

**WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION / AGENDA WEDNESDAY, NOVEMBER 4, 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
- [Discussion Items](#) (Items of general Commission discussion, not otherwise listed on the Agenda) [Reserve Transfer](#), [Wasco County Forest Collaborative Appointment](#), [LPSCC Appointment](#)
- [Consent Agenda](#) (Items of a routine nature: minutes, documents, items previously discussed.) [Minutes: 10.21.2015 Regular Session](#)

9:30 a.m.      [Lot Line Vacation](#) – Patricia Neighbor

9:45 a.m.      [Historic Columbia Gorge Highway Centennial Celebration](#) – Judy Davis

9:55 a.m.      [Solid Waste Advisory Committee Rate Increase Recommendations](#) – Vern Harpole

10:05 a.m.      [MCEDD Membership](#) – Amanda Hoey

10:25 a.m.      [Building Codes](#) – Lisa Gambee

10:55 a.m.      [State Marijuana Laws](#) – Angie Brewer

BREAK

*The following Public Hearing will be held at the Dufur School Cafeteria - 802 NE 5<sup>th</sup> St, Dufur, OR 97021*

5:30 p.m.      [What the Festival Outdoor Mass Gathering Permit Application Hearing](#) – Dustin Nilsen

**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  
NOVEMBER 4, 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 following items to the Discussion List:

- Wasco Electric Cooperative Ballot
- Wasco County Forest Collaborative letter of support for OWEB grant
- Emergency Management Program Grant Contract 15-533

**Public Comment – District Attorney & Executive Sessions**

Wayne Lease commented that he is discouraged about the District Attorney who should have an interest in representing the people and should step up to do so.

As a separate issue, Mr. Lease went on to comment that executive sessions are an important part of governing and some honor has to be shown to that process; it is great for people to want to be involved but they need to allow government to work. He stated that if there are issues that need to be addressed in executive session, the Board should be able to do that.



#### **Staff Introduction –Human Resources Manager**

Mr. Stone introduced Paula Brunt, newly hired Human Resources Manager, who is located in Office 206. He said that we are looking forward to great things! Ms. Brunt responded that she is happy to be here. She has lived in the area for 15 years and most recently worked in Multnomah County; before that she worked at the North Wasco County School District. The Commissioners welcomed her aboard.

#### **Discussion List – Reserve Transfer**

County Assessor Jill Amery reported that County Counsel had been consulted on language to affect the transfer of funds into a reserve account in response to the ongoing Comcast tax appeal which will impact the Charter Communications taxation calculations. She said that her office is satisfied with the order in today's packet.

Assessor Consultant Tom Linhares noted that the chart presented at the last session had an error which has been corrected and submitted in today's packet; the original contained the undisputed amount of taxes; it should have been the disputed amount. He stated that although the new calculation increases the possible liability, the Assessor's Office is still comfortable that the recommended \$75,000 is an adequate reserve amount.

Commissioner Kramer thanked them for the extra time they took to ensure the appropriate language is in place.

**{{{Commissioner Kramer moved to approve Order 15-134 setting aside \$75,000 in the Reserve Fund for the Charter Communications Appeal. Commissioner Runyon seconded the motion which passed unanimously.}}}**

#### **Discussion List – Forest Collaborative Appointment**

Commissioner Kramer announced that BARK has come forward to serve as the environmentalist voice on the Wasco County Forest Collaborative Group Steering Committee. He explained that BARK asked that the entity be appointed rather than a specific staff member. The broad appointment will allow them some flexibility as to which staff member attends a meeting; they will base the representation upon the current project to provide the appropriate expertise.

**{{{Commissioner Kramer moved to approve Order 15-136 appointing a BARK representative to the Wasco County Forest Collaborative Group Steering**



Committee. Commissioner Runyon seconded the motion which passed unanimously.}}}

**Discussion List – Emergency Management Performance Grant Contract**

Emergency Manager Kristy Beachamp explained that this is a standing, annual grant for the Emergency Management Program. She stated that it is a 50/50 match; nothing has changed from last year and it has already been approved through the budget process.

Chair Hege noted that the cities of The Dalles, Mosier and Dufur help to fund the program. He asked about the cities of Antelope and Shaniko. Ms. Beachamp stated that although they have previously been invited to join the program she has not recently contacted them; they probably cannot afford to participate.

Chair Hege asked if we do anything to help them in this area. Ms. Beachamp said that they can use the County Emergency Plan; if they want to have a plan that is specific to their municipality, their contribution to the program would fund that work.

**{{{Commissioner Runyon moved to approve Oregon Military Department, Office of Emergency Management, Emergency Management Performance Grant, DFDA #97.042 Wasco County \$39,000, Grant #15-533. Commissioner Kramer seconded the motion which passed unanimously.}}}**

**Discussion List – LPSCC Appointment**

Ms. White explained that the recently retired Director of the Northern Wasco Corrections facility had served in an at-large position on the Local Public Safety Coordinating Council. The Council feels that is a valuable voice and would like to have the new Director, Bryan Brandenburg, appointed to fill that position. Mr. Brandenburg has agreed to accept an appointment to serve on the Council.

**{{{Commissioner Runyon moved to approve Order 15-107 appointing Bryan Brandenburg to the Local Public Safety Coordinating Council. Commissioner Kramer seconded the motion which passed unanimously.}}}**

**Discussion List – Forest Collaborative OWEB Grant Letter of Support**

Commissioner Kramer explained that Oregon Watershed Enhancement Board is where the State houses funding for the Forest Collaboratives; OWEB will review the



applications and administer the grants. This letter will support the WCFCG grant application.

Chair Hege asked what the amount of the grant is expected to be. Commissioner Kramer replied that it is not known; the Collaborative estimated their need to be \$50,000 – a number arrived at through discussions with Regional Solutions and other collaborative groups around the state.

**\*\*\*The Board was in consensus to sign the letter of support for the Wasco County Forest Collaborative Group's OWEB grant application.\*\*\***

#### **Discussion List – Wasco Electric Cooperative Ballot**

Ms. White explained that this is a ballot for district seats on the Wasco Electric Cooperative Board of Directors; as a customer, the County is a voting member of the Cooperative. Commissioner Kramer recommended Bob Hammel for District 1, Lowell Forman for District 2 and Jeff Burgener for District 3. Commissioner Kramer stated that all three are active members of their communities and will provide good representation on the Board.

**{{{Commissioner Runyon moved to cast the County votes for the Wasco Electric Cooperative Board of Directors as recommended by Commissioner Kramer: Bob Hammel for District 1, Lowell Forman for District 2 and Jeff Burgener for District 3. Commissioner Kramer seconded the motion which passed unanimously.}}}**

#### **Consent Agenda – 10.21.2015 BOCC Regular Session Minutes**

Ms. White explained that Commissioner Kramer had contacted her to let her know that the first paragraph under the ODFW Gray Wolf Delisting item in the 10.21.2015 minutes noted that the Fish and Wildlife Commission is advisory to the Oregon Department of Fish and Wildlife which is not accurate. She said that she has removed that reference from the minutes.

**{{{Commissioner Kramer moved to approve the Consent Agenda with the noted correction to the 10.21.2015 minutes. Commissioner Runyon seconded the motion which passed unanimously.}}}**

#### **Departments – Assessor's Office**

Ms. Amery reported that tax bills went out on October 16<sup>th</sup> – payments that are



mailed go to US Bank in Portland and a daily file is sent to the County. She reported that previously, at this time of year, there would be boxes of mail in the office – everyone would have to stop what they were doing to go through the mail. She stated that from the 16<sup>th</sup> through the end of October, \$4.6 million has been deposited in the bank which is significantly more than this time last year. She pointed out that the staff is now more available and able to provide better service; the accuracy and efficiency has been amazing.

Chair Hege asked if people are still coming in to pay in person. Ms. Amery replied that they are and her office will always be available for those who want to pay in person.

#### **Agenda Item – Lot Line Vacation**

At 9:25 a.m. Chair Hege opened a public hearing to consider an application for a lot line vacation for Robert and Meredith Berkovich – PLALLV-15-05-0001. The Oregon Revised Statutes 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 is not a land use decision.

Chair Hege explained that the process will be:

- Review staff report presented by Staff
- Hear those who wish to speak in favor of the application
- Hear those who wish to in opposition of the application
- Close the hearing for questions, deliberations and a decision

Associate Planner Patricia Neighbor reviewed the staff report included in the packet. She noted that the process for this is the same as a street vacation; it will be recorded at the office of the County Clerk. She explained that the Board can approve the application with the findings and conditions, approve with additional findings, deny the application and show that it does not comply with statute or LUDO or continue the hearing to a date and time certain. She stated that Planning recommends approval with the outlined findings and conditions.

Chair Hege noted that the applicant is not present and asked if there is anyone wishing to speak in favor of the application. There were none. He asked if there is anyone wishing to speak in opposition to the application. There were none.



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
NOVEMBER 4, 2015  
PAGE 6

Chair Hege closed the hearing at 9:32 a.m. and opened deliberations.

Commissioner Runyon asked if the applicants are aware of the barn on the property and that it may not meet code. Ms. Neighbor replied that she has spoken to them about it more than once; they are aware that it may go over the western property line and it is an issue.

**{{{Commissioner Kramer moved to approve Order 15-137 accepting vacation of an interior lot line between Lot 1 and Lot 2, Mill Creek Wayside subdivision, and adopting findings of fact contained in PLALLV-15-05-0001. Commissioner Runyon seconded the motion which passed unanimously.}}}**

Chair Hege stated that the notice of this decision will be forwarded to affected agencies, adjacent property owners, and those awarded by party status. Appeal deadlines and procedures will be detailed in the Notice of Decision.

Planning Director Angie Brewer announced that the Planning Department is in the process of trying to fill four vacant positions and have begun interviews for three of the four. One of the four positions will be shared with Household Hazardous Waste. She said that they have so many qualified applicants for the associate planner position that it is taking some time to move through that process. She added that staff is also working on manuals.

Ms. Brewer went on to say that Planning staff has been in mandatory overtime for thirty days and have made progress; they will continue in overtime for the next two weeks which should get everything in place to avoid missing time lines.

Commissioner Runyon noted that all of the positions being filled were budgeted and we are just now getting to the hiring stage.

Chair Hege asked if they have good candidates for the other positions. Ms. Brewer replied that they did; however, they are seeking more applicants for the shared position. She added that they are working with Facilities to find space for the new employees.

The Board asked if there is anything to report regarding the recent codes violation case. Ms. Brewer replied that they have made some progress and the Codes Compliance Officer will continue to monitor the situation.



**Agenda Item – Historic Columbia Gorge Highway Centennial  
Celebration**

Judy Davis and Francie Royce, Wasco County representatives on the Historic Columbia Gorge Highway Advisory Committee, stated that they are here to update the Board on the status of the work being done on the Historic Highway. They provided the Board with a map (attached) outlining the sections of the highway still needing work. They noted that one section of the work is not yet funded but once it is completed, cyclists will be able to ride all the way to The Dalles.

Ms. Davis said that the centennial celebration will be held on June 6, 2016 supported by the Discovery Center, Chambers of Commerce and communities along the Highway. The kick-off will be at Multnomah Falls. She said that other events will take place to tie in with the celebration. She said they are here asking for Wasco County's support with a resolution.

**{{{Commissioner Kramer moved to approve Resolution 15-013 supporting the Historic Columbia River Highway's 2016 Centennial Celebration.  
Commissioner Runyon seconded the motion which passed unanimously.}}}**

**Agenda Item – Solid Waste Advisory Committee (SWAC) Rate Increase  
Recommendations**

Public Health Officer and SWAC Chair Dr. Vern Harpole reported that SWAC had met to discuss the rate increase using the CPI required in the agreements. He noted that the DEQ will be raising their rates considerably over the next year and he anticipates that an additional increase above what is calculated through the CPI formula will be needed for next year's increase.

Dr. Harpole went on to say that the site manager for the Landfill is currently a voting member of SWAC which creates a conflict. He said that the Committee recommends changing that to a non-voting position on the committee. He added that it is not clear how the County Health Officer became a part of the Committee but it is probably not necessary. He pointed out that the Health Officer's hours will be cut in half at the end of the year. He said that they would recommend language that the lead should be Household Hazardous Waste or whomever the County deems appropriate. He added that they would like to get more citizen involvement; although the public is welcome and there are positions for citizens on the Committee, they have never had a citizen attend. Dr. Harpole continued by saying that there are other items in the



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
NOVEMBER 4, 2015  
PAGE 8

agreements that should be addressed.

Chair Hege asked who currently serves on SWAC. Dr. Harpole replied that the Environmental Health Specialist, City Manager for The Dalles, Mayor of Maupin and two citizens – however, the citizens never attend.

Chair Hege asked if they would be coming back with language in the future. Environmental Health Specialist John Zalaznick replied that they are looking at the ordinance – there is a lot of work to be done there and with the licensing agreement – they are 20 years old and need to be revised. He said that it is hard finding time to dedicate to that work.

Commissioner Kramer thanked them for the work they have done and agreed that the documents need to be updated. He said that the work will go forward on that.

Chair Hege asked if there is some question on the CPI formula. Mr. Stone replied that he had not seen a specific set of parameters for the CPI; there are a variety of criteria that can be used to determine the CPI. He said he just wanted to understand how that was chosen. Mr. Zalaznick replied that he believes it is set out in one of the founding documents; he said that he would locate and provide it to the Board. Dr. Harpole added that the parameters used were those the SWAC felt most closely represented the region.

**{{{Commissioner Kramer moved to approve Resolution 15-014 in the matter of approving rate increases for the Wasco County Landfill. Commissioner Runyon seconded the motion which passed unanimously.}}}**

**{{{Commissioner Kramer moved to approve Resolution 15-015 in the matter of approving rate increases for the Waste Connections. Commissioner Runyon seconded the motion which passed unanimously.}}}**

Erwin Swetnam said that he wants to streamline the process for next year so that the DEQ increases can be included in the annual increase and not have to bring it to the Board separately.

Chair Hege asked the status of recycling for the southern part of Wasco County. Commissioner Kramer replied that he and Mr. Swetnam have been having conversations with the Mayor of Maupin, Frank Kay. He added that just yesterday there was a subcommittee meeting; there is a possible solution for the Tygh Valley depot.



Chair Hege called for a recess at 10:08 a.m.

The session reconvened at 10:12 a.m.

**Agenda Item – Mid-Columbia Economic Development District  
(MCEDD) Membership**

MCEDD Executive Director Amanda Hoey announced that they have received a request from Gilliam and Wheeler counties to become members of MCEDD. She said that currently MCEDD membership includes Oregon counties - Sherman, Wasco, and Hood River – and Washington counties - Skamania and Klickitat. She explained that Gilliam and Wheeler counties believe that their needs more closely align with MCEDD than with the Greater Eastern Oregon Development Corporation to which they currently belong. She reported that she has already contacted all the other members of MCEDD who have responded positively to the request. She added that the additional counties would increase the size of the MCEDD board and change its make-up.

Commissioner Runyon stated that he is concerned that MCEDD staffing will be stretched too thinly. He asked how large the Board would become with the additional membership. Ms. Hoey replied that it is currently a 21-member board and would grow to 27 members with the addition of Gilliam and Wheeler Counties. She added that Gilliam and Wheeler Counties are proposing that they hire staff as an interface with MCEDD. She noted that both Counties have their own loan fund programs; Gilliam may contract with MCEDD for management of the funds.

Ms. Hoey stated that MCEDD is proposing a modified version of the number of seats but it would be an odd number. She went on to say that it is the executive board that does most of the day to day work; that board currently has 9 members and would go to 11. She reported that Hood River also expressed concern about the size of the MCEDD Board.

Chair Hege asked if all of the private sector positions are required. Ms. Hoey replied affirmatively saying that they designate those positions in industry clusters and hope to expand that with the additional positions. She said that transportation issues are a concern for both Gilliam and Wheeler County.

Commissioner Runyon added that the Port is also a concern for Gilliam County; they better align with MCEDD in that area as well. He pointed out that the MCEDD



Board is already huge.

The Board was in consensus that their only concern in adding Gilliam and Wheeler Counties to MCEDD is the growing size of the MCEDD Board.

#### **Agenda Item – Building Codes**

County Clerk Lisa Gambée explained that a cross-functional team has spent many hours working to develop the report included in the packet – Tyler Stone, Angie Brewer, Taner Elliot and Paul Ferguson, with Kary Holloway providing research on private firms. Chair Hege stated that it is an impressive amount of work in a short span of time.

Mr. Stone pointed out that this is outside the realm of County Clerk duties and is an indication of a change in culture; we are using cross-functional teams to tackle large projects . . . had anyone person been tasked with this, it could not have been done.

Ms. Gambée reviewed the report noting that the team members were tasked with different pieces to bring back to the group for discussion. She stated that the underlying vision was what a great building codes department would look like in Wasco County – better use of technology, one-stop shopping, etc. She reported that a previous group had identified what is and is not working; the team reviewed their work. She explained that the vision for the best program possible is what drove the analysis and they looked at the models that were most realistic, creating criteria in order to be able to evaluate models objectively.

Ms. Gambée went on to review the criteria and the results of the evaluations for the four models being considered:

- Current services provided by MCCOG
- Enhanced MCCOG services
- Contracting with an outside firm
- Bring services in-house and combining them with the Planning Department

Ms. Gambée explained that the criteria were each given equal weight; the Board may decide that some are more important than others – if so, they will have to be re-evaluated based on that information.

WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
NOVEMBER 4, 2015  
PAGE 11

Commissioner Kramer said that he would like to hear from the trades on this subject. Chair Hege noted that this is just rolling out – no one has had a long time to think about the information. He said he anticipates that there will be a gathering in the future to have a more in-depth discussion. He stated that his goal is to get the report out, hear from the project team and go from there.

Mr. Ferguson stated that it is important to realize that the team's time was limited and there may be more information that could be used. He said that the service that is currently being given may be good service but there are issues that have been raised; those issues were used to help determine the criteria against which the four models were assessed. He stated that the team was thorough and continued to confirm that the agreed-upon criteria were being used as the models were evaluated. He went on to say that the team tried to ensure fair ratings, comparing to the vision rather than the current service.

Mr. Stone added that everyone in the room will have a different interpretation of the criteria; the team worked on how to interpret them. Others may have a different view; it is a working document.

Ms. Brewer stated that the team felt it important to look at the long term implications, recognizing that any transition will be complex and implementation will require an investment.

Mr. Elliot said that when the team put the models together, there was a different aspect to each to attain the vision. He said that we are here today, in the interim, to address the transparency issue and create a vision that the County, contractors and end-users may want. Mr. Stone agreed saying that the most important thing that came out of this work is the vision of what could be. He encouraged everyone to take some time to understand the vision.

Ms. Gambec echoed Mr. Stone's statements saying that the team's recommendation has caveats. Based on the limited time and available information there are other considerations even when looking at a County in-house model. She asked the Board to look at the report thoroughly; the team encourages other meetings to get more input. She said that no matter which model is pursued, there will be issues. She added that the team did not have time to look at a transition plan, but that will be necessary.

Mr. Ferguson said that there is always risk – is the vision worth the risk? He said that is for the Board to determine; the team did not consider that and it would be difficult



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
NOVEMBER 4, 2015  
PAGE 12

to quantify. Ms. Gambec reported that the team met over ten times in the month with some meetings lasting as long as 4 hours plus work done by the team members and support staff outside the meetings. The team felt that this was the best product to provide the Board with a solid recommendation.

Chair Hege pointed out that there are other projects underway similar to this one as the County strives to determine if we are doing things efficiently with the highest level of service.

Commissioner Runyon asked if the team has received any other feedback. Ms. Gambec replied that they have requested information from MCCOG and expect a 720 page document from them at some point. She said that some of the numbers used in the report are based on information from the State.

Mr. Stone stated that the team did some modeling on what an in-house department would look like; there are probably seven different ways to do that which is also true for some of the other models. He said we can look at shared services; it would be a complex process. There are a lot of factors in play that can be further addressed.

Commissioner Runyon said that it is important to get this out and he intends to review the report several more times. He said that he would like to hear from the public; while the report was a thirty-day effort, the project is much longer. It is important to examine how we do things to make sure we are doing the best we can – the work done by the team is a good, collaborative effort.

Further discussion ensued regarding the information in the appendices and next steps. Mr. Ferguson observed that Hood River uses Clair Company for a lot of their work and will be completely separate from MCCOG in April.

**\*\*\*The Board was in consensus to schedule a session to hear more from the public regarding Building Codes in Wasco County.\*\*\***

MCCOG Executive Director Bob Francis provided a letter of response (attached) to the Board. He stated that he appreciates the fact that the 30-day rush can create errors and he believes there are errors in the report. He said that he does not see how a non-existent program can be assessed and doing so creates bias. He stated that some of the numbers in the report are wrong; he added that the requested report is 839 pages and he has struggled to make it electronic. He said he would send it as soon as he returns to his office.



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
NOVEMBER 4, 2015  
PAGE 13

Mr. Francis went on to say that the team included only one tradesman and should have included MCCOG, Building Codes and contactors. He said that MCCOG would like to sit on the team. He said that the anecdotal information cannot be substantiated. He criticized planning saying that that is where the long delays occur.

Mr. Francis stated that while the report notes multiple MCCOG requests for rate hikes, there was only one – that misinformation needs to be struck from the report. He agreed that there has been a lack of transparency at MCCOG, saying that there has been a change in that circumstance . . . that is why he was hired. He said that the MCCOG Building Codes program may need some fine tuning but it is not broken. He said we should work together to improve; he fears that if Wasco moves forward with their own Building Codes program, it will be an impediment to development and fiscal sustainability will suffer.

Chair Hege said that there are benefits to integrating Building Codes with Planning which is why other counties do that. He said that there will be more meetings; there is a lot of information to digest and more to hear.

A citizen asked what would happen to the smaller counties using MCCOG for Building Codes. Chair Hege said that right now we are looking at how Wasco County can best serve its citizens. The citizen asked if Wasco County would inspect for the smaller counties. Chair Hege replied that Wasco County does not currently have an agreement with MCCOG which is what pushed this issue forward; there had been internal discussions about the issue. He said that she makes a valid point and he understands the concern. Commissioner Runyon said that it is not off the table; Wasco County could still contract with other counties for services.

Ron Hagen stated that he has been here since the early 1980's; the City of The Dalles tried this. He said that he does not know if a one-stop shop is possible – there is City Planning and Public Works as well as County Planning and Public Works. He noted that the contractors already know the inspectors and their expectations; he cautioned that a change could cause problems – it is a hard job.

Mr. Francis said he would ask that as this is reviewed, MCCOG becomes part of the group or he can make his staff available to provide support to the group. He acknowledged that State law allows for the County to take over Building Codes but he asked that they look at the issue in the long term; another recession will impact services.



Scott Zeigenhagen said that he would like more time to review and comment; he is happy with the current service. He said that requesting multiple inspections at the same time doesn't happen often. He said he would not be in support of too much automation and outside help – you lose the one-on-one relationships. He said that the local inspectors are helpful even on the smaller projects and work after hours to get the job done. He said that the current system works well for him.

Garry Hage asked Chair Hege if he thinks there is a problem. Chair Hege replied that he has been critical of the management of the program and its transparency . . . this is not new, the County has been working on this well before Mr. Francis came to MCCOG. He went on to say that there have not been a lot of helpful changes and that is why he has been pushing the issue – this is a comprehensive look. He said that we have been talking to Hood River to learn why they are moving away from the MCCOG model; what are the benefits they see?

Mr. Hage said he sat on the original committee and resigned. He said he does not think there is anything wrong with building codes; there is something wrong with MCCOG. He said that other members of the original committee also felt as though MCCOG was the problem, not the Building Codes program. He said that they should fix the County first and then look at this; maybe the new director at MCCOG can fix these problems.

Commissioner Runyon stated that he does not think the County has a problem with Building Codes, but rather where it is housed. He said that the County is looking at that to keep the service contractors have come to expect. The County is looking at the whole picture.

Mr. Francis said that people who have a problem with MCCOG can come directly to him.

Commissioner Runyon went on to say that the County looking at things is not a problem. It is why there is a Board of Commissioners – to make sure that we are doing the best we can for the citizens. He said that this will continue; we will get more information and feedback to see what, if anything needs to happen.

Chair Hege said that there will be another meeting. Ms. White encouraged people to sign up on the County website for the agenda notice.



**Agenda Item – State Marijuana Laws**

Ms. Brewer reported that the Planning Commission met last night; she provided them with an update on what has been discussed in Board sessions and a copy of the Clackamas County work-in-progress which will be a good starting point for Wasco County. The Planning Commission does not play a part in whether or not the County opts out; they are looking at time, manner and place ordinance in regard to marijuana.

Ms. Brewer said that January 4<sup>th</sup> is very ambitious to have an ordinance in place and there is likely to be a gap between January 4<sup>th</sup> and the take-effect date of any ordinance. She explained that part of the process for OLCC licensing is to get sign-off from the jurisdictional government – she doesn't know how that timing will be applied to the what rules affect a particular application for Wasco County. She said that as soon as she hears back from State regarding the timelines, she will inform the Board.

Chair Hege said that it is his hope that we can have those rules in place in time; he does not want to create additional problems. Ms. Brewer said that the Planning Commission understands the importance of timing. She reported that they will be holding weekly meetings to get the work done as quickly as possible. She added that this will be a good trial run of the update process for the Land Use Development Ordinance (LUDO). She noted that whatever we put in place now, can be reviewed and modified through the process of the overall LUDO update. She announced that the OLCC guidelines were approved last week but will still need to be approved through the state process.

Ms. Brewer went on to say that the Planning Commission is looking at rural residential and agricultural zones; they are trying to solicit the public to participate in the process. She said that they are getting help from County Counsel for existing buildings. One of the issues is the need for a license to have a qualifying farm plan. She said that if people change from one crop to another, they do not need approval but if they want to build a new building it will be an issue. She said that an important component is making sure to protect our vulnerable populations for the consequences of a decision.

Further discussion ensued regarding the issue of grandfathered uses. Commissioner Runyon noted that this has been pushed out so piecemeal from the State that there are likely to be more things that come up that we are not aware of now. Prevention Coordinator Debby Jones said that the Board has made such a great effort to be responsive; she said she is happy to make herself available to help.



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

Youth Services Director Molly Rogers emphasized the importance of messaging. She said that she has seen six citations in six days for kids. She said that the kids are confused; open communication is important. She said people need to know that marijuana is not legal for kids and it is the parents' responsibility. She stated that growers are willing to help with that message and we need to take advantage of that. She said that law enforcement has been at the middle school consistently over the last 2 weeks – they have even discovered marijuana lip balm. She stressed that we need to be clear in our message.

Chair Hege said that the County can help with the messaging but observed that what the County is doing now is connected but very different. No matter what decision the County makes, it will not affect that circumstance. He said that this involves the production of marijuana; the County is trying to make sure that outside the EFU, conflicts are reduced. He stated that he wants to get the ordinance in place to help people already residing in those areas. He pointed out that the most of the growers want to be regulated. He stated that we are getting to the point that we need to make a decision to or not to opt out so people who want to get it on the ballot can move forward if they choose.

Ms. Jones asked that if enough signatures are gathered will a moratorium go into effect. Chair Hege replied that it does not trigger a moratorium; the petition would just put it on the November ballot. Ms. Brewer added that the information she has is that it is probably not possible to do a temporary moratorium. Ms. Jones said that she thinks it would be good for the City and County to be consistent in decision-making; divergent actions will further the confusion.

City of The Dalles Mayor Steve Lawrence said that the City has been clear that they have no desire to get in the way of the process of what was voted through the State election process. He said he does not believe that the City Council will vote to opt out. He said that another issue is that meth and heroine have been on the rise in The Dalles – law enforcement reports that it is getting in the schools. He said that he does not want to so focus on the marijuana issue that those issues are forgotten. He said that he would be willing to put out a joint statement if that would be helpful. He said that he has asked the City Attorney and Planning Director to look at this issue.

Chair Hege asked if the City has looked at time, manner and place. Mayor Lawrence replied that the City ordinance already prohibits sales within certain distances of residences which eliminates a lot of space for the retail sale of marijuana.



Chair Hege said that a joint message would be useful and the City and County should look at that.

Ms. Jones said eliminating the word “recreational” when talking about marijuana would be a good step. Chair Hege asked Ms. Jones to help with that messaging.

Garrett Booth said that Wasco County voted down the legalization of marijuana; he said that the Board should follow the voters and put the moratorium in place to give citizens the time to consider and the opportunity to vote.

Chair Hege recessed the session at 12:01 p.m.

The session reconvened at 5:30 p.m. in the Dufur School cafeteria.

<b>Agenda Item – What the Festival Outdoor Mass Gathering Application Hearing</b>
---

Chair Hege opened the hearing at 5:30 p.m. for the purpose of considering PLAOMG-15-10-0001: a request for an Outdoor Mass Gathering permit for a music and art festival entitled “What the Festival” June 16-20, 2016 with estimated attendance of 5,000-6,000 and maximum attendance of 7,500.

He announced that the hearing will be open to public testimony and that sign-up sheets are available for those who wish to speak; not signing up does not preclude anyone from speaking. He stated that the Planning Department would present their Staff Report and recommendation to be followed by an opportunity for the applicant to make a presentation. Following presentations, the public will have time to comment after which the applicant can rebut testimony. At the close of testimony, the Board will deliberate and make a motion for approval or denial.

Chair Hege asked if any Commissioners wished to disqualify themselves for any personal or financial interest in this matter. 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 who wished to question the jurisdiction of this body to act on behalf of Wasco County in this matter. There were none.

Chair Hege asked if any Commissioners need to disclose *ex-parte* contacts. There were



none.

Senior Planner Dustin Nilson reviewed his staff report using a slide presentation (attached). He explained that this is not a land use decision but the Planning Department serves as the hub for the application process. He noted that the County exceeds the state requirements set forth in the Administrative Rules by noticing neighbors of the application and hearing. He noted that Oregon law states that counties *shall* issue OMG permits as long as the organizers comply or show the ability to comply with OHA Administrative Rules.

Mr. Nilson completed his review of the Planning Department's report. Elaine Albrich, counsel for the applicant, thanked the staff for their work and coordination efforts with various agencies. She stated that the applicant has provided supplemental information (attached) and will reserve their time to address any new concerns raised during testimony.

Commissioner Runyon asked what the attendance was for last year's event. Ms. Albrich replied that they had 4,016 including staff at last year's event and expect a 15-20% increase this year. She noted that last year they expected 3,200-3,500. Event site owner Glen Boyd noted that this is the festival's fifth year and the response to the event has increased.

Ed Holbrook with Bishop Services said that the organizers of the event do a great job and it is a privilege to work with them.

Charla Koselisky with Dufur Market and the Dufur Chamber of Commerce said that they 100% endorse the WITF event and hope that it continues.

Gabriel Watson said that he has attended the event for three years. He said that as time goes by, what the opposition has to say begins to lose credibility. He said that organizers execute the event well. He stated that he is a fire fighter in the City of Portland; the organizers go to great pains to prevent fires. He said that the staff report clearly demonstrates the work that they do to ensure safety.

Claire Sierra with the Balch Hotel and member of the Chamber of Commerce stated that she is in support of the festival. She reported that they had staff at the Balch Hotel last year and it was a very positive experience; they are excellent to work with. She said that she does not have knowledge of others' conflicts, but she sees it as a very positive event in the County.



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
NOVEMBER 4, 2015  
PAGE 19

Ms. Sierra went on to say that she saw no negative impact on traffic. She has lived in other places with large events and knows it can impact neighbors; in those cases things were done to mitigate that for the neighbors. She said that in terms of what it brings into the County, it is a large positive impact for a short term inconvenience.

Commissioner Kramer observed that he met with Dufur Mayor Robert Wallace who has spoken to several businesses and the chamber – all were in support.

David Whitely stated that he owns property next to the event; they have employed him to thin out their woods to mitigate fire. He said that they do a magnificent job of cleaning up the woods.

Dr. David Wehrly stated that he has the residence physically closest to the event site. He said that his original comments still hold true. He then read a statement (attached).

Jeff Handley said that he is a little for and a little against the event. He stated that it is their right to have a gathering and he would not tell them that they cannot have it; that is why there are laws. He noted that this is a commercial endeavor in the forest zone and the land is not being used for forest or farm; this event is the main income for this property. He said that in the future, he would ask that the Planning Department look at time, place and manner rules that will address some of the issues. He suggested that the County research what other counties have done to see if we can do it better. He said that he has talked to property owners who have given up on coming to meetings as they do not think they are being heard.

Mr. Handley went on to say that two years ago he attended the event for five or six hours; it was run smoothly and well secured. He said he witnessed staff enforcing the smoking restrictions. It was very well run.

Shawn Sorenson said that he has been affected by the noise. He stated that it is clear that the event is well run, but neighbors hear the noise every night. He asked what the limits are on the hours that music is played. Mr. Boyd responded that the main stages end at midnight and they are committed to keeping the noise down. Mr. Sorenson responded that last year was less noise. He asked Chair Hege if a noise ordinance is still a priority for the County.

Chair Hege stated that the Board held a work session regarding a noise ordinance; Dr. Wehrly made a proposal at that session and several others were reviewed. At the time it was determined that the County would not go forward to enact an ordinance. He



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
NOVEMBER 4, 2015  
PAGE 20

stated that Chief Deputy Magill had expressed concern regarding the Sheriff's Department's ability to enforce such an ordinance.

Chief Deputy Lane Magill stated that in larger counties there is code enforcement staff to enforce a noise ordinance; we cannot staff that. He said that he had obtained and reviewed ordinances from a number of other Oregon counties and it was determined that it is very complicated to get an ordinance customized for each area and very difficult to construct an ordinance that can work – too complicated to be effective. He noted that some call for a certified noise meter and personnel trained in its use; Wasco County does not have adequate staffing to support that.

Chair Hege asked Chief Deputy Magill to address the issue of noise in regard to what is enforceable today. Chief Deputy Magill replied that if it becomes criminal, it is disorderly conduct. He said that deputies go out to talk to the offender and complainant – it is usually in residential areas. He reported that there is usually good compliance from both sides and it works out well.

Mr. Sorenson said that he is asking them to be quiet.

Chief Deputy Magill said that he is here to address public safety. He stated that the Commissioners and Planning Department have asked him to help with the after-action report. He reported that last year the main stage shut down at midnight. He said that a little later he was in the area and could hear the noise to the east, while Wolf Run Road had a bare minimum of noise. Mr. Boyd went with him for 30-45 minutes with a noise meter and he agreed that the noise was carrying too far. Mr. Boyd returned to the event site and when Chief Deputy Magill went back to the east side, it was much more like the Wolf Run side. He said that the County's relationship with the organizers and property owners has been good; they have been very compliant and responded to all the County's recommendations. He stated that from a public safety standpoint, they are in compliance.

Mr. Sorenson asked about traffic enforcement. Chief Deputy Magill said that two years ago he beefed up the patrols but has been able to reduce that number since there has not been a demonstrated need for the additional patrols. He stated that two years ago there were unforeseen congestion issues in Dufur. It happened that cherry picking was occurring at the same time and the exodus of farm workers from the area coincided with the influx of festival attendees. He said that the Sheriff's Department asked the organizers to promote different times for event arrival; they did and it was



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
NOVEMBER 4, 2015  
PAGE 21

very successful. He said that another issue was signage; that has also been changed. In addition, the event planners have provided better education to their attendees on how to get to the event. He reported that there had been two crashes over that weekend – one was unrelated to the event; the other was a DUI that occurred in The Dalles. He noted that there were no actual arrests on the grounds last year; two years ago there had been three arrests, the year before there had been five arrests. He added that when the event was held in Tygh Valley there had been some trespassing issues; there were no trespassing issues at last year's event.

Dr. Wehrly stated that Oregon has substantial disturbing the peace laws with a large section on amplified sound – that would be the target of an ordinance he would support.

Chair Hege asked if there was a noise meter last year. Chief Deputy Magill responded affirmatively saying that he and Commissioner Kramer drove around with one but he cannot remember the readings.

Mr. Sorenson asked if the event is still contributing to the Dufur School. Mr. Boyd replied that they are.

Ms. Albrich stated that the applicant has nothing further and would direct the Board to their written response; the comments tonight do not raise any new issues.

Discussion ensued regarding the zoning and use of the land. Ms. Albrich stated that outdoor mass gatherings are allowed outright as long as organizers demonstrate the ability to comply with the rules set forth in OARS/ORS. She noted that they can occur at the same site every three months but this is an annual event. Chair Hege asked if there is a requirement for forest operations. Ms. Albrich replied that there are ongoing farm operations for haying.

Chair Hege closed the hearing for testimony at 6:33 p.m.

Commissioner Runyon stated that there are a few people who think the Board hears about this only once each year; that is not true – there is an after action report and the Commissioners meet with various departments. He said that it may not be perfect, but the County and organizers continue to try to make it more livable. He observed that the event is properly inspected. He went on to say that it is a growing event and the majority of people the Board has heard from are in favor of it. He said that there is always room for improvement, but the organizers have addressed every issue raised.



Chair Hege stated that in a letter, Ken Thomas comments about unpermitted alterations and improvements to the site. He said that everything is temporary and is all taken down after the event. Mr. Nilson added that the OMG application does not permit any permanent improvements. He said that there are improvements that are permitted for other land use permits – things that are for uses outside of the 96 hours of this event. He stated that there are no improvements permitted for this event.

Chair Hege asked if there have been post-event inspections. Planning Director Angie Brewer replied that there have been and nothing has been left behind after the event.

Commissioner Kramer said that he thinks the staff report is excellent and the applicant went above and beyond to do an excellent job. Based on the testimony he is in favor of granting the permit.

Commissioner Runyon said that he appreciates the staff work and follow-up they do each year. He said that the County did its due diligence to explore the possibility of a noise ordinance with the advice of law enforcement. He added that it is something that can be explored again in the future.

Chair Hege said that the Board does listen to the citizens. People may think that when something is not decided in their favor that they were not heard, but that is not true. He said that in this process, the County has continued to work to improve things for the residents and it is much better than it was three years ago.

**{{{Commissioner Kramer moved to approve the application for an Outdoor Mass Gathering as proposed in planning file number PLAOMG-15-10-0001, and accept the findings and conditions contained in the Summary and Staff Report dated October 28, 2015. Commissioner Runyon seconded the motion which passed unanimously.}}}**

Chair Hege adjourned the hearing and the session at 6:41 p.m.

<b>Summary of Actions</b>
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**Motions Passed**

- To approve Order 15-134 setting aside \$75,000 in the Reserve Fund for the Charter Communications Appeal.
- To approve Order 15-136 appointing a BARK representative to the



**Wasco County Forest Collaborative Group Steering Committee.**

- To approve Oregon Military Department, Office of Emergency Management, Emergency Management Performance Grant, DFDA #97.042 Wasco County \$39,000, Grant #15-533.
- To approve Order 15-107 appointing Bryan Brandenburg to the Local Public Safety Coordinating Council.
- To cast the County votes for the Wasco Electric Cooperative Board of Directors as recommended by Commissioner Kramer: Bob Hammel for District 1, Lowell Forman for District 2 and Jeff Burgener for District 3.
- To approve Order 15-136 appointing a BARK representative to the Wasco County Forest Collaborative Group Steering Committee.
- To approve Order 15-137 accepting vacation of an interior lot line between Lot 1 and Lot 2, Mill Creek Wayside subdivision, and adopting findings of fact contained in PLALLV-15-05-0001.
- To approve Resolution 15-013 supporting the Historic Columbia River Highway's 2016 Centennial Celebration.
- To approve Resolution 15-014 in the matter of approving rate increases for the Wasco County Landfill.
- To approve Resolution 15-015 in the matter of approving rate increases for the Waste Connections.
- To approve the application for an Outdoor Mass Gathering as proposed in planning file number PLAOMG-15-10-0001, and accept the findings and conditions contained in the Summary and Staff Report dated October 28, 2015.

**Consensus**

- To sign the letter of support for the Wasco County Forest Collaborative



Group's OWEB grant application.

- To schedule a session to hear more from the public regarding Building Codes in Wasco County.

WASCO COUNTY BOARD  
OF COMMISSIONERS

*Absent*

\_\_\_\_\_  
Scott Hege, Commission Chair

*Rod Runyon*

\_\_\_\_\_  
Rod Runyon, County Commissioner

*Steve Kramer*

\_\_\_\_\_  
Steve Kramer, County Commissioner



**WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
NOVEMBER 4, 2015**

**DISCUSSION LIST**

**ACTION AND DISCUSSION ITEMS:**

1.     [Reserve Transfer](#) – Jill Amery
2.     [Forest Collaborative Appointment](#) – Steve Kramer
3.     [LPSCC Appointment](#) – Kathy White

## **Discussion Item**

### **Reserve Fund Transfer**

- [Staff Memo](#)
- [Assessor's Memo from 10.21.2015 Board Session](#)
- [Corrected Values Chart](#)
- [Order 15-134 Setting Aside \\$75,000 in Reserve Fund for the Charter Communications Appeal](#)



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**MEMORANDUM**

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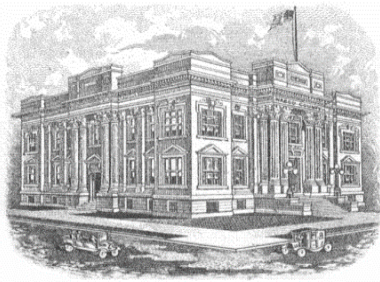
**TO:** BOARD OF COUNTY COMMISSIONERS  
**FROM:** KATHY WHITE  
**SUBJECT:** RESERVE FUND TRANSFER  
**DATE:** 10/29/2015

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**BACKGROUND INFORMATION**

At the 10.21.2015 Board Session the Assessor’s Office presented information and requested that \$75,000 be set aside into the reserve fund. During the discussion, the Board expressed concern that the proper language be used in making a motion and asked that staff return at 11.4.2015 session with a properly worded motion for the transfer.

Further discussion among staff and legal counsel has led to the conclusion that an order for such a transfer would be the prudent path to follow. That order has been drafted with input from the Assessor’s Office as well as County Counsel.



## WASCO COUNTY

Dept. of Assessment & Tax

511 WASHINGTON ST ROOM 208  
THE DALLES, OREGON 97058-2265

Assessment (541) 506-2510

Tax (541) 506-2540

Fax (541) 506-2511

JILL AMERY  
ASSESSOR / TAX COLLECTOR

MARCI BEEBE  
OFFICE MANAGER

DARLENE LUFKIN  
CHIEF APPRAISER

LINDA PERKINS  
TAX DEPUTY

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JILL AMERY AND TOM LINHARES, DEPARTMENT OF A&T

RE: UPDATE ON LARGE VALUE APPEALS

As you know, appeals of large valued properties can wreak havoc on property tax collections and distributions. We currently have two companies that have long standing appeals. Both are centrally assessed (utility) companies and as such are assessed by the Oregon Department of Revenue. We thought it would be a good idea to update you on the status of those appeals.

There is good news, more good news and bad news.

The first good news is that Seattle City Light has lost its appeal that it should not be assessed at all. The Washington public utility "owns" a certain portion of Bonneville Power Administration's (BPA) transmission lines but the company argued that its agreement with BPA did not constitute an ownership subject to assessment for property tax purposes. The Oregon Supreme Court disagreed, opining that the utility had enough "possessory interest" to warrant taxation. (Because Seattle City Light is not an Oregon public entity it is not entitled to exemption granted Oregon public entities.)

While we have not received any paper work from the Department of Revenue, we assume the appeal is now settled. This avoids having to refund property taxes to Seattle City light to the tune of tens of thousands of dollars per year, with interest going back to 2010-11.

The other good news, previously reported, is that the Oregon Supreme Court ruled on October 2, 2014 against Comcast in its appeal that it should not be centrally assessed as a communications company. This same ruling should apply to the appeal of Charter Communications and other smaller cable companies that have been held in abeyance pending the Comcast decision. Charter's appeal goes back to 2009-10 and the 2015-16 value is \$9.4 million with total taxes imposed of \$183,314.37.

The original appeal put in jeopardy all of the company's value. In 2009-10 that value was \$4,660,500. Since that amount was more than one quarter of one percent (0.0025), a reserve account was established to help offset any potential refund that the county would have to make if the company was successful in its appeal.



## [Return to Agenda](#)

The entire amount of the company's tax liability had been placed in a reserve fund every year until last year. Fresh off the Supreme Court's decision, we recommended not putting the 2014-15 property taxes into the reserve fund. This board agreed with that recommendation.

The bad news is that the Supreme Court remanded the Comcast case back to the Oregon Tax Court to rule on what the (centrally assessed) value should be. The Tax Court has not yet ruled on this new issue and any decision is likely to be appealed to the Supreme Court by the losing party. So we could still be several years away from a decision on Charter's appeal.

Any reduction in the assessed value would result in a refund to Charter of the taxes previously paid on the reduced value, plus interest at one percent per month (12% per year).

Therefore, we are recommending that \$75,000 be transferred from the unsegregated property tax account into the Charter Communication's Reserve Account.

This is less than the total tax liability of the company for 2015-16. The reason for that is that given the fact that the Supreme Court has ruled that cable companies should be centrally assessed, it is very unlikely that the cable companies' value will be reduced to zero. At the most the 2015-16 value could be reduced from \$9.4 million to \$5.9 million, a reduction of \$3.5 million. Property taxes on \$3.5 million amount to approximately \$69,000.

In addition, as you can see by the spreadsheet presented, a full reduction of the value in dispute would result in a refund of \$583,323.61, if the case were settled immediately and the refund issued prior to November 15, 2015. You can also see that there is currently \$464,007.77 in the reserve account. So the reserve account would be short by \$19,315.84.

If the case was to go on for another year (and we expect it to take much longer than that) there would be an additional \$52,243 in interest that would have to be paid. So the reserve account would be short \$71,558.84.

If a value reduction is ordered that reduces the value by one-half of the disputed value then the refund, with interest, would be \$217,679.94. There would be more than enough money in the reserve account to pay for this refund.

Any money left in the reserve account after paying any refund gets put back into the unsegregated tax account for distribution to all of the taxing districts in the county.

Essentially the question comes down to "pay me now, or pay me later". We either distribute a little less to taxing districts now or we take away a huge amount of taxes when the refund is due. If we had not set up the reserve account in the first place and we had to issue a refund check in the amount of \$583,323.61 this year, that would represent 1.67 percent of all property taxes imposed for 2015-16.

While we are recommending that \$75,000 be transferred into the reserve account, we appreciate that property taxes have not increased much between 2014-15 and 2015-16. Wasco County's taxes imposed increased by only 1.19 percent and imposed taxes for the City of The Dalles actually decreased by 1.51 percent. Removing \$75,000 from the distributions will lower these already anemic numbers.

So we leave it to you to make the right decision.

**Charter Communications Holding Co. LLC**  
**Oregon Tax Court Magistrate Division #101221D;**  
**Tax years 2009-10 Thru 2015-16**

**CORRECTED 10/27/2015**

REF	2009-10 TAV	2010-11 TAV	2011-12 TAV	2012-13 TAV	2013-14 TAV	2014-15 TAV	2015-16 TAV
82045	3,365,800	3,497,805	4,534,500	5,392,000	6,312,000	7,311,800	7,681,600
82046	162,800	184,095	204,500	14,000	92,300	82,900	69,500
82047	608,660	558,300	624,400	556,000	627,700	697,800	866,200
82048	523,240	475,600	531,900	473,000	534,700	594,400	737,900
<b>TOTAL</b>	<b>4,660,500</b>	<b>4,715,800</b>	<b>5,895,300</b>	<b>6,435,000</b>	<b>7,566,700</b>	<b>8,686,900</b>	<b>9,355,200</b>
Disputed AMT per DOR	2,945,754	2,949,612	4,180,555	4,561,251	5,636,738	6,699,039	7,307,704
TOTAL TAV ON ROLL	1,731,553,122	1,808,224,356	1,865,738,781	1,856,201,507	1,981,987,494	2,053,785,839	2,122,687,786
ROLL PERCENT	0.170%	0.163%	0.224%	0.246%	0.284%	0.326%	0.344%
REF	2009-10 TAXES	2010-11 TAXES	2011-12 TAXES	2012-13 TAXES	2013-14 TAXES	2014-15 TAXES	2015-16 TAXES
82045	61,066.71	68,357.11	93,724.48	111,428.90	125,611.32	146,004.74	154,821.11
82046	2,622.54	3,032.92	3,471.16	237.58	1,495.72	1,332.77	1,123.40
82047	10,050.75	9,972.44	11,767.05	10,483.50	11,376.37	12,810.77	15,981.04
82048	7,851.41	7,285.73	8,419.91	7,492.16	8,078.46	9,106.77	11,388.82
<b>TOTAL</b>	<b>81,591.41</b>	<b>88,648.20</b>	<b>117,382.60</b>	<b>129,642.14</b>	<b>146,561.87</b>	<b>169,255.05</b>	<b>183,314.37</b>



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF SETTING ASIDE )  
\$75,000 IN THE RESERVE FUND FOR ) ORDER  
THE CHARTER COMMUNICATIONS APPEAL ) #15-134

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 Commissioners being present;  
and

IT APPEARING TO THE BOARD: That during the 2009-2010 tax  
year, the Oregon Department of Revenue notified Wasco County of a tax appeal  
filed by Charter Communications; and

IF FURTHER APPEARING TO THE BOARD: That the Charter  
Communications appeal is being held in abeyance pending the outcome of  
concurrent, analogous appellate litigation involving Comcast; and

IT FURTHER APPEARING TO THE BOARD: That the value of the subject real property exceeds one-quarter of one-percent of the total assessed value of the County; and

IT FURTHER APPEARING TO THE BOARD: That ORS 311.814 allows for the creation and maintenance of an interest bearing reserve account to set aside an amount representing the estimated portion of taxes attributable to the amount of value in dispute; and

IT FURTHER APPEARING TO THE BOARD: That such a reserve fund was created to offset the estimated potential refund the County may need to make pending the outcome of the Charter Communications appeal; and

IT FURTHER APPEARING TO THE BOARD: That based on a subsequent ruling in the analogous Comcast case, in 2014-15 it was decided that it was reasonable and in the County's best interest to discontinue adding funds to said reserve account; and

IT FURTHER APPEARING TO THE BOARD: That a portion of the analogous Comcast appeal has been since been remanded to the Oregon Tax Court and will likely establish precedent applicable to the Charter Communications appeal; and

IT FURTHER APPEARING TO THE BOARD: That the remanded portion of the Comcast appeal leaves unsettled an aspect that has the potential to impose liability on the County for a portion of taxes collected from Charter



Communications rendering it necessary to set aside funds in an interest bearing reserve account to offset any potential refund owed by the County: and

IT FUTHER APPEARING TO THE BOARD: That the County Assessor/Tax Collector has recommended that \$75,000 be set aside in an interest bearing account for this purpose.

NOW, THEREFORE, IT IS HEREBY ORDERED: That the Wasco County Finance Director serving as the Custodial Officer is directed to set aside \$75,000 in the Reserve Fund US Bank Account 1.536.9525.2020.

NOW, THEREFORE, IT IS HEREBY ORDERED: Upon final resolution of this controversy, the funds will be distributed in accordance with ORS 311.814.

DATED this 4<sup>th</sup> day of November, 2015.

WASCO COUNTY BOARD  
OF COMMISSIONERS

\_\_\_\_\_  
Rod L. Runyon, Commission Chair

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott C. Hege, County Commissioner

\_\_\_\_\_  
Kristen Campbell  
Wasco County Counsel

\_\_\_\_\_  
Steve D. Kramer, County Commissioner

**Discussion Item**  
**Wasco County Forest Collaborative Group**  
**Appointment**

- [Staff Memo](#)
- [About BARK](#)
- [Order 15-136 Appointing BARK to WCFCG](#)



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**MEMORANDUM**

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**TO:** BOARD OF COUNTY COMMISSIONERS

**FROM:** KATHY WHITE

**SUBJECT:** WASCO COUNTY FOREST COLLABORATIVE GROUP STEERING COMMITTEE  
APPOINTMENT

**DATE:** 10/29/2015

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BACKGROUND INFORMATION

The recently formed Wasco County Forest Collaborative Group Charter sets forth membership representation parameters for the group as follows:

- Forest Products Industry
- Environmental
- Community Wildfire Protection
- Watershed and Water Resources
- Local Government
- State Agencies
- Recreation and Tourism
- Private Landowner
- Tribal
- At Large

At the September 2, 2015 Board session, all positions were filled by appointment except the Forest Product Industry and the Environmental. BARK has agreed to serve as the environmental representative and has asked that a specific BARK employee not be named to give them the flexibility to send representation based on current projects.

The WCFCG is still seeking a Forest Products Industry representative.



## ABOUT BARK

### History

In 1993 two friends, attorney Greg Dyson and musician John "Lenny" Rancher, began a call to action after witnessing vast clear-cuts and old-growth logging while exploring Mt. Hood National Forest. They began to hike each timber sale, noting the markings in the forest and calling attention to discrepancies between action on the ground and agency documents. Soon they discovered that others shared their passion for protecting Mt. Hood, and began training them to "groundtruth" as well. Eventually, Greg brought together a diverse array of dedicated professionals and passionate activists to form a working board of directors and Bark was born. Bark was officially founded in 1999 and has since trained hundreds of volunteers about the basics of forest policy, brought thousands to Mt. Hood National Forest, and saved tens of thousands of acres of forest from logging and roadbuilding.

### Bark's 20 Year Vision

#### Mission Statement

Bark's mission is to transform Mt. Hood National Forest into a place where natural processes prevail, where wildlife thrives and where local communities have a social, cultural, and economic investment in its restoration and preservation.

#### Identity statement:

Bark is awesome! Bark is the resource for community action to protect Mt. Hood National Forest and surrounding federal lands. We prioritize grassroots organizing and believe in the power of an engaged public. We recognize that the forest should thrive not just to provide resources for the human community, but also for the inherent value of nature itself. We maintain an organizational culture that is transparent, inclusive and cooperative, where volunteers, staff and board work together to realize the vision of Bark.

#### What does BARK stand for?

Bark's name originates from the barker, who stands before the public and uses persistent outcry to call attention. We are a group of barkers, ensuring that the public hears about all events, good and bad, occurring in the Mt. Hood National Forest.

