – Marijuana

Widge Johnson of The Dalles asked what the criteria are for placing the marijuana issue back on the ballot. Chair Hege explained that the County can opt out of the implementation of the law; we are taking public comment for that. If the County opts out, the issue automatically goes on the ballot. He stated that citizens do not have to attend the Town Halls to provide comments – they can call, fax or email. The decision will not be made at the Town Halls but will probably come before the Board at the October 7th session.

Commissioner Runyon added that if the County has not opted out by a certain date and someone is granted a permit; that permit will be grandfathered in. He noted that we are trying to discover if it can be placed on the ballot even if the County does not opt out. He pointed out that the County's jurisdiction is only for the unincorporated areas of the county; the cities will be making their own determinations. He said that there are still a lot of questions and the Board wants to hear from the public. He announced that there is a lot of information on the County website and from that there are more questions being generated.

Discussion List – Victims Assistance Grant

Victims Assistance Coordinator Judy Urness reported that the Victim's Assistance Grant has been increased by \$23,000 per year for two years. She noted that the District Attorney's Office is mandated to provide these services. She said that with the funds she would like to increase her position to full time and add an additional person.

Interim Finance Director Debbie Smith-Wagar stated that hiring based on grant funding is a policy decision for the Board. She said they would not move forward until they were confident in the funding.

WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
SEPTEMBER 16, 2015
PAGE 3

Ms. Urness said that there is interest within the DA's office for the additional position.

Chief Legal Secretary Elizabeth Osborne stated that she is aware that the Administration shies away from grant-funded positions. She noted that they were not looking for a grant to fund the staffing increase but if the funds are not used, they will go away. This will put into place another certified victim's advocate; even if the position goes away, the knowledge will remain in the office.

Ms. Urness stated that the additional staff will have to attend a week-long Victims Academy which starts October 26th. If the grant funding decreases, they can go back to what they were doing.

Commissioner Kramer asked how far back the grant has been in place. Ms. Urness said it began in 1985. Commissioner Kramer asked if it has increased every biennium. Ms. Urness responded that it has not increased every biennium but has steadily increased over the years. Ms. Osborne noted that this kind of increase is unusual.

Ms. Urness reported that there is another non-competitive grant for about \$30,000 in emergency services money which will have to be spent in the span of 21 months.

Mr. Stone said that his concern in using grant dollars to hire staff is that if the funding does not continue, the County is faced with unemployment costs. Ms. Urness suggested that if current staff moves into this position, a temporary person could be hired as a receptionist.

Ms. Smith-Wagar stated that she does not believe that a 2-3 year hire can be considered temporary. Further discussion ensued regarding recent increases to staffing in the DA's Office.

{{{Commissioner Runyon moved to accept the proposal from Ms. Urness to accept the increased Victims Assistance Grant funding pending the funds arriving and working with the Finance office to ensure it is properly implemented. Commissioner Kramer seconded the motion.

WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
SEPTEMBER 16, 2015
PAGE 4

DISCUSSION

Chair Hege asked if there is a match required for the additional funding. Ms. Urness replied that there is; the match is covered by CFA funding. Chair Hege asked if the funds can only be used for staffing. Ms. Urness responded that they can be used for other things but will be best used by staffing. Ms. Osborne noted that the expected January funding cannot be used for staffing and will be used for other things.

Commissioner Kramer stated that we really need to clarify that if these grant dollars go away, staffing will have to be scaled back. Ms. Osborne suggested that it can be readdressed in a year. Commissioner Runyon stated that in his mind the motion was based on the additional funding. Ms. Urness agreed saying that if the funding goes away, staffing will go back to where it was prior to the additional funding.

The motion passed unanimously.}}

Agenda Item – Public Health Quarterly Report

Public Health Director Teri Thalhofers and Public Health Business Manager Kathi Hall came forward to present the North Central Public Health Quarterly Report. Ms. Thalhofers stated that the spreadsheet report has been before the Board previously; it now contains the fourth quarter data. She noted that the narrative report has had three changes since its publication in the packet; the updated document will be sent to Ms. White for inclusion in the record. She noted that one of the corrections was the number of tobacco related deaths – the original document cited 3 deaths which was only for Sherman County. The actual number for the 3-county region is 1,485 serious tobacco related illnesses and 98 deaths.

Ms. Thalhofers reviewed some of the highlights of the report noting that the Tobacco Coordinator worked successfully with Columbia Gorge Community College to develop and new tobacco policy. She added that the report is not tied to NCPHD's strategic plan; that will be developed through an assessment by both NCPHD and their partners. She reported that the current strategic plan did not resonate with staff and they are going through the that process again. She said that the annual report will be released today.

Chair Hege asked about the figures associated with the number of women of child

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bearing age who lack health insurance. Ms. Thalhofersaid she would get that number – it has changed. Chair Hege pointed out that there will no longer be prescription coverage for the pill. Ms. Thalhofersaid that it will be interesting but fewer women are using the pill; more are using long-acting methods. The cost will be an issue for women who are not funded; you can get it from a pharmacist if you are of age.

Ms. Thalhofersaid that the other fiscal document contained in the packet is a response to the Board’s question regarding how the County dollars are invested in programs. She noted that the easiest review is in the summary, pointing out that the numbers are unaudited for the year ending 7.31.2015 – the detail listed on the additional spread sheet shows how the county dollars are spent.

Ms. Thalhofersaid concluded by saying that they are in the process of an audit and will bring to the Board the numbers illustrating how the counties are budgeted for the current fiscal year.

Agenda Item – Economic Development Commission Quarterly Report

MCEDD Project Manager Carrie Pipinich and EDC Chair Joan Silver came forward to present the EDC Quarterly Report. Ms. Pipinich reviewed the report included in the Board Packet, noting that projects are moving forward throughout the County supported by various subcommittees of the EDC.

In reference to the broadband work being done in the rural parts of the County, Commissioner Runyon noted that the lines drawn for service seem to have left out some communities. Ms. Pipinich responded that the FCC has a cost formula to determine which areas can be affordably reached. Commissioner Runyon said that he would at least like to get a letter on record asking for them to look at those areas again. Chair Hege observed that it appears to be a random lay-out. Ms. Silver said that the long-range hope is to connect the County and they are doing a good job of moving toward that.

Ms. Silver went on to say that it is very timely and wonderful that the communities the EDC is reaching out to have been welcoming and interested in what can be done to help them. She said she believes we will see each of them moving forward with projects that have been on their books for years. She said her concern has been that these rural parts of the County not be left behind; this is a good start.

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Commissioner Runyon agreed saying that these are positive steps; there is not enough coverage of the many positive things happening in the County.

Agenda Item – Annual Fair Report

Fair Board Members Colleen Tenold-Sauter and Zach Harvey came forward to present the 2015 Wasco County Fair report. Ms. Tenold-Sauter thanked the Board for their support and attendance at the Fair. She said that Maupin Market sponsored the Best of Wasco County this year. 4-H netted \$117,000 for the youth that participated in the auction which is up from past years. She stated that the Fair is getting good support from businesses. In addition, 4-H had over 100 volunteers and the Fair had over 150 volunteers. The Gate was \$25,755, up from \$23,000.

Chair Hege asked how many people came to the Fair. Ms. Tenold-Sauter replied that it is hard to say as they did not use tickets. Entry is \$6 for adults and \$4 for children; there are people who get free passes – exhibitors and volunteers. Ms. Smith-Wagar said that next year there will be tickets so there will be a count for attendance.

Ms. Tenold-Sauter reported that they had a great Senior Luncheon – several of the city mayors came to help serve – Maupin, Dufur and The Dalles. She said that it has grown to quite an event and the last couple of years has seen more engagement with the seniors.

She said that overall it was a very successful fair – a tent blew into a power line but otherwise it was without incident. She said that the Fair Board purchased some items at auction some of which will be used to repair the rodeo arena. Mr. Harvey added that there is a rodeo planned for October – the Mexican rodeo that used to be held in The Dalles is going to try using the Fair Grounds this year. After that rodeo, the arena will be disassembled, repaired and reassembled.

Commissioner Runyon reported that he spent some time in the east parking lot during the Fair and noted that it is very difficult to navigate for those with walkers, canes, etc. He asked if the property is owned by the County. Mr. Harvey replied that the County rents the property which is cattle pasture. Mr. Stone pointed out that even if the ground were leveled and reseeded, the cattle would go back in and it would be in the same condition as it is now. Ms. Tenold-Sauter suggested that the gate staff can be educated to make sure that the parking closest to the fence be

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reserved for those with disabilities and suggest that people needing assistance be dropped off at the main gate.

Commissioner Kramer said that he sent them the contact information for the Deschutes County Fair manager; they just purchased new equipment and may have some items to surplus.

Ms. Smith-Wagar provided a financial report; she said that it does not mean much without comparison and some of the contributions have not yet been received. She added that the numbers do not include beginning fund balances – this is just for 2 ½ months. She said that there are Fair Board expenses and building maintenance included. She stated she wants to start bringing similar information to the Board for other items.

Ms. Tenold-Sauter said that Ms. Smith-Wagar has been great at helping the Board understand the financial process. Mr. Harvey agreed, saying that the support they have received from the County has been great. He said that the first few years he was on the Board, they never saw anyone from the County – the last few years have been great!

Chair Hege asked Sheriff Rick Eiesland how the Fair went from a law enforcement standpoint. Sheriff Eiesland replied that it was really good – no incidents, no arrests for 2 years in a row. He said that he thinks that is due to educating the public that we will not tolerate bad behavior.

Agenda Item – Community Corrections Contracts

Sheriff Eiesland stated that these are contracts that have been ongoing since Measure 1145 funding became available; there are no major changes. He reported that he and Mr. Stone have been looking into whether or not the County should continue with 1145 or if it should go back to the State. He said that we receive about \$1 million to run it. He said that if it goes back to the State, they would have to rent jail beds if they sanction people.

Chair Hege asked if there is a threshold for sending it back. Sheriff Eiesland replied that there are a number of triggers. It is a one-year contract but we can opt out with 30-60 days' notice. He said that with few exceptions, we are no longer doing

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misdemeanor cases; the State will not handle those either. He added that there has been an increase in felon cases and we now have over 300; we are hiring for a 4th probation officer and have advertised for a new manager. He said that the M57 contract is for presentenced DUI case reimbursements.

Sheriff Eiesland said that he recommends going forward with the contracts now and make the decision regarding opting out at a later time. Mr. Stone agreed that at this time as it is too late to opt out without the contracts – the timing is not good with being down by one officer and the manager retiring on short notice. He added that if we are going to look into it, this is a good time. He said they are currently doing a cost analysis. He reported that he has talked to the State; this is the very beginning stages of a decision.

Chair Hege asked if signing the contracts now moves this forward before a decision is made. Chair Eiesland responded that it keeps it in place for at least 90 days while we continue to explore our options. He said that initially some of this funding was used to help build the jail.

Mr. Stone added that it would have been better to have started this process 6-8 months ago but the timing was not right for that. Sheriff Eiesland noted that the State does not want it back but there are two counties that did give it back to the State; in those counties, they transferred the County employees to make them State employees – that is probably what would happen here.

Commissioner Kramer asked if it is his recommendation to approve these contracts and continue to explore the issue. Sheriff Eiesland responded affirmatively.

Commissioner Runyon asked what the process will be for hiring a new manager. Sheriff Eiesland replied that whoever is selected will have to go through the academy unless they are already certified. He said that they will be testing after the 25th for the probation officer.

Commissioner Runyon asked what the interview panel will look like. Sheriff Eiesland replied that he will try to get someone from the public along with law enforcement from the jail, Hood River, Sherman and/or Gilliam Counties.

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{{{Commissioner Kramer moved to approve Intergovernmental Agreement #5138 between the State of Oregon and Wasco County. Commissioner Runyon seconded the motion which passed unanimously.}}}

{{{Commissioner Runyon moved to approve Intergovernmental Agreement #5180 between the State of Oregon and Wasco County. Commissioner Kramer seconded the motion which passed unanimously.}}}

Sheriff Eiesland announced that they have received a new fingerprint machine from OSP through a grant for sex offender registrants – they did not have a place for it. He stated that it will require a new cabinet; it has been recommended that a wire mesh cage be used to secure that. He asked how the Board felt about that aesthetic.

*****The Board was in consensus to have the Sheriff move forward with plans in conjunction with facilities to house the new fingerprint machine in the lobby of the Sheriff's office.*****

Agenda Item – Walnut Street Property

Facilities Manager Fred Davis reminded the Board that he recently provided them with information regarding the County property located at 1915 W. 10th Street in The Dalles; the Board had directed him to bring them information regarding the removal of the house from the property. He referred them to the Emmert Option Agreement in the Board Packet and explained that the County could sell it to them for \$1; they would market the house and if sold, the purchaser would pay for the move. Emmert makes their money on the installation of the house on the new site. He said that they have done a walk-through of the house and are interested in moving forward. He said that counsel would have to look over the document before moving forward and the Board would have to surplus the house. He added that demolition of the property would cost between \$8,000 and \$10,000.

Commissioner Runyon asked if there is any vision for the property. Mr. Davis replied that there is not at this time, although the property is attached to other county property. For now, he would just remove vegetation and maintain it as an empty lot.

Commissioner Runyon asked if there are any gas lines to the house. Mr. Davis replied that there are; those would have to be removed. Commissioner Runyon observed

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that it is a neighborhood eyesore. Mr. Davis replied that it is becoming one; we seem to have nightly visitors no matter what is done to secure it.

*****The Board was in consensus for Mr. Davis to move forward in the process with Emmert International to have the house at 1915 W. 10th Street, The Dalles, OR removed.*****

Agenda Item – County Policies

Youth Services Director Molly Rogers and Planning Director Angie Brewer came forward to present new/revised County policies. Ms. Rogers said that in July the Board approved the Wasco County Performance Management Policy with the understanding that it would be further revised and returned to the Board. She reported that a group of the Directors came together to work on this and the result of that work is two revised and one new policy. She stated that all three have been presented to the management team for input and all have been approved by County Counsel. She went on to say that CIS has also approved all three policies. Ms. Brewer added that they did get buy-in from the Management Team.

Ms. Rogers reported that the group is committed to continue to meet after Management Team meetings to continue the work on policies. She said it is a great group. Commissioner Runyon observed that there is a certain amount of flexibility in the policies and they seem to be designed to continue to change as needed. Ms. Rogers pointed out that previously, when an employee reached step seven they would basically be frozen; there were awards but they got muddled with the steps – this clearly makes them performance awards.

Mr. Stone said that when this project was assigned to the group, it was a large and difficult to get their arms around. He said that this is a new concept for government and the group went above and beyond to make it workable at the department level. He stated that they did an outstanding job.

{{{Commissioner Runyon moved to approve the Wasco County Compensation Policy to replace all previously adopted compensation policies. Commissioner Kramer seconded the motion which passed unanimously.}}}

{{{Commissioner Kramer moved to approve the Wasco County Performance

Management Policy to replace all previously adopted performance management policies. Commissioner Runyon seconded the motion which passed unanimously.}}

{{{Commissioner Runyon moved to approve the Wasco County Employee Performance Award Policy. Commissioner Kramer seconded the motion which passed unanimously.}}}

The Board thanked the group and commended them for their work.

Discussion Item - Multi-County Code Update Program

Ms. Brewer said that she would like to submit a letter requesting to participate in the Multi-County Code Update Project. She said participation requires a formal request; she has spoken to three other counties who have participated previously and they are very pleased with the results. She stated that it will provide us with a template and process for moving forward on other updates. She said it has to be submitted by the end of the month.

*****The Board was in consensus to sign the letter requesting to participate in the Multi-County Code Project.*****

Agenda Item – Resource Advisory Committee

Public Works Director Arthur Smith stated that this group helps direct the expenditure of SRS payments to counties for Title II projects. He said they have met with the Forest Service regarding priorities. He concurs with the four projects listed as Forest Service priorities – Barlow noxious weed control, Sportsmans Paradise Thinning, Voodoo Mastication and Hesslan Thinning. He explained that he represents Wasco County as a voting member on the committee. Although he is able to vote without consent from the Board, it has traditionally been communicated to the Board for their support prior to a vote.

*****The Board was in consensus to support Mr. Smith’s recommendations proceed with four Title II projects in Wasco County: Barlow noxious weed control, Sportsmans Paradise Thinning, Voodoo Mastication and Hesslan Thinning.*****

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Agenda Item – Work Space Reconfiguration

County Clerk Lisa Gambée and County Assessor Jill Amery came forward to discuss plans for reworking their offices. Ms. Gambée explained that they discussed the needs of the citizens and concluded that it makes the most sense to swap offices between the Clerk and the Assessor. The Clerk's office is 300 square feet larger than the Assessor's office; the Clerk has a staff of 4 while the Assessor has a staff of 13. She went on to say that the Assessor budgeted \$25,000 to help accommodate her growing staff's space needs; they plan to use as much of the existing furniture and counters as possible and use the Assessor's budget to cover any additional costs. She said that once they have actual costs lined out, they will report back to the Board.

Ms. Gambée went on to say that they looked at the security needs and determined that the vault does not need to be moved. The ballot counting room remains locked when not in use and also has video surveillance; that will be moved to the Quest room permanently to meet State requirements. She stated that they hope to make that move next week. Shaniko has an election scheduled in November; she wants it moved before that so the new set-up can be tested.

Ms. Gambée said that the final move will be intense and is planned for the weekend before Christmas – from Friday afternoon through Monday morning. She stated that they are looking at being open half-days on those two days but will need permission to do so; they want to give advance notice to customers.

Commissioner Kramer said it is important to serve the public. Commissioner Runyon agreed adding that it is also important to have adequate work space for the Assessor's staff to continue catching up with the workload. He asked if there is a plan for notifying customers of the planned half-days. Ms. Amery said that they will develop one once they have Board approval to move forward. Ms. Gambée observed that they have processes in place for other types of notification and will be able to use those. Ms. Amery stated that they will leave the public access computers available in the hallway throughout the move.

{{{Commissioner Kramer moved to approve switching the Assessor's and Clerk's office locations as recommended by staff with the move to occur the weekend before Christmas with both offices opened for half-days on Friday,

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December 18th and Monday, December 21st. Commissioner Runyon seconded the motion which passed unanimously.}}

Discussion Item – MCCOG Dial-a-Ride Contract Amendment 1

Ms. White explained that the Board signed the original Dial-a-Ride Contract in July. Since that time, the program has been reviewed by ODOT with only one high-priority finding – this contract was lacking the required Federal contract language. The amended contract contains no changes from the original other than the addition of the required language.

{{Commissioner Runyon moved to approve the MCCOG Dial-a-Ride Contract Amendment 1. Commissioner Kramer seconded the motion which passed unanimously.}}

Discussion Item – Pine Hollow Recreation/Pine Hollow Contract

Commissioner Kramer explained that this contract is similar to past contracts for this work however the time line has been modified to run from July 1st to September 30th due to the limitations of the grant; adequate funds needed to be held to complete other maintenance required by the grant. He stated that he has begun a conversation to offer this contract to the TOOLS program for next season; it would be mutually beneficial.

Chair Hege said that this basically just shortens the time frame for the work. Commissioner Kramer confirmed, saying that previously all the money was used for just the bathroom which was being maintained year round rather than seasonally but the parking lot was not being maintained at all. He said that the parking lot needs attention – if not repaired it will have to be closed. He reported that Public Works has agreed to help with the parking lot.

Commissioner Runyon asked if the work has been inspected as required by the contract. Commissioner Kramer replied that he has been monitoring the work himself; Mr. Hazel does a great job with the restroom and has agreed to continue through September.

Chair Hege asked if Mel's Sanitary has been servicing that at no cost. Commissioner

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Kramer said that he has been but other arrangements will have to be made now that Mel's Sanitary has been sold.

\$\$\$Commissioner Runyon moved to approve the Personal Services Contract for Restroom and Site Maintenance at Pine Hollow Reservoir with the date correction on page 2 of the contract. Commissioner Kramer seconded the motion which passed unanimously.\$\$\$

Commissioner Kramer explained that there have been issues associated with Pine Hollow Reservoir/Recreation Area for many years. Issues with bandages but without true outcomes – it is time to move that to resolution. In line with his commitment to Wasco County to become one County, he has brought together stakeholders to address and find solutions to the existing challenges. As part of that effort, he has offered County resources to work with the stakeholders - Mr. Stone to facilitate along with the skill and expertise of our County Surveyor, GIS and Planning Department, Public Works, Assessor and County Clerk's Offices. Also in the mix we have engaged local citizens and State partners – ODFW, Regional Solutions and the State Marine Board.

Commissioner Kramer expressed his commitment to work with all parties involved to identify solutions, but explained that the work will not be without cost. He said there are tentative financial commitments of \$1,000 each from Badger Creek Irrigation District, Wamic Rural Fire Foundation and South Wasco Alliance. He requested approval for up to \$5,000 from the Board's Special Project Fund to facilitate the important work being done to find solutions that will help strengthen our overall County community.

He went on to say that most of the funds will be used for Oregon's Kitchen Table. Mr. Stone explained that Oregon Kitchen Table works with communities to gather information and involve communities on difficult issues being faced; they worked with Curry County to engage the community on severe budget cuts. He said that it is an avenue that the stakeholder group would like to explore to foster community engagement.

\$\$\$Commissioner Kramer moved to allocate up to \$5,000 from the Special Projects budget to move forward toward a solution for the Pine Hollow

Recreational Area. Commissioner Runyon seconded the motion which passed unanimously.}}

Chair Hege asked if there is a timetable for the project. Mr. Stone said that they have not yet developed a timetable but are looking at grant cycles to help put that together. Commissioner Kramer reported that the group has been meeting every two weeks and at the next meeting will hear from the history team, the boundary team, the public relations team and Kate Sinner from Regional Solutions.

Discussion Item – PERS Meeting

Ms. White stated that the Executive Director for PERS is touring the State to meet with counties and cities to outline changes to PERS and to answer questions. She said that they are looking for attendance from administrators/managers, human resources departments, finance and perhaps a Commissioner. She asked if any of the Commissioners would be interested in attending. Chair Hege said that he will plan to attend.

Consent Agenda – Minutes/Franchise Transfer

Chair Hege said that on page 3 of the minutes he would like to clarify that when he was referring to concern about water usage he was talking only about the County, not the cities.

}}{Commissioner Kramer moved to approve the Consent Agenda with the correction to the minutes. Commissioner Runyon seconded the motion which passed unanimously.}}

Commission Call

Commissioner Kramer announced that OWEB will have grants available for Forest Collaboratives; the deadline for submission is November 13th. Grant funding will be to increase restoration efforts and will provide technical assistance.

Commissioner Kramer reported that Wamic Grade work is moving forward; they are digging up and packing in materials to support soft spots.

Commissioner Runyon stated that he attended the Court Security meeting at the AOC. Wasco County is at the top of the list for an electrical panel upgrade. Mr.

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Stone said that the dollars are there; we need to go out for bids and bring it to the committee to adjust funding up or down.

Commissioner Runyon said that at the AOC Veterans Committee meeting he presented a list of issues developed by Wasco County VSO Officer Russell Jones. He said that everyone recognizes our program as a model and we are now moving forward on another project in conjunction with the NORCOR mapping project. Mr. Stone added that at the last Veterans Volunteer Staff meeting he learned that the Federal VA is also recognizing our program.

Commissioner Runyon reported that the MCCOG Board is on the second stage interviews for a new Executive Director; three applicants remain in consideration – one from Texas, one from The Dalles and one from Hood River. He encouraged everyone to reach out to the MCCOG Executive Committee to provide feedback.

Chair Hege recessed the session at 11:34 a.m.

The Session Reconvened at 1:30 p.m.

Agenda Item – Public Hearing PLAAPL-12-07-0001 of PLANCU-14-09-0003
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Chair Hege opened the hearing at 1:30 p.m. reading from the script (attached).

Chair Hege asked if any Commissioner wished to disqualify themselves for any personal or financial interest in this matter. There were none.

Chair Hege asked if any Commissioner wished to report any significant ex parte or pre-hearing contacts. There were none.

Chair Hege asked if any member of the audience wished to challenge the right of any Commissioner to hear this matter. There were none.

Chair Hege asked if any member of the audience wished to question the jurisdiction of the Board to act on behalf of Wasco County in this matter. There were none.

Chair Hege asked if any Commissioner had conducted a site visit to the subject

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property. There were none.

Chair Hege asked Ms. Brewer to present the staff report. Ms. Brewer reviewed the report included in the Board Packet. She explained that the home was lost in 2013 as the result of a wildfire. She stated that the applicant had started working with the Planning Department within the one-year requirement to legally replace the home. She reported that staff had completed their research and had a difficult time finding files on what existed prior to the fire; verification of a non-conforming use was determined to be the best path to follow.

Ms. Brewer stated that the property is just over 13 acres and is located in an exclusive farm use zone. She said that the staff has to verify non-farm use was established before it can be re-established. The dwelling existed in 1979 with modifications afterward. At the time the dwelling was placed it was a Zone A-3 which is different than what it is today; it would have required a Planning signature but none has been discovered. She said it is very likely that the owners at the time did not go through the permitting process when it was built or modified or when the accessory structure were added; neither the Building Code Department nor the Health Department have any record – there is no evidence to verify lawful placement.

Ms. Brewer explained that if you believe that a structure was placed prior to permit requirements, you can use other methods to establish the date of placement – photos, utility bills, etc. However, in this case it is clear when the home was placed; that is not in question. Staff was unable to establish that the placement was lawful. She added that there are some findings about what a replacement would look like, but that was not pursued since they could not establish lawful establishment.

Mr. Brewer stated that the applicant cited statute to demonstrate that the structures had been there for 20 years or more which staff is not contending. However, they argue that ORS 215.130 prohibits a county from requiring an applicant to prove the existence, continuity or nature and extent of use for more than 20 years immediately preceding an application. She stated that the Planning Department's interpretation of the statute is that a county is not prohibited from confirming non-discretionary evidence of lawful establishment when we know the date of establishment. The Planning Department was not able to verify a non-conforming use was lawfully established at the time of construction.

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Ms. Brewer stated that the staff report and the Planning Commission's decision to deny is limited to verification of a non-conforming use; there was not an analysis of other uses. During the initial discussion, this was determined to be the most likely path to possible approval. The applicant is free to pursue other paths. She reviewed the options open to the Board:

- Agree with the findings of the Staff Report and affirm the Wasco County Planning Commission's decision to deny the non-conforming use determination and deny the replacement development
- Reverse the Wasco County Planning Commission's decision and approve the non-conforming use determination and approve the replacement development with conditions of approval recommended by the Planning Department
- Remand the Wasco County Planning Commission decision back to staff for additional analysis and a future hearing date
- Continue the hearing to a date and time certain to allow the submittal of additional information.

She stated that should they reverse the decision or remand to staff, they should be specific as to their reasons. She added that the Planning Commission's vote was 4-3 to deny. Staff's recommendation is to uphold the Planning Commission's decision and agree with the findings of the staff report and deny both the non-conforming use determination and the replacement development.

Chair Hege asked what the A-3 zoning was in 1979 and if that matters. Ms. Brewer replied that it matters that we know what was allowed at that time; she reported that she has the ordinance and has reviewed it numerous times. She said that the old zoning would have allowed establishment with a permit. She said that current zoning is less clear as to how that development would be allowed.

Chair Hege stated that the issue seems to be that there is no evidence of any permits and that is the basis for denial. Ms. Brewer said that there are permitting records of other dwellings going in that area at that time. She said that there should have been a file outlining confirmation of zoning, setbacks, building height, etc. In addition, there

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should have been a Building Department permit which requires a Planning signature – Planning would have retained a copy of that permit. She reported that she contacted Environmental Health; they do not have any septic records on file.

Ms. Brewer stated that the Planning Department recognizes the unfortunate situation and tried to find a path to follow that would allow approval; however, the Department is not comfortable with the precedent that would be set by the applicant's interpretation of the statute.

Chair Hege asked the applicant to present their case.

Carrie Richter, Attorney for applicant Joe Garofoli, stated that had there not been a wildfire, Mr. Garofoli would still be living there; no one disputes the continued use of the dwelling over the last 36 years, including 7 years by Mr. Garofoli. Mr. Garofoli has paid County taxes throughout his ownership. The fire, for which he was not responsible, and the County will in effect take away his right to residential use of his property. She pointed out that the land is under-sized and has no water rights making it unusable for farming.

Ms. Richter stated that sub-10 of 215.130 states that a local government may adopt standards and procedures to implement the provisions of this section. This is the non-conforming use section of the State law. The standards and procedures may include, but are not limited to the following:

- A 10 year period of continuous use.
- Provisions about interruption.
- Conditions about alterations.

The County has done this with its local Code. Unless State law prohibits the County from implementing its Code, it is free to do so. The County is subject to its Code. She said this is the first time the County has had the opportunity to interpret its verification procedures. She said that the County is free to interpret their Code as it sees fit without relying on 215.130; the law gives the County the authority to do that. Ms. Brewer clarified, saying that the County has verified other non-conforming uses

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but this is the first time they have done so using 215.130 as part of the verification. Ms. Richter said that the point she is making is that the local code controls the existence question – it is not controlled by decisions in other counties or by state law. She stated that the Board is being asked to interpret 13.060 of the Land Use and Development Ordinance.

Ms. Richter pointed out that the local code allows for special treatment in cases where the dwelling is destroyed by fire. 13.060A provides: If a non-conforming structure is destroyed by fire, restoration or replacement shall be permitted subject to the following criteria – a 12-month application requirement, structure needs to be the same size, location limits, compliance with current health and safety requirements, etc. She noted that the list does not include verification. She stated that there is an interpretation that can be made to allow the replacement without verification in case of fire.

Ms. Richter went on to say that if the Board decides that verification is necessary, the Code sets forth standards – non-discretionary evidence or in the absence of that, photos, utility bills and testimony. She stated that Mike Ferguson, son of the original owner, will testify to the 1979 date of establishment. When the dwelling was built, it was zoned for that type of dwelling; A-3 required only a signature with no review. She pointed out that the local Code does not define “verification;” the Board can then interpret it. She said that under the Planning Department’s interpretation there is a disincentive for applicants to secure testimony to prove when it was established and prove lawfulness.

Ms. Richter said that the partition was properly executed which leads her to make a reasonable inference that he also followed proper permitting for the house. She reminded that Board that some of the permit records were lost to a fire – it is estimated that they have approximately 90% of the records intact; some permits have been lost. She said that 36 years of existence without interruption or complaint, testimony that it was placed in 1979, and the fact that zoning allowed for residential dwellings at the time it was placed establishes lawful use.

Ms. Richter said that one of the things the Planning Commission faulted Mr. Garofoli for is failing to take heed of the disclosures that would have come with his deed. She explained that there are two types of disclosures – one is a check list from

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the seller disclosing knowledge of hazards, land use violations, etc. Since Mr. Garofoli did not purchase from Mr. Ferguson, he did not get the benefit of his knowledge – we do not know what Mr. Ferguson did or did not know. She said that the deed requirements on the bottom of deeds that advises purchasers that title insurance does not assure compliance with local land use law was not required on deeds until 2007; Mr. Garofoli purchased in 2006.

Ms. Richter, referencing the Planning staff's concern over setting precedent, said that every quasi-judicial decision is a fact-based inquiry that stands on its own merits. She stated that the Board is free to interpret the Code every time it makes a decision, particularly in non-conforming use determinations because they are so fact-based. She pointed out that in this case there is agreement about the establishment date and that at that time this use was allowed. She noted that the structure was over 30 years old; replacement will require that it conform to current building and septic standards. Denying the application will deprive Mr. Garofoli of the use of his property as it is not suitable for farm or forest use.

Mike Ferguson, son of the original owner of the dwelling, stated that he was 12-13 years old when his father purchased the property and placed a mobile home for hunting. He said that then his father decided to build – they used 12-volt power and an outhouse neither of which would have required a permit. He said that his father signed a quitclaim deed back to the previous owners in an effort to prevent his wife from gaining half ownership in a divorce. He said that he would like to see Mr. Garofoli be able to build.

Commissioner Runyon asked how many owners there were between Mr. Ferguson's father and Mr. Garofoli. Mr. Garofoli replied that there were at least two. Mr. Garofoli shared a brief life history with the Board and stated that when he purchased the property he cleaned it up as well as the home he lost to fire. He said that he feels as though he is being punished for something another man may or may not have done 36 years ago. He said that were it not for the fire, the cabin would be there and no one would be complaining. He asked that he be allowed to build a replacement structure, assuring the Board that he will meet all lawful requirements.

Ms. Richter said that Mr. Garofoli is asking that the Board finds that no verification is required due to the fire or if it is required that the Board take the Ferguson

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testimony in conjunction with other facts presented to establish lawfulness.

Commissioner Runyon asked if there is mail delivery. Mr. Ferguson replied that there is a row of mailboxes serving several residences in the area.

Commissioner Runyon asked when the zoning changed. Ms. Brewer responded that it change in the early 1980s.

Commissioner Runyon asked if it had been taxed for just the land or for the land with the structures. Ms. Brewer replied that the tax roll lists the structures.

Commissioner Kramer asked if the taxes are current. Ms. Brewer replied that they are.

Chair Hege asked how the taxes were impacted by the fire. Mr. Garofoli said that after the fire he requested a reassessment which was done.

Chair Hege asked if utilities and water exist. Mr. Garofoli replied that water has to be taken to the property; there is septic but no power.

Ms. Brewer said that staff's past practice is that it is assumed that lawful establishment must be verified before you can consider the fire. She said that if there was an application to do an addition, we would be in this same position.

Chair Hege asked if it is in our code to require lawfulness if the property is burned. Ms. Brewer answered that 050 starts with lawful establishment; 060 refers to non-conforming uses. It is staff's belief that you would have gone through 050 first to establish lawful use. She said that the signature referenced by Ms. Richter may seem like a formality but it indicates that the staff verified the use and signed it off on someone else's process to move forward, which is not very different from today's procedure. The signature acknowledges that there was some review. She reminded the Board that this is a complaint-driven county – there are a lot of things of which the Planning Department is unaware unless someone complains.

Chair Hege recessed the hearing at 2:29 p.m.
The hearing reconvened at 2:32 p.m.

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Ms. Richter stated that there is no indication that this was in violation of 1979 zoning – it would have been permitted. Whether it was or not, a permit would have been issued if requested. She said that staff relies a great deal on the septic permit but there was no septic. The other permits have nothing to do with land use – it would have been approved in 1979.

Chair Hege asked Ms. Brewer if this would have been approved under A-3 zoning in 1979 even without utilities or septic. Ms. Brewer replied that it would have been allowed at that time. She said that even now there are people with composting toilets and water collection systems. She said a replacement structure would have to comply with waste and water regulations.

Chair Hege asked if anyone wished to speak in favor of the application. There were none.

Chair Hege asked if anyone wished to speak in opposition of the application. There were none.

Chair Hege closed the testimony portion of the hearing and asked if the Board had any questions.

Commissioner Kramer noted that Planning Commissioner Brad DeHart had voted against denial of the application and asked him to summarize his view of the application.

Mr. DeHart said that it was difficult and he doesn't fault staff, this is where it should be decided. He said that he felt that the applicant had made a fairly good case to use the land as it has been historically used and taxes have been paid. He said that he does not know if the original owner went through the proper process – sometimes people don't. He added that it is not usable as farm land and it bothers him that we cannot find a way to rebuild his recreational family cabin.

Commissioner Runyon said each case is individual and he does not anticipate a landslide of these types of applications under the same circumstances. Ms. Brewer asked that the Board identify what makes this different than average that would make

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it unique. She said that we need to be clear about why it is different to insure equity and fairness in the future.

Chair Hege said that he believes the fire makes it unique; it doesn't happen that often. Ms. Brewer stated that although it is an unfortunate circumstance, her position is that it was not legally placed and it doesn't matter how it was removed.

Commissioner Runyon noted that the application is for a structure larger than the structure destroyed by the fire. Ms. Brewer said that if it is found compliant, it can be larger but will be considered an alteration or modification.

Commissioner Runyon asked if there would be another way to approve the replacement. Ms. Richter replied that without a water right, it would be exceedingly difficult and would need to be for commercial gain. She added that alterations are allowed that do not result in additional impact, noting that the County gave notice to all the neighbors and no one is here to complain.

Chair Hege asked if it is clearly stated that you have to go through Type 1 verification to get to Type 2. Ms. Richter answered that everyone would want Type 1 – it is easier, faster and less expensive. Mr. Garofoli could not use Type 1 and so had to choose Type 2.

Chair Hege acknowledged the loss of some Planning documents due to fire. He said that if they had that single piece of paper with the Planning signature, we would not be here today. Ms. Brewer stated that there is staff that has been in the office for 25 years and dealt with missing permits – they feel confident that we would have this if it existed and the Health Department would have been notified as part of the process. She said it is hard to know what was lost.

Chair Hege noted that it is theoretically possible that the permit was lost. Ms. Brewer said that they found the partition permit. She reported that the fire was caused when someone lit something and put it in a drawer – documents were partially burned.

Chair Hege said that there is the idea that there was a change in deed disclosures after Measure 37. County Counsel Kristen Campbell stated that she does not understand the relevance of that argument – if it was a quitclaim deed, the buyer takes it as-is.

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Ms. Richter read from the Planning Commission minutes: “Commissioner McBain stated that real estate law requires a disclosure statement and in that statement there is a question as to whether or not there has been any work or improvements without a permit. He then asked if there had been a disclosure statement regarding the structure. Mr. Garofoli stated that he didn’t remember. . .”

Chair Hege said that Ms. Richter had noted that the current disclosure language was not required to be on deeds at the time Mr. Garofoli purchased. She responded that she thought that language might be what Mr. McBain was talking about.

Chair Hege asked for further explanation of ORS 215.130, Subsection 11 – “For purposes of verifying a use under subsection (5) of this section, a county may not require an applicant for verification to prove the existence, continuity, nature and extent of the use for a period exceeding 20 years immediately preceding the date of application.” He said that it is not clear to him that the Board cannot rely on the 20 years. He asked if the 20-year argument is invalid.

Ms. Campbell replied that case law exempts the lawfully established requirement from the 20 year limitation in Subsection 11. She said that the limitation applies to existence, continuity, nature and extent of use.

Chair Hege said that it is clear that the zoning at the time of placement would have allowed for the establishment of the residence. The question is if there was a permit - had a permit been requested it would likely have been granted. Ms. Brewer agreed saying that based on her research, in 1979 the Planning Department would have allowed it. They would have been required to comply with setbacks, septic standards and building codes. She said that she has no reason to believe that a permit would have been denied.

Commissioner Runyon stated that in his mind the fire makes this unique. Ms. Brewer said that she is not sure the fire makes it unique; we have lots of fires these days.

Chair Hege asked what other processes are available to Mr. Garofoli. Ms. Brewer replied that although she would encourage the applicant to try other options, she does not think they would likely result in a different outcome.

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Commissioner Kramer asked if the property is level. Mr. Garofoli answered that about 2 acres are fairly flat, the rest is very steep and unusable.

Commissioner Runyon said that the 4-3 Planning Commission vote troubles him, it is clear that they had difficulty coming to a decision. He said that there is some specificity due to the fire, but he is concerned that the proposed replacement is so much larger than the original recreational cabin. He asked if it would still be a recreational cabin rather than a year-round dwelling. Mr. Garofoli replied that it would still be a recreational cabin, just a little larger to accommodate the size of his family.

Chair Hege agreed that this is a difficult decision; as the owner has stated, were it not for the fire the cabin would still be in use. He said that he struggles with the fact that it was legal when built and if there were a couple of pieces of paper on file, we would not be here. He said that in the cases where a structure was not legal when built, the County usually requires that it be dismantled before the property can be sold. He said that it is important that we require compliance, but in this case, when the dwelling was placed it was completely legal under the zoning ordinance in place at that time. He said that he wants to make it clear that no one at the County is saying that they don't care about the owner or the circumstances; the Planning Department and Planning Commission are trying to insure compliance with the Code.

Commissioner Kramer observed that the Board has an opportunity now to make this legally established. He said that it has been there for 36 years and under the A-3 zoning it would have been permitted. He said that he went out to look up something recently and found that there were documents missing from a County Planning Department file. He reported that through further investigation he was able to find what he was looking for in another department; that department sent it to Planning to complete their file.

Commissioner Runyon stated that had the Planning Commission vote been 7-0, he might have a different view.

\$\$\$Commissioner Runyon moved to reverse the Wasco County Planning Commission's decision and approve the non-conforming use determination and approve the replacement development with conditions of approval

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recommended by the Planning Department to include replacement dwelling and accessory buildings comply with property development standards of the applicable zone (WCLUDO Chapter 3) as well as the required wildfire safety and prevention requirements for all new development (WCLUDO Chapter 10). Commissioner Kramer seconded the motion.

DISCUSSION

Commissioner Kramer stated that he sees this as an opportunity to address an issue in which the dwelling was legal at the time of its placement and was destroyed through a fire that was not anyone's fault. Commissioner Runyon agreed that, that is what makes this unique.

Chair Hege asked Ms. Campbell if she sees any issues heading down this path. Ms. Campbell replied that she agrees that it is up to the Board to interpret the Ordinance. She said that there will always be issues and there is not clear precedent anywhere for this circumstance. It is up to the Board to interpret the Ordinance.

Commissioner Runyon added that the fact that it was a 4-3 vote by a talented Planning Commission gives him pause for thought. It is clear that even they were of mixed views. Ms. Campbell added that this is De novo – starting fresh.

Angie asked for clarification for what makes this unique; what she understands is that they consider the fire to be the unique factor and reminded the Board that there have been several catastrophic fires in recent years and we are likely to see more.

Commissioner Runyon said that the fire is part of what makes it unique combined with the 36 years of existence and the 36 years of paid taxes. Chair Hege added that the A-3 zoning in effect at the time of placement which would have allowed the placement also adds to the uniqueness. Commissioner Runyon agreed that the fact that it would have been approved at the time of placement contributes to the uniqueness of the application. He said that there is a list of things that combine to make it unique.

Chair Hege restated that it has been established that each case must rest on its own merits and will be considered separately through this process. He said that the Board

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is not offering direction that if application comes in with fire as an element it is automatically good to go; this entire record establishes its own uniqueness – no other case is likely to be exactly the same. Commissioner Runyon concurred.

Ms. Brewer asked if the Planning Department's interpretation of the non-conforming use policy is going to be altered by this decision. Ms. Campbell asked if we are applying Type 2 verification. Ms. Richter pointed out that Type 2 verification is what Mr. Garofoli applied for and what the Planning Department processed. Ms. Brewer stated that past policy has been that if you get hung up on Type 1 you don't get to move to Type 2.

Commissioner Runyon said that much like the argument at the Gorge Commission that with the economic and the scenic considerations, one may have priority over the other - in truth, they are equal. He said that in this case, we cannot prove with the paper what would have been approved in 1979, we are doing Type 2 because we don't have the paper.

Chair Hege added that there is enough evidence that it would have been approved and while it is unlikely that the permit was issued, we do not know that. We are making the presumption that it did exist. He said that we would expect that applicants would produce that same evidence in the future; if they can't, they can go through this process for a decision. He said that nobody wants to go through this process and will try to produce the necessary documentation. If they can't, they can make their argument to the Planning Commission and if they so choose, can appeal it to the Board of Commissioners; through the record the Board will make a decision.

Chair Hege advised that this is not the end for the applicant, it is the beginning. The applicant will have a lot of work to do which will result in a much safer, compliant development than existed previously.

The motion passed unanimously.}}

Chair Hege closed the hearing at 3:24 p.m.

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Department Request - Planning

Ms. Brewer reminded the Board of the letter (attached) they approved earlier in the day requesting to participate in the Multi-County Code Update Program. She stated that she had been unaware at the time of a second similar required letter for the actual grant application. She stated that there is a match requirement; increased staffing can be used as the local match contribution for streamlining permit procedures to meet economic development goals. She said that she would share the grant application packet with the Board once it is complete.

*****The Board was in consensus to approve the letter in support of the Technical Assistance Grant Application with permission for Ms. White to apply their signatures electronically.*****

Chair Hege adjourned the meeting at 3:27 p.m.

Summary of Actions

Motions Passed

- **To accept the proposal from Ms. Urness to accept the increased Victims Assistance Grant funding pending the funds arriving and working with the Finance office to ensure it is properly implemented.**
- **To approve Intergovernmental Agreement #5138 between the State of Oregon and Wasco County.**
- **To approve Intergovernmental Agreement #5180 between the State of Oregon and Wasco County.**
- **To approve the Wasco County Compensation Policy to replace all previously adopted compensation policies.**
- **To approve the Wasco County Performance Management Policy to replace all previously adopted performance management policies.**
- **To approve the Wasco County Performance Management Policy to replace all previously adopted performance management policies.**
- **To approve the Wasco County Employee Performance Award Policy.**

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- To approve switching the Assessor's and Clerk's office locations as recommended by staff with the move to occur the weekend before Christmas with both offices opened for half-days on Friday, December 18th and Monday, December 21st.
- To approve the MCCOG Dial-a-Ride Contract Amendment 1.
- To approve the Personal Services Contract for Restroom and Site Maintenance at Pine Hollow Reservoir with the date correction on page 2 of the contract.
- To allocate up to \$5,000 from the Special Projects budget to move forward toward a solution for the Pine Hollow Recreational Area.
- To approve the Consent Agenda with the correction to the minutes: 9.2.2015 Regular Session Minutes, Resolution 15-010 Approving Franchise Transfer, Franchise Transfer and Consent Agreement.
- To reverse the Wasco County Planning Commission's decision and approve the non-conforming use determination and approve the replacement development with conditions of approval recommended by the Planning Department to include replacement dwelling and accessory buildings comply with property development standards of the applicable zone (WCLUDO Chapter 3) as well as the required wildfire safety and prevention requirements for all new development (WCLUDO Chapter 10).

Consensus

- To have the Sheriff move forward with plans in conjunction with facilities to house the new fingerprint machine in the lobby of the Sheriff's office.
- For Mr. Davis to move forward in the process with Emmert International to have the house at 1915 W. 10th Street, The Dalles, OR removed.

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- **To sign the letter requesting to participate in the Multi-County Code Project.**
- **To support Mr. Smith's recommendations proceed with four Title II projects in Wasco County: Barlow noxious weed control, Sportsmans Paradise Thinning, Voodoo Mastication and Hesslan Thinning.**
- **To approve the letter in support of the Technical Assistance Grant Application with permission for Ms. White to apply their signatures electronically.**

WASCO COUNTY BOARD
OF COMMISSIONERS

Scott Hege, Commission Chair

Rod Runyon, County Commissioner

Steve Kramer, County Commissioner



WASCO COUNTY BOARD OF COMMISSIONERS
TOWN HALL – DUFUR, OR
SEPTEMBER 17, 2015

PRESENT: Scott Hege, Commission Chair
Rod Runyon, County Commissioner
Steve Kramer, County Commissioner

STAFF: Tyler Stone, Administrative Officer
Kathy White, Executive Assistant
Angie Brewer, Planning Director

Chair Hege opened the Town Hall at 6:00 p.m. He explained that the purpose of the Town Hall is to give the public some information regarding the new marijuana legislation and take in public comment on the subject.

Ms. Brewer reviewed the information in her presentation (attached).

Commissioner Runyon announced that all the material gathered by the County has been placed on the front page of the County website. He said he had with him a copy of the bill should anyone want to refer to it.

Chair Hege opened the floor to public comment beginning with those who had signed up to speak.

Dr. David Wehrly read his comments into the record:

“Once again Wasco County has the opportunity to hang out its *'KICK ME'* sign.

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Having largely forgotten the Rajneeshee terrorism of the 1980's, Wasco has become an uncontrolled mass gathering magnet, it harbors illegals as a '*sanctuary county*' and now is moving to violate Federal drug laws, [Yes despite Oregon's legislation, marijuana like heroin, LSD and Ecstasy, is federally classified as a Schedule-1 controlled substance, and the County is not indemnified from Federal actions should they choose to exercise them.]

From an infrastructure impact perspective - water requirements for pot growth are immense - with a growth cycle of approximately 150 days, you are looking at between 120 and 150-thousand gallons per 50 plant crop. Double that for just two 50 plant crops in a single year. How will these huge new water demands be met? And at the expense of what other established users?

In addition there would be enormous new power requirements that in rural Wasco, are beyond the current capacity of the CoOp, without significant additional, and unplanned capital expenditures, which in turn would result in higher electric bills for everyone.

One needs only to look at the ever growing problems and economic shortfalls that Colorado is experiencing, with Washington close behind, to understand that pot is not the economic boom promised. In these states there have been significant unintended and negative consequences, both social and criminal, along with their associated cost to the taxpayer.

The Wasco County commissioners need to finally stand up for the citizens of the unincorporated parts of the County that elected them, and pass an ordinance against all six elements of the marijuana legislation. The voters will then say at the polls in November 2016, to both Salem, and the Commissioners, we "will not sell our souls, or community for those Biblical '*thirty pieces of silver*'".

Mike Davis of Tygh Valley said that he looks at this from a business perspective. He pointed out that there is no choice about home growing; look at alcohol prohibition and this follows that same path. He stated that if the commercial market is not allowed, it encourages black market growth which is almost impossible to regulate – Wasco County does not have the staff to do that.

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Mr. Davis said the County should embrace commercialization; if you look at the OLCC regulations, there will not be waves of marijuana – the maximum outdoor growth is small and the maximum greenhouse size is 90x40 feet. Since an indoor system is the most efficient way to grow marijuana, it will probably be the most common. He observed that if there is a moratorium, a year from now processors will be set up outside of Wasco County and we will lose that business which will mean that local growers will not have a place to take their crop for processing; this will put Wasco County 1-1.5 years behind the rest of the State. He said we should be educated and embrace the business.

Leslie Kasmer said that studies show marijuana is not a gateway drug; a 2000-2011 study of high school students reported that 2/3 of the marijuana users did not go on to use other drugs. She said that the study found that alcohol is usually the first drug. She went on to say that states with medical marijuana have lower rates of abuse.

Ms. Kasmer continued by saying there are 80,000 deaths each year from alcohol; 300,000 deaths if you include alcohol related traffic fatalities. She stated that no one has died from marijuana poisoning – it takes 1,000 times the effective dose of marijuana to cause death. She said that we have wines and microbreweries – why not marijuana? We need the jobs and tax revenue.

Debby Jones, Youth Think Prevention Coordinator stated that the Youth Think Board has discussed this issue and would like to encourage the Board of County Commissioners to push the pause button. She said that she has listened to hours of OLCC meeting recordings and commends them for their serious look at the new legislation but what is in place now from the OLCC are recommendations, not regulations – there is much more to know. She said that a moratorium would give the citizens 13 months in which to educate themselves – there are good points on both sides of the issue. She expressed her appreciation for this opportunity to publicly share her views – there are many questions and the public needs the time to be informed.

Ms. Jones went on to report that she spent the last two days with middle schoolers to discover what their perceptions are and how those perceptions compare to reality. She stated that the students were asked what percentage of adults get drunk once a week – they believe it is over 50%. She went on to say that they were asked the same question regarding marijuana use and the number was even higher. She pointed out that

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whatever we decide to do, we need to talk to our children and we need to stand together to do that.

Liz Turner said that she wants to talk about the new legislation from the standpoint of land use. She noted that there are a lot of complicated rules in the bill and a lot of it will change – some of it is impossible to do . . . how do you judge moral character?

Ms. Turner said that there is no limit on immature plants. Rules say they will regulate every ounce traded, sold or moved; all growers will have to be licensed and keep track. The State wants to collect the tax so it will be difficult for people to sneak around. She stated that all of the money will go to the OLCC and OHA – if we do not get the money, how will we pay for enforcement? It also says that OLCC and OHA cannot be held accountable for not doing their job – if they don't send enforcement, we have no recourse. OLCC and OHA regulations supersede any other laws – there is no template for local control – we have to go with what they give us.

Ms. Turner cautioned that the bill does not restrict medical marijuana by zone which means it can be anywhere – if it is in the agricultural zone, they have to have a water source but medical marijuana is not tied to water laws and could run everyone else out of water.

Ms. Turner went on to say that HB3400 only says that commercial growing cannot be in a residential zone which means it can be anywhere else. It says we have to be reasonable; but who defines reasonable? She stated that this can go on the ballot in 2016 which will buy us time to determine what we want to do and see what happens in other counties – OLCC doesn't know what they are doing yet. She said that we had turned down a warehouse that had 130 jobs and that was probably a mistake, but she believes the smartest thing to do is wait to get more answers – a lot will change.

Owen Papworth encouraged everyone to do some research and educate themselves objectively – marijuana is here to stay and the County should benefit from the tax. He pointed out that the County can work on regulations to address local concerns. He agreed that this bill is probably not the best we could have, but if we place a moratorium, we are just burying our head in the sand. He added that the water usage is overstated and can be regulated – look at Colorado and Washington to see what they have done.