### The Four Goals

#### GOAL 1: BARK WILL BE A TRANSPARENT, INCLUSIVE, ENDURING, AND TENACIOUS ADVOCATE FOR MT. HOOD NATIONAL FOREST

1. Bark can financially sustain its permanent staff independent of foundation, government, or corporate funding
2. Bark will have a volunteer committee for each of the four program goals to ensure accessibility for our supporters and accountability in decision making
3. Bark will create and maintain relationships with allies to accomplish our four program goals
4. Bark will develop cultural competency and work to end oppression in all levels of our work, including organizational development, staffing, and outreach

#### GOAL 2: BARK WILL EMPOWER AND ASSIST ACTIVIST COMMUNITIES IN ALL FOUR COUNTIES SURROUNDING MT HOOD NATIONAL FOREST

1. Bark will house a library of ecological, cultural, economic, social, and historical resources of Mt Hood National Forest and surrounding communities
2. Bark will get people into the forest by guiding hikes, promoting quiet recreation, and advocating free and accessible use of the forest
3. Bark will maintain peoples' investment in Mt. Hood National Forest by providing activities and trainings in all four counties surrounding MHNF

#### GOAL 3: BARK WILL PROTECT MT. HOOD NATIONAL FOREST FROM COMMERCIAL DESTRUCTION

## FOREST WATCH



### [Nestle Water Bottling Proposal](#)

Nestlé has proposed to bottle over 100 million gallons of water per year from Oxbow Springs, a publicly-owned water source in the...[read more](#)



### [Polallie-Cooper II Timber Sale](#)

Back from the Dead! In 2005 Bark and coalition of conservation, recreation and citizen groups celebrated the cancellation of the...[read more](#)



### [Removing and rewilding old roads](#)

The greatest threat to watershed health in Mt. Hood National Forest is the road network that totals well over 3,000 miles. These roads...[read more](#)



### [TAP - Travel Analysis Process](#)

The TAP is a nationwide project of the U.S. Forest Service to analyze the road networks in each of our public forests. The point of TAP...[read more](#)



### [Jazz Timber Sale: A Field Guide](#)

This page will include regular updates as to what logging and other operations are happening on the ground

[...read more](#)



### [Lemiti Butte Timber Sale](#)

The proposed Lemiti Butte Timber Sale consists of 1,432 acres of salvage logging (down from approximately 2,300 acres proposed in 2012)...[read more](#)



## Return to Agenda

1. Bark will end all profit-driven extraction of resources and enabling infrastructure in Mt. Hood National Forest and surrounding public lands
2. Bark will prevent development, commercial recreation and other non-commercial proposals that degrade water quality, destroy native forests, threaten wildlife or damage cultural resources

### GOAL 4: BARK WILL ESTABLISH MT. HOOD NATIONAL FOREST AS A NATIONAL MODEL FOR WILDLIFE HABITAT, CLEAN DRINKING WATER, AND QUIET RECREATION

1. Bark will ensure that the MHNH management plan prioritizes ecosystem health, climate change adaptation and quiet recreation, as well as eliminating designations that are focused on resource extraction
2. Bark will facilitate a strong coalition of environmental, recreational, and other groups and individuals often excluded from the decision-making process, to create a vision for the future of Mt. Hood National Forest
3. Bark will secure restoration funding that is not tied to any timber dollars or user fees
4. For more information or to get involved, please contact us.

**BARK:**  
PO BOX 12065   Portland, OR 97212   503-331-0374   [info@bark-out.org](mailto:info@bark-out.org)

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IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE APPOINTMENT OF )  
A BARK REPRESENTATIVE TO THE WASCO ) ORDER  
COUNTY FOREST COLLABORATIVE GROUP ) #15-136  
STEERING COMMITTEE )

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 Commissioners being present; and

IT APPEARING TO THE BOARD: That in August of 2015, the Wasco  
County Forest Collaborative Group was formed by Charter to provide the US Forest  
Service with proposals for management of the National Forest lands and to support  
the utilization of forest resources and related opportunities to strengthen local  
communities; and



IT FURTHER APPEARING TO THE BOARD: That Wasco County has agreed to be the appointing body for the Wasco County Forest Collaborative Group; and

IT FURTHER APPEARING TO THE BOARD: That a BARK is willing and is qualified to provide a representative to fill a position representing environmental interests to serve on the Wasco County Forest Collaborative Group.

NOW, THEREFORE, IT IS HEREBY ORDERED: That BARK is be and is hereby appointed to provide a representative serve on the Wasco County Forest Collaborative Group as the Environmental Representative; said term to expire on December 31, 2016.

DATED this 4<sup>th</sup> ay of November, 2015.

WASCO COUNTY  
BOARD OF COMMISSIONERS

\_\_\_\_\_  
Scott C. Hege, Commission Chair

APPROVED AS TO FORM:

\_\_\_\_\_  
Rod L. Runyon, County Commissioner

\_\_\_\_\_  
Kristen Campbell  
Wasco County Counsel

\_\_\_\_\_  
Steven D. Kramer, County Commissioner

**Discussion Item**  
**Local Public Safety Coordinating Council**  
**Appointment**

- [Staff Memo](#)
- [Order 15-107 Appointing BARK to WCFCG](#)



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**MEMORANDUM**

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**TO:** BOARD OF COUNTY COMMISSIONERS  
**FROM:** KATHY WHITE  
**SUBJECT:** LOCAL PUBLIC SAFETY COORDINATING COUNCIL APPOINTMENT  
**DATE:** 10/29/2015

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**BACKGROUND INFORMATION**

Heretofore, NORCOR Executive Director James Weed has served on LPSCC in an at-large position. Mr. Weed has retired and a new Executive Director is in place at NORCOR. LPSCC Chair and Youth Services Director Molly Rogers has requested that NORCOR Executive Director Bryan Brandenburg be appointed to an at-large position on LPSCC to bring that perspective back to the Council.

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE APPOINTMENT OF )  
BRYAN BRANDENBURG TO THE WASCO COUNTY ) ORDER  
LOCAL PUBLIC SAFETY COORDINATING COUNCIL ) #15-107

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 Commissioners being present; and

IT APPEARING TO THE BOARD: That the governing body of Wasco  
County, Oregon, is required by ORS 423.560 to appoint individuals to represent  
specific areas on the Wasco County Local Public Safety Coordinating Council; and

IT FURTHER APPEARING TO THE BOARD: That Bryan Brandenburg is  
willing and is qualified to be appointed to the Wasco County Local Public Safety  
Coordinating Council to represent an At-Large position on said Council.



NOW, THEREFORE, IT IS HEREBY ORDERED: That Bryan  
Brandenburg be and is hereby appointed to the Wasco County Local Public Safety  
Coordinating Council for a term to expire on December 31, 2015.

DATED this 4<sup>th</sup> day of November, 2015.

WASCO COUNTY  
BOARD OF COMMISSIONERS

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Scott C. Hege, Commission Chair

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Rod L. Runyon, County Commissioner

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Steven D. Kramer, County Commissioner

APPROVED AS TO FORM:

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Kristen Campbell  
Wasco County Counsel

**WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
NOVEMBER 4, 2015**

**CONSENT AGENDA**

1. [10.21.2015 Regular Session Minutes](#)





WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 21, 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.

**Public Comment**

Widge Johnson asked where the County is in the Public Health process. Mr. Stone replied that not much progress has been made since the last time she asked; the County has looked at facilitators to help with the evaluation process but they do not want to move forward with that until Chair Hege completes his work on the governance piece. The hope is that the governance work will set the stage for the two entities to work cooperatively toward a good outcome.

Chair Hege added that the target had been to be ready for public input by the end of the calendar year but that is unrealistic. He noted that Public Health is currently operating as usual; he is back on the Board and working on governance issues that he hopes to resolve in the next two months. He said that once that is complete, he hopes to continue to work cooperatively with Public Health to move the process forward.

WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 21, 2015  
PAGE 2

Ms. Johnson asked if Public Health will remain a regional entity. Chair Hege said that it will for the foreseeable future; he said that it is likely to be December of 2016 before a major change would happen – if it happens at all.

**Discussion Item – The Dalles Civic Auditorium Letter of Support**

Trish Neal, Program Manager for The Dalles Civic Auditorium, said that the Auditorium was built in 1921; restoration has been in progress for many years – they are now making it a priority. She reported that they recently met with the architect and determined that it would be more costly to do the project in phases, so they are going to take on the project in its entirety. The goal is to restore the theater to its previous look but also add technology that will support a variety of uses – conference venue, ballroom, classroom, movie theater, stage theater, etc. She stated that when the project is complete, it will be the largest facility of its kind between Portland and Boise or Spokane with the ability to attract larger productions and conferences. Sherry Monroe, Civic Board Member, added that the facility can currently seat 450; once complete the capacity will be seating for over 700.

Shirley Colf of The Dalles asked if this project will be in the local paper. The Dalles Chronicle Reporter Derek Wiley replied that it will be in the paper.

Ms. Neal continued by saying that they are working with a grant writer to start the process of raising funds. Since phase-one represents three-quarters of the cost of the project, it makes sense to take it all on at once.

Chair Hege asked if there is an estimated cost for the project. Ms. Neal responded that it will be approximately \$6.4 million; they are looking for donations, grants and foundation contributions. She stated that plans are on display in the lobby of the theater and pictures can be viewed on the Civic website: [www.thedallescivic.org](http://www.thedallescivic.org). She said a letter of support from the Board helps gather initial support for the project.

**\*\*\*The Board was in consensus to provide a letter of support for The Dalles Civic Auditorium restoration/renovation project.\*\*\***

**Discussion Item – Homeland Security Grants**

Chief Deputy Lane Magill explained that these are the contracts for the grants approved by the Board earlier this year.



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 21, 2015  
PAGE 3

Commissioner Kramer asked when the work might begin. Chief Deputy Magill replied that they have to be finished by September 2016; he hopes to be ready by spring.

Chair Hege asked if a match is required. Chief Deputy Magill responded that there is no match, the grants fully fund the projects.

**{{{Commissioner Kramer moved to approve Oregon Military Department Office of Emergency Management Homeland Security Grant Program State Homeland Security Program CFDA #97.067 for Wasco County in the amount of \$23,477 for Grant #15-255. Commissioner Runyon seconded the motion which passed unanimously.}}}**

**{{{Commissioner Runyon moved to approve Oregon Military Department Office of Emergency Management Homeland Security Grant Program State Homeland Security Program CFDA #97.067 for Wasco County in the amount of \$22,650 for Grant #15-256. Commissioner Kramer seconded the motion which passed unanimously.}}}**

Chief Deputy Magill reported that they have completed testing for Parole and Probation officers and will conduct oral boards tomorrow for seven candidates. He said that they have received one application for a Parole and Probation Manager and will interview for that position next week. He said that he hopes to have the process for both positions completed within 60 days.

<b>Discussion Item – Soil &amp; Water Conservation District Declaration Letter</b>
--

**\*\*\*The Board was in consensus to sign the letter declaring the Wasco County Soil & Water Conservation District a government entity.\*\*\***

<b>Discussion Item – Switch Gear Box &amp; Generator Funding</b>
--

Facilities Manager Fred Davis reminded the Board that the County had been awarded a Department of Justice Grant for a new switch gear box; that funding was recently increased to recognize increased costs and allow for contingency. He reported that in conversation with the ODJ, he let them know that our current building generator is powering at about 70% capacity and the County would probably need to purchase a

WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 21, 2015  
PAGE 4

new generator at some point in the future. Since the goal of the grant program is to create facility emergency readiness, the ODJ responded that they would be interested in making a new generator part of this grant funding cycle.

Mr. Davis reported that through discussions with the local Public Utilities District, he learned that we are well under the amount of actual power needs for the building and bringing it up to that level will be more costly than he first thought. Each party would be required to provide approximately \$88,000 for the combined project. He noted that there is market value for the generator currently in use; we could recover some funds by surplussing and selling that unit. He stated that there is nearly \$1 million in the Facility Capital Fund that could be used for this project.

Mr. Stone pointed out that the Board has already approved the switch gear box so what they are considering today is an increase to that commitment by approximately \$38,000. This will add the generator; the State recognizes that it makes more sense to do the entire project.

**\*\*\*The Board was in consensus for the Facilities Manager to move forward with the grant funding project to include the costs for both the switch gear box and new generator for the Wasco County Courthouse.\*\*\***

<b>Discussion Item – OSU Extension Service District Fund Balance</b> <b>Letter</b>
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Mr. Stone explained that this is part of the Service District's process to ensure transparency; it informs the County of the District's fund balance at the end of the fiscal year.

<b>Discussion Item – ODFW Proposed Gray Wolf Delisting</b>
--

Commissioner Kramer stated that the Fish and Wildlife Commission, advisory to the Oregon Department of Fish and Wildlife, is seeking input on the proposed delisting of the gray wolf. They have asked for a response regarding the three available options:

1. Delist wolves for all of Oregon
2. Delist Wolves only east in eastern Oregon
3. No action – do not delist

Commissioner Kramer explained that delisting requires four breeding pairs for three

WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 21, 2015  
PAGE 5

years; we now have nine breeding pairs and thirteen packs in the state which far exceeds the requirement. He suggested that the Board move forward with option one to delist wolves for all of Oregon. He said that action will allow the State to move forward with their plan; we will then have only one entity managing the program – we are currently also subject to federal regulations in our region.

**\*\*\*The Board was in consensus to sign a letter to the Fish and Wildlife Commission stating the County's position that they should delist wolves for all of Oregon.\*\*\***

**Discussion Item – Mid-Columbia Medical Center Letter**

Chair Hege explained that this is a letter from the local hospital thanking local government for their work on the recent enterprise zone approved by the City of The Dalles and Wasco County for Design LLC. He said the County appreciates their support.

**Agenda Item – Supplemental Budget Hearing**

Interim Finance Director Debbie Smith-Wagar said that she feels it is more useful to the Board to have a supplemental budget rather than having budget adjustments coming in one at a time; this allows the Board to see the changes as a whole to gauge the total impact.

Ms. Smith-Wagar reviewed the Finance Memo outlining the adjustments to the budget.

Mr. Stone noted that the salary matrix update was in the budget but requests for re-evaluation consumed a portion of that line item.

Chair Hege asked Mr. Stone to inquire about the increase for the insurance premium.

Ms. Smith Wagar stated that there will be additional items coming forward for the budget but she did not have enough information to add them at this time. She noted that if the facilities grant increase comes through, it will require an adjustment. In addition, Wasco Cooperative Electric has raised rates 7.5%; most affected departments can absorb it, but if not – there will be adjustments related to that. She said she recommends adoption of the supplemental budget.

At 9:37 a.m. Chair Hege opened a public hearing to take comments regarding the



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 21, 2015  
PAGE 6

supplemental budget.

Rodger Nichols asked about the amount being added to the legal budget. Ms. Smith-Wagar responded that the increase she is asking for is the result of calculating the year-to-date legal expenditures and extrapolating that out for the remainder of the year to approximate what the budget for that should be.

There being no further public comment Chair Hege closed the public testimony portion of the hearing and opened deliberations.

**{{{Commissioner Kramer moved to approve Resolution 15-012 appropriating unanticipated resources in a supplemental budget request. Commissioner Runyon seconded the motion which passed unanimously.}}}**

<b>Agenda Item – Finance Report</b>
-------------------------------------

Ms. Smith-Wagar reviewed her report saying that she added comments to the independent auditors' letters – adding her observations through the work she has been doing as Interim Finance Director. She cautioned that there will still be findings in the upcoming audit explaining that it is the nature of audits for findings to occur for two consecutive years. By the time an organization receives an audit, they are already well into the next fiscal year without the knowledge of the findings and therefore corrective action is not taken until after the audit report – too late to avoid similar findings in the next audit. She noted that Pauley Rogers came in after last year's independent audit to expand on the findings; they did not look for additional issues – her report also addresses their concerns.

Mr. Stone commented that there were three levels to this process – the initial independent audit identifying weaknesses, the Pauley Rogers review to ascertain root causes and the contract with Smith-Wagar Consulting to identify and implement solutions.

Ms. Smith-Wagar went on to say that all the issues raised by the independent audit have been addressed and processes are now in place. She stated that 2014/15 reconciliations are almost caught up and she expects that will be done by the end of the month. Bank statements and deposits are all tied out and recent reconciliations have balanced to the penny. She stated that the period closing will be submitted in much the same format as the supplemental budget.

WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 21, 2015  
PAGE 7

Ms. Smith-Wagar continued to review the report saying that internal control issues have been addressed; the Treasurer had un-deposited checks and cash – it seemed to be common for the Treasurer to hold deposits when it initially could not be determined into which account they should go. She said that there is a line item in which those deposits can reside until it is determined where they should go; deposits are being made daily.

Ms. Smith-Wagar concluded by saying that all of the recommendations have been implemented. Chair Hege asked if there are any that have not been fully implemented. Ms. Smith-Wagar replied that 2015 is not entirely reconciled but it will be soon. She said that she thinks the independent auditor will be pleased. She added that internal controls can always be better, but they are significantly better than what they were in April.

The Board praised the work Ms. Smith-Wagar has done and thanked her for all her efforts.

Chair Hege asked what the status of the audit is. Ms. Smith-Wagar replied that it is behind from where it would be in a perfect schedule and we may have to ask for an extension which is not uncommon especially in light of all the issues that had to be addressed. She stated that we want to make sure that everything is resolved so that we can put it behind us.

Ms. Smith-Wager reported that she has extended an offer for the Human Resources Manager position and hopes that the candidate will be able to start work next week. She said that we have not received any really qualified applicants for the Finance Director position which is a situation not unique to Wasco County – people in this field are retiring and there are not enough candidates in the pool to fill the open positions. She said that she is getting a lot of information from head-hunting groups and noted that this is an issue not only in the finance field but also in IT and other highly professional jobs – there is a lack of candidates.

Mr. Stone observed that this is the single most critical position in the organization and we really want to make sure we do it right – we need someone like Ms. Smith-Wagar. She is filling the void but cannot do that forever – we want to make a good decision.

WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 21, 2015  
PAGE 8

**Agenda Item – Tobacco in Wasco County**

NCPHD Tobacco Prevention & Education Program Coordinator Shellie Campbell reviewed the documents provided in the Board Packet. She said that the ultimate goal would be to make Wasco County tobacco- and smoke-free. She said that they are working to reduce exposure for children; currently the tobacco industry markets in stores with advertisements and product placements that entice children. There are products available in aromas and flavors that appeal to children. She reported that most people start smoking before the age of 18 – if we can prevent that, they will likely not smoke at all.

Ms. Campbell said that they promote smoke-free environments and encouraged the Board to considering adopting something that would prevent smoking on County property – it reduces health costs not only for staff but also for visitors to the County facilities. She observed that the Surgeon General has stated that there is no safe level of second-hand smoke. She added that Parks and Recreation Districts could also become smoke-free.

Ms. Campbell stated that there is support and resources for quitting – it is very difficult to quit nicotine. She said there is a 1-800 number for support. She is also working with CCOs – the Affordable Care Act has provisions for that as well. She said that the local CCO recognizes becoming tobacco- and smoke-free as a goal. Tobacco use is the number one cause of preventable death and illness.

Ms. Campbell reported that through a community readiness assessment conducted last year, they learned that Wasco County is at the preplanning stage – there is a high level of awareness in the community but we are not yet ready to implement policies. We need planning and education to get the public on board. Wasco County has a higher than average smoking population and one of the higher rates in Oregon of pregnant women who smoke.

Ms. Campbell described the retail assessment that was conducted (see Board Packet). She said the participating kids help educate retailers and students. She noted that the government conducts “stings” in which penalties are imposed, but the kids program is to educate and encourage. She reported that she has also worked successfully with Columbia Gorge Community College which now has a 100% smoke-free campus. She is also working with Mid-Columbia Medical Center and the Parks and Recreation District.



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 21, 2015  
PAGE 9

Chair Hege asked if she works with Youth Think. Ms. Campbell replied that she does although Youth Think's focus is more on drugs and alcohol; there will be more cross-over now that recreational marijuana is legal.

Commissioner Kramer thanked Ms. Campbell for stepping up to the plate on this tremendous issue. He asked if Public Health has a tobacco-free campus. She replied that it is not as there is still a designated smoking area. Commissioner Kramer noted that he has seen people smoking on the ramp area right in front of the no-smoking sign; he asked how that is being addressed. Ms. Campbell replied that when she sees that she approaches the people and explains the policy to them; generally people are receptive and cooperative. She said that it takes a long time, but progress is being made.

Chair Hege called for a recess at 10:22 a.m.

The session reconvened at 10:27 a.m.

**Consent Agenda – 10.07.2015**

Commissioner Runyon noted that he had brought a change to Ms. White that is not in the packet. Ms. White stated that on the first page, third paragraph she had written the word “diversity” when it should have been “adversity.” She has corrected that in the hard copy for signature.

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

**Agenda Item – Veterans Advisory Committee (VSAC)**

Andretta Schellinger, Chair-elect for VSAC, said that at their last meeting the Committee talked about their future and wants input from the Board as to what their role is for the County. She said that they have plans to bring different veterans organizations to their meetings and then report to the Board on what is happening within the community and where the Board might help. She noted that their bylaws state that they are to advise the Board and seek funding.

Commissioner Runyon asked if they have a tentative list of what they want to do. Ms. Schellinger replied that they do not. Commissioner Runyon said he would like to see them develop that and bring it to the Board.

WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 21, 2015  
PAGE 10

Mr. Stone commented that he has not been attending the VSAC meetings regularly but had been to the last one where it seemed the group was struggling with focus and purpose – they questioned if there is a need for the Committee. He said that he suggested that they come to the Board to talk about their role – does the Board want them doing projects, advising, or something else?

Commissioner Runyon observed that staffing at the Veterans Services Office is an issue; exploring what is needed there would be valuable. Ms. Schellinger responded that they want to look at the VSO budget for next year before it comes before the Board to provide a second set of eyes. Chair Hege thought that would be helpful.

VSAC member Jim Burris said that the original charge of the Committee was to implement the Ad Hoc Committee's plans. Ms. Schellinger stated that they plan to do that and more. She said that there is a stand-down planned for November 7<sup>th</sup>. She said that they also plan to communicate with the Board on a more regular basis.

Mr. Burris said that research has been ongoing for about two years through the state for a bond. He provided a memo (see attached) he received from the office of the Secretary of State regarding the formation of a special district.

<b>Agenda Item – Large Value Assessment Appeals/Transfer Request</b>
--

Tom Linhares, Assessment Consultant, explained that there was an appeal from Seattle City Light which had an agreement with BPA to use a transmission line for which Seattle City Light was assessed; Seattle City Light's position was that it was not appropriate to tax them for that. The Court has ruled that they are subject to taxation as part-owner. That appeal is completed; however, it was not large enough to set up a reserve account – the effects for this year in Wasco County was \$38,000 and it would have been refunded back to 2010 had Seattle City Light won the appeal.

Mr. Linhares went on to say that the Supreme Court had said that Charter/Comcast is subject to taxes as a utility. Comcast appealed and lost, however, the Court remanded a portion of the suit. DOR and Comcast are working on how the cable company will be valued – once that is decided there will probably be another appeal. All the smaller companies are waiting for this to be finalized; it is likely to take 3-4 years. In the meantime, the cable companies are continuing to pay taxes based on current value system.

Mr. Linhares explained that every year since the appeal, Wasco County has set aside

WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 21, 2015  
PAGE 11

the amount that would be in question. Last year no money was set aside based on the decision made by the Court that they are subject to taxes as a utility. However, with the remand of the portion of the suit, he and the Assessor recommend putting money into that account at a lower rate – they will be assessed, we just don't know how much it will be. He stated that their total for this year will be \$146,561; they recommend that \$75,000 be placed in reserve – even if the appeal is decided in Comcast's favor that should be enough. The difference will be put back for distribution to the County and the taxing districts. Ms. Amery said that they want to minimize the impact to the taxing districts; they don't want to be in the position of having to ask for money back from the districts. Currently the account has \$563,956.07.

Chair Hege asked if a lot of the money would need to be given back. Mr. Linhares replied that it is hard to know; they advise being conservative.

Commissioner Kramer made a motion that the Treasurer set aside \$75,000 from the tax pool or the person designated to do so. Commissioner Runyon seconded the motion.

Commissioner Kramer questioned the language for the motion considering the restructuring of duties for the Treasurer and Finance Offices in Wasco County. He asked if this has to be done today.

Mr. Linhares replied that it does not need to be done until mid-November.

Commissioner Kramer withdrew his motion, saying that he wants to make sure the correct language is used when making the motion.

Ms. Amery said they will bring it back at the November 4<sup>th</sup> session with the appropriate language.

<b>Agenda Item – Foreclosure Repurchase Request</b>
---

Ms. Amery reported that she had received an inquiry from Rocky Webb on a property for which they had a sale pending. They were surprised to find that the County is the owner of the property having taken deed through foreclosure as a result of unpaid taxes. She explained that there is statute that allows the County to sell the property back and that is what the previous owners would like to have happen. She said that the purchase price will be the amount of back taxes, our costs,



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 21, 2015  
PAGE 12

the recording fee and interest for a total of \$10,920.06.

**{{{Commissioner Kramer moved to sell back the property at 2365 E. 2nd Street, The Dalles, OR Parcel 1 of Partition 2009-0005, recorded on 02-25-2009 as 2009-000712 Wasco County Records, located in the NE1/4 of the SW1/4 and the NW1/4 of the SE1/4 of Section 2, Township 1 North, Range 13 East of the Willamette Meridian, City of The Dalles, County of Wasco and State of Oregon. to J Rose Development LLC for \$10,920.06. Commissioner Runyon seconded the motion which passed unanimously.}}}**

<b>Agenda Item – Code Compliance Violation</b>
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Planning Director Angie Brewer said that Codes Compliance Officer Joseph Ramirez has been working through a backlog of 60 cases; this is one of the longer outstanding cases and has been difficult to resolve through the normal process. That is why an order is being sought from the Board.

Mr. Ramirez said that progress has been slow. He reported that he did an abatement agreement with them to see if he could get them to cooperate. He said that he had set up 10 square foot sections to clear but they did not attend the last meeting and although they called they did not leave a complete phone number at which they could be reached. He pointed out that there have been multiple abatement agreements and the last notice was issued on September 3, 2015. He stated that the property is in Rowena off of Hwy 30 and is quite visible; there is quite a bit of accumulation as evidenced in the photographs (attached).

Commissioner Runyon pointed out that our system is complaint driven. Mr. Ramirez confirmed saying that the complainants have been very patient with this lengthy process. Ms. Brewer added that staff has exhausted all their possibilities having visited the property 29 times and spent many staff hours.

Chair Hege asked what the next step will be. Mr. Ramirez said that the next step will be to record a notice of violation and place a lien. Staff is recommending recording the notice, implementing fines and placing a lien on the property. He said that the Board can add additional charges for staff time, but that is not his recommendation - \$10,000 is already a lot without adding more.

Commissioner Runyon asked what happens after the lien is placed. Mr. Ramirez said that the next step, after 90 days, will be County cleanup for which the owners would

WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 21, 2015  
PAGE 13

be charged. He said that he hopes this works and that does not become necessary.

Commissioner Kramer observed that the surrounding landowners seem to be keeping their places in order. Ms. Brewer said that there are other houses close by this one – it is a nuisance and we don't want to see it continue.

Chair Hege commented that the lien would likely not be paid until the property is sold. He asked if the lien increases as the per-day penalty is assessed. Ms. Brewer responded that staff recommends the date of notice be the start date for assessing the penalties – that would mean it has already reached the \$10,000 maximum.

Chair Hege asked how the case would close. Mr. Ramirez replied that the property owners would notice him that they are ready to be checked for compliance.

Commissioner Runyon stated that he would like to use today's date to start assessing the fine. Mr. Ramirez stated that he believes that they will continue to accumulate because they scrap metal and are waiting for prices to rise.

**{{{Commissioner Runyon moved to approve Option 2 to affirm the Notice of Violation/Administrative Civil Penalties and potentially faster progress or long-term progress towards abatement for Compliance Code Case: CODENF-10-07-0059 with fines to begin as of October 21, 2015. Commissioner Kramer seconded the motion which passed unanimously.}}}**

<b>Agenda Item – Ballot Initiative Process</b>
--

County Clerk Lisa Gambie said there was a question at the last Board Session about what elective initiatives are available should the Board elect to not opt out of the State marijuana laws. She reported that she has spoken to AOC's Rob Bovette, main author of the bill.

Ms. Gambie went on to explain that there is a provision in the bill for a citizen led initiative process to put a measure on the ballot for November 2016. She stated that it follows the typical process for which the State provides a manual online. She said that it is recommended that anyone wishing to start the process engage legal counsel. She said that because it is county-wide, it will need 6% of the votes that were cast for governor in the 2014 election which would be 549 signatures.

Commissioner Runyon asked if those signatures could be from residents of both

WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 21, 2015  
PAGE 14

incorporated and unincorporated portions of the County. Ms. Gambee replied that it would be the entire County but anyone wishing to initiate the process should carefully read the manual as to how those signatures are to be gathered. She added that any County initiative will not impact what the cities choose to do. She stated that she has a copy of the bill; if anyone wants it they can contact her. She added that she does not have an exact date by which the signatures would need to be submitted but for this year it would have been August 5<sup>th</sup> – that indicates a rough estimate of a submission date for 2016.

Chair Hege stated that in Maupin there was a discussion around this issue and they talked about the fact that this can come back up every two years. He said that he would like to verify that. Mr. Burris interjected that it probably has to do with the limitations of how often you can bring the same issue to the ballot – you have to wait two years.

Chair Hege said that he would like to know if the signatures have to be from registered voters only. Ms. Gambee replied that she would confirm but noted that when last she was asked to sign a petition, she was first asked if she was a registered voter. She said that an initiative is an extensive process; the Clerk's job is to make sure that it is recorded properly. Clerks cannot give legal advice; citizens should do their due diligence and seek legal counsel.

Ms. Gambee announced that the November 2016 ballot will be very full; the budget will need to be increased to handle that.

<b>Agenda Item – State Marijuana Laws</b>
---

Planning Director Angie Brewer reviewed the memo included in the packet saying that it addresses questions raised at the last Board session. She said that the prediction of first retail stores opening next fall is an assumption based on the amount of time needed to cycle from obtaining a license to producing a product. She said that the OLCC draft rules are online; they will not just stamp a license – it has other agency components.

Ms. Brewer reported that at the recent Planners Conference, many speakers clarified and confirmed that if the smell and lights are within the exclusive farm zone (EFU), they cannot be regulated. Outside the EFU, it is possible to enact regulations. She stated that with more hemp coming in, the market will drive the marijuana grows



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 21, 2015  
PAGE 15

indoors to avoid the conflict created by hemp. She said that greenhouses near residences are often windowless to avoid the light pollution issues.

Ms. Brewer went on to say that from now to 2017 the State tax formula for retail sales will be based on populations in jurisdictions that do not opt-out; after that it will be based on OLCC licenses, with 50% based on the number of growers, processors and wholesalers and the other 50% based on the number of retailers.

Chair Hege noted that based on those formulas, Wasco County will see very little revenue through the State tax distribution. He said that AOC is working to change that to a more equitable formula.

Ms. Brewer said that she has been talking with the Gorge Commission and pressing for their position on regulations within the scenic area.

Chair Hege observed that the six business uses listed in HB3400 do not address medical marijuana grows; there is an assumption that it will all become recreational marijuana that can supply to medical dispensaries. Ms. Brewer stated that medical marijuana grows are currently not a farm use – greenhouses for medical marijuana grows are not farm buildings; they are accessory buildings which means planning does not need to know what is going on inside the building as long as it is not farm use. She said that if they are licensed medical grows, Planning does not pursue; if they are not licensed, Planning works with the Sheriff's Department to pursue the issue.

Chair Hege asked if the medical marijuana grows have to have water rights and are not allowed to use an exempt well. Ms. Brewer replied that it is not yet clear; we are assuming that the medical marijuana card system will give way to the recreational market. Commissioner Kramer noted that it will mean confidentiality will go away. Ms. Brewer agreed that it is possible, but if they continue under the current system, we may not know.

Chair Hege stated that the County endorsement on the OLCC application will be our check; he asked how the County will handle that. Ms. Brewer replied that if they need a new building, we require quite a bit of detail and it is all public. Commissioner Kramer said that the Farm bureau is pushing for the Department of Agriculture to be in control. Ms. Brewer concurred, saying this is not over yet. Personal grows are not regulated and cannot be regulated – that applies to all zones.

WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 21, 2015  
PAGE 16

Commissioner Kramer asked if the County has had any applications. Ms. Brewer replied that they have not, just an inquiry.

Ms. Brewer reported that Clackamas and Deschutes have both moved forward with time, manner and use regulations – the most neutral path forward is to establish setbacks to provide protections for residents. Clackamas County is finished and Deschutes is wrapping up.

Referencing the table included in the packet, Chair Hege noted that in Wamic/Tygh Valley it lists “no” for the ability to grow. He asked why in those particular areas it is not allowed. Ms. Brewer replied that zones where farming is expressly allowed it is a “yes”; if it is not listed as expressly allowed then it is “no.” It is not listed in Tygh Valley or Wamic’s zoning.

Chair Hege stated that no matter what the Board does or does not do, it could still be fall, 2016 before we know. He said he would like to start the process for time, manner and place regulations so that something is in place. He said he believes growers want that as well as residents so that they know how and what they can do.

Commissioner Kramer asked what the zoning is for Pine Grove. Ms. Brewer responded that she will get that information to him.

Commissioner Runyon thanked Ms. Brewer for the matrix which has been useful when talking to citizens. Chair Hege concurred saying that it is also appropriate for landowners who may be adjacent to grows.

Ms. Brewer stated that pursuing the time, manner and place regulations will also help reduce the possibility of grandfathered uses. The date an application is submitted determines what regulations apply; even if the regulations change, the applicant is subject only to those regulations in place at the date of application.

Chair Hege asked how that applies to someone who changes what they are growing, say from pumpkins to marijuana. Ms. Brewer replied that in that case they would be changing use – if we have ordinances in place by January 4<sup>th</sup>, they will apply to anyone growing marijuana. If we want to prevent grandfathered uses, we need to act now.

Commissioner Runyon noted that there is a process for that. Ms. Brewer agreed

WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 21, 2015  
PAGE 17

adding that it will be critical to have stakeholders involved; it is a 2-3 month process if you hurry. She said we have a lot of good examples from similar counties that we can use as a template.

Mr. Stone noted that Planning is very busy and already working mandatory overtime.

Chair Hege said that we definitely need to get something in place and talk about how or if we are going to protect residents. He said that others have already taken this step and he doesn't know why we wouldn't; we want to avoid conflicts.

Ms. Brewer agreed saying that as things are becoming clearer, this is a prudent step. She said it will start with the Planning Commission and then come to the Board.

**\*\*\*The Board was in consensus to direct the Planning Director to move forward in a process to institute time, manner and place regulations in regard to recreational marijuana.\*\*\***

Ms. Brewer asked if the intent is for her to return with a recommendation and draft ordinances. All members of the Board indicated that, that is the intent. Chair Hege said that it needs to be done by January 4<sup>th</sup> to avoid grandfathered uses. Ms. Brewer pointed out that we will benefit from the work that other counties have already done.

Ms. Johnson stated that this is a lot of great information and with Wasco County voting 51.24% against Measure 91, this is a close call for the Board. She said she is glad to know there is a way for citizens to get this on the ballot – it is great for people to know that. She said that all the information is not available right now for how this will be managed; it is good to get it done soon so that people know. She said that if the Board decides to not opt-out, they should declare that so that people know.

Ms. Brewer said she will need other staff involvement for this process. Ms. Rogers said that she can offer some of her staff's time. She said that she also wants to point out that the personal grows are regulated in that it is illegal to use under the age of 18. Ms. Brewer agreed that the message is important.

Commissioner Kramer observed that in Section two of HB2041 it states that the tax will be 17% and in Section 21 they talk about 25%; he asked if that is the early-start provision. Chair Hege said that he thinks it starts at 25% and then goes to 17%.

Mr. Stone advised Ms. Brewer to let administration know what she needs from the



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 21, 2015  
PAGE 18

rest of the management team.

Chair Hege said that Maupin opted out last night; they wanted the citizens to make the decision in the 2016 election. Commissioner Kramer stated that Dufur has not addressed it. Mr. Stone said he believes Shaniko has opted out.

Chair Hege adjourned the session at 12:33 p.m.

<b>Summary of Actions</b>
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**Motions Passed**

- **To approve Oregon Military Department Office of Emergency Management Homeland Security Grant Program State Homeland Security Program CFDA #97.067 for Wasco County in the amount of \$23,477 for Grant #15-255.**
- **To approve Oregon Military Department Office of Emergency Management Homeland Security Grant Program State Homeland Security Program CFDA #97.067 for Wasco County in the amount of \$22,650 for Grant #15-256.**
- **To approve Resolution 15-012 appropriating unanticipated resources in a supplemental budget request.**
- **To approve the Consent Agenda with the noted change to the minutes – Page 1 Paragraph 3 – “adversity” instead of “diversity”.**
- **To sell back the property at 2365 E. 2nd Street, The Dalles, OR Parcel 1 of Partition 2009-0005, recorded on 02-25-2009 as 2009-000712 Wasco County Records, located in the NE1/4 of the SW1/4 and the NW1/4 of the SE1/4 of Section 2, Township 1 North, Range 13 East of the Willamette Meridian, City of The Dalles, County of Wasco and State of Oregon. to J Rose Development LLC for \$10,920.06.**
- **To approve Option 2 to affirm the Notice of Violation/Administrative Civil Penalties and potentially faster progress or long-term progress towards abatement for Compliance Code Case: CODENF-10-07-0059 with fines to begin as of October 21, 2015.**

WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 21, 2015  
PAGE 19

**Consensus**

- **To provide a letter of support for The Dalles Civic Auditorium restoration/renovation project.**
- **To sign the letter declaring the Wasco County Soil & Water Conservation District a government entity.**
- **For the Facilities Manager to move forward with the grant funding project to include the costs for both the switch gear box and new generator for the Wasco County Courthouse.**
- **To sign a letter to the Fish and Wildlife Commission stating the County's position that they should delist wolves for all of Oregon.**
- **To direct the Planning Director to move forward in a process to put in place time, manner and place regulations in regard to recreational marijuana.**

WASCO COUNTY BOARD  
OF COMMISSIONERS

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Scott Hege, Commission Chair

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Rod Runyon, County Commissioner

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Steve Kramer, County Commissioner

## **Agenda Item**

### **Lot Line Vacation**

- [Staff Report](#)
- [Lot Line Vacation Application](#)
- [Order 15-137 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](mailto:wcplanning@co.wasco.or.us)  
[www.co.wasco.or.us/planning](http://www.co.wasco.or.us/planning)

### STAFF REPORT & RECOMMENDATION Prepared for the Board of County Commissioners

**FILE #** PLALLV-15-05-0001

**REVIEW DATE:** November 4, 2015

**PREPARED:** October 21, 2015

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**REQUEST:** Subdivision lot line vacation

**RECOMMENDATION:** Approval, with conditions

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**APPLICANT/OWNER INFORMATION:**

**Applicant/Owner:** Robert and Merideth Berkovich  
6934 Mill Creek Road  
The Dalles OR 97058

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**PROPERTY INFORMATION:**

**Zoning:** R-R (2), Rural Residential  
Environmental Protection District 1: Flood Hazard Overlay  
Environmental Protection District 8: Big Game Winter Range

**Location:** The subject property is identified as Lot 1 and Lot 2, Mill Creek Wayside Garden Addition, located in the Mill Creek Valley, approximately 6 miles southwest of The Dalles. More specifically described as:

	<u>Map/Tax</u>	<u>Acct#</u>	<u>Acres</u>
Lot 2	1N 12E 22 CC 2600	7322	0.72
Lot 1	1N 12E 22 CC 2700	7087	0.77

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**ATTACHMENTS:**

Options & Staff Recommendation  
Staff Report

**PREPARED BY:** Patricia Neighbor, Associate Planner

## OPTIONS & STAFF RECOMMENDATION

### Background

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

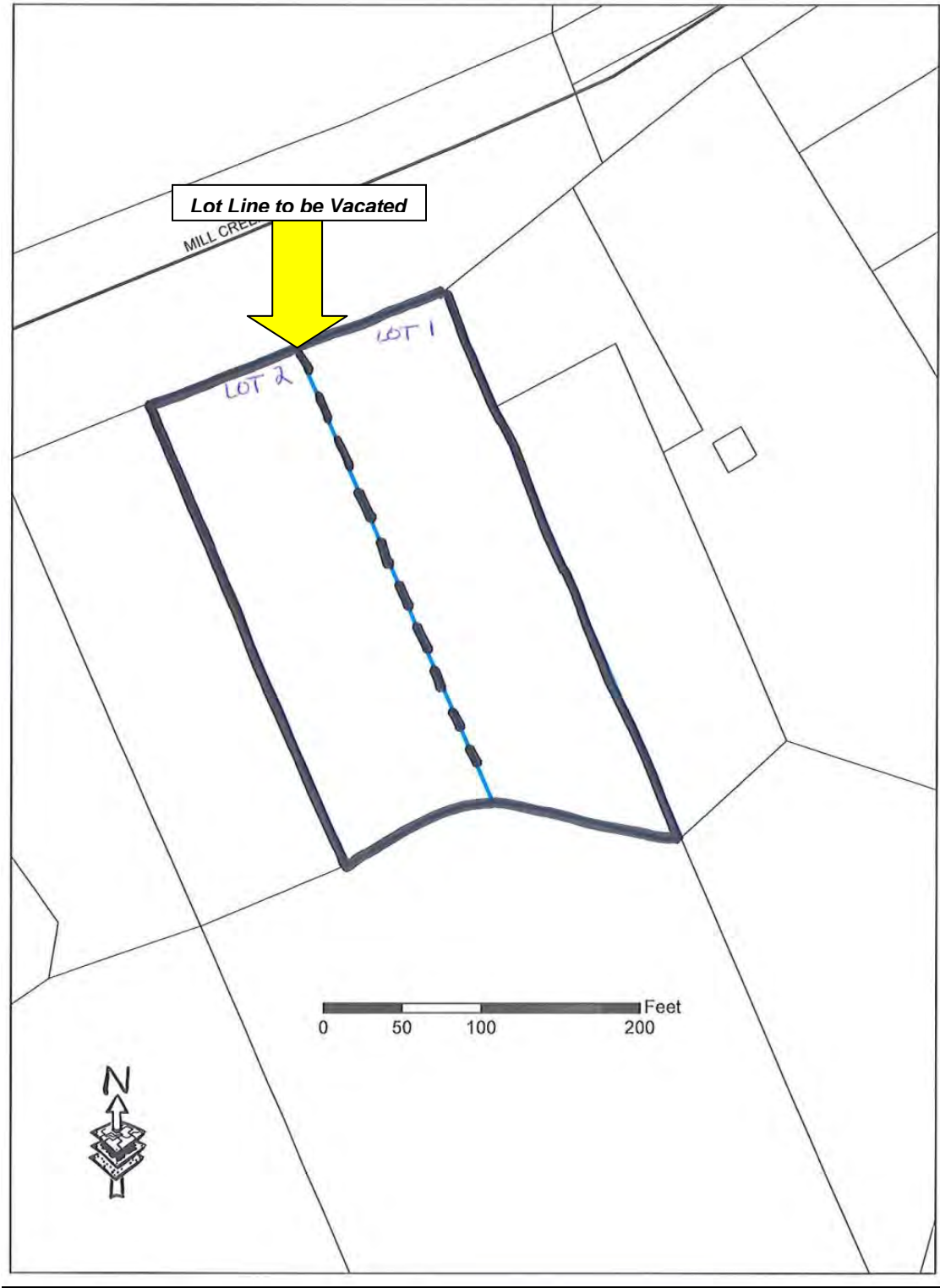
- A. Overview:** In order to locate a dwelling, applicant proposes to consolidate two parcels, each approximately 100' wide, so that a dwelling may be located on these parcels to be oriented towards Mill Creek Road and in compliance with setback requirements.
- B. Legal Parcel:** Tax Lots 1N 12E 22 CC 2700 and 1N 12E 22 CC 2600 were created in their current configurations, respectively, as Lots 2 and 1 of Mill Creek Wayside Garden Addition, filed with the Wasco County Clerk on September 2, 1965. These tax lots are consistent with the WCLUDO definition of legal parcel in the Wasco County Land Use and Development Ordinance (WCLUDO), Section 1.090.
- C. Site Description:** The subject parcels are long and roughly rectangular. The north fork of Mill Creek runs through the parcels at their southern ends, which are vegetated with trees. The north ends of the parcels are sloped and flat ground.
- D. Surrounding Land Use:** The properties near the subject parcel are generally residential and small-scale agricultural uses. Immediately to the east and west are single-family residential uses. Wasco County GIS maps show that parcels to the north and south are partially forested, and perhaps used for livestock grazing.
- E. Land Use History:** Planning Department records show no land use records for the subject parcels.
- F. 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.
- G. Maps:**  
Map 1 and 2 – Show Mill Creek Wayside Subdivision and the proposed property line adjustment.



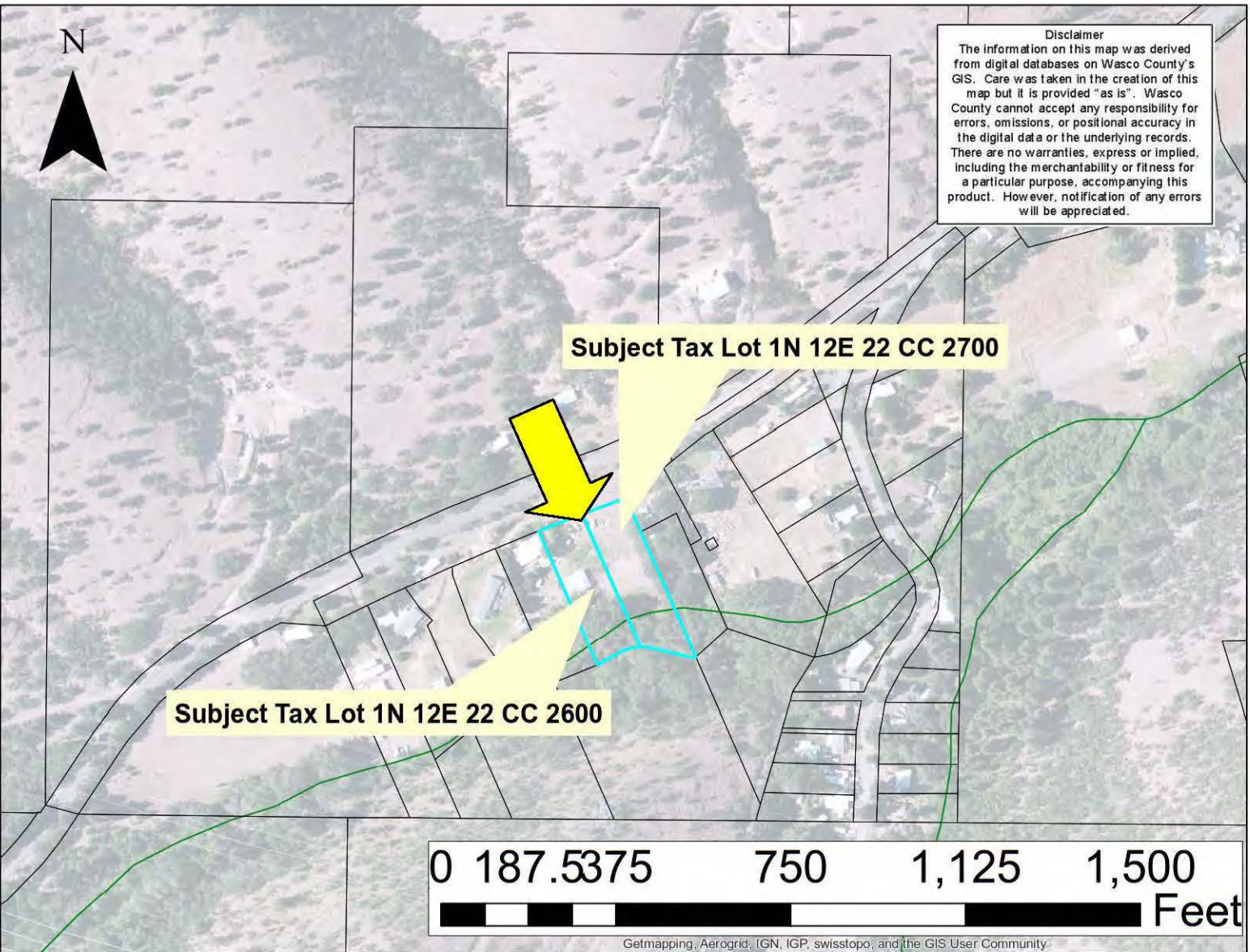
**Map 1**

**Location Map: Mill Creek Wayside Subdivision**

*The line between Lot 1 and Lot 2 in Mill Creek Wayside Subdivision is proposed to be vacated (see the dotted line). The arrow points to the line to be vacated.*



**Map 2**  
**Aerial Map**  
Lot 1 and Lot 2 in Mill Creek Wayside Subdivision are proposed to be vacated.  
The arrow indicates (points to) the line to be vacated.



## I. 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 Lot 1 and Lot 2 of Mill Creek Wayside Garden Addition, approximately 6 miles southwest of The Dalles, Oregon. 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:** Deed 88-0049 shows that lots 1 and 2 of Mill Creek Wayside subdivision are owned by Robert G. and Meredith L. Berkovich. The property line vacation will not deprive any owner of a recorded property right of access. Staff finds that the proposed development complies with the criteria.

#### **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 Robert and Meredith Berkovich hold title to the subject lots, as provided by the deed (Warranty Deed 88-0049). On May 13, 2015 the owners 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 Berkovichs submitted an application describing the property as taxlots 1N 12E 22 CC 2700 and 1N 12E 22 CC 2600, which are lots 1 and 2 of Mill Creek Wayside Subdivision, respectively. The application states that the reason for the vacation is to create a larger lot for future residential purposes. The current lots are approximately 100' wide and 300' deep, and the proposed lot line vacation will enable residential development to face Mill Creek Road and more easily comply with setback requirements. This subdivision is not served by public sewer. The proposed lot line vacation will create a larger lot that can accommodate a future home, accessory structures, and septic system on one parcel.

Per Wasco County deed records, Robert and Meredith Berkovich are the sole owners of land abutting the proposed lot line vacation, and 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.

- (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 that indicates their approval of the proposed vacation and that contains 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 in which the Planning Director finds that an interior lot line vacation complies with applicable land use regulations and facilitates development of the properties subject to the interior lot line vacation.

The current lot is narrow, and therefore, placing a dwelling that orients to the road yet also meets setback standards, and placing a septic system on that property, will be difficult. The proposed lot line vacation will facilitate development of the property by increasing the contiguous area in which development may occur. It will also increase conformity with the minimum lot size requirement in the R-R (2), Rural Residential – 2 acre zone.

Therefore, Staff finds that the lot line complies with this rule, and 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. On October 7, 2015, Staff notified the Wasco County

Surveyor of the proposed vacation. Staff also recommends a **condition** that the Wasco County Surveyor mark the plat as provided under ORS 271.230.





**Wasco County Planning Department**  
 "Service, Sustainability & Solutions"  
 2705 East Second St. • The Dalles, OR 97058  
 (541) 506-2560 • wcpplanning@co.wasco.or.us  
 www.co.wasco.or.us/planning

## LAND USE APPLICATION

FILE NUMBER: PLALLV-15-05-0001

FEE: \$1000

Date Received: 5/13/15 Planner Initials: PN Date Complete: \_\_\_\_\_ Planner Initials: \_\_\_\_\_

### APPLICANT INFORMATION

### OWNER INFORMATION

Name: Robert & Merideth Berkovich Name: Robert & Merideth Berkovich

Address: [REDACTED] Address: SAME

City/State/Zip: The Dalles, OR 97058 City/State/Zip: SAME

Phone: [REDACTED] Phone: SAME

Email: meriberk@aol.com Email: SAME

### PROPERTY INFORMATION

Township/Range/Section/Tax Lot(s)	Acct #	Acres	Zoning
<u>N12E 22 CC 2700</u>	<u>7087</u>	<u>.77</u>	<u>R-R(2)</u>
<u>N12E 22 CC 2600</u>	<u>7322</u>	<u>.72</u>	<u>R-R(2)</u>
<u>Also both in EPD-8 (BGWR) &amp; EPD-1</u>			

Property address (or location): NONE

Water source: well Sewage disposal method: septic

Name of road providing access: MILL CREEK RD

Current use of property: VACANT Use of surrounding properties: Resi grazing

Do you own neighboring property? ☐ NO ☒ YES (description) N12E 22CC 2500 & 1800

DETAILED PROJECT DESCRIPTION (proposed use, structures, dimensions, etc.):

Consolidate two Lots into one Lot.

☐ Additional description/maps/pictures attached

**LEGAL PARCEL STATUS**

Partition, Subdivision, OR

Most Recent Pre-9/4/1974 Deed #:

LOTS 1+2,

MILCK WAYSIDE GARDEN

Date Filed: ADDN

Current Deed #:

88-0049

Date Filed:

The deed and a map showing the property described in the deed(s) must accompany this application.

**SIGNATURES**

Applicant(s):

Merideth Berkovich

Date:

Date:

Property Owner(s):

Robert Berkovich

Date:

Date:

Date:

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: Mill Creek Wayside Garden Lot 1+2

Previous Map and Tax Lot: IN 12 200 800

Past Land Use Actions: If yes, list file #(s) 7087: none

☒ NO

☐ YES

7322: none

Subject to previous conditions?

☒ NO

☐ YES

Assessor Property Class: 7087

Zoning: RR-2

Environmental Protection Districts – List applicable EPDs:

☒ EPD # 1: flood

☒ EPD # 8: Big game w.r.

☐ EPD # \_\_\_\_\_

☐ EPD # \_\_\_\_\_

Water Resources

Are there bodies of water on property or adjacent properties?

☐ NO

☒ YES

Describe: Mill Creek: North Fork: Steelhead, Trout, Salmon

☐ 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: Mid Columbia & Oregon State

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: Wayside Garden

2. Subdivision Blocks & Lots to be vacated/consolidated:

SUBDIVISION	(200) Lot #1	(200) Lot #2	Lot #3	Lot #4	Lot #5
Lot & Block #	1	2			
Existing Acres	.77	.72			
Proposed Acres	1.49	0			
Existing Width	100 ft	100 ft			
Proposed Width	200 ft	0			
Existing Depth	300	300			
Proposed Depth	300	300			

A Map showing the subdivision lots to be consolidated has been submitted? ☐ NO ☐ YES

3. Explain the reason for the proposed lot line vacation:

To make one large lot out of two. To  
build a house to live in.

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:

This proposal will allow me to have a  
home placed in the middle for me & my family.