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Bob Durham stated that he agrees with the idea of a pause button. He said that he has been involved with youth through 4-H and he thinks there is too much we don't know; the moratorium will give us time to become educated. He pointed out that Washington has not gotten the revenue they anticipated. We need time to develop regulations and get answers; how does indoor growing fit our zones? Can Wasco Electric provide the necessary power? We need to do make sure this fits us and do what is good for Wasco County.

Ms. Brewer said that right now you need a building permit for an agricultural building. If you want to change what is being grown in an existing building you do not need a permit from Wasco County for that change; however, if you are pursuing an OLCC permit, then you have to come to planning to be confirmed.

Kathleen Cantrell said that she has not taken the time to read the bill and asked if it is a fact that the original bill has been changed. Commissioner Runyon replied that that is what we have been told. Ms. Jones concurred saying that it is still evolving.

Ms. Cantrell asked if the OLCC supersedes our own regulations. Ms. Turner responded that the County would have to adopt the OLCC program. Ms. Cantrell said that her concern is water. We use water from aquifers that serve Washington, Idaho and Oregon. We have agencies that regulate and protect their interests. This is a drought year and she hopes the County will consider that. Domestic wells – the state says you can have a 1.2 acre garden but no commercial growth. She pointed out that there are places in Wasco County where there are no more wells permitted.

Kathy Jans stated that she has seizure issues as a result of a brain aneurism; the medications that control the seizures cause severe depression. She reported that cannabis has saved her from having to take more serious, addictive medications. The world could be saved if you used hemp instead of trees. We need to get educated.

Chair Hege asked if anything being discussed in the moratorium has anything related to medical grows. Ms. Brewer replied that it is a grey area; there is some assumption in the law that moving forward with recreational marijuana might make the medical regulations unnecessary. She said that as growing becomes more universal, it will change.

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Michelle Halle said that current medical growers will be grandfathered into the system and there will be many as long as they just want to continue to grow for their patients; if they want to grow for recreation they will have to go through the process. The tracking system is only for those growing for others, not for those growing for themselves.

Ms. Turner said that she does not think there is anyone present who wants to keep people from getting their medication; the issues are with recreational, commercial growth. She said that we might get \$5,000 from the State which is not enough to hire even one additional officer for enforcement.

Dr. Wehrly concurred with Ms. Turner saying that schedule one controlled substances have provisions for medical uses.

Ms. Cantrell agreed saying that she supports medical use but sees no reason to mix medical use with recreational use.

Chris Schanno observed that a lot of what is being said is conjecture; the OLCC already regulates all the liquor enterprises . . . that won't fall onto sheriffs. He pointed out that we cannot pay for our roads and this will be an \$80 to \$100 million business that we are not going to stop with a moratorium. He said that we passed up on wind income and other things that would have generated revenue; farmers are trying to make a viable living and this could bring hundreds if not thousands of jobs to the County – not just for the recreational marijuana, but hemp oil, organic insecticide, and other byproducts.

Mr. Schanno went on to say that the water use issue is overstated; we have water rights and must live by them – that is true of any crop being cultivated. Wasco County is agricultural. He said the same is true of the power concerns. He pointed out that Azure farms has a green house and uses significant power for their operation which provides jobs in the community. This is a farm crop like any other – the grey area is medical producers who want to go commercial. He said that this is an opportunity to increase jobs and income for schools and he does not want to see fear cause us to turn it down – it is legal in the State. If we wait we will be in the same situation as with the windmill industry – it will pass us by.

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Someone in the audience pointed out that marijuana does not require a combine to harvest and asked if Mr. Schanno would be able to grow it in places where he cannot grow a crop now. Mr. Schanno replied affirmatively.

Mr. Davis added that the crop can also be and is used as feed for cattle and to make extracts.

Ms. Turner pointed out that there are no set asides for this crop – how do we make sure the crop is safe for spraying?

Ms. Jones said that there is committee that is specifically looking at the use of pesticides – they are trying to do what is best. She encouraged people to listen to the OLCC meeting audios.

Chair Hege thanked everyone for their comments and closed the Town Hall at 7:13 p.m.

WASCO COUNTY BOARD
OF COMMISSIONERS

Scott Hege, Commission Chair

Rod Runyon, County Commissioner

Steve Kramer, County Commissioner



WASCO COUNTY BOARD OF COMMISSIONERS
TOWN HALL - MOSIER, OR
SEPTEMBER 21, 2015

PRESENT: Scott Hege, Commission Chair
Rod Runyon, County Commissioner
Steve Kramer, County Commissioner

STAFF: Tyler Stone, Administrative Officer
Kathy White, Executive Assistant
Angie Brewer, Planning Director

Chair Hege opened the Town Hall at 5:32 p.m. He explained that the purpose of the Town Hall is to give the public some information regarding the new marijuana legislation and take in public comment on the subject. He said that while Measure 91 passed statewide, it did not pass in the Eastern Oregon counties. Many of the Eastern Oregon counties voted more than 55% against legalization of recreational marijuana; those Counties' local governments can opt out of the law without taking it back to the citizens for a vote. Wasco County voted 51.02% against Measure 91 so the Board only has the option to temporarily opt out; if the Board of Commissioners opts out, it will go to the ballot in November of 2016. If the Board of Commissioners does not opt out, the citizens can refer it to the ballot by gathering the required number of signatures. He reported that they held a Town Hall in Dufur last week where opinions on the subject were about half for and half against a temporary moratorium.

Chair Hege asked that when the meeting moves to the public comment period, those wishing to speak should stand, provide their name, where they are from and speak loudly so everyone can hear. He introduced Wasco County Planning Director Angie

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Brewer to give a brief overview of the legislation and options.

Ms. Brewer reviewed the information in her presentation (attached). She explained that she is not an expert on the subject but can provide a high level overviews; the County wants to hear from the citizens about whether or not to opt out.

A citizen asked what is referred to by “time, manner and place” regulations. Ms. Brewer explained that they are used to insure citing uses in appropriate places, regulating noise, smell, disturbances to the community, etc.

A citizen asked if those regulations can be plant specific. Ms. Brewer replied that current regulations are not plant specific; if different regulations are adopted there is the flexibility to be more specific.

The citizen pointed out that that flies in the face of the Right to Farm Act. Ms. Brewer said that it is not something the County is currently exploring. The citizen stated that when you are just exploring you usually end up there. Ms. Brewer explained that it would require public input; it cannot happen behind closed doors.

A citizen asked what she would estimate the tax revenue to be. Ms. Brewer replied that she did a very loose estimate based on the assumption that all counties would get 3% which would be approximately \$50,000 per biennium. She cautioned that the estimate is very “ball-park” and not a reliable number.

A citizen asked what the opt-out is. Ms. Brewer responded that it would mean a temporary ban on recreational marijuana until it could come to a vote in November, 2016. Another citizen said that it would mean commercial growing would have to take place outside of the County. Ms. Brewer said that if we opt out, we will not have legal businesses.

Youth Think Prevention Coordinator Debby Jones asked if the County opts out, does it have to go to the voters in November or can the County opt out for a lessor amount of time and lift the moratorium before the election. Ms. Brewer replied that she does not know.

Commissioner Runyon stated that if the County does nothing, citizens can take it to

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the ballot if they choose. If the County places a temporary moratorium, then it has to go to the ballot. Ms. Brewer added that the County is not working toward any particular direction; we are here to listen to you. Ms. Brewer completed her presentation.

Chair Hege opened the floor for comment saying that the Board is here to listen and would ask that speakers be respectful of one another. He explained that this relates to cultivation and growing – for the most part, the retail is the jurisdiction of the municipalities although there is some commercial zoning in the unincorporated portions of the County.

Cole Griffith stated that he recently moved back to Wasco County and has begun setting up a recreational facility. He said that Wasco County has a very good environment for growing marijuana; a better product can be produced here. He said that he hopes this will go through; if it does not, he will move elsewhere to start. He said that the power is not an issue; we have good power here. He went on to say that the plants do not take that much water. He said that he has a fairly large medical garden and uses about 500 gallons a week.

A citizen asked how many plants he is watering. Mr. Griffith replied that he has 48 plants. He added that hydroponics can use about one-third the amount of water. He said that he waters 10-25 seconds, 6 times a day. He said that it is much less water than the orchards use.

A citizen said that water seems to be an issue and asked if Mr. Griffith has a specific quantity per plant. Mr. Griffith replied that it depends, with hydroponics you don't use dirt – a dozen plants will use about 100 gallons per week. Ms. Brewer noted that commercial growing of any crop requires a water right.

Owen Papworth stated that he just moved here to be a producer. He said he attended the Dufur Town Hall and has since done some research on the water issue. He reported that he has learned how much water other crops require to grow per pound:

Lettuce -- 15 gallons
Tomatoes -- 22 gallons
Cabbage -- 24 gallons

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Cucumber -- 28 gallons
Potatoes -- 30 gallons
Oranges -- 55 gallons
Apples -- 83 gallons
Bananas -- 102 gallons
Corn -- 107 gallons
Peaches or Nectarines -- 142 gallons
Wheat Bread -- 154 gallons
Mango -- 190 gallons
Avocado -- 220 gallons
Tofu -- 244 gallons
Groundnuts -- 368 gallons
Rice -- 403 gallons
Olives -- 522 gallons
Chocolate -- 2847 gallons
Eggs -- 573 gallons
Chicken -- 815 gallons
Cheese -- 896 gallons
Pork -- 1630 gallons
Butter -- 2044 gallons
Beef -- 2500-5000 gallons
Tea (8oz) -- 7 gallons
Beer, barley (8oz) -- 36 gallons
Coffee (8oz) -- 29 gallons
Wine (8oz) -- 58 gallons
Cannabis -- 100 gallons

Mr. Papworth pointed out that a pound of cannabis goes a lot farther than a pound of any of the other items listed – there are 450 grams per pound, each gram representing one use. He reminded everyone that growers will be limited on how much space they can use for growing; he said that if he needs to, he will haul water in. He stated that if it is legal, it will be regulated and taxed; with licenses there will be cameras and oversight.

Jeremy Plumb said that he has a dispensary in Portland; he believes Wasco is special – it has a unique environment for producing cannabis. He acknowledged that there are concerns and they must be addressed. He reported that during the process in Portland,

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they have been talking about it in a committed way – we aspire to be incredible neighbors. He said that the water issue can be avoided by using water collection that takes no ground water, no power from the grid. He said that if the County opts out, many of the people that are showing up to be part of the process locally will be edged out; next year, when it is well-established, the wealthy from elsewhere will move in.

Mr. Plumb went on to say that he went to D.C. as part of the cannabis lobby for Oregon Cannabis Association. He said that the organization wants to engage with the community to address their concerns. He stated that one of the concerns is the kids; he pointed out that the best regulated markets have the least access by kids – it keeps it in the hands of the appropriate users. He pointed out that the system will track to the gram what is produced. He said that this industry is unprecedented and fits our culture. He said that he offers to be available to anyone who has questions or concerns. He reported that there is a greenhouse in California using less than 500 gallons of water per week for 600 plants. He stated that marijuana can be dry-farmed as well. He said that the Association wants to introduce people to the therapeutic power of this plant for the aging – it changes their lives. He thanked the Board for the public forum.

Jim Wilson of Mosier said that he has been a patient for 15 years using marijuana for muscle spasms. He stated that he is in favor of recreational marijuana – it will be more money for the community and the County. He said that he would like to be a grower; it will help in a lot of ways.

Laura Coblentz said that she owns a small vegetable farm in Maupin. She said it is difficult to survive on the revenues from vegetables, wheat and alfalfa. She said that if they can change how and what they grow – just looking at the numbers for ½ acre, they could make more in three years than all the other growing possibilities combined. She said that this crop will save the family farms.

Ms. Coblentz went on to say that she suffers from migraines. She went to a doctor in the 80s and tried many things to help – when nothing worked, the doctor told her to try marijuana. The marijuana cleared up the headaches. She said that if kids want the marijuana, they will get it, but they won't get it through the dispensaries. She said it is up to the parents to train and parent their children. This industry will create new jobs and taxes.

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Robert Larsell said he agreed with Ms. Coblenz; their farm is 1,000 acres and they need to find a way to save the farm. He noted that tomatoes take a lot more water than marijuana.

Georgia Murray said that she voted against legalization and she wants the Board to take it to the people. She said that marijuana alters states of mind so that people do not make good decisions. She said that she lives in a rural residential area where two residents want to grow. She said that the roads are not maintained and will not stand up to the increased traffic.

Debby Jones said that she had the chance to speak at the Dufur Town Hall and has had conversations with the OLCC, Youth Think and a dispensary owner in The Dalles. She said that there are pros and cons and is grateful that the community is talking about this. She stated that she wishes the kids could hear this as it is being talked about as a business – they think that the majority of adults get high several times each week. She said that she does not know the answer but the discussion is important. She said that she is sure that this can be a win/win for the County.

Ms. Jones continued by saying that marijuana is not the top drug of choice but she is concerned about our young people – there is research about the negative impact of marijuana on brain development and we need to protect that.

Ms. Jones explained that Youth Think is not a political organization but wants to be part of the conversation. She said that kids don't understand why marijuana is classified the same as meth, cocaine and heroin. Every drug is not the same, from Tylenol to Vicodin – they have different side effects. She said that kids used to say they used alcohol or marijuana to get high; now they say it is a way to deal with stress. She said that whatever is decided in regards to the moratorium, we need to come together to message that to kids and protect their brain development. She stated she thinks we can find a way to make Wasco County the star when we make our kids the priority.

A citizen remarked that educating young people is probably the key – teaching them that there are other ways to deal with stress.

Another citizen remarked that the dispensaries have gone over the top in making sure they are not marketing or selling to under-aged people.

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Ms. Jones asked everyone to keep in mind that the kids already have a skewed perception. She said that she has great respect for the people serving on the committees to implement this law.

A citizen noted that at the last Town Hall, Ms. Jones wanted the County to wait and now she seems to have softened her position. He asked what the difference is.

Ms. Jones replied that she wants a way to slow-down without opting out; taking it to a vote sends a message, too. She said that she just wants to put the kids first.

Another citizen asked if there is a standard curriculum for education. Ms. Jones replied that in The Dalles they have adopted a health curriculum; it is not being used in the middle school due to budget cuts – this is a need that should be addressed. The citizen said that we need to look at that and have the kids taught without scare tactics. Ms. Jones agreed; scare tactics do not work. The kids want honest conversations – they respect that.

A local teacher said that there is some education but it is an important factor and needs to be done. The citizen asked if there is special funding for marijuana education.

Juvenile Services Director Molly Rogers said that she works closely with Ms. Jones and they are pulling people together to have that dialog. There are promising, best practices to explore. She said that tobacco education is the most financially supported and there is some money for alcohol; we need to look at how we want to address this in our community. She said that the people kids listen to the most are parents – the schools cannot do it alone. She noted that it doesn't matter what the decision is about opting out – we still need to have that conversation.

Ms. Jones said that she does not want to see people labeled pro or con – we need to have a conversation that includes the kids.

Bill Wolfe said that he was raised in Wasco County and wants to address his remarks to the Board. He said that he thinks it is ridiculous to put this to another vote; it has already passed a state-wide vote and is the law. He said that there was pot being grown when he was a kid and they are growing now – nothing has changed. He went on to say that this is about economics and he does not know why Wasco County would turn it

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down – it isn't just about the taxes but it is about the jobs and community support. He said that a number of people have returned to this community to participate and put money into the community. He stated that opting out would be irresponsible.

Carl from Hood River stated that we already voted on this through the state and it has already been passed. He said that his son has a piece of property to grow tomatoes; he has invested between \$60,000-\$70,000 getting it ready – that is money being spent in the community. He said that that same investment will be made by marijuana growers. He noted that if parents have home grows, their kids can have access – opting out won't protect the children.

Sandy Burbank stated that she has lived here for over 40 years. She said that anyone who wants to grow marijuana can, so there is no reason to stop it. She reported that the Director of OMPP will be leaving but has made assurances that OLCC and OMPP will be combined. She said that this is set up to allow counties to not follow state law – how did that happen? She said that a lot of money will be injected into the community as farms are readied; a lot of jobs will be created.

Chuck Barker stated that he has been a resident for 40 years – this smacks of a republican house trying to squash the law. He said that this movement started in Wasco County a long time ago – we were considered crazy then. He said that the Board's decision will affect everyone. In this room 80% do not want the moratorium; most of the rest are unsure with about 3% in support of a moratorium – and they don't even stay in the room to hear the rest of the opinions. He said that this is the law in Oregon – let people get on with it; let's get the money to educate the kids.

Bob Brownback from Hood River said that he has an extraction business and will be applying for growing. He said that he is in support of this – this is like Jack Daniel when he started around the time of prohibition. He stated that he has children aged 11 and 13 – both are honor roll students; both climbed Mount Hood at the age of 8. He said that parents teach their children and the parents need to be educated. He said that he voted for legalization so that it would be safe and not available to the children. He said without the law, there is no quality control – you don't know what you are getting. He said that parents who give their kids beer are the same ones who will give them marijuana.

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A citizen asked the Board what they would do with the money if they get taxes and if they do not know, he would like to see a Town Hall for that.

Some discussion ensued about what the taxes can be used for. The conclusion was that the State taxes are directed funds, while a local tax would have more flexibility.

A citizen observed that the OLCC gives very little for alcohol prevention. Mr. Plumb stated that Colorado does a better job of that.

A citizen commented that the Board has done a good job here listening to the citizens.

Corey Collins said that it would be a big mistake to opt out – in the near future this will be legal across the country. He said that California just passed legislation to regulate medical marijuana and have their own oversight board for that. He stated that California is huge and will be the tipping point; it will probably be legal there in 2016. He said that right now is critical for the young businesses to get up and running; if it is legalized on the federal level, the big money will move in. He said we need to establish this for the family farm.

John Frederick said that he is a property manager and doesn't care what people do in their own homes. However, people who rent and grow and smoke do a good deal of damage. He said that as a property manager, he is looking out for the owner. He said that when damages occur, security deposits and rents go up to cover losses. He said that we need a way to protect the property owner.

Hugo said that there seems to be prejudices around this one crop. He said that if people are overusing water, the water bureau can address that. He said that it is the job of parents to govern their children. He said that the small businesses need to be protected – they could be shut down when the big businesses roll over them. We should at least give them the chance to be bought out. He said that cannabis is a schedule one drug; meth is schedule two. He noted that the road to which Ms. Murray referred is not maintained by the County because the person who put it in did not follow regulations.

Antonia Cavanagh (sp) stated that she does not understand why this would have to go to a vote again. She said that kids are the best BS detectors and we have to have

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integrity when communicating with them. She said you cannot die from cannabis but you can die from alcohol or cocaine. She agreed that we do not want our kids using it but we need to educate families on how to educate their children. He said that we should respect it and teach our children to respect it. She pointed out that it does not make people violent or crash and asked that the Board not opt out.

Bill McMurrin asked that the Board not vote to have the moratorium – we don't need it; we can handle this.

Patricia Martin from Hood River said that she is a single parent and has invested in property in Wasco County. She said that her teens know what she is doing and that it is legal and medicinal. She said that there is an opportunity for people to use this for good uses. She said she has invested in Wasco County and wants to see this go forward. She reported that she went to Mama's and watched the videos outlining the health benefits.

Rodger Nichols said that there are three stores in Klickitat County; they have all made money – the one in Bingen made \$1.2 million.

A citizen wondered how many of those sales were from across the river in Oregon.

Mr. Wilson said that despite the money invested and the job creation, some of us are in serious pain. He said he has used it for 15 years and has 3 patients who cannot get to this meeting because of their pain. He said that he could not exist without it. He said this will allow people who cannot get a card access to it; it is medicine that works.

Mr. Larsell asked Mr. Frederick how much damage is being done in addition to damage done by regular smokers. Mr. Frederick replied that the smoke from cigarettes and marijuana gets into the walls and carpets. Ms. Brewer said that landlords can prohibit growing and smoking on their premises.

Mr. Plumb said that there is a unique potential in Wasco County to become the center of scientific research. He said that when he was in Israel, bridges were being built for research and will be bringing that to Oregon. He offered his help to anyone who wanted to contact him.

Karen Bailey said that everyone here is for it but she has not made up her mind. She

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asked about size limitations. Commissioner Kramer said information he has received from Representative Huffman indicates that indoor grows are limited to 10,000 square feet and outdoor grows are limited to 2 acres.

A citizen asked if any more Town Halls are scheduled for this. Chair Hege replied that this is the last scheduled Town Hall; the next Board session is scheduled for October 7th.

Those in attendance thanked the Board for the open forum and for listening.

Chair Hege adjourned the Town Hall at 7:15 p.m.

WASCO COUNTY BOARD
OF COMMISSIONERS

Scott Hege, Commission Chair

Rod Runyon, County Commissioner

Steve Kramer, County Commissioner

Consent Agenda

Oregon's Kitchen Table Contract

- [Memo](#)
- [Agreement between Portland State University and Wasco County](#)

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS
FROM: KATHY WHITE
SUBJECT: OREGON'S KITCHEN TABLE
DATE: 10/2/2015

BACKGROUND INFORMATION

At the 9.16.2015 Session, the Board approved an allocation of up to \$5,000 from the Special Projects budget to move forward toward a solution for the Pine Hollow Recreational Area. During the discussion, Commissioner Kramer explained that most of the funds would be for Oregon's Kitchen Table. Mr. Stone outlined their work with communities to gather information and involve communities on difficult issues being faced. This contract will bring Oregon's Kitchen Table into the process.

Agreement #317767 by and between Portland State University

And

Wasco County

This Agreement #317767 is by and between Wasco County, Oregon (County), and Portland State University (PSU or University), individually, the "Party", and collectively, the "Parties".

Whereas, the County desires to create a vision for recreation sites in South Wasco County through a public engagement project, and

Whereas, PSU, through its Oregon's Kitchen Table (OKT) team desires to work with Wasco County stakeholders to create this vision,

Now therefore, the parties agree to the following:

1. Term and Termination

This Agreement shall become effective on the date of final signing by all parties and shall remain in effect through December 31, 2015, unless otherwise terminated by either party. This Agreement may be terminated with thirty (30) days written notice to the Parties, by either Party. This Agreement may be amended by mutual consent, reduced to writing, and signed by the parties.

2. Cost

Wasco County shall pay PSU a project total of \$4,800 for the services.

3. Scope of Work

The Scope of Work for this project is defined within #317767 Attachment A which is incorporated by reference into this Agreement. The project shall be known as the "South Wasco County Pine Hollow Assessment".

4. Merger

This Agreement constitutes the entire agreement between the parties. No waiver, consent, modification, or change of terms of this agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change if made shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. The County and PSU, by the signature of their authorized representatives, hereby acknowledge that they have read this agreement, understand it, and agree to be bound by its terms and conditions.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives as identified below.

Wasco County

Portland State University

Signature

Date

[Handwritten Signature]
OKT Signature

9/23/15

Date

[Handwritten Signature]
Contract Officer

9-22-15

Date

William C. Terry
Contracts Officer
Portland State University

APPROVED AS TO FORM:

Kristen Campbell
Wasco County Counsel

**South Wasco County Pine Hollow Assessment
Scope of Work**

Oregon's Kitchen Table (OKT) at Portland State University will collaborate with Wasco County and other stakeholders in a public engagement project to help set a vision for recreation sites in South Wasco County. The project will solicit input from community members to help provide public feedback about the vision for the Pine Hollow Reservoir and other recreation sites in the region, in addition to garnering public feedback about possible governance and funding mechanisms.

OKT staff will:

- Work with Wasco County stakeholders to draft a consultation survey instrument by 10/9/2015.
- Test and program the online instrument by 10/19/2015.
- Consult with and advise stakeholders on an outreach plan.
- Execute the online instrument through Oregon's Kitchen Table (tool will be open from 10/25-12/4/2015).
- Enter paper surveys into OKT instrument.
- Prepare and present results by 12/18/2015.

Wasco County and other stakeholders will:

- Work with OKT staff to develop consultation instrument.
- Develop and execute an outreach plan.
- Lay out and produce (print) paper surveys.
- Collect and return paper surveys to OKT staff throughout consultation period.

Budget:

Consultation Design, Execution and Report	\$4,000.00
PSU Administrative Overhead (20%)	<u>\$ 800.00</u>
Total Project	\$4,800.00

National Policy Consensus Center - Oregon's Kitchen Table Project Team

- Wendy Willis, Director
- Amy Delahanty, Project Associate

Work to begin upon contract signature by both Parties. Project to be completed by 12/31/2015.

Consent Agenda Emmert Contract

- [Memo](#)
- [Emmert Inc. Option Agreement](#)

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS
FROM: KATHY WHITE
SUBJECT: EMMERT INC OPTION AGREEMENT
DATE: 10/2/2015

BACKGROUND INFORMATION

At the 9.16.2015 Session, the Board was in consensus for Mr. Davis to move forward in the process with Emmert International to have the house at 1915 W. 10th Street removed. This contract, in conjunction with the order surplussing the house will allow that process to go forward.



EMMERT INTERNATIONAL

Division of Emmert Industrial Corp.
11811 SE Hwy 212 ~ Clackamas, Oregon 97015
Phone (503) 655-7191 Fax (503) 655-3933

OPTION AGREEMENT

Mover: EMMERT INDUSTRIAL CORP.
Owner: Wasco County
Mailing Address: 511 Washington Street, Suite 101, The Dalles, OR 97058
Phone: 541.506.2553
Cell: 541.993.3280
Building Description: Residential Home
Building Location: 1915 W. 10th Street, The Dalles, OR 97058
Option Price: \$ 1.00

AGREEMENT made this 7th day of October, 2015, by and between **Emmert Industrial Corp.**, herein called "Mover", and Wasco County herein called "Owner".

IN CONSIDERATION of sale price of home (**\$ 1.00**), other valuable consideration, and the mutual promises of the parties listed below, the parties enter into this Option Agreement.

Owner grants to Mover an option to purchase the above-described structure for the above-described option price. Mover shall have the sole right to move this structure. Mover shall be responsible for advertising the sale of the structure.

Owner shall give thirty, (30) days' notice to Mover before the structure is demolished. Option Agreement is for a minimum period of ninety, (90) days. After the expiration of the minimum option period, the Option Agreement is self-renewing until the Owner cancels the agreement, in writing, or Emmert Industrial exercises their option.

Said home is sold free and clear of all liens and encumbrances. Mover shall have sole right, title, ownership and possession of the building, including all fixtures and appliances. Owner shall discontinue and disconnect all utilities, capping sewer, removal of foundation and flat work. Owner is responsible for any needed asbestos survey and/or abatement. Mover is solely responsible for the removal of the house.

EMMERT INDUSTRIAL CORP.