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: Mill Creek Wayside Garden Addn

Blocks & Lots to be Vacated/Consolidated: 1 & 2 (2700 & 2600)

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 #
1N12E 22 CC 2700	7087
1N12E 22 CC 2600	7322

Names and addresses of all persons holding any recorded interest in the property proposed to be vacated:

Print Name	Address
Robert G Berkovich	[REDACTED]
Merideth Berkovich	[REDACTED]

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:

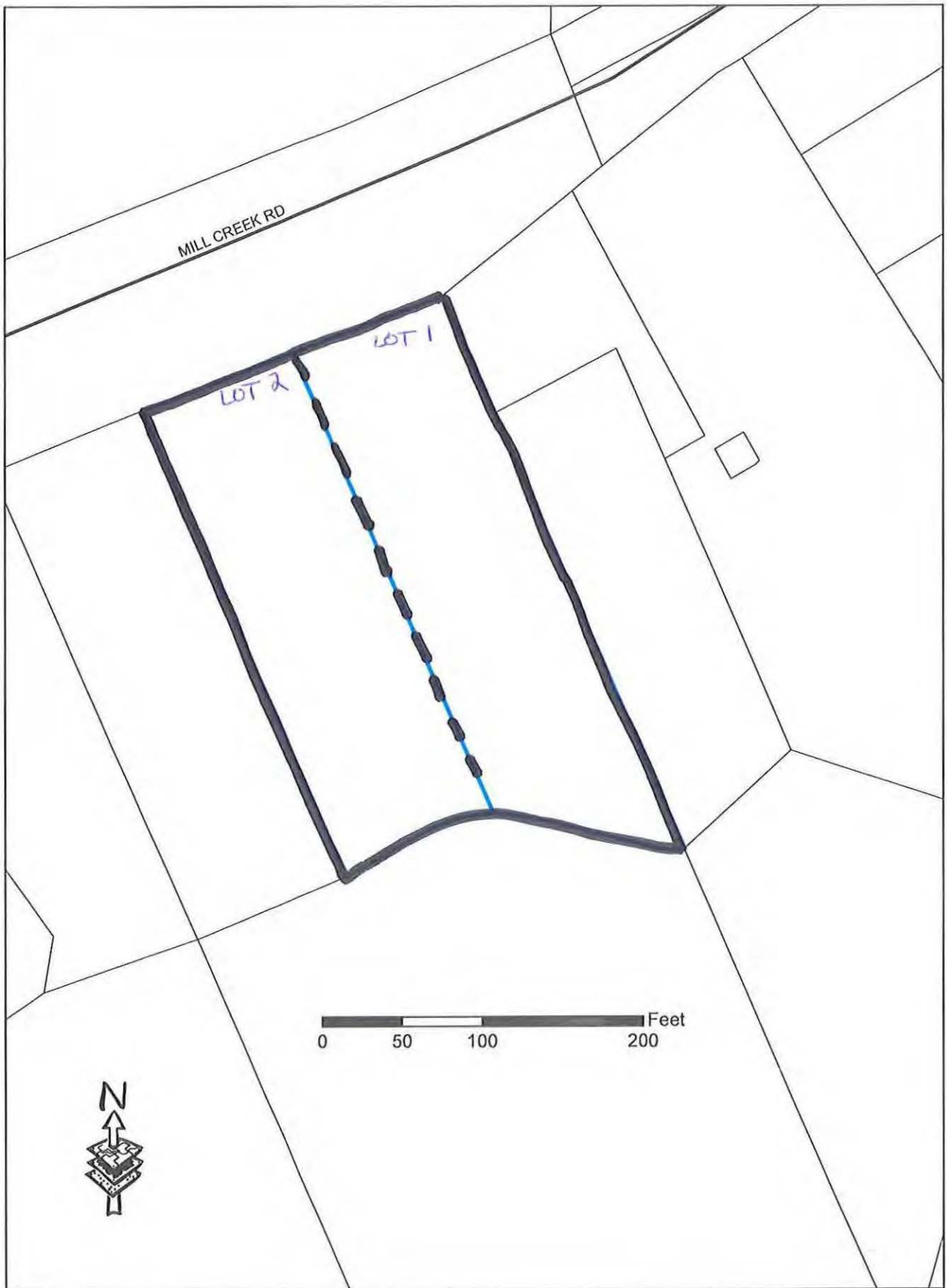
X \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

State of Oregon)  
County of Wasco)

Signed and affirmed to me on (date) \_\_\_\_\_.

\_\_\_\_\_  
Notary Public – State of Oregon



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 LOT 1	)	ORDER
AND LOT 2, MILL CREEK WAYSIDE SUBDIVISION,	)	15-137
AND ADOPTING FINDINGS OF FACT	)	
CONTAINED IN PLALLV-15-05-0001	)	

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 May 13, 2015, a petition was received from Robert Berkovich to vacate an interior subdivision lot line between Lot 1 and Lot 2, Mill Creek Wayside 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: 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 9:30 a.m. on Wednesday, November 4, 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 \_\_\_\_ to \_\_\_\_ 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 FURTHER ORDERED: That in support of this action, the Board hereby adopts the Conditions and Findings of Fact contained in Staff Report



PLALLV-15-05-0001; and

IT IS HEREBY FURTHER ORDERED: That this order shall be recorded with the Wasco County Clerk and filed with the Wasco County Assessor.

SIGNED this 4th day of November, 2015.

WASCO COUNTY BOARD  
OF COMMISSIONERS

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Scott C. Hege, Commission Chair

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Rod L. Runyon, County Commissioner

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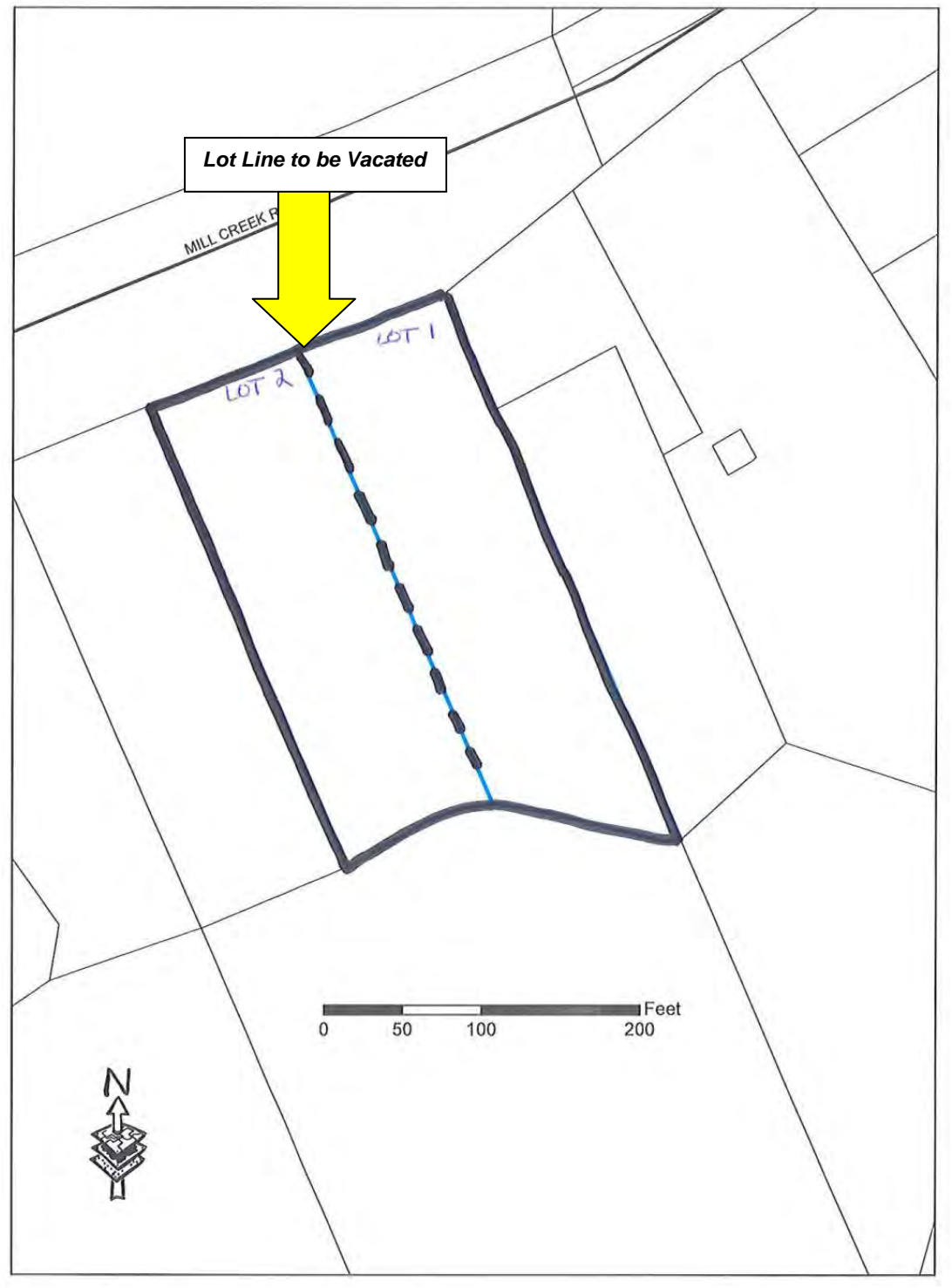
Steven D. Kramer, County Commissioner

APPROVED AS TO FORM:

---

Kristen Campbell  
Wasco County Counsel

EXHIBIT A  
LOT LINE TO BE VACATED



**Agenda Item**  
**Historic Columbia Gorge Hwy Centennial**  
**Celebration**

- [1916 Morning Oregonian Article on Dedication of Highway](#)
- [Artist's Rendition – Historic Columbia Gorge Highway](#)
- [Centennial Celebration Announcement](#)
- [Support Form](#)
- [Resolution 15-013 Supporting the Historic Columbia Gorge Highway Centennial Celebration](#)



HIGHWAY DEDICATED  
WITH POETIC DRAMA

Grandeur of Columbia  
Offered to World.

CEREMONY MOST SPECTACULAR

Queen Muriel Relieves Chief  
Multnomah of Rule.

PRESIDENT UNFURLS FLAG

Thousands of Persons From All  
Parts of Northwest Present and  
Motion Pictures Will Carry  
Event to Civilization.

The whole world knows that the Columbia River Highway is open. If it doesn't, it ought to, for the formal opening was proclaimed to the universe yesterday. Anyway, everybody soon will know it, for they took enough pictures — motion and otherwise — to supply information to every civilized section of the globe. It was a great day for the photographers. They were out in force amateur and professional alike. Photographically and in every other way the dedication was a great success.

Falls Picturesque Background.

The weather was just right for picture taking and the camera men had a background to their liking. What could be more picturesque than the majestic altitude of Multnomah Falls?

The dedicatory ceremonies took place on a platform erected in the natural amphitheater just below and a little to one side of the falls. The photographic batteries were arranged in a series of "trenches" beyond the platform so that the cameras could tilt the figures on the stage and the falls all in the same shot.

Light Good for Cameras.

The "trenches" were reserved exclusively for the movie men, the newspaper and commercial photographers. The amateur camera fan had to content himself with "sniping" his pictures from any old angle. But the light was good all around, and the platform presented a constantly changing kaleidoscopic array of attractive views, so plain and fancy picture taking was in order all day long. Consequently, scores and scores of plates were exposed, hundreds of dry films were unrolled, and who knows how many thousand feet of motion-picture reels were unwound?

Ceremony Is Beautiful.

All of which will add to the fame of the highway and attract tourists from near and distant parts to Portland.

Which, indeed is one of the prime objectives of the highway's existence, that and the enjoyment that it will furnish to the people of Portland themselves.

The ceremony in connection with the dedication was beautiful and spectacular.

It was conceived in poetry and executed in artistry and grandeur. The event had been widely heralded and it attracted people from all over the Northwest. In fact, it took on a National significance, inasmuch as the final act in the more or less elaborate ceremony was performed by President Wilson himself, when, at his desk in Washington. D. C. he touched an electric button that

released a large American flag at the pinnacle of Crown Point, which marks the highest elevation on the route.

Thousands Visit Falls.

But the main event was the ceremony at Multnomah Falls (see right). There it was that the great crowd had gathered to do honor to the highway builders. A special train brought thousands of people from Portland, and long lines of automobiles carried other thousands from the city, as well as from neighboring towns in Oregon, Washington and Idaho. More than 109 machines came from The Dalles alone. Scores came from Pendleton and other Eastern Oregon points.

Queen Muriel and her party went from Portland on the special train in the private car of J. D. Farrell, president of the O.—W. R. & N. Company. On arriving at the falls the queen and her attendants attired themselves in their festival garb. The first that the public saw of the queen was when she appeared escorted by a company of Royal Rosarians on the little bridge above the lower falls, that had been erected there through the philanthropy of S. Benson.

Trumpets Announce Queen.

A blast of trumpets proclaimed the presence of the queen. The party then proceeded slowly down the sylvan paths leading from the chasm between upper and lower falls to the platform below. The Rosarian band, concealed among the evergreens, played soft music for the march. Seated below the platform as guests of honor were Governor Withycombe, A. F. Flegel, the personal representative of President Wilson; S. Benson. Samuel C Lancaster, the engineer who built the highway; Julius L. Meier, president of the Columbia River Highway Association; W. L. Lightner, Rufus C. Holman and Philo Holbrook, County Commissioners; Frank S. Myers, postmaster of Portland; Calvin Stewart, postmaster of Tacoma; John B. Yeon County Roadmaster who supervised construction of the highway; Mayor Albee and others.

Queen Unfurls Flag.

At the conclusion of their dances the girls strewed rose petals over the platform. The Queen then stepped forward and, touching a silken cord, released a large American flag suspended from a cable in front of the waterfall. At this inspiring moment Miss Harriet Leach appeared and sang "The Star Spangled Banner." The great audience arose and stood at attention. When she concluded, her song everyone joined in rendering "America." President Dundore of the Festival Association then presented the King and Queen with a silver urn containing water taken from the pool below Multnomah Falls. Amid the plaudits of the crowd the King and Queen entered their automobile and speeded onward toward Crown Point. As they passed along they baptized the highway with waters from the silver urn. A whirring procession of automobiles followed. The highway was formally open for public travel.

\*\*\*\*\*  
GUILLotine THAT LAUNCHED  
BATTLESHIP OREGON WILL  
DEDICATE HIGHWAY.  
\*\*\*\*\*



VISTA HOUSE BEGUN

First Earth Turned for  
Memorial to Pioneers.

QUEEN CHRISTENS GROUND

Roses and Loganberry Juice  
Dedicate Site to Memory of  
Oregon's Earliest Settlers,  
as Guns Roar Salute.

Promptly at 5 P. M. Pacific time as President Wilson touched an electric button at Washington, a large American flag was unfurled on Crown Point, the site of the proposed Vista House, and the great Columbia River Highway became a project of National significance. Immediately 48 salutes, one for each of the states, were fired by Battery A, Oregon National Guard, and the thousands of celebrants joined in a vigorous demonstration. It was a fitting climax to the formal opening of the highway and marked the beginning of the construction of Vista House, a monument to be erected and dedicated to the memory of the pioneers of the Pacific Northwest. Following the dedicatory exercises at Multnomah Falls, Queen Muriel and her retinue were escorted to Crown Point, arriving in time to participate in a short formal programme before the hour set for the unfurling of the flag. With the arrival of the royal party, short addresses were made, and then H. L. Pittock, president of the Vista House Association, turned over the first spadeful of earth and started preparatory construction on the project.

Site Is Christened.

On the freshly turned earth Queen Muriel showered petals of roses and King Joy (Till D. Taylor) poured a bottle of Loganberry Juice, the distinctive Oregon temperance beverage. Then followed by the unfurling of the flag. It was a brief but impressive ceremony. The perfect weather and the spirit of the celebrants were in full accord. Unobstructed views for 30 miles up and down the Columbia Gorge from the Vista House site added to the success of the occasion. In a sense, it broadened the vision of the visitors as to the importance of the day; it seemed to give them an opportunity to look afar and back and to recall many incidents of pioneer days. That was the motif of the occasion to honor the memory of the

early settlers. That was the text of each of the speakers. Frederick V. Holman, one of Portland's oldest practicing attorneys, paid a high tribute to the pioneers. He briefly reviewed incidents of the Oregon country from the time of the Lewis and Clark expedition up to the period before the coming of the railroads. "We cannot realize what the early pioneers had to endure," said Mr. Holman. "It is because of their sufferings and hardships that the foundation of a strong citizenship here was laid. We cannot do them too much honor. It is fitting that we today are creating a monument that will perpetuate their memory."

Governor Praises Builder.

Governor Withycombe directed the attention of the celebrants to the beautiful panorama spreading for many miles beyond and up and down the river. "Such a view is beyond description," said the Governor. "It is inspiring. It will do more than anything else to impress men and to inspire them to do helpful, constructive things. All hail to Samuel C. Lancaster, to whose guiding genius the Columbia River Highway was made passable."

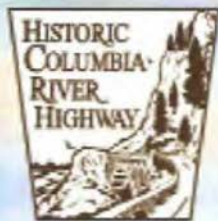
Other addresses were made by Adolphe Wolfe, Marshall Dana, Mayor Albee and Raymond D. Hill. Each emphasized the importance of the Vista House and praised the purposes for which it was to be built. For unfurling the flag, the same guillotine was used to cut the cord that was in service when the battleship Oregon was launched. A direct wire from Crown Point to the Capitol at Washington. D. C was in operation when President Wilson pushed the button that released the guillotine.

Over this same wire Governor Withycombe dispatched a message to President Wilson, conveying the thanks of the citizens of Oregon for the President's participation in the dedication. The message was as follows: "The people of the Oregon country greet you and thank you for unfurling the flag of freedom on Crown Point, Columbia River Highway, as we dedicate to the world the greatest highway ever built."

Oregon Battery Fires Salute.

Participation of Battery A. Oregon National Guard lent interest to the occasion. As the loud salutes resounded through the gorge a patriotic touch was felt, and the celebrants joined in the salute-giving by waving their bats and clapping their hands, and the din was increased by the shrill sounds of automobile sirens.





A Season of Celebration  
*June ~ October, 2016*

A scenic landscape photograph showing a winding asphalt road on a forested hillside. In the foreground, a circular observation deck with a white building and a green roof sits atop a hill, overlooking a wide river valley. The river flows through the valley, surrounded by lush green forests and rolling hills. In the distance, snow-capped mountains are visible under a cloudy sky. Tall evergreen trees are prominent in the foreground on the right.

CELEBRATING  
AMERICA'S HIGHWAY



# HEAR YE! HEAR YE!

## A Prodigious Northwestern Milepost is at Hand!



*MilePost 2016*

JUNE 7, 2016 marks the centennial of the Historic Columbia River Highway. This means everyone likely to bear an interest is hereby invited to take part in the historic celebration. It is not only as we recall past accomplishments and appreciate what has been preserved, but to encourage the best possible future for our beloved "King of Roads." Together, we will do it.

On June 7, 1916 the Columbia River Highway, hailed "America's great highway," was dedicated with a dazzling affair that drew the attention of the nation and the world. Our goal here is to recreate that day with another historic event to draw the



Mitchell Point Tunnels

attention of the nation and the world. On the memorable occasion in 1916, thousands headed east from Portland by special train, or arrived in personal automobiles just to be a part of it. The speeches, chorale songs, and an operatic aria sung to a parade of cars included an American Flag unfurled with an "electronic signal" by President Wilson at the White House, and was combined with Portland's Rose Festival so Queen Muriel and her court, along with all the officials, could participate.

"Such a view is beyond description," Governor Withycombe declared in 1916 at the future site of Vista House. He directed the attention of the celebrants to the beautiful panorama spreading for many miles beyond and up and down the river. "It is inspiring" he said. "It will do more than anything else to impress men and to inspire them to do helpful, constructive things."

Now, we are inspired, and we might expect to ignite a season of celebratory events taking in the beauty of the Gorge, its world-class amenities, premier trails, parks, towns, rails, and the fabulous, life-giving river that draws the commerce of nations between two great states. Let us celebrate the living monument to the achievements of Samuel Lancaster, our iconic Highway's chief engineer, his team, and their standard of excellence.



Clearly, we foresee nothing less than a united adventure undertaken in the spirit and enduring vision of the builders. Please join with us as we plan, engineer, and build our celebration.

*The* HISTORIC COLUMBIA RIVER HIGHWAY & STATE TRAIL

**JOIN US** A coalition of Historic Highway supporters are meeting to plan and coordinate the Historic Highway's Centennial.

Would you or your organization want to be involved in the celebration festivities in 2016?

- |   |  |
|---|--|
| <input type="checkbox"/> <b>SUPPORTER</b><br>Funding or in-kind donations                         | <input type="checkbox"/> <b>PROMOTER</b><br>I will help spread the word  |
| <input type="checkbox"/> <b>PARTNER</b><br>Sponsor a celebration-related event                    | <input type="checkbox"/> <b>PROCLAIMER</b><br>Local government or agencies who want to proclaim their support for the historic highway |
| <input type="checkbox"/> <b>STEERING COMMITTEE</b><br>Join the ranks and plan our centennial year | <input type="checkbox"/> <b>KEEP ME INFORMED.</b> Add me to your mailing list.   |

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

**MAIL THIS FORM TO:**

Kristen Stallman, Columbia River Gorge National Scenic Area Coordinator  
Oregon Department of Transportation, 123 NW Flanders, Portland, OR 97209  
Email: kristen.stallman@odot.state.or.us  
Comments or Ideas:

Return to Agenda

HISTORIC COLUMBIA  
RIVER HIGHWAY  
& STATE TRAIL





IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF SUPPORTING THE     )  
HISTORIC COLUMBIA RIVER HIGHWAY'S )     RESOLUTION  
2016 CENTENNIAL CELEBRATION         )     #15-013

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, a century ago, Samuel Hill and Samuel Lancaster had the vision to create America's first scenic highway, the Historic Columbia River Highway, to complement the Columbia Gorge's magnificent natural landscape; and

WHEREAS, June 7, 2016 marks the centennial of the Historic Columbia River Highway - on June 7, 1916 the Columbia River Highway, hailed as "America's great highway" was dedicated with a dazzling affair that drew the attention of the nation and the world; and

WHEREAS, on September 21, 2015 the Oregon Heritage Commission declared the Historic Columbia River Highway Centennial a Statewide Celebration; and



WHEREAS, the Historic Columbia River Highway, constructed 1913-1922 through Multnomah, Hood River and Wasco Counties connecting the communities of Troutdale and The Dalles, is considered one of the earliest and most significant scenic roads designed specifically for automobile use in the United States; and

WHEREAS, the Historic Columbia River Highway is a National Historic Landmark recognized for its pioneering advances in road design as an outstanding example of modern highway development in 20<sup>th</sup>-Century America; and

WHEREAS, the construction of a water-level route through the Columbia River Gorge, now Interstate 84, destroyed many sections of the Old Highway; and

WHEREAS, the Oregon Department of Transportation, through the Columbia River Gorge National Scenic Area Act of 1986 (PL 99-663), was directed by Congress to prepare a program to preserve and restore the Old Columbia River Highway for public use as an historic road; and

WHEREAS, ORS366.553 directs the State of Oregon to connect intact and usable highway segments with recreation trails, where feasible, and to create a continuous historic road route through the Columbia Gorge that links local, state and federal recreations facilities; and

WHEREAS, ten miles of Historic Columbia River Gorge Highway await reconnection as a trail; and

WHEREAS, five of the ten miles are in development, construction starting in the fall of 2015 and the remaining five miles of trail await funding for design and construction; and

WHEREAS, a recent economic study prepared for Travel Oregon revealed that bike-related tourism brings \$46 million to the region annually; and

WHEREAS, there is broad public support for this project – the Gorge communities have rallied to support completion of this project, seeing tremendous economic opportunity created by bicycle tourism and the possibility of providing additional access to the Gorge by means other than the automobile.

NOW, THEREFORE, BE IT RESOLVED that Wasco County will participate and support efforts to celebrate the 2016 Centennial Celebration by working locally to promote the celebration and efforts to reconnect the Historic Columbia River Highway as a trail; and

BE IT FURTHER RESOLVED that Wasco County will send representatives to the June 7, 2016 rededication event at Multnomah Falls.

DATED this 4<sup>th</sup> day of November, 2015.

WASCO COUNTY  
BOARD OF COMMISSIONERS

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Scott C. Hege, Commission Chair

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Rod L. Runyon, County Commissioner

APPROVED AS TO FORM:

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Kristen Campbell  
Wasco County Counsel

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Steven D. Kramer, County Commissioner

**Agenda Item**  
**Solid Waste Advisory Committee Rate Increase**  
**Recommendations**

- [SWAC Letter 2015](#)
- [Wasco County Landfill Fee Increase Request](#)
- [Resolution 15-014 Approving Landfill Request](#)
- [The Dalles Disposal Fee Increase Request](#)
- [Resolution 15-015 Approving The Dalles Disposal Request](#)





**Public Health**  
Prevent. Promote. Protect.

**NORTH CENTRAL PUBLIC HEALTH DISTRICT**

*"Caring For Our Communities"*

Wasco County Board of Commissioners  
Wasco County Courthouse  
511 Washington St.  
The Dalles, OR 97058

Dear Commissioners,

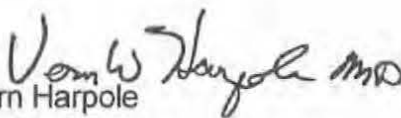
The Wasco County Solid Waste Advisory Committee met on October 28, 2015, to discuss rate increase requests from The Dalles Disposal (.76%) as well as Solid Waste Advisory Committee Members.

The committee discussed issues regarding the rate increase due to operational cost increases. The Solid Waste Advisory Committee asks that the Wasco County Board of Commissioners approve the proposed rate increase requests of .76% for The Dalles Disposal.

The SWAC also recommends to the Board of Commissioners that the following changes be made to the Solid Waste Ordinance. First, that the Health Officer be removed from the appointed members and replaced with a representative from Wasco County. Secondly, that they change the number of members from the general public from 2 to a minimum of 2 or a maximum of 4.

In addition, the Solid Waste Advisory Committee would also like to make the Board of Commissioners aware that the Wasco County Landfill has exceeded 100,000 tons of out of County waste this year. Per the Licensing Agreement the County has the option of seeking an additional host fee if more than 100,000 out of County tons are received in one year.

Respectfully,

  
Vern Harpole  
Health Officer  
North Central Public Health District

September 8, 2015

John Zalaznik  
North Central Public Health District  
419 East Fifth Street, Room 100  
The Dalles, OR 97058

RE: Wasco County Landfill, 2016 Rate Change

Dear John Zalaznik:

In accordance with the current license agreement between the Wasco County Landfill (WCL) and Wasco County, we plan to adjust our rates in 2016. A summary of the rate change is as follows:

The Consumer Price Index (CPI) for the Standard Metropolitan Statistical Area (West-C 1982-84=100) for 2014 is .9%. Eighty-five percent of the CPI is %. The new rates for the year 2016 will reflect .76% increase.

The Wasco County license fee for 2015 was \$108430.00 this will increase to \$109,254.00 in 2016 due to the .76% CPI.

The County's Host Fee will change from \$1.50 to \$1.51 per ton in 2016 due to the .76% CPI.

The HHW Fee will change from \$7.82 to \$7.88 per ton in 2016 due to the .76% CPI.

A proposed rate schedule for 2016 is attached for your reference.

Please feel free to contact me if you have any questions.

Sincerely,

Nancy Mitchell  
Wasco County Landfill  
Site Manager

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF APPROVING	)	
RATE INCREASES FOR THE	)	RESOLUTION
WASCO COUNTY LANDFILL	)	#15-014

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, on September 8, 2015, the Wasco County Landfill submitted a rate increase request in accordance with the current license agreement between the Wasco County and Wasco County Landfill; and

WHEREAS, in October, 2013 the Wasco County Solid Waste Committee reviewed the request and has recommended approval of the Wasco County Landfill’s proposed rate increases as attached hereto and by this reference made a part thereof.



NOW, THEREFORE, THE WASCO COUNTY BOARD OF COMMMISSERS  
HEREBY RESOLVES to approve the Wasco County Landfill rate increases as outlined  
in in the attached rate schedule, effective January 1, 2015.

DATED this 4<sup>th</sup> day of November, 2015.

WASCO COUNTY  
BOARD OF COMMISSIONERS

---

Scott C. Hege, Commission Chair

---

Rod L. Runyon, County Commissioner

---

Steve D. Kramer, County Commissioner

APPROVED AS TO FORM:

---

Kristen Campbell  
Wasco County Counsel

**Wasco County Landfill**  
**New Rates effective January 1, 2016**

**Wasco County**

\$ 33.48 per ton + \$7.88 (HHW Fee) = \$ 41.36 per ton

**Hood River and Sherman County**

\$ 37.43 per ton + \$7.88 (HHW Fee) = \$ 45.31 per ton

**Out of County**

\$37.43 per ton

**ACM: In-County**

\$ 84.24 per ton

**ACM: Out of County**

\$ 85.88 per ton

**PCS: In-County**

\$ 30.77 per ton

**PCS: Out of County**

\$ 32.50 per ton

**Public minimum is \$40.00**



**THE DALLES DISPOSAL**  
**1317 W 1<sup>ST</sup> STREET-THE DALLES, OR 97058**  
**541-298-5149**

October 26, 2015

Wasco County Board of County Commissioners  
511 Washington St, Suite 302  
The Dalles, OR 97058

Attention:  
Scott Hege, Commission Chair  
County Commissioners

Dear Commission Members,

The Dalles Disposal would like to respectfully request a rate adjustment averaging approximately .76% to help offset rising operational costs and disposal fees. We request this adjustment to be effective January 1, 2016. Some examples of these increases include but are not limited to, health care costs and fleet maintenance.

We use The Consumer Price Index (CPI) for the Standard Metropolitan Statistical Area (West-C) to benchmark our changes in operational costs. The most recent July to July comparison increased .9% and we believe this is a good indicator of our overall experience. The Wasco County Landfill anticipates increasing both its gate rate and the pass-through Household Hazardous Waste tax by .76% effective January 1<sup>st</sup>. We have incorporated these increases into the attached proposed rate schedule.

We would like to be scheduled on the Board of Commissioners agenda at your earliest convenience to discuss our proposal. We appreciate the continued opportunity to provide Wasco County with high quality solid waste services.

Sincerely,

Erwin Swetnam  
District Manager

Enclosure: Proposed Rate Sheets



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF APPROVING     )  
RATE INCREASES FOR                 )     RESOLUTION  
WASTE CONNECTIONS                 )     #15-015

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, in October, 2015, the Waste Connections/The Dalles Disposal submitted a rate increase request in accordance with the current license agreement between the Wasco County and Waste Connections; and

WHEREAS, the Wasco County Solid Waste Advisory Committee has reviewed the request and has recommended approval of Waste Connection/The Dalles Disposal’s proposed rate increases as attached hereto, and by this reference made a part hereof.

NOW, THEREFORE, THE WASCO COUNTY BOARD OF COMMMISSERS  
HEREBY RESOLVES to approve the Waste Connections' rate increases as outlined in in  
the attached rate schedule, effective January 1, 2015.

DATED this 4<sup>th</sup> day of November, 2015.

WASCO COUNTY  
BOARD OF COMMISSIONERS

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Scott C. Hege, Commission Chair

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Rod L. Runyon, County Commissioner

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Steve D. Kramer, County Commissioner

APPROVED AS TO FORM:

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Kristen Campbell  
Wasco County Counsel

## TD WASCO COUNTY UGA GARBAGE RATES

Proposed Increase January 1, 2016

CPI

SERVICE	1/1/15 CURRENT RATE	0.76% Total LF Increase	0.76% Business Increase	TOTAL INCREASE	BASIC NEW RATE
<b>RESIDENTIAL</b>					
<b>CANS/ROLLCARTS</b>					
Weekly					
- (1) 20 gal can	\$11.42	\$0.02	\$0.07	\$0.09	\$11.51
- (1) 32 gal can	\$17.36	\$0.03	\$0.11	\$0.14	\$17.50
- 90 gal rollcart	\$25.09	\$0.07	\$0.13	\$0.21	\$25.30
- 105 gal cart (Phase Out)	\$26.88	\$0.09	\$0.14	\$0.22	\$27.10
- each add'l can/cart added at price of 1st unit					
EOW					
- (1) 32 gal can	\$14.69	\$0.02	\$0.10	\$0.11	\$14.80
Call In					
- (1) 32 gal can	\$12.06	\$0.01	\$0.08	\$0.09	\$12.15
- 90 gal rollcart	\$17.57	\$0.02	\$0.12	\$0.14	\$17.71
<b>YARD DEBRIS</b>					
* 12 month min sign-up period * \$18 restart fee if service cancelled and restarted within year * 60 gal yard debris cart					
<b>RESIDENTIAL</b>					
Weekly	\$8.49	\$0.05	\$0.03	\$0.07	\$8.56
EOW	\$5.80	\$0.03	\$0.02	\$0.05	\$5.85

**TD WASCO COUNTY UGA GARBAGE RATES**

Proposed Increase January 1, 2016

CPI

SERVICE	1/1/15 CURRENT RATE	0.76% Total LF Increase	0.76% Business Increase	TOTAL INCREASE	BASIC NEW RATE
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**SPECIAL CHARGES**

\* The following additional charges are  
whose cans, rollcarts or containers pose a potential safety risk  
to our employees due to the difficult and unsafe location of  
their service containers.

## Additional Charge:

- Sunken Can	\$21.18	\$0.00	\$0.16	\$0.16	\$21.34
- Excess distance	\$21.18	\$0.00	\$0.16	\$0.16	\$21.34
- Steps/stairs	\$21.18	\$0.00	\$0.16	\$0.16	\$21.34
- Through gate	\$21.18	\$0.00	\$0.16	\$0.16	\$21.34
 -extra can/bag/box	\$6.52	\$0.00	\$0.05	\$0.05	\$6.57
- loose yardage per yd	\$27.36	\$0.06	\$0.16	\$0.22	\$27.58
(over-the-top extra around conts-cans-rollcarts or on the ground)					
 - bulk items (*Bring to transfer station)					
- return trip can	\$6.50	\$0.00	\$0.05	\$0.05	\$6.55
- return trip rollcart	\$9.59	\$0.00	\$0.07	\$0.07	\$9.66
- rollcart redelivery	\$9.93	\$0.00	\$0.08	\$0.08	\$10.01
- Off day PU	\$7.12	\$0.00	\$0.05	\$0.05	\$7.17
- Delinquent fee	\$12.70	\$0.00	\$0.10	\$0.10	\$12.80
(Acct delinquent after 30 days from billing)					
- NSF/unhonored check fee	\$29.97	\$0.00	\$0.23	\$0.23	\$30.20
- New Acct set up fee	\$5.71	\$0.00	\$0.04	\$0.04	\$5.75
- Change in service	\$5.71	\$0.00	\$0.04	\$0.04	\$5.75
(name/address/service)					



**TD WASCO COUNTY UGA GARBAGE RATES**

**Proposed Increase January 1, 2016**

**CPI**

<b>SERVICE</b>	<b>1/1/15 CURRENT RATE</b>	<b>0.76% Total LF Increase</b>	<b>0.76% Business Increase</b>	<b>TOTAL INCREASE</b>	<b>BASIC NEW RATE</b>
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**TD WASCO COUNTY UGA GARBAGE RATES**

Proposed Increase January 1, 2016

CPI

SERVICE	1/1/15 CURRENT RATE	0.76% Total LF Increase	0.76% Business Increase	TOTAL INCREASE	BASIC NEW RATE
<b>COMMERCIAL</b>					
Weekly					
- (1) 32 gal can	\$20.99	\$0.03	\$0.14	\$0.16	\$21.15
- 90 gal rollcart	\$32.00	\$0.07	\$0.18	\$0.26	\$32.26
- each add'l can/cart added at price of 1st unit					
EOW					
- (1) 32 gal can	\$17.74	\$0.02	\$0.12	\$0.14	\$17.88
Call In					
- (1) 32 gal can	\$13.29	\$0.01	\$0.09	\$0.10	\$13.39
- 90 gal rollcart	\$19.17	\$0.02	\$0.13	\$0.15	\$19.32

**SPECIAL CHARGES**

\* The following additional charges are assessed to customers whose cans, rollcarts or containers pose a potential safety risk to our employees due to the difficult and unsafe location of their service containers.

Additional Charge:

- Sunken Can	\$23.29	\$0.00	\$0.18	\$0.18	\$23.47
- Excess distance	\$23.29	\$0.00	\$0.18	\$0.18	\$23.47
- Steps/stairs	\$23.29	\$0.00	\$0.18	\$0.18	\$23.47
- Through gate	\$23.29	\$0.00	\$0.18	\$0.18	\$23.47
			\$0.00		
-extra can/bag/box	\$6.52	\$0.00	\$0.05	\$0.05	\$6.57
- loose yardage per yd	\$27.36	\$0.06	\$0.16	\$0.22	\$27.58
(*extra garbage ontop or around cans and rollcarts)					

**TD WASCO COUNTY UGA GARBAGE RATES**

Proposed Increase January 1, 2016

CPI

<b>SERVICE</b>	<b>1/1/15 CURRENT RATE</b>	<b>0.76% Total LF Increase</b>	<b>0.76% Business Increase</b>	<b>TOTAL INCREASE</b>	<b>BASIC NEW RATE</b>
which must be manually handled & placed in truck)					
- bulk items (*Bring to transfer station)					
- return trip can	\$6.50	\$0.00	\$0.05	\$0.05	\$6.55
- return trip rollcart	\$9.60	\$0.01	\$0.07	\$0.07	\$9.67
- rollcart redelivery	\$9.93	\$0.00	\$0.08	\$0.08	\$10.01
- Off day PU	\$7.12	\$0.00	\$0.05	\$0.05	\$7.17
- Delinquent fee	\$12.70	\$0.00	\$0.10	\$0.10	\$12.80
(Acct delinquent after 30 days from billing)					
- NSF/unhonored check fee	\$29.97	\$0.00	\$0.23	\$0.23	\$30.20
- New Acct set up fee	\$5.71	\$0.00	\$0.04	\$0.04	\$5.75
- Change in service	\$5.71	\$0.00	\$0.04	\$0.04	\$5.75
(name/address/service)					

**TD WASCO COUNTY UGA GARBAGE RATES**

Proposed Increase January 1, 2016

CPI

SERVICE	1/1/15 CURRENT RATE	0.76% Total LF Increase	0.76% Business Increase	TOTAL INCREASE	BASIC NEW RATE
<b>CONTAINERS</b>					
1 1/2 Yd Containers					
- Call In	\$31.41	\$0.05	\$0.20	\$0.25	\$31.66
- EOW	\$43.85	\$0.10	\$0.25	\$0.35	\$44.20
- 1XPW	\$87.72	\$0.20	\$0.51	\$0.71	\$88.43
- Additional day rate = # days x 1 x wk rate					
2 Yd Containers					
- Call In	\$42.26	\$0.06	\$0.27	\$0.33	\$42.59
- EOW	\$58.62	\$0.13	\$0.34	\$0.47	\$59.09
- 1XPW	\$117.21	\$0.26	\$0.68	\$0.94	\$118.15
- Additional day rate = # days x 1 x wk rate					
3 Yd Containers					
- Call In	\$62.81	\$0.09	\$0.40	\$0.49	\$63.30
- EOW	\$87.71	\$0.20	\$0.51	\$0.71	\$88.42
- 1XPW	\$175.44	\$0.40	\$1.01	\$1.41	\$176.85
- Additional day rate = # days x 1 x wk rate					
<b>SPECIAL CHARGES</b>					
- Delivery	\$32.13	\$0.00	\$0.24	\$0.24	\$32.37
- Rent	\$31.35	\$0.00	\$0.24	\$0.24	\$31.59
- Rent-a-bin	\$70.55	\$0.00	\$0.53	\$0.53	\$71.08
- Loose yardage	\$27.36	\$0.06	\$0.16	\$0.22	\$27.58



## TD WASCO COUNTY UGA GARBAGE RATES

Proposed Increase January 1, 2016

CPI

SERVICE	1/1/15 CURRENT RATE	0.76% Total LF Increase	0.76% Business Increase	TOTAL INCREASE	BASIC NEW RATE
Containers with difficult access (per cont chg)					
- Not on solid surface	\$23.29	\$0.00	\$0.18	\$0.18	\$23.47
- Stuck in the mud	\$23.29	\$0.00	\$0.18	\$0.18	\$23.47
- Lodged in loose gravel	\$23.29	\$0.00	\$0.18	\$0.18	\$23.47
- Overweight	\$23.29	\$0.00	\$0.18	\$0.18	\$23.47
- Excess distance	\$23.29	\$0.00	\$0.18	\$0.18	\$23.47
- Rolloff curb	\$23.29	\$0.00	\$0.18	\$0.18	\$23.47
<b>COMPACTORS</b>					
* 50,000 max gross weight					
- Per compacted yard	\$30.17	\$0.15	\$0.11	\$0.26	\$30.43
- over 2 tons for 10 yds					
- over 4 tons for 20 yds					
- over 6 tons for 30 yds					
- over 50,000 GW x Fee (*Per each 2,000 lb excess)	\$347.99	\$0.00	\$2.63	\$2.63	\$350.62
- Extra miles over 15	\$2.91	\$0.00	\$0.02	\$0.02	\$2.93

## TD WASCO COUNTY UGA GARBAGE RATES

Proposed Increase January 1, 2016

CPI

SERVICE	1/1/15 CURRENT RATE	0.76% Total LF Increase	0.76% Business Increase	TOTAL INCREASE	BASIC NEW RATE
<b>DROP BOXES</b>					
- 10 yd min fee empty	\$198.24	\$0.56	\$1.06	\$1.62	\$199.86
- 15 yd min fee empty	\$297.42	\$0.84	\$1.59	\$2.43	\$299.85
- 20 yd min fee empty	\$396.46	\$1.12	\$2.11	\$3.24	\$399.70
- 30 yd min fee empty	\$594.72	\$1.69	\$3.17	\$4.86	\$599.58
- Delivery	\$66.94	\$0.00	\$0.51	\$0.51	\$67.45
- Pickup	\$66.94	\$0.00	\$0.51	\$0.51	\$67.45
- Swap	\$66.94	\$0.00	\$0.51	\$0.51	\$67.45
- Ex miles over 15	\$2.91	\$0.00	\$0.02	\$0.02	\$2.93
- Demurrage per day after 5 days	\$14.25	\$0.00	\$0.11	\$0.11	\$14.36
- LS ydg	\$27.36	\$0.06	\$0.16	\$0.22	\$27.58
- over 2 tons for 10 yds					
- over 4 tons for 20 yds					
- over 6 tons for 30 yds					

**TD WASCO COUNTY RURAL GARBAGE RATES**

Proposed Increase January 1, 2016

SERVICE	1/1/15 CURRENT RATE	0.76% Total LF Increase	0.76% Business Increase	TOTAL INCREASE	NEW RATE
<b>RESIDENTIAL</b>					
<b>CANS/ROLLCARTS</b>					
Weekly					
- (1) 20 gal can (NewRate)	\$11.42	\$0.02	\$0.07	\$0.09	\$11.51
- (1) 32 gal can	\$19.42	\$0.03	\$0.12	\$0.15	\$19.57
- 90 gal rollcart	\$29.48	\$0.07	\$0.17	\$0.24	\$29.72
- 105 gal cart (Phase Out)	\$31.24	\$0.09	\$0.17	\$0.25	\$31.49
- each add'l can/cart added at price of 1st unit					
EOW					
- (1) 32 gal can	\$15.32	\$0.02	\$0.10	\$0.12	\$15.44
- 90 gal rollcart	\$26.54	\$0.04	\$0.17	\$0.21	\$26.75
Call In					
- (1) 32 gal can	\$13.11	\$0.01	\$0.09	\$0.10	\$13.21
- 90 gal rollcart	\$17.63	\$0.02	\$0.12	\$0.14	\$17.77
<b>SPECIAL CHARGES</b>					
* The following additional charges are whose cans, rollcarts or containers pose a potential safety risk to our employees due to the difficult and unsafe location of their service containers.					
Additional Charge:					
- Sunken Can	\$23.29	\$0.00	\$0.18	\$0.18	\$23.47
- Excess distance	\$23.29	\$0.00	\$0.18	\$0.18	\$23.47
- Steps/stairs	\$23.29	\$0.00	\$0.18	\$0.18	\$23.47

**TD WASCO COUNTY RURAL GARBAGE RATES****Proposed Increase January 1, 2016**

<b>SERVICE</b>	<b>1/1/15 CURRENT RATE</b>	<b>0.76% Total LF Increase</b>	<b>0.76% Business Increase</b>	<b>TOTAL INCREASE</b>	<b>NEW RATE</b>
- Through gate	\$23.29	\$0.00	\$0.18	\$0.18	\$23.47
-extra can/bag/box	\$6.64	\$0.00	\$0.05	\$0.05	\$6.69
- loose yardage per yd	\$27.36	\$0.06	\$0.16	\$0.22	\$27.58
(over-the-top extra around conts-cans-rollcarts or on the ground)					
- bulk items (*Bring to transfer station)					
- return trip can	\$6.50	\$0.00	\$0.05	\$0.05	\$6.55
- return trip rollcart	\$9.59	\$0.00	\$0.07	\$0.07	\$9.66
- rollcart redelivery	\$9.93	\$0.00	\$0.08	\$0.08	\$10.01
- Off day PU	\$7.12	\$0.00	\$0.05	\$0.05	\$7.17
- Delinquent fee	\$12.70	\$0.00	\$0.10	\$0.10	\$12.80
(Acct delinquent after 30 days from billing)					
- NSF/unhonored check fee	\$29.97	\$0.00	\$0.23	\$0.23	\$30.20
- New Acct set up fee	\$6.53	\$0.00	\$0.05	\$0.05	\$6.58
- Change in service	\$6.53	\$0.00	\$0.05	\$0.05	\$6.58
(name/address/service)					



## TD WASCO COUNTY RURAL GARBAGE RATES

**Proposed Increase January 1, 2016**

SERVICE	1/1/15 CURRENT RATE	0.76% Total LF Increase	0.76% Business Increase	TOTAL INCREASE	NEW RATE
<b>COMMERCIAL</b>					
Weekly					
- (1) 32 gal can	\$22.94	\$0.03	\$0.15	\$0.18	\$23.12
- 90 gal rollcart	\$34.02	\$0.07	\$0.20	\$0.27	\$34.29
- each add'l can/cart added at price of 1st unit					
EOW					
- (1) 32 gal can	\$18.42	\$0.02	\$0.13	\$0.14	\$18.56
Call In					
- (1) 32 gal can	\$14.42	\$0.01	\$0.10	\$0.11	\$14.53
- 90 gal rollcart	\$19.42	\$0.02	\$0.13	\$0.15	\$19.57

### **SPECIAL CHARGES**

\* The following additional charges are assessed to customers whose cans, rollcarts or containers pose a potential safety risk to our employees due to the difficult and unsafe location of their service containers.

Additional Charge:

- Sunken Can	\$23.29	\$0.00	\$0.18	\$0.18	\$23.47
- Excess distance	\$23.29	\$0.00	\$0.18	\$0.18	\$23.47
- Steps/stairs	\$23.29	\$0.00	\$0.18	\$0.18	\$23.47
- Through gate	\$23.29	\$0.00	\$0.18	\$0.18	\$23.47
			\$0.00		
-extra can/bag/box	\$6.64	\$0.00	\$0.05	\$0.05	\$6.69
- loose yardage per yd	\$27.36	\$0.06	\$0.16	\$0.22	\$27.58
(*extra garbage ontop or around cans and rollcarts which must be manually handled & placed in truck)					

## TD WASCO COUNTY RURAL GARBAGE RATES

Proposed Increase January 1, 2016

SERVICE	1/1/15 CURRENT RATE	0.76% Total LF Increase	0.76% Business Increase	TOTAL INCREASE	NEW RATE
- bulk items (*Bring to transfer station)					
- return trip can	\$6.50	\$0.00	\$0.05	\$0.05	\$6.55
- return trip rollcart	\$9.60	\$0.01	\$0.07	\$0.07	\$9.67
- rollcart redelivery	\$9.93	\$0.00	\$0.08	\$0.08	\$10.01
- Off day PU	\$7.12	\$0.00	\$0.05	\$0.05	\$7.17
- Delinquent fee	\$12.70	\$0.00	\$0.10	\$0.10	\$12.80
(Acct delinquent after 30 days from billing)					
- NSF/unhonored check fee	\$29.97	\$0.00	\$0.23	\$0.23	\$30.20
- New Acct set up fee	\$6.53	\$0.00	\$0.05	\$0.05	\$6.58
- Change in service	\$6.53	\$0.00	\$0.05	\$0.05	\$6.58
(name/address/service)					

## TD WASCO COUNTY RURAL GARBAGE RATES

Proposed Increase January 1, 2016

SERVICE	1/1/15 CURRENT RATE	0.76% Total LF Increase	0.76% Business Increase	TOTAL INCREASE	NEW RATE
<b>CONTAINERS</b>					
1 1/2 Yd Containers					
- Call In	\$33.16	\$0.05	\$0.21	\$0.26	\$33.42
- EOW	\$47.49	\$0.10	\$0.28	\$0.38	\$47.87
- 1XPW	\$95.06	\$0.20	\$0.56	\$0.76	\$95.82
- Additional day rate = # days x 1 x wk rate					
2 Yd Containers					
- Call In	\$43.67	\$0.06	\$0.28	\$0.34	\$44.01
- EOW	\$63.10	\$0.13	\$0.37	\$0.51	\$63.61
- 1XPW	\$126.05	\$0.26	\$0.75	\$1.01	\$127.06
- Additional day rate = # days x 1 x wk rate					
3 Yd Containers					
- Call In	\$62.81	\$0.09	\$0.40	\$0.49	\$63.30
- 1XPW	\$190.11	\$0.40	\$1.13	\$1.52	\$191.63
- Additional day rate = # days x 1 x wk rate					
<b>SPECIAL CHARGES</b>					
- Delivery	\$31.81	\$0.00	\$0.24	\$0.24	\$32.05
- Rent	\$31.04	\$0.00	\$0.23	\$0.23	\$31.27
- Rent-a-bin	\$70.55	\$0.00	\$0.53	\$0.53	\$71.08
- Loose yardage	\$27.36	\$0.06	\$0.16	\$0.22	\$27.58

Containers with difficult access (per cont chg)

## TD WASCO COUNTY RURAL GARBAGE RATES

Proposed Increase January 1, 2016

SERVICE	1/1/15 CURRENT RATE	0.76% Total LF Increase	0.76% Business Increase	TOTAL INCREASE	NEW RATE
- Not on solid surface	\$23.29	\$0.00	\$0.18	\$0.18	\$23.47
- Stuck in the mud	\$23.29	\$0.00	\$0.18	\$0.18	\$23.47
- Lodged in loose gravel	\$23.29	\$0.00	\$0.18	\$0.18	\$23.47
- Overweight	\$23.29	\$0.00	\$0.18	\$0.18	\$23.47
- Excess distance	\$23.29	\$0.00	\$0.18	\$0.18	\$23.47
- Rolloff curb	\$23.29	\$0.00	\$0.18	\$0.18	\$23.47
<b>COMPACTORS</b>					
* 50,000 max gross weight					
- Per compacted yard	\$29.96	\$0.15	\$0.10	\$0.26	\$30.22
- over 2 tons for 10 yds					
- over 4 tons for 20 yds					
- over 6 tons for 30 yds					
- over 50,000 GW x Fee (*Per each 2,000 lb excess)	303.86	\$0.00	\$2.30	\$2.30	\$306.16
- Extra miles over 15	\$3.01	\$0.00	\$0.02	\$0.02	\$3.03



**TD WASCO COUNTY RURAL GARBAGE RATES**

Proposed Increase January 1, 2016

SERVICE	1/1/15 CURRENT RATE	0.76% Total LF Increase	0.76% Business Increase	TOTAL INCREASE	NEW RATE
<b>DROP BOXES</b>					
- 10 yd min fee empty	\$215.60	\$0.56	\$1.19	\$1.75	\$217.35
- 15 yd min fee empty	\$323.44	\$0.84	\$1.78	\$2.63	\$326.07
- 20 yd min fee empty	\$431.23	\$1.12	\$2.38	\$3.50	\$434.73
- 30 yd min fee empty	\$646.81	\$1.69	\$3.57	\$5.25	\$652.06
- Delivery	\$73.31	\$0.00	\$0.55	\$0.55	\$73.86
- Pickup	\$73.31	\$0.00	\$0.55	\$0.55	\$73.86
- Swap	\$73.31	\$0.00	\$0.55	\$0.55	\$73.86
- Ex miles over 15	\$3.01	\$0.00	\$0.02	\$0.02	\$3.03
- Demurrage per day after 5 days	\$14.24	\$0.00	\$0.11	\$0.11	\$14.35
- LS ydg	\$27.35	\$0.06	\$0.16	\$0.22	\$27.57
- over 2 tons for 10 yds					
- over 4 tons for 20 yds					
- over 6 tons for 30 yds					

**TD WASCO COUNTY SOUTH COUNTY GARBAGE RATES**

Proposed Increase January 1, 2016

SERVICE	CURRENT RATE	0.76%	0.76%	TOTAL INCREASE	NEW RATE
		Total LF Increase	Business Increase		
RESIDENTIAL					
CANS/ROLLCARTS					
Weekly					
- (1) can	\$22.48	\$0.03	\$0.15	\$0.18	\$22.66
- (2) cans	\$34.61	\$0.06	\$0.22	\$0.28	\$34.89
- (3) cans	\$45.96	\$0.08	\$0.28	\$0.36	\$46.32
- each additional can	\$6.84	\$0.03	\$0.03	\$0.06	\$6.90
Semi-Monthly/Monthly					
- (1) can, once a month	\$9.36	\$0.00	\$0.07	\$0.07	\$9.43
- (1) can, twice a month	\$14.24	\$0.01	\$0.10	\$0.11	\$14.35
Call In					
- (1) can	\$9.76	\$0.00	\$0.07	\$0.07	\$9.83

**TD WASCO COUNTY SOUTH COUNTY GARBAGE RATES**

Proposed Increase January 1, 2016

SERVICE	CURRENT RATE	0.76%	0.76%	TOTAL INCREASE	NEW RATE
		Total LF Increase	Business Increase		
<b>CONTAINERS</b>					
1 1/2 Yd Containers					
- Once a week	\$115.58	\$0.20	\$0.72	\$0.92	\$116.50
- Twice a week	\$207.36	\$0.39	\$1.26	\$1.65	\$209.01
- Once a month	\$58.26	\$0.05	\$0.40	\$0.45	\$58.71
- Twice a month	\$75.27	\$0.09	\$0.49	\$0.58	\$75.85
2 Yd Containers					
- Once a week	\$144.10	\$0.27	\$0.88	\$1.15	\$145.25
- Twice a week	\$256.36	\$0.53	\$1.52	\$2.05	\$258.41
- Once a month	\$66.54	\$0.06	\$0.46	\$0.52	\$67.06
- Twice a month	\$93.46	\$0.13	\$0.60	\$0.73	\$94.19
3 Yd Containers					
- Once a week	\$231.12	\$0.39	\$1.44	\$1.83	\$232.95
- Twice a week	\$414.63	\$0.80	\$2.51	\$3.31	\$417.94
- Once a month	\$116.39	\$0.09	\$0.81	\$0.90	\$117.29
- Twice a month	\$150.44	\$0.20	\$0.98	\$1.18	\$151.62
4 Yd Containers					
- Once a week	\$288.10	\$0.53	\$1.76	\$2.29	\$290.39
- Twice a week	\$574.16	\$1.06	\$3.51	\$4.57	\$578.73
- Once a month	\$133.11	\$0.13	\$0.91	\$1.04	\$134.15
<b>SPECIAL CHARGES</b>					
- Delivery	\$33.36	\$0.00	\$0.25	\$0.25	\$33.61
<b>TEMPORARY CONTAINERS</b>					
- 1.5 Yd Cleanup	\$34.65	\$0.05	\$0.23	\$0.28	\$34.93
- 2 Yd Cleanup	\$44.26	\$0.06	\$0.29	\$0.35	\$44.61
- 3 Yd Cleanup	\$69.25	\$0.09	\$0.45	\$0.54	\$69.79
- 4 Yd Cleanup	\$88.47	\$0.13	\$0.57	\$0.70	\$89.17
<b>DROP BOXES</b>					
- 10 yd min fee empty	\$246.06	\$0.56	\$1.42	\$1.98	\$248.04
- 20 yd min fee empty	\$334.37	\$1.12	\$1.64	\$2.76	\$337.13
- 30 yd min fee empty	\$422.69	\$1.68	\$1.87	\$3.55	\$426.24

**TD WASCO COUNTY SOUTH COUNTY GARBAGE RATES**

**Proposed Increase January 1, 2016**

SERVICE	CURRENT RATE	0.76%	0.76%	TOTAL INCREASE	NEW RATE
		Total LF Increase	Business Increase		
- Delivery	\$54.19	\$0.00	\$0.41	\$0.41	\$54.60
- Pickup	\$54.19	\$0.00	\$0.41	\$0.41	\$54.60
- Demurrage per day after 5 days	\$18.91	\$0.00	\$0.14	\$0.14	\$19.05



**Agenda Item**  
**Mid-Columbia Economic Development District**  
**Membership**

- [MCEDD Memo](#)

## Memorandum

**Date:** October 29, 2015  
**To:** Wasco County Board of Commissioners  
**From:** Amanda Hoey, MCEDD Executive Director  
**Re:** Gilliam and Wheeler Counties Membership Request

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### Overview

Mid-Columbia Economic Development District (MCEDD) received a request from Gilliam and Wheeler counties to join the District. These counties are currently aligned with Greater Eastern Oregon Development Corporation. The MCEDD Board of Directors considered the request over a series of meetings and ultimately approved a process to explore the expansion of our membership. From a board membership standpoint, the additional counties would operate in a hybrid model with two board seats proposed for each County. These would be balanced by two designated private sector board positions, specifically for Washington-based businesses in key sectors. We are approaching the Wasco County Board of Commissioners in order to seek your feedback on the proposed addition. Since MCEDD was formed by five member counties (Hood River, Wasco, Sherman, Klickitat and Skamania), the Board and staff felt that the potential addition of Gilliam and Wheeler counties needed to be vetted by these members.