WASCO COUNTY

By: _____
Emmert Industrial Corp.

Owner: _____
Scott C. Hege, Chair
Wasco County Board of Commisioners

Date: _____

Date: October 7, 2015

Agenda Item

Fish & Wildlife Payments

- [Introductory Email](#)
- [Fish & Wildlife Tax Bill Summary](#)
- [Notice of Determination](#)



Kathy White <kathyw@co.wasco.or.us>

2015-16 Dept. of Fish & Wildlife In Lieu Tax Payments

1 message

Marci Beebe <marcib@co.wasco.or.us>
To: Kathy White <kathyw@co.wasco.or.us>
Cc: Jill Amery <jilla@co.wasco.or.us>

Fri, Oct 2, 2015 at 12:54 PM


Hi Kathy,

Each year we have the State of Oregon Department of Fish and Wildlife in lieu tax payments that need to go before the County Court by October 15th for approval.

I need to get Jill on the agenda for October 7th if possible. Attached is the notice and tax bill summary.

If you have any questions, please let me know. I apologize for the late notice.

Thank you,
Marci

 20151002122010000.pdf
239K

STATE OF OREGON DEPT OF FISH/WILDLIFE TAX BILL SUMMARY 2015-16

To County Court by Oct 15th

ACCOUNT #	MAP #	ACRES	RMV	TAXABLE ASSESSED	TAX	DISCOUNT	NET TAX DUE
8686	01N15 E00 00100	823.24	\$ 755,560	\$ 7,370	\$ 104.02	\$ 3.12	\$ 100.90
8687	01N16 E00 00100	82.24	\$ 105,040	\$ 740	\$ 10.44	\$ 0.31	\$ 10.13
8838	01S16 E00 00100	39.00	\$ 17,900	\$ 350	\$ 4.94	\$ 0.15	\$ 4.79
8968	01S16 E00 01100	48.02	\$ 22,030	\$ 430	\$ 6.07	\$ 0.18	\$ 5.89
8999	02N15 E00 00100	15.18	\$ 78,270	\$ 140	\$ 1.98	\$ 0.06	\$ 1.92
9010	02N15 E00 01700	264.41	\$ 276,730	\$ 24,180	\$ 341.26	\$ 10.24	\$ 331.02
9593	01S16 E00 02100	29.90	\$ 12,460	\$ 270	\$ 4.06	\$ 0.12	\$ 3.94
9759	03S12 E00 01000	3342.59	\$ 1,410,690	\$ 193,051	\$ 2,899.55	\$ 86.99	\$ 2,812.56
9762	03S12 E00 01600	511.66	\$ 181,810	\$ 37,180	\$ 558.43	\$ 16.75	\$ 541.68
9763	03S12 E00 01700	160.00	\$ 56,850	\$ 11,630	\$ 174.68	\$ 5.24	\$ 169.44
9765	03S12 E00 01800	320.00	\$ 113,710	\$ 23,250	\$ 349.21	\$ 10.48	\$ 338.73
9790	03S13 E00 02400	1310.43	\$ 673,760	\$ 65,140	\$ 978.38	\$ 29.35	\$ 949.03
9791	03S13 E00 02500	617.47	\$ 273,070	\$ 12,220	\$ 183.54	\$ 5.51	\$ 178.03
10100	02S12 E00 06400	100.00	\$ 35,530	\$ 7,270	\$ 109.19	\$ 3.28	\$ 105.91
10348	03S12 E00 01000	1766.84	\$ 737,160	\$ 104,840	\$ 1,275.67	\$ 38.27	\$ 1,237.40
10351	03S12 E00 03000	472.46	\$ 167,880	\$ 34,330	\$ 417.72	\$ 12.53	\$ 405.19
10369	03S13 E00 02500	1128.85	\$ 470,380	\$ 10,230	\$ 124.48	\$ 3.73	\$ 120.75
10404	04S11 E00 00200	320.00	\$ 128,930	\$ 26,940	\$ 327.80	\$ 9.83	\$ 317.97
10412	04S12 E00 00300	44.00	\$ 18,330	\$ 400	\$ 4.87	\$ 0.15	\$ 4.72
10500	03S12 E00 01000	4706.29	\$ 2,804,800	\$ 449,879	\$ 5,564.33	\$ 166.93	\$ 5,397.40
10501	03S12 E00 01900	10.00	\$ 3,730	\$ 170	\$ 2.10	\$ 0.06	\$ 2.04
10502	03S12 E00 02000	116.55	\$ 60,030	\$ 42,916	\$ 530.81	\$ 15.92	\$ 514.89
10503	03S12 E00 01800	1437.04	\$ 510,640	\$ 104,420	\$ 1,291.52	\$ 38.75	\$ 1,252.77
10512	03S12 E00 03000	313.25	\$ 111,310	\$ 22,760	\$ 281.51	\$ 8.45	\$ 273.06
10513	03S13 E00 02500	400.00	\$ 166,680	\$ 3,580	\$ 44.28	\$ 1.33	\$ 42.95
10514	03S13 E00 03400	80.00	\$ 33,340	\$ 720	\$ 8.91	\$ 0.27	\$ 8.64
10515	03S13 E00 03600	77.60	\$ 32,340	\$ 690	\$ 8.53	\$ 0.26	\$ 8.27
10666	04S11 E00 00700	80.00	\$ 28,430	\$ 5,810	\$ 70.69	\$ 2.12	\$ 68.57
10667	04S11 E00 00600	960.00	\$ 629,250	\$ 52,154	\$ 634.60	\$ 19.04	\$ 615.56
10670	04S11 E00 00900	130.00	\$ 264,600	\$ 68,931	\$ 838.74	\$ 25.16	\$ 813.58
10672	04S11 E00 01100	120.00	\$ 194,600	\$ 49,070	\$ 597.07	\$ 17.91	\$ 579.16
10673	04S11 E00 01200	160.00	\$ 169,920	\$ 36,079	\$ 439.00	\$ 13.17	\$ 425.83
10878	04S12 E04 00100	4.10	\$ 1,710	\$ 40	\$ 0.49	\$ 0.01	\$ 0.48
10885	04S12 E00 00800	2995.27	\$ 1,652,710	\$ 207,841	\$ 2,528.97	\$ 75.87	\$ 2,453.10
10928	04S12 E00 03000	197.78	\$ 217,040	\$ 40,352	\$ 491.00	\$ 14.73	\$ 476.27
10954	04S12 E31 00300	239.40	\$ 99,760	\$ 2,170	\$ 26.40	\$ 0.79	\$ 25.61
11533	05S11 E00 00200	78.25	\$ 75,350	\$ 16,151	\$ 196.52	\$ 5.90	\$ 190.62
11534	05S11 E00 00300	158.35	\$ 145,810	\$ 26,061	\$ 317.11	\$ 9.51	\$ 307.60
11535	05S11 E00 00400	3578.35	\$ 2,614,740	\$ 477,780	\$ 5,813.53	\$ 174.41	\$ 5,639.12
11536	05S11 E00 00500	200.00	\$ 78,300	\$ 8,260	\$ 100.51	\$ 3.02	\$ 97.49
12354	05S11 E00 01100	40.00	\$ 15,380	\$ 1,700	\$ 20.69	\$ 0.62	\$ 20.07
12355	05S11 E00 01400	79.09	\$ 29,530	\$ 5,400	\$ 65.71	\$ 1.97	\$ 63.74
12356	05S11 E00 01900	119.07	\$ 103,890	\$ 20,520	\$ 249.68	\$ 7.49	\$ 242.19
12358	05S11 E00 01500	79.09	\$ 29,050	\$ 5,980	\$ 72.76	\$ 2.18	\$ 70.58
12359	05S11 E00 01700	155.47	\$ 85,770	\$ 18,280	\$ 222.43	\$ 6.67	\$ 215.76
12360	05S11 E00 01300	19.55	\$ 8,150	\$ 180	\$ 2.19	\$ 0.07	\$ 2.12
12361	05S11 E00 01200	18.63	\$ 17,560	\$ 3,130	\$ 38.09	\$ 1.14	\$ 36.95
12362	05S11 E00 02000	1200.83	\$ 443,200	\$ 70,160	\$ 853.69	\$ 25.61	\$ 828.08
12363	05S11 E00 01800	475.45	\$ 179,870	\$ 19,770	\$ 240.56	\$ 7.22	\$ 233.34
12368	05S11 E00 02500	568.79	\$ 323,410	\$ 41,840	\$ 509.10	\$ 15.27	\$ 493.83
12369	05S11 E24 00100	79.09	\$ 38,020	\$ 4,230	\$ 51.47	\$ 1.54	\$ 49.93
12370	05S11 E24 00200	160.00	\$ 113,080	\$ 16,752	\$ 203.83	\$ 6.11	\$ 197.72
12371	05S11 E24 00300	74.90	\$ 31,280	\$ 2,740	\$ 33.34	\$ 1.00	\$ 32.34
13183	05S11 E25A 01000	13.70	\$ 5,650	\$ 120	\$ 1.46	\$ 0.04	\$ 1.42
16685	03S12 E00 02701	80.00	\$ 29,410	\$ 4,790	\$ 58.28	\$ 1.75	\$ 56.53
16686	04S11 E00 00101	200.00	\$ 71,070	\$ 14,530	\$ 176.80	\$ 5.30	\$ 171.50
		TOTALS	\$ 16,955,500	\$ 2,405,917	\$ 30,462.99	\$ 913.89	\$ 29,549.10



WASCO COUNTY

Board of County Commissioners

511 Washington Street, Suite 302

The Dalles, Oregon 97058-2237

(541) 506-2520

Fax: (541) 506-2521

Scott Hege, *Chair of the Board*

Rod Runyon, *County Commissioner*

Steve Kramer, *County Commissioner*

Notice of Determination of Value of Real Property Owned by Oregon Department of Fish & Wildlife, Pursuant to ORS 495.340 (4)

Notice of real property valuation pursuant to ORS 496.340 (4) is hereby given this date by attaching hereto a statement of the value of each property. The values used are the same as all other farm use and forest use properties, pursuant to ORS 496.340 (2) (a). The statement also lists the payment due each property, computed by applying the same consolidated rate as all other properties within each code area, and limited by Section 11b, Article XI of the Oregon Constitution (Ballot Measure 5) and Sections 11 and 11a, Article XI (Ballot Measure 50).

Said attached is marked Exhibit A and by this reference is hereby made a part of this notice.

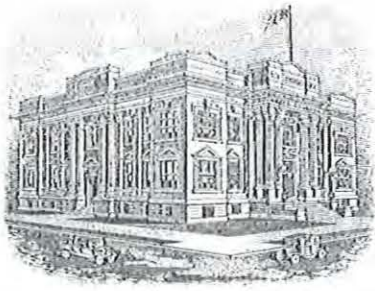
Dated this 7th day of October, 2015

Scott C. Hege, Chair
Wasco County Board of Commissioners

CC: Jill Amery, Wasco County Assessor & Tax Collector
Oregon Department of Fish & Wildlife
Wasco County Treasurer/Finance Department

Agenda Item Surplus Items

- [Memo – Dental Equipment](#)
- [Order 15-083 Surplussing Dental Equipment](#)
- [Memo – House](#)
- [Order 15-084 Surplussing House](#)



WASCO COUNTY

Facilities

Fred Davis
Facilities Operations Manager
511 Washington St.
Suite 101
The Dalles, OR 97058-1599
phone: 541-506-2553
fax: 541-506-2551
cel: 541-993-3280
e-mail-fredd@co.wasco.or.us

October 1, 2015

To: Wasco County Board of Commissioners
Re: Surplus equipment liquidation

When La Clinica moved to their new location they chose to leave some of their dental equipment behind. Under the conditions of the lease the items belong to Wasco County, but shortly after they moved I made contact with their facilities staff person and verified that they did not want the items. A compressor system and vacuum system remain in the building. They are of modern design and are still being manufactured. I have researched the value of the equipment by calling Air Techniques® factory representative. He gave me current "retail" pricing and the percentage they would be discounted in the surplus market.

The details are as follows:

- 1 AirStar 30 compressor
 - New price \$7,248.00
 - Used value \$5073.00
 - Current Ebay listings range from \$1,700.00 to \$6,300.00 plus shipping
- 1 VacStar 80H vacuum system
 - New price \$6,080.00
 - Used value \$4254.00
 - Current Ebay listings range from \$2,500.00 to \$3,500.00 plus shipping

I request that the items be declared surplus and that they be offered locally by advertizing in the news paper. I know of one local dentist that is interested and there could be others that could be interested. They would be responsible for removal and transport. We have no financial investment so Wasco County would benefit as might a local professional.

Fred Davis

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF SURPLUSSING ONE)
AIRSTAR 30 COMPRESSOR AND ONE) ORDER
VACSTAR 80H VACUUM SYSTEM) #15-083

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Board of County Commissioners being present; and

IT APPEARING TO THE BOARD: That above said dental equipment was left at the County annex when LaClinica moved out of the premises; and

IT FURTHER APPEARING TO THE BOARD: That according to the terms of the lease, any equipment left behind by the tenant becomes the property of the County; and

IT FURTHER APPEARING TO THE BOARD: That LaClinica has verified that they do not want the equipment.

NOW THEREFORE, IT IS HEREBY ORDERED: That above said equipment will be considered surplus and disposed of by the Wasco County Facilities Department, in accordance with state laws governing the disposition of property.

DATED this 7th day of October, 2015.

WASCO COUNTY BOARD
OF COMMISSIONERS

Scott Hege, Commission Chair

Rod Runyon, County Commissioner

Steve Kramer, County Commissioner

APPROVED AS TO FORM:

Kristen Campbell
Wasco County Counsel

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS
FROM: KATHY WHITE
SUBJECT: HOUSE SURPLUS ORDER
DATE: 10/2/2015

BACKGROUND INFORMATION

At the 9.16.2015 Session, the Board was in consensus for Mr. Davis to move forward in the process with house at 1915 W. 10th Street removed. This order surplussing the house will allow that process to move forward.

IT FURTHER APPEARING TO THE BOARD: That at the September 16, 2015 Session, the Board directed Facilities to have the house removed from the property.

NOW THEREFORE, IT IS HEREBY ORDERED: That above said house will be considered surplus and disposed of by the Wasco County Facilities Department, in accordance with state laws governing the disposition of property.

DATED this 7th day of October, 2015.

WASCO COUNTY BOARD
OF COMMISSIONERS

Scott Hege, Commission Chair

Rod Runyon, County Commissioner

Steve Kramer, County Commissioner

APPROVED AS TO FORM:

Kristen Campbell
Wasco County Counsel

Agenda Item
Home at Last Agreements

- [Donation Agreement between Wasco County and Home at Last](#)
- [HAL Management Agreement](#)

DONATION AGREEMENT

THIS DONATION AGREEMENT (“**Agreement**”) is made as of the 7th day of October, 2015, (“**Effective Date**”), by and between Wasco County, a political subdivision of the State of Oregon (“**Donor**”), and Home At Last Animal Friends, an Oregon non-profit corporation (“**Donee**”).

ARTICLE 1 DONATION

1.1 Agreement to Donate. Subject to the terms and conditions hereinafter set forth, and a certain Management Agreement incorporated by reference, Donor, in consideration of and subject to the covenants and agreements herein contained, agrees to donate, and Donee agrees to accept, that parcel of land and improvements thereon, including fixtures and personality, consisting of approximately 0.98 acres situated at 200 River Road, The Dalles, Wasco County Oregon, as more particularly described in Exhibit ‘A’ attached and incorporated herein, excepting the Antenna Collocation Lease with Verizon Wireless (VAW), LLC dated September 8, 2008 attached hereto as Exhibit ‘B1’ a memorandum of which is recorded at Wasco County, OR, the Site Lease with T-Mobile West Corporation dated January 12, 2011 attached hereto as Exhibit ‘B2’, the Donee approved locations in Exhibit ‘C’ and the Reservations set forth in Article 5 (hereinafter the “Property”).

1.2 Consideration. Donee acknowledges that Donor has agreed to convey the Property to Donee subject to the terms of this Agreement for the sole purpose of enabling Donee to use the property to serve the public as non-profit animal shelter and related uses. Donee agrees to accept the Property for such purpose subject to the terms, conditions, rights and reservations contained herein in consideration of the conveyance of the Property by Donor and as an inducement to Donor to so convey the Property to Donee as a gift.

ARTICLE 2 TITLE AND SURVEY

2.1 Title Examination. Donee shall have until the date that is thirty (30) days from and after the Effective Date in which to examine title to the Property. Any examination of title shall be at Donee’s sole option, cost and expense.

2.2 Survey. Donee shall have until the date that is thirty (30) days from and after the Effective Date in which it may obtain a survey of the Property or to determine the status of the Property as a lawful lot or parcel at Donee’s sole option, cost and expense.

2.3 Title Objections. Donor shall not be obligated to cure, or attempt to cure, anything contained in the title records or shown on a survey to which Donee objects except for any monetary encumbrances (other than the Collocation Lease described in Section 5.1) and Donor shall eliminate any such monetary encumbrances prior to or on the Closing Date (defined below). Donee’s sole remedy in the event of any non-monetary unacceptable title or survey objection shall be to either accept title subject to such objection, or to terminate this Agreement

in accordance with Section 3.2 and decline to accept the donation.

ARTICLE 3 INSPECTION PERIOD

3.1 Right of Inspection. Donee shall have thirty (30) days following the Effective Date to make or have performed a physical inspection of the Property. If Donee desires to do any invasive testing, sampling or drilling at the Property, Donee shall do so only after notifying Donor and obtaining Donor's prior written consent thereto, which consent may be granted or withheld in Donor's reasonable discretion and may be subject to any terms and conditions imposed by Donor in its reasonable discretion. Notwithstanding the foregoing, Donor shall withhold consent to any environmental testing providing such test is compliant with the following provisions: Donee at its sole expense shall promptly restore any affected part of the Property that is subjected to any such invasive testing, sampling, or drilling, or otherwise affected by Donee's inspection to substantially the same condition that previously existed. At Donor's request, Donee will furnish to Donor copies of any reports received by Donee relating to any inspections of the Property. If a Phase One environmental study recommends further testing, Donor shall reasonably extend the Closing Date to accommodate the same.

3.2 Right of Termination. Donee shall have the right to terminate this Agreement if Donee determines in its sole discretion that Donee does not desire to own the Property. Donee shall provide written notice of termination no later than 30 days following the Effective Date. If Donee terminates, Donee and Donor shall have no further rights and obligations hereunder except those which expressly survive termination of this Agreement. If Donee fails to give Donor a notice of termination within 30 days of the Effective Date, Donee shall have no right to terminate under this paragraph and shall be bound to consummate the transaction contemplated herein. Time is of the essence with respect to the provisions of this Section 3.2.

Notwithstanding the foregoing, Donee may terminate this Agreement in the event of casualty loss or damage to the Property prior to closing. If Donee does not elect to terminate this Agreement within ten (10) days after either party sends to the other party written notice of the occurrence of casualty, then Donee shall be deemed to have elected to proceed with the closing on the Property in its present condition, however, in such case, Donee shall be entitled to any insurance or compensation that Donor is entitled to receive and Donor shall reasonably cooperate in assigning and/or facilitating the same to Donee so long as such proceeds are used to rebuild an animal shelter. Nothing in this Agreement obligates Donor to repair any damage or restore the Property.

ARTICLE 4 CLOSING

4.1 Time and Place. This transaction shall Close at the offices of (Title Company) or such other place as may be mutually agreed upon by the parties hereto on or before 5:00 Pacific Time on the [30th Day] following the Effective Date (unless such day falls on a weekend or holiday that's Donor's business is closed, in which case closing shall occur on the next following business day) (the "**Closing Date**"). Time is of the essence with respect to the Closing Date, and in the event that the Donee fails to close on or before the Closing Date, then this Agreement shall

be terminated and shall be of no further force and effect, provided, however, that if closing does not occur by the Closing Date as a result of any unwillingness or inability of Donor to close (“**Donor Delays**”), then the Closing Date shall be extended by one business day for each day of Donor Delay.

4.2 Donor's Obligations at Closing. At Closing, Donor shall deliver to Donee:

(a) a duly executed bargain and sale deed in substantially the form attached as Exhibit ‘C’ hereto, which deed shall be subject to a right of reentry in favor of County should Donee cease to use the Property as a public non-profit animal shelter, unless the Property is sold or transferred to facilitate Donee’s relocation of the shelter in which case there shall be no right of reentry;

(b) such documents as are necessary to terminate the existing lease held by Donor;

(c) A statement of reasonable legal fees not to exceed \$5,500.00 incurred by Donor associated with the preparation of this Donation Agreement, the Deed and the Management Agreement and;

(d) such additional non-privileged and non-confidential documents as shall be reasonably requested by Donee or required to consummate the transaction; provided, however, that Donor shall not be required to indemnify Donee or any other party pursuant to any such documents, or undertake any other liability not expressly contemplated in this Agreement, unless Donor elects to do so in its sole discretion.

4.3 Donee's Obligations at Closing. At Closing, Donee shall deliver to Donor:

(a) such evidence as Donor’s counsel may reasonably require as to the authority of the person or persons executing any documents on behalf of Donee;

(b) such documents as are necessary to terminate the existing lease; and

(c) such additional documents as shall be reasonably requested by Donor or required to consummate the transaction.

4.4 Credits and Proration’s. Any taxes, assessments or other charges on the Property, with the exception of the area encumbered by the Collocation leases, shall be prorated as of the date of Closing. Donee shall be solely and exclusively responsible for all such expenses from the date of Closing.

4.5 Closing Costs.

(a) Donee shall pay all fees charged by any Escrow Agent or Title Company involved in this transaction and all fees for recording the Deed and any other recorded instruments affecting the conveyance and all other charges or hard costs associated with this transfer.

(b) Donee shall at closing pay the legal fees listed in the statement provided by Donor pursuant to paragraph 4.2 (c).

- (c) Each party shall be responsible for its own soft or internal costs.

4.6 Termination of Existing Lease(s) with Donee. Effective as of closing, the existing Lease and Management Agreement dated May 9, 2012 by and between Donor and Donee relating to the use of the Property shall automatically and without further action be terminated and neither party under said agreement shall have any obligation to the other party except for those obligations that specifically survive closing under such agreement.

ARTICLE 5 RESERVATION BY DONOR

5.1 Existing Collocation Lease. Donor reserves, and Donee disclaims, all right, title and interest to, and this transfer does not include, that Collocation Lease dated September 8, 2008, attached as Exhibit 'B' and by this reference incorporated herein, including the right to, in Donor's sole discretion extend, amend or renew said lease, provided however that such extension, amendment or renewal shall not create or allow (other than length term) (i) any additional restrictions, burdens, limitations, liabilities, encumbrance upon or to the Property or any operations of the Property owner or tenant; or (ii) enlarge, increase, create or provide any right of the Collection Lease lessee and Site Lease Lessee in relation to its use, access or impact of, to or over the Property. Notwithstanding the foregoing, the terms of the Collocation Lease remain in effect. However, Donor shall use its best efforts to ensure that any physical expansion or addition made pursuant to that Lease will be contained to the smallest "footprint" as practicable.

5.2 Additional Collocation Leases. Donor reserves, and Donee grants to Donor, the sole and exclusive right to enter into cell tower leases on the Property for the benefit of Donor and at such location(s) and on such terms as Donor deems acceptable, provided that any such lease shall not substantially interfere with the use and enjoyment of the Property by Donee as an animal shelter. Donee has provided locations considered by Donee to be adequate substitute sites for Donor which should not interfere with Donee's operations. Locations are shown on Exhibit 'C'. The provisions of this section also apply to any increase in the height of the current tower or any new tower or any tower that may replace the current tower. If the height of any tower is such that guy wires are necessary, those wires will be installed in such a way that the wires or their anchors will not have any impact on Donee's operations. If any of the locations provided by the Donee has any of the Donee's buildings or other structures on that location, the Donor shall pay for all costs associated with relocating that building or structure; provided that those locations are acceptable and approved by the City.

5.3 Enforceability. This Article 5 shall survive closing and bind the parties, their successors, assigns and transferees. It shall be enforceable as a covenant running with the land, as an equitable servitude, by an action on a contract or as otherwise allowed by law.

ARTICLE 6
POST-CLOSING CONDITIONS AND OBLIGATIONS

6.1 Conditions of Transfer. In consideration of, and as an inducement for, Donor's transfer of the Property to Donee, Donee hereby agrees to the following terms and conditions:

(a) Donee shall pay when due all property taxes or assessments and encumbrances, if any, authorized by Donor to be incurred except those property taxes or assessments and encumbrances that relate to the Collocation Lease area;

(b) Donee shall maintain the shelter building and grounds in good repair;

(c) Donee will operate in compliance with all environmental laws and, in the event of a release of any hazardous or toxic substance, or pollutant, shall take all steps necessary to remediate the release and return the property to its original condition or as approved by the appropriate regulatory body;

(d) Donee shall manage and operate the property as the public Wasco County Animal Control Shelter in accordance with industry standard practices; and

(e) Upon thirty (30) days written notice to Donor, and upon approval by Donor which shall not be unreasonably withheld, Donee may use the Property as security to finance infrastructure improvements to the Property so long as:

(ii) the resulting secured interest is the first priority for repayment; and

(iii) the underlying debt and resulting secured interest shall become an enforceable obligation of Donee to Donor should ownership of the Property revert to Donor for any reason, to the extent necessary to satisfy that debt and remove the security interest.

6.2 Enforceability. The post-closing conditions agreed to in this Article shall survive closing and bind the parties, their successors, assigns and transferees. They shall be enforceable as covenants running with the land, as equitable servitudes, by an action on a contract or as otherwise allowed by law. Notwithstanding the foregoing, if the Property is sold or transferred in association with the shelter's relocation to another real property in Wasco County, the Property shall not thereafter be burdened by this Section's post-closing conditions or other provisions, but such conditions and provisions shall instead transfer to the real property upon which the shelter relocates.

ARTICLE 7
DISCLAIMERS, INDEMNIFICATION AND WAIVERS

7.1 Disclaimer. IT IS UNDERSTOOD AND AGREED THAT DONOR IS NOT MAKING AND HAS NOT AT ANY TIME MADE ANY WARRANTIES OR REPRESENTATIONS OF ANY KIND OR CHARACTER, EXPRESSED OR IMPLIED, WITH RESPECT TO THE PROPERTY, INCLUDING, BUT NOT LIMITED TO, HABITABILITY, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE, ZONING, TAX CONSEQUENCES, LATENT OR PATENT PHYSICAL OR ENVIRONMENTAL CONDITION, UTILITIES, OPERATING HISTORY OR PROJECTIONS, VALUATION, GOVERNMENTAL APPROVALS OR COMPLIANCE WITH GOVERNMENTAL LAWS, THE TRUTH, ACCURACY OR COMPLETENESS OF THE PROPERTY DOCUMENTS OR ANY OTHER INFORMATION PROVIDED BY OR ON

BEHALF OF DONOR TO DONEE, OR ANY OTHER MATTER OR THING REGARDING THE PROPERTY. **DONEE ACKNOWLEDGES AND AGREES THAT UPON CLOSING DONOR SHALL TRANSFER AND CONVEY TO DONEE AND DONEE SHALL ACCEPT THE PROPERTY “AS IS - WHERE IS - WITH ALL FAULTS”.** DONEE HAS NOT RELIED AND WILL NOT RELY ON, AND DONOR IS NOT LIABLE FOR OR BOUND BY, ANY EXPRESS OR IMPLIED WARRANTIES, GUARANTIES, STATEMENTS, REPRESENTATIONS OR INFORMATION PERTAINING TO THE PROPERTY OR RELATING THERETO MADE OR FURNISHED BY DONOR, TO WHOMEVER MADE OR GIVEN, DIRECTLY OR INDIRECTLY, ORALLY OR IN WRITING.

7.2 Representation. Donee represents to Donor that Donee has conducted, or will conduct prior to closing, such investigations of the Property, including but not limited to, the physical and environmental conditions thereof, as Donee deems necessary to satisfy itself as to the condition of the property and the existence or nonexistence or curative action to be taken with respect to any hazardous substances or toxic substances on or discharged from the property, and will rely solely upon same and not upon any information provided by or on behalf of Donor or its agents or employees with respect to the Property.

7.3 Indemnification. Upon closing:

(a) Donee shall indemnify, defend and hold harmless Donor, its officers, directors, agents, affiliates and employees from and against any and all losses, claims, damages, liabilities, judgments, injuries, fines, penalties, citations or expenses (including expert and attorneys' fees) arising out of, resulting from or related to Donee's use or operation of, or Donee's activities on, the property, or Donee's subsequent disposition of any improvements or personality located thereon;

(b) Donee expressly assumes responsibility and liability for all causes of action (including under any environmental law), losses, damages, liabilities (whether based on strict liability or otherwise), costs and expenses (including expert or attorneys' fees and court costs) of any and every kind or character, known or unknown, arising from or relating to any physical conditions, violations of any applicable laws and any and all other acts, omissions, events, circumstances or matters regarding the property; however, Donee is not responsible, except for acts or omissions it or its invitee causes, and Donor retains the responsibility, for the Collocation Lease and Site Lease areas to include ingress and egress from the areas by lessors and lessees.

(c) Donee hereby waives, relinquishes and releases Donor from and against any and all claims, demands, causes of action, losses, damages, liabilities, costs and expenses (including expert and attorney fees) of any and every kind, known or unknown, that Donee might have asserted or alleged against Donor at any time by reason of or arising out of the condition of the Property, any violations of applicable laws (including without limitation environmental laws) and any and all other acts, events, circumstances or omissions relating to the Property. Donor shall have no responsibility or liability for any investigation, cleanup, remediation or removal of hazardous substances or environmental conditions on or related to the Property; however, Donee is not responsible, except for acts or omissions it or its invitee causes, and Donor retains the

responsibility, for the Collocation Lease and Site Lease areas to include ingress and egress from the areas by lessors and lessees.

7.4 The terms of Section 7 shall survive Closing.

**ARTICLE 8
REMEDIES**

8.1 Prior to Closing. In the event of a default prior to Closing by either party hereunder, the non-defaulting party's sole and exclusive remedy shall be to terminate this Agreement, in which event neither party shall have any further obligations hereunder and this Agreement shall be null and void. The parties acknowledge and agree that the non-defaulting party shall have no right to sue for damages, pursue specific performance or pursue any other remedy at law or in equity and, by executing below, knowingly and intentionally waive such rights. Notwithstanding the foregoing, Donee shall retain the right to sue Donor for specific performance of this agreement if Donor defaults hereunder or fails to close for reasons exclusively within its control, in which case Donee shall also be entitled to reimbursement of its reasonable out-of-pocket expenses incurred in association with its specific performance claims if such claims are validated by a court of competent jurisdiction. These provisions shall survive this Agreement's termination.

8.2 Post-Closing. In addition to the remedies provided for in Articles 5 and 6, any provision of this Agreement that survives Closing may be enforced in any manner authorized by law. If the nature of the alleged breach or default is such that it may be cured, the party declaring a breach or default shall provide the other party written notice thereof and a minimum of 30 days to cure the alleged breach or default. And further, if Grantor should ever cease using the Property for a public, non-profit animal shelter, County shall have the right of reentry and, on reentry, all rights of Grantee, its assigns or successors, shall terminate subject to any loan agreements and mortgages and related security interests existing as of the date of conveyance.

**ARTICLE 9
MISCELLANEOUS**

9.1 Assignment or transfer. Donee may not assign or transfer its rights or obligations under this Agreement without first obtaining Donor's written approval, which shall not be unreasonably withheld. No transfer or assignment by Donee shall release or relieve Donee of its obligations hereunder unless otherwise agreed in writing by Donor.

9.2 Notices. Any notice, request or other communication required or permitted to be given hereunder shall be in writing and shall be delivered by hand or mailed by certified mail, return receipt requested, postage prepaid and addressed to each party at its address as set forth below. Any such notice shall be considered given on the date of such hand delivery, or deposit in the United States mail, but the time period (if any is provided herein) in which to respond to

such notice shall commence on the date of hand or overnight courier delivery or on the date received following deposit in the United States mail as provided above. Rejection or other refusal to accept or inability to deliver because of changed address of which no notice was given shall be deemed to be receipt of the notice. By giving at least five (5) days' prior written notice thereof, any party may from time to time and at any time change its mailing address hereunder. Any notice of any party may be given by such party's counsel.

The parties' respective addresses for notice purposes are as follows:

If to Donor: Wasco County
Administrative Officer
511 Washington St. Suite 101
The Dalles, OR 97058
541-506-2552 [Fax?]

If to Donee: Home at Last
ATTN: Executive Director
200 River Road
The Dalles, OR 97058
541-296-5189 (office)
541-298-3645 (fax)

Copied to: Law Offices of Thomas C. Peachey, P.C.
401 E. 3rd St., Suite 105
The Dalles, OR 97058
541.296.6375 (office)
877.625.4324 (fax)

9.3 Modifications. This Agreement cannot be changed orally, and no agreement shall be effective to waive, change, modify or discharge it in whole or in part unless such agreement is in writing and is signed by the parties against whom enforcement of any waiver, change, modification or discharge is sought.

9.4 Successors and Assigns. This Agreement and the rights and obligations herein shall not be assigned or otherwise transferred without the approval of the non-assigning party, which may be granted or denied in that party's sole discretion. Unless agreed otherwise, the terms and provisions of this Agreement shall apply to and bind the permitted successors and assigns of the parties hereto.

9.5 Entire Agreement. This Agreement, including the Exhibits, contains the entire agreement between the parties pertaining to the subject matter hereof and fully supersedes all prior written or oral agreements and understandings between the parties pertaining to such

subject matter.

9.6 Further Assurances. Each party agrees that it will, without further consideration, execute and deliver such other documents and take such other action, whether prior or subsequent to Closing, as may be reasonably requested by the other party to consummate more effectively the purposes or subject matter of this Agreement.

9.7 Counterparts. This Agreement may be executed in counterparts, and all such executed counterparts shall constitute the same agreement.

9.8 Severability. If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall nonetheless remain in full force and effect.

9.9 Applicable Law. This Agreement shall be governed by the laws of Oregon. Venue shall be in the Circuit Court for Wasco County or the Federal District Court for Oregon.

9.10 No Third Party Beneficiary. The provisions of this Agreement and of the documents to be executed and delivered at Closing are and will be for the benefit of Donor and Donee only and are not for the benefit of or enforceable by any third party.

9.11 No Joint Venture. This Agreement is not intended, nor shall it be deemed or construed to create a partnership or joint venture between Donor and Donee, nor to make Donor in any way responsible for the debts or obligations of Donee.

9.12 Parties. The terms ‘Donor’ and ‘Donee’ shall include each party’s respective officers, employees and agents.

9.13 Termination of Agreement. It is understood and agreed that if either Donee or Donor terminates this Agreement pursuant to a right of termination granted hereunder, such termination shall operate to relieve Donor and Donee from all obligations under this Agreement, except such obligations as are specifically stated herein to survive the termination.

9.14 Right to Counsel; No Presumption Against Drafter. The parties agree that each has had ample opportunity to employ a lawyer to represent it in connection with the negotiation of its agreement and closing contemplated therein. This Agreement shall be construed without regard to any presumption or other rule requiring construction against the party drafting the document. It shall be construed neither for nor against Donor or Donee, but shall be given reasonable interpretation in accordance with the plain meaning of its terms and the intent of the parties.

9.15 Oregon Statutory Land Use Disclaimer.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON’S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11,

CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

HOME AT LAST

WASCO COUNTY

Diana Bailey, President

WASCO COUNTY
BOARD OF COMMISSIONERS

Scott C. Hege, Commission Chair

Mary Martin, Secretary

Rod L. Runyon, County Commissioner

Steven D. Kramer, County Commissioner

APPROVED AS TO FORM:

Kristen Campbell
Wasco County Counsel

EXHIBIT C
to
Donation Agreement
Between
Wasco County and Home At Last Animal Friends

This Exhibit outlines the locations that are acceptable to Home at Last Humane Society for the relocation or construction of a new cell tower and the .locations acceptable to Home At Last (HAL) for the expansion of the existing cell tower. If the existing tower be replaced with a higher tower that requires guy wires, the guy wires and anchors will not interfere with HAL operations.

Location A (Modular): This is the current location of the surgical modular building. If this location is used, then all costs of relocating this building will be the responsibility of the County or service provider.

Location B (Yurt): This is the current location of the yurt. If this location is used, then all costs of relocating this building will be the responsibility of the County or service provider.

Location C: This location is directly adjacent and northwest of the current cell tower. If this location is used, then all costs of relocating the fencing between HAL and the trail will be the responsibility of the County or service provider.

Location D: This location is directly adjacent and north of the current cell tower, in the area of the dumpster. HAL will work with the garbage service provider to relocate the dumpster.

MANAGEMENT AGREEMENT

By and between HOME AT LAST ANIMAL FRIENDS, Inc., an Oregon non-profit corporation (HAL) and WASCO COUNTY, a political subdivision of the State of Oregon (COUNTY}

In consideration for COUNTY granting the Animal Shelter property to HAL, together with the authority to manage and operate an animal shelter and licensing program pursuant to ORS chapter 609, the parties agree as follows:

Section 1. Animal Shelter Operations.

1.1 HAL shall manage the animal shelter as a public non-profit animal shelter in accordance with all applicable federal, state and industry standards.

1.2 Except as provided in 2.3, relating to dog licenses, HAL may establish and retain all funds received from intake fees, surrenders, donation, grants, board and adoptions for purposes of funding the management and operation of the animal shelter and related programs.

1.3 Dogs brought to the shelter by an Animal Control Officer or designee (officer) for Wasco County shall be admitted at no charge and no dog will be turned away because of lack of kennel space. Acceptance of all other animals shall be at the discretion of HAL

1.4 Except in cases of severe injury or illness when euthanasia is the only reasonable course of action, a dog shall be impounded for at least three days if the dog is without a license or identification tag and for at least five days if it has a license or identification tag, unless first claimed by the keeper. A reasonable effort shall be made to notify the keeper of the dog in all circumstances. Dogs that are brought in by public authorities as strays shall be in the custody of HAL, and upon meeting the statutory minimum hold time shall be available for adoption. Before a dog associated with any law enforcement or public health action is removed from impoundment HAL shall contact the impounding agency and receive authorization for release of the dog. All dogs on hold for public health screening or dog bite cases will be held for the minimum amount of time required under Oregon law shall obtain permission from the public authority prior to release.

1.5 HAL will refrain from interfering with any County enforcement proceedings and all investigations. Investigations and enforcement proceedings will be treated as confidential and HAL employees and volunteers will refrain from public comment to the extent permitted by law.

1.6 Euthanasia of any animal will be the responsibility of the HAL. All animal remains shall be disposed of in a proper and lawful manner.

1.7 Kennel space, occupancy, cleanliness and use shall be humane and consistent with generally accepted industry standards.

1.8 HAL will send to County an annual accounting of the total number of dogs housed in the shelter for the prior year, including adoption and euthanasia rates and such other information as the

County may require in the public interest. This accounting shall clearly identify the State, County, City, and agency from which the dog was released or impounded.

1.9 HAL shall be solely responsible for, and shall, maintain the animal shelter and grounds in good repair and condition. For new construction, making repairs or major renovations, HAL will be responsible for acquiring zoning, planning and building approvals and permits, if necessary.

Section 2. Dog Licensing

2.1 HAL is authorized to issue dog licenses in accordance with ORS 609.100 to 609.110. HAL shall comply with ORS 433.340 to 433.390 and shall not issue a license for a dog until the HAL has been provided with a current certification of a rabies inoculation issued and signed by a veterinarian.

2.2 Each HAL employee authorized to process dog licenses shall be trained in proper procedures and compliance with laws and regulations. HAL shall maintain evidence of such training, which shall be available for inspection by County on request.

2.3 HAL may impose a dog license service fee of not to exceed 20% in addition to the dog license fee amounts set by ORS 609.100, as it may be amended. HAL shall maintain all dog licensing and rabies vaccination fees in a separate fund to be expended on costs reasonably attributable to providing statutorily mandated and authorized services as provided in ORS 609.110. HAL shall provide to the County Treasurer a detailed monthly accounting of fund activity no later than the 10th day after the close of the prior month.

2.4 HAL shall maintain appropriate records of all dog licenses issued. These records shall at a minimum comply with all statutory requirements including the name, address, and phone number of the person purchasing the license, a description of the dog, and a copy of a valid rabies certificate; the license number, issue date and expiration date, the rabies expiration date and if the dog is spayed or neutered and a record of all financial transactions.

2.5 HAL shall provide 911 Dispatch with a list of all licensed dogs and their owners at least quarterly.

2.6 The Sheriff of Wasco County may suspend or revoke the authority granted herein to issue dog licenses granted herein in his or her sole discretion. Notwithstanding any other provision, HAL shall comply with the terms and conditions of any dog control ordinance that may in the future be duly enacted by the County.

3. County Obligations and Rights

3.1 The Wasco County Sheriff may inspect the shelter on a regular basis to ensure that dogs placed by County and City officials are being lodged and cared for in compliance with this Management Agreement and industry standards.

3.2 Animal Control officers shall have access to the facility after hours to lodge dogs. The Animal Control officers shall coordinate with and keep HAL staff informed of all such access.

3.3 County shall enforce the existing cell tower lease in a manner as to avoid unreasonable interference with shelter operations. County may grant further cell tower leases as provided in the donation agreement, provided such leases do not unreasonably interfere with operation of the shelter.

3.4 Nothing in this agreement obligates County to use the shelter or HAL services. County may, in its sole discretion, commence operation of an animal shelter as a public service upon 180 days advance notice to HAL. However, should the County cease to use HAL shelter or services, then HAL is not obligated accept animals from Wasco County as stated in Sections 1.3 and 3.2. During the 180 day noticed period, HAL and the County will negotiate the provisions and rates that HAL will accept animals from the County.

4. General Terms

4.1 Neither party may assign or subcontract its authority, rights or obligations under this Agreement without the written consent of the other party. HAL shall not grant, permit or suffer any mortgage, lien, assessment or other encumbrance, excepting ad valorem real property taxes and similar governmental charges, on the Property without the written consent of County which may be granted or denied in County's sole discretion.

4.2 Both parties to this agreement shall hold each other harmless, indemnify and defend County, its officers, employees and agents from and against all claims, suits, actions, losses, damages and expenses of any nature arising or resulting from our out of the actions, or failure to act, of either party, its officers employees or agents. HAL shall at all times maintain general liability insurance for its activities in an amount not less than the amount specified in ORS 30.272, as amended. County may require that it be provided proof of coverage.

4.3 In addition to any other remedy provided by law, either party may terminate this Agreement for material breach upon providing the other party with 60 days' written notice and opportunity to cure. The parties shall cooperate reasonably and in good faith to avoid a breach and to cure any breach. Notwithstanding this provision, County may suspend or revoke the authority of HAL to issue dog licenses and rabies certifications immediately if the Sheriff declares that there is an immediate threat to public health or safety.

4.4 The Term of this Agreement is perpetual, except this Agreement shall terminate on the earlier of:

a. Mutual agreement of the parties;

b. Cessation of animal shelter operations by HAL. HAL shall first provide County with a minimum of 180 days written notice of cessation. It is understood that cessation of animal shelter operations triggers the County's right of reentry provided for in the deed granting the shelter property to HAL; or

c. Material breach as provided in paragraph 4.3.

Regardless of the basis for termination, the parties shall cooperate reasonably in good faith to provide for an orderly transition to another facility or winding down of operations.

HOME AT LAST

WASCO COUNTY

Diana Bailey, President

WASCO COUNTY
BOARD OF COMMISSIONERS

Mary Martin, Secretary

Scott C. Hege, Commission Chair

Rod L. Runyon, County Commissioner

Steven D. Kramer, County Commissioner

APPROVED AS TO FORM:

Kristen Campbell
Wasco County Counsel

Agenda Item Road Vacation

- [Public Works Memo](#)
- [Petition](#)
- [Map](#)
- [Order 15-085 Directing Road Vacation Report](#)



MEMO

To: Wasco County Board of Commissioners

From: Arthur Smith, Public Works Director

Date: September 23, 2015

Subject: Petition to vacate a portion of public road "H", within Fruitland Park Addition

The Wasco County Public Works has received a properly prepared petition by landowners to vacate a portion of public road "H", within Fruitland Park Addition, adjoining lots 46, 47, 59 and 60, located in Section 5, Township 1 North, Range 13 East and Section 32, Township 1 North, Range 13 East, Willamette Meridian.

The petition included the required information:

1. A legal description of the road proposed to be vacated.
2. A statement of the reason for requesting the vacation of the road.
3. Names and addresses of all persons affected by the road proposed to be vacated.
4. Notarized signatures of either owners of 60 percent of the land abutting the road proposed to be vacated or 60 percent of the owners of land abutting the road to be vacated.

The petitioners also deposited with the Public Works Department a check in the amount of \$500.00 which is the correct fee for initiating a petition for vacation of a road or public right-of-way.

To move forward with this request, the Wasco County Board of Commissioners would need to direct the County Road Official to prepare a written report on the proposed vacation.

The report must contain:

1. A description of the ownership of the road proposed to be vacated.
2. A description of the present use of the road proposed to be vacated.
3. An assessment of whether the vacation would be in the public interest.

PETITION

TO THE WASCO COUNTY BOARD OF COMMISSIONERS TO
511 WASHINGTON STREET
THE DALLES, OR 97058

LADIES/GENTLEMEN:

We, the following undersigned property owners of Wasco County, hereby petition you to vacate the following described portion of:

DESCRIPTION ()
() Fruitland Park Addition Road "H"
() Adjoining Lots 46, 47, 59 and 60
() Section 5, Township 1 North, Range 13 East
() And Section 32, Township 1 North, Range 13 East
() Willamette Meridian

Attached hereto and by this reference made a part hereof is a map marked Exhibit "A", which shows in detail the above described road or street.

REASON TO VACATE ()
() This right-of-way has never been developed as a public
() road and is not necessary to allow effective access to the
() adjoining properties
()

LIST OF ALL ABUTTING LANDOWNERS

ADDRESS

Patrick M. Erickson

108 Deerbrook Drive, Oregon City, Oregon 97045

Beverly E. Erickson

108 Deerbrook Drive, Oregon City, Oregon 97045


All petitioners must be owners of property abutting the road sought to be vacated. Each petitioner must attach a signature page signed before a Notary. If 100% of the abutting landowners sign the petition, the road may be vacated without Public Hearing.

PETITIONED ROAD: Road "H" abutting Lots 46, 47, 59, and 60 the Fruitland Park Addition

NAME OF PETITIONER/ADDRESS Patrick M. and Beverly E. Erickson
108 Deerbrook Drive, Oregon City, Oregon 97045



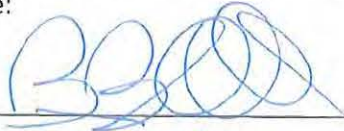
Patrick M. Erickson



Beverly E. Erickson

STATE OF OREGON)
COUNTY OF WASCO) DATE August 24, 2015

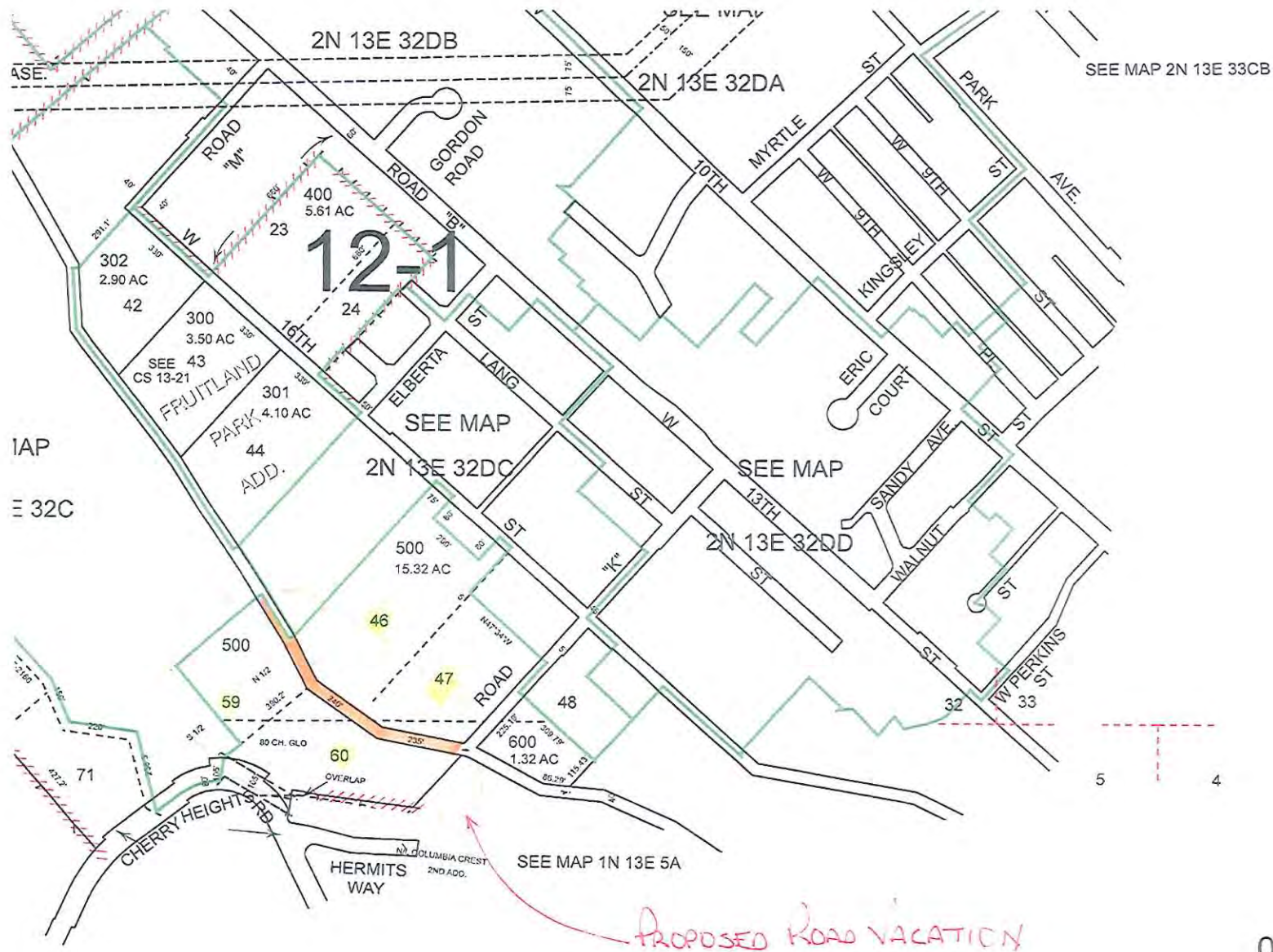
Personally appeared the above named Patrick M. and Beverly E. Erickson acknowledged the foregoing instrument to be a voluntary act and deed. Before me:



Notary Public for OREGON (State)

My Commission Expires: JUNE 4, 2016





Revised: DBJ
06/19/2014

02N13E32

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF DIRECTING THE)	
PUBLIC WORKS DIRECTOR TO PREPARE)	
HIS REPORT ON THE PROPOSED)	
VACATION OF PUBLIC ROAD “H”,)	
WITHIN FRUITLAND PARK ADDITION,)	
ADJOINING LOTS 46, 47, 59 AND 60,)	ORDER
LOCATED IN SECTION 5, TOWNSHIP 1)	#15-085
NORTH, RANGE 13 EAST AND SECTION)	
32, TOWNSHIP 1 NORTH, RANGE 13 EAST,)	
WILLAMETTE MERIDIAN)	

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Commissioners being present; and

IT APPEARING TO THE BOARD OF COMMISSIONERS: That a Petition, a copy of which is attached hereto and by this reference made a part hereof, has been duly filed seeking the vacation of a portion of Public Road “H” located in Wasco County, Oregon described as follows:

A PORTION OF PUBLIC ROAD "H"

LEGAL DESCRIPTION

A portion of public road "H", within Fruitland Park Addition, adjoining lots 46, 47, 59 and 60, located in Section 5, Township 1 North, Range 13 East and Section 32, Township 1 North, Range 13 East, Willamette Meridian.

Attached hereto and by this reference made a part hereof is a map marked Exhibit "A"

IT FURTHER APPEARING TO THE BOARD OF COMMISSIONERS:

That pursuant to ORS 368.346 when a vacation proceeding has been initiated by Petition the Wasco County Board of Commissioners shall direct the County Road Official to prepare and file with the County Board of Commissioners a written report pursuant to ORS 368.346(1).

NOW, THEREFORE, IT IS HEREBY ORDERED: That the County Director of Public Works examine the above-described road and file a written report pursuant to ORS 368.346(1).