*We are not seeking a decision today. Rather, we are seeking conversation in work session to identify any concerns, discuss potential value and benefits, and obtain your input before we proceed to a formal decision point.* Sherman County Commissioner/Immediate Past MCEDD Board Chair Mike Smith and I have already met with the Skamania County Board of Commissioners and Klickitat County Board of Commissioners. Both had favorable responses, with appreciation for balancing of the Oregon/Washington membership through the proposed inclusion of additional Washington-based private sector members. In addition, I met with the Hood River County Board of Commissioners in a work session. There was a good conversation, with generally favorable responses and the primary concern relating to balancing out the board size and ensuring it continues to function well.

Leadership from Gilliam and Wheeler counties met with MCEDD to highlight expectations and reasoning for requesting membership. They expressed the following:

- Alignment is the key concern, crossing over multiple areas. In particular, alignment with the Area Commission on Transportation, Regional Solutions, and workforce were cited. In addition, there is a strong interest on the part of Gilliam County to leverage regional strength along the river for all Ports.
- They want to be involved in an economic strategy and conversations around regional economic development that align with their region's issues.

Staffing and resources was a primary concern expressed by MCEDD. The two counties have proposed to lessen the impact by hiring their own economic development and tourism staff. They would propose leveraging that staff to minimize MCEDD impact. Business assistance and other programs were discussed. There is variation in how these are managed, so could be considered on a contractual, fee-for-service basis if requested by the county/counties. Currently, Wheeler County feels confident in how their programs are managed so proposes no change.

### Discussion

We are seeking input from the Wasco County Board of Commissioners on the proposed expansion of MCEDD to incorporate Gilliam and Wheeler counties.

[Return to Agenda](#)

**Agenda Item**  
**Building Codes in Wasco County**

- [Management Analysis Report](#)

# + Wasco County Project Team



511 Washington Street  
The Dalles, OR  
[www.co.wasco.or.us](http://www.co.wasco.or.us)

## Building Codes Management Analysis

Envisioning a new level of service and  
evaluating the models to achieve it

11.4.2015



# + Wasco County Project Team

## Building Codes Management Analysis

2

### Executive Summary

Wasco County has been challenged to investigate the question “Is the current model of providing Building Codes Services the most effective and efficient way to serve both customers and the County?” The question arises from concerns of transparency in management, cost and provision of services under the current model. In response to these concerns, the Wasco County Commission directed that a cross-functional project team be formed to investigate service under the current model, as well as evaluate alternatives.

Rather than evaluate Building Codes service as it exists today, the project team began by envisioning what an ideal Building Codes program could look like, including the use of technology for ePermitting and providing a “one-stop” customer experience. Three new program models were then evaluated based on their ability to achieve this ideal vision, using criteria of importance to the customers of Building Codes as well as the County as manager of the program. The analysis of the three models is provided in detail on the following pages.

Given the vision and our analysis of the models, the project team recommends moving to the Wasco County In-house Services model, creating an expanded Community Development Department. This recommendation is made with several caveats that should be closely examined by the Commissioners as part of their decision-making process.

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## Building Codes Management Analysis

### History of Building Codes in Wasco County

A brief history of building codes in Wasco County was compiled to provide context for the program over the years:

- 1987 – State of Oregon leases space from Wasco County for Building Codes Services. Lease is renewed in 1993, 1995, and 1998. The final lease is set to run through June 30, 2000. Space is shared with the County Surveyor, County Planning and Public Works.
- 2000-2001 (approximately) – State of Oregon moves Building Codes to the Commodore Building in downtown The Dalles – across from City Hall.
- July 1, 2007 – Mid-Columbia Council of Government (MCCOG) assumes the enforcement and administration of State of Oregon Building Codes Program under the identity of the Mid-Columbia Building Codes Services. Building Codes is now located at 1113 Kelly Avenue, The Dalles, OR.

### Current Model

Building codes services for Wasco County, Sherman County and Gilliam County is currently being provided by the Mid-Columbia Council of Government (MCCOG). MCCOG employs a Building Official, Program Director, Program Assistant, Structural Inspector / Residential Plans Examiner, two electrical inspectors, and a plumbing inspector. MCCOG charges an administrative fee to the building codes program for providing these services. MCCOG has come under criticism for having high administrative overhead, lack of transparency, and recently requesting that fees be raised 40% to cover their cost to provide the program services.

A more complete outline of MCCOG's model of service can be found later in this document.

### Permit Sales and Revenue Numbers

From 8/01/13 through 10/14/15, MCCOG issued 3,491 permits<sup>1</sup> and collected \$1,790,678 in fees specific to Wasco County. This is approximately 52% of total Building Permits and 71% of total fees collected through Building Permits by MCCOG. Total permits issued by MCCOG for a 24 month period was 6,646<sup>2</sup> and Total Revenue from permit sales was \$2,522,742.

Be aware that these figures include at least one significant commercial project that may account for a large percentage of the permits and corresponding revenue. More detailed information was requested from MCCOG and is not yet available to incorporate into this analysis.

### Project Team and Evaluation Process

To accomplish the objective set by the Wasco County Commission, a cross-functional Project Team was created. This project team consists of Tyler Stone, Wasco County Administrative Officer; Angie Brewer, Wasco County Planning Director; Lisa Gambee, Wasco County Clerk; Paul Ferguson, Wasco County IT Interim Director; and Taner Elliott, The Dalles City Councilor.

<sup>1</sup> Permit types: 1326 electrical; 917 mechanical; 544 plumbing; 601 structural; 40 manufactured dwelling; 21 agriculture

<sup>2</sup> See **Exhibit A** for detailed breakout of permit fees and revenue.

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## Building Codes Management Analysis

4

Prior to the formation of the project team, the County assembled a task force made up of contractors and County staff to investigate what was working and what was not working under the current model. The findings from the task force are found in **Exhibit B**. After reviewing these findings, the project team realized an important first step would be to envision what attributes would make the ideal program rather than evaluate against the current model of service. To effectively provide a recommendation to the Commission, the team created the vision of the ideal program, determined what criteria should be used in the evaluation process, and then evaluated a variety of models against the criteria. Each model was objectively evaluated using the same scale to determine which one can best provide the ideal program, with a high level of transparency to the public, at an acceptable cost to both the customers and the County.

### Vision of a great Building Codes Program

#### Vision

The visioning exercise conducted by the team identified the following key program components:

- A “one-stop shop” with all functions under one roof (planning, codes, codes enforcement, environmental health)
- ePermitting (online permit technology):
  - Provide the customer with online access to apply, pay for and receive building permits 24/7
  - Provide transparency through comprehensive permit tracking and data collection
  - Enable electronic plan submission and review
- Multi-certified inspectors that can do inspections in multiple disciplines while on a site
- Virtual/Mobile inspection capability
- Easy scheduling for inspections and other services
- Timeliness of service
- Permits and planning review functionality within the same IT system, providing seamless workflows, increasing efficiencies and transparency
- Cost to customer(s)

#### Considerations for achieving the new program vision

Providing building codes services are inherently inefficient, especially in small communities. This assumption is based on the fact that the State requires building activities to be inspected in several functional areas by certified inspectors. Small rural counties have to have access to certified inspectors regardless of the volume of inspections that take place in any given discipline. This creates a situation where a county may have one or two permits a year in a given discipline that requires a certified inspector. Hiring this inspector is expensive -- and in many circumstances unrealistic -- due to the low volume of permits. This cost/benefit dilemma forces jurisdictions to look at providing building codes services through a variety of different and sometimes unique mechanisms. The following list includes additional assumptions made by the team in evaluating models:

- Some level of greater efficiency and effectiveness can be achieved with any of the models.

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## Building Codes Management Analysis

5

- Any change in the way building code services are delivered will require some level of transition between models.
- State Building Codes will support any transition process should their services be needed.
- Any change in the program will need to follow the process in OAR 918-020-0094 and ORS 455 and 479. This may or may not require expanded timelines and/or additional processes and will need to be carefully evaluated and an opinion obtained from State Building Codes Division.
- State Building Codes, while available to provide building codes services, is probably not the ideal provider of services and the State will look to contract with someone if they were asked to assume building code services in Wasco County.
- We assume that the primary customer of building codes is the contractor (program services). However, the County is the customer when determining how to best provide building codes services (the program) in Wasco County.
- If the current provider arrangement is terminated or modified a new or updated operating plan from the County will need to be developed within 30 days of the change and submitted to the State for approval.
- A memorandum of agreement will need to be developed and signed with the State if a change is going to be made.
- If permit fees are changed from their current level, under 455.210, we will need to notify the State 45 days prior to effective date of the change and. [http://www.bcd.oregon.gov/pts/fee\\_changes.html](http://www.bcd.oregon.gov/pts/fee_changes.html)
- Fee schedules and an ordinance will be required prior to accepting buildings code operations if a change is made.

### Staffing

The traditional staffing model as described by State Building Codes consists of a Building Official, Commercial Plumbing Inspector, Commercial Electrical Inspector, Structural/Mechanical Inspector, Plans Examiner, and a Permit Clerk. This is not the most efficient and cost-effective model, hence providing the new program vision will mean revising this traditional model.

### Minimum Required Certifications

Any program will need staff (or contract staff) who hold these certifications:

- Building Official
- Building Plans Examiner
- Commercial Mechanical Inspector
- Residential Mechanical Inspector
- Commercial Structures Inspector
- Residential Building Inspector
- Commercial Plumbing Inspector
- Residential Plumbing Inspector
- Commercial Electrical Inspector
- Residential Electrical Inspector



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## Building Codes Management Analysis

6

In less traditional program models, individuals can and do hold multiple certifications. For instance, the most common Building Official requirements for a program include:

- Building Official Certification
- Building Plans Examiner Certification
- Residential and Commercial Mechanical Inspector Certification
- Commercial and Residential Structures Inspector Certification

Bringing staff onboard and having access to contract staff with multiple and cross-specialty certifications will be the key to sustaining building department services over the long term.

### **Definitions and Alternatives**

*“Certified”* is a certification involving testing and certification, either through a State of Oregon program, or an International Code Council program.

*“Authorized”* is the designation given an individual who’s had industry experience, but perhaps does not hold an inspectors certificate, but, has been evaluated and authorized by the State of Oregon to perform specifically identified inspection activities.

*“Specialized Inspector”* is a certification available only in Oregon, and provides an individual who’s certified to perform residential inspections the authorization to perform certain commercial inspections. It’s often thought of as a step toward the full commercial inspection certification. There are three Specialized Inspection Certifications; Specialized Electrical Inspector (SPI), Specialized Plumbing Inspector (SPI), Specialized Fire Inspector.

### **Program models evaluated by the project team**

Providing building codes services is governed by Oregon Statute. In researching how other counties are providing building code services, four primary models were noted:

1. State Building Codes provides the services
2. Counties provide the services for themselves
3. Private / public contractor provides services to counties
4. A mix of the three previous models

For the purposes of this analysis, the team decided to focus on three new models most relevant to the purpose of the Commission’s request, and provide an evaluation of the current MCCOG model for comparison.

1. A “MCCOG Plus” model
2. A new model using a private firm
3. A new model bringing the services in-house to the County

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## Building Codes Management Analysis

7

Each of these models will have minimum requirements in terms of staffing, certification and services. A detailed description of each model can be found in the appendices, but a summary of each follows.

### **Baseline: Current Model through MCCOG**

MCCOG is the current provider of building codes services. A full outline of their staffing, services, opportunities and concerns can be found in Appendix A. A summary of the SWOT Analysis is below.

#### **Strength**

The overall strength of the current model through MCCOG is that it's a functioning, familiar entity for the building community.

#### **Weakness**

The major weakness of the MCCOG model is the lack of transparency and regional control of the program. While the County can write a contract that would require better control and greater transparency, there are no guarantees that MCCOG will comply and the County would be in the same position of having to change the model down the road.

#### **Opportunity**

Because a current contract does not exist, the County can convey the vision of the ideal program to MCCOG and request that additional services be added to the program under a specific timeline.

#### **Threat**

The MCCOG model is expensive and they have requested repeated increases to their rates. Asking them to achieve the ideal vision for the program would likely result in a further increase in rates.

### **MCCOG Plus**

MCCOG Plus is an overview of taking the current program and putting an IGA in place to achieve the vision of the new building codes services. A full outline of these services, opportunities and concerns can be found in Appendix B. A summary of the SWOT Analysis is below.

#### **Strength**

The strength of the MCCOG Plus model is that it provides the one-stop customer experience without the County taking on the full responsibility of the program.

#### **Weakness**

The weakness of this model is that the administration and oversight of the program is complex with two agencies closely involved in providing services.

#### **Opportunity**

This model maintains existing relationships and is less intensive to implement.

#### **Threat**

The main threat is that both partners will have spent time and money to co-locate services, only to decide the complexity of managing the program doesn't work for either partner.

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## Building Codes Management Analysis

8

### Private Firm Model

One of the new models evaluated by the project team is use of a private firm to provide services. A Scope of Qualifications was collected from 5 different firms, which the project team then combined into a “composite profile.” A full outline of their staffing, services, opportunities and concerns can be found in Appendix C.

#### Strength

The private firm model provides a turnkey, value-added program while allowing potential revenue to the County.

#### Weakness

The major weakness of the private firm model is limited local control of the program staff and logistics.

#### Opportunity

The private model can offer the best-available technology services and an ability to scale with market demand.

#### Threat

A private firm is vulnerable to market demand and, if it failed, would require another change in how the program is run.

### In-House County Services Model

The third model evaluated by the project team is to incorporate Building Codes services in-house with the Wasco County Planning Department, and create an expanded Wasco County Community Development Department. A full outline of their staffing, services, opportunities and concerns can be found in Appendix D.

#### Strength

The strength of the in-house model is local control, full transparency and the ability to offer a true “one-stop shop” for customers.

#### Weakness

The in-house model will take time and money to implement, plus has the longest transition process of the three models.

#### Opportunity

Revenue from large commercial projects help offset the start-up costs associated with setting up the one-stop shop.

#### Threat

The money and time involved in the transition to this model, combined with the potential for an economic downturn, creates higher political and financial liability for the County.

### Evaluation Methodology

The project team used the following methodology to evaluate the ability of each model to achieve the vision outlined above.

# + Wasco County Project Team

## Building Codes Management Analysis

9

### Criteria Definitions

Using the customer importance statements, the project team identified criteria that could be used to rate different building code models. “Customer” in this case means the contractor receiving the program services, and “County” means Wasco County who is responsible for making sure the services are available. The criteria are identified and described as follows:

1. Revenue Opportunity from providing services
2. Expense to Provide Services –
  - a. Customer – what are the costs of permits/fees
  - b. County - what is the financial impact to the county to provide and manage building codes services through the model. This includes both hard costs (dollars) and soft costs (administration). It does NOT include any start-up costs to implement the model.
3. Convenience –
  - a. Customer – how easy is it for the customer to access services. This includes hours of operation, one-stop shop, online tools such as ePermitting, ability to schedule services, etc.
  - b. County – How easy is it for the agency to manage the Program
4. Transparency – how easy is it for the Customer and County to have access to information, including reporting, audits, cost of administration, and fee schedule?
5. Efficiency –
  - a. Customer – timely communication, streamlined scheduling, virtual services, combined inspections
  - b. County – single provider for all basic services, shared systems (databases, files, staffing)
6. Implementation to Achieve Vision – how easily can the model ramp up to achieve the “value-add” vision outlined, both in terms of time as well as cost
7. Governance – ability to direct the administration of the program

### Scale for Evaluation

For each of the criteria, the following scale was used to determine how the models stacked up in providing the “ideal vision” of a building codes program:

“Customer”: low score = -2; high score = +2

1	2	3	4	5
Very negative impact to customer	Somewhat negative impact to customer	Neutral or no impact to customer	Somewhat beneficial to customer	Very beneficial to customer
(value: -2 points)	(value: -1 point)	(value: 0 points)	(value: +1 point)	(value: +2 points)

“County”: low score = -2; high score = +2

1	2	3	4	5
Very negative impact to County	Somewhat negative impact to County	Neutral or no impact to County	Somewhat beneficial to County	Very beneficial to County
(value: -2 points)	(value: -1 point)	(value: 0 points)	(value: +1 point)	(value: +2 points)



## 10

	Model #1: MCCOG Current	Model #2: MCCOG Plus	Model #3: Private Firm Services	Model #4: County In-house Services
Revenue from services	-2	-1	+1	+2
Expense to provide Services				
- Customer	0	0	0	0
- County	+2	+1	-1	-2
Convenience				
- Customer	-1	+1	+1	+2
- County	+1	+2	-1	-2
Transparency	-2	+1	+1	+2
Efficiency				
- Customer	-1	+2	+2	+2
- County	-1	-1	0	+2
Implementation	0	-1	+1	-2
Governance	-2	-1	+1	+2
<b>Total Score:</b>	<b>-6</b>	<b>+3</b>	<b>+5</b>	<b>+6</b>

1. The criteria for evaluation were all given equal weighting. If any of the criteria are of more importance to the Commissioners than others, we suggest the points be re-evaluated with a weighting factor applied to them.
2. The project team recognizes that moving to the County model is the most extensive of the transitions from the current model, and careful consideration should be given to developing a detailed transition plan if this model is pursued. This model also has the largest risk factor for the county in terms of cost impact and long term sustainability.

# + Wasco County Project Team

## Building Codes Management Analysis

11

3. The Wasco County Planning Department already has several large projects on its horizon. While this provides an opportunity to integrate Building Codes into these other projects, it may mean that Planning Department projects need to be re-prioritized.
4. Without the participation of all municipalities within Wasco County, the County in-house model will not be feasible. We will need a majority of the cities within Wasco County to utilize the new model to be successful.
5. Because of timing and longer-term implementation, the County may not be able to recognize the revenue from several large commercial projects on the horizon.
6. The costs associated with the current model, which provide a foundation for many of the new model costs, have been requested and not yet provided from MCCOG. This will likely impact the revenue and expense ratings if numbers change substantially.
7. The impact to MCCOG's Building Codes program if the County In-house model is pursued would be significant. The County would want to consider moving the current employees over, assuming the skills needed are comparable.

## 12

	Commercial Agricultural	Commercial Electrical	Commercial Mechanical	Commercial Plumbing	Commercial Structural	Residential Electrical	Residential Manufacture	Residential Mechanical	Residential Plumbing	Residential Structural	Total
Total # permits	8	410	162	95	236	576	19	545	330	205	2586
Total \$	\$400	\$312,780	\$119,032	\$36,410	\$675,044	\$56,603	\$12,965	\$37,229	\$45,987	\$261,292	\$1,557,740

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## Building Codes Management Analysis

13

### Exhibit B: “Building Codes: What’s Working, What’s Not” Brainstorming Exercise 3/2/15

#### What’s Working

- Existing staff seem to be doing a good job
- Three county system provides consistency in contracts and relationships for contractors who work in several counties
- Functional, albeit frustrating for some
- Getting permits
- Filing for permit fee
- Office staff works well together
- Coordination of multiple inspections
- Building officials offering help when questions exist. Solution oriented.
- Actual inspections by inspectors
- Communication between contractor and building officials after permits are in hand
- Communication with construction community
- Lack of networking between regulating agencies on permitting process
- One stop shopping for permit when you need to get one
- Community Development – permitting is a deterrent to building
- Specific instruction about what is needed from different agencies
- Cross walk document from planning to building department to make the process seamless
- No one person or department to get information from
- Customers don’t know who has Jurisdiction County, City, MCCOG
- Fee Structure
- Message sent by building codes is not pro-business and development

#### What’s Not Working

- Accountability
- Transparency
- Lack of cohesion between agencies
- Existing administration seems to be struggling
- Complicated permit process with too many steps for most people / professional contractors
- Lack of transparency, communication and education
- Lack of leadership
- Appears to be lack of plan or strategy
- Budget Transparency
- Best practices – what are other jurisdictions doing?
- Maximize use of and power of e-Permitting
- Cross Training

*Continued next column*

#### Other Questions

- Are permit prices set appropriately?
- How are adequate service levels set?
- How is the load for any inspector determined?
- Is the building Official actually administering the program or just inspecting
- What is the definition of service? Are customers asked to give input into what services means?
- Are contractors/ home owners used to the process for permitting- inspections
- Are staff trained and compensated well?



# Wasco County Project Team

## Building Codes Management Analysis

14

### Appendix A: MCCOG Model (Current)

#### Location

Building codes office is located at the MCCOG facility located at 1113 Kelly Avenue, The Dalles, OR.

#### Department Structure

The Building Codes department is a standalone department within MCCOG. This model currently serves Sherman, Wasco, and Gilliam Counties for full building code services, and up until recently served Hood River County for Plumbing and Electrical services.

#### Possible Partners for Building Code Permits

MCCOG does not currently partner with any other entities or agencies to provide building code services to the member counties.

#### Department Staff (FTE)

- Building Official 1.0
- Program Director 1.0
- Program Assistant 1.0
- Structural Inspector / Residential Plans Examiner
- Two electrical inspectors
- Plumbing inspector

#### Cost

MCCOG charges administrative fees to the building codes program, with total personnel costs of \$793,818. MCCOG collects 100% of the permit fees, inspection fees and other service charges for providing the program.

### SWOT Analysis

#### Strengths

- No County administration
- No County staff
- Limited exposure for County on responsibility to ensure services
- Building Codes staff is already in place and functioning
- Contracting community is familiar with inspectors, process, and procedures
- Single specialty inspectors can specialize in one area
- Same inspector for the same discipline every time creates consistency across projects
- Space and equipment needs are addressed by an external agency

#### Weaknesses

- Limited control of operations through Board vote
- Limited control of budget through Board vote

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## Building Codes Management Analysis

15

- Limited control of fees charged to our citizens through Board vote
- No e-Permitting in Wasco County
- Limited or no Cross Trained inspectors to share workload
- Limited coverage for inspectors creates delays for contractors
- Very expensive model to operate
- No collaboration with other permitting agencies (planning, Environmental Health, etc)
- Not one stop shop for all building needs
- Shared staffing with other disciplines is limited
- Does not utilize contracted inspection services for coverage and workload mitigation
- No virtual inspections
- No control of overhead costs

### **Opportunities**

- Limits County liability
- Can contract with multiple agencies to gain economies of scale to support operations
- Could expand business model to create better efficiencies and make services more effective
- Relationships and oversight from State is already established

### **Threats**

- Small counties have a majority of the vote but receive a minority of the services
- Transparency of the organization has been questioned by constituents
- Large geographic area to cover
- Private contractors can do the same work potentially cheaper
- Loss of membership makes this model more expensive to operate for the remaining partners
- Cessation of services could put the County in a mild emergency and would certainly impact contractors
- Availability of qualified staff in the marketplace

# Wasco County Project Team

## Building Codes Management Analysis

16

### Appendix B: MCCOG Plus

#### Location

Building codes office is co-located with the Wasco County Planning Department.

#### Department Structure

The MCCOG Building Codes department would be co-located with Wasco County Planning and Codes Enforcement. This model may utilize some shared staffing, data systems, and administrative resources between Planning and Building Codes to perform both functions as seamlessly as possible. This model creates a one-stop shop for the customer to obtain permits and inspections from a single location. Inspectors would be dual and cross certified to expand the scope of individual inspectors. Technology would play an integral role in streamlining operations by utilizing virtual inspections, shared permitting and inspections systems, and online customer self-serve access to permitting and permit tracking.

#### Possible Partners for Building Code Permits

This model partners with Wasco County in the provision of an integrated service department. This model would utilize State Building Codes to help with low volume permit and inspection types that do not justify the hiring of permanent staff. Additionally, this model would rely on State coverage to fill in for staff vacancies, vacations, and recruitment.

#### Department Staff (FTE)

It is unknown at this time what staffing changes would be required at MCCOG to meet the new vision of the program.

#### Cost

We believe in theory that this model could actually save money over the existing MCCOG model but will require some upfront costs to bring technology, training, and staffing online as well as modify the existing Planning/Public Works building to accommodate the model.

#### SWOT Analysis

##### Strengths

- Shared County administration of the model
- Building Codes staff is already in place and functioning
- Uses technology to highest and best use
- Contracting community is familiar with inspectors, process, and procedures
- IGA sets out service model and expectations
- County controls fee schedule
- Technology is highly utilized
- Cross Trained inspectors to share workload
- Collaboration with other permitting agencies (Planning, Environmental Health, etc)
- One-stop shop for all building needs
- Would offset some County expenses

# + Wasco County Project Team

## Building Codes Management Analysis

17

### Weaknesses

- Coordination of employees supervised by two different agencies
- Exposure for County on responsibility to ensure services levels are met
- Will require staffing matrix and qualifications of staff to change
- Contracting community will need to learn to utilize new technology
- Limited input on MCCOG budget and personnel through Board vote
- Limitations created by co-management of operations and personnel
- No single point of administration for customer if problems or questions arise

### Opportunities

- Model capitalizes on existing staff and relationships
- Can contract with multiple agencies to gain economies of scale to support operations
- Could expand business model to create better efficiencies and make services more effective
- Relationships and oversight from State is already established and can be expanded
- Allows the County to offset some overhead costs by keeping some permit revenue

### Threats

- Portion of the operation is still governed by a large Board
- Large geographic area to cover
- Private contractors can do the same work potentially at less cost
- Loss of membership makes this model more expensive to operate for the remaining partners
- Cessation of services by one entity would put the other entity in a mild emergency and would certainly impact contractors
- Availability of qualified staff in the marketplace



# + Wasco County Project Team

## Building Codes Management Analysis

18

### Appendix C: Private Firm Model

This model is a composite based on researching 5 private firms. Appendix E includes a brief Statement of Qualifications summary of the companies researched.

#### Proposed Location

In this model, there will be one permit tech employee needed within the Wasco County Planning Department offices, which will require cross-training of a planning department member to cover additional load. All other services are located either online or sent out to the firm for review.

#### Proposed Department Structure

Building Codes would be added to the Planning Department, expanding the scope of the department to including Planning, Code Compliance, Household Hazardous Waste, and Building Codes. To more clearly message the role of the Department to its customers, it would likely be renamed the Wasco County Community Development Department (or something similar). Under this model, the extent of Building Codes would be a single point of entry in-house, with the bulk of services being handled off location.

#### Proposed Community Development Department Staff (FTE)

The model would include one FTE (either County employee or employed by the private firm) who is housed in the Planning Department offices. Note: bolded positions are new positions based on the number of permits and permit types issued, italicized positions are handled through the private firm. All other positions are Community Development Department roles.

- Community Development Director (Planning Director as required by state law)(1)
- Planning Coordinator (1)
- Senior Planner (1) may need to change to Principal Planner
- Associate Planners (3)
- Assistant Planner (1)
- Long-Range/Special Project Planner (1)
- Code Compliance Officer (1)
- Household Hazardous Waste Program Coordinator (1)
- Planning/HHW Program Assistant (1)
- *Building Official (1) (with multiple certifications)*
- *Residential and Commercial Electrical Inspector (1)*
- *Structural/Mechanical Inspector (1)*
- *On-call Commercial Plumber (1)*
- *Plans Examiner (1)*
- **Shared Permit Clerk (Building, Planning, Public Works) (1)**

# + Wasco County Project Team

## Building Codes Management Analysis

19

### SWOT Analysis:

#### Strengths

- Ability to negotiate the services provided
- Multi-certified staff
- Limited liability for the County
- Service Level Agreements (SLAs) to ensure timelines are adhered to and service needs are met
- Immediate ability to offer technology-based services such as mobile app scheduling, ePermitting, etc.
- Better visibility into project scheduling through tech services (better transparency)
- Requires minimal materials and services costs
- A percent of permit fees come back to the County
- Ability for County to set permit fee structure
- Limited start-up costs and ramp-up to vision

#### Weaknesses

- Consistency of staff on site
- Costs – hourly rates for services outside permits and inspections tend to run higher with private firms
- Logistics of travel/distance
- No control of the business operations
- New program that will take time and education for staff and customers

#### Opportunities

- Immediate ability to offer technology-based services such as mobile app scheduling, ePermitting, etc.
- Ability to scale services with the ebb and flow of construction

#### Threats

- Market-driven capacity means potential delay /loss of services, or even that the company goes out of business
- Availability of qualified staff in the marketplace

# Wasco County Project Team

## Building Codes Management Analysis



### Appendix D: Wasco County In-house Model

#### Proposed Location

Building codes office would be located in the Wasco County Public Works Building, which currently houses the departments of Public Works and Roads, Surveying, GIS/Mapping, Planning, Household Hazardous Waste, and Noxious Weed Prevention, as well as the Oregon State District 3 Water Master.

This building is currently being reviewed for structural improvements and opportunities to improve the customer experience, navigation between departments, shared administrative services and other staffing efficiencies to improve coordination and effective land use and permitting procedures.

#### Proposed Department

Building Codes would be added to the Planning Department, expanding the scope of the department to including Planning, Code Compliance, Household Hazardous Waste, and Building Codes. To more clearly message the role the Department to its customers, it would likely be renamed the Wasco County Community Development Department (or something similar).

#### Possible Partners for Building Code Permits

Incorporated cities within Wasco County (6): The Dalles, Mosier, Dufur, Maupin, Shaniko, and Antelope. These partners currently work with the other departments listed above in the Public Works Building. In addition, an Advisory Council could be created to provide communication and oversight.

#### Proposed Community Development Department Staff (FTE)

Note: bolded positions are new positions based on the number of permits and permit types issued

- Community Development Director (Planning Director as required by state law)(1)
- Planning Coordinator (1)
- Senior Planner (1) may need to change to Principal Planner
- Associate Planners (3)
- Assistant Planner (1)
- Long-Range/Special Project Planner (1)
- Code Compliance Officer (1)
- Household Hazardous Waste Program Coordinator (1)
- Planning/HHW Program Assistant (1)
- **Building Official/Plans Examiner (1) (with multiple certifications)**
- **Residential and Commercial Electrical Inspector (1)**
- **Structural/Mechanical Inspector (1)**
- **On-call Commercial Plumbing Inspector (1)**
- **Shared Permit Clerk (Building, Planning, Public Works) (1)**

# + Wasco County Project Team

## Building Codes Management Analysis

21

### SWOT Analysis

#### Strengths

- An increase in local control of the development and related impacts occurring in Wasco County
- Increased transparency to Wasco County residents, partner agencies and development proponents:
  - The use of an online information portal for regular metrics reporting to share permit numbers, fees collected, status of permits under review, and more
- Integrated permit procedures for community development process improvements:
  - Increased communication between Planning and Building to ensure a smooth review process
  - Combined or shared database, GIS, and other development tools for proactive coordination
  - Creation of a “one-stop shop” to improve the customer experience
  - Single point of information and direction to further simplify the process for the applicant
  - Online e-permitting to decrease permit review timelines; increase access and transparency
  - Virtual inspections coordinated between a larger multi-disciplinary team of professionals
  - Improved timelines for complete review of new development (due to increased coordination)
  - Decreased risk of development constructed in violation of planning regulations

#### Weaknesses

- Increase in County administration needs
- Added costs associated with additional County staff, space and equipment needs
- New program that will take time and education for staff and customers

#### Opportunities

- Timing is excellent to incorporate new services into existing County projects and efforts:
  - Public Works Building remodel to improve service opportunities:
    - Can plan for and accommodate a new program within the scope of the existing remodel
  - Planning Department team rebuilding, new staffing, staff-wide training and revamped vision:
    - Can build a new team with the bigger vision and larger program needs in mind
  - Effort to streamline planning regulations and overall permitting procedures:
    - Can develop improved procedures with the complete permitting process in mind
  - Effort to update comprehensive plans and land use and development ordinances
  - Effort to update the County-wide strategic plan and vision
  - Website update project to provide a more user friendly interface, increase communication, reporting, and overall transparency for our citizens
  - Effort to coordinate e-permitting, online databases, and geo-referenced data sharing between multiple departments (Planning, Roads, Surveyor, Building, Health, Water, Assessor, Clerk, etc.)
- Ability to manage program for increased revenue through permit fees
- Large commercial projects can provide significant revenue to offset ramp-up costs

#### Threats

- Increases County liability
- Economic downturn in Wasco County results in a drop in permit revenue
- Availability of qualified staff in the marketplace
- Exposure for community back-lash if services don't meet expectations



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## Building Codes Management Analysis

22

### Costs to the County and Community as a result from this model:

- Upfront costs of creating a new program:
  - Soft costs for the process of hiring new staff (impacts work load of multiple departments)
  - Hard cost of public sector employment (salaries + benefits of new employees)
  - Hard cost of new equipment needs (office space, vehicles, computers, office equipment, etc.)
    - Increase in general materials and service costs
    - Cost for new office space, desks, etc.
    - Additional vehicles for the fleet
- Increased management needs in the Planning Department
  - Expanding the scope of the program
  - Increasing the responsibility of the Department Head and staff
  - Increasing an 11 person department to 16 or more FTE
- Department integration – growing pains as we improve efficiencies:
  - Temporary impacts to permitting procedures as new programs are implemented and new coordination between departments occurs
  - Temporary delays possible due to new systems and new equipment/programs
  - Change can be stressful for existing employees
  - Change can be difficult to message to the public without dedicated outreach tools and time

Building Codes Personnel							
Position	FTE	Salary	Annual Payroll Expenses				Sub-total Personnel
			PR Taxes	12.4% blended PERS	Dental/Health Ins	Life/L-T Dis/etc.	
Building Official w/plans cert. /plumbing cert/ Struct& mech	1.0	95,000.00	7,267.50	11,780.00	8,400.00	516	122,963.50
Director Salary Increase	1.0	7,000.00	535.50	868.00			8,403.50
Commercial Electrical Inspector w/res certs	1.0	85,000.00	6,502.50	10,540.00	8,400.00	516	110,958.50
Structural/Mechanical Inspector w/ res certs/plan cert/SPI cert	1.0	85,000.00	6,502.50	10,540.00	8,400.00	516	110,958.50
Plumbing Inspector potentially contracted part time	1.0	85,000.00	6,502.50	10,540.00	8,400.00	516	110,958.50
Permit Tech	1.0	40,000.00	3,060.00	4,960.00	8,400.00	516	56,936.00
Total payroll expense							521,178.50
M & S from "M & S Detail" Worksheet							61,797.40
Annual cost							582,975.90
Computers - initial cost							17,500.00
Vehicles - initial cost							88,000.00
Start-up cost							105,500.00
Overhead							40,000.00
Total first-year cost							728,475.90

Assumes 7 computers/software at \$2,500 each  
 Assumes 4 new vehicles at \$22,000 each  
 (3 inspectors & building official)

Continues next page

## 23

[illegible]

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## Building Codes Management Analysis

24

### Appendix E: Statement of Qualifications Summaries

#### THE BUILDING DEPARTMENT, LLC

**Location:**

155 East 14th Avenue  
Eugene OR 97041

**Structure:**

Offers full or partial Building Department Services to include Building Official, Plan Review and Inspection. Review both residential and commercial plan. In business since 1973 (42 years).

**Services Include:**

Commercial Plan Review, Residential Plan Review, Fire Sprinkler Plan Review, Building Official Duties, Electrical Inspection, Plumbing Inspection, Mechanical Inspection, Building Inspection, Medical Gas Inspection, Manufactured Home Inspection, Fire and Life Safety, Building Code Consulting

**Possible Partners for Building Code Permits:**

(None mentioned in documents submitted)

**Department Staff :**

David T. Mortier, CBO  
Shawn T. Eaton, CBO  
Jack E. Applegate, BO  
Donald P. Meier, Electrician Inspector, Plan Review Inspector

NOTE: Provider may use employees, agents or independent contractors to perform services.

**Cost/Compensation:**

Split of all Permit Fees: 75% of all building, plumbing and mechanical, Permit Fees 25% maintained by the County to help pay for office space, permit technician, etc (Final percentages are based on current permit fees and volume of permits).

Split of 90% of all Electrical collected by County for building, mechanical, plumbing electrical, manufactured home setup, manufactured home and recreational vehicle park permits. 10% maintained by the County.

Hourly Rate: \$88.00 –

Other services not based on open permits such as site visits, pre-application meetings, code enforcement, etc.

See Sample Contract Section 2.A & 2.H

**Added Costs:**

Mileage – Current IRS Rate - County Rate 57.5 cents

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## Building Codes Management Analysis

25

### CLAIR COMPANY, INC.

**Location:**

525 NW Second Street  
Corvallis, OR 97330

**Department Structure:**

Registered third-party plan review and inspection agency. Certified in all Plan Review and Inspection categories. Also offers Limited Service Assignments for overflow and special projects (has serviced Hood River as one of their jurisdictions). In business since 1989 (26 years).

**Services Include:**

Fully licensed and certified consulting firm providing special inspection and materials testing, plan review, building inspection, code consulting, quality control, and engineering design services.

**Possible Partners for Building Code Permits:**

(None mentioned in documents submitted)

**Department Staff:**

Building Officials  
Multi-discipline Inspectors  
Special Inspectors  
Plans Examiners  
Licensed Engineers

**Cost/Compensation:**

Percentage range from around 75% to 100% depending on several factors, e.g., permit activity, fee history, disciplines provided and number of required staff needed, number of inspection service days for each discipline and geographical area to be covered, and whether or not counter/administrative services are provided by third-party or provided by jurisdiction staff

***NOTE:** Clair indicated "it would require at least 3 multi-certified staff members in order to meet all of the certification requirements, and it appears the work load in Wasco County alone would likely not support that number of staff." (See Clair Company cover letter dated October 23, 2015)*

*"Clair Company was not able to provide a fee structure to the County based on review of 19 month permit history and limited fee information" And "that based on the permit volume, assumed fees associated with permits, and the large coverage area, it would be difficult to service the Wasco county area without also providing the same services for a larger jurisdiction in the same service area, such as the City of The Dalles." Clair indicated that "one of the most significant reasons for this is the need to meet all staffing requirements by providing appropriately certified individuals for all disciplines provided by the County. Because the County is full service and includes all disciplines, the provider would need to have staff covering all certification requirements..."*

Clair Company indicated before they could respond with a more detailed service proposal and pricing structure they would like Wasco County to provide a RFP (Request for Proposal).



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## Building Codes Management Analysis

26

### CMTS, LLC

**Location:**

3220 SW First Avenue, Ste 150  
Portland, OR 97239

**Structure:**

Full service structure engineering. Specializing in Public Works Engineer, Construction Management, Project Controls, Cost Estimating, Scheduling, Inspection and Construction Document Review. In business since 1995 (20 years)

**Services Include:**

Provides Full Service Plan Review. Public works engineering, construction management, project controls, cost estimating, scheduling inspection and construction document review. Professional service on-call. Design Review, Commercial and Multi-Family Developments, Zoning, Existing Site Conditions, Off-Site Impacts, Setbacks, Access, Parking, Grading, Drainage, Signs, Landscaping and Architectural Design. Building Code Review.

**Possible Partners for Building Code Permits:**

(None mentioned in documents submitted)

**Department Staff:**

Kim Bria, Project Manager/Liaison Coordinator  
Fred Hagerty, PE Project Manager  
Gordon Merseth, PE, VP Engineering/Technical Advisor  
Cary Gaynor, PE, Project Manager  
Paul Roeger, PE, Project Manager  
David Schmitz, Electrical Specialty  
Brian Bottler, Mechanical Specialty

*NOTE: CMTS is proposing 3 Licensed Engineers, 2 Specialty Support Staff to work with the Permitting and Planning Division.*

**Cost/Compensation:**

Unable to confirm standard 75/25 Split Percentage (staff is currently at a Conference this week 10/26-10/31).

Example of Services include: Pre-Application Conference, where the applicant explains the proposal, staff provides an outline and requirements that apply to the project site. Prior to final plan review, staff reviews the preliminary plans and issues an initial written approval, including any changes that are required.

**Hourly Rate:**

Classification	2015 Hourly Rate	2015 Bill Rate
Project Manager	\$51.00	\$112.20
Construction Manager	\$60.00	\$132.00
Professional Engineer	\$62.00	\$136.40
Specialty (MEP)	\$56.00	\$123.20
QA/QC	\$40.00	\$ 77.00

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## Building Codes Management Analysis

27

Sr. QA Peer Review	\$61.00	\$134.20
Construction Inspector	\$40.00	\$ 88.00
CADD	\$76.00	\$167.20

### MILLER CONSULTING ENGINEERS & BUILDING CODES CONSULTANCY

**Location:**

9750 SW Barbur Blvd, Suite 100  
Portland, OR 97219

**Structure:**

Miller Consulting Engineers (Business since 1978) and Building Codes Consultancy (Over 35 years Experience) will work in partnership to provide services to Wasco County. Both companies have experience working municipalities. In business since 1978 (37 years)

**Services Include:**

Provides Full Service Plan Review. Structural engineering design and plan review services and structural investigations, and condition surveys, analyses, and renovation design including provisions for seismic retrofit and upgrade.

- Inspection and plan review
- Interpreting specialty code
- Reviewing alternate method requests
- Code interpretation
- Structural Peer Review of plans, calculations and specifications (experience with multiple jurisdictions)
- Certified Plans Examiner
- Certified Post-Earthquake Inspector

**Possible Partners for Building Code Permits:**

Building Codes Consultancy

**Department Staff:**

Eric Watson, PE, SE, Structural Engineer  
Stephen Winstead, AIA, ICC, Architect

11 of 17 staff members are licensed engineers that specialize in structural engineering. Support staff includes engineers, drafting technicians, financial reporting and report specialists.

**Cost/Compensation:**

Information was not provided in documents submitted. Provider indicated "I did not have enough time this week to gather that information, but I can tell you that our fee structure for full plan review service has ranged from a portion of the fee collected to an hourly fee depending on the size of the project."

**Hourly Rate:**

Information not provided

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## Building Codes Management Analysis

28

### WEST COAST CONSULTANTS, INC. (WC-3)

**Location:**

2400 Camino Ramon, Suite 240  
San Ramon, CA 94583

**Structure:**

Provider has an active SRB-Plan Review & Inspection License and is registered with the State of Oregon Central Business Registry. Currently provides services to Jurisdictions throughout the Western United States including Washington, Utah and California. Provides building and safety code services to County, State and Federal Government Agencies. 75+ employees with Regional Offices located in California, Washington and Utah. Provides on-call personnel. Provides staff support via telephone, email, web conference, and fax during normal business hours at no additional cost to the County. Staff is available for onsite work for temporary or part-time plan review. For full-time or long-term onsite plan review, WC-3 is able to provide staff. In business since 2006 (9 years).

**Services Include:**

Full Service provider. Building Plan Review Services are provided remotely or if requested, onsite at Wasco County. Additional Services: Sustainability Review, Fire Prevention Plan Review, Public Works Plan review, Planning Services, Electronic Document Management and Review.

**Possible Partners for Building Code Permits:**

(None mentioned in documents presented; however mentioned that if onsite was required would be able to provide personnel to support that need)

**Department Staff:**

Giyan Senaratne, PE, SE, LEED AP, CASp, (Principal/CEO)  
Donald Zhao, PE, MCP, CBO, (Senior Project Engineer, Master Code Professional, Certified Building Official)  
Chris Kimball, PE, SE, MCP, CBO, (Senior Structural Engineer, Fire Plans Examiner, Fire Inspector 1 & 2)  
Curtis Hume, PE, SE, Senior Structural Engineer  
Todd Snider, PE, SE (Senior Structural Engineer)  
Greg Mason, PE, Plan Review Engineer, (Registered Civil Engineer)  
Doug Smith, (Plans Examiner, Fire Plans Examiner, Fire Inspector, Master Code Professional)  
Lisa O'Malley, (Plan Review Architect, Plans Examiner)  
Zahra Fattah, (Plan Review Engineer, Plans Examiner)  
Chris Rose, (Plans Examiner, Building Inspector)  
Don Hunsicker, (Plans Examiner, Building Inspector, Building Official)

**Cost/Compensation:**

75% Complete Building Plan Review. Services include: Initial review, second review and a minor third review (if needed) for approval of the plans. Any additional time required beyond the third plan review will be billed on an hourly basis.

Pick-up and delivery fees are not charged to the County, but process through WC-3's established account.

Electronic submittals and plan reviews included at no additional cost. For expedited or fast-track projects requested by County, a proposed fee of 150% of noted fees.



**+ Wasco County Project Team**

# Building Codes Management Analysis



29

**Hourly Rate:**

Classification	2015 Hourly Rate
Building Official	\$135.00
Senior Plan Review Engineer	\$135.00
Plan Review Engineer	\$120.00
Fire Plan Review	\$120.00
Dedicated Full Time Project Inspector for large projects (Apple, Google, Amazon and Facebook)	\$175,000



[Return to Agenda](#)

## **Agenda Item**

### **State Marijuana Laws**

- [No Documents have been submitted for this item](#)  
[– Return to Agenda](#)

**Agenda Item**  
**What the Festival Outdoor Mass Gathering**  
**Permit Application Hearing**

- [Summary](#)
- [Staff Report](#)
- [Moonshine Events OMG Permit Application](#)
- [Public Comment](#)
  - [Ken Thomas](#)
  - [Historic Balch Hotel](#)



## Wasco County Planning Department

*"Service, Sustainability & Solutions"*

2705 East Second St. • The Dalles, OR 97058  
(541) 506-2560 • [wcplanning@co.wasco.or.us](mailto:wcplanning@co.wasco.or.us)  
[www.co.wasco.or.us/planning](http://www.co.wasco.or.us/planning)

### SUMMARY OF INFORMATION

Prepared for Wasco County Board of Commissioners Hearing

**FILE #** PLAOMG-15-10-0001

**HEARING DATE:**

November 4, 2015

**PUBLISH DATE:**

October 28, 2015

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**REQUEST:** Outdoor Mass Gathering permit for a music and art festival entitled "What the Festival," June 16-20, 2016. Estimated attendance is 5,000-6,000 and not to exceed 7,500.

**RECOMMENDATION:** Approval, with conditions

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#### APPLICANT/OWNER INFORMATION:

**Applicant:** Moonshine Events, LLC, 25 NW 23<sup>rd</sup> Place, Suite 6, PMB 505, Portland, OR 97210

**Owner:** Wolf Run Ranch, LLC, 25 NW 23<sup>rd</sup> Place, Suite 6, PMB 505, Portland, OR 97210

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#### PROPERTY INFORMATION:

The property is located on the north side of Dufur Valley Road, approximately 10 miles southwest of Dufur, OR. More specifically described as:

78889 Dufur Valley Road, Dufur, OR 97021

<u>Existing Tax Lot</u>	<u>Previous</u>	<u>Acct#</u>	<u>Acres</u>
2S 12E 0 1400	2S 12E 0 2000	9603	245

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#### ATTACHMENTS:

- A. Options & Staff Recommendation
- B. Recommended Conditions
- C. Maps
- D. Staff Report
- E. Sanitary Food Service Requirements
- F. Wildland Fire Prevention Plan

## ATTACHMENT A – OPTIONS & STAFF RECOMMENDATION

Under ORS 433.750, the Board of County Commissioners is the only body authorized to issue an Outdoor Mass Gathering permit in Wasco County. While Wasco County has exercised its authority to expand the definition of outdoor mass gathering, the only applicable regulations are those contained in ORS 433.735 to 433.770 and OAR 333 Division 39.

The following Staff Report provides background information and addresses the applicable standards. After reviewing the applicable regulations, Staff has identified the following four options for consideration by the Board of County Commissioners.

### Board of County Commissioner Options:

1. **Approve** the application for an Outdoor Mass Gathering, and accept the proposed conditions and findings contained in the Staff Report.
2. **Approve** the application for an Outdoor Mass Gathering with amended findings and conditions.
3. **Deny** the application with amended findings that the request does not comply with the applicable health and safety regulations contained in ORS 433.735 to 433.770 and OAR 333 Division 39
4. **Continue** the hearing, to a date and time certain, if additional information is needed to determine whether applicable standards and criteria are sufficiently addressed.

### Staff Recommendation:

Staff recommends **Option 1** – Approve the application for an Outdoor Mass Gathering, and accept the proposed conditions and findings contained in the Staff Report (**Attachment D**).



## ATTACHMENT B – RECOMMENDED CONDITIONS

The full Staff Report with all proposed findings of fact and conclusions of law is enclosed as **Attachment D** and was available at the Wasco County Planning Department for review one week prior to the November 4th, 2015 hearing. The full Staff Report is made a part of the record. This summary does not supersede or alter any of the findings or conclusions in the Staff Report, but summarizes the results of Staff's review and recommendation. The request and subsequent decision do not constitute land use decisions, as governed by Oregon law. All applicable standards are addressed in **Attachment D**.

Subject to the proposed findings contained in **Attachment D**, Staff recommends the following **conditions of approval**:

- A. Applicant and property owners shall comply with the application as reviewed and approved by the Staff Report, which is available at the Wasco County Planning Department. This report details the restrictions on aspects of the proposed event including but not limited to time, location, dimensions and use. This decision does not constitute tacit approval for any other development or use.
- B. **Attendance**: Maximum attendees for What the Festival 2016 shall be 7,5000, including staff and volunteers necessary to operate the event safely and effectively, as described in **Attachment D**.
- C. **Insurance**: Applicant shall provide a Commercial General Liability Insurance policy of not less than \$1,000,000 specific to What the Festival, and naming Wasco County, its officers, agents, volunteers, and employees as an additional insured. Applicant shall furnish Wasco County Planning with a Certificate of Insurance including a copy of the Additional Insured Endorsement that is attached to, and part of, the insurance policy by June 1, 2016 or the commencement of setup activities, whichever occurs first.
- D. **Water Supply System Construction, Maintenance, and Design**: The temporary water system shall be inspected by Wasco County or North Central Public Health District (NCPHD) prior to the event for compliance with *OAR 333-039-0015(3)(a) through (3)(l)*.
- E. **Pool Records**: Pool records need to be taken at least every 4 hours by the applicant's agent or contractor. The results shall be recorded and the log sheet needs to be available for inspection.
- F. **Water Hauler**: The potable water hauler shall fill out the form supplied by the State/NCPHD which tracks the chlorine levels when delivered. The chlorine that is being used to increase the chlorine level needs to be NSF certified product. There shall be a copy of the form on hand when the inspection takes place. The form shall detail the volume and chlorine levels at the time and of pickup and delivery
- G. **Greywater**: Greywater tanks shall be located not more than 50 feet from the food vendors and labeled with a sign stating "Waste Water Disposal". The seepage pit shall be constructed and ready for inspection by June 13, 2016 and shall be at least three feet deep covering an area not less than

32 square feet. The pit shall be backfilled with clean, course rock and be protected by a one-fourth inch screen which shall be removed, with any waste being appropriately disposed, and cleaned every 24 hours during the event or more often as needed.

- H. **West Entrance Facilities:** As shown on the 2016 site plan, the applicant shall locate and maintain toilet facilities near the West Entrance during peak arrival times in order to best accommodate attendees who are waiting in line to enter the property and approach the Box Office.
- I. **Food and Sanitary Food Service:** All food vendors shall comply with the applicable food and sanitary food service requirements listed in *OAR 333-039-0035 (Attachment E)*, and make themselves available for inspection during the event. Furthermore, only vendors with valid licenses, as provided by the Oregon Health Authority, shall be contracted to prepare and provide food for the event.
- J. **Oregon Liquor Control Commission (OLCC):** If a Temporary Sales License (TSL) is approved by the OLCC, the applicant shall submit a copy to Wasco County Planning Department.
- K. **Emergency Medical Facilities:**
  - 1) At a minimum one licensed physician and one licensed nurse shall be present during the operating hours of the event (June 16<sup>th</sup>-June 20<sup>th</sup>, 2016).
  - 2) The medical tent shall contain the facilities listed in *OAR 333-039-0040(2)* through (7) and be inspected by Wasco County or partner agencies.
- L. **Fire Protection:** Applicant shall employ its own voluntary open flame and smoking policy and shall comply with the Wildland Fire Prevention Plan detailed in the Oregon Department of Forestry letter (**Attachment F**).
- M. **Traffic:** Each vehicle parking space shall have a minimum width of 10' and minimum width of 20' and parking shall be clearly marked. Furthermore, parking shall be arranged to provide clear access for emergency responders and access to exits at all times.
- N. **Main Stage Hours of Operation:** All amplified noise from the WTF Main Stages shall cease by midnight. The smaller stages may operate after midnight, but applicant and its sound engineers shall direct speakers in a way that minimizes notable off property noise.
- O. **Security and Personnel:** The applicant shall coordinate radio frequencies to be used during the event with the Wasco County Sherriff Department to prevent disruption of local emergency service provider communications.