DATED this 7th Day of October 2015

WASCO COUNTY
BOARD OF COMMISSIONERS

Scott C. Hege, Commission Chair

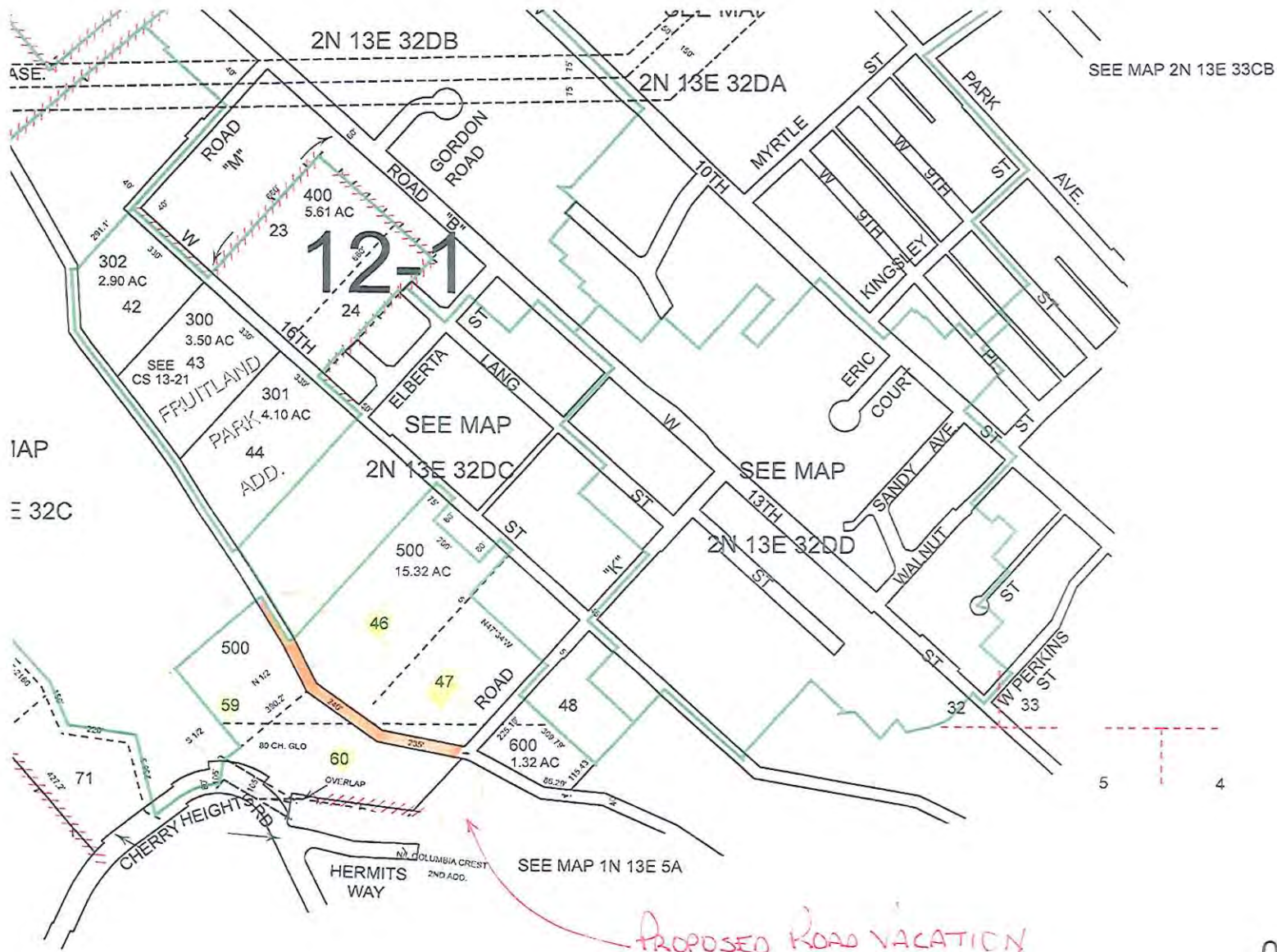
APPROVED AS TO FORM:

Kristen Campbell
Wasco County Counsel

Rod L. Runyon, County Commissioner

Steven D. Kramer, County Commissioner

EXHIBIT A



Agenda Item
Cooperative Procurement Participation
Agreement Amendment

- [Introductory Email](#)
- [Original Procurement Contract](#)
- [Amendment/Reinstatement](#)

[Return to Agenda](#)

Forwarded message -----

From: DOLL Nancy * DAS <Nancy.DOLL@oregon.gov>

Date: Thu, Sep 10, 2015 at 12:03 PM

Subject: ORCPP Agreement Reinstatement (Response Required)

To: "arthurs@co.wasco.or.us" <arthurs@co.wasco.or.us>

Cc: EGS PS Info ORCPP * DAS <Info.ORCPP@oregon.gov>

Good Day ORCPP Member:

Attention: Arthur Smith

The Oregon Cooperative Procurement Program is a fee based program that allows many entities such as Cities, Counties, Special Districts, Schools, Tribes, Non-Profits, and others to purchase from more than 340 State of Oregon Price Agreements through ORPIN, which is our centralized procurement information network. This e-mail is not addressing payment, but rather the intergovernmental agreement that was signed when your organization entered into the program. The agreement was set to expire five years after the original signature and execution date.

You are receiving this e-mail because our agreement with your organization has expired and we need to execute the attached amendment as soon as possible to ensure that your organization is in compliance with the ORCPP program and has the authority to purchase from the State of Oregon Price Agreements. However your access to ORPIN and all of our price agreements has not been interrupted.

Please route the attached amendment to the appropriate party in your organization for approval and signature. Once the amendment is signed, please scan it and send it to info.orcpp@oregon.gov within 2 weeks' time. If you do not have scanning capabilities you can either fax it to 503-373-1626 or mail it to the below mailing address:

Return to Agenda

Oregon Department of Administrative Service

EGS - Procurement Services

Attn: ORCPP Outreach Program

1225 Ferry St SE

Salem, OR 97301

Upon receipt, DAS Procurement Services will counter sign and execute the amendment. A scanned copy of the signed document will be e-mailed to your attention. Execution of the amendment will reinstate your organization as an active member of the ORCPP program.

As requested, I have also included this link to our [ORCPP Add User Form](#). Simply email us who you wish to remove from the current list of delegated buyers and small purchasers and why they are being removed. You may also want to review what the ORCPP program has to offer your jurisdiction and you can do that by going to [Oregon Procurement Services & Policy ORCPP](#) webpage.

If you have any questions concerning the program or this process, please feel free to reply to this e-mail and make sure your contact information is included and either Adam Helvey or Kelly Stevens-Malnar (ORCPP Program Managers) will contact you as soon as possible.

We truly appreciate your continued partnership and participation in the program.

Have a great day.

Nancy



Nancy A Doll

Administrative Specialist 1

(P)503-378-5384 (F) 503-373-1626

<http://procurement.oregon.gov>

Data Classification Level 2 - Limited

Wasco County
C00330

STATE OF OREGON



**DEPARTMENT OF ADMINISTRATIVE SERVICES
OREGON COOPERATIVE PROCUREMENT PROGRAM
(ORCPP)**

Cooperative Procurement Participation Agreement

**Oregon Department of Administrative Services
State Services Division
State Procurement Office
1225 Ferry Street SE U140
Salem OR 97301-4285
(503) 378-4642 FAX: (503) 373-1626
<http://procurement.oregon.gov>**

OREGON COOPERATIVE PROCUREMENT PROGRAM (ORCPP)

1.0 DEFINITIONS:

- 1.1 **Agreement** means this Oregon Cooperative Procurement Program Participation Agreement entered into in accordance with and pursuant to ORS 190.
- 1.2 **Authorized Purchaser** means a Member of ORCPP that has executed a standard ORCPP Cooperative Procurement Participation Agreement. Authorized Purchasers can be verified at the following web address: <http://www.oregon.gov/DAS/SSD/SPO/coop-menu.shtml>
- 1.3 **Bid** means a response to an Invitation to Bid.
- 1.4 **Bidder** means an Entity that submits a Bid in response to an Invitation to Bid.
- 1.5 **Contractor** means the Entity awarded a Price Agreement, or the Entity with whom an agency enters into a Contract. Contractor is interchangeable with "Consultant" and "Provider."
- 1.6 **DAS** means the State acting by and through the Oregon Department of Administrative Services.
- 1.7 **DAS State Procurement Office or DAS SPO** means the purchasing section of the State Services Division of DAS.
- 1.8 **Designated Price Agreement** means an agreement for the procurement of goods or services (1) entered into with one or more contractors by the State or by a state which is a member of the Western States Contracting Alliance ("WSCA") (2) that identifies ORCPP participants as additional authorized purchasers (3) at a set price for the goods or services with (4) no guarantee of a minimum or maximum purchase; or (5) an initial order or minimum purchase combined with a continuing Contractor obligation to provide goods and services (6) in which the authorized agency does not guarantee a minimum or maximum additional purchase. See ORS 279B.140
- 1.9 **Entity** means a natural person capable of being legally bound, sole proprietorship, limited liability company, corporation, partnership, limited liability partnership, limited partnership, profit and nonprofit unincorporated association, business trust, two or more persons having a joint common economic interest, or any other person with legal capacity to contract, or a government or governmental subdivision.
- 1.10 **Intergovernmental Agreement** means any agreement between a State Agency and Unit of Local Government of this State, the United States, a United States governmental agency, an American Indian tribe or an agency of an American Indian tribe and includes Interstate Agreements and International Agreements.
- 1.11 **Interstate Agreement** means any agreement between an agency and a Unit of Local Government or State Agency of another state.
- 1.12 **Invitation to Bid or ITB** means all documents, whether attached or incorporated by reference, used for soliciting Bids.
- 1.13 **Member** means an Entity that has met at least one of the minimum ORCPP qualifications as established herein and maintains an active ORCPP Membership with DAS.
- 1.14 **Ordering Document** means a purchase order, work order or other ordering document used by an Authorized Purchaser to purchase goods or services from a Contractor under a Designated Price Agreement. Issuance of an Ordering Document by an Authorized Purchaser constitutes acceptance of the Contractor's offer to contract.
- 1.15 **Oregon Cooperative Procurement Program or ORCPP** means the State of Oregon Cooperative Procurement Program that allows its Members to utilize certain Oregon State Price Agreements as well as certain Price Agreements entered into by states that are members of the Western States Contracting Alliance (WSCA) for the purchase of goods and services. ORCPP eligible entities include cities, counties, school districts, special districts, Oregon University Systems and its individual institutions, QRF's, Residential Programs, United States governmental agencies, American Indian tribes and agencies of American Indian tribes,

and Public Benefit Corporations. Also included under this membership program are state agencies not subject to ORS 279A.140 and DAS-implemented Administrative Rules, such as Oregon Lottery, Treasury, Secretary of State, etc.

- 1.16 **Oregon Procurement Information Network** or **ORPIN** means the State of Oregon's electronic procurement information program used to access and publicize government bidding opportunities, state contract information, vendor detail and directories for Oregon, Minority, Women and Emerging Small Business, and participating ORCPP Members.
- 1.17 **Proposal** means a response to a Request for Proposals.
- 1.18 **Proposer** means an Entity that submits a Proposal in response to a Request for Proposals.
- 1.19 **Public Benefit Corporation** means a corporation as defined in ORS 65.001 that provides public services under either a contract with a State Agency or under contract with a Unit of Local Government that funds the contract, in whole or part, with state funds.
- 1.20 **Qualified Nonprofit Agency for Disabled Individuals** or **QRF** means an activity center or rehabilitation facility, certified as a community rehabilitation program or as a vocational service provider through the Oregon Department of Human Services that DAS-SPO has determined to be qualified under OAR 125-055-0015.
- 1.21 **Request for Information** or **RFI** means a document used to solicit information on industry standards, practices, and delivery methods. The document is not intended to result in the award of a contract, does not request pricing, and makes it clear that the RFI is only seeking comments and information. (As defined by the National Institute of Governmental Purchasing (NIGP) "Public Purchasing and Material Management" manual.)
- 1.22 **Request for Proposals** or **RFP** means all documents, whether attached or incorporated by reference, used for soliciting Proposals.
- 1.23 **Residential Program** means a residential program when under contract with the Department of Human Services to provide services to youth in the custody of the State.
- 1.24 **Solicitation Document** means an Invitation to Bid, a Request for Proposals, or a special procurement solicitation, and all other documents, either attached or incorporated by reference, and any changes, issued by an authorized agency to establish an original contract that forms the basis for an agency's participation in a procurement.
- 1.25 **Solicitation Services** means the services set out in Section 3.1, including development and administration of the procurement process on behalf of Authorized Purchasers.
- 1.26 **State** means the State of Oregon.
- 1.27 **State Agency** means every state officer, board, commission, department, institution, branch or agency of state government whose costs are paid wholly or in part from funds held in the State Treasury, and includes the Legislative Assembly and the courts, including the officers and committees of both, and the Secretary of State and the State Treasurer in the performance of the duties of their constitutional offices.
- 1.28 **Training** means any training provided by the DAS SPO Training and Outreach Unit, including procurement certification classes, ORPIN training, and/or other public procurement-related educational offerings.
- 1.29 **Unit of Local Government** means a county, city, district or other public corporation, commission, authority or Entity organized and existing under statute or city or county charter.

OREGON COOPERATIVE PROCUREMENT PROGRAM

2. STANDARD ORCPP AGREEMENT SERVICES

Pursuant to ORS 190.110, 190.210, 190.240, relating to Intergovernmental and Interstate Agreements, and in exchange for the fee as provided under Section 2.5 herein, DAS agrees to provide access to cooperative governmental purchasing services to:

WASCO COUNTY, ("Authorized Purchaser").

2.1 Participation in Designated Price Agreements: Authorized Purchasers may purchase goods and services from those Designated Price Agreements identified by DAS SPO in accordance with (1) the terms and conditions of this Agreement and (2) the terms and conditions of the Designated Price Agreement. Designated Price Agreements are subject to expiration or termination and DAS can not guarantee the availability of a particular Designated Price Agreements.

2.2 Requirements for the use of Designated Price Agreements When Making Purchases as an ORCPP Member

- a) Authorized Purchasers shall use only Designated Price Agreements
- b) All purchases from Designated Price Agreements shall be only for the direct use of the Authorized Purchaser and the Authorized Purchaser shall not make any purchases for resale or for or on behalf of any third party.
- c) Purchases by an Authorized Purchaser from a Designated Price Agreement shall be made using an Ordering Document, issued by the Authorized Purchaser to the Contractor, which contains the following statement:

"THIS PURCHASE IS PLACED AGAINST STATE OF OREGON SOLICITATION # _____ AND PRICE AGREEMENT #: _____. THE CONTRACT TERMS AND CONDITIONS AND SPECIAL CONTRACT TERMS AND CONDITIONS (T's & C's) CONTAINED IN THE PRICE AGREEMENT ARE HEREBY INCORPORATED BY REFERENCE AND SHALL APPLY TO THIS PURCHASE AND SHALL TAKE PRECEDENCE OVER ALL OTHER CONFLICTING T's & C's EXPRESS OR IMPLIED".

- d) Authorized Purchasers using Designated Price Agreements, shall comply with any and all rules, policies, applicable requirements contained in ORS 279A, ORS 279B, or ORS 279C, or other applicable laws including without limitation, the prevailing wage requirements of the Oregon Bureau of Labor and Industries (BOLI). See ORS 279C.800 through 279C.870, ORS 200.035, etc.
- e) From time to time, DAS SPO may request a written commitment from agency to participate in certain solicitations for goods and services to help achieve maximum volume discount contracts for the benefit of all ORCPP customers. Participation may or may not affect DAS SPO's decision to pursue the solicitation.

2.3 Electronic Oregon Procurement Information Network: The State's Oregon Procurement Information Network (ORPIN) system electronically displays Notice Documents. This system provides vendors global access to solicitation notice documents that may be viewed or downloaded. Authorized Purchaser:

- a) Shall be permitted to use the ORPIN system to transfer (upload) Authorized Purchaser's solicitation advertisement notices.

- b) Shall take full and complete responsibility for the content and substance and accuracy of all information contained in any Authorized Purchaser notice documents uploaded and displayed on the ORPIN system. DAS SPO disclaims any and all liability arising out of or relating to Authorized Purchaser's use of the ORPIN System, including but not limited to the uploading and display of Authorized Purchaser's solicitation advertisement notices and documents.
- c) Shall be eligible to use future enhancements to the System, such as electronic bidding and solicitation document types, as they become available for use by ORCPP members.

2.4 Standard ORCPP Service Fees:

- a) Authorized Purchaser agrees to pay to DAS SPO a non-refundable, fully earned annual membership fee upon subscription to ORCPP services. The membership fee covers the primary portion of cost of services identified in Section 3. Additional fees will also be assessed for "ADDITIONAL ORCPP SERVICES" as defined in Section 3.0 below.
- b) Authorized Purchaser agrees to pay any additional fees that may be incurred under this Agreement.
- c) The following fee structure is based on the Authorized Purchaser's total organizational budget.

IMPORTANT: On the annual fee schedule below initial the budget range that represents your organization's annual budget.

Individual Organization Fee Schedule

Initial	Organizational Budget	Organizational Budget	Annual Membership Fee
In Box	MORE than	LESS than	
DB	\$ 0.00	\$ 3,000,000	\$ 200.00
	\$ 3,000,000	\$ 7,500,000	\$ 500.00
	\$ 7,500,001	\$ 21,000,000	\$ 900.00
	\$ 21,000,001	\$ 30,000,000	\$ 1,000.00
	\$ 30,000,001	\$ 68,000,000	\$ 2,000.00
	\$ 68,000,001	\$ 90,000,000	\$ 3,000.00
	\$ 90,000,001	\$ 150,000,000	\$ 4,000.00
	\$ 150,000,001	and over	\$ 5,000.00

Authorized Purchaser shall submit budget documentation.

- d) DAS SPO reserves the right to verify Authorized Purchaser's budget. The Notice of Public Hearings Budget Reports, line 12, on file with the Oregon Department of Revenue will be used for verification.

Special Public Agency Member Participation Fee Schedule:
(Limited to Qualified Public Agencies with annual budgets of \$0 -\$3,000,000)

Initial	Organizational Budget	Organizational Budget	Annual Membership Fee
In Box	MORE than	LESS than	
	\$ 0.00	\$ 1,000,000	\$ 50.00
	\$ 1,000,000	\$ 3,000,000	\$ 100.00

- a) Authorized Purchaser shall submit budget documentation.
- b) DAS reserves the right to verify Authorized Purchaser's budget. The Notice of Public Hearings Budget Reports, line 12, on file with the Oregon Department of Revenue will be used for verification.

2.5 DAS SPO reserves the right to implement a Vendor Collected Administrative Fee (VCAF) on certain contracts when such fee does not adversely affect the savings or percentage of discount for the awarded contract. DAS SPO shall use marketplace analysis and other procurement assessment tools to determine on a case-by-case basis whether a VCAF is feasible to implement prior to its inclusion in a contract.

3.0. ADDITIONAL ORCPP SERVICES:

3.1. **Solicitation Services.** Upon submission by Authorized Purchaser of a completed Solicitation services Project Request Form, a copy of which is Attachment A and incorporated by reference, DAS SPO may, pursuant to this Agreement, provide Authorized Purchaser with the following Solicitation Services:

- a) DAS SPO:
 - 1) Shall develop Solicitation Document(s) on DAS's automated procurement system.
 - 2) Shall advertise Solicitation Document(s) on the DAS's ORPIN System.
 - 3) Shall administer the procurement process on behalf of, and in consultation with, Authorized Purchaser.
 - 4) Shall issue notice of intent to award.
- b) Authorized Purchaser:
 - 1) Shall, in consultation with DAS, determine the responsive responsible Bidder or Proposer for purposes of issuing a notice of intent to award.
 - 2) Shall be responsible for final selection of Contractor, contract award, contract execution and contract administration. DAS SPO shall not be a party to any resulting contract and shall have no involvement in contract oversight or administration.
- c) DAS SPO shall provide Authorized Purchaser a time and cost estimate for the Solicitation Services.
- d) DAS SPO and Authorized Purchaser shall work together to insure that the solicitation is compliant with public purchasing statutes and rules.
- e) Solicitation Services are not available for products and/or trade services otherwise available under existing State Price Agreements.

- f) DAS SPO reserves the right to decline an Authorized Purchaser's request for Solicitation Services.
- g) In the event this Agreement is terminated after DAS SPO has accepted an Authorized Purchaser's request for Solicitation Services but before Solicitation Services have been completed, DAS SPO shall cease performing Solicitation Services and shall return all Solicitation Services material to Authorized Purchaser upon payment for any services incurred prior to termination.

3.2. Solicitation Services Fees:

- a) DAS SPO shall charge \$52.00 dollars per hour or the amount listed in the current DAS User Fee Price List for Solicitation Services provided pursuant to Section 3.1.
- b) Fees for Solicitation Services will be invoiced and collected on a monthly basis. In the event this Agreement is terminated in accordance with its terms, DAS SPO may collect from Authorized Purchaser for Solicitation Services performed prior to receipt or delivery of notice of effective date of termination.
- c) DAS SPO may obtain legal services as necessary to assist it in the provision of Solicitation Services. Any legal fees associated incurred by DAS SPO with the provision of Solicitation Services for Authorized Purchaser must be reimbursed to DAS SPO by the Authorized Purchaser. Such legal fees shall be separately invoiced to Authorized Purchaser and reimbursed by Authorized Purchaser to DAS SPO. Notwithstanding this reimbursement, Authorized Purchaser acknowledges and agrees that such legal services are rendered on to DAS SPO and solely for the benefit of DAS SO and the Authorized Purchaser. Authorized Purchaser acknowledges that it is solely responsible for obtaining any legal services that it deems prudent or necessary with regard to the Solicitation Services.

3.3. Training: ORCPP Members are eligible to attend any DAS SPO-sponsored and scheduled procurement-related Training or workshop at the same cost as State Agency participants. Additional agency-specific Training by DAS SPO on behalf of an Authorized Purchaser Member may be coordinated through the DAS SPO Training and Outreach Unit at a cost to be determined and agreed to between the parties.

4.0. Reciprocal Cooperative Governmental Purchasing Agreements: DAS SPO may, from time to time, enter into an Interstate Agreement allowing Authorized Purchaser to access some or all of the purchasing services provided therein. Any purchasing service(s) accessibility available to Authorized Purchaser under an Interstate Agreement shall be outlined in the Interstate Agreement. DAS SPO shall: (1) notify Authorized Purchaser of such Interstate Agreement(s); and, (2) the particular purchasing service available (if any); and, (3) the procedures for use; and, (4) any additional cost or fees applicable. Authorized Purchaser is responsible for assuring that use of such Interstate Agreement complies with all laws, rules or regulations that might govern Authorized Purchaser's ability or authority to use such Interstate Agreements.

5.0. Agreement Term: The initial term of the Agreement shall be for one a fiscal year (July 1 through June 30) beginning with the 2007-2008 subscription year unless earlier terminated or renewed. The Agreement may be renewed annually, upon payment of the appropriate membership fee, which shall be invoiced by DAS – SPO between June 1 and July 15 of each year. Agencies may request DAS-SPO to be invoiced earlier than June 1. The maximum term of the Agreement shall not exceed five (5) years. Expiration of this Agreement shall not extinguish or prejudice DAS SPO's right to enforce this Agreement with respect to any breach of contract or any default or defect in Authorized Purchaser performance that

has not been cured.

6.0. Agreement Renewal:

- a) DAS SPO shall send Authorized Purchaser a notice of pending Agreement expiration together with required renewal documentation no later than sixty (60) days prior to the expiration of the then current Term.
- b) Authorized Purchaser shall submit the required Agreement fee and all required renewal documentation to DAS SPO.
- c) DAS SPO shall allow a grace period through August 31, to allow participants adequate time to process payment and complete and return the Agreement for the new fiscal year.
- d) If payment is not received by August 31, ORCPP participant shall be placed on the inactive list and access privileges will be suspended in the ORPIN system. ORCPP privileges and ORPIN access will be fully restored upon receipt of payment for the current fiscal year.

7.0. Termination:

- a) **Termination For Convenience.** Either party may, in its sole discretion, terminate this Agreement, in whole or in part, upon 30 days notice to the other party.
- b) **DAS SPO's Right to Terminate For Cause.** DAS SPO may terminate this Agreement, in whole or in part, immediately upon notice to Authorized Purchaser, or at such later date as DAS SPO may establish in such notice, upon the occurrence of any of the following events:
 - (i) DAS SPO fails to receive funding, or appropriations, limitations or other expenditure authority at levels sufficient to continue its obligations under this Agreement;
 - (ii) Federal or state laws, regulations or guidelines are modified or interpreted in such a way that either performance of DAS SPO's obligations under this Agreement are prohibited or DAS is prohibited from paying for such Work from the planned funding source;
 - (iii) Authorized Purchaser is no longer legally eligible to participate in this program or fulfill its obligations under this Agreement; or
 - (iv) Authorized Purchaser commits any material breach or default of any covenant, warranty, obligation or agreement under this Agreement and such breach, default or failure is not cured within 10 business days after delivery of DAS SPO's notice, or such longer period as DAS SPO may specify in such notice.
- c) **Limitation of Liabilities.** Neither party shall be liable for (i) any indirect, incidental, consequential or special damages under this Agreement, including lost profits or (ii) any damages of any sort arising from the termination of this Agreement in accordance with its terms.

8.0. Hold Harmless; Indemnity: Subject to limitations of the Oregon Tort Claims Act and the Oregon Constitution, Authorized Purchaser shall save, defend, hold harmless and indemnify, the State and its divisions, officers, employees, or agents and members from all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature whatsoever resulting from, arising out of or related to (1) the acts or omissions of the Authorized Purchaser, or its officers, employees, members or agents under this Agreement and (2) any services, including Solicitation Services, provided under this Agreement pursuant to a representation of Authorized Purchaser's authority and State's reliance thereon.

Provided, however, the Oregon Attorney General must give written authorization to any legal counsel purporting to act in the name of, or represent the interests of, the State and/or its officers, employees and agents prior to such action or representation. Further, the State, acting by and through its Department of

Justice, may assume its own defense, including that of its officers, employees and agents, at any time when in the State's sole discretion it determines that (i) proposed counsel is prohibited from the particular representation contemplated; (ii) officers, employees and/or agents; (iii) important governmental interests are at stake; or (iv) the best interests of the State are served thereby. Contractor's obligation to pay for all costs and expenses shall include those incurred by the State in assuming its own defense and/or that of its officers, employees, or agents under (i) and (ii) above.

9.0. Successors in Interest, Assignment: The provisions of this Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns. Neither party shall assign or transfer its interest in this Agreement without the prior written consent of the other. Any such attempted assignment or transfer shall be void.

10.0. Merger Clause; Amendment; Waiver: This Agreement constitutes the entire agreement between the parties on the subject matter thereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent or modification of the Agreement shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained. Such waiver, consent or modification, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of the State to enforce any provision of this Agreement shall not constitute a waiver by the State of that or any other provision.

11.0. Limitation of Liability: Authorized Purchaser acknowledges and agrees that the State shall not be liable for any direct, indirect, incidental or consequential damages sustained by Authorized Purchaser which arise out of or are in any way related to goods or services obtained from Contractors under any agreement, contract or Ordering Document including without limitation a Designated Price Agreement or Interstate Agreement utilized by Authorized Purchaser pursuant to this Agreement. State makes no representation or warranty regarding the suitability, durability, merchantability or fitness for a particular purpose of any goods or services available under any agreement, contract or Ordering Document including a Designated Price Agreement or Interstate Agreement.

Furthermore, Authorized Purchaser acknowledges and agrees that the State shall not be liable for any direct, indirect, incidental or consequential damages arising out of or related to any goods or services obtained under any contract entered into by Authorized Purchaser pursuant to any services, including Solicitation Services, provided under this Agreement.

12.0. Compliance with Applicable Law: Authorized Purchaser shall comply with all federal, state and local laws, rules, regulations, and ordinances applicable to this Agreement or to Authorized Purchaser's obligations under this Agreement, as it may be adopted or amended from time to time.


13.0. Governing Law; Venue: Any claim, action, suit, litigation, or proceeding (collectively "Claim") between the State and Authorized Purchaser arising out of or related to this Agreement, shall be brought and conducted solely and exclusively in the Circuit Court of Marion County in Salem, Oregon; provided however if a claim must be brought in a federal forum, then unless otherwise prohibited by law, it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. Authorized Purchaser, by execution of this Agreement hereby consents to the in personum jurisdiction of said courts. However, nothing herein shall be construed as waiver of the State's sovereign or governmental immunity, or immunity derived from the Eleventh Amendment to United States Constitution, or any defenses based thereon.


14.0. Warranty: Authorized Purchaser represents and warrants that the information provided in connection with the qualifications of this Authorized Purchaser for Member status with ORCPP is true and correct.

15.0. Signatures: Each party, by the signature below of its authorized representative, hereby acknowledges that it has read this Agreement, understands it, and agrees to be bound by its terms and conditions. Each person signing this Agreement represents and warrants that he/she has the authority to execute this Agreement.

AUTHORIZED PURCHASER

STATE:

Signature: 
Name: DANIEL R. BOLDT
Title: DIRECTOR OF PUBLIC WORKS
Date: 7-18-07

Signature: 
Name: _____
Title: 8/3/07
Date: _____

Marscy Stone
External Operations Manager

AUTHORIZED PURCHASER
(legal counsel signature, if necessary)
APPROVED AS TO FORM:

Signature: _____
Name: _____
Title: _____
Date: _____

ORCPP AUTHORIZED PURCHASER INFORMATION FORM

AGENCY NAME: WASCO COUNTY
ADDRESS: 2705 East Second Street
The Dalles, OR 97058
TEL # 541-506-2640 FAX # 541-506-2641

LIST ALL DIVISIONS OR SECTIONS IN YOUR AGENCY AUTHORIZED UNDER THIS AGREEMENT

Wasco County Sheriff Dept. Planning Public Health
Wasco County Weed Dept. County Clerk
Public Works Assessor Facilities Maintenance

Agency ORPIN Contact: Dan Sanders TEL. # 541-506-2642
FAX# 541-506-2641 Internet E-Mail Address: dans@co.wasco.or.us

Contact person for accounts payable issues: Patricia Peickert
TEL. # 541-506-2640 FAX # 541-506-2641
Internet E-Mail Address: patp@co.wasco.or.us

ORPIN Access

The ORPIN System is accessed through the Internet. You can get to ORPIN from the State Procurement Web Site at: <http://www.das.state.or.us/DAS/SSD/SPO/index.shtml> or directly at: <http://orpin.oregon.gov> Agency users must be set up individually in the ORPIN system. Forms to add additional users are available from Nancy Ahlbin at: nancy.a.ahlbin@state.or.us

Program Administrative Fee Payment method:

Check # _____ Visa/Mastercard Card # _____ Exp. Date _____

Send to: Department of Administrative Services
State Procurement Office
Oregon Cooperative Procurement Program
1225 Ferry Street SE U140
Salem OR 97301-4285

For DAS Use Only

Agency #: _____ USER ID: _____
New _____ Renewed _____

Attachment A

ORCPP SOLICITATION SERVICES
PROJECT REQUEST FORM

Date Received: _____ Date Assigned: _____
Requesting ORCPP Agency: _____
ORCPP Member #: _____
Contact Name: _____
Phone #: _____ FAX: _____
E-Mail: _____
Project Title: _____
Requested Timeline: _____
Review Completion Date: _____

Project Description to include, at a minimum: (1) a detailed description of the goods or services, (2) estimated quantity or level of service, (3) estimated Unit item and total contract value and (4) projected contract term (attach additional pages if necessary):

DAS Analyst Comments: _____
Additional Required Information: _____

(To be completed by ORCPP Member)

Ship To Address:

Bill To Address:

Project Information (To be completed by DAS)

DAS Purchasing Analyst: _____

Phone #: _____ FAX: _____

E-mail: _____

Estimated Cost: _____ (Solicitation Services/Fees, 2007-09 ORCPP Agreement, Section 3.1 and 3.2: The fee for Solicitation Services is \$52 dollars per hour or the amount listed in the current DAS User Fee Price List. DAS shall invoice ORCPP Member for actual hours of project.)

Estimated Hours of Work: _____ Actual Hours: _____

DAS Timeline: _____ DAS Project #: _____

Authorization to Proceed with Solicitation:

ORCPP Agency Signature:

Name: _____

Title: _____

Date: _____

DEPARTMENT OF ADMINISTRATIVE SERVICES
STATE SERVICES DIVISION
STATE PROCUREMENT OFFICE
RECEIVED ON -

**OREGON COOPERATIVE PROCUREMENT PROGRAM (ORCPP)
COOPERATIVE PROCUREMENT PARTICIPATION AGREEMENT
REINSTATEMENT AND AMENDMENT**

This is Amendment No. ____ (“Amendment”) to ORCPP Cooperative Procurement Participation Agreement No. _____, dated _____, as amended from time to time (“Agreement”) between the State of Oregon acting by and through the Department of Administrative Services, Enterprise Good and Services Division, Procurement Services (DAS PS) and _____(ORCPP Member or Authorized Purchaser).

I. Purpose. The purpose of this Amendment is to:

A. Reflect the name change of the Department of Administrative Services, State Procurement Office to the Department of Administrative Services, Enterprise Goods and Services, Procurement Services; and

B. Reinstate the Agreement, effective retroactively, to include the ORCPP Member program activities and purchases made by Authorized Purchaser from _____ (date of expiration) through the extension term in section 5.

II. Name Change. All references in the Agreement to “Department of Administrative Services, State Procurement Office” and “DAS SPO” are deleted in their entirety and replaced with “Department of Administrative Services, EGS-Procurement Services” and “DAS PS,” respectively.

III. Section 5, Agreement Term, is deleted in its entirety and replaced with the following:

“5. The Agreement is effective as of the date signed by DAS PS and shall remain effective for two (2) years following the effective date of Amendment ____.”

IV. Retroactive Effective Date. DAS PS and Authorized Purchaser agree that this Amendment is effective retroactively as of _____ **[prior expiration date]**.

V. Except as expressly amended above, all other terms and conditions of the Agreement are still in full force and effect. ORCPP Member’s authorized representative certifies that the representations, warranties and certifications contained in the Agreement are true and correct as of the effective date of this Amendment, with the same effect as though made at the time of execution of the Agreement.

VI. Signatures: Each party, by the signature below of its authorized representative, hereby acknowledges that it has read this Amendment, understands it, and agrees to be bound by its terms and conditions. Each person signing this Amendment represents and warrants that he/she has the authority to execute this Amendment.

ORCPP MEMBER: _____

Approval **Signature** _____ Date: _____

Name and Title (type or print): _____

OREGON DEPARTMENT OF ADMINISTRATIVE SERVICES, EGS-PROCUREMENT SERVICES

Approval **Signature** _____ Date: _____

Name and Title (type or print) _____

Agenda Item
Public Works Building Assessment Update

- [Revised Scope of Work/Pricing](#)



August 28, 2015

Arthur Smith / Angie Brewer
Wasco County Public Works
2705 E 2nd Street
The Dalles, OR 97058

Revised Scope of Work

Based on our recent discussion on August 26, 2015 regarding developing a revised scope of work for the Public Works Building to align with a revised consultant fee, Peter Meijer Architect, PC (PMA) proposes the following alternative Scope of Work.

Based on Wasco County's request, our revised proposal is to consist of three primary deliverables:

1. Needs Assessment,
2. One (1) Conceptual Space Layout,
3. One (1) New Entry concept

Work will not include a Facility Assessment (to be performed by Wasco County), work by associated sub-consultants excepting the Cost Estimator, and reduced the number of concept studies to one for the entry and one for the interior space layout.

We will initiate the project with an Orientation Meeting with Wasco County staff and our design team to make introductions and to clarify design goals, establish project priorities and further refine the schedule of the project. The meeting agenda will include review of the project goals, review of an initial project schedule, orientation of existing conditions, and discussion to inform the perspective of the rest of the project.

Needs Assessment

From a review of the RFP and our site visit with Wasco County staff, we currently believe the primary goals to be:

- Improved Customer Experience
- Centralized Customer reception
- Quiet zones for Staff
- Separation of public interface and staff work areas
- Multiple work counters
- Work flow efficiency
- Flexible spaces

These goals may be resolved with a designated Customer interface area, a pleasant and inviting waiting area, restrooms dedicated for Customer use, small conference rooms for improved Customer relations, and transaction counters outside staff areas. Our team will evaluate possibilities with Wasco County staff.

Created in cooperation with Wasco County staff, we will also conduct a needs assessment of storage and equipment locations. Our pre-proposal site visit identified various departments including: Planning, GIS, Surveyor, Public Works, County Weed & Pest, and State Water-master, and other smaller County departments. It is our current understanding that the number of departments may be reduced. Up to two individuals representing each department will be interviewed to determine the needs and adjacencies of the department. In addition, the team will interview selected customers to identify needs from the user's perspective. In all, we anticipate a total of ten hours of meetings and interviews. Case studies of similar jurisdictions will be conducted and evaluated in addition to the staff and customer interviews. We will share our findings with Wasco County before starting the Conceptual Design work. Anticipated deliverables include:

- Staff interview minutes
- Ranked list of priorities for the Department
- Adjacency diagrams
- Furniture inventory
- Facility Assessment Report-Part II, Needs Assessment

Concept Design

The Concept Design phase of the project is to create tangible building improvement options based on the existing building conditions combined with the needs assessment. The remodel recommendations will be demonstrated through narratives, sketches and diagrams, along with the rationale behind the options and associated cost estimates. The intent is to provide Wasco County a strong basis to fund the design and construction work. The deliverables include:

- One (1) preferred alternative-11x17 format
- Cost estimates for the preferred alternate
- Design recommendations for the preferred alternate
- One (1) preferred new building entry concept

Revised Fee Proposal

Date	Project #		Name:						
Prime	Peter Meijer Architect, PC								
Discipline	Architecture								
Scope of Work									
Personnel Category	Rate	Rate	Rate	Rate	Rate	Rate	Rate	Rate	Labor Cost
PMA									
Principal	\$180								\$ 5,940.00
Architect I		\$102							\$ 6,834.00
Architect I			\$95						\$ -
Project Support				\$75					\$ -
Convergence									
Architect						\$110			\$ 14,740.00
Intern							\$75		\$ 3,150.00
Consultant Services								\$180	\$ 1,440.00
	A	B	C	D	E	F	G	H	
Task Description	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Labor Cost
Project Management: Schedule; Coordination; Project interface	24	4	0	0					\$ 4,728.00
Create base sheets for Program	2	32	8			8	8		\$ 5,864.00
Needs Assessment: FTE/PTE need; Storage/Equipment need; Furniture Inventory	2	4	0	0		80	8		\$ 10,168.00
Concept Plan: Base Drawings; Department Adjacency Diagrams; Space Plan; Cost estimate	2	24		0		40	20	8	\$ 10,148.00
New Building Entry: Recognizable front door; Identity; Public Access	16	24	0	0				8	\$ 6,768.00
Site Visits; 2 trips, 3 hrs. ea.	6	6				6	6		\$ 2,802.00
LABOR TOTAL	49	91	8	0		134	42	16	\$ 40,478.00

Agenda Item
Klampe Lot Line Vacation

- [Application](#)
- [Staff Report](#)
- [Order 15-082 Vacating Lot Line](#)



Wasco County Planning Department
 "Service, Sustainability & Solutions"
 2705 East Second St. • The Dalles, OR 97058
 (541) 506-2560 • wcplanning@co.wasco.or.us
 www.co.wasco.or.us/planning

LAND USE APPLICATION

FILE NUMBER: PLALLV-15-07-0002

FEE: \$1,000

Date Received: _____ Planner Initials: _____ Date Complete: _____ Planner Initials: _____

APPLICANT INFORMATION

Name: DARRELL KLAMDF
 Address: [REDACTED]
 City/State/Zip: The Dalles, OR 97058
 Phone: [REDACTED]
 Email: _____

OWNER INFORMATION

Name: _____
 Address: Same
 City/State/Zip: _____
 Phone: _____
 Email: _____

PROPERTY INFORMATION

Township/Range/Section/Tax Lot(s)	Acct #	Acres	Zoning
<u>2N 13E 30 BD 3700</u>	<u>2417</u>	<u>0.23</u>	<u>R-R(1) EMA</u>
<u>" 3800</u>	<u>2427</u>	<u>0.21</u>	<u>"</u>

Property address (or location): N/A

Water source: CHENOWETH WATER Sewage disposal method: SEPTIC (FUTURE)

Name of road providing access: SUNFLOWER ST W + BETTY LN.

Current use of property: VACANT Use of surrounding properties: VACANT, RESIDENTIAL

Do you own neighboring property? NO YES (description) 2N 13E 30 BD 3900

DETAILED PROJECT DESCRIPTION (proposed use, structures, dimensions, etc.):

Consolidate E 1/2 + W 1/2 of Block C, LOT 4; WEST HI-LAND ADDITION Subdivision

Additional description/maps/pictures attached

LEGAL PARCEL STATUS

Partition, Subdivision, OR

Most Recent Pre-9/4/1974 Deed #: 3700 = 72-1548

Date Filed: 7-10-1972

Current Deed #: 3700 = 95-2267 3700 = 72-2493 3700 = 95-5055

Date Filed: 11-15-1972
6-20-1995 (3700) 12-27-1995 (3800)

The deed and a map showing the property described in the deed(s) must accompany this application.

SIGNATURES

Applicant(s): _____ Date: _____

_____ Date: _____

Property Owner(s): _____ Date: _____

X X Darrell Klampe _____ Date: 7/6/15

Analea Klampe _____ Date: 7/6/15

_____ Date: _____

_____ Date: _____

PLEASE NOTE: Before this application will be processed, you must supply all requested information and forms, and address all listed or referenced criteria. Pursuant to ORS 215.428, this office will review the application for completeness and notify Applicant of any deficiencies within 30 days of submission. By signing this form, the property owner or property owner's agent is granting permission for Planning Staff to conduct site inspections on the property.

ALL LAND USE APPLICATIONS MUST INCLUDE:

- Application Fee – Cash or Check (credit cards now accepted with additional fee)
- Site Plan
- Elevation Drawing
- Fire Safety Self-Certification
- Other applicable information/application(s):

APPLICATIONS FOR PROPERTIES IN THE NATIONAL SCENIC AREA MUST ALSO INCLUDE:

- Scenic Area Application/Expedited Review
- Color and Material Samples
- Landscaping Plan
- Grading Plan
- Other applicable information/application(s):

SHADED AREA TO BE COMPLETED BY PLANNING DEPARTMENT

Legal Parcel NO YES
Deed/Land Use Action: _____

Previous Map and Tax Lot: _____

Past Land Use Actions: If yes, list file #(s) _____ NO YES

Subject to previous conditions? NO YES

Assessor Property Class: _____

Zoning: _____

Environmental Protection Districts – List applicable EPDs:

- EPD # _____
- EPD # _____
- EPD # _____
- EPD # _____

Water Resources

Are there bodies of water on property or adjacent properties? NO YES

Describe: _____

- Fish bearing (100 ft buffer) Non fish bearing (50 ft buffer) Not identified (25 ft buffer)
- Irrigation ditch (50 ft buffer)

Access:

County or ODOT approach permit on file? NO YES, # _____

Address:

Address exists and has been verified to be correct? NO YES

Address needs to be assigned after approval? NO YES

Fire District: _____

Fees (List Review Type and Cost): _____

INTERIOR LOT LINE VACATION APPLICATION

Per ORS 368.326 to 368.366

Please Note: This process is reserved for vacating only complete interior subdivision lots. Exterior subdivision lot lines can only be altered through a replat process as prescribed in ORS Chapter 92.

1. Subdivision Name and Addition: West Hi-Land Addition
2. Subdivision Blocks & Lots to be vacated/consolidated: Block C, W ½ Lot 4, E ½ Lot 4

SUBDIVISION	Lot #1	Lot #2	Lot #3	Lot #4	Lot #5
Lot & Block #	2N 13E 30BD 3700	2N 13E 30BD 3800			
Existing Acres	0.23	0.21			
Proposed Acres	0.44	0			
Existing Width	100'	100'			
Proposed Width	100'	N/A			
Existing Depth	100' +/-	100' +/-			
Proposed Depth	200' +/-	N/A			

A Map showing the subdivision lots to be consolidated has been submitted? NO YES

3. Explain the reason for the proposed lot line vacation:

Requires two lots to build a single family dwelling, place the drainfield, and have a replacement drainfield system.

4. Explain how the proposal will facilitate development of the property while not restricting access nor reducing its usefulness under the designated purpose statement of the zoning district in which the property is located:

Current National Scenic Area zoning is R-R(1) – GMA, Rural Residential – 1 acre minimum. The area known as "Murray's Addition", including the subject lots, is outside of the city of The Dalles and is not served by City sewer. Development of a residence typically requires two lots, or one large lot to contain the buildings, the septic system, and a replacement drainfield area in case of septic failure. The request will consolidate two lots into one to allow all residential improvements to be located on the same legal lot.

5. All of the persons holding any recorded interest in the properties proposed to be consolidated have signed the petition or have given written permission for the applicant to act on their behalf on this matter? NO YES

PETITION FOR INTERIOR LOT LINE VACATION

TO THE WASCO COUNTY BOARD OF COMMISSIONERS, IN THE MATTER OF THE VACATION OF:

Subdivision Name: West Hi-Land Addition

5. Blocks & Lots to be Vacated/Consolidated: Block C, W 1/2 Lot 4, E 1/2 Lot 4

We, the signatories below, petition the Wasco County Board of Commissioners to vacate the subdivision lots described in the attached application on property more specifically described as follows:

Township/Range/Section/Tax Lot(s)	Acct #
2N 13E 30BD 3700	2417
2N 13E 30BD 3800	2427

Names and addresses of all persons holding any recorded interest in the property proposed to be vacated:

Print Name	Address
Darrell & Analea Klampe	1155 Sunflower, The Dalles, Oregon, 97058

Per ORS 368.351, if this petition contains the acknowledged signatures of owners of 100% of the subject property, the subdivision lot lines may be vacated without the public hearing prescribed in ORS 368.346. By signing below, we hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that the above information is true and correct to the best of our knowledge:

X Analea Klampe _____

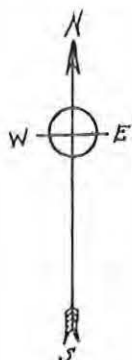
X Darrell Klampe _____

State of Oregon)
County of Wasco)

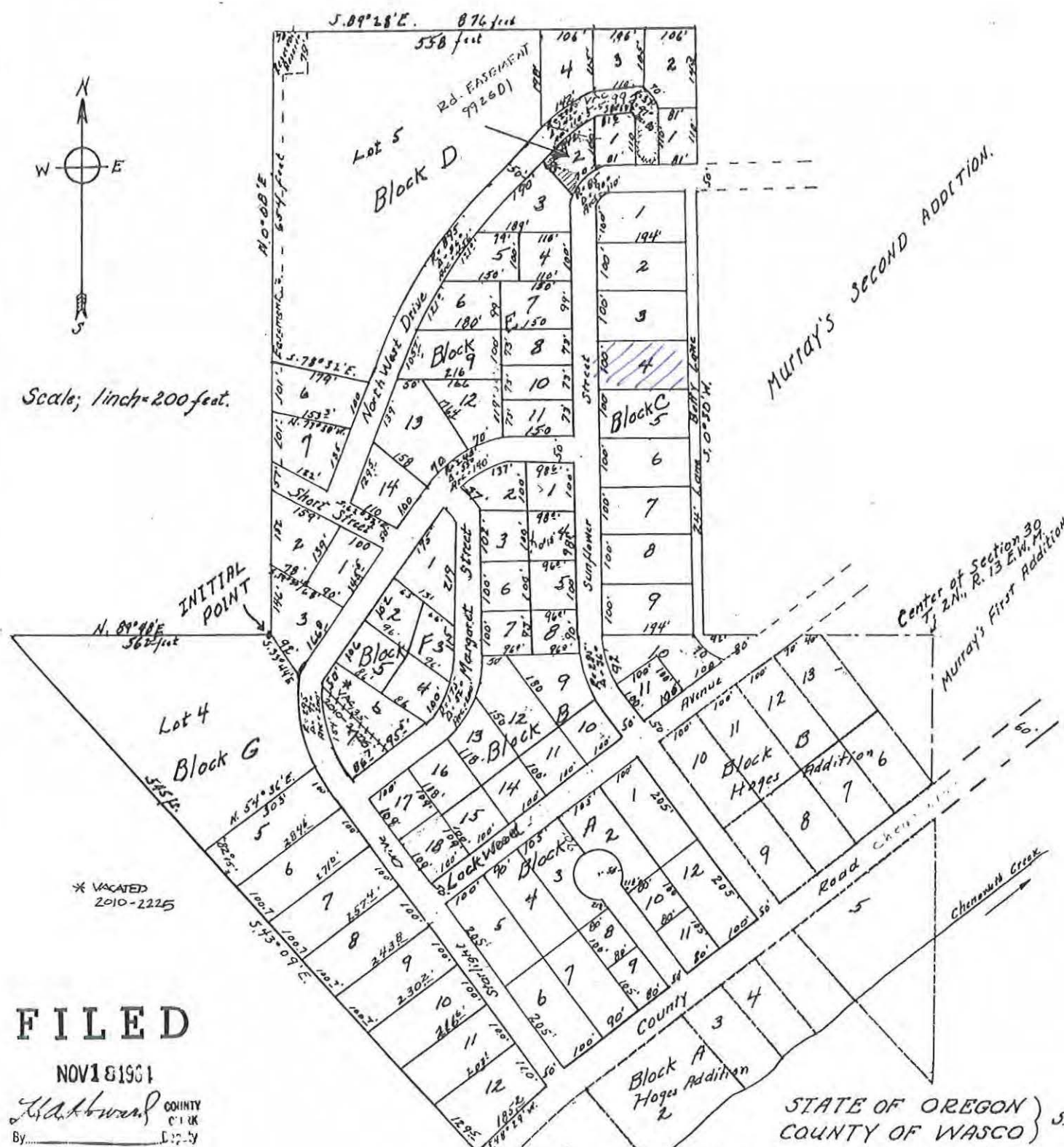
This instrument was acknowledged before me on (date) July 7, 2015 by the above signed.



Brenda L. Jenkins
Notary Public – State of Oregon



Scale; 1 inch = 200 feet.



* VACATED
2010-2225

FILED

NOV 18 1961

By H. A. Brown COUNTY CLERK
Copy

IN WITNESS WHEREOF, EQUITABLE SAVINGS AND LOAN ASSOCIATION, Pursuant to a resolution of its Board of Directors, duly and legally adopted, has caused these presents to be signed by its President and Secretary, and its Corporate Seal to be hereunto affixed this 9th day of September, 1964.
Equitable Savings and Loan Association

By H. A. Brown President

By T. J. ... Secretary

SUBSCRIBED AND SWORN TO, before me this 9th day of September 1964

STATE OF OREGON }
COUNTY OF WASCO } S.S.

We, the undersigned, individuals, associations, and corporations, being all having or claiming any right, title or interest in the real property described in the annexed plat of WEST-HIGHLAND ADDITION, do hereby dedicate all streets, alleys and easements as shown on the annexed plat to the public forever.

Walter W. Schirker, Margaret E. Schirker
By George E. ...
By John E. ...
By Robert ...
By Robert ...
By Edson ...
By Geo A. ...
By James ...
By Robert ...
By James ...
By Robert ...

ACCOUNT # 2427

OWNER KLAMPE DARRELL & ANALEA

LEGAL/REMARKS
WEST HI-LAND ADD'N
EAST 94' OF LOT 4 BLK C

	DATE	DEED REC-REM	ACRE
	02-27-70	70-0091	
	04-17-70	70-0318	
WD	11-17-72	72-1871	
WD	11-17-72	72-2493	
D	05-28-76	76-1076	
BS	09-27-76	76-2439	
WD	04-24-78	78-0561	
WD	04-24-78	78-0562	
	01-06-96	95-5055	

Bottom

F1=LN 2=IM 3=EN 4=OW 5=SA 6=EX 7=OH 8=ET 10=LG 11=FL 12=CM
 13=MS 14=SI 15=XC 16=DT 17=TX 18=SL 19=QP 20=PR 21=NX 22=AP 24=DL

*before 7-1-15
540 mapping fees.*

ACCOUNT # 2417

OWNER KLAMPE DARRELL M & ANALEA

LEGAL/REMARKS	DATE	DEED	REC-REM	ACRE
WEST HI-LAND ADD'N			129 253	
LOT 4 BLK C			69-1690	
EXC:			70-0091	
TL 413	WD 02-27-70		70-0318	
	04-17-70		72-1548	
	07-14-72		76-2031	
	WD 08-16-76		77-2048	
	C 08-03-77		79-3289	
	WD 11-23-79		95-2267	
	WD 06-28-95			

Bottom

F1=LN 2=IM 3=EN 4=OW 5=SA 6=EX 7=OH 8=ET 10=LG 11=FL 12=CM
 13=MS 14=SI 15=XC 16=DT 17=TX 18=SL 19=QP 20=PR 21=NX 22=AP 24=DL



Wasco County Planning Department

"Service, Sustainability & Solutions"

2705 East Second St. • The Dalles, OR 97058
(541) 506-2560 • wcplanning@co.wasco.or.us
www.co.wasco.or.us/planning

STAFF REPORT & RECOMMENDATION Prepared for the Board of County Commissioners

FILE # PLALLV-15-07-0002

REVIEW DATE: October 7, 2015

PREPARED: September 30, 2015

REQUEST: Subdivision lot line vacation

RECOMMENDATION: Approval, with conditions

APPLICANT/OWNER INFORMATION:

Applicant/Owner: Darrell Klampe, 1155 Sunflower Street W, The Dalles, OR 97058

PROPERTY INFORMATION:

Zoning: R-R(1), Rural Residential, in the General Management Area of the Columbia River Gorge National Scenic Area.