## ATTACHMENT C – MAPS

### Vicinity Map and 750' Adjacent Property Owner (APO) Notification Radius

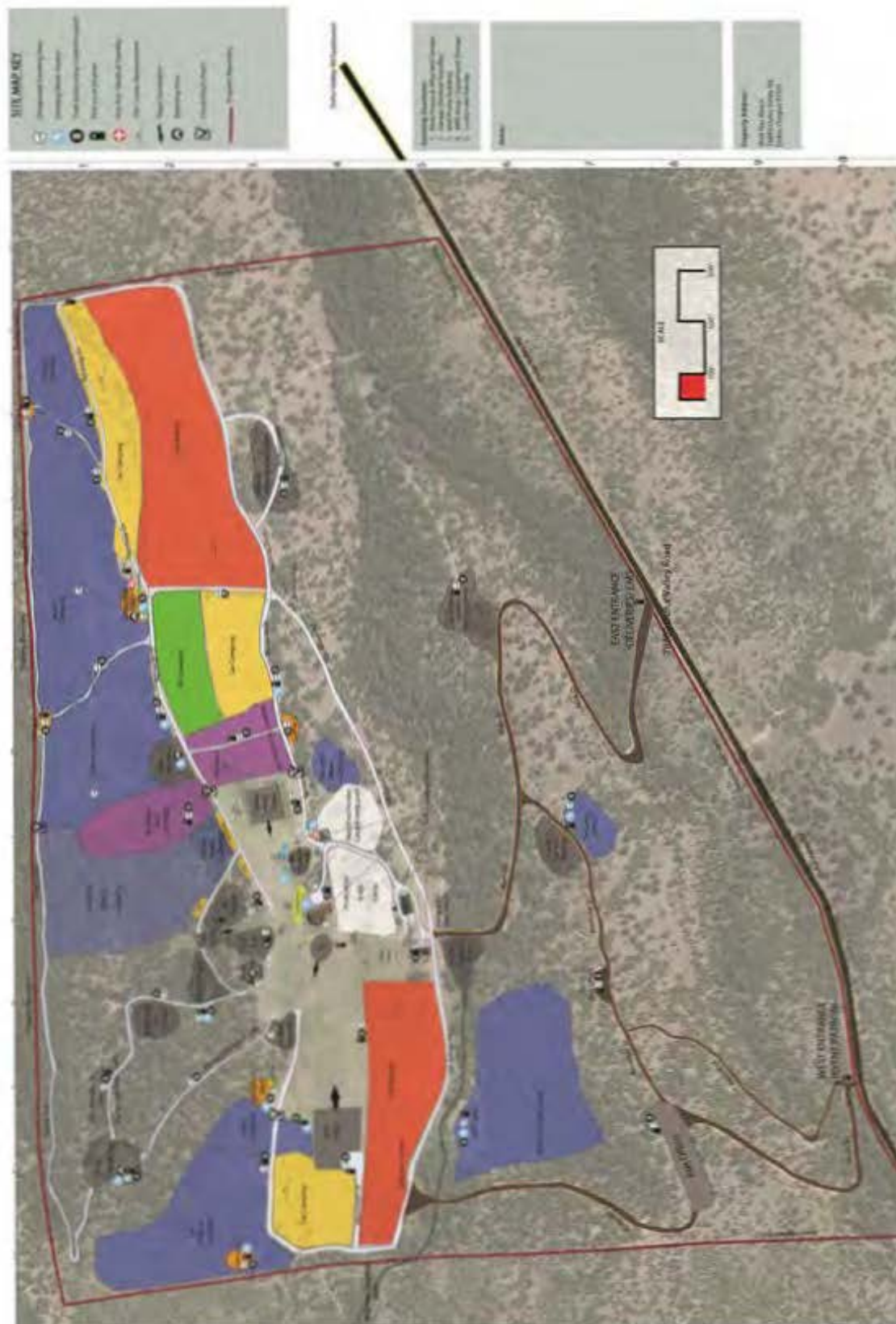


This product is for information purposes only and is not necessarily suitable for legal, engineering, or surveying purposes.



## ATTACHMENT C – MAPS

## Site Plan





## ATTACHMENT D – STAFF REPORT

**File Number:** PLAOMG-15-10-0001

**Applicant:** Moonshine Events, LLC

**Property Owner:** Wolf Run Ranch, LLC

**Request:** Outdoor Mass Gathering for a music and art festival entitled “What the Festival,” June 16-20, 2016. Estimated attendance is 5000-6000 attendees with 600-700 staff and not to exceed 7,500 (including attendees and staff/volunteers).

**Staff Recommendation:** Approval, with conditions

**Hearing Date:** November 4th, 2015 (5:30 p.m. Dufur School cafeteria)

**Location:** The north side of Dufur Valley Road, approximately 10 miles southwest of Dufur, Oregon. More specifically described as:

78889 Dufur Valley Road, Dufur, OR 97021

<u>Existing Tax Lot</u>	<u>Previous</u>	<u>Acct#</u>	<u>Acres</u>
2S 12E 0 1400	2S 12E 0 2000	9603	245

**Past Actions:**

PLAOMG-14-10-0002	(Outdoor Mass Gathering)
PLAOMG-14-02-0001	(Outdoor Mass Gathering)
PLAOMG-13-03-0001	(Outdoor Mass Gathering)
FFD-05-106	(Forest Farm Dwelling)
TUP-05-105	(Temporary Use Permit)

**Procedure Type:** Public Hearing by Wasco County Board of Commissioners

**Prepared By:** Dustin Nilsen, Senior Planner

## I. APPLICABLE STANDARDS

### Wasco County Land Use & Development Ordinance (WCLUDO)

- |  |  |
|--|--|
| <b>A. Chapter 3</b><br>Section 3.120.C | <b>Basic Provisions</b><br>Uses Permitted Without Review |
|--|--|

### Oregon Revised Statute (ORS)

- |  |   |
|--|---|
| <b>B. ORS 433.735 to 433.770</b><br>ORS 433.750<br>ORS 433.755 | <b>Regulation of Outdoor Mass Gatherings</b><br>Permit application; procedure for issuance of permit; fee<br>Additional information; liability of permit holder; casualty insurance; county as additional insured |
|--|---|

### Oregon Administrative Rules (OAR)

- |   |   |
|---|---|
| <b>C. OAR 330 Division 39</b><br><br>OAR 333-039-0015<br>OAR 333-039-0020<br>OAR 333-039-0025<br>OAR 333-039-0030<br>OAR 333-039-0035<br>OAR 333-039-0040<br>OAR 333-039-0045<br>OAR 333-039-0050<br>OAR 333-039-0055 | <b>Regulations Governing Health and Safety at Outdoor Mass Gatherings</b><br>Water Supply<br>Drainage<br>Sewerage Facilities<br>Refuse Storage and Disposal<br>Food and Sanitary Food Service<br>Emergency Medical Facilities<br>Fire Protection<br>Security Personnel<br>Traffic |
|---|---|

## II. BACKGROUND

- A. Legal Parcel:** The subject parcel was created in its current configuration by Deed 72-1438, filed with the Wasco County Clerk on June 22, 1972. It is consistent with the definition of a (Legal) Parcel in Section 1.090 of the WCLUDO. Wolf Run Ranch, LLC is shown as the owner on the current deed.
- B. Site Description:** The 245 acre subject parcel consists of variable terrain and slopes ranging from approximately 2,800 feet to 2,600 feet in elevation. The most uneven slopes are from Dufur Valley Road up to the event site, which is generally flat but slopes down gently (less than 5%) from west to east. The parcel is forested with pockets of denser trees and vegetation in the northwest and southeast. A strip of cleared land approximately 1,000 foot wide runs east to west along the northern half of the parcel.

Improvements include a 2,700 square foot dwelling, two irrigation ponds, several barns, garages and smaller outbuildings. A portion of Wolf Creek Ditch runs through the subject property, and the parcel has a water right for three acre feet of water to be stored in the ponds. A network of internal roads run throughout the property, serving the authorized residential and forest uses, and connecting to Dufur Valley Road in two locations.

- C. Surrounding Land Use:** The subject parcel is located on a winding seam between forest land and farm land. Lands to the west are largely forested including, but not limited to, large tracts of U.S. Forest Service system lands beginning 1.2 miles due west. Adjacent parcels to the southeast

are zoned A-1 (160) Exclusive Farm Use. To the east and northeast adjacent parcels are forested but gradually transition to farmland.

Using Wasco County GIS and aerial photographs, an analysis of surrounding tax lots indicates that there are approximately six dwellings within one mile of the proposed event stages and all but one are located to the east and northeast. The two nearest dwellings are located approximately 3,500 feet (0.66 miles) due east from the nearest proposed stage. The nearest dwelling to the west is approximately 4,700 feet from the main stage location.

**D. Public Notice & Comments:** Per ORS 433.750(4), notice of the public hearing was published 10 days prior to the hearing on both October 18<sup>th</sup>, October 28, 2015 in *The Dalles Chronicle*. Additionally, Staff mailed courtesy notices on October 20<sup>th</sup> and October 28, 2015 to all owners of property within 750' of the subject parcel. At the time of publication there were no neighborhood comments received.

**E. Agency Comments:** Staff did not coordinate a formal pre-application meeting with the applicants for a number of reasons:

- The event has been held in the same location in 2013, 2014, 2015. The application for the 2016 event does not alter or significantly deviate from the nature of prior events.
- On July 8th, 2015 a debrief meeting was held to summarize the 2015 event and identify opportunities for improvement. The debrief meeting was attended by representatives from the following agencies and departments: Wasco County Administrative Services, Wasco County Planning, Wasco County Public Works, Wasco County Sheriff's Office, North Central Public Health, and the Oregon Department of Forestry.
- A "WTF After Action Report" was prepared by the Wasco County Sheriff. The report summarized observations from the previous year's event and offered guidance and refinements looking forward to 2016.

Upon deeming the Outdoor Mass Gathering application complete, Staff notified partner agencies on October 21<sup>st</sup>, 2015, provided a copy of the application for review, and invited additional written comments or concerns.

Comments/concerns received from John Zalaznik, North Central Public Health District (NCPHD):

- 1) Pool records need to be completed by the applicant's agent or contractor at least every 4 hours and the results recorded and the log sheet needs to be available for inspection.
- 2) The potable water hauler needs to fill out the form supplied to him by the State/NCPHD which tracks the chlorine levels when delivered. The chlorine that is being used to increase the chlorine level needs to be NSF certified product. There should be a copy of that on hand when the inspection takes place.

Staff Response: Comments are addressed throughout the report an applicable conditions of approval are included to ensure compliance with NCPHD regulations.

Comments received from Chief Deputy Lane Magill, Wasco County Sherriff's Office

- 1) The Wasco County Sherriff's Office has reviewed the security and protocols presented by Moonshine Events LLC, for What the Festival (WTF) and per OAR 333-039-0050, confirmed the proposed arrangements are compliance with state and locals relating to laws for anticipated traffic and security related to the mass gathering.

Comments received from Chief Deputy Lane Magill, Wasco County Sherriff's Office

- 2) The Wasco County Sherriff's Office has reviewed the security and protocols presented by Moonshine Events LLC, for What the Festival (WTF) and per OAR 333-039-0050, confirmed the proposed arrangements are compliance with state and locals relating to laws for anticipated traffic and security related to the mass gathering.

**FINDINGS:**

**A. Chapter 3 – Basic Provisions**

*Section 3.120.C.13. An outdoor mass gathering as defined in ORS 433.735 (assembly of more than 3,000 people reasonably expected to continue for more than 24 consecutive hours but less than 120 hours within any three month period and which is held primarily in open spaces and not in any permanent structure) OR other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period. NOTE: A gathering described above is not subject to a land use decision or land use permitting. A Permit is required for outdoor mass gathering. Permit Application, notice, and fee, requirements are outlined in ORS 433.750-755, to protect health and safety.*

**FINDING:** The LUDO text addressing outdoor mass gatherings is more expansive than the language found in ORS 433.735(1) because the statute allows counties to “otherwise define” outdoor mass gatherings. It appears Wasco County expanded the definition of outdoor mass gathering to also include gatherings of “fewer than 3,000 persons” in the course of legislative updates to the LUDO which became effective on January 17, 2006. Consequently, an outdoor mass gathering permit became a pathway for anyone seeking authorization for a gathering of fewer than 3,000 people that is reasonably expected to continue for less than 120 hours. All such gatherings described above are subject to the outdoor mass gatherings regulations found in ORS 433.735 to 433.770.

The applicant is requesting approval for an outdoor mass gathering for a music and art festival entitled, “What the Festival,” June 16th-20th, 2016 on Wolf Run Ranch located at 78889 Dufur Valley Road, Dufur, Oreon. The applicant estimates attendance at 5,000-6,000 people, with a 7,500 maximum for the event, which includes 600-700 event staff and volunteers. Venue box office opens to early arrivals at 3:00pm on Thursday June 16, programming ends and attendees begin to leave at 6:00pm on Sunday June 19th. Attendee exodus continues until 2:00pm on Monday June 20 with traffic control remaining in place until 4:00pm. As stated on the cover of the application, the time from 3:00pm on June 16 to 3:00pm on June 20 constitutes 96 hours. Per the site plan and narrative submitted by the applicant, the event will be held primarily in open spaces and not in any permanent structure.

The applicant proposes several temporary structures spread throughout the festival site including a box office, craft vendors, food vendors, several stages, lounges, and splash pools. The main festival stages

begin running on Friday June 17th. Sound amplification is proposed at four stages and one lounge between the hours of 11:00am and 2:00am, beginning on Thursday and ending at midnight on Sunday June 21.

As a **condition** of Approval, all amplified noise from the WTF Main Stages shall cease by midnight. The smaller stages may operate after midnight, but applicant and its sound engineers shall direct speakers in a way that minimizes notable off property noise.

Staff finds that this event – based on event characteristics, estimated number of attendees and schedule – constitutes an Outdoor Mass Gathering as defined in LUDO Section 3.120.C.13 and ORS 433.735. Based on the proposed facilities and services provided, staff recommends a **condition** that attendance is capped at 7,500, including staff and volunteers necessary to operate the event safely and effectively, as described throughout this report.

Applicable rules from ORS 433.750-755 are addressed in **B**, below.

#### **B. ORS 433.735 to 433.770 Regulation of Outdoor Mass Gatherings**

##### ***433.750 Permit application; procedure for issuance of permit; fee.***

- (1) *The governing body of a county in which an outdoor mass gathering is to take place shall issue a permit upon application when the organizer demonstrates compliance with or the ability to comply with the health and safety rules governing outdoor mass gatherings to be regulated according to the anticipated crowd and adopted by the Oregon Health Authority (\*\*\*)*.

**FINDING:** The Board of County Commissioners is the only body authorized to issue an outdoor mass gathering permit in Wasco County. Furthermore, the use of “shall” in ORS 433.750(1) seems to require issuance of the permit if the application demonstrates the ability to comply with the applicable health and safety rules. This interpretation is well-established in case law going back to 1982. Coincidentally, it was 1000 Friends v. Wasco County (LUBA 82-039), which found:

*The legislature’s decision to limit jurisdiction in this manner reflects the narrow range of review criteria and limited discretion available to the county governing body under ORS Chapter 433. (\*\*\*) Land use considerations have no bearing on the decision to grant or deny an outdoor mass gathering permit given the limited criteria to be applied to the permit request.*

Staff is not aware of any case law which explicitly prevents a county governing body from imposing reasonable conditions in conjunction with a permit approval. Therefore, Staff recommends several conditions throughout this report to enhance public health and safety.

The referenced Oregon Health Authority rules (OAR 333 Division 39) are addressed beginning in **C**, below.

- (2) *Notice of the application shall be sent by the county governing body to the county sheriff or county chief law enforcement officer, the county health officer and the chief of the fire district in which the gathering is to be held.*



**FINDING:** Upon deeming the application for an outdoor mass gathering complete, Staff notified partner agencies on October 09<sup>th</sup>, 2015 of the application and invited additional written comments on October 21<sup>st</sup>, 2015 with the determination of a complete application submission. On July 8<sup>th</sup>, 2015 a debrief and after action report was conducted with the applicant and partner agencies to discuss last years event and incorporate adjustments to refine the 2016 operational planning efforts.

- (3) Each officer receiving notice of the application under subsection (2) of this section who wishes to comment on the application shall submit such comment in writing to the county governing body not later than the hearing date. The comment may include recommendations related to the official functions of the officer as to granting the permit and any recommended conditions that should be imposed.*

**FINDING:** Good faith coordination between both Applicant and partner agencies has been ongoing in order to address applicable regulations. All partner agencies were invited to submit additional comments once the current application was deemed complete. Comments received have been made part of the record and are addressed throughout this report.

- (4) The county governing body shall hold a public hearing on the issue of compliance with this section. Notice of the time and place of such hearing including a general explanation of the matter to be considered shall be published at least 10 calendar days before the hearing in a newspaper of general circulation in the county or, if there is none, it shall be posted in at least three public places in the county.*

**FINDING:** A public hearing with the Wasco County Board of Commissioners has been scheduled for November 4<sup>th</sup>, 2015. Notice appeared in *The Dalles Chronicle* on October 18<sup>th</sup> and 28<sup>th</sup>, 2015, and was posted on the Wasco County Planning Department website, at the Wasco County Courthouse, and the public libraries and post offices in Antelope, Dufur, Maupin, Mosier, Shaniko, and The Dalles.

***433.755 Additional information required before permit issued; liability of permit holder; casualty insurance; county as additional insured.***

- (1) (\*\*\*) If the county governing body determines upon examination of the permit application that the outdoor mass gathering creates a potential for injury to persons or property, the county governing body may require organizers to obtain an insurance policy in an amount commensurate with the risk, but not exceeding \$1 million. The policy of casualty insurance shall provide coverage against liability for death, injury or disability of any human or for damage to property arising out of the outdoor mass gathering. The county shall be named as an additional insured under the policy.*

**FINDING:** Based on the size and nature of the event the proposed gathering creates a potential for injury to persons or property. Therefore Staff recommends a **condition** that Applicant shall provide a Commercial General Liability Insurance policy of not less than \$1,000,000 specific to What the Festival, and naming Wasco County, its officers, agents, volunteers, and employees as an additional insured. Applicant shall furnish Wasco County Planning with a Certificate of Insurance including a copy of the Additional Insured Endorsement that is attached to, and part of, the insurance policy by June 1, 2016.

**C. Oregon Administrative Rules 333 Division 39**

***333-039-0015 Water Supply***

*(1) Required Amounts:*

- (a) A minimum of 12 gallons per person per day shall be available for the anticipated assembly;*
- (b) Storage facilities equal to one day's total water usage shall be provided, unless a greater or lesser amount, with a minimum of five gallons per person per day, is determined by the Division as sufficient or necessary, based on the availability and quantity of the reserve water supply and the required water demands for toilets, food vendors, camping areas and other facilities;*
- (c) A Division approved well or water system may be used as a source of water, or in addition to Division approved outside sources, to meet all requirements;*
- (d) An amount of water equal to one day's total usage shall be kept in reserve at all times.*

**FINDING:** Based on maximum attendance of 7,500 people (including attendees and staff/volunteers), 90,000 gallons of water per day would need to be available. Applicant submitted an email dated September 9<sup>th</sup>, 2015 from Jerry Tripp of Tygh Valley Water District, with a will serve letter of a 100,000 gallons/day of municipal water to What the Festival for the event. In addition to Tygh Valley, the applicant provided a will serve letter from K.C. Ferris from the City of The Dalles for 100,000 gallons. The Oregon Health Authority approves municipal water systems and enforces drinking water quality standards. Applicant also submitted a letter of intent dated October 1<sup>st</sup>, 2015 from Bishop Services, Inc. confirming their capability to “meet or exceed the delivery of up to 100,000 gallons of potable water per day” of the event.

Due to the large supply of water able to be provided by Bishop from a municipal source within close proximity to the event, Staff recommends storage facilities be provided to meet the minimum requirement of 5 gallons/person/day. Maximum attendance would require water storage facilities of 37,500 gallons. Applicant proposes temporary facilities to be provided by Bishop, with 60% of total volume located within designated camping areas and 40% in the main festival grounds.

Applicant has interpreted *(d)* to require that “water must be readily available for use but does not need to be onsite.” Staff agrees that *(d)* does not explicitly require the reserve, equal to one day’s total usage, to be kept on site. Assuming “one day’s total usage” refers to 5 gallons/person/day (37,500 gallons), it is possible that the Applicant can meet that requirement on site. Regardless, because 100,000 daily gallons are available within 25 miles from the site, Staff finds the reserve requirement of *(d)* is achieved.

Staff finds the proposed source and supply method can provide the required volume, storage, and reserve of approved water for 7,500 people.

*(2) Bacteriological and Chemical Requirements:*

- (a) All water provided shall give a negative result for the presence of coliform bacteria when subjected to standard laboratory test procedures for detecting the presence of coliform bacteria and shall be from sources and in containers approved by the Division;*

*(b) Water provided shall not contain the following substances in excess of amounts listed. The organizer shall provide a laboratory analysis report as evidence of this: Substance Concentration in mg/1:*

- (A) Arsenic -- 0.1;*
- (B) Cadmium -- 1.0;*
- (C) Chloride -- 250.0;*
- (D) Copper -- 1.0;*
- (E) Cyanide -- 0.01;*
- (F) Fluoride -- 1.7;*
- (G) Iron -- 0.3;*
- (H) Lead -- 0.05;*
- (I) Selenium -- 0.01;*
- (J) Nitrate (NO<sub>3</sub>) -- 45.0;*
- (K) Total Dissolved Solids -- 500.0;*
- (L) Zinc -- 5.0.*

**FINDING:** Applicant did not explicitly address the bacteriological and chemical standards for provided water listed above. However, the Oregon Health Authority adopted the applicable rules and also administers and enforces drinking water quality standards for public water systems through Oregon Drinking Water Services. Because the Tygh Valley Water District (operating #4100912) and the City of Dalles municipal supply (operating# 4100869) will provide the water for What the Festival is approved by the Oregon Health Authority, Staff finds it reasonable to consider the source safe and in compliance with Oregon Health Authority bacteriological and chemical requirements.

To further ensure water quality standards are met, NCPHD expressed some minor concerns regarding pool records and the potable water hauler records. As such, the following **conditions** are recommended:

- 1) Pool Operation and Records. Moonshine will operate and maintain the splash pools consistent with the public pool permit issued by North Central Public Health District and will provide a copy of the NCPHD permit prior to the festival.
- 2) The potable water hauler shall fill out the form supplied to by the State/NCPHD which tracks the chlorine levels when delivered. The form shall indicate chlorine levels and water volumes at the time of pick-up and delivery. The chlorine that is being used to increase the chlorine level needs to be NSF certified product. There should be a copy of that on hand when the inspection takes place.

*(3) Construction, Maintenance, and Design:*

- (a) All parts of the water supply system shall be constructed of non-toxic materials;*
- (b) All water distribution lines and fittings shall be constructed of galvanized wrought iron, galvanized steel, copper, or NSF approved plastic pipe. All plastic pipe and fittings must bear the NSF seal;*
- (c) Pressure tanks and storage tanks shall be constructed of non-toxic materials. Tanks which have previously been used to contain toxic substances shall not be used;*

- (d) Prior to placing the water supply system into use, all portions of the system including storage tanks and distribution system shall be disinfected by adding a chlorine solution of not less than 50 mg/1 and retaining the mixture within all portions of the system for at least 24 hours. Following disinfection, the system is to be thoroughly flushed of the chlorine solution;*
- (e) Hydrants equipped with self-closing faucets shall be provided at a ratio of not less than one for every 250 persons or fraction thereof anticipated;*
- (f) Each faucet shall be mounted on a minimum 36 inch riser. The riser is to be securely fastened to a supporting structure equal in strength to a four inch by four inch timber which is securely anchored in the ground;*
- (g) Each faucet and riser shall be accompanied by a seepage pit located directly beneath the faucet which shall have a minimum inside diameter of 12 inches and a minimum depth of three feet and shall be backfilled with clean coarse rock;*
- (h) All water distribution lines shall be installed at a minimum depth of 12 inches in the soil and shall be covered;*
- (i) If camping and activity areas are separately designated, 60 percent of the total required faucets shall be located within the area designated for camping, and 40 percent of the total required faucets shall be located in the area designated for activities;*
- (j) A minimum of one faucet shall be located not more than 25 lineal feet from each food service facility and a minimum of one faucet shall be located not more than 25 lineal feet from any emergency medical facility;*
- (k) Garden hoses, flexible hoses, pipes, or similar devices shall not be connected to any faucet or any other portion of the water supply system for personal convenience or any other reason;*
- (l) A minimum pressure of 20 pounds per square inch shall be maintained at all times and at all points within the water distribution system.*

**FINDING:** Applicant proposes storing 37,500 gallons of potable water in two general locations: 60% (22,500 gallons) of total volume within designated camping areas and 40% (15,000 gallons) in the main festival grounds. Staff finds this proposed split conforms to the required ratio of water available to activity areas and camping areas.

Applicant states that all potable water storage materials are NSF approved and bears the NSF seal. Per the submitted site plan, Applicant proposes locating food vendors clustered around the existing dwelling, on relatively flat land, in close proximity to the well. Staff finds it reasonable that the location of the existing water supply and proposed uses will facilitate compliance with the “Construction, Maintenance and Design” standards listed above.

However, Staff recommends a **condition** that the temporary water system shall be inspected by Wasco County or NCPHD prior to the event for compliance standards (3)(a) through (3)(l) listed above.

**333-039-0020 Drainage**

- (1) The site selected for the outdoor mass gathering shall have good natural drainage. Areas which are swampy, or areas known to be susceptible to flash flooding are not acceptable.*
- (2) Roads at the outdoor mass gathering site shall be provided with culverts, tiles, and ditching wherever needed to protect such roads from erosion due to precipitation.*

**FINDING:** Staff has visited the property a number of times and has not observed any swampy areas. The elevation ranges from 2,800 feet at the western boundary to 2,600 feet at the eastern boundary. The most uneven slopes are from Dufur Valley Road up to the event site, which is generally flat but slopes down gently (less than 5%) from west to east.

The existing driveways from Dufur Valley Rd will provide access to the event. Primary access will be provided by the West Entrance, which was permitted by Wasco County Public Works and constructed by Crestline Construction. Wolf Run has stated they are implementing best management practices from its Forest Management Plan to maintain its onsite access system.

Staff finds the selected event site provides good natural drainage and roads will be provided with adequate protections from erosion due to precipitation.

**333-039-0025 Sewerage Facilities**

- (3) Number and Location of Toilets and Privies:*
  - (a) Seven privies or toilets or any combination thereof shall be provided for each 800 persons or fraction thereof anticipated;*
  - (b) If camping and planned activity areas are separately designated, sixty percent of the total required toilets or privies shall be located within the designated camping area and forty percent of the total required toilets or privies shall be located in the designated planned activity area. If areas are not designated, location and spacing of toilets and privies shall be in accordance with anticipated crowd clustering or grouping, or spaced uniformly throughout the entire mass gathering site;*
  - (c) All chemical toilets, if provided, shall be located so as to be easily and readily serviced by servicing vehicles.*

**FINDING:** Bishop Sanitation Services will provide one portable toilet per 50 people, which exceeds the Outside Mass Gathering standard of 7 toilets per 800 attendees or 114 attendees per toilet). Toilets shall be clustered throughout the festival grounds and include one handwashing unit for each grouping of toilets.

Bishop Services will provide as needed 1 x 800 gallon sanitation truck, 1 x 3,500 septic truck and 1 x 5,000 gallon blackwater truck at the event. Applicant proposes having each portable toilet and handwashing unit pumped daily, and twice per day at peak attendance on Saturday 6/20 and Sunday 6/21.



Per the submitted site plan, Applicant proposes 60 percent of the toilets in proximity to camping areas with 40 percent of the clusters in the festival activity areas. Because there is no hard delineation between activity areas and camping areas, the entirety of the event site (except for the Box Office and Forest Stage) is open and easily accessible, and Applicant proposes providing toilets at ratios exceeding the standard. Staff finds the location of the toilet facilities meets the standard. As depicted in its application and site plan, staff recommends a **condition** the Applicant locate toilet facilities near the West Entrance during peak arrival times in order to best accommodate attendees who are waiting in line to enter the property and approach the Box Office.

*(4) Liquid Wastes not Containing Human Excreta:*

- (a) Facilities shall be provided for the disposal of all liquid wastes not containing human excreta such as, but not limited to, kitchen or cooking waste water, grease, dishwater, wash water, and bath water. These facilities shall be specifically identified by means of a sign which states "**Waste Water Disposal**";*
- (b) Such facilities shall consist of a seepage pit having a minimum depth of three feet and a lateral area of not less than 32 square feet. The pit shall be backfilled with clean, coarse rock and be protected by a one-fourth inch screen which is removable and will effectively trap food particles and prevent other wastes from entering the backfilled rock;*
- (c) All food particles and other waste material shall be removed from the facilities at least once every 24 hours or at more frequent intervals if necessary to prevent fly and insect attraction;*
- (d) Such facilities shall be located or spaced so as to uniformly serve the participants of the outdoor mass gathering;*
- (e) One facility shall be provided for each 3,000 persons or fraction thereof anticipated;*
- (f) At least one facility shall be located not more than 50 lineal feet from each food service facility.*

**FINDING:** Applicant proposes two methods of greywater disposal: 1) Food vendors will be supplied access to five 300 gallon greywater tanks to be pumped by Bishop Services, Inc. and trucked off-site to a licensed dumping facility as needed. Applicant proposes locating these tanks 50 feet from food vendors. 2) Greywater from the temporary shower facility will flow to an on-site seepage pit that will be built to specifications listed in 333-039-0025(4)(b)

Staff recommends a **condition** that greywater tanks shall be located not more than 50 feet from the food vendors and labeled with a sign stating "Waste Water Disposal". The seepage pit shall be constructed and ready for inspection by June 1, and shall be at least three feet deep covering an area not less than 32 square feet. The pit shall be backfilled with clean, coarse rock and be protected by a one-fourth inch screen which shall be removed, with any waste being appropriately disposed, and cleaned every 24 hours during the event or as needed. The pit shall be monitored by WTF staff for functionality during the event. If flows exceed infiltration rates and alternative measure of removal of shall be employed.

**333-039-0030 Refuse Storage and Disposal**

- (1) All refuse and solid waste shall be stored in fly-tight containers constructed of impervious material.*
- (2) Containers for refuse and solid waste storage shall be provided at a minimum ratio of one 30 gallon container for each 16 persons or fraction thereof anticipated or one cubic yard of container capacity for each 125 persons or fraction thereof anticipated.*
- (3) All refuse and solid waste shall be removed from storage containers at least once every 24 hours and transported and disposed of in a manner which is authorized and complies with state and local laws, ordinances and regulations.*

**FINDING:** Applicant proposes collecting solid waste (trash, recycling and compost) throughout the event site at least once every 24 hours. A “Waste Management Team” equipped with a maintenance vehicle and trailer will collect waste from these stations throughout the day and night on an as needed basis. On-site storage is contracted through The Dalles Disposal and will consist of 2 x 30 yard dumpsters for trash, 2 x 30 yard dumpsters for recycling, 2 totes for glass, and 1 x 20 yard dumpster for compost. Fly-tight containers constructed of impervious material will be used. Staff finds that the proposed 60 yards for trash, 60 yards for recycling, 2 totes for glass and 20 yards for compost exceed the required ratio of one cubic yard of container capacity for each 125 attendees.

**333-039-0035 Food and Sanitary Food Service**

- (1) Food service facilities, if supplied, shall be located in clean surroundings and shall be maintained in a clean and sanitary condition.*
- (2) Food service facilities, if supplied, shall be so constructed and arranged that food, drink, utensils, and equipment will not be exposed to rodents, insects, dust, dirt, or other contamination. If flies are present, screening shall be required.*
- (3) The water supply for food service facilities shall be adequate in amount to serve the requirements of the facility and shall be safe for human consumption. Storage tanks or containers, when used, shall be of smooth, easily cleanable material, and shall be cleaned and sanitized each time they are refilled. Water shall not be dipped from a receptacle for drinking or culinary purposes.*
- (4) Toilet or privy facilities which comply with these rules shall be available within the immediate area for use by the food service facility personnel.*
- (5) Hand washing facilities shall be made available for the food service facility personnel. In lieu of a handwashing sink, there shall be provided a pan with soap and water for washing of hands, and a pan of water containing a bactericidal solution of 50 mg/1 of available chlorine or its equivalent for rinsing of hands. Sanitary paper towels shall be provided. The use of a common-type towel is prohibited. Utensil washing vats shall not be used for handwashing.*

- (6) (a) *All multi-use utensils and all display cases or windows, counters, shelves, tables, refrigeration equipment, sinks, and other equipment used in connection with the operation of a food service facility shall be constructed as to be easily cleaned and shall be kept in good repair;*
- (b) *Utensils containing or plated with cadmium or lead shall not be used, provided, however, that solder containing lead may be used for jointing;*
- (c) *Food containers with seams which are not sealed flush with the surface shall not be re-used. Single service containers and utensils shall not be re-used.*
- (7) (a) *Single service paper plates, cups, and plastic or wood knives, forks, and spoons are recommended but not required. If multiple use dishes, utensils, or equipment are used, they must be subjected to one of the following methods of bactericidal treatment after cleaning and washing:*
  - (A) *Immersion for at least two minutes in clean, hot water at a temperature of at least 170° Fahrenheit. If hot water is used, a dependable thermometer shall be available at all times and shall be used. The pouring of scalding water over washed utensils is not acceptable as a satisfactory bactericidal treatment;*
  - (B) *Immersion for at least two minutes in a lukewarm chlorine bath. This bath shall be made up at a strength of at least 100 mg/1 of available chlorine. The bath shall not be used after its strength has been reduced to 50 mg/1;*
  - (C) *Immersion for at least two minutes in an approved quaternary ammonium bath containing at least 25 mg/1 as determined by a suitable field test.*
- (b) *In machine dishwashing, the hot water rinse shall be at least 170° Fahrenheit and shall be for a minimum of ten seconds;*
- (c) *In hand dishwashing, a three compartment sink shall be required. The first compartment shall be used for washing with a soap or detergent solution. The second compartment shall be used for clear water rinse, and the third compartment shall be used for the bactericidal solution and sanitizing bath.*
- (8) *If ice cream or frozen desserts are dipped and served at the food service facility, all scoops and dippers shall be kept in running water dipper wells.*
- (9) (a) *All refuse and solid waste shall be stored or collected in tightly covered, water impervious containers until removed from the food service facility. Such containers when emptied shall be washed to prevent them from attracting flies and rodents;*
- (b) *All dishwater and liquid wastes not containing human excreta shall be disposed of in accordance with OAR 333-039-0025(4)(a) to (f) of these rules.*
- (10)(a) *All readily perishable food shall be kept at or below 45° Fahrenheit except when being prepared or actually served. Readily perishable foods shall be stored in shallow*

*containers under refrigeration until cooled below 45° Fahrenheit. When such foods have been cooled below 45° Fahrenheit, they may be stored in deep containers. Food shall not be served which has been stored, handled, or otherwise cared for in a manner not in compliance with these rules;*

- (b) A dependable indicating thermometer shall be provided in each refrigerator;*
- (c) All ice shall be stored and handled in such a way as to prevent contamination. Ice scoops or tongs shall be used to place ice in glasses or cups. Ice shall be obtained only at sources which are licensed under ORS Chapter 624 or 627.*
- (11) All food products, raw, cooked, canned, or otherwise, shall be wholesome and free of spoilage during storage, preparation, and serving. All milk and milk products shall come from a source which is licensed and approved by the Oregon State Department of Agriculture. Home canned or home processed foods shall not be stored, prepared, or served by the food service facility.*
- (12) Pre-cooked foods or meats must be kept at or below 45° Fahrenheit at all times and subjected to continuously applied heat which will sustain the internal temperature of the food item to not less than 140° until such time as it is served.*
- (13) Bottled soda or fruit drinks may be cooled in tanks with water and ice provided the tanks contain not less than 50 mg/1 available chlorine. The tops of the containers shall not be submerged. Milk and milk products shall be kept at or below 45° Fahrenheit in dry refrigeration.*
- (14) Canned soda or fruit drinks may be cooled in tanks of ice and water provided that the water contains not less than 50 mg/1 available chlorine.*
- (15) All persons within the food service facility shall wear clean outer garments and shall keep their hands clean at all times while engaged in preparing or serving food and drink, or washing and storing utensils and equipment.*
- (16) All persons while within a food service facility shall refrain from any personal action or conduct which would directly or indirectly harm the quality or wholesomeness of the food.*
- (17) No live animals or fowl shall be permitted within the confines of any food service facility.*

**FINDING:** Applicant has not provided details on specific food vendors but continues to work with NCPHD to comply with applicable food safety and service regulations. Staff recommends a **condition** that all food vendors comply with the applicable food and sanitary food service requirements listed in OAR 333-039-0035 (**Attachment E**), and make themselves available for inspection during the event. Furthermore, only vendors with valid licenses, as provided by the Oregon Health Authority, shall be contracted to prepare and provide food for the event.

Applicant proposes serving alcohol in the main festival grounds from 11:00AM-2:00am each day, and shall apply to the Oregon Liquor Control Commission (OLCC) for a Temporary Sales License (TSL). The OLCC requests that an applicant apply at least 30 days prior to an event when an attendance of 1,001 or

more is expected. The applicant has stated that it intendeds to apply three months in advance of the festival. If approved by the OLCC, a **condition** is included that Applicant shall submit a copy of the TSL to Wasco County Planning Department.

**333-039-0040 Emergency Medical Facilities**

- (1) *There shall be present at the outdoor mass gathering site for emergency medical services, physicians and nurses in the following ratios:*
  - (a) *Daylight Hours -- At least one Oregon physician plus sufficient other physicians (licensed to practice medicine and surgery in any of the 50 states of the United States) to provide a ratio of one for each 10,000 persons attending or fraction thereof and one nurse for each 7,500 persons attending or fraction thereof;*
  - (b) *Nighttime Hours - (1 a.m. to 7 a.m.) -- At least one Oregon physician plus sufficient other physicians (licensed to practice medicine and surgery in any of the 50 states of the United States) to provide a ratio of one for each 20,000 persons attending or fraction thereof and one nurse for each 15,000 persons attending or fraction thereof.*

**FINDING:** Applicant has contracted with White Bird Clinic for medical and crises coverage during the event. These services will be available through an on-site medical booth and holding tent, and also through dispatchable and roving teams throughout the property. A letter dated September 20, 2015 from White Bird Clinic states that at least 25 personnel will be utilized, including physicians, mental health professionals, crisis workers, nurses, EMTs and paramedics. Applicant states medical and crises staff will work at Advanced Life Support standards under a doctor's standing orders.

Staff recommends a **condition** that at least one licensed physician and at least one licensed nurse shall be present during the operating hours of the event.

- (2) *Facilities shall be provided in which physicians can provide patient care and treatment. The facility shall be enclosed, protected from the elements, and shall have chairs, examining tables with stirrups, and locked cabinets for equipment and medicine. All necessary medicine and instruments for conducting minor surgery and examinations shall be available.*
- (3) *Lighting within the emergency medical facilities shall be provided and shall be not less than 200 foot candles in areas where treatment and minor surgery are conducted.*
- (4) *Attending physicians shall keep accurate records of patients and treatment, and shall notify the local health officer of all cases involving a communicable disease.*
- (5) *Temporary holding facilities shall be provided for the sick and injured while awaiting transport to a hospital. The facility shall be enclosed, protected from the elements, and shall be furnished with one cot or bed for each 1,000 persons anticipated or fraction thereof.*
- (6) *Communication, either telephone or radio-telephone, shall be provided to summon aid or notify the nearest hospital, law enforcement, or fire protection agency, as required.*



- (7) Ambulances shall be provided at the outdoor mass gathering for emergency evacuation of sick and injured persons at a ratio of one ambulance for each 10,000 persons anticipated or fraction thereof.

**FINDING:** The submitted site plan shows centrally located medical facilities east of the existing permanent dwelling. Through White Bird, the on-site facilities will be equipped to handle a range of minor care to medical emergencies.

Applicant will employ American Medical Response for ambulance services during the event. The director of White Bird Clinic will also coordinate Life Flight accessibility and landing coordinates. Staff recommends a **condition** that the medical tent shall contain the facilities listed in 333-039-0040(2)-(7) to be inspected by Wasco County prior to the event.

**333-039-0045 Fire Protection**

- (1) Each camping space shall be a minimum of 1,000 square feet or large enough to accommodate a parked camping vehicle, tent vehicle or tent, as the case may be, and to maintain at least 15 feet separation from any other camping vehicle, tent vehicle or tent, building, structure, or property line.
- (2) The organizer shall secure a written statement from the local fire protection agency having jurisdiction that fire protection complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and location of the outdoor mass gathering.

**FINDING:** The narrative and site plan submitted by Applicant shows two general categories for camping:

- 1) Vehicular Camping (1,000 SF/space)
  - a. Car Camping at approximately 393,000 SF = 393 spaces
  - b. RV Parking at approximately 189,000 SF = 189 spaces
  - c. Staff Medical/RV Camping at approximately 111,000 SF = 111 spaces
  - TOTAL: 693 Vehicular Camping Spaces**
- 2) Non-Vehicular Camping (1,000 SF/space)
  - a. Walk-In Camping at approximately 1,071,000 SF = 1071 spaces
  - b. Boutique Camping at approximately 80,000 SF = 80 spaces
  - c. Vender Camping at approximately 63,000 SF = 63 spaces
  - d. Staff/Production/Medical Camp at approximately 281,000 SF = 281 spaces
  - TOTAL: 1,415 Non-Vehicular Camping Spaces**

Based on National Park Service methodology and prior festival data, Applicant increased its estimates for number of people per campsite to determine the number of needed campsites relative to attendance. The factors used to establish the methodology include past experience at What the Festival, access to water, transportation, sanitation facilities, placement of onsite management, and the availability of law enforcement. Given an average of 5 people per campsite, available vehicular camping

spaces can accommodate up to 3,465 people, and non-vehicular camping spaces can accommodate up to 7,075 people. Even under the assumption of 3.6 persons per camp site staff finds that the available camping areas can accommodate at least 7,500 people satisfy the maximum allowed attendance.

Applicant has coordinated additional fire prevention and protection strategies with the Oregon Department of Forestry (ODF), the only agency that provides wildland fire protection in the area around Wolf Run Ranch. ODF submitted a September 29, 2014 letter with an attached fire prevention plan / provisions recommended for What the Festival 2015. The letter contains the following statement in one of the introductory paragraphs: "This proposed fire prevention plan for What The Festival if adhered to should comply with all ODF state fire regulations anticipated to be in effect at the time of this event, and should provide a satisfactory level of fire protection and prevention given the anticipated crowds at Wolf Run Ranch."

Applicant has agreed to follow the Fire Prevention Plan recommended by ODF. Consequently, with the **condition** that Applicant comply with the 2016 What the Festival Wildland Fire Prevention Plan (**Attachment F**), Staff finds the September 29, 2015 ODF letter satisfies the "written statement" requirement in subpart (2), above.

Applicant provided the evacuation plan and a letter of intent from GFP Enterprises Inc with the submitted application.

### ***333-039-0050 Security Personnel***

- (1) The organizer shall maintain an accurate count of persons attending the outdoor mass gathering and shall provide adequate security arrangements to limit further admissions to the outdoor mass gathering when the anticipated number of persons have been admitted.*
- (2) The organizer shall secure a written statement from the chief law enforcement officer of the county in which the outdoor mass gathering is to take place that arrangements for security and the orderly flow of traffic to and from the outdoor mass gathering complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and location of the outdoor mass gathering.*

**FINDING:** Applicant has contracted with Starplex CMS to provide as many as 75 security and crowd management personnel throughout the event site. Moonshine will work with a graduate security plan that allows it to increase or decrease the number of personnel depending on final attendance number.

The Oregon Department of Public Safety Standards and Training (DPSST) security staffed with non-DPSST certified security will be provided at a ratio of 1:5. Security personnel will be used to minimize conflicts, secure the event perimeter, and assist with some on-site traffic management. If the event reaches its capacity of 7,500, DSHS personnel will limit further admission to the event. A second tier of security staff will also be on-site to reinforce messaging for patrons throughout the property. This second tier is comprised of volunteer "Guardians," who will be in radio contact with the security company to report any security issues or incidents.

Applicant has been coordinating with Chief Deputy Sheriff Lane Magill. Upon request, the applicant will contract with one off-duty officer to be on site during peak hours and positioned at ingress point near Dufur Valley Road.

As a **condition** of approval, the applicant shall coordinate radio frequencies to be used during the event with the Wasco County Sherriff Department to prevent disruption of local emergency service provider communications.

Applicant submitted a letter from Chief Deputy Magill confirming that “the proposed arrangements for security and the orderly flow of traffic to and from the outdoor mass gathering complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and location of the outdoor mass gathering, located at 78889 Dufur Valley Rd, Dufur Oregon.”

Staff finds that Applicant has demonstrated compliance, or the ability to comply, with security personnel rules.

***333-039-0055 Traffic***

- (1) The organizer shall provide easily accessible roads of all-weather construction at the outdoor mass gathering site.*
- (2) All roads shall be graded so as to be self-draining and shall be maintained in such condition that emergency and other required vehicles can move upon them unencumbered and can carry out their functions at all times.*
- (3) An ungraveled dirt road shall not be considered as being an all-weather road.*
- (4) No road or portion of any road constructed shall exceed a maximum grade of 12 percent.*
- (5) The organizer shall acquire approval from the local agency having jurisdiction for fire safety that the minimum width of all roads complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and locations of the outdoor mass gatherings.*

**FINDING:** The existing access system on Wolf Run Ranch appears to support the existing residential and forest uses authorized on the property. Applicant proposes using the existing system for festival traffic and states surfaces are all-weather. Previous visits to the site and throughout the entire property indicated the roads to be all-weather and well-maintained. Staff finds that roads serving the event site meet the standards listed in subparts (1) through (5).

The Applicant has submitted a Traffic Control Plan (TCP) and Operations and Special Events Permit application to Wasco County Public Works, in order to operate within the public right-of-way of Dufur Valley Rd. The TCP summarizes the proposed traffic control measures as the access controls. Subpart (5) is addressed in, and satisfied by, the September 3, 2015 letter from DOF addressed in *333-039-0045 Fire Protection*, above.

- (6) The organizer shall provide and designate a suitable area at the outdoor mass gathering for parking of motor vehicles:*
  - (a) The total area provided for motor vehicle parking shall be based on the following ratio:  
300 square feet for every four persons anticipated;*

*(b) Each motor vehicle parking space shall have a minimum width of ten feet and a minimum length of twenty feet and shall be clearly marked with lime;*

*(c) The motor vehicle parking spaces shall be arranged to eliminate blockage of parked vehicles and allow vehicles free access to exits at all times.*

**FINDING:** Based on maximum attendance of 7,500 people, the total area required for motor vehicle parking is 562,000 square feet. The site plan shows 20.5 acres (more than 893,000 square feet) available for parking. Staff finds the total area provided for motor vehicle parking is sufficient.

Staff recommends a **condition** that each vehicle parking space shall have a minimum width of 10 foot and minimum length of 20 foot and parking shall be clearly marked. Furthermore, parking shall be arranged to provide clear access for emergency responders and to exits at all times.

## ATTACHMENT E – SANITARY FOOD SERVICE REQUIREMENTS

### **333-039-0035 Food and Sanitary Food Service**

- (1) Food service facilities, if supplied, shall be located in clean surroundings and shall be maintained in a clean and sanitary condition.*
- (2) Food service facilities, if supplied, shall be so constructed and arranged that food, drink, utensils, and equipment will not be exposed to rodents, insects, dust, dirt, or other contamination. If flies are present, screening shall be required.*
- (3) The water supply for food service facilities shall be adequate in amount to serve the requirements of the facility and shall be safe for human consumption. Storage tanks or containers, when used, shall be of smooth, easily cleanable material, and shall be cleaned and sanitized each time they are refilled. Water shall not be dipped from a receptacle for drinking or culinary purposes.*
- (4) Toilet or privy facilities which comply with these rules shall be available within the immediate area for use by the food service facility personnel.*
- (5) Hand washing facilities shall be made available for the food service facility personnel. In lieu of a handwashing sink, there shall be provided a pan with soap and water for washing of hands, and a pan of water containing a bactericidal solution of 50 mg/1 of available chlorine or its equivalent for rinsing of hands. Sanitary paper towels shall be provided. The use of a common-type towel is prohibited. Utensil washing vats shall not be used for handwashing.*
- (6) (a) All multi-use utensils and all display cases or windows, counters, shelves, tables, refrigeration equipment, sinks, and other equipment used in connection with the operation of a food service facility shall be constructed as to be easily cleaned and shall be kept in good repair;*  
*(b) Utensils containing or plated with cadmium or lead shall not be used, provided, however, that solder containing lead may be used for jointing;*  
*(c) Food containers with seams which are not sealed flush with the surface shall not be re-used. Single service containers and utensils shall not be re-used.*
- (7) (a) Single service paper plates, cups, and plastic or wood knives, forks, and spoons are recommended but not required. If multiple use dishes, utensils, or equipment are used, they must be subjected to one of the following methods of bactericidal treatment after cleaning and washing:*
  - (A) Immersion for at least two minutes in clean, hot water at a temperature of at least 170° Fahrenheit. If hot water is used, a dependable thermometer shall be available at all times and shall be used. The pouring of scalding water over washed utensils is not acceptable as a satisfactory bactericidal treatment;*
  - (B) Immersion for at least two minutes in a lukewarm chlorine bath. This bath shall be made up at a strength of at least 100 mg/1 of available chlorine. The bath shall not be used after its strength has been reduced to 50 mg/1;*
  - (C) Immersion for at least two minutes in an approved quaternary ammonium bath containing at least 25 mg/1 as determined by a suitable field test.*



- (b) In machine dishwashing, the hot water rinse shall be at least 170° Fahrenheit and shall be for a minimum of ten seconds;*
- (c) In hand dishwashing, a three compartment sink shall be required. The first compartment shall be used for washing with a soap or detergent solution. The second compartment shall be used for clear water rinse, and the third compartment shall be used for the bactericidal solution and sanitizing bath.*
- (8) If ice cream or frozen desserts are dipped and served at the food service facility, all scoops and dippers shall be kept in running water dipper wells.*
- (9) (a) All refuse and solid waste shall be stored or collected in tightly covered, water impervious containers until removed from the food service facility. Such containers when emptied shall be washed to prevent them from attracting flies and rodents;*
  - (b) All dishwater and liquid wastes not containing human excreta shall be disposed of in accordance with OAR 333-039-0025(4)(a) to (f) of these rules.*
- (10)(a) All readily perishable food shall be kept at or below 45° Fahrenheit except when being prepared or actually served. Readily perishable foods shall be stored in shallow containers under refrigeration until cooled below 45° Fahrenheit. When such foods have been cooled below 45° Fahrenheit, they may be stored in deep containers. Food shall not be served which has been stored, handled, or otherwise cared for in a manner not in compliance with these rules;*
  - (b) A dependable indicating thermometer shall be provided in each refrigerator;*
  - (c) All ice shall be stored and handled in such a way as to prevent contamination. Ice scoops or tongs shall be used to place ice in glasses or cups. Ice shall be obtained only at sources which are licensed under ORS Chapter 624 or 627.*
- (11) All food products, raw, cooked, canned, or otherwise, shall be wholesome and free of spoilage during storage, preparation, and serving. All milk and milk products shall come from a source which is licensed and approved by the Oregon State Department of Agriculture. Home canned or home processed foods shall not be stored, prepared, or served by the food service facility.*
- (12) Pre-cooked foods or meats must be kept at or below 45° Fahrenheit at all times and subjected to continuously applied heat which will sustain the internal temperature of the food item to not less than 140° until such time as it is served.*
- (13) Bottled soda or fruit drinks may be cooled in tanks with water and ice provided the tanks contain not less than 50 mg/1 available chlorine. The tops of the containers shall not be submerged. Milk and milk products shall be kept at or below 45° Fahrenheit in dry refrigeration.*
- (14) Canned soda or fruit drinks may be cooled in tanks of ice and water provided that the water contains not less than 50 mg/1 available chlorine.*

*(15)All persons within the food service facility shall wear clean outer garments and shall keep their hands clean at all times while engaged in preparing or serving food and drink, or washing and storing utensils and equipment.*

*(16)All persons while within a food service facility shall refrain from any personal action or conduct which would directly or indirectly harm the quality or wholesomeness of the food.*

*(17)No live animals or fowl shall be permitted within the confines of any food service facility.*

## ATTACHMENT F – WILDLAND FIRE PREVENTION PLAN



# Oregon

Kate Brown, Governor

### Department of Forestry

The Dalles Unit

3701 West 13th

The Dalles, OR 97058

541-296-4626

FAX 541-298-4993

[www.oregon.gov/ODF/centraloregon](http://www.oregon.gov/ODF/centraloregon)

September 3, 2015



"STEWARDSHIP IN FORESTRY"

### 2016 What the Festival Wildland Fire Prevention Plan-

The Oregon Department of Forestry (ODF) is the only agency that provides wildland fire protection on privately owned lands in the area of Township 2S Range 12E. ODF does not provide structural fire protection. The U.S. Forest Service provides wildland fire suppression for the adjacent federally owned forestlands to the South and West of the event site.

As per OAR 330-039-0045 (2) and OAR 333-039-0055 (5), ODF recommends the following fire prevention plan for Moonshine Events during What The Festival expected to take place June 17<sup>th</sup> to June 20<sup>th</sup>, 2016. This proposed fire prevention plan for What The Festival if adhered to should comply with all ODF state fire regulations anticipated to be in effect at the time of this event, and should provide a satisfactory level of fire protection and prevention given the anticipated crowds at Wolf Run Ranch.

### Primary ODF point of contact will be:

Adam Barnes  
Protection Supervisor- The Dalles Unit  
(541) 296-4626  
(541) 980-7240  
[adam.m.barnes@oregon.gov](mailto:adam.m.barnes@oregon.gov)

### The following provisions will be adhered to for the duration of the event:

- In the event of a fire Adam Barnes- ODF, will be contacted regardless of incident size or status at (541) 980-7240. GPS location and incident status will be relayed at that time.
- Festival will employ a team of qualified wildland fire responders to be on site and available to respond 24 hours a day. Responders will be centrally located at a designated post or on patrol with suppression equipment.
  - o WTF will contract with a professional contract firefighting entity to provide 24 hour event staffing with a Type-6 wildland engine. This engine will be staffed from Friday, June 17<sup>th</sup> at 10:00 AM till Monday June, 20<sup>th</sup> at 2 PM.
- Suppression UTV to be utilized during the event will have water tank and pump units installed to provide for fire suppression. All UTV's and golf carts will be equipped with a 2.5 lb. extinguisher
- Wolf Run irrigation pond will have operating water pumps stationed at fill sites to provide a water source for fire suppression purposes. These pumps should have a minimum discharge of 1 ½ inch, contain 50' of discharge hose, suction hose, 1 fill spout, and 3 gallons fuel.
- All pumps and fire equipment will be tested daily to ensure proper operation.