Location: The subject property is identified as Block C, Lot 4, E½ and W½, of West Hi-Land Addition Subdivision, in the area known as "Murray's Addition", located approximately 1 mile southwest of The Dalles, Oregon. More specifically described as:

	<u>Map/Tax Lot</u>	<u>Acct#</u>	<u>Acres</u>
W½ Lot 4	2N 13E 30BD 3700	2417	0.23
E ½ Lot 4	2N 13E 30BD 3800	2427	0.21

ATTACHMENTS:

Options & Staff Recommendation
Staff Report

PREPARED BY: Dawn Baird, Associate Planner

OPTIONS & STAFF RECOMMENDATION

Oregon Revised Statutes (ORS) 368.326 to 368.366 allows a county governing body to vacate interior subdivision lot lines through a defined process and, when certain conditions are met, without a public hearing. This process is an alternative to the more frequently used process found in ORS Chapter 92 – Subdivisions and Partitions.

ORS Chapter 368, which provides authority and requirements involving county roads, presents a process for lot line vacations that some applicants may find easier, faster, and less expensive because it generally does not require the hiring of a private engineer or surveyor. Additionally, a decision described in ORS 368.326 to 368.366 does not result in a “land use decision” as defined in ORS 197.015(11). This means that the traditional land use requirements related to procedure, public involvement, and notification do not apply to lot line vacations reviewed under Chapter 368.

The following Staff Report provides important background information and addresses the applicable standards. After reviewing the applicable regulations, Staff has identified the following four options for the Board of County Commissioners.

Board of County Commissioner Options:

1. Approve the petition for the subdivision lot line vacation, and accept the proposed conditions and findings contained in the Staff Report.
2. Approve the petition for the subdivision lot line vacation with amended conditions and findings.
3. Deny the petition with amended findings that the request does not comply with the Wasco County Land Use & Development Ordinance, Oregon Revised Statutes, or any other applicable standards.
4. Continue the hearing to a date and time certain to allow the submittal of additional information necessary to make a decision.

Staff Recommendation:

Staff recommends **Option 1** – Approve the petition for the subdivision lot line vacation, and accept the proposed conditions and findings contained in the following Staff Report.

STAFF REPORT

I. APPLICABLE STANDARDS

Oregon Revised Statutes (ORS)

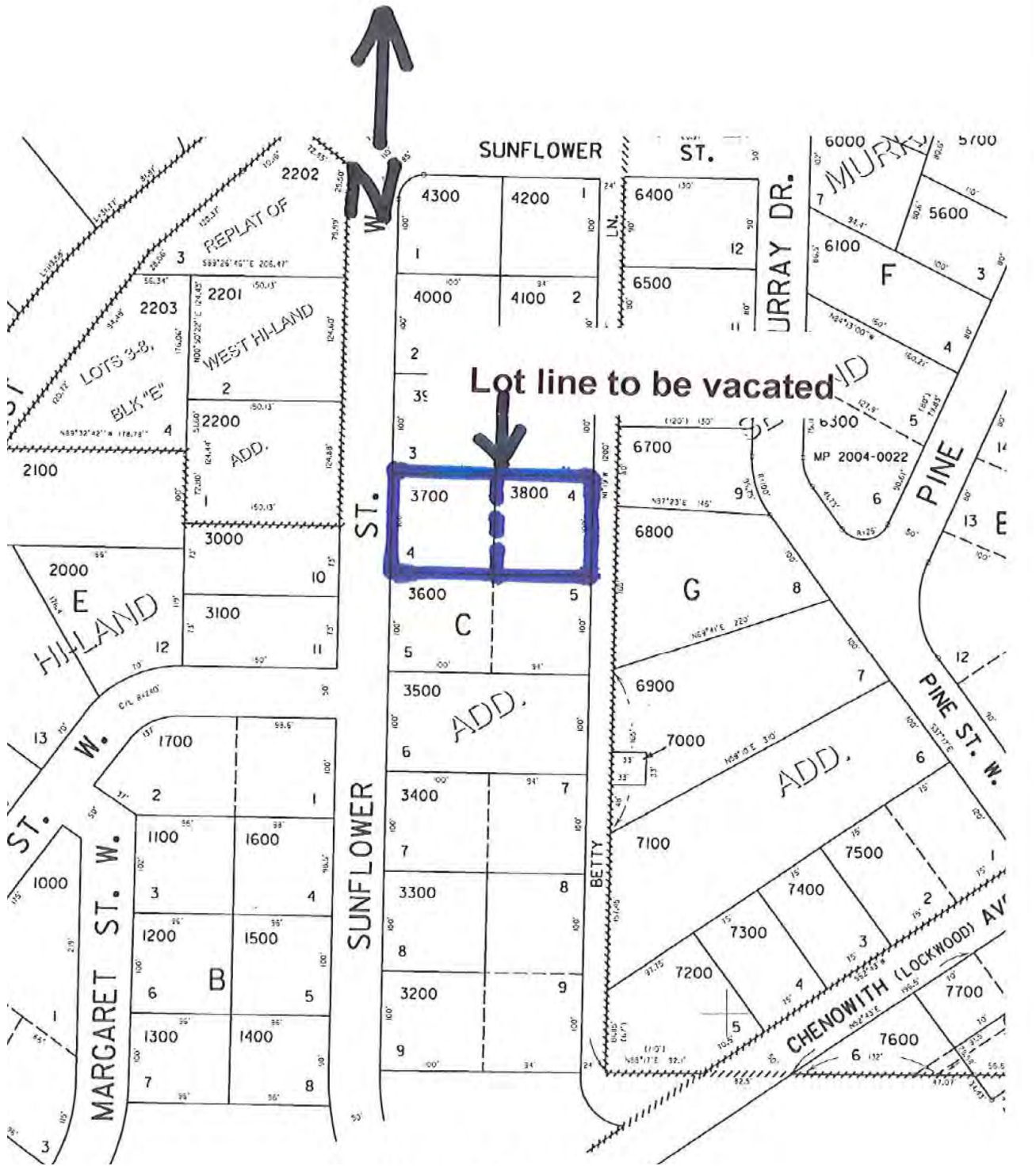
- 368.326 Purpose of vacation proceedings; limitation
- 368.331 Limitation on use of vacation proceedings to eliminate access
- 368.341 Initiation of vacation proceedings; requirements for resolution or petition; fees
- 368.351 Vacation without hearing
- 368.356 Order and costs in vacation proceedings

II. BACKGROUND

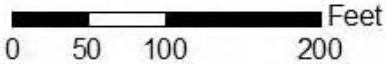
- A. Legal Parcel:** The subject subdivision lots are described as the E ½ of Lot 4, Block C, West Hi-Land Addition Subdivision, and the W ½ of Lot 4, Block C, West Hi-Land Addition Subdivision. West Hi-Land Subdivision is a valid subdivision. It was recorded with the Wasco County Clerk on November 18, 1964. In 1972, Lot 4 was divided into two lots by deed (3700 = Warranty Deed 72-1548, recorded with the County Clerk on July 10, 1972; 3800 = Warranty Deed 72-2493, recorded with the County November 15, 1972). The two lots are considered to be legal separate lots because they were divided prior to the existence of partition regulations in Wasco County (9/4/1974).
- B. Site Description:** The subject lots are located approximately 1 mile southwest of the City of The Dalles. There are no existing structures on the property. Slopes average 14% east-facing. Each lot contains at least one tree, but is primarily maintained as mowed natural grass.
- C. Surrounding Land Use:** All surrounding lots are located in the residential area commonly referred to as “Murray’s Addition.” All lots front either Sunflower Street or Murray Drive W, and are developed as residential use. Surrounding slopes are similar to the subject property. Some surrounding properties are well wooded with trees while others contain no vegetation except for natural grass. There are no resource uses within 700 feet of the subject lots.
- D. Land Use History:** Planning Department records show no land use records for the subject lots.
- E. Statutory Authority:** Oregon Revised Statutes 368.326 to 368.366 allows a county governing body to vacate interior subdivision lot lines through a defined process and without a public hearing if certain conditions are met. This process does not constitute a land use regulation or land use decision. This means that the traditional land use requirements related to procedure, public involvement, and notification do not apply to lot line vacations processed under these referenced statutes.

F. Maps:



Map 1 – Shows West Hi-Land Addition



Map 2 – Shows the approximate location of the subject lots overlaid on an aerial photo of the vicinity



Legend

-  Taxlots
-  Klampe

III. FINDINGS OF FACT

Oregon Revised Statute (ORS) 368.326 to 368.366

368.326 Purpose of vacation proceedings; limitation.

ORS 368.326 to 368.366 establish vacation procedures by which a county governing body may vacate a subdivision, part of a subdivision, a public road, a trail, a public easement, public square or any other public property or public interest in property under the jurisdiction of the county governing body. The vacation procedures under ORS 368.326 to 368.366:

- (1) Shall not be used by the county governing body to vacate property or an interest in property that is within a city.*
- (2) Are an alternative method to the method established under ORS chapter 92 for the vacation of a subdivision.*

FINDING: The owner is requesting the vacation of a subdivision lot line. The subject lot line is located between the east and west halves of Lot 4, Block C, West Hi-Land Addition, west of the City of The Dalles, Oregon, in the area commonly referred to as "Murray's Addition." These subdivisions lots are not within an incorporated city.

368.331 Limitation on use of vacation proceedings to eliminate access.

A county governing body shall not vacate public lands under ORS 368.326 to 368.366 if the vacation would deprive an owner of a recorded property right of access necessary for the exercise of that property right unless the county governing body has the consent of the owner.

FINDING: Deeds 95-5055 and 95-2267 show the subdivision lots are both owned by Darrell and Analea Klampe. The western lot, tax lot 3700 has direct access onto Sunflower Street W. Tax lot 3800 has legal access onto Betty Lane, an undeveloped road. The proposed lot line vacation will consolidate the two lots, which will provide direct access to Sunflower Street W. Therefore, the property line vacation will not deprive any owner of a recorded property right of access.

368.341 Initiation of vacation proceedings; requirements for resolution or petition; fees.

- (1) A county governing body may initiate proceedings to vacate property under ORS 368.326 to 368.366 if:*
 - (a) The county governing body adopts a resolution meeting the requirements of this section;*
 - (b) The person who holds title to property files with the county governing body a petition meeting the requirements of this section and requesting that the property be vacated;*
or
 - (c) The owner of property abutting public property files with the county governing body a petition meeting the requirements of this section and requesting vacation of the public property that abuts the property owned by the person.*

FINDING: Owners Darrell and Analea Klampe hold title to the subject lots, as provided by the deed (Warranty Deed 95-5055. The owners have filed an application meeting the requirements of this section and requesting that the property line be vacated. Subsection (c) is not applicable to this request.

- (2) A county governing body adopting a resolution under this section shall include the following in the resolution:
 - (a) A declaration of intent to vacate property;
 - (b) A description of the property proposed to be vacated; and
 - (c) A statement of the reasons for the proposed vacation.

FINDING: Any resolution (Order) adopted by the Wasco County Board of Commissioners must include the information listed above.

- (3) Any person filing a petition under this section shall include the following in the petition:
 - (a) A description of the property proposed to be vacated;
 - (b) A statement of the reasons for requesting the vacation;
 - (c) The names and addresses of all persons holding any recorded interest in the property proposed to be vacated;
 - (***)
 - (f) Signatures, acknowledged by a person authorized to take acknowledgments of deeds, of either owners of 60 percent of the land abutting the property proposed to be vacated or 60 percent of the owners of land abutting the property proposed to be vacated; and
 - (g) If the petition is for vacation of property that will be redivided in any manner, a subdivision plan or partitioning plan showing the proposed redivision.

FINDING: The Klampes submitted an application describing the property as the East half of Lot 4, and the West half of Lot 4 of Block C, West Hi-Land Addition Subdivision. More specifically described as:

	<u>Map & Taxlot</u>	<u>Acct#</u>	<u>Acres</u>
E ½ Lot 4	2N 13E 30BD 3700	2417	0.23
W ½ Lot 4	2N 13E 30BD 3800	2427	0.21

The application states that the reason for the vacation is to create a larger lot for future residential purposes. This subdivision is not served by public sewer, and typically requires two subdivision lots to accommodate residential development. One lot generally contains the home, and the second lot generally contains the subsurface septic disposal system and an area for a replacement drainfield. Consolidation of the two lots will allow all development to be contained on the same legal lot. It will also allow the developer to more easily comply with zoning regulations, including use and setback standards. Per Wasco County deed records, Darrell and Analea Klampe are the sole owners of land abutting the proposed lot line vacation, and they submitted a signed and notarized petition for the lot line vacation along with the application which includes their address. No further division of the property will be allowed because the consolidated lot will not meet the minimum property size standard for the zone provided in the Wasco County NSA-LUDO and the Columbia River Gorge National Scenic Area Management Plan.

- (4) The county governing body may require a fee for the filing of a petition under this section.

FINDING: Per the Wasco County Planning Department fee schedule, a fee of \$1,000 was collected with the application for the lot line vacation.

368.351 Vacation without hearing.

A county governing body may make a determination about a vacation of property under ORS 368.326 to 368.366 without complying with ORS 368.346 if the proceedings for vacation were initiated by a petition under ORS 368.341 that indicates the owners' approval of the proposed vacation and that contains the acknowledged signatures of owners of 100 percent of private property proposed to be vacated and acknowledged signatures of owners of 100 percent of property abutting public property proposed to be vacated and either:

- (1) The county road official files with the county governing body a written report that contains the county road official's assessment that any vacation of public property is in the public interest; or*
- (2) The planning director of the county files a written report with the county governing body in which the planning director, upon review, finds that an interior lot line vacation affecting private property complies with applicable land use regulations and facilitates development of the property subject to interior lot line vacation.*

FINDING: The owners have submitted a petition with acknowledged signatures of 100% of private property proposed to be vacated. This Staff Report serves as the Planning Director's written report to the county governing body.

Staff finds that the proposed lot line vacation will facilitate development of the property by increasing the area available for development. Under the current lot configuration, placing all development on one lot is not feasible due to lot size, setback standards, and poor soils to place a septic system. The proposed lot line vacation will also increase conformity with the minimum lot size requirement in the R-R(1), Rural Residential – 1 Acre Zone.

Therefore, Staff finds that consideration and determination of the proposed lot line vacation can proceed without a hearing.

368.356 Order and costs in vacation proceedings.

- (1) After considering matters presented under ORS 368.346 or 368.351, a county governing body shall determine whether vacation of the property is in the public interest and shall enter an order or resolution granting or denying the vacation of the property under ORS 368.326 to 368.366.*
- (2) An order or resolution entered under this section shall:
 - (a) State whether the property is vacated;*
 - (b) Describe the exact location of any property vacated;*
 - (c) Establish the amounts of any costs resulting from an approved vacation and determine persons liable for payment of the costs;*
 - (d) Direct any persons liable for payment of costs to pay the amounts of costs established; and*
 - (e) If a plat is vacated, direct the county surveyor to mark the plat as provided under ORS 271.230.**
- (3) When an order or resolution under this section becomes final, the county governing body shall cause the order to be recorded with the county clerk and cause copies of the order to be filed with the county surveyor and the county assessor. The order or resolution is effective when the order or resolution is filed under this subsection.*
- (4) Any person who does not pay costs as directed by an order under this section is liable for those costs.*

FINDING: With a **condition**, the request complies with ORS 368.356. The Resolution granting or denying the proposed lot line vacation shall be recorded with the Wasco County Clerk and filed with the Wasco County Assessor. Staff has notified the Wasco County Surveyor of the

petition on September 28, 2015, and the Surveyor confirmed in person on the same date that he is aware of requirements associated with processing and documenting an approved lot line vacation. Staff also recommends a **condition** that the Wasco County Surveyor mark the plat as provided under ORS 271.230.

IN THE BOARD OF COUNTY COMMISSIONERS
OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF ACCEPTING VACATION OF)
AN INTERIOR LOT LINE BETWEEN THE E ½)
AND W ½ OF LOT 4, BLOCK C, WEST HI-LAND) ORDER
ADDITION, AND ADOPTING FINDINGS OF FACT) #15-082
AND ADOPTING FINDINGS OF FACT)
CONTAINED IN PLALLV-15-07-0002)

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Board of County Commissioners being present; and

IT APPEARING TO THE BOARD: On July 7, 2015, a petition was received from Darrell Klampe to vacate an interior subdivision lot line between the east and west halves of Lot 4, Block C, West Hi-Land Addition Subdivision; and

IT FURTHER APPEARING TO THE BOARD: The petition complies with the applicable provisions of ORS 368.326 to 368.356. Furthermore, the petition complies with ORS 368.351, which provides for the vacation of property without a public hearing, because 100 percent of the owners of private property to be vacated submitted acknowledged signatures on the subject petition and the Planning Director

has filed a written report that the request complies with applicable land use regulations and facilitates development of the subject property; and

IT FURTHER APPEARING TO THE BOARD: Attached hereto, and by this reference made a part hereof, is a map marked Exhibit A, which shows in detail the lot line to be vacated; and

IT FURTHER APPEARING TO THE BOARD: The lot line vacation will facilitate the construction of future residential improvements; and

IT FURTHER APPEARING TO THE BOARD: There are no known utilities within the proposed vacation and no property will be denied legal access by this vacation; and

IT FURTHER APPEARING TO THE BOARD: That the Wasco County Board of County Commissioners met at the hour of 10:25 a.m. on Wednesday, October 7, 2015, in the Wasco County Courthouse, Room 302, in The Dalles, Oregon, for a review of the Applicant's petition to vacate an interior subdivision lot line. The Commissioners reviewed the record, heard the Staff recommendation, and then voted 3 - 0 to approve the petition.

NOW, THEREFORE, IT IS HEREBY ORDERED: That the petition to vacate the interior subdivision lot line is hereby approved, and the Wasco County Surveyor shall mark the plat as provided under ORS 271.230; and

IT IS HEREBY ORDERED: That in support of this action, the Board hereby adopts the Conditions and Findings of Fact contained in Staff Report PLALLV-15-07-0002; and

IT IS HEREBY ORDERED: This order shall be recorded with the Wasco County Clerk and filed with the Wasco County Assessor.

SIGNED this 7th day of October, 2015.

WASCO COUNTY BOARD
OF COMMISSIONERS

Scott C. Hege, Commission Chair

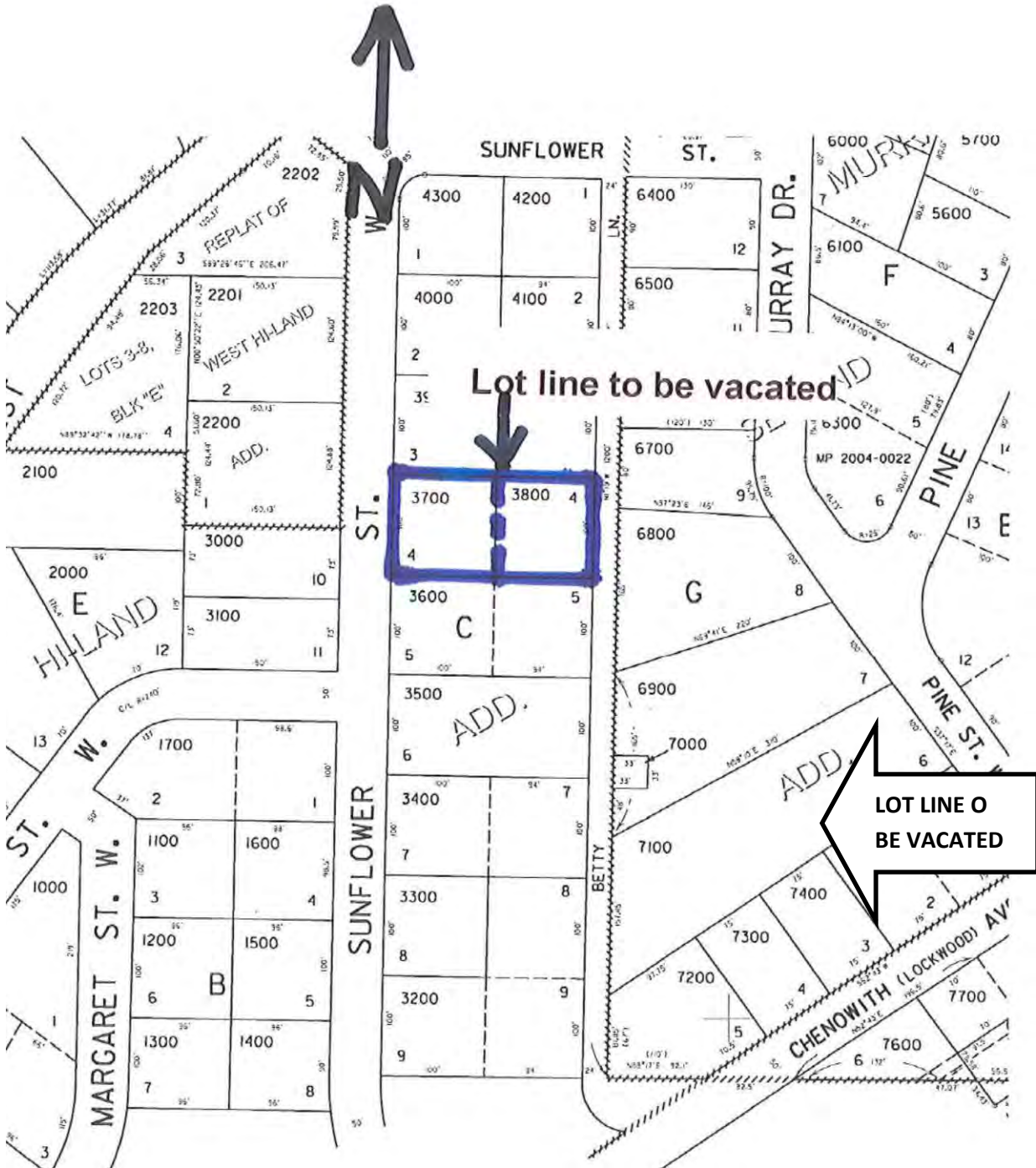
Rod L. Runyon, County Commissioner

Steven D. Kramer, County Commissioner

APPROVED AS TO FORM:

Kristen Campbell
Wasco County Counsel

EXHIBIT A
LOT LINE TO BE VACATED



Agenda Item

State Marijuana Laws

- [No Documents Have Been Submitted for This Item](#)
[– RETURN TO AGENDA](#)

Agenda Item

Executive Session

- [No Documents Have Been Submitted for This Item](#)
[– RETURN TO AGENDA](#)

BOARD OF COMMISSIONERS PRESENTATION: October 7, 2015
PLALLV-15-07-0002 (Darrell Klampe)

Thank you. For the record, my name is Dawn Baird and I am an Associate Planner for the Wasco County Planning Department. I am going to present the background information in this case.

1. **Request:** The request is for a Lot Line Vacation to consolidate two legal lots into one legal lot in West Hi-Land Addition, approximately one mile southwest of The Dalles in the area commonly referred to as "Murray's Addition." *The subject property is more specifically identified as Block C, Lot 4, E½ and W½, of West Hi-Land Addition Subdivision, and it is located within the Columbia River Gorge National Scenic Area.* As the Chair indicated, today we will be discussing a request by Darrell Klampe to consolidate two legal lots into one legal lot.
2. **Criteria:** Wasco County National Scenic Area Land Use & Development Ordinance, Chapter 2 – Development Approval Procedures establishes the Board of Commissioners as the decision-making body in our County within the National Scenic Area boundary. There are no criteria within Wasco County's NSA-LUDO to address the requested Lot Line Vacation, so staff turns to State law for guidance.

Oregon Revised Statute (ORS) applies to the requested Lot Line Vacation:

- 368.326 Purpose of vacation proceedings; limitation
- 368.331 Limitation on use of vacation proceedings to eliminate access
- 368.341 Initiation of vacation proceedings; requirements for resolution or petition; fees
- 368.351 Vacation without hearing
- 368.356 Order and costs in vacation proceedings

Staff prepared a report for the Board of Commissioners which was available one week prior to this meeting. A copy was mailed to the applicant.

Murray's Addition is located outside the City Limits and Urban Growth Boundary of The Dalles. The land was subdivided in the 1950s and many workers on The Dalles Dam built homes in this area on urban density lots, many containing 5,000-10,000 square feet. Public water is available to the area, but there is no City sewer or storm water drainage in Murray's Addition. Due to septic concerns in this area, it typically requires two subdivision lots to develop a homesite to ensure there is room for buildings, the septic system, and a replacement drainfield area. Some people do not consolidate the two lots, but create a septic easement on the vacant lot in case the drainfield system fails, and a new one must be installed.

Mr. Klampe would prefer to consolidate the lots rather than create an easement, so he submitted an application for the Lot Line Vacation.

3. **Findings:**

All applicable standards are addressed in the staff report provided to the Commission. Based on these findings, it appears to staff that the request is consistent with all applicable County and State laws. If any additional findings, or corrections to recommended findings are proposed by the Board of Commissioners, staff will add them to the staff report and they will be contained in the report.

4. **Board of Commissioner Decision Options:** The Board has the following options in this matter:
 - a. Approve the Lot Line Vacation to consolidate two legal lots into one legal lot, with the recommended findings in the staff report; or

- b. Approve the Lot Line Vacation to consolidate two legal lots into one legal lot, with amended findings provided by the Board of Commissioners; or
- c. Deny the Lot Line Vacation to consolidate two legal lots into one legal lot, with the amended findings of fact provided by the Board of Commissioners.

Staff recommends Option A, with the recommended findings provided by staff.

Staff is not aware of any reason to continue this public hearing and believes the Board of Commissioners has sufficient information to make a decision on this request.

That concludes my presentation and I would be glad to answer any questions the Commission may have.