- Existing road on property's North, East and West sides are to be brushed and clear of down woody debris. Must be passable by UTV.
- Removal of brush and down woody material around Forest Stage and throughout all dispersed camping areas.
- Evacuation plan will be given to each attendee upon arrival by event greeters.
- Roads to be traveled by motorized vehicles will be clear of vegetation.
- Fire extinguishers will be co-located with all internal combustion engines, i.e. generators, ATV's, light plants, etc.
- **No open flame policy:** No campfires (except as identified below under enclosed warming fires), No charcoal BBQ, No candles, No incense, No fireworks. Propane gas stoves or electric griddles are the only permissible cooking equipment allowed and only in the designated cooking areas. No gas stoves inside the camping area or tents.
- Permits for enclosed warming fires may be necessary if regulated use closure is in effect during event. Enclosed warming sites will be inspected and held to the following standard:
  - o Loading doors will be locked to prevent adding of wood by public
  - o Sites will be clear of flammable vegetation on ground for 15 feet and all overhead fuels will be cleared within the same 15 foot perimeter.
  - o Each warming site will have one 5 lb. fire extinguisher
  - o Each warming site will be staffed by event personnel at all times while in use
- All vehicle parking areas will be mowed and thatched before the event. Irrigation will be maintained on fields 3-5 days prior to prevent drying and curing of vegetation.
- Non-irrigated parking areas will be mowed and thatched to remove flammable vegetation. Dry parking will be wetted down the five previous days to using parking area. During times when vehicles are being parked, fire personnel will patrol parking areas with suppression equipment. The dry parking area will have a fire break of no less than 2' wide dug down to bare mineral soil around the perimeter as a fuel break.
- **Smoking fires have been an ongoing problem at this event:** Smoking will be allowed **only** within designated smoking areas. Ground surface within these designated areas will be free of all combustible materials, example (gravel, sand, or dirt)
  - o Smoking areas should be of adequate numbers to accommodate the crowds and dispersed throughout event grounds.
  - o Designated smoking areas will consist of 15 feet by 20 feet or larger areas clear of flammable vegetation. Each area will have a fire extinguisher and cigarette receptacles at the entrances.
  - o Event staff will provide 24 hour smoking patrols and have an enforcement policy to remove participants in the event of smoking outside designated areas.
- ODF will conduct a pre-event inspection with WTF coordinators to ensure readiness and will have access to festival grounds for periodical inspections during the event.
- If chain saws or heavy machinery is used for preparing the site for use a permit to operate power driven machinery (PDM) will be obtained through the local ODF office to meet requirements regarding internal combustion engines.

The Oregon Department of Forestry thanks the Board of Commissioners in helping to ensure this event occurs in a safe and fire free manner.

Adam Barnes  
Fire Manager  
Oregon Department of Forestry  
The Dalles Unit



JUNE 17 – 20, 2016  
WOLF RUN RANCH  
DUFUR, OREGON

October 5, 2015

VIA HAND DELIVERY

Dustin Nilsen

Planning Department

Wasco County

2705 East Second Street

The Dalles, Oregon 97058

**Re: Outdoor Mass Gathering Application for 2016 What the Festival**

Dear Dustin:

Moonshine Events, LLC and Wolf Run Ranch submit this Outdoor Mass Gathering (“OMG”) Application for the 2016 What the Festival, scheduled from June 16<sup>h</sup> – June 20<sup>rd</sup> 2016. Please find enclosed the following materials:

1. Completed Application Form
2. \$4,500 Check
3. Wolf Run Property Deed
4. Site Plan
5. Narrative for OMG Application
6. Narrative Attachments (Additional Supportive Materials):
  - a. Water Purchase Agreement through Tygh Valley
  - b. Water Purchase Agreement through The City of The Dalles
  - c. Bishop Services, Inc. Letter of Intent
  - d. The Dalles Disposal Letter of Intent
  - e. White Bird Clinic Letter of Intent
  - f. American Medical Response Medical Standby Form





JUNE 17 – 20, 2016  
WOLF RUN RANCH  
DUFUR, OREGON

- g. ODF Fire Prevention Plan and Letter
- h. What The Festival's Evacuation Plan
- i. What The Festival's No Open Flame/No Smoking Outside Designated Area Enforcement Policies
- j. GFP Enterprises (Fire Suppression Team) Letter of Intent
- k. Starplex Security (CMS) Letter of Intent
- l. Placeholder for Wasco County Sheriff's Office Letter
- m. Traffic Control Plan

If you are to have any questions, please do not hesitate to reach out to me at any time. I look forward to being in touch soon to confirm the scheduled Public Hearing date and time at your earliest convenience.

Warmly,

Keely Montgomery  
Assistant General Manager  
What the Festival 2016

cc: Glen Boyd  
Elaine Albrich



JUNE 17 - 20, 2016  
WOLF RUN RANCH  
DUFUR, OREGON

## **What the Festival 2016 Outdoor Mass Gathering Permit Narrative**

EVENT: What The Festival  
DATES: June 16<sup>th</sup> – June 20<sup>th</sup> 2016  
LOCATION: Wolf Run Ranch, 78889 Dufur Valley Road

Moonshine Events LLC (Moonshine) provides the following information to demonstrate that What the Festival (Festival) will satisfy all applicable health and safety regulations governing outdoor mass gatherings (OMG).

### **WATER SUPPLY (OAR 333-039-0015):**

There are three requirements set forth in the OMG water supply rule: (1) the required amount of available water; (2) the bacteriological and chemical requirements; and (3) the construction, maintenance and design requirements.

#### **(1) Required Water Supply**

**(a) A minimum of 12 gallons per person per day shall be available for the Festival.**

The requested maximum capacity for the 2016 Festival is 7,500 people per day, including staff and volunteers. Moonshine will make available up to 90,000 gallons of water per day for the Festival. The City of The Dalles and/or Tygh Valley will make available to Moonshine up to 100,000 gallons of potable water per day. See Attachments A and B. Moonshine is contracted with Bishops Services, Inc. (Bishops) to haul the water as needed. See Attachment C. Accordingly, the County may find that Moonshine satisfies the requirement in OAR 330-039-0015(1)(a).



JUNE 17 - 20, 2016  
WOLF RUN RANCH  
DUFUR, OREGON

- (b) Storage facilities equal to one day's total water usage shall be provided, unless a greater or lesser amount, with a minimum of five gallons per person per day, is determined by [Wasco County] as sufficient or necessary, based on the availability and quantity of the reserve water supply and demands for toilets, food vendors, camping areas and other facilities.**

In the 2014 and 2015 OMG permits for the Festival, the County found that Moonshine could satisfy this rule requirement by storing 5 gallons per person per day onsite or 25,000 gallons. The location of the water source is in close proximity to the Festival and the onsite reserve water supply is only needed for drinking and food vendors. Sanitary facilities, including hand-washing stations, are provided by Bishop. This year, Moonshine requests that the County approve storage of 37,500 gallons (7,500 persons at 5 gallons per person). Like in past years, 60 percent of the stored water will be located in areas designated for camping and 40 percent will be located in the main festival grounds. Water is stored in temporary above-ground potable water storage tanks with regulated fixtures (supplied by Bishop). See Attachment C. For these reasons, the County may find that Moonshine satisfies the requirements in OAR 330-039-0015(1)(b).

- (c) [Wasco County] approved well or water system may be used as a source of water, or in addition to [Wasco County] approved outside sources, to meet all requirements.**

The City of The Dalles and Tygh Valley are County-approved source of water and will provide the Festival with the water required under this rule. OAR 330-039-0015(1)(c) is met.

- (d) An amount of water equal to one day's total usage shall be kept in reserve at all times.**

The County has previously found that OAR 330-039-0015(1)(b) and (1)(d) work together to ensure that adequate water is available for the Festival. OAR 330-039-0015(1)(b) requires storage onsite, which may be less than one day's total usage. OAR 330-039-0015(1)(d), on the other hand, requires that one day's total usage be "in reserve at all time." The County has found that "in reserve at all times" means readily available for use but does not require that the water be stored onsite. Because Bishop can provide up to 100,000 gallons per day on an on-call basis, the County may find that OAR 330-039-0015(1)(d) is satisfied.



JUNE 17 - 20, 2016  
WOLF RUN RANCH  
DUFUR, OREGON

## **(2) Bacteriological and Chemical Requirements**

This subsection of the rule requires that all drinking water be subject to testing and meet certain substance concentrations. Moonshine, working with the potable water hauling contractor, will ensure that the Drinking Water Hauling Guidelines designated by Oregon Health Services are followed. This includes documenting each load of water at pick-up and delivery to onsite storage tanks at the ratios outlined within the rules. A Moonshine staff will keep an accurate log of chlorine residual levels at all onsite storage facilities in addition to the log provided by the potable water hauler. This is a change that has been implemented following the 2015 County Debrief.

## **(3) Construction, Maintenance and Design**

This subsection of the rule requires that the water supply system be constructed in a certain manner and with certain materials. All potable water storage materials are NSF approved (and bear the NSF seal) per the rule requirements. The 2016 Festival will use the same water supply system that was used in 2013, 2014, and 2015. Each year the County has inspected the water supply system and found that it satisfied the rule requirements. Given that the same system will be used in 2016, the County can find that this rule requirement will be met subject to a condition requiring a County inspection prior to the 2016 event to confirm that all onsite water storage and distribution lines comply.

### **DRAINAGE (OAR 333-039-0020):**

This rule has two requirements. The County previously inspected the property and determined that it had good natural drainage. The County also previously found that the access system through the property is adequate to protect roads against erosion during precipitation. Wolf Run Ranch, the property owner, is implementing the best management practices from its Forest Management Plan to maintain its onsite access system. There have been no changes on the property that would prevent Moonshine from satisfying this rule. Therefore, the County may find that OAR 330-039-0020 is met.

### **SEWERAGE FACILITIES (OAR 333-039-0025):**

The only sections of this rule that apply to the Festival are subparts (3) and (4). Moonshine is contracted with Bishop for onsite sanitary facilities (e.g., portable toilets and hand washing stations); therefore, 333-039-0025(1) and (2) do not apply.

Bishop will meet or exceed the requirement of 7 toilets per 800 people plus one hand washing station for each group of toilets. Toilet placement will be in accordance with



JUNE 17 - 20, 2016  
WOLF RUN RANCH  
DUFUR, OREGON

anticipated crowd clustering: 60 percent will be located in areas designated for camping and 40 percent will be located in the main festival grounds. Based on a 7,500 maximum capacity, Moonshine will provide approximately one toilet per 50 people, which exceeds the rule requirement of 7 toilets per 800 people or one toilet per 114 people. Additionally, each portable toilet and hand-washing station will be pumped at least once per day.

Two greywater disposal methods will be used:

1. Food vendors will have access to 300-gallon greywater tanks for disposal. These tanks will be pumped by Bishop and trucked off-site for disposal at a licensed facility. The tanks will be located within 50 feet from food vendors.
2. Greywater from the temporary shower facility will flow to an on-site seepage pit that will be built to specifications listed in OAR 333-039-0025(4)(b).

For these reasons, the County may find that Moonshine will meet the applicable requirements in OAR 330-039-0025.

**REFUGE STORAGE & DISPOSAL (OAR 333-039-0030):**

This rule imposes three requirements for storing and disposing of refuse and solid waste. Moonshine proposes to use the same waste management measure that it has used in prior years and that the County has found adequate to satisfy the rule requirements. Specifically, Moonshine will have municipal solid waste collected from trash collection stations throughout the Festival on a continual basis (at least once every 24-hours). There will be at least one 30-gallon container per 16 persons, or fraction thereof anticipated.

The Festival's "Waste Management Team" will be equipped with appropriate vehicle(s) and trailer(s) and are capable of collecting trash throughout the day and night on an as needed basis. On-site storage will be contracted through The Dalles Disposal and will meet or exceed the required ratio of one cubic yard of container capacity for each 125 attendees or fraction thereof anticipated. These containers are fly-tight and constructed of impervious material. In addition, Moonshine will be working with Home at Last (a 501-c3, animal humane society in The Dalles) for donations of all cans to their recycling program. See Attachment D for The Dalles Disposal Letter of Intent.





JUNE 17 - 20, 2016  
WOLF RUN RANCH  
DUFUR, OREGON

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### **FOOD & SANITARY FOOD SERVICE (OAR 333-039-0035):**

Moonshine will use the same protocols for its food vendors as it has in past years, except it will increase the number of food vendors to account for the increase in Festival capacity. All food vendors will be licensed by Oregon Health Authority and will comply fully with the applicable food safety and service regulations listed in OAR 333-039-0035. Food vendors will be located as shown on the site plan included in this application. Moonshine requires through its contracts that all food vendors must make themselves available for inspection during the event.

Moonshine will be applying for a Temporary Sales License through the Oregon Liquor Control Commission (OLCC). Moonshine shall provide the County with a copy of the OLCC TSL prior to the event.

### **EMERGENCY MEDICAL FACILITIES (OAR 333-039-0040):**

Moonshine will use the same emergency medical control plan as it has in past years, except as with other protocols, it will increase the available emergency medical services to account for the increase in capacity. Moonshine has again contracted with White Bird Clinic for medical/crisis coverage during the Festival. These services will be available through an on-site medical booth and holding tent, and also through dispatched roving teams throughout the property. A staff including physicians, mental health professionals, crisis workers, EMT's and paramedics will be utilized, working at Advanced Life Support standards under a doctor's standing orders. Moonshine's contract with White Bird Clinic will satisfy all requirements set forth in OAR 330-039-0040(1)-(6). See Attachment E for the White Bird Letter of Intent.

In order to meet OAR 330-039-040(7), Moonshine will contract with American Medical Response (AMR) for ambulance services during the Festival. In addition, White Bird Clinic will coordinate accessibility and landing coordinates with Life Flight ahead of the Festival, in the rare incident that it would be needed. See Attachment F for the American Medical Response Purchase Order.

### **FIRE PROTECTION (OAR 333-039-0045):**

This rule has two requirements. OAR 330-039-0045(1) requires that camping spaces meet one of two requirements: (1) each camping space is a minimum of 1,000 square feet, or (2) each camping space is large enough to accommodate a parked camping vehicle, tent vehicle or tent, as the case may be, and to maintain at least 15 feet



JUNE 17 - 20, 2016  
WOLF RUN RANCH  
DUFUR, OREGON

separation from any other camping vehicle, tent vehicle or tent, building structure, or property line. Moonshine demonstrates compliance with subpart (1) using the 1,000 square feet per camping space requirement.

The Festival has two overall categories for camping:

1) Vehicular Camping

- a. Car Camping @ 393,248 sf = 393 spaces (1,000 sf/space)
- b. RV Parking @ 188,874 sf = 189 spaces (1,000 sf/space)
- c. Staff, Medical & Security RV/Car Camping @ 110,995 sf = 111 spaces (1,000 sf/space)

TOTAL: 693 spaces

2) Non-Vehicular Camping

- a. Walk-in Camping @ 1,071,003.50 sf = 1,071 spaces (1,000 sf/space)
- b. Walk-In Staff, Medical & Production @ 281,444.8 sf = 281 spaces (1,000 sf/space)
- c. Walk-In Vendor Camping @ 62,795.60 sf = 63 spaces (1,000 sf/space)

TOTAL: 1,415 spaces

These calculations are based on a ratio of 5 people per campsite. Vehicular Camping can accommodate up to 3,465 people and Non-Vehicular Camping can accommodate up to 7,075 people, equaling a total of 10,540. With a maximum capacity of 7,500 people, the Festival more than meets the applicable camping requirements. On this basis, the County may find that OAR 330-039-0045(1) is met.



JUNE 17 - 20, 2016  
WOLF RUN RANCH  
DUFUR, OREGON

The Oregon Department of Forestry (ODF) provided a written statement in the form of a letter per the requirement in OAR 330-039-0045(2). See Attachment G for the ODF letter and the associated 2016 Fire Protection Plan.

In addition to the 2016 Fire Protection Plan, Moonshine has a new “No Open Flame Policy” and a “No Smoking Outside Designated Areas Policy” to address an issue noted by ODF in the 2015 County Debrief. These documents are included as Attachment I.

Moonshine’s Evacuation Plan is included as Attachment H. A Letter of Intent from the contracted Fire Suppression Contractors, GFP Enterprises, Inc. is included as Attachment J.

#### **SECURITY PERSONNEL (OAR 333-039-0050):**

This rule has two requirements. To meet these requirements, Moonshine has contracted with CMS (Starplex Corporation) to provide security personnel throughout the Festival, based on a “graduated” security plan. This plan allows an increased or decreased number of personnel depending on final attendance numbers. Oregon Department of Public Safety Standards and Training (DPSST) security staffed with non-DPSST certified security will be provided at a ratio of 1 DPSST security to 5 attendees. Security personnel will be used to minimize conflicts, secure the event perimeter, and assist with some on-site traffic management. See Attachment K for CMS (Starplex Corporation) Letter of Intent.

In addition to the security provided by CMS (Starplex Corporation), a second tier of security will be onsite, consisting of staff “Guardians.” These staff members will reinforce public safety messaging and policies throughout the Festival. These “Guardians,” will be in radio contact with the contracted security company to report any observed security issues or incidents.

Moonshine and the lead security personnel will work with the County Chief Deputy Sheriff as in past years, staying in regular communication leading up to the event, holding a meeting with all parties to review the communications plan and protocol for onsite activity, and then debriefing together following the festival. Moonshine will provide the County with a letter satisfying the requirements of OAR 330-039-0050(2) following submission of this application and prior to approval.



JUNE 17 - 20, 2016  
WOLF RUN RANCH  
DUFUR, OREGON

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**TRAFFIC (OAR 333-039-0055):**

This rule requires that Moonshine satisfy 6 requirements. As discussed above, there have been no changes to the existing access system on Wolf Run Ranch that would prevent Moonshine from demonstrating compliance. Moonshine will use the same access system for Festival traffic as in past years, which provides adequate access on all-weather surfaces and satisfies each requirement in OAR 33-039-0055 (1)-(4).

To demonstrate compliance with OAR 333-039-0055(5), Moonshine obtained a letter from ODF See Attachment G.

With respect to the parking space requirements in OAR 333-039-0055(6), Moonshine is required to provide a total of 562,500 square feet for parking to accommodate a maximum capacity of 7,500 people (or approximately 12.9 acres). The site plan shows that there is a total of 20.5 acres or 893,659 square feet available for parking across the property. Accordingly, the County may find that this requirement is met.

In addition to the measures above, Moonshine has prepared a 2016 Traffic Control Plan (TCP), which is included as Attachment M. Moonshine plans on using the same traffic control measures as from 2015 except the 2016 TCP incorporates suggestions provided at the 2015 County Debrief (described more fully in the TCP Introduction). The 2016 TCP summarizes, in detail, the proposed traffic control measures as well as the access controls. Moonshine will also obtain an Operations and Special Events Permit from the County Public Works Department prior to the Festival to operating within the public right-of-way of Dufur Valley Road.



After recording return to:

Wolf Run Ranch, LLC

25 NW 23<sup>rd</sup> Place; Suite 6, PMB505

Portland, OR 97210

Until a change is requested all tax statements  
shall be sent to the following address:

Wolf Run Ranch, LLC

25 NW 23<sup>rd</sup> Place; Suite 6, PMB505

Portland, OR 97210

Escrow No. AD0030201

Title No. 0030201

SWD r.020212

Wasco County Official Records **2012-004162**  
DEED-D  
Cnt=1 Stn=1 WASCO COUNTY 11/01/2012 03:05 PM  
\$15.00 \$11.00 \$16.00 \$10.00 \$15.00 **\$67.00**



I, Linda Brown, County Clerk for Wasco County,  
Oregon, certify that the instrument identified  
herein was recorded in the Clerk records.



### STATUTORY WARRANTY DEED

**Mike Neary and Patti Neary, each as to an undivided one-half interest, as tenants in common,**

Grantor(s), hereby convey and warrant to

**Wolf Run Ranch, LLC, an Oregon limited liability company**

Grantee(s), the following described real property in the County of **WASCO** and State of Oregon free of  
encumbrances except as specifically set forth herein:

**As Attached Exhibit "A"**

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

**9609,9603**

**2S12E-1300,1400**

The true and actual consideration for this conveyance is **\$1,150,000.00**.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this  
deed and those shown below, if any:

**2012-2013 Real Property Taxes a lien not yet due and payable.**

AMERITITLE 30201 TE



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.

Dated this 29th day of October, 2012

Mike Neary  
Mike Neary

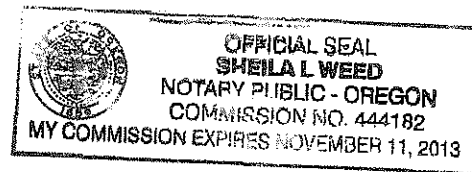
Patti Neary  
Patti Neary

State of Oregon  
County of WASCO

This instrument was acknowledged before me on October 29, 2012 by Mike Neary and Patti Neary.

Sheila Weed  
(Notary Public for Oregon)

My commission expires 11/11/2013



**Exhibit "A"**

**Tract 1**

The Southwest quarter of the Southeast quarter, the Southeast quarter of the Southeast quarter, and the Southeast quarter of Southwest quarter of Section 5;

The East half of the Northwest quarter and the Northwest quarter of the Northeast quarter of Section 8;

ALSO, that part of the Northeast quarter of the Northeast quarter of Section 8, lying North and West of the County Road,

All in Township 2 South of Range 12 East of the Willamette Meridian, in the County of Wasco and State of Oregon,

EXCEPTING THEREFROM,

That part of the Southeast quarter of the Northwest quarter of Section 8, Township 2 South, Range 12 East of the Willamette Meridian, lying Southerly of the County Road.

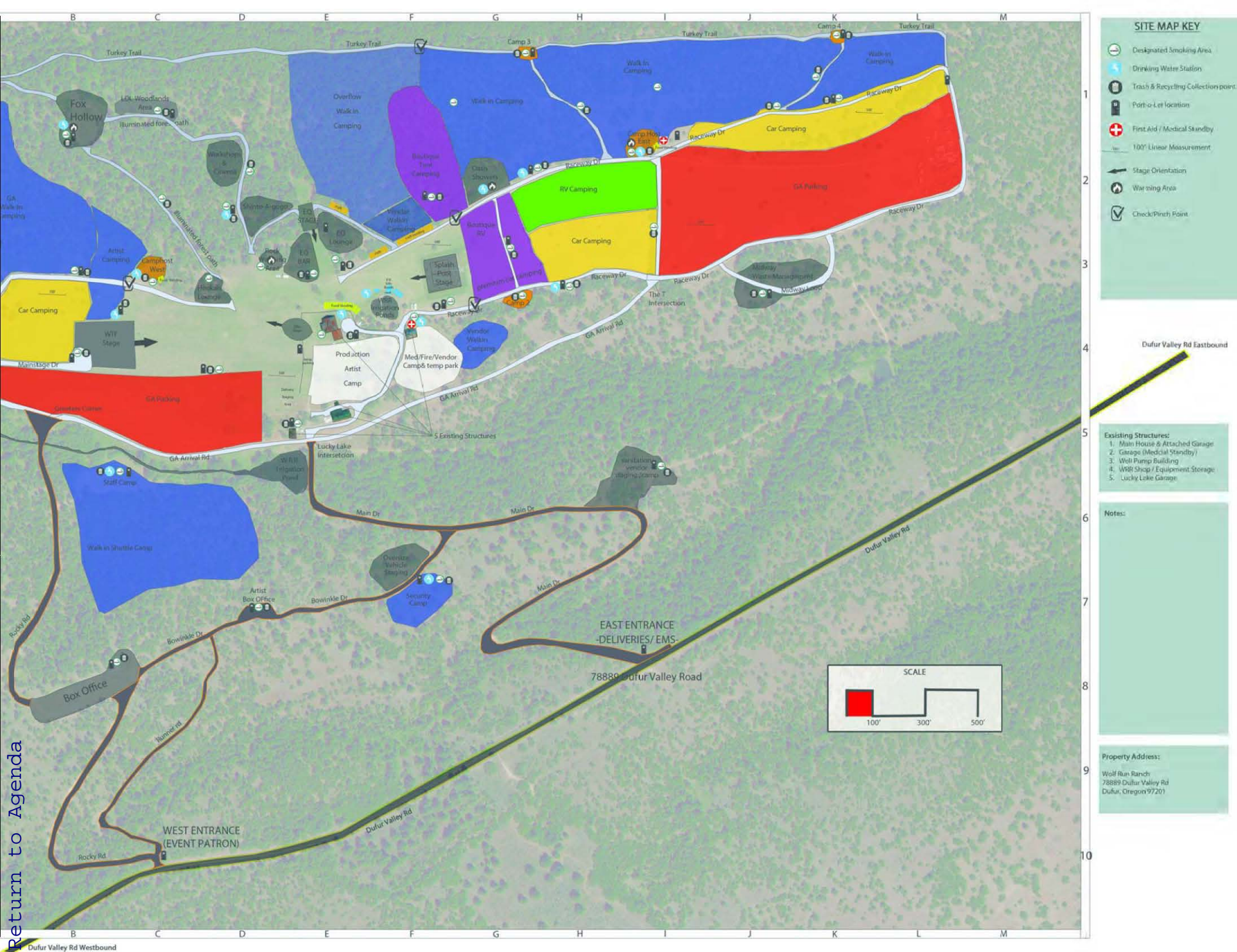
AND

Beginning at a 5/8" iron rod marking the Northeast corner of the Southwest quarter of the Southwest quarter of Section 5, Township 2 South, Range 12 East of the Willamette Meridian, Wasco County, Oregon; thence South 00° 09' 50" West along the East line of the Southwest quarter of the Southwest quarter of said Section 5 a distance of 8.00 feet to the true point of beginning of the herein described parcel; thence South 85° 41' 20" West a distance of 57.16 feet; thence South 71° 22' 28" West a distance 79.14 feet; thence South 50° 31' 38" West a distance of 58.36 feet; thence South 07° 28' 23" East a distance of 190.79 feet; thence South 09° 06' 31" East a distance of 67.93 feet; thence South 05° 44' 42" East of distance of 237.16 feet; thence South 05° 02' 49" East a distance of 199.77 feet; thence South 06° 07' 48" East of distance of 124.67 feet; thence South 06° 48' 16" East a distance of 155.69 feet; thence South 09° 15' 08" East a distance of 291.41 feet; thence North 89° 57' 05" East a distance of 17.77 feet to a 5/8" iron rod, which point marks the Southeast corner of the Southwest quarter of the Southwest quarter of said Section 5; thence North 00° 09' 50" East a distance of 1324.04 feet to the true point of beginning.

**Tract 2**

That part of the Southwest quarter of Northeast quarter of Section 8, Township 2 South, Range 12 East of the Willamette Meridian, in the County of Wasco and State of Oregon, lying Northerly of the County Road.







[Return to Agenda](#)

Keely Montgomery - Keely@whatthefestival.com

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## Tygh Valley Water & Moonshine Events 2016

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tatianna pavich <tatianna@whatthefestival.com>  
To: JERRY TRIPP <tvguytripp@hughes.net>  
Cc: Keely Montgomery <keely@whatthefestival.com>

Wed, Sep 9, 2015 at 10:32 AM

Thanks for the reply Jerry - we are grateful to have your support for 2016!

Water transport is something we will handle, so no worries on your end.

Is it possible to get this reply on your letterhead?

Thank you!  
Tatianna

On Wed, Sep 9, 2015 at 9:27 AM, JERRY TRIPP <tvguytripp@hughes.net> wrote:

Tatianna

Yes we would support you and your fest with potable water in 2016, 100,000 gals per day, available if required. But moving it, at this time we don't have the equipment, it is something we are looking at but haven't done yet.

We will support you for the water for your festivals in 2016.

Tygh Valley Water Dist.

Jerry Tripp

Director

---

**Operations & Build Business Manager**

c: (503)438-8722

[www.whatthefestival.com](http://www.whatthefestival.com)

[Return to Agenda](#)

Keely Montgomery &lt;keely@whatthefestival.com&gt;

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## The Dalles Water: What The 2016

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**Tatianna** <tatianna.pavich@gmail.com>

Fri, Sep 11, 2015 at 1:51 PM

To: KC Ferres &lt;kferres@ci.the-dalles.or.us&gt;

Cc: tatianna pavich &lt;tatianna@whatthefestival.com&gt;, Ray Johnson &lt;rjohnson@ci.the-dalles.or.us&gt;, Keely Montgomery &lt;keely@whatthefestival.com&gt;

Thank you for sending this! We are grateful to have the Dalles support!

I'll let you know if we need additional info.

Best,  
Tatianna

Sent from my iPhone

On Sep 11, 2015, at 12:50, KC Ferres <kferres@ci.the-dalles.or.us> wrote:

Hi, The City of The Dalles can provide, What The Festival, with up to 100,000 gallons of potable water service per day thru a hydrant meter. A permit would be required thru the Department Of Public Works. Backflow protection may also be required on the hydrant meter depending on type of water usage. I can send information on the fee for this service if you need that information.  
Thanks K.C.

**From:** tatianna.pavich@gmail.com [mailto:tatianna.pavich@gmail.com] **On Behalf Of** tatianna pavich

**Sent:** Wednesday, September 09, 2015 2:54 PM

**To:** KC Ferres

**Cc:** Keely Montgomery

**Subject:** Re: The Dalles Water: What The 2016

[Quoted text hidden]





## Bishop Services, Inc.

### Contract & Compliance Office

221 W. Main (P.O. Box 11)  
Goldendale, WA 98620

24hr. 800.443.3473  
Office: 509.773.4707  
Fax: 509.773.5752  
Website: [bishopservices.com](http://bishopservices.com)

October 1, 2015

Tatianna Pavich  
Operations & Build Business Manager  
What the Festival  
Cell: (503) 438-8722  
[tatianna@whatthefestival.com](mailto:tatianna@whatthefestival.com)

Re: What the Festival 2016

Tatianna,

It is Bishop Services, Inc. intent to provide equipment and services for the 2016 What the Festival upon entering a contractual agreement.

Bishop will meet or exceed the requirements of 7 toilets per 800 people, along with one hand washing station for each grouping of toilets.

Additionally, each portable toilet and hand-washing unit will be pumped at least once/day.

Food vendors will be supplied access to 300-gallon grey water tanks to be pumped by Bishop Services and trucked off-site for disposal at a licensed facility. The tanks will be located within 50 feet from food vendors.

If you have any questions or comments, please contact Amber Jackson (509) 773-4707.

Sincerely,

A handwritten signature in blue ink that reads "Amber Jackson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Amber Jackson - Office Manager

On Behalf of: Carrie House  
Director of Contracts & Compliance  
[clysh@bishopservices.com](mailto:clysh@bishopservices.com)



## Bishop Services, Inc.

### Contract & Compliance Office

221 W. Main (P.O. Box 11)  
Goldendale, WA 98620

24hr. 800.443.3473  
Office: 509.773.4707  
Fax: 509.773.5752  
Website: [bishopservices.com](http://bishopservices.com)

October 1, 2015

Tatianna Pavich  
Operations & Build Business Manager  
What the Festival  
Cell: (503) 438-8722  
[tatianna@whatthefestival.com](mailto:tatianna@whatthefestival.com)

Re: What the Festival 2016

Tatianna,

It is Bishop Services, Inc. intent to provide equipment and services for the 2016 What the Festival upon entering a contractual agreement.

Bishop Services, Inc. has the capability to "meet or exceed the delivery of up to 100,000 gallons of potable water per day" for the event.

If you have any questions or comments, please contact Amber Jackson (509) 773-4707.

Sincerely,

A handwritten signature in blue ink that reads "Amber Jackson".

Amber Jackson - Office Manager

On Behalf of: Carrie House  
Director of Contracts & Compliance  
[clysh@bishopservices.com](mailto:clysh@bishopservices.com)



**THE DALLES DISPOSAL**

**1317 W 1<sup>ST</sup> STREET-THE DALLES, OR 97058**

**541-298-5149**

**WHAT THE FEST 2016**

We will be able to provide storage containers and hauling services that will meet or exceed the requirements for your festival. I can expect that your needs will be the same as last year.

2- 30 yard for waste

2- 30 yard for recycling

1-20 yard for compost

2- totes for glass

If this looks good please let me know and what the dates you will need these services. As the time gets closer we can discuss pricing.

Thanks Angie



**White Bird Clinic**  
**341 E. 12<sup>th</sup> Avenue**  
**Eugene, Oregon 97401**

**541-342-8255**

9/20/15

To whom it may concern,

This is a letter to document White Bird Clinic's intention to provide Crisis and Medical services through our Rock Medicine program to the 2016 What the Festival, as we have for the past few years, taking place in Dufur, Oregon June 17 - 20. It is a very well-run event and we fully support their getting a permit again.

Thank you,

*Chuck Gerard*

Chuck Gerard  
Clinic Coordinator  
White Bird Clinic

**American Medical Response***Medical Standby Form***1-877-504-8075**

<b>Event Information</b>		
<b>Event Date:</b>	<b>Thursday, June 16<sup>th</sup> through Monday, June 20<sup>th</sup> 2016</b>	
Event Title	What the Festival	
Event Location:	78889 Dufur Valley Road. Dufur, OR	
County:	Multnomah	
<b>Arrival Time:</b>	<b>1100 6/16/2016</b>	
<b>Departure Time:</b>	<b>1500 6/20/2016</b>	
Resource Request: (ALS, BLS, Bike Team, etc.)	1 ALS Unit	Other:
<b>Standby Status:</b>	<b>10-7 Dedicated</b>	
Number of People Expected:	3500	
Additional Equipment Considerations:		
On-Site Contact Name:	Sharif Zawaideh	
On-Site Contact Phone:	206-799-5136	
<i>Quotes are based on County specifications, the size and location of the event and the staffing needs. The Operations responsible for staffing this event will contact the ordering party within 2 business days to obtain additional information, answer questions and provide a quote.</i>		

<b>Billing Information</b>	
Ordering Party:	Keeley Montgomery
Ordering Party Email:	keely@whatthefestival.com
Ordering Party Phone:	503-804-5876
Contract Price:	\$95/hour
Billing Address:	Moonshine Events LLC 25 NW 23 <sup>rd</sup> Place Suite 6 PMB 505 Portland, OR 97210
Tax ID Number:	
Date Request Received:	8/26/2015
Submitted By:	Jamie McDaniel
Contract Database Number:	
<b>Notes:</b>	





# Oregon

Kate Brown, Governor

## Department of Forestry

The Dalles Unit

3701 West 13th

The Dalles, OR 97058

541-296-4626

FAX 541-298-4993

[www.oregon.gov/ODF/centraloregon](http://www.oregon.gov/ODF/centraloregon)



"STEWARDSHIP IN FORESTRY"

September 3, 2015

### 2016 What the Festival Wildland Fire Prevention Plan-

The Oregon Department of Forestry (ODF) is the only agency that provides wildland fire protection on privately owned lands in the area of Township 2S Range 12E. ODF does not provide structural fire protection. The U.S. Forest Service provides wildland fire suppression for the adjacent federally owned forestlands to the South and West of the event site.

As per OAR 330-039-0045 (2) and OAR 333-039-0055 (5), ODF recommends the following fire prevention plan for Moonshine Events during What The Festival expected to take place June 17<sup>th</sup> to June 20<sup>th</sup>, 2016. This proposed fire prevention plan for What The Festival if adhered to should comply with all ODF state fire regulations anticipated to be in effect at the time of this event, and should provide a satisfactory level of fire protection and prevention given the anticipated crowds at Wolf Run Ranch.

### Primary ODF point of contact will be:

Adam Barnes  
Protection Supervisor- The Dalles Unit  
(541) 296-4626  
(541) 980-7240  
[adam.m.barnes@oregon.gov](mailto:adam.m.barnes@oregon.gov)

### The following provisions will be adhered to for the duration of the event:

- In the event of a fire Adam Barnes- ODF, will be contacted regardless of incident size or status at (541) 980-7240. GPS location and incident status will be relayed at that time.
- Festival will employ a team of qualified wildland fire responders to be on site and available to respond 24 hours a day. Responders will be centrally located at a designated post or on patrol with suppression equipment.
  - o WTF will contract with a professional contract firefighting entity to provide 24 hour event staffing with a Type-6 wildland engine. This engine will be staffed from Friday, June 17<sup>th</sup> at 10:00 AM till Monday June, 20<sup>th</sup> at 2 PM.
- Suppression UTV to be utilized during the event will have water tank and pump units installed to provide for fire suppression. All UTV's and golf carts will be equipped with a 2.5 lb. extinguisher
- Wolf Run irrigation pond will have operating water pumps stationed at fill sites to provide a water source for fire suppression purposes. These pumps should have a minimum discharge of 1 ½ inch, contain 50' of discharge hose, suction hose, 1 fill spout, and 3 gallons fuel.
- All pumps and fire equipment will be tested daily to ensure proper operation.

- Existing road on property's North, East and West sides are to be brushed and clear of down woody debris. Must be passable by UTV.
- Removal of brush and down woody material around Forest Stage and throughout all dispersed camping areas.
- Evacuation plan will be given to each attendee upon arrival by event greeters.
- Roads to be traveled by motorized vehicles will be clear of vegetation.
- Fire extinguishers will be co-located with all internal combustion engines, i.e. generators, ATV's, light plants, etc.
- **No open flame policy:** No campfires (except as identified below under enclosed warming fires), No charcoal BBQ, No candles, No incense, No fireworks. Propane gas stoves or electric griddles are the only permissible cooking equipment allowed and only in the designated cooking areas. No gas stoves inside the camping area or tents.
- Permits for enclosed warming fires may be necessary if regulated use closure is in effect during event. Enclosed warming sites will be inspected and held to the following standard:
  - o Loading doors will be locked to prevent adding of wood by public
  - o Sites will be clear of flammable vegetation on ground for 15 feet and all overhead fuels will be cleared within the same 15 foot perimeter.
  - o Each warming site will have one 5 lb. fire extinguisher
  - o Each warming site will be staffed by event personnel at all times while in use
- All vehicle parking areas will be mowed and thatched before the event. Irrigation will be maintained on fields 3-5 days prior to prevent drying and curing of vegetation.
- Non-irrigated parking areas will be mowed and thatched to remove flammable vegetation. Dry parking will be wetted down the five previous days to using parking area. During times when vehicles are being parked, fire personnel will patrol parking areas with suppression equipment. The dry parking area will have a fire break of no less than 2' wide dug down to bare mineral soil around the perimeter as a fuel break.
- **Smoking fires have been an ongoing problem at this event:** Smoking will be allowed **only** within designated smoking areas. Ground surface within these designated areas will be free of all combustible materials, example (gravel, sand, or dirt)
  - o Smoking areas should be of adequate numbers to accommodate the crowds and dispersed throughout event grounds.
  - o Designated smoking areas will consist of 15 feet by 20 feet or larger areas clear of flammable vegetation. Each area will have a fire extinguisher and cigarette receptacles at the entrances.
  - o Event staff will provide 24 hour smoking patrols and have an enforcement policy to remove participants in the event of smoking outside designated areas.
- ODF will conduct a pre-event inspection with WTF coordinators to ensure readiness and will have access to festival grounds for periodical inspections during the event.
- If chain saws or heavy machinery is used for preparing the site for use a permit to operate power driven machinery (PDM) will be obtained through the local ODF office to meet requirements regarding internal combustion engines.

The Oregon Department of Forestry thanks the Board of Commissioners in helping to ensure this event occurs in a safe and fire free manner.

Adam Barnes  
Fire Manager  
Oregon Department of Forestry  
The Dalles Unit



JUNE 17 - 20, 2016  
WOLF RUN RANCH  
DUFUR, OREGON

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## WHAT THE FEESTIVAL EVACUATION PLAN

In case of an emergency, always follow the evacuation procedures but remember that personal safety is paramount and takes precedence.

- Check work area for anything needing to be secured, and store it quickly.
- Secure locks on all secured containers and cabinets.
- Leave your work area and report to your designated assembly area.

We ask that you become familiar with the **Rally Point** shown on the site map so you can help direct attendees in an emergency. In order to alert and educate patrons of an emergency, each stage will be ready to deliver a prepared emergency message loud and clear throughout the event site. At this point all staff will assist getting patrons safely to the rally point to await further instructions. Once at the “rally point” patrons will wait in safety for fire suppression support and/or directives from EMS agencies. Since it will be difficult to know that all patrons and staff are present, we will continue to keep the messaging going from the main stage to keep patrons and staff educated as to the status of the emergency.

We will perform an “evacuation drill” for our staff prior to the event opening to the public. During this training we will go over the evacuation plan and make sure everyone is aware of the rally point location and protocol to assist participants in getting there.



JUNE 17 - 20, 2016  
WOLF RUN RANCH  
DUFUR, OREGON

## NO OPEN FLAME & SMOKING POLICIES

Wolf Run Ranch is located in an extremely high-risk wildfire area. We are serious about our NO OPEN FLAME and NO SMOKING OUTSIDE DESIGNATED AREA policies. No cigarettes, except E-cigarettes will be available for purchase at the festival's general store.

In 2016, What The Festival has enacted a Guardianship Program. Our Guardians of the land are plain-clothed staff members with guardian wings who have the authority to evict festival attendees who do not adhere to the policies put into place for the safety of the land, festival participants, and the future of the festival.

- NO SMOKING OUTSIDE OF DESIGNATED AREAS.
- CAMP STOVES IN COMMUNITY KITCHENS ONLY.
- NO OPEN FLAMES – Head to the festival-provided warming stations on chilly nights to keep warm and smoking areas to light up.

### ENFORCEMENT:

- **1<sup>st</sup> Violation** – if the attendee is respectful and cooperative, the Guardian will direct the attendee to move to the designated smoking area and punch a hole in the attendee's wristband. Attendee will not be escorted out of the festival.
- **2<sup>nd</sup> Violation** - if an attendee has a second violation, the Guardian will have the attendee's wristband removed and have the attendee escorted out of the festival by security personnel. Depending on the person's attitude and circumstances of the person in violation, they may be able purchase another \$300 gate ticket to return to the festival, but this would be a rare situation.

### COMMUNICATION:

These policies will be communicated in a direct email campaign to ticketholders BEFORE the festival and then again at check-in by the greeters, making sure that attendees acknowledge the policies in person. The policies will also be printed in the Festival Program Guides.





PO Box 639 / 307 W. Sisters Park Dr, Sisters, OR 97759

p: 541.549.8167 f: 541.549.8129 [www.gfpemergency.com](http://www.gfpemergency.com)

**LETTER OF INTENT**

September 21, 2015

This letter confirms your and our mutual intentions with respect to the potential services offered described herein between Moonshine Events LLC and GFP Enterprises Inc. This document, in and of itself, does not represent an enforceable legal contract.

1. Terms. The principal terms of the proposed transaction would be substantially as follows: GFP Enterprises Inc. will sign into agreement with Moonshine Events LLC and provide said services as stated in the forthcoming **ODF 2016 What the Festival Fire Prevention Plan** for the event "What the Festival" to be held at Wolf Run Ranch, Dufur, Oregon. GFP Enterprises agrees to be on site beginning 10:00 AM Thursday June 16, 2016 and ending 2:00 PM Monday June 20, 2016. During this time GFP will provide 24 hr. services according to the plan requirements.
2. Definitive Service Agreement. All of the terms and conditions of the proposed would be stated in the Service Agreement, to be negotiated, agreed and executed by both parties. Neither party intends to be bound by any oral or written statements or correspondence concerning the Service Agreement arising during the course of negotiations, notwithstanding that the same may be expressed in terms signifying a partial, preliminary or interim agreement between the parties.
3. Expediency. All parties would use all reasonable efforts to complete and sign the Service Agreement on or before April 1, 2016.
4. **No Binding Obligation. THIS LETTER OF INTENT DOES NOT CONSTITUTE OR CREATE, AND SHALL NOT BE DEEMED TO CONSTITUTE OR CREATE, ANY LEGALLY BINDING OR ENFORCEABLE OBLIGATION ON THE PART OF EITHER PARTY TO THIS LETTER OF INTENT. NO SUCH OBLIGATION SHALL BE CREATED, EXCEPT BY THE EXECUTION AND DELIVERY OF THE SERVICE AGREEMENT CONTAINING SUCH TERMS AND CONDITIONS OF THE PROPOSED AS SHALL BE AGREED UPON BY THE PARTIES, AND THEN ONLY IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF SUCH SERVICE AGREEMENT.**





PO Box 639 / 307 W. Sisters Park Dr, Sisters, OR 97759  
p: 541.549.8167 f: 541.549.8129 www.gfpemergency.com

If the foregoing terms and conditions are acceptable to you, please so indicate by signing the enclosed copy of this letter and returning it to the attention of the undersigned.

Sincerely,

GFP Enterprises Inc.

By: 

Title: FIRE Operations Manager

ACCEPTED AND AGREED

Moonshine Events LLC

By:

Title:

Date: September 15, 2015

To: Keely Montgomery  
Moonshine Events LLC.

From: Randy Scott  
Starplex / C.M.S.

Keely,

As per our conversation Starplex / C.M.S. will again provide security services for Moonshine Events LLC. And What the Festival 2016. We currently are slated to have upwards of 75 staff scheduled for the event based on pre event discussions. Staff will be scheduled for the dates of June 17<sup>th</sup> through June 20<sup>th</sup>, 2016.

The current security plan will be increased or decreased, depending on setup and advance ticket sales as the event approaches. Starplex / C.M.S. agrees to provide certified and non-certified staff during the event in accordance with Oregon rule. If the event reaches capacity we also agree to serve the event by limiting further admissions to the outdoor mass gathering.

If you have any further questions or concerns please contact me at 503-222-5957.



Randy Scott  
Director of Operations  
Starplex / C.M.S.

**cms** *protect the fun*

TEL 503.222.5957 | FAX 503.222.9553 | 12722 NE AIRPORT WAY PORTLAND, OREGON 97230

[WWW.CMSPROTECTSFUN.COM](http://WWW.CMSPROTECTSFUN.COM)



JUNE 17 - 20, 2016  
WOLF RUN RANCH  
DUFUR, OREGON

## **2016 TRAFFIC CONTROL PLAN**

### **OVERVIEW:**

What the Festival (Festival) is located at Wolf Run Ranch, 78889 Dufur Valley Rd, Dufur, OR. This 2016 Traffic Control Plan is modeled off of the 2015 Traffic Control Plan, which was implemented without problem. The only changes to this year's plan relate to the increased maximum capacity and capture a suggestion that arose out of the 2015 County Debrief (e.g., adding one additional sign, described below).

### **ESTIMATED TRAFFIC VOLUMES AND SCHEDULE:**

The following traffic volume estimates and schedule provide the anticipated traffic volumes associated with the Festival. These estimates are based on different factors, including (1) discounted rates offered to attendees that carpool, (2) the availability of shuttle services to the Festival, and (3) vehicle counts from prior Festival years.

In total, no more than 3,600 vehicles are expected on site at any given time. The following table reflects an estimated traffic volume and schedule based on a maximum capacity of 7,500 people.

Date	Est. Vehicles on Site	Operations
6/16 (Thu)	1000-1500	All staff onsite. Venue Box Office opens to early arrivals at 3PM and closes at 12AM. Highway signage has been placed along US-197, Heimrich St, and Dufur Valley Road  Parking & traffic control staff in place from 2PM-12AM
6/17 (Fri)	2000 - 3000	Venue Box office open from 10AM-12AM. Bulk of attendees arrive. Parking & traffic control staff in place from 8AM-12AM
6/18 (Sat)	3000-3600	Venue Box Office open from 10AM-10PM. Remaining attendees arrive. Parking & traffic control staff in place from 8AM-11PM



JUNE 17 - 20, 2016  
WOLF RUN RANCH  
DUFUR, OREGON

6/19 (Sun)	2500-3000	Programming ends. Attendees begin to leave at 4PM  Traffic control staff in place from 4PM-12AM
6/20 (Mon)	100-200	Exodus of attendees until 2PM. Load out begins. All highway signage removed. Traffic control staff in place from 8AM-4PM.

**ROUTING:**

All Festival attendees will receive detailed driving directions via a direct email blast the week of the Festival. Directions will also be made available on the Festival website. The majority of vehicular traffic will be arriving from the Portland area.

The following driving directions will be provided to attendees:

***From Portland***

- Head East on I-84E to The Dalles
- Take Exit 87 for US-197 toward Dufur Bend
- Turn Right on to US-197 S off the exit and then Left to US-197 S/The Dalles-California Highway
- Just after Mile Post 14, turn right onto Dufur Bypass Road (*formerly Heimrich Street*) **(Watch for variable message sign that will be within 1 mile of the exit)**
- In approximately 6/10 of a mile, veer left on to Dufur Valley Road
- Continue West for 4.8 miles and stay right on Dufur Valley/Dufur Mill Road at the Y. **Do NOT turn onto Wolf Run Road.** After an additional 5 miles, turn right down the driveway into the signed venue Box Office to receive your credentials and to enter the event site.

***From Bend***

- Head North on US-97N
- Just North of the town of Madras, turn Right on to NE 6<sup>th</sup> St/The Dalles-California Highway
- Continue on US-197N The Dalles-California Highway for 71 Miles then make a slight Left onto Dufur Bypass Road (*formerly Heimrich Street*) **(Watch for variable message sign that will be within 1 mile of the exit)**
- In approximately 6/10 of a mile, veer left on to Dufur Valley Road
- Continue West for 4.8 miles and stay right on Dufur Valley/Dufur Mill Road at the Y. **Do NOT turn onto Wolf Run Road.** After an additional 5 miles, turn right down the driveway into the signed venue Box Office to receive your credentials and to enter the event site.



JUNE 17 - 20, 2016  
WOLF RUN RANCH  
DUFUR, OREGON

#### **SIGNAGE:**

To aid arriving attendees, Moonshine will coordinate with the Oregon Department of Transportation (ODOT) and Wasco County to position signage in the following locations (**see sign placement illustration below**):

- **(1) Flashing Hwy Reader Board** approximately 1 mile to the North of Dufur Bypass Road (formerly Heimrich St.) on the West side of US-197S
- **(1) Flashing Hwy Reader Board** approximately 1 mile (or ½ mile – depending on ODOT feedback) to the South of Dufur Bypass Road (formerly Heimrich St.) on the East side of US-197N
- **(1) “Event Ahead” Sign** - Orange roll-up highway signage approximately 250’ North of Dufur Bypass Road (formerly Heimrich St.) on the West side of US-197S (added in 2015 and was successful in highlighting the turn at Heimrich St.)
- **(1) “Event Ahead” Sign** - Orange roll-up highway signage approximately 250’ South of Dufur Bypass Road (formerly Heimrich St.) on the East side of US-197S (added in 2015 and was successful in highlighting the turn at Heimrich St.)
- **(1) Flashing Highway Reader Board** located at the NW side of the intersection of Dufur Bypass Road (formerly Heimrich St.) and Dufur Valley Road.
- **(1) Flashing Highway Reader Board** located at the “Y” on Dufur Valley Rd at South Valley Rd reminding drivers to stay right and drive slow.
- **(1) “No Event Access” sign** at Wolf Run Road
- **(1) “Event Ahead” Sign** - Orange roll-up highway signage will be placed along the North side of Dufur Valley Rd.
- **(1) “Slow Down” Sign** - Orange roll-up highway signage will be placed along the North side of Dufur Valley Rd. 200’ before the turn into the box office
- **(1) Directional Sign**, clearly visible, indicating the need to turn into the box office entrance (placed ahead of the turn into the Box Office driveway).
- **(1) Festival branded Box Office sign (2’x3’)**, plus several highly visible flags will be placed around the entrance to the driveway being used to access the event Box Office.
- **(1) “Event Ahead” Sign**, placed along the South side of Dufur Valley Rd to the west of the event site in case any attendees should attempt to arrive from highway 35. This sign has been added to the 2016 Traffic Control Plan based on feedback from the 2015 County Debrief.

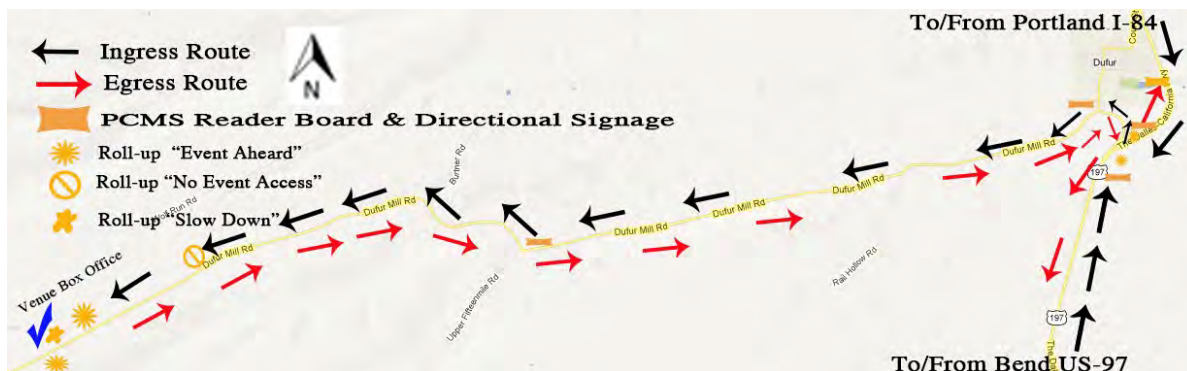
All signage type and placement will meet ODOT safety guidelines, consistent with prior Festival TCPs. All signage will be in place prior to the Festival, beginning Tuesday, June 14th at 8 pm. It will be removed by Monday, June 20th at 8 pm.





JUNE 17 - 20, 2016  
WOLF RUN RANCH  
DUFUR, OREGON

In addition to the signage, the Festival entrance will be lit via a telescoping light tower and



decorated with visible flags to indicate the turn-off. The lights will be appropriately oriented in such a way as to not impair the vision of drivers on Dufur Valley Road or negatively impact adjacent neighbors.

#### **BOX OFFICE:**

Attendees will enter the Festival using the access point located on the North side of Dufur Valley Rd at the west end of the property approximately 4/10s of a mile west of the main driveway to the property at 78889 Dufur Valley Rd (referred to as the main entrance). Since the Festival will be routing all attendees from the East, westbound on Dufur Valley Rd, all Festival traffic will be making a right-hand turn off of Dufur Valley Rd into the main entrance. This will ensure that even in the busiest times, attendees will make it safely onto the property with minimal impediment to regular Dufur Valley Rd traffic as no left turns will be necessary. To ensure the safe arrival of any event traffic that could come from the west on Dufur Valley Road, and based on feedback from the 2015 County Debrief, the Festival has added an Event Ahead Sign on the South side of Dufur Valley Road, facing west prior to the festival access point.

A security staff member will be positioned at the main entrance (not on the County Road) to assist drivers. A maximum of 200 vehicles can be staged between the main entrance and the Box Office, where attendees wait to be processed. Due to this large vehicle staging capacity, vehicle back-up on Dufur Valley Rd is unlikely.

The area of the property being used to stage the Box Office for the event will be configured into 5 lanes of 300' to stage vehicles waiting to be processed. Processing consists of scanning tickets, banding guests and searching vehicles for contraband. At full staffing, the five lanes can handle 300 vehicles per hour.

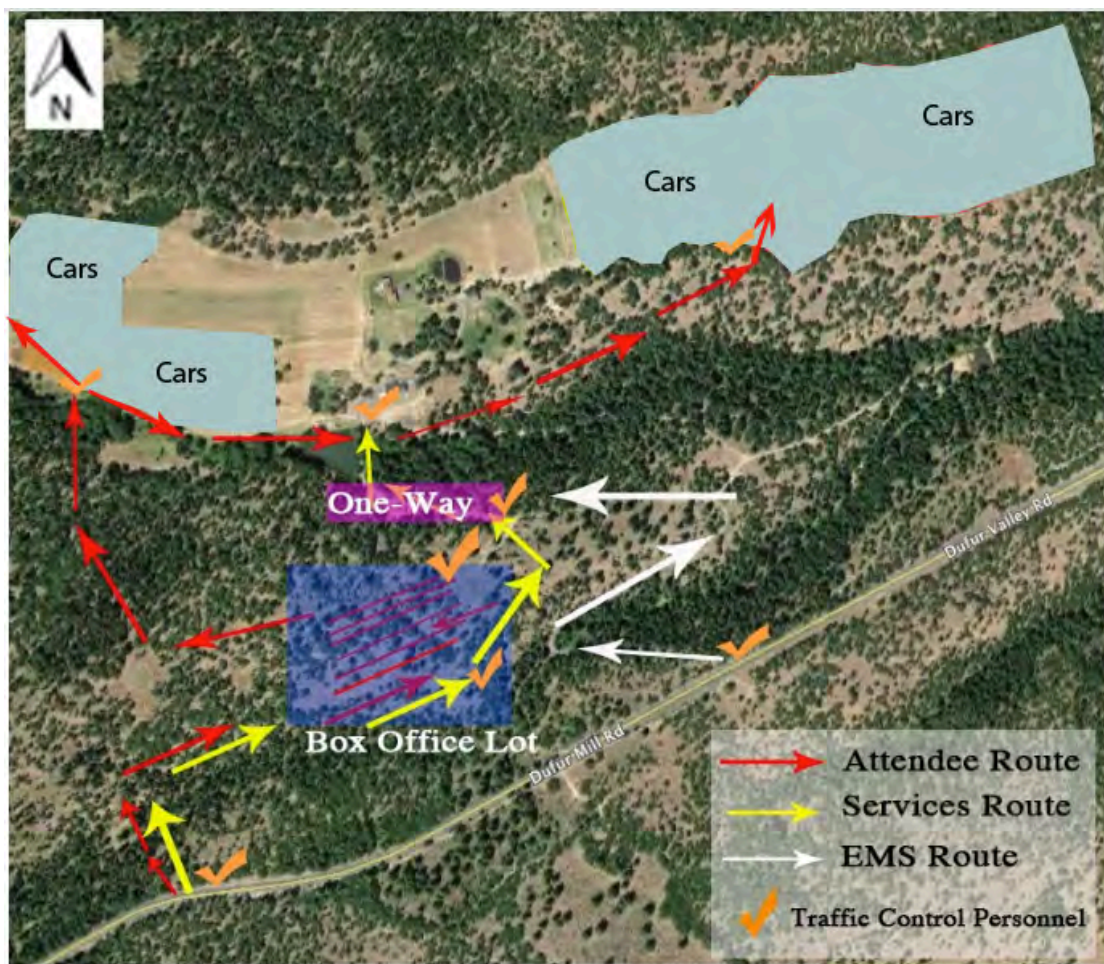
Once processed, attendees will then head a quarter mile into the site's Greeter Station where



JUNE 17 - 20, 2016  
WOLF RUN RANCH  
DUFUR, OREGON

they will be routed either left into the main stage parking and camping areas or continue an additional half mile down the existing access road into the eastern area used for general event parking. A team of volunteer flaggers will direct traffic in the event parking areas. During peak times (discussed below) the parking staff and traffic control staff will include up to 45 volunteers and minimum of 4 paid staff members/managers.

Staff and service vehicles will also enter the property through the main entrance. Once staff and service vehicles reach the area being used for the Box Office, they will then be routed toward the east through Artist/Staff/Media Check-In. A team of traffic controllers will regulate the flow of traffic in all access areas.





JUNE 17 - 20, 2016  
WOLF RUN RANCH  
DUFUR, OREGON

**EXODUS:**

Attendees will begin leaving Sunday, June 19th around 4PM. Traffic flows will be light but may increase from the hours of 8:00PM – 10:00PM. The majority of attendees remaining onsite after 10PM will stay until the next morning. All attendees must be off-site by 2PM on Monday, June 20<sup>th</sup>.

**EMERGENCY & CONTINGENCY PLAN:**

As mentioned, access to the event site via alternate entrance will be reserved for EMS vehicles throughout the duration of the event with minimal outbound traffic, which will be regulated by traffic control personnel. In the event of an emergency in which EMS vehicles will be responding and require access to the site, traffic control personnel will hold all on-site traffic until the EMS vehicle(s) have safely entered and exited the site.

In the event of any hindrance block any part of the main entrance where vehicles are unable to pass, traffic can be redirected out the eastern exit of the Box Office area to the alternate entrance. If the blockage occurs between the main entrance and the Box Office area, traffic will be diverted down the alternate entrance and back into the Box Office area via the staff/services lane. If at any point, processing causes a back-up to any point close to Dufur Valley Rd, security searches will be forgone in the Box Office area and instead occur once vehicles are parked alleviating traffic and speeding up the processing procedure.



Wasco County Board of Commissioners  
Suite 302  
511 Washington Street  
The Dalles, Oregon 97058  
C/O Planning Director, Wasco County  
2705 E 2nd St, The Dalles, OR 97058

30 October 2014

BY PRIORITY MAIL & E-MAIL

Re: Objections to Application for Permit in Matter of  
Outdoor Mass Gathering at Wolf Run Ranch -  
Wasco County PLAOMG-15-10-0001

Commissioners:

1. The Application, in particular the new Site Plan, clearly shows continuing, unpermitted alterations/improvements to the site and an expansion of activities. In addition, this is now the fourth event on the same site, utilizing unpermitted, permanent improvements/alterations. In particular, the fire plan of the ODF attached to the Application, and prior ODF fire plans for the event, specifically require Applicant to engage in removal of trees and vegetation in order to further create permanent transportation and event site uses on the site. These alterations and removals are specifically NOT for any permitted forest or resource use, but are specifically stated as necessary only to operate the proposed event. Such alterations, together with all the movement of soil and new roads and function sites, specifically contravene ORS 433.75 (2, in that Applicant has made no showing in the application of the issuance of required permits for such alterations/improvements, which require land use approval. Only the actual occurrence of the event is free of land use law. All alterations of the land and improvements thereon remain subject to land use laws.

2. In connection with the fire risk to the area surrounding the event site, ODF fire plans call for, and have called for in the past, clearing of trees and vegetation in specified areas, again being unpermitted alterations. In addition, all the land to the West of the site is devoted exclusively to Federal or private resource use and subject to far more comprehensive fire regulation, for example the prohibition of almost of all of Applicant's proposed activities during declared fire season, which fire season regulations Applicant specifically proposes to not comply with.

3. The Applicant, in the past, and prior Staff Reports from the Planning Office, have made clear that Applicant plans this as a permanent, annual event, the recurrence of which creates a permanency prohibited by the applicable Oregon statutes, as well the prohibited permanent nature of the prior alterations to the land conducted by Applicant. (See, *Landsem Farms, L.P v. Marion County*, 190 Or App 120, 78 P3d 103 (2003): "\* \* \* ORS 197.015(10)(d) properly is understood as creating a narrow exemption from land use regulation." In support of this finding of law, the Court cited the legislative history of the outdoor mass gathering statute, "That representative [of the Department of Land Conservation and Development], Ron Eber, told the Senate Rules and Elections Committee that the statute would not "authorize anything \* \* \* that should normally come within the land use statutes," and that the bill would make clear that those activities, the short duration, **temporary kind of activities**, are not subject to zoning regulations." (emphasis added)). As promised by Applicant, we are now seeing the fourth of a permanent string of such events, creating a permanent, massive commercial enterprise in the middle of protected resource lands. The Application, and prior applications for this exact event, show areas that have already been completely cleared of forest cover and not replanted, and again, such actions are now required/enshrined by the ODF fire plan in the Application, all of which violates the Oregon Forest Practices Act, and thus is unpermitted development under State and County zoning laws. In addition, the updated site plan has numerous newly labeled roads not shown on the original site plan from the first event. All of these are unpermitted alterations or improvements. Since such permanent alterations are prohibited by the outdoor mass gathering statute, and have never otherwise been permitted under Oregon land use law and County ordinances, they are all illegal and cannot be utilized in the conduct of the proposed event. Importantly, the Staff Report provides no evidence of Applicants compliance with ORS 433.75(2) or the necessary finding that no alterations or improvements referenced therein are being made to allow the event. Since the existence of these permanent alterations is a condition to meeting Oregon law as to health and safety during the event, this permit application must be denied. The Application reveals alterations that are not "temporary," as required by law, and the ongoing conduct of the event on an annual basis creates a permanent commercial event that is not "temporary." In addition, to the extent that the Application is granted, any permit, as a matter of required public health and safety, should only allow an event to occur on dates that are not within any Oregon State Forestry declared fire season period.



4. Finally, the Oregon health and safety regulations that the Applicant, the Commission and the Planning Staff all say apply to this event, specifically require that all the water (potable and non-potable) required by Oregon law for the event, must be physically present on the site at all times. Yet, the Application specifically states that the legally required amount of water will NOT be present on site, as elaborated upon in the Application's Attachments. In fact, the sources of the water involved have been changed from last year to be even further away from the event site by at least 15 miles. Water is not "available" at the site if it has to be loaded first and then hauled substantial distances to the site. The Application is defective on its face in this regard, and no alterations to the site are permitted for the storage of the legally required water.

The Application should be denied in its entirety.

Signed,

A handwritten signature in dark ink, appearing to read "Kenneth A. Thomas". The signature is written in a cursive, flowing style with some capitalization.

Kenneth A. Thomas

Sunday, November 01, 2015

To: Wasco County Commissioners  
Regarding: What the Festival Outdoor Mass Gathering Permit

Dear Sirs,

As the operator of the Historic Balch Hotel, I am writing to express my support for What the Festival and their event held near Dufur in the spring. I believe that the organization adds significant economic value to our community. Everyone with whom I have come into contact with from the event has been pleasant and professional.

My wife and I had just taken over the operations of the Balch when What the Festival was held last spring. We realized several room-nights of revenue from the event. We had a couple of the event staff stay; they were courteous and friendly and easy to work with. We also had participants stay and they too were wonderful to work with. We are looking forward to doing more work with WTF to bring more business to our establishment.

Not only did we receive positive impact from the actual event but the promotion of the event included references to the location near Dufur and exposed our community to potential customers that would be difficult to reach otherwise.

I feel that the Mass Gathering Permit should be issued for What the Festival.

Respectfully,



Josiah Dean  
Innkeeper  
Historic Balch Hotel



900 S.W. Fifth Avenue, Suite 2600  
Portland, Oregon 97204  
main 503.224.3380  
fax 503.220.2480  
www.stoel.com

November 4, 2015

ELAINE R. ALBRICH  
Direct (503) 294-9394  
elaine.albrich@stoel.com

**VIA HAND DELIVERY**

Board of Commissioners  
Wasco County  
511 Washington St # 302  
The Dalles, OR 97058

**Re: PLAOMG-15-10-0001, Moonshine Supplement**

Dear Chair Hege and fellow Commissioners:

Moonshine Events LLC and Wolf Run Ranch LLC (together, "Applicant") thank you for your consideration of the 2016 What the Festival Outdoor Mass Gathering Permit Application ("OMG application"). Please accept these comments and supplemental information into the OMG application record.

**1. Applicant Supports the Staff Report and Proposed Conditions**

Applicant supports staff's proposed findings and conditions of approval contained in the staff report dated October 28, 2015 ("Staff Report") and provides the following clarifications:

On page 5 of the Staff Report, it summarizes the proposed stage hours. The proposal is for the two main stages to operate from Friday through Sunday, with all amplified sound ceasing at midnight. The silent disco and smaller stages (as shown on the Site Plan) will operate from Thursday through Sunday, with hours extending beyond 2 am. At all times, Moonshine will comply with Condition N.

On page 15 of the Staff Report, it addresses White Bird Clinic's ability to provide services for the 2016 event, as required under OAR 333-039-0040(1). A revised letter from White Bird Clinic is included as Enclosure 1.

**2. Applicant's Response to Comments**

Mr. Ken Thomas filed an objection letter to the OMG application, dated October 30, 2014 (presumably a typo). In his letter, he makes four arguments, all of which have previously been



Board of Commissioners  
November 4, 2015  
Page 2

addressed and rejected by this Board, the County planning department, and/or Wasco County Circuit Court.

Issue 1: No Violation of ORS 433.745(2)

Mr. Thomas is making the same allegations he made in 2013, 2014 and 2015. For the following reasons, the Board may again find that nothing in ORS 433.475 prevents the Board from approving the OMG application as proposed. ORS 433.745(2) was amended by Oregon House Bill 3186 (2015) to clarify that any permanent development on the site of an OMG was subject to separate review under local and state land use laws, and was not a subject of review for purposes of issuing an OMG permit. A copy of IIB 3186 is included as Enclosure 2.

The Board may find that the OMG permit does not authorize any permanent development on Wolf Run Ranch. To the extent that any activity on Wolf Run Ranch requires local land use approvals, Applicant agrees to work with the County planning department to ensure that Applicant complies with the applicable requirements of the Wasco County Land Use and Development Ordinance. For these reasons, there is nothing in Mr. Thomas' first argument that raises an issue of fact or law for the Board.

Issue 2: Fire Prevention and Safety

Applicant has been in coordination with the Oregon Department of Forestry ("ODF") in preparation of the 2016 Wildland Fire Prevention Plan ("Plan"), which Applicant must adhere to pursuant to Condition L in the Staff Report. In addition to these measures, Applicant will implement its voluntary No Open Flame & Smoking Policies. Further, any brush and clearing of woody debris is authorized by ODF to minimize fire danger, a recommended practice for all forest properties. As specified in the Plan, Applicant will file any notifications or seek any operating permits required by ODF to engage in these activities. Applicant has expressly committed to complying with all applicable fire prevention and safety regulations. Accordingly, there is nothing in Mr. Thomas' second argument that raises an issue of fact or law for the Board.

Issue 3: Yearly Events Are Expressly Allowed by Law

ORS 433.735(1) defines an OMG as an event that "continues for more than 24 consecutive hours but less than 120 hours within any three-month period" (emphasis added). By this very definition, an organizer of an OMG could legally hold four OMGs per year. Mr. Thomas' attempt to manipulate case law and legislative history to support his argument that the OMG is a permanent event is unconvincing. An annual OMG is expressly allowed under the statute. If the





Board of Commissioners  
November 4, 2015  
Page 3

legislature had intended to allow an organizer to hold only, for example, an event once every two years or no more than three years in a row, it would have included such language in ORS 433.735(1). Rather, the legislature expressly adopted the language "within any three-month period." The Board need not look beyond the plain language of the statute to see that Mr. Thomas' arguments are plainly contrary to the express statutory language. *See State v. Gaines*, 346 Or 160 (2009) (outlining Oregon's methodology for interpreting statutes). As such, Mr. Thomas' third argument raises no issue of law for the Board to address. To the extent Mr. Thomas is again raising land use issues under this third point, Applicant references the Board back to Applicant's arguments above.

Issue 4: Water Availability

Mr. Thomas misconstrues the requirements of OAR 333-039-0015. The rule requires that an organizer have available a minimum of 12 gallons per day and that the amount of water equal to one day's total usage be kept in reserve at all times. See OAR 333-039-0015(1)(a) and (d). The rule also requires the organizer have storage facilities to hold one day's total water usage or a lesser amount approved by the Board. See OAR 333-039-0014(1)(b). Sections (a) and (d) ensure that water is available and ready to be used whereas section (c) requires that enough water be stored onsite. This construction of the rule was first adopted by the Board in 2013, and affirmed by Judge John Olsen in Wasco County Circuit Court Opinion Letter No. 1300161CC, dated July 3, 2013. See Enclosure 3. Applicant encourages the Board to rely on staff's proposed findings on page 7 of the Staff Report, which properly address the requirements of the water supply rule.

Thank you for your time and consideration. We look forward to answering any questions you may have at tonight's hearing.

Very truly yours,

Elaine R. Albrich

Enclosures  
cc: Moonshine Project Team



**ENCLOSURE 1**



**White Bird Clinic**  
341 E. 12<sup>th</sup> Avenue  
Eugene, Oregon 97401

541-342-8255

9/20/15

To whom it may concern,

This is a letter to document White Bird Clinic's intention to provide Crisis and Medical services through our Rock Medicine program to the 2016 What the Festival, as we have for the past few years, taking place in Dufur, Oregon June 16 - 20.

We will have an on-site medical booth and "down tent", as well as roving and response teams. Our staff of at least 30 will include Doctors, Nurses, Paramedics, EMTs and Mental Health and Crisis Workers, providing care to the staff, crew and guests of the event as needed.

This is a very well-run event and we fully support their getting a permit again.

Thank you,

*Chuck Gerard*

Chuck Gerard  
Clinic Coordinator  
White Bird Clinic

**ENCLOSURE 2**

**Enrolled**  
**House Bill 3186**

Sponsored by Representative WILLIAMSON; Representative HUFFMAN

CHAPTER .....

AN ACT

Relating to outdoor mass gatherings; amending ORS 433.745; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 433.745 is amended to read:

433.745. (1) *[No]* **An organizer** *[shall]* **may not** hold~~], conduct, advertise or otherwise promote]~~ an outdoor mass gathering or allow an outdoor mass gathering to be held on real property **that** the organizer owns, leases or possesses unless **the governing body of the county in which the outdoor mass gathering is to take place issues the organizer** a permit to hold *[such]* **the outdoor mass gathering** *[has been issued by the county governing body in which the outdoor mass gathering is to take place]*.

(2) A permit issued under this section does not entitle the organizer to make any permanent *[physical alterations]* **development** to or on the real property *[which is the site of the outdoor mass gathering]*. **Any permanent development on the real property must be made in accordance with any applicable state or local land use law.**

**SECTION 2.** This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

---

**Passed by House April 23, 2015**

.....  
Timothy G. Sekerak, Chief Clerk of House

.....  
Tina Kotek, Speaker of House

**Passed by Senate June 4, 2015**

.....  
Peter Courtney, President of Senate

**Received by Governor:**

.....M.,....., 2015

**Approved:**

.....M.,....., 2015

.....  
Kate Brown, Governor

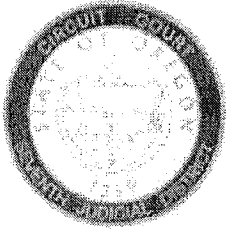
**Filed in Office of Secretary of State:**

.....M.,....., 2015

.....  
Jeanne P. Atkins, Secretary of State



**ENCLOSURE 3**



**CIRCUIT COURT OF THE STATE OF OREGON**  
SEVENTH JUDICIAL DISTRICT  
GILLIAM, HOOD RIVER, SHERMAN, WASCO, AND WHEELER COUNTIES  
309 STATE STREET  
HOOD RIVER, OR 97031  
541-386-3535

Paul G. Crowley  
Presiding Judge

John A. Olson  
Circuit Judge

Janet L. Stauffer  
Circuit Judge

John A. Wolf  
Circuit Judge

Sherry L. Smith  
Trial Court Administrator

July 3, 2013

Eric Nisley  
Wasco County D.A.  
511 Washington St., Ste. 3  
The Dalles, OR 97058

Peter Livingston  
Black Helterline LLP  
805 SW Broadway, Ste. 1900  
Portland, OR 97205

Jeremy D. Sacks  
Elaine R. Albrich  
Stoel Rives LLP  
900 SW Fifth Ave., Ste. 2600  
Portland, OR 97204

Re: Kenneth A. Thomas v. Wasco County and Moonshine Events, LLC  
Wasco County Case No. 1300161CC

Dear Counsel:

I am writing to inform the parties that I am affirming Wasco County's decision to grant an Outdoor Mass Gathering (OMG) Permit for the "What The Festival" (WTF), scheduled for July 25-28. Having considered the memoranda filed by the parties and oral argument of July 2, 2013, I am satisfied that Wasco County did not exceed its jurisdiction, did not make errors of law, and that all of its pertinent factual findings were supported by substantial evidence of the whole record.

At the outset, it is important to briefly discuss the OMG permit process. The process was established by the legislature in response to its finding that "uncontrolled outdoor gatherings of large groups of persons for extended periods of time have necessitated a need for the establishment of reasonable health and safety rules to regulate such outdoor mass gatherings. **ORS 433.740**. The governing body of the applicable county "shall issue a permit upon application when the organizer demonstrates compliance with or the ability to comply with the health and safety rules governing outdoor mass gatherings to be regulated according to the anticipated crowd and adopted by the Oregon Health Authority. **ORS 433.750**. The relevant

administrative rules are OAR 333-039-005 through 333-039-0055.

Because most, and perhaps all, outdoor mass gatherings involve expression, their regulation must conform with the protections of the First Amendment to the U.S. Constitution and Article 1, section 8 of the Oregon Constitution. The governing body cannot withhold a permit if the applicant demonstrates compliance with the regulations. "[O]nce the applicant demonstrates compliance with the regulations, the governing body has *absolutely no discretion* to withhold the permit." **Southern Oregon Barter Fair v. Jackson County, Oregon**, 372 F.3d 1128, 1137 (2004)(emphasis added). Thus, the County's decision to grant the OMG permit does not reflect a preference for the interests of the applicant over the interests of those opposed to the OMG. It simply reflects a finding by the County that the applicant has demonstrated compliance with the applicable health and safety rules.

Standard of Review. Petitioner has filed a Petition For Writ of Review challenging the County's quasi-judicial decision to issue an OMG Permit for the What The Festival. Petitioner must demonstrate that a substantial interest has been injured by the County's decision, and that the County appears to have: (a) Exceeded its jurisdiction; (b) Failed to follow the procedure applicable to the matter before it; (c) Made a finding or order not supported by substantial evidence in the whole record; (d) Improperly construed the applicable law; or (e) Rendered a decision that is unconstitutional. **ORS 34.040**.

"In reviewing for substantial evidence, the court is not permitted to substitute its judgment for that of the (county) or to reweigh the evidence; it must simply decide whether the record contains substantial evidence to support the decision. Substantial evidence is different from any evidence or some evidence. There is substantial evidence to support a finding when, viewing the record as a whole, a reasonable person could make the finding." **Baker v. City of Woodburn**, 190 Or App 445, 455-56, 79 P.3d 901 (2003) (citations omitted).

Jurisdiction. Petitioner argues that the County exceeded its jurisdiction by approving permanent improvements on the property where the OMG will be held that are expressly prohibited by ORS 433.745(2). Although I agree with the premise that the County lacks jurisdiction in the OMG Permit process to approve permanent improvements, I cannot find from the record that the County did any such thing.

Petitioner does not argue that the County expressly approved unlawful permanent improvements on the property. Rather, Petitioner argues that the County

was aware, or should have been aware, that applicant would be making unlawful permanent improvements to the property in anticipation of holding the OMG, and by approving the OMG permit the County tacitly approved the unlawful permanent improvements, thus exceeding its jurisdiction.

This argument is buttressed somewhat by certain statements made in the Order approving the OMG permit. In its second Finding of Fact, the Board "recognizes the procedural and legal requirements of...the Wasco County Land Use and Development Ordinance." (Order #13-103, p.2) In its Conclusions of Law, the Board notes that its decision is "consistent with...the Wasco County Land Use and Development Ordinance." (Order #13-103, p.5)

In my view, however, these statements are surplusage, not license. During the May 1 OMG permit hearing, the County directed Petitioner to take any land concerns to the County's Code Compliance Office. (May 1 Tr. at 69:13-20). The County's Order specifically states: "This decision does not constitute tacit approval for any other development or use." (Order #13-103, p.2)

Given the criteria for the granting of OMG permits described above, the issue of whether applicant intended to make unlawful improvements to the property could play no role in the decision, either for or against. It is simply not relevant to the *permit* process.<sup>1</sup> During oral argument on July 2, Petitioner characterized the County's disregard of his concerns regarding permanent improvements as a "de facto approval" of the improvements. I feel the County's disregard is more properly characterized as recognition that, in the context of the OMG permit process, the County had no jurisdiction to delve into it. By ignoring Petitioner's concerns regarding permanent improvements, the County did not exceed its jurisdiction, it limited itself to matters within its jurisdiction.<sup>2</sup>

Statement From Local Fire Agency Having Jurisdiction. Petitioner argues that the County erred in concluding it had the necessary statement from the local fire protection agency having jurisdiction. OAR 333-039-0045(2) requires the organizer of an OMG to "secure a written statement from the local fire protection agency having jurisdiction that fire protection complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and location of the outdoor mass gathering."

---

<sup>1</sup> It is a given that an OMG permit "does not entitle the organizer to make any permanent physical alterations to or on the real property which is the site of the outdoor mass gathering. **ORS 733.745(2)**. But the county governing body in charge of reviewing the application is not charged with considering the potential for a violation of this statute when reviewing the OMG permit application. Enforcement of ORS 733.745(2) is placed in the hands of the district attorney. See **ORS 433.770**.

<sup>2</sup> Similarly, the County had no jurisdiction to consider Petitioner's concerns regarding illicit drug use at the festival, or violation of the Endangered Species Act.

The written statements provided to the County do not include the word, "satisfactory." Therefore, implicit in the County's conclusion is a construction of OAR 333-039-0045(2) that the word, "satisfactory," need not actually appear in the written statement. I believe the County properly construed the applicable rule. To satisfy OAR 333-039-0045(2), the written statement must convey the fire protection agency's conclusion that the proposed fire protection is satisfactory, and need not employ any particular words in doing so.

Although it is true that the fire agencies expressed concerns about the timing of the OMG scheduled to occur during a time when fire danger is high, the written statement from ODF recommended a lengthy list of site conditions "necessary to ensure a safe mass gathering at the WTF event..." All of the listed conditions were adopted by the applicant. In its last finding on the subject of fire safety, staff stated: "Staff interprets the ODF letter to stipulate that ODF's recommended conditions will ensure that fire protection complied with applicable laws, ordinances, and regulation, and will ensure a safe mass gathering based on anticipated crowds and location." (R.26). Viewing the record as a whole, a reasonable person could make such a finding. I therefore find that the County's conclusion that it had the requisite statement is supported by substantial evidence of the whole record.

Adequate Allocation Of Camping Space. Petitioner argues that the County erred in finding the applicant had allocated enough space to accommodate the expected number of campers. OAR 333-039-0045(1) requires:

"Each camping space shall be a minimum of 1,000 square feet or large enough to accommodate a parked camping vehicle, tent vehicle or tent, as the case may be, and to maintain at least 15 feet separation from any other camping vehicle, tent vehicle or tent, building, structure, or property line."

The County's finding of adequate camping space is premised on the County's interpretation that OAR 333-039-0045(1) speaks in the disjunctive: 1000 square feet of camping space is not required, so long as the alternative standard of being big enough to accommodate a tent with at least 15 feet of separation from any other tent, is met. If the County's interpretation of the OAR is correct, Petitioner does not dispute the County's factual conclusion. However, Petitioner argues that the County's interpretation of the rule is incorrect, that the rule states two tests of adequacy, not alternative tests, and that there is not enough space for the campers if each camping space is at least the requisite 1000 square feet.


To be sure, OAR 333-039-0045(1) is no model of clarity. However, I believe the County's construction of the rule is correct. Had the drafters wanted to establish two



tests for adequacy rather than alternative tests, they could have done so with a minimum of ambiguity simply by substituting the word "and" for "or." Interpreting the "or" as creating disjunctive tests does not render the OAR meaningless or absurd; it simply means that 15 feet of space between tents, etc., is not required in camping spaces of at least 1,000 feet. With regard to the issue of adequacy of camping space, I find the County properly construed the applicable law and that its finding is supported by substantial evidence of the whole record.

Adequate Water. Finally, Petitioner argues that the applicant failed to present sufficient evidence demonstrating that it can and will obtain enough water to serve the people expected to attend the OMG. OAR 333-039-0015(2) sets forth a minimum requirement of 12 gallons per person per day for the anticipated assembly. Additional water will be needed as part of the fire safety measures. As previously noted, the governing body of the applicable county "shall issue a permit upon application when the organizer demonstrates compliance with *or the ability to comply with* the health and safety rules governing outdoor mass gatherings to be regulated according to the anticipated crowd and adopted by the Oregon Health Authority. **ORS 433.750** (emphasis added). The County recognized that applicant would need to truck in substantial amounts of water in order to meet requirements, and found that the applicant had the ability to do so. In reviewing the record as a whole, I find that there is substantial evidence to support such a finding. However, I note further that Condition 4 of the County's Order states: "By July 1, 2013, Applicant shall provide written documentation of contracts to supply adequate amounts of water, based on updated attendee estimates, from a source approved by the Public Health Division of the Oregon Health Authority." (R3) Presumably, the intent of the County in making such a condition is to evaluate the sufficiency of the documentation and potentially revise its finding that the Applicant can obtain enough water should it find the documentation insufficient. Pursuant to ORS 34.090, I am ordering that the documentation and subsequent finding or order of the County be returned for my review. It is my belief that I retain jurisdiction to modify this decision as to the adequacy of water.

Sincerely,



John A. Olson  
Circuit Court Judge



# 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*

November 4, 2015

To: Oregon Watershed Enhancement Board  
775 Summer Street NE, Suite 360  
Salem, OR 97301-1290

RE: Federal Forest Health Collaborative Development Technical Assistance Grant – WCFCG

Dear OWEB:

Wasco County supports the Wasco County Forest Collaborative Group's (WCFCG) application to OWEB for a Federal Forest Health Collaborative Project Development Technical Assistance Grant. This funding will sustain the services of their current facilitator, ensuring WCFCG's ability to increase forest restoration and stewardship activities within the Rocky Restoration Planning Area and future planning areas within the Mt. Hood National Forest. The Rocky Restoration Planning area includes 8,500 acres of proposed treatments including Oregon white oak restoration and fuels reduction within an established Wildland Urban Interface.

The 1973 Rocky wildfire resulted in a stand replacement event. Over the past 100 years harvest activities, fire suppression efforts, and favorable climatic conditions have altered vegetation growth, the accumulation of dead fuels, stand composition and structure. Past management activities, in large part, have created highly dense, homogenous stand conditions throughout much of the planning area. Another stand replacement fire would negatively impact many forest uses and activities including recreation. Also at risk are private lands within and adjacent to the planning area which include a mix of residential homes, outbuildings, forest and agricultural lands. Negative natural resource impacts from devastating wildfire include water quality and quantity, wildlife habitat, soil erosion and invasive weed yields.

This funding will accelerate the effectiveness of the Wasco County Forest Collaborative Group's Rocky input for the Restoration Planning Area project and result in forest restoration, including increased fire resiliency, improved watershed health, sustained timber supply, reduced planning and implementation costs, and diversified jobs and infrastructure within Wasco County.

If you have questions regarding this letter please contact us

Wasco County Board of Commissioners

---

Scott C. Hege  
Commission Chair

---

Rod L. Runyon  
County Commissioner

---

Steven D. Kramer  
County Commissioner

# Databases, Tables & Calculators by Subject

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## Consumer Price Index - All Urban Consumers

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Series ID	Description	Annual 2005	Annual 2006	Annual 2007	Annual 2008	Annual 2009	Annual 2010	Annual 2011	Annual 2012	Annual 2013	Annual 2014	Annual 2015
CUUR0000SA0	Original Data Value	195.3	201.6	207.342	215.303	214.537	218.056	224.939	229.594	232.957	236.736	
CUUR0000SA0	12-Month Percent Change	3.4	3.2	2.8	3.8	-0.4	1.6	3.2	2.1	1.5	1.6	

### TOOLS

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Industries at a Glance  
Economic Releases  
Databases & Tables  
Maps

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Data extracted on: November 3, 2015 (2:09:45 PM)

### Consumer Price Index - All Urban Consumers

**Series Id:** CUURA425SA0,CUUSA425SA0  
**Not Seasonally Adjusted**  
**Area:** Portland-Salem, OR-WA  
**Item:** All items  
**Base Period:** 1982-84=100

Download:



Year	Annual
2005	196.0
2006	201.1
2007	208.556
2008	215.389
2009	215.647
2010	218.344
2011	224.590
2012	229.779
2013	235.528
2014	241.215

### 12-Month Percent Change

**Series Id:** CUURA425SA0,CUUSA425SA0  
**Not Seasonally Adjusted**  
**Area:** Portland-Salem, OR-WA  
**Item:** All items  
**Base Period:** 1982-84=100

Download:



Year	Annual
2005	2.6
2006	2.6
2007	3.7
2008	3.3
2009	0.1
2010	1.3
2011	2.9
2012	2.3
2013	2.5
2014	2.4

# STAFF REPORT

DUSTIN NILSEN, AICP SENIOR PLANNER



November  
4th, 2015

Board of County Commissioners Hearing  
PLAOMG-15-10-0001



# Request



Outdoor Mass Gathering permit for a music and art festival entitled “What The Festival?”

Date of event: June 16-20th, 2016.

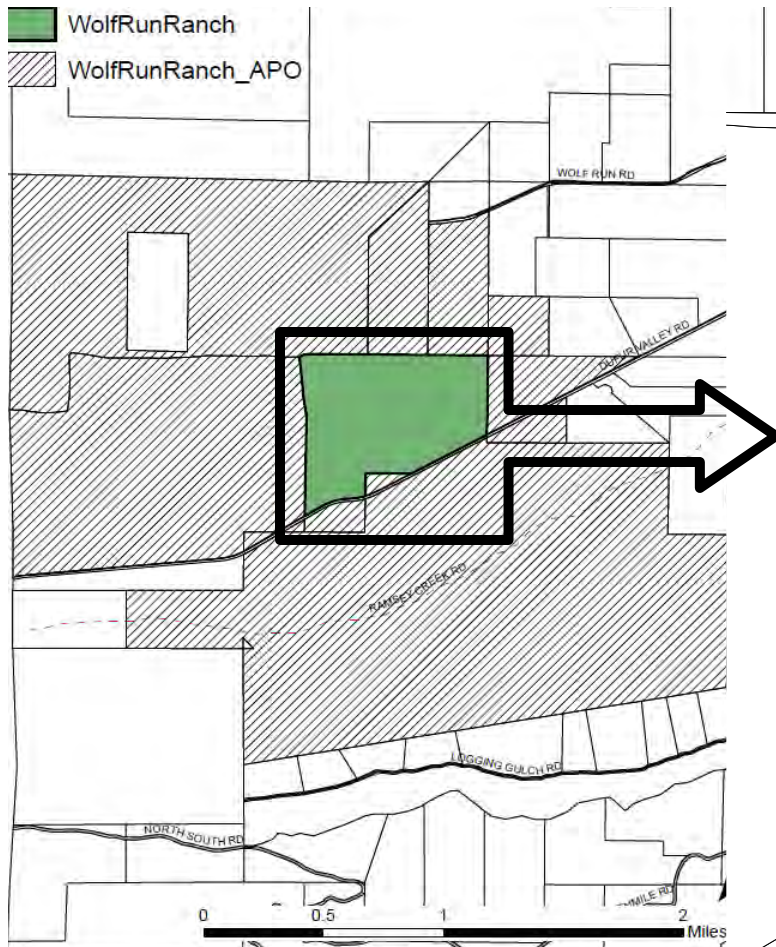
Maximum attendance: 7,500 including staff & volunteers.

Applicant: Moonshine Events, LLC

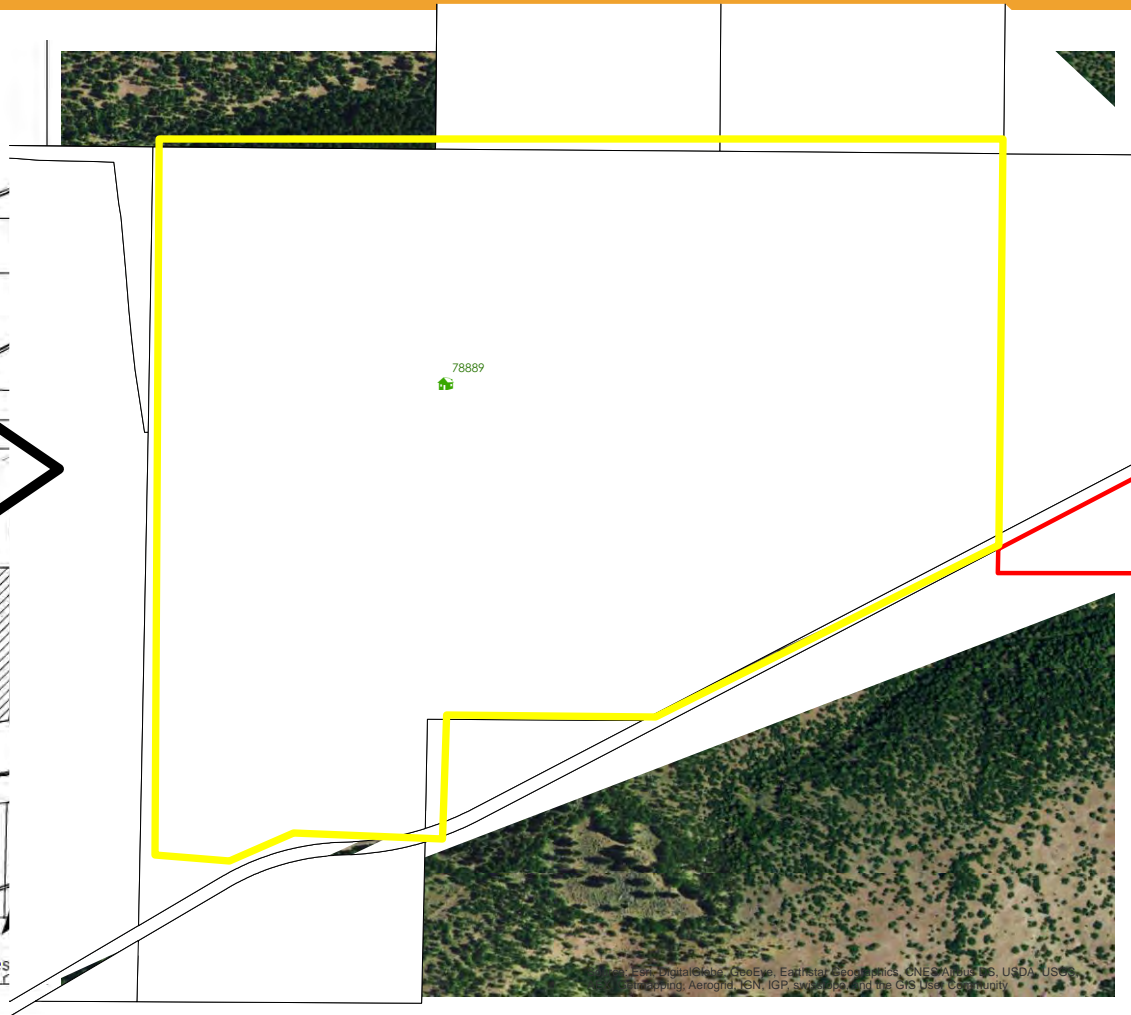
Property Owner: Wolf Run Ranch, LLC

Location: Wolf Run Ranch 78889 Dufur Valley Road

# Vicinity Maps



: product is for information purposes only and is not necessarily suitable





# Process Requirements

## **Statutory Requirements for Notice (ORS 433.750)**

- (2) Notice of the application shall be sent to:
  - ▣ The county sheriff
  - ▣ The county health officer; and
  - ▣ The chief of the fire district with jurisdiction
- (4) The county governing body shall hold a public hearing
  - ▣ Notice of time and place shall be published 10 days before in a “newspaper of general circulation”

# Process Summary



## **Wasco County Process – Defined by State Law**

- ❑ Outdoor Mass Gatherings not a “land use decision”
- ❑ Process and rules outlined in ORS and OAR
- ❑ Our process exceeded statutory requirements regarding notice and transparency as we invite additional comments from partner agencies and send notice to neighboring property owners
- ❑ Planning Department serves as a permitting hub to solicit the expertise of our partner departments and agencies to ensure compliance with various rules



# Standards Addressed

## **ORS 433.750(1)**

The governing body...shall issue a permit upon application when the organizer demonstrates compliance with or the ability to comply with the health and safety rules governing outdoor mass gatherings to be regulated according to the anticipated crowd and adopted by the Oregon Health Authority.

□ Fence v. Jackson County, LUBA 94-137



# Key Questions



- 1) Does the proposal meet the “Outdoor Mass Gathering” definition?
- 2) Does the request demonstrate compliance with or the ability to comply with the applicable health and safety rules?

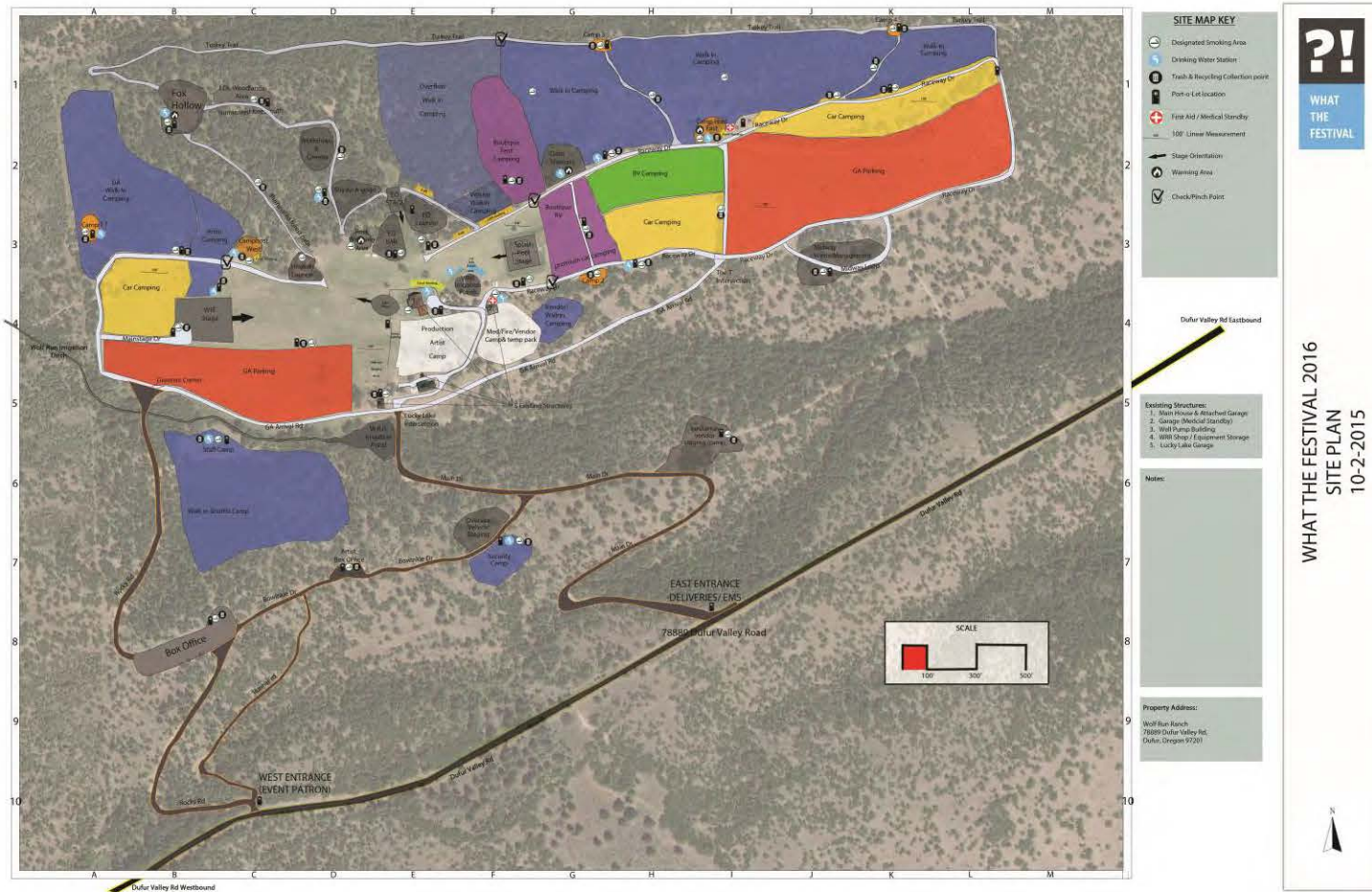
# Standards Addressed



## **Oregon Administrative Rule (OAR) 333 Division 39**

- ❑ OAR 333-039-0015 (Water Supply)
- ❑ OAR 333-039-0020 (Drainage)
- ❑ OAR 333-039-0025 (Sewerage Facilities)
- ❑ OAR 333-039-0030 (Refuse Storage and Disposal)
- ❑ OAR 333-039-0035 (Food and Sanitary Food Service)
- ❑ OAR 333-039-0040 (Emergency Medical Facilities)
- ❑ OAR 333-039-0045 (Fire Protection)
- ❑ OAR 333-039-0050 (Security Personnel)
- ❑ OAR 333-039-0055 (Traffic)

# Site Plan



# Staff Recommendation

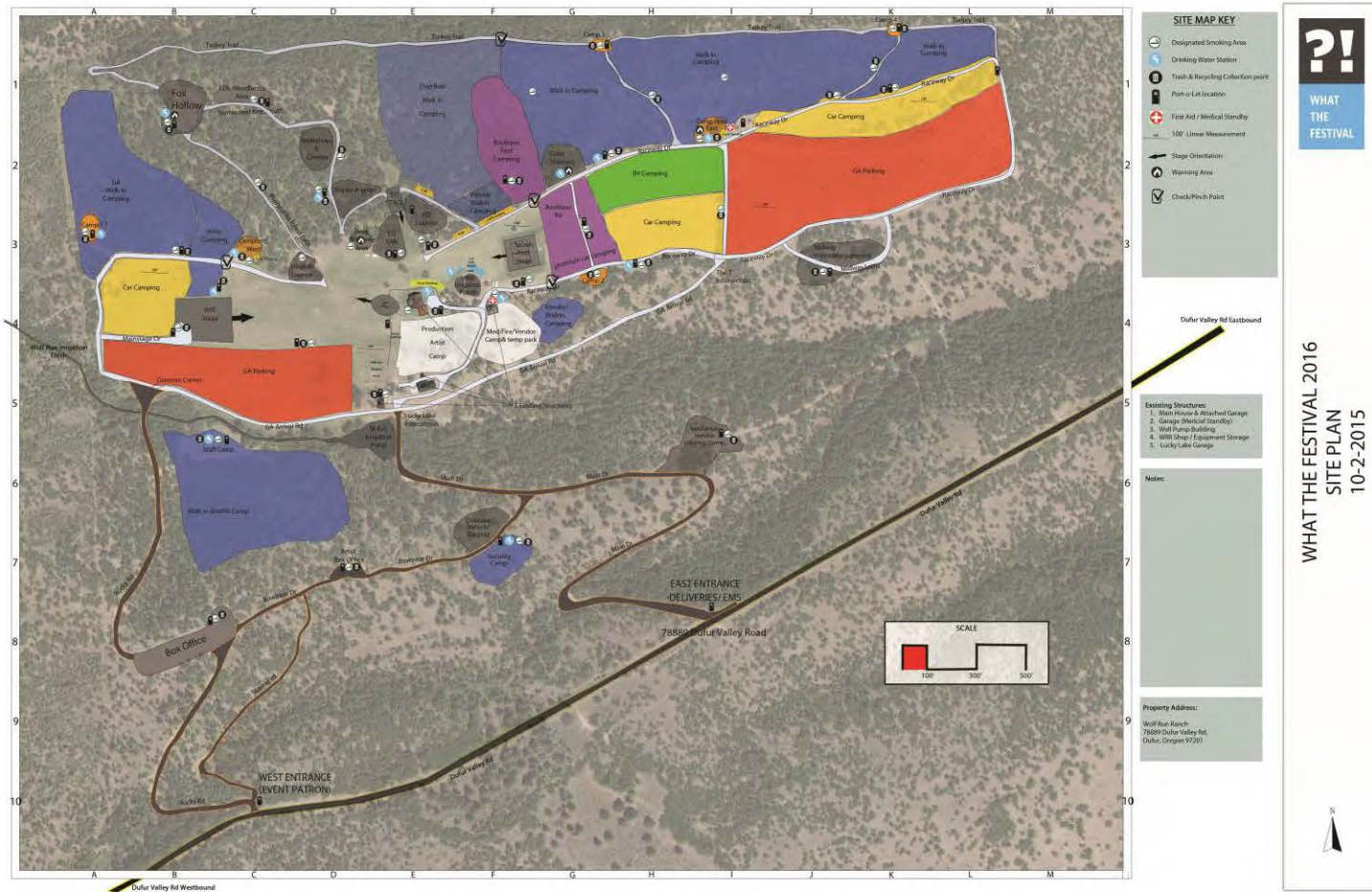


## **Staff Recommends:**

Approval of the application for an Outdoor Mass Gathering, subject to the conditions and findings contained in the Staff Report dated October 28th, 2015.



# Site Plan





**OREGON MILITARY DEPARTMENT  
OFFICE OF EMERGENCY MANAGEMENT  
EMERGENCY MANAGEMENT PERFORMANCE GRANT  
CFDA # 97.042  
WASCO COUNTY  
\$39,000  
Grant No: 15-533**

This Agreement is made and entered into by and between the **State of Oregon**, acting by and through the Oregon Military Department, Office of Emergency Management, hereinafter referred to as “OEM,” and **Wasco County**, hereinafter referred to as “Subrecipient,” and collectively referred to as the “Parties.”

1. **Effective Date.** This Agreement shall become effective on the date this Agreement is fully executed and approved as required by applicable law. Reimbursements will be made for Project Costs incurred beginning on **July 1, 2015** and ending, unless otherwise terminated or extended, on **June 30, 2016** (Expiration Date). No Grant Funds are available for expenditures after the Expiration Date. OEM’s obligation to disburse Grant Funds under this Agreement shall end as provided in Section 6.b.iv of this Agreement.
2. **Agreement Documents.** This Agreement consists of this document and the following documents, all of which are attached hereto and incorporated herein by reference:

Exhibit A: **Project Description and Budget**  
Exhibit B: **Federal Requirements and Certifications**  
Exhibit C: **Subcontractor Insurance**  
Exhibit D: **Information required by 2 CFR 200.331(a)**

In the event of a conflict between two or more of the documents comprising this Agreement, the language in the document with the highest precedence shall control. The precedence of each of the documents comprising this Agreement is as follows, listed from highest precedence to lowest precedence: Exhibit B; this Agreement without Exhibits; Exhibit A; Exhibit C.

3. **Grant Funds; Matching Funds.** In accordance with the terms and conditions of this Agreement, OEM shall provide Subrecipient an amount not to exceed **\$39,000** in Grant Funds for eligible costs described in Section 6 hereof. Grant Funds for this Program will be from the Fiscal Year 2015 Emergency Management Performance Grant (EMPG) Program. Subrecipient shall provide matching funds for all Project Costs as described in Exhibit A.
4. **Project.** The Grant Funds shall be used solely for the Project described in Exhibit A and shall not be used for any other purpose. No Grant Funds will be disbursed for any changes to the Project unless such changes are approved by OEM by amendment pursuant to Section 11.d hereof.
5. **Reports.** Failure of Subrecipient to submit the required program, financial, or audit reports, or to resolve program, financial, or audit issues may result in the suspension of grant payments, termination of this Agreement, or both.

**a. Performance Reports.**

- i. Subrecipient agrees to submit performance reports, using a form provided by OEM, on its progress in meeting each of its agreed upon goals and objectives. The narrative reports will address specific information regarding the activities carried out under the FY 2015 Emergency Management Performance Grant Program and how they address identified work plan elements.
- ii. Reports are due to OEM on or before the 15th day of the month following each subsequent calendar quarter (ending on March 31, June 30, September 30, and December 31).
- iii. Subrecipient may request from OEM prior written approval to extend a performance report requirement past its due date. OEM, in its sole discretion, may approve or reject the request.

**b. Financial Reimbursement Reports.**

- i. To receive reimbursement, Subrecipient must submit a signed Request for Reimbursement (RFR), using a form provided by OEM, that includes supporting documentation for all grant and, if applicable, match expenditures. RFRs may be submitted monthly but no less frequently than quarterly during the term of this Agreement. At a minimum, RFRs must be submitted on or before 30 days following each subsequent calendar quarter (ending on March 31, June 30, September 30, and December 31), and a final RFR must be submitted no later than 30 days following the end of the grant period.
- ii. Reimbursements for expenses will be withheld if performance reports are not submitted by the specified dates or are incomplete.
- iii. Reimbursement rates for travel expenses shall not exceed those allowed by the State of Oregon. Requests for reimbursement for travel must be supported with a detailed statement identifying the person who traveled, the purpose of the travel, the dates, times, and places of travel, and the actual expenses or authorized rates incurred.
- iv. Reimbursements will only be made for actual expenses incurred during the Grant Award Period provided in Section 1. Subrecipient agrees that no grant or, if applicable, match funds may be used for expenses incurred before or after the Grant Award Period.

**6. Disbursement and Recovery of Grant Funds.**

- a. Disbursement Generally.** OEM shall reimburse eligible costs incurred in carrying out the Project, up to the Grant Fund amount provided in Section 3. Reimbursements shall be made by OEM upon approval by OEM of an RFR. Eligible costs are the reasonable and necessary costs incurred by Subrecipient for the Project, in accordance with the Emergency Management Performance Grants guidance and application materials, including without limitation the United States Department of Homeland Security Notice of Funding Opportunity Announcement (NOFO), that are not excluded from reimbursement by OEM, either by this Agreement or by exclusion as a result of financial review or audit. The guidance, application materials and NOFO are available at [http://www.oregon.gov/OMD/OEM/Pages/plans\\_train/EMPG.aspx](http://www.oregon.gov/OMD/OEM/Pages/plans_train/EMPG.aspx).
- b. Conditions Precedent to Disbursement.** OEM's obligation to disburse Grant Funds to Subrecipient is subject to satisfaction, with respect to each disbursement, of each of the following conditions precedent:
  - i. OEM has received funding, appropriations, limitations, allotments or other expenditure authority sufficient to allow OEM, in the exercise of its reasonable administrative discretion, to make the disbursement.

- ii. Subrecipient is in compliance with the terms of this Agreement including, without limitation, Exhibit B and the requirements incorporated by reference in Exhibit B.
- iii. Subrecipient's representations and warranties set forth in Section 7 hereof are true and correct on the date of disbursement with the same effect as though made on the date of disbursement.
- iv. Subrecipient has provided to OEM a RFR in accordance with Section 5.b of this Agreement.

**c. Recovery of Grant Funds.** Any funds disbursed to Subrecipient under this Agreement that are expended in violation or contravention of one or more of the provisions of this Agreement ("Misexpended Funds") or that remain unexpended on the earlier of termination or expiration of this Agreement ("Unexpended Funds") must be returned to OEM. Subrecipient shall return all Misexpended Funds to OEM promptly after OEM's written demand and no later than 15 days after OEM's written demand. Subrecipient shall return all Unexpended Funds to OEM within 14 days after the earlier of expiration or termination of this Agreement.

**7. Representations and Warranties of Subrecipient.** Subrecipient represents and warrants to OEM as follows:

- a. Organization and Authority.** Subrecipient is a political subdivision of the State of Oregon and is eligible to receive the Grant Funds. Subrecipient has full power, authority, and legal right to make this Agreement and to incur and perform its obligations hereunder, and the making and performance by Subrecipient of this Agreement (1) have been duly authorized by all necessary action of Subrecipient and (2) do not and will not violate any provision of any applicable law, rule, regulation, or order of any court, regulatory commission, board, or other administrative agency, (3) do not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which Subrecipient is a party or by which Subrecipient or any of its properties may be bound or affected. No authorization, consent, license, approval of, filing or registration with or notification to any governmental body or regulatory or supervisory authority is required for the execution, delivery or performance by Subrecipient of this Agreement.
- b. Binding Obligation.** This Agreement has been duly executed and delivered by Subrecipient and constitutes a legal, valid and binding obligation of Subrecipient, enforceable in accordance with its terms subject to the laws of bankruptcy, insolvency, or other similar laws affecting the enforcement of creditors' rights generally.
- c. No Solicitation.** Subrecipient's officers, employees, and agents shall neither solicit nor accept gratuities, favors, or any item of monetary value from contractors, potential contractors, or parties to subagreements. No member or delegate to the Congress of the United States or State of Oregon employee shall be admitted to any share or part of this Agreement or any benefit arising therefrom.
- d. NIMS Compliance.** By accepting FY 2015 funds, Subrecipient certifies that it has met National Incident Management System (NIMS) compliance activities outlined in the Oregon NIMS Requirements located through the OEM at [http://www.oregon.gov/OMD/OEM/Pages/plans\\_train/NIMS.aspx#Oregon\\_NIMS\\_Requirements](http://www.oregon.gov/OMD/OEM/Pages/plans_train/NIMS.aspx#Oregon_NIMS_Requirements).

The warranties set forth in this section are in addition to, and not in lieu of, any other warranties set forth in this Agreement or implied by law.

## **8. Records Maintenance and Access; Audit.**

- a. Records, Access to Records and Facilities.** Subrecipient shall make and retain proper and complete books of record and account and maintain all fiscal records related to this Agreement and the Project in accordance with all applicable generally accepted accounting principles, generally accepted governmental auditing standards and state minimum standards for audits of municipal corporations. Subrecipient acknowledges and agrees, and Subrecipient will require its contractors, subcontractors, sub-recipients (collectively hereafter “contractors”), successors, transferees, and assignees to acknowledge and agree, to provide OEM, Oregon Secretary of State (Secretary), Office of Inspector General (OIG), Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), or any of their authorized representatives, access to records, accounts, documents, information, facilities, and staff. Subrecipient and its contractors must cooperate with any compliance review or complaint investigation by any of the above listed agencies, providing them access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary. The right of access is not limited to the required retention period but shall last as long as the records are retained.
- b. Retention of Records.** Subrecipient shall retain and keep accessible all books, documents, papers, and records that are directly related to this Agreement, the Grant Funds or the Project for until the latest of (a) six years following termination, completion or expiration of this Agreement, (b) upon resolution of any litigation or other disputes related to this Agreement, or (c) as required by 2 CFR 200.333. It is the responsibility of Subrecipient to obtain a copy of 2 CFR Part 200, and to apprise itself of all rules and regulations set forth.
- c. Audits.**
  - i. If Subrecipient expends \$750,000 or more in Federal funds (from all sources) in its fiscal year, Subrecipient shall have a single organization-wide audit conducted in accordance with the provisions of 2 CFR 200 Subpart F. Copies of all audits must be submitted to OEM within 30 days of completion. If Subrecipient expends less than \$ 750,000 in its fiscal year in Federal funds, Subrecipient is exempt from Federal audit requirements for that year. Records must be available for review or audit by appropriate officials as provided in Section 8.a. herein.
  - ii. Audit costs for audits not required in accordance with 2 CFR 200 Subpart F are unallowable. If Subrecipient did not expend \$750,000 or more in Federal funds in its fiscal year, but contracted with a certified public accountant to perform an audit, costs for performance of that audit shall not be charged to the grant.
  - iii. Subrecipient shall save, protect and hold harmless the OEM from the cost of any audits or special investigations performed by the Secretary or any federal agency with respect to the funds expended under this Agreement. Subrecipient acknowledges and agrees that any audit costs incurred by Subrecipient as a result of allegations of fraud, waste or abuse are ineligible for reimbursement under this or any other agreement between Subrecipient and the State of Oregon.

## **9. Subrecipient Procurements; Property and Equipment Management and Records; Subcontractor Indemnity and Insurance**

- a. Subagreements.** Subrecipient may enter into agreements (hereafter “subagreements”) for performance of the Project. Subrecipient shall use its own procurement procedures and regulations, provided that the procurement conforms to applicable Federal and State law

(including without limitation ORS chapters 279A, 279B, 279C, and that for contracts for more than \$150,000, the contract shall address administrative, contractual or legal remedies for violation or breach of contract terms and provide for sanctions and penalties as appropriate, and for contracts for more than \$10,000 address termination for cause or for convenience including the manner in which termination will be effected and the basis for settlement).

- i. Subrecipient shall provide to OEM copies of all Requests for Proposals or other solicitations for procurements anticipated to be for \$100,000 or more and to provide to OEM, upon request by OEM, such documents for procurements for less than \$100,000. Subrecipient shall include with its RFR a list of all procurements issued during the period covered by the report.
- ii. All subagreements, whether negotiated or competitively bid and without regard to dollar value, shall be conducted in a manner that encourages fair and open competition to the maximum practical extent possible. All sole-source procurements in excess of \$100,000 must receive prior written approval from OEM in addition to any other approvals required by law applicable to Subrecipient. Justification for sole-source procurement in excess of \$100,000 should include a description of the program and what is being contracted for, an explanation of why it is necessary to contract noncompetitively, time constraints and any other pertinent information. Interagency agreements between units of government are excluded from this provision.
- iii. Subrecipient shall be alert to organizational conflicts of interest or non-competitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. Contractors that develop or draft specifications, requirements, statements of work, or Requests for Proposals (RFP) for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement. Any request for exemption must be submitted in writing to OEM.
- iv. Subrecipient agrees that, to the extent it uses contractors, such contractors shall use small, minority, women-owned or disadvantaged business concerns and contractors or subcontractors to the extent practicable.

**b. Purchases and Management of Property and Equipment; Records.** Subrecipient agrees to comply with all applicable federal requirements referenced in Exhibit B, Section II.C.1 to this Agreement and procedures for managing and maintaining records of all purchases of property and equipment will, at a minimum, meet the following requirements:

- i. All property and equipment purchased under this agreement, whether by Subrecipient or a contractor, will be conducted in a manner providing full and open competition and in accordance with all applicable procurement requirements, including without limitation ORS chapters 279A, 279B, 279C, and purchases shall be recorded and maintained in Subrecipient's property or equipment inventory system.
- ii. Subrecipient's property and equipment records shall include: a description of the property or equipment; the manufacturer's serial number, model number, or other identification number; the source of the property or equipment, including the Catalog of Federal Domestic Assistance (CFDA) number; name of person or entity holding title to the property or equipment; the acquisition date; cost and percentage of Federal participation in the cost; the location, use and condition of the property or equipment; and any ultimate disposition data including the date of disposal and sale price of the property or equipment.
- iii. A physical inventory of the property and equipment must be taken and the results reconciled with the property and equipment records at least once every two years.



- iv. Subrecipient must develop a control system to ensure adequate safeguards to prevent loss, damage, or theft of the property and equipment. Subrecipient shall investigate any loss, damage, or theft and shall provide the results of the investigation to OEM upon request.
  - v. Subrecipient must develop, or require its contractors to develop, adequate maintenance procedures to keep the property and equipment in good condition.
  - vi. If Subrecipient is authorized to sell the property or equipment, proper sales procedures must be established to ensure the highest possible return.
  - vii. Subrecipient agrees to comply with 2 CFR 200.313 pertaining to use and disposal of equipment purchased with Grant Funds, including when original or replacement equipment acquired with Grant Funds is no longer needed for the original project or program or for other activities currently or previously supported by a Federal agency.
  - viii. Subrecipient shall require its contractors to use property and equipment management requirements that meet or exceed the requirements provided herein applicable to all property and equipment purchased with Grant Funds.
  - ix. Subrecipient shall, and shall require its contractors to, retain, the records described in this Section 9.b. for a period of six years from the date of the disposition or replacement or transfer at the discretion of OEM. Title to all property and equipment purchased with Grant Funds shall vest in Subrecipient if Subrecipient provides written certification to OEM that it will use the property and equipment for purposes consistent with the Emergency Management Performance Grant Program.
- c. **Subagreement indemnity; insurance.** *Subrecipient's subagreement(s) shall require the other party to such subagreements(s) that is not a unit of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless OEM and its officers, employees and agents from and against any and all claims, actions, liabilities, damages, losses, or expenses, including attorneys' fees, arising from a tort, as now or hereafter defined in ORS 30.260, caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of the other party to Subrecipient's subagreement or any of such party's officers, agents, employees or subcontractors ("Claims"). It is the specific intention of the Parties that OEM shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of OEM, be indemnified by the other party to Subrecipient's subagreement(s) from and against any and all Claims.*

Any such indemnification shall also provide that neither Subrecipient's contractor(s) nor any attorney engaged by Subrecipient's contractor(s) shall defend any claim in the name of OEM or any agency of the State of Oregon (collectively "State"), nor purport to act as legal representative of the State or any of its agencies, without the prior written consent of the Oregon Attorney General. The State may, at any time at its election, assume its own defense and settlement in the event that it determines that Subrecipient's contractor is prohibited from defending State or that Subrecipient's contractor is not adequately defending State's interests, or that an important governmental principle is at issue or that it is in the best interests of State to do so. State reserves all rights to pursue claims it may have against Subrecipient's contractor if State elects to assume its own defense.

Subrecipient shall require the other party, or parties, to each of its subagreements that are not units of local government as defined in ORS 190.003 to obtain and maintain insurance of the types and in the amounts provided in Exhibit C to this Agreement.

## 10. Termination

- a. Termination by OEM.** OEM may terminate this Agreement effective upon delivery of written notice of termination to Subrecipient, or at such later date as may be established by OEM in such written notice, if:
- i. Subrecipient fails to perform the Project within the time specified herein or any extension thereof or commencement, continuation or timely completion of the Project by Subrecipient is, for any reason, rendered improbable, impossible, or illegal; or
  - ii. OEM fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow OEM, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement; or
  - iii. Federal or state laws, rules, regulations or guidelines are modified or interpreted in such a way that the Project is no longer allowable or no longer eligible for funding under this Agreement; or
  - iv. The Project would not produce results commensurate with the further expenditure of funds; or
  - v. Subrecipient takes any action pertaining to this Agreement without the approval of OEM and which under the provisions of this Agreement would have required the approval of OEM.
  - vi. OEM determines there is a material misrepresentation, error or inaccuracy in Subrecipient's application.
- b. Termination by Subrecipient.** Subrecipient may terminate this Agreement effective upon delivery of written notice of termination to OEM, or at such later date as may be established by Subrecipient in such written notice, if:
- i. The requisite local funding to continue the Project becomes unavailable to Subrecipient; or
  - ii. Federal or state laws, rules, regulations or guidelines are modified or interpreted in such a way that the Project is no longer allowable or no longer eligible for funding under this Agreement.
- c. Termination by Either Party.** Either Party may terminate this Agreement upon at least ten days notice to the other Party and failure of the other Party to cure within the period provided in the notice, if the other Party fails to comply with any of the terms of this Agreement.
- d. Settlement upon Termination.** Immediately upon termination under Sections 10.a.i, v. or vi, no Grant Funds shall be disbursed by OEM and Subrecipient shall return to OEM Grant Funds previously disbursed to Subrecipient by OEM in accordance with Section 6.c and the terminating party may pursue additional remedies in law or equity. Upon termination pursuant to any other provision in this Section 10, no further Grant Funds shall be disbursed by OEM and Subrecipient shall return funds to OEM in accordance with Section 6.c, except that Subrecipient may pay, and OEM shall disburse, funds for obligations incurred and approved by OEM up to the day that the non-terminating party receives the notice of termination. Termination of this Agreement does not relieve Subrecipient of any other term of this Agreement that may survive termination, including without limitation Sections 11.a and c.

## 11. GENERAL PROVISIONS

- a. **Contribution.** If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 (“Third Party Claim”) against OEM or Subrecipient with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party’s liability with respect to the Third Party Claim.

With respect to a Third Party Claim for which OEM is jointly liable with Subrecipient (or would be if joined in the Third Party Claim), OEM shall contribute to the amount of expenses (including attorneys’ fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Subrecipient in such proportion as is appropriate to reflect the relative fault of OEM on the one hand and of Subrecipient on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of OEM on the one hand and of Subrecipient on the other hand shall be determined by reference to, among other things, the Parties’ relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. OEM’s contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if OEM had sole liability in the proceeding.

With respect to a Third Party Claim for which Subrecipient is jointly liable with OEM (or would be if joined in the Third Party Claim), Subrecipient shall contribute to the amount of expenses (including attorneys’ fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by OEM in such proportion as is appropriate to reflect the relative fault of Subrecipient on the one hand and of OEM on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Subrecipient on the one hand and of OEM on the other hand shall be determined by reference to, among other things, the Parties’ relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Subrecipient’s contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.

- b. **Dispute Resolution.** The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation. Each party shall bear its own costs incurred under this Section 11.b.
- c. **Responsibility for Grant Funds.** Any recipient of Grant Funds, pursuant to this Agreement with OEM, shall assume sole liability for that recipient’s breach of the conditions of this Agreement, and shall, upon such recipient’s breach of conditions that requires OEM to return funds to the FEMA, hold harmless and indemnify OEM for an amount equal to the funds received under this Agreement; or if legal limitations apply to the indemnification ability of the recipient of Grant

Funds, the indemnification amount shall be the maximum amount of funds available for expenditure, including any available contingency funds or other available non-appropriated funds, up to the amount received under this Agreement.

- d. **Amendments.** This Agreement may be amended or extended only by a written instrument signed by both Parties and approved as required by applicable law.
- e. **Duplicate Payment.** Subrecipient is not entitled to compensation or any other form of duplicate, overlapping or multiple payments for the same work performed under this Agreement from any agency of the State of Oregon or the United States of America or any other party, organization or individual.
- f. **No Third Party Beneficiaries.** OEM and Subrecipient are the only Parties to this Agreement and are the only Parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly or indirectly, to a third person unless such a third person is individually identified by name herein and expressly described as an intended beneficiary of the terms of this Agreement.

Subrecipient acknowledges and agrees that the Federal Government, absent express written consent by the Federal Government, is not a party to this Agreement and shall not be subject to any obligations or liabilities to Subrecipient, contractor or any other party (whether or not a party to the Agreement) pertaining to any matter resulting from the this Agreement.

- g. **Notices.** Except as otherwise expressly provided in this Section, any communications between the parties hereto or notice to be given hereunder shall be given in writing by personal delivery, facsimile, email or mailing the same by registered or certified mail, postage prepaid to Subrecipient or OEM at the appropriate address or number set forth on the signature page of this Agreement, or to such other addresses or numbers as either party may hereafter indicate pursuant to this Section. Any communication or notice so addressed and sent by registered or certified mail shall be deemed delivered upon receipt or refusal of receipt. Any communication or notice delivered by facsimile shall be deemed to be given when receipt of the transmission is generated by the transmitting machine. Any communication or notice by personal delivery shall be deemed to be given when actually delivered. Any communication by email shall be deemed to be given when the recipient of the email acknowledges receipt of the email. The parties also may communicate by telephone, regular mail or other means, but such communications shall not be deemed Notices under this Section unless receipt by the other party is expressly acknowledged in writing by the receiving party.
- h. **Governing Law, Consent to Jurisdiction.** This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively, "Claim") between OEM (or any other agency or department of the State of Oregon) and Subrecipient that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County in the State of Oregon. In no event shall this section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, from any Claim or from the jurisdiction of any court. Each party hereby consents to the exclusive jurisdiction of such court, waives any objection to venue, and waives any claim that such forum is an inconvenient forum.

- i. Compliance with Law.** Subrecipient shall comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to the Agreement or to the implementation of the Project, including without limitation as described in Exhibit B. Without limiting the generality of the foregoing, Subrecipient expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
- j. Insurance; Workers' Compensation.** All employers, including Subrecipient, that employ subject workers who provide services in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage, unless such employers are exempt under ORS 656.126. Employer's liability insurance with coverage limits of not less than \$500,000 must be included. Subrecipient shall ensure that each of its subrecipient(s), contractor(s), and subcontractor(s) complies with these requirements.
- k. Independent Contractor.** Subrecipient shall perform the Project as an independent contractor and not as an agent or employee of OEM. Subrecipient has no right or authority to incur or create any obligation for or legally bind OEM in any way. OEM cannot and will not control the means or manner by which Subrecipient performs the Project, except as specifically set forth in this Agreement. Subrecipient is responsible for determining the appropriate means and manner of performing the Project. Subrecipient acknowledges and agrees that Subrecipient is not an "officer", "employee", or "agent" of OEM, as those terms are used in ORS 30.265, and shall not make representations to third parties to the contrary.
- l. Severability.** If any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if this Agreement did not contain the particular term or provision held to be invalid.
- m. Counterparts.** This Agreement may be executed in two or more counterparts (by facsimile or otherwise), each of which is an original and all of which together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.
- n. Integration and Waiver.** This Agreement, including all Exhibits and referenced documents, constitutes the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. The delay or failure of either Party to enforce any provision of this Agreement shall not constitute a waiver by that Party of that or any other provision. Subrecipient, 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.

**THE PARTIES**, by execution of this Agreement, hereby acknowledge that each Party has read this Agreement, understands it, and agrees to be bound by its terms and conditions.

SIGNATURE PAGE TO FOLLOW



**WASCO COUNTY**

By \_\_\_\_\_

Name \_\_\_\_\_  
(printed)

Date \_\_\_\_\_

**APPROVED AS TO LEGAL SUFFICIENCY**  
(If required for Subrecipient)

By \_\_\_\_\_  
Subrecipient's Legal Counsel

Date \_\_\_\_\_

**Subrecipient Program Contact:**

Kristy Beachamp  
Wasco County Sheriff's Office  
511 Washington St, Suite 102  
The Dalles, OR 97058  
541-506-2790  
kristyt@co.wasco.or.us

**Subrecipient Fiscal Contact:**

Debbie Smith-Wagar  
Wasco County  
511 Washington St  
The Dalles, OR 97058  
541-506-2770  
debbies@co.wasco.or.us

**OEM**

By \_\_\_\_\_

Clint Fella  
Mitigation and Recovery Services Section Manager, OEM

Date \_\_\_\_\_

**APPROVED AS TO FORM**

By Keith L. Kutler via email  
Assistant Attorney General

Date August 27, 2015

**OEM Program Contact:**

Kelly Jo Craigmiles  
Operations and Emergency Program Coordinator  
Oregon Military Department  
Office of Emergency Management  
PO Box 14370  
Salem, OR 97309-5062  
503-378-2911 extension 22246  
kelly.jo.craigmiles@state.or.us

**OEM Fiscal Contact:**

Dan Gwin  
Grants Accountant  
Oregon Military Department  
Office of Emergency Management  
PO Box 14370  
Salem, OR 97309-5062  
503-378-2911 extension 22290  
dan.gwin@state.or.us

## EXHIBIT A

### Project Description and Budget

#### I. Project Description

The FY2015 EMPG Program focuses on the development and sustainment of core capabilities as outlined in the National Preparedness Strategy. Particular emphasis is placed on building and sustaining capabilities that address high consequence events that pose the greatest risk to the security and resilience of the United States. Capabilities are the means to accomplish a mission, function, or objective based on the performance of related tasks, under specified conditions, to target levels of performance. The FY2015 EMPG Work Plan identifies the specific tasks to be performed towards the development and sustainment of core capabilities in Subrecipient's jurisdiction. The funds from this agreement are meant to supplement a portion of Subrecipient's day-to-day operational costs for Emergency Management, as outlined in Subrecipient's approved Work Plan. The Work Plan may be updated upon approval by OEM.

#### II. Budget

There is a 50% cash match requirement on this grant.

Grant Funds:	\$39,000
Match Funds:	\$39,000
<b>Total Budget:</b>	<b>\$78,000</b>

Personnel	\$62,000
Supplies	\$10,000
Phones/Communications	\$1,000
Travel	\$5,000
<b>Total (Grant plus Match)</b>	<b>\$78,000</b>

## EXHIBIT B

### Federal Requirements and Certifications

**I. General.** Subrecipient agrees to comply with all federal requirements applicable to this Agreement, including without limitation financial management and procurement requirements and maintain accounting and financial records in accordance with Generally Accepted Accounting Principles (GAAP) and financial, administrative, and audit requirements as set forth in the most recent versions of the Code of Federal Regulations (CFR), Department of Homeland Security (DHS) program legislation, and DHS/Federal Emergency Management Agency (FEMA) regulations.

### II. Specific Requirements and Certifications

- A. Debarment, Suspension, Ineligibility and Voluntary Exclusion.** Subrecipient certifies by accepting funds under this Agreement that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, nor voluntarily excluded from participation in this transaction by any Federal department or agency (2 CFR 200.213).
- B. Standard Assurances and Certifications Regarding Lobbying.** Subrecipient is required to comply with 2 CFR 200.450 and the authorities cited therein, including 31 USC § 1352 and *New Restrictions on Lobbying* published at 55 Federal Register 6736 (February 26, 1990).
- C. Compliance with Applicable Law.** Subrecipient agrees to comply with all applicable laws, regulations, program guidance, and guidelines of the State of Oregon, the Federal Government and OEM in the performance of this Agreement, including but not limited to:
1. Administrative Requirements set forth in 2 CFR Part 200, including without limitation:
    - a. Using Grant Funds only in accordance with applicable cost principles described in 2 CFR Subpart E, including that costs allocable to this Grant may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations or the terms of federal awards or other reasons;
    - b. Subrecipient must establish a Conflict of Interest policy applicable to any procurement contract or subawards made under this Agreement in accordance with 2 CFR 200.112. Conflicts of Interest must be disclosed in writing to the OEM within 5 calendar days of discovery including any information regarding measures to eliminate, neutralize, mitigate or otherwise resolve the conflict of interest.
  2. USA Patriot Act of 2001, which amends 18 USC §§ 175-175c.
  3. Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 USC 2225(a).
  4. 31 USC 3729, prohibiting recipients of federal payments from submitting a false claim for payment. *See* 38 USC 3801-3812 detailing administrative remedies for false claims and statements made.
  5. 10 USC §§ 2409 and 2324 and 41 USC §§ 4712, 4304 and 4310 requiring compliance with whistleblower protections, as applicable.
  6. No supplanting. Grant Funds under this Agreement shall not replace funds that have been budgeted for the same purposes through non-Federal sources. Subrecipient may be required to demonstrate and document that a reduction in non-Federal resources occurred for reasons other than receipt or expected receipt of Federal funds.

**D. Non-discrimination and Civil Rights Compliance, Equal Employment Opportunity Program, and Services to Limited English Proficient (LEP) Persons.**

- 1. Non-discrimination and Civil Rights Compliance.** Subrecipient, and all its contractors and subcontractors, assures compliance with all applicable nondiscrimination laws, including but not limited to:
  - a. Title VI of the Civil Rights Act of 1964, 42 USC § 2000d et seq., as amended, and related nondiscrimination regulations in 6 CFR Part 21 and 44 CFR Part 7.
  - b. Title VIII of the Civil Rights Act of 1968, 42 USC § 3601, as amended, and implementing regulations at 6 CFR Part 21 and 44 CFR Part 7.
  - c. Titles I, II, and III of the Americans with Disabilities Act of 1990, as amended, 42 USC §§ 12101 – 12213.
  - d. Age Discrimination Act of 1975, 42 USC § 6101 et seq.
  - e. Title IX of the Education Amendments of 1972, as amended, 20 USC § 1681 et seq.
  - f. Section 504 of the Rehabilitation Act of 1973, as amended, 29 USC § 794, as amended.
  - g. If, during the past three years, Subrecipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, Subrecipient must provide a letter certifying that all documentation of such proceedings, pending or completed, including outcome and copies of settlement agreements will be made available to OEM upon request. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against Subrecipient, or Subrecipient settles a case or matter alleging such discrimination, Subrecipient must forward a letter to OEM summarizing the finding and making a copy of the complaint and findings available to OEM.
- 2. Equal Employment Opportunity Program.** Subrecipient, and any of its contractors and subcontractors, certifies that an equal employment opportunity program will be in effect on or before the effective date of this Agreement. Subrecipient must maintain a current copy on file.
- 3. Services to Limited English Proficient (LEP) Persons.** Subrecipient, and any of its contractors and subcontractors agrees to comply with the requirements Title VI of the Civil Rights Act of 1964 and Executive Order 13166, improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin and resulting agency guidance, national origin discrimination includes discrimination on the basis of LEP. To ensure compliance with Title VI, Subrecipient must take reasonable steps to ensure that LEP persons have meaningful access to your programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Subrecipient is encouraged to consider the need for language services for LEP persons served or encountered both in developing budgets and in conducting programs and activities. For assistance additional information regarding LEP obligations, please see <http://www.lep.gov>.

## **E. Environmental and Historic Preservation.**

1. Subrecipient shall comply with all applicable Federal, State, and local environmental and historic preservation (EHP) requirements and shall provide any information requested by FEMA to ensure compliance with applicable environmental and historic preservation laws including but not limited to:
  - a. National Environmental Policy Act of 1969, as amended, 42 USC § 4321, and related FEMA regulations, 44 CFR Part 10.
  - b. National Historic Preservation Act, 16 USC § 470 et seq.
  - c. Endangered Species Act, 16 USC § 1531 et seq.
  - d. Executive Orders on Floodplains (11988), Wetlands (11990) and Environmental Justice (12898).

Failure of Subrecipient to meet Federal, State, and local EHP requirements and obtain applicable permits may jeopardize Federal funding.

2. Subrecipient shall not undertake any project without prior EHP approval by FEMA, including but not limited to communications towers, physical security enhancements, new construction, and modifications to buildings, structures, and objects that are 50 years old or greater. Subrecipient must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, Subrecipient must ensure monitoring of ground disturbance and if any potential archeological resources are discovered, Subrecipient will immediately cease construction in that area and notify FEMA and the appropriate State Historic Preservation Office. Any construction activities that have been initiated without the necessary EHP review and approval will result in a non-compliance finding and will not be eligible for FEMA funding.
3. For any of Subrecipient's or its contractors' or subcontractors' existing programs or activities that will be funded by these grant funds, Subrecipient, upon specific request from the U.S. DHS, agrees to cooperate with the U.S. DHS in any preparation by the U.S. DHS of a national or program environmental assessment of that funded program or activity.

**F. PROCUREMENT OF RECOVERED MATERIALS.** Subrecipient must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Recovery and Conservation Act and in accordance with Environmental Protection Agency guidelines at 40 CFR Part 247.

**G. SAFECOM.** If the Grant Funds are for emergency communication equipment and related activities, Subrecipient must comply with SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

**H. Drug Free Workplace Requirements.** Subrecipient agrees to comply with the requirements of the Drug-Free Workplace Act of 1988, 41 USC § 701 et seq., as amended, and implementing regulations at 2 CFR Part 3001 which require that all organizations receiving grants (or subgrants) from any Federal agency agree to maintain a drug-free workplace. Subrecipient must notify this office if an employee of Subrecipient is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for debarment.



- I. Human Trafficking (2 CFR Part 175).** Subrecipient must comply with requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, 22 USC § 7104, as amended and 2 CFR § 175.15.
- J. Fly America Act of 1974.** Subrecipient agrees to comply with the requirements of the Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 USC § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, as amended, (49 USC § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to the Comptroller General Decision B138942.
- K. Activities Conducted Abroad.** Subrecipient agrees to comply with the requirements that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.
- L. Acknowledgement of Federal Funding from DHS.** Subrecipient agrees to comply with requirements to acknowledge Federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.
- M. Copyright.** Subrecipient shall affix the applicable copyright notices of 17 USC § 401 or 402 and an acknowledgement of Government sponsorship (including Subgrant number) to any work first produced under an award unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations). For any scientific, technical, or other copyright work based on or containing data first produced under this Agreement, including those works published in academic, technical or professional journals, symposia proceedings, or similar works, Subrecipient grants the Government a royalty-free, nonexclusive and irrevocable license to reproduce, display, distribute copies, perform, disseminate, or prepare derivative works, and to authorize others to do so, for Government purposes in all such copyrighted works.
- N. Patents and Intellectual Property Rights.** Unless otherwise provided by law, Subrecipient is subject the Bayh-Dole Act, 35 USC § 200 et seq., as amended, including requirements governing the development, reporting and disposition of rights to inventions and patents resulting from financial assistance awards, 37 CFR Part 401, and the standard patent rights clause in 37 CFR § 401.14.
- O. Use of DHS Seal, Logo and Flags.** Subrecipient agrees to obtain DHS's approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.
- P. Personally Identifiable Information (PII).** Subrecipient, if it collects PII, is required to have a publically available privacy policy that described what PII they collect, how they use it, whether they share it with third parties and how individuals may have their PII corrected where appropriate.

**Q. Federal Debt Status.** Subrecipient shall be non-delinquent in its repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, benefit overpayments and any amounts due under Section 11.c of this Agreement. See OMB Circular A-129 for additional information and guidance.

**R. Construction Contracts.**

1. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60–1.3 must include the equal opportunity clause provided under 41 CFR 60–1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964–1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”
2. When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis–Bacon Act (40 U.S.C. 3141–3144, and 3146–3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”).
3. Contracts awarded by Grantee in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5).
4. Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401–7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251–1387).

**S. Funding Agreements.** If the Federal award meets the definition of “funding agreement” under 37 CFR § 401.2 (a) and Grantee wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” Grantee must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

## EXHIBIT C

### Subagreement Insurance Requirements

#### GENERAL.

Subrecipient shall require in its first tier subagreements with entities that are not units of local government as defined in ORS 190.003, if any, to: i) obtain insurance specified under TYPES AND AMOUNTS and meeting the requirements under ADDITIONAL INSURED, “TAIL” COVERAGE, NOTICE OF CANCELLATION OR CHANGE, and CERTIFICATES OF INSURANCE before performance under the subagreement commences, and ii) maintain the insurance in full force throughout the duration of the subagreement. The insurance must be provided by insurance companies or entities that are authorized to transact the business of insurance and issue coverage in the State of Oregon and that are acceptable to State. Subrecipient shall not authorize work to begin under subagreements until the insurance is in full force. Thereafter, Subrecipient shall monitor continued compliance with the insurance requirements on an annual or more frequent basis. Subrecipient shall incorporate appropriate provisions in the subagreement permitting it to enforce compliance with the insurance requirements and shall take all reasonable steps to enforce such compliance. In no event shall Subrecipient permit work under a subagreement when Subrecipient is aware that the contractor is not in compliance with the insurance requirements. As used in this section, “first tier” means a subagreement in which Subrecipient is a Party.

#### TYPES AND AMOUNTS.

i. WORKERS COMPENSATION. Insurance in compliance with ORS 656.017, which requires all employers that employ subject workers, as defined in ORS 656.027, to provide workers’ compensation coverage for those workers, unless they meet the requirement for an exemption under ORS 656.126(2). Employers liability insurance with coverage limits of not less than \$500,000 must be included.

#### ii. COMMERCIAL GENERAL LIABILITY.

Commercial General Liability Insurance covering bodily injury, death, and property damage in a form and with coverages that are satisfactory to State. This insurance shall include personal injury liability, products and completed operations. Coverage shall be written on an occurrence form basis, with not less than the following amounts as determined by OEM:

Bodily Injury, Death and Property Damage:

\$500,000 per occurrence (for all claimants for claims arising out of a single accident or occurrence).

#### iii. AUTOMOBILE Liability Insurance: Automobile Liability.

Automobile Liability Insurance covering all owned, non-owned and hired vehicles. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits for “Commercial General Liability” and “Automobile Liability”). Automobile Liability Insurance must be in not less than the following amounts as determined by OEM:

**Bodily Injury, Death and Property Damage:**

\$500,000 per occurrence (for all claimants for claims arising out of a single accident or occurrence).

**ADDITIONAL INSURED.** The Commercial General Liability Insurance and Automobile Liability insurance must include OEM, its officers, employees and agents as Additional Insureds but only with respect to the contractor's activities to be performed under the Subcontract. Coverage must be primary and non-contributory with any other insurance and self-insurance.

**"TAIL" COVERAGE.** If any of the required insurance policies is on a "claims made" basis, such as professional liability insurance, the contractor shall maintain either "tail" coverage or continuous "claims made" liability coverage, provided the effective date of the continuous "claims made" coverage is on or before the effective date of the Subcontract, for a minimum of 24 months following the later of : (i) the contractor's completion and Subrecipient's acceptance of all Services required under the Subcontract or, (ii) the expiration of all warranty periods provided under the Subcontract. Notwithstanding the foregoing 24-month requirement, if the contractor elects to maintain "tail" coverage and if the maximum time period "tail" coverage reasonably available in the marketplace is less than the 24-month period described above, then the contractor may request and OEM may grant approval of the maximum "tail" coverage period reasonably available in the marketplace. If OEM approval is granted, the contractor shall maintain "tail" coverage for the maximum time period that "tail" coverage is reasonably available in the marketplace.

**NOTICE OF CANCELLATION OR CHANGE.** The contractor or its insurer must provide 30 days' written notice to Subrecipient before cancellation of, material change to, potential exhaustion of aggregate limits of, or non-renewal of the required insurance coverage(s).

**CERTIFICATE(S) OF INSURANCE.** Subrecipient shall obtain from the contractor a certificate(s) of insurance for all required insurance before the contractor performs under the Subcontract. The certificate(s) or an attached endorsement must specify: i) all entities and individuals who are endorsed on the policy as Additional Insured and ii) for insurance on a "claims made" basis, the extended reporting period applicable to "tail" or continuous "claims made" coverage.

## **Exhibit D**

### **Information required by 2 CFR 200.331(a)**

1. Federal Award Identification:
  - (i) Subrecipient name (which must match registered name in DUNS): Wasco County
  - (ii) Subrecipient's DUNS number: 084415959
  - (iii) Federal Award Identification Number (FAIN): EMW-2015-EP-00022
  - (iv) Federal Award Date: July 9, 2015
  - (v) Sub-award Period of Performance: July 1, 2015 through June 30, 2016
  - (vi) Amount of Federal Funds Obligated by this Agreement: \$39,000
  - (vii) Total Amount of Federal Funds Obligated to the Subrecipient by the pass-through entity including this Agreement: \$39,000
  - (viii) Total Amount of Federal Award committed to the Subrecipient by the pass-through entity: \$39,000
  - (ix) Federal award project description: Emergency Management Performance Grant (EMPG) Program provides resources to assist state, local, tribal, and territorial governments in preparing for all hazards, as authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) (42 U.S.C 5121 et seq.).
  - (x)
    - (a) Name of Federal awarding agency: U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA)
    - (b) Name of pass-through entity: Oregon Military Department, Office of Emergency Management
    - (c) Contact information for awarding official of the pass-through entity: Andrew Phelps, Director, PO Box 14370, Salem, OR 97309-5062
  - (xi) CFDA Number and Name: 97.042, Emergency Management Performance Grants  
Amount: \$39,000
  - (xii) Is Award R&D? No
  - (xiii) Indirect cost rate for the Federal award: 0%
2. Subrecipient's indirect cost rate: 0%



David Wehrly - Upper Dufur Valley Road, Dufur

My initial concerns when commenting to the Board prior to the first proposed What-The-Festival, and subsequent events, have continued to be well founded.

The petitioner purchased the property knowing full well that his intended commercial use was in total nonconformance under the zoning.

The Board has contended that it had no choice under the State mass gathering laws but to grant such permits, a position that has in fact been proved totally erroneous.

What-The-Festival has lived up to the worst expectations, especially with respect to noise and traffic.

The organizers and the County have paraded multiple supporters of the festival, not one of them an impacted property owner or resident. And, with the exception of the government representatives, all with a significant financial self-interest in the festival, including several from out of state.

Over the years, every one of the dozens of the impacted property owners and resident that have spoken against the permitting, have done so based on their direct experience, and their anticipation and fear of the future events. At the first hearing the petitioners said this was a '*one time event*', with no future plans. After that initial approval, their website proclaimed, "*Wolf Creek Ranch the 'new permanent home' of What-The-Festival*". The camel's nose was in the tent.

Each successive year the Board, has pleaded it's inability to deny a permit, although provided with evidence that other Counties, had in fact done so. Marion County, by passing an emergency ordinance, to prevent just such a planned event back in 2006.

Any County can and should consider the safety and welfare of it's residents when reviewing such permit applications, for what ever reason, Wasco has come up short in this area.

The County, having opened the door and advertised it's impotence to deal with such infringements on its property owners and residents, subsequently suffered the Jackson Ranch activities, a Burning Man event, in addition to WTF, with the promise of more to come.

Reviews of the What-The-Festival's on various web sites, blogs and in the underground press, [which I have previously documented to the Board], celebrated the level of noise, [a measure of success of such events], and encourage it's increase in the future.

While this commercial noise level may be acceptable in a stadium environment, upper Dufur Valley Road is, in fact, a rural neighborhood, not the Gorge Amphitheater.

We have a situation where the one property owner's clearly nonconforming, incompatible, commercial activities, have become *de facto* permanent through the inaction of the Board. This use of this property, has not only destroyed the tranquility of the surrounding Ag and forest land, but also the health, safety and welfare of every property owner and resident for miles.

The Board of Commissioners, at a working session last October, on the subject of adopting a noise ordinance, refused to pursue a noise ordinance that would provide the same level of protection from amplified sound to the unincorporated areas of the County, that is enjoyed by the incorporated municipalities within the County. Wringing their hands, and proclaiming it just too hard to enforce. One Commissioner indicated it a threat to the What-The-Festival, rather than seeking equity of noise limits throughout the County.

Emboldened, if not directly encouraged by this lack of action by the Board to protect its citizens, the petitioners in the 2015 permit application scrapped the 2014 midnight curfew of amplified sound, for 2:00-AM, This year's application provides no proposed hours of operation other than the beginning and end of the event itself, suggesting that the original 24-hour debacle will be revisited.

The organizers have said "*...our attendees are night people*", which further exhibits their lack of concern and respect for the neighbors, as well as the inherent rural nature of the community.

The Board has finally admitted that it can regulate the noise pollution, but has so far failed to do so. This of course leaves the property owners and resident of the not just this neighborhood, but all unincorporated parts of the County with no protection, second class citizens as compared to those within municipal boundaries.

Given that the Board is determined to permit this activity once again, against the expressed objections of those directly impacted, [at this point, and you still have time to put a noise ordinance in place, as well as deny the permit], the very least you can do, is to impose an amplified sound curfew between the hours of 10:00-PM and 7:00-AM weekdays and 10:00-PM and 10:00-AM weekends in the permit. This both establishes consistency with the municipalities, and equality on that subject across the County.

These options are within the Board's ability.

I am reminded of Commissioner Hege's comments at the September 17th Town Hall, when he commented, "*What worries me is where there are residences and THEN someone moves in and wants to....*" You fill in the blank. In this case bring 7500 people [this year's application estimate, up from 5000 last year] to totally disrupt the lives of an entire community for the commercial benefit and profit of a single property owner, that is taking advantage of the Board's failure to protect

the other property owners and residents of Wasco County who, pay the taxes, elected you, and for whom you work.





November 4, 2015

Mr. Scott Hage, Commission Chair  
Board of County Commissioners  
511 Washington St, Ste. 302  
The Dalles, OR 97058

RE: Building Codes Management Analysis Report

Dear Commissioner Hage:

I had the opportunity to review the Building Codes Management Analysis conducted by the Wasco County Project Team, and I would like to state that I believe that the report is incomplete and contains factual errors and unsubstantiated information that seems more anecdotal than factual, and as such, this analysis provides a bias and unfair characterization of the Building Codes Department, its operations; and the staff who operate the program..

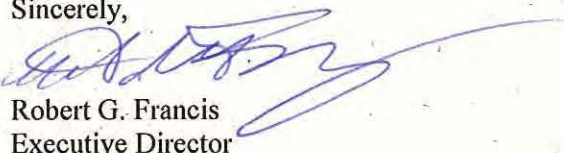
I also believe that in conducting an analysis on any program that is operated by MCCOG, or suggesting changes to how a program is operated, there should be a MCCOG representative on the committee. I also challenge that the "cross-functional" Project Team was made up of a majority of Wasco County staff, but only one member that was not a county employee. No one from the Building Code Department, nor MCCOG itself, was asked to be part of this cross-functional team. It is also my understanding that key members of the team have been employed by Wasco County for a very short period of time.

The analysis states that "MCCOG has come under criticism for having high administrative overhead, lack of transparency, and recently requesting that fees be raised 40% to cover their costs to provide program services". This is not the responsibility of the building department staff. The MCCOG Board of Directors made the necessary changes to provide transparency and more fiscal control.

Since I have assumed the Executive Director position, I reached out to you to discuss MCCOG issues and how business is conducted at MCCOG. I am very willing to sit on any committee that is convened to review and make constructive recommendations on how the program(s) may be improved.

I believe that if the commissioners adopt and proceed with the recommendation listed in the report's Executive Summary, it will impede development in Wasco County and be detrimental to the fiscal sustainability of the County and MCCOG. I am formally requesting that the Wasco County Commissioners reject this report and direct its staff to work with the MCCOG staff to determine what is in the best interest of those we serve. I will also be submitting a detailed analysis of the report within the next week. Thank you.

Sincerely,



Robert G. Francis  
Executive Director





**Public Health**  
Prevent. Promote. Protect.

**NORTH CENTRAL PUBLIC HEALTH DISTRICT**

*"Caring For Our Communities"*

Wasco County Board of Commissioners  
Wasco County Courthouse  
511 Washington St.  
The Dalles, OR 97058

Dear Commissioners,

The Wasco County Solid Waste Advisory Committee met on October 28, 2015, to discuss rate increase requests from The Dalles Disposal and Wasco County Landfill which are both requesting a .76% fee increase starting January 1<sup>st</sup> 2016.

The Solid Waste Advisory Committee asks that the Wasco County Board of Commissioners approve the proposed rate increase requests of .76% for The Dalles Disposal and Wasco County Landfill.

In addition, information on future rate increase was brought forward to the committee about a possible rate increase of the DEQ licensing fees for Wasco County Landfill in 2016 from \$1.24 to \$1.82 a ton.

The Committee also discussed how the Solid Waste Advisory Committee Members are appointed. The Site Manager of the Wasco County Landfill is recommended to an advisory non-voting member

The SWAC also recommends to the Board of Commissioners that the following changes be made to the Solid Waste Ordinance. First, that the Health Officer be removed as a standing member and replaced with a representative from Wasco County (for example the tri county hazardous waste and recycling specialist). Secondly, that they change the number of members from the general public from 2 to a minimum of 2 or a maximum of 4.

In addition, the Solid Waste Advisory Committee would also like to make the Board of Commissioners aware that the Wasco County Landfill has exceeded 100,000 tons of out of County waste this year. Per the Licensing Agreement the County has the option of seeking an additional host fee if more than 100,000 out of County tons are received in one year.

Respectfully,

Vern Harpole

Health Officer  
North Central Public Health District

# Wasco County Contract Processing Form

*To be completed prior to submission to the Board of Commissioners*

Date: 11/4/2015 Title of Contract/Agreement: Emergency Mngmt Performance Grant 15-533I

Department: Emerg Mgmt, Sheriffs Office

Responsible Staff: Kristy Beachamp, L Magill

## Information Systems

Will computer rotation be necessary ? ☐ Yes ☐ No

Will this include ☐ Software Purchase ☐ Installation ☐ Maintenance Agreement?

Will this include a licensing fee? ☐ Yes ☐ No ☐ One-time ☐ Recurring

☐ Information Systems has reviewed this agreement ☒ N/A

Notes: \_\_\_\_\_

## Facilities

Will this agreement require any ☐ maintenance work ☐ new construction?

☐ Facilities has reviewed this agreement. ☒ N/A

Notes: \_\_\_\_\_

## Finance

Is this ☐ a new service or ☐ increasing an existing service? ☒ maintaining an existing service

Dollar Value of Agreement: \$39,000

Is there a match requirement? ☒ Yes ☒ No ☐ Cash ☐ In-kind

Are these funds ☒ already budgeted ☐ need a budget adjustment? ☐ Other – Explain below

for the 2015/16 fiscal year at \$39,000 - equal to contract for one year

Can this agreement be altered as work progresses? ☒ Yes ☐ No

Beginning date of agreement: 07/01/15

Ending date of agreement: 06/30/2016

Notes: Annual, reoccurring contract that allows Wasco County to have such a robust Emergency Management Program. There is no changes to this grant from previous years.

☒ **REVIEWED BY FINANCE**





# Wasco County

## SHERIFF

511 Washington St., Suite #102

The Dalles, Oregon 97058

Phone 541-506-2580

## Emergency Management Program – City Participation Overview

Wasco County's Emergency Management system requires coordination of activities to mitigate, prepare for, respond to and recover from major emergencies or disasters. The Emergency Management program is administered by the Sheriff's Office with the Sheriff designated as the Director of Emergency Services.

The program is coordinated by an Emergency Manager. The scope of the emergency management system includes cities, service districts, volunteer agencies, schools, and other organizations with emergency responsibilities.

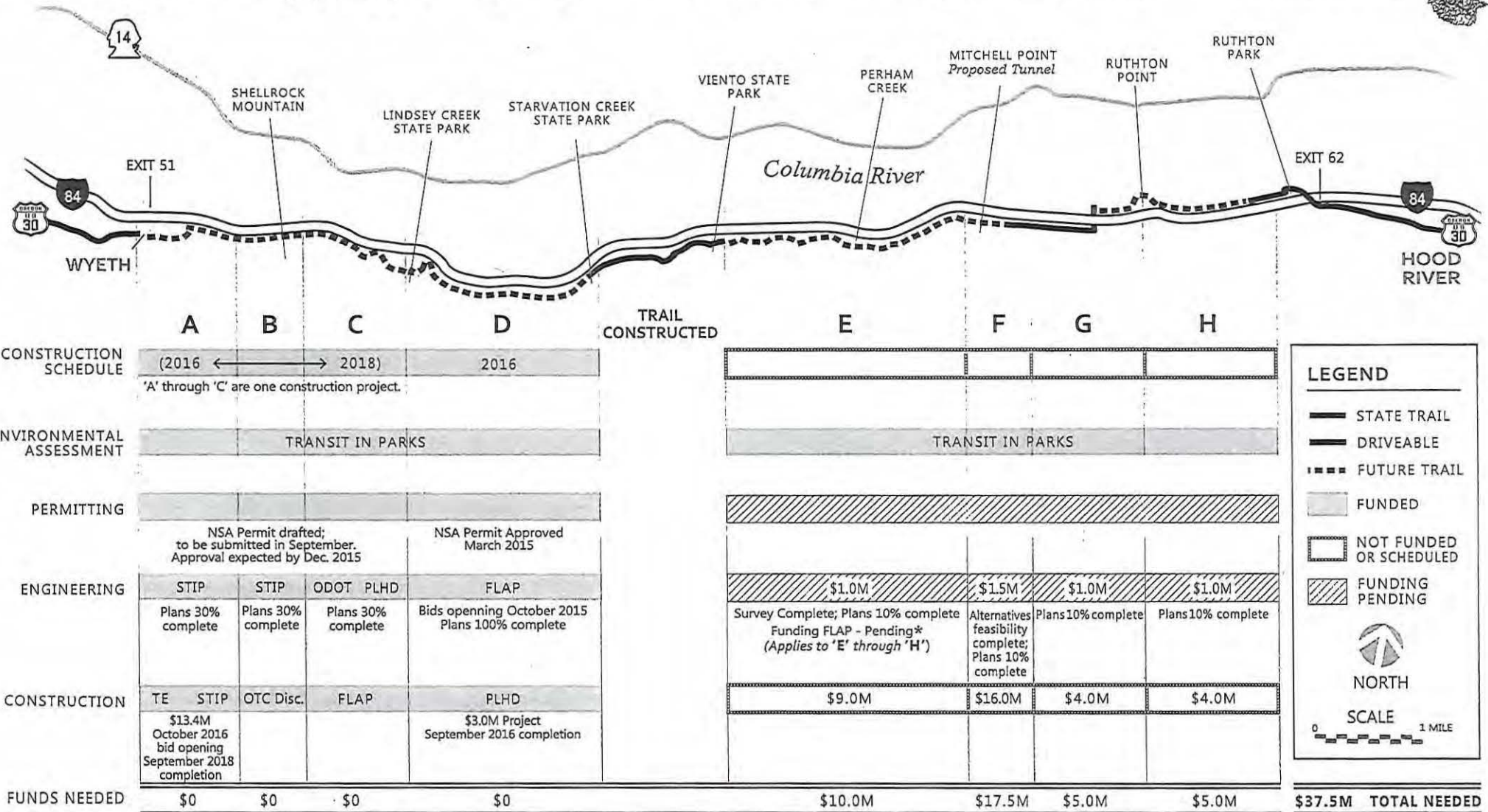
The Emergency Management program is funded through a 50/50 match between local funds and federal Emergency Management Performance Grant (EMPG) funds:

Local Entity	Local Funds Contributed	EMPG Match Funds	Total
Wasco County	\$26,500	\$26,500	\$53,000
City of The Dalles	\$9,000	\$9,000	\$18,000
City of Maupin	\$1,000	\$1,000	\$2,000
City of Mosier	\$1,000	\$1,000	\$2,000
City of Dufur	\$1,500	\$1,500	\$3,000
Total	\$39,000	\$39,000	\$78,000

The integration of cities into the overall County Emergency Management program ensures clear understanding of roles and responsibilities, lines of communication and emergency response procedures.

Cities that contribute to the program are provided an up to date, federally compliant, professionally developed Emergency Operations Plan (EOP) for adoption. Cities are provided with technical support to assist in implementation of the EOP at the city level. Additionally, cities are offered greater opportunities to secure State and Federal level grant funding through participation in the Wasco County Emergency Management Program.

## SEPTEMBER 2015



HCRH AC Meeting Packet 10/8/2015  
15



**Wasco County Board of Commissioners  
WTF OMG Public Hearing Sign-in Sheet for  
IN SUPPORT COMMENTS**

[illegible]

**Wasco County Board of Commissioners  
WTF OMG Public Hearing Sign-in Sheet for  
IN SUPPORT COMMENTS**

[illegible]

**Wasco County Board of Commissioners  
WTF OMG Public Hearing Sign-in Sheet for  
OPPOSITION COMMENTS**

[illegible]

September 8, 2015

John Zalaznik  
North Central Public Health District  
419 East Fifth Street, Room 100  
The Dalles, OR 97058

RE: Wasco County Landfill, 2016 Rate Change

Dear John Zalaznik:

In accordance with the current license agreement between the Wasco County Landfill (WCL) and Wasco County, we plan to adjust our rates in 2016. A summary of the rate change is as follows:

The Consumer Price Index (CPI) for the Standard Metropolitan Statistical Area (West-C 1982-84=100) for 2014 is .9%. Eighty-five percent of the CPI is %. The new rates for the year 2016 will reflect .76% increase.

The Wasco County license fee for 2015 was \$108430.00 this will increase to \$109,254.00 in 2016 due to the .76% CPI.

The County's Host Fee will change from \$1.50 to \$1.51 per ton in 2016 due to the .76% CPI.

The HHW Fee will change from \$7.82 to \$7.88 per ton in 2016 due to the .76% CPI.

A proposed rate schedule for 2016 is attached for your reference.

Please feel free to contact me if you have any questions.

Sincerely,

Nancy Mitchell  
Wasco County Landfill  
Site Manager

September 8, 2015

John Zalaznik  
North Central Public Health District  
419 East Fifth Street, Room 100  
The Dalles, OR 97058

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Please feel free to contact me if you have any questions.

Sincerely,

Nancy Mitchell  
Wasco County Landfill  
Site Manager





**THE DALLES DISPOSAL**  
**1317 W 1<sup>ST</sup> STREET-THE DALLES, OR 97058**  
**541-298-5149**

October 26, 2015

Wasco County Board of County Commissioners  
511 Washington St, Suite 302  
The Dalles, OR 97058

Attention:  
Scott Hege, Commission Chair  
County Commissioners

Dear Commission Members,

The Dalles Disposal would like to respectfully request a rate adjustment averaging approximately .76% to help offset rising operational costs and disposal fees. We request this adjustment to be effective January 1, 2016. Some examples of these increases include but are not limited to, health care costs and fleet maintenance.

We use The Consumer Price Index (CPI) for the Standard Metropolitan Statistical Area (West-C) to benchmark our changes in operational costs. The most recent July to July comparison increased .9% and we believe this is a good indicator of our overall experience. The Wasco County Landfill anticipates increasing both its gate rate and the pass-through Household Hazardous Waste tax by .76% effective January 1<sup>st</sup>. We have incorporated these increases into the attached proposed rate schedule.

We would like to be scheduled on the Board of Commissioners agenda at your earliest convenience to discuss our proposal. We appreciate the continued opportunity to provide Wasco County with high quality solid waste services.

Sincerely,

Erwin Swetnam  
District Manager

Enclosure: Proposed Rate Sheets

**Nancy Mitchell**

**From:** INAHARA Jill [INAHARA.Jill@deq.state.or.us]  
**Sent:** Wednesday, November 04, 2015 8:26 AM  
**To:** Nancy Mitchell  
**Subject:** RE: Courtesy Copy: DEQ Rulemaking - Solid Waste Permit Fees and Grants - public comment period opens

Hi Nancy,

This is what we are proposing:

**Solid Waste Fees Rule - Public Hearing**  
**Disposal Fees Allowed by July 2016 vs.**  
**DEQ's Current Proposal**

Fee Type	Current Fees (1994 - present)	Allowed by July 2016 (vs. DEQ's Current Proposal)
Tipping fees	\$0.81 /ton (\$0.50 + \$0.31)	\$1.18 /ton July 2016: \$1.11/ton July 2019: \$1.18/ton
Permit compliance fee (rule)	\$0.21 ton	\$0.58 /ton
Permit recycling fee (rule)	\$0.09 /ton	eliminated
Orphan site fees	\$0.13 / ton	\$0.13 / ton (no change)
<b>Total</b>	<b>\$1.24 / ton</b>	July 2016: \$1.82 / ton July 2019: \$1.89 / ton

*58 cent increase July 2016  
107 cent increase in July 2019*

Please let me know if you have any other questions.  
Thank you,  
Jill

**From:** Nancy Mitchell [mailto:NancyM@WasteConnections.com]  
**Sent:** Wednesday, November 04, 2015 7:59 AM  
**To:** INAHARA Jill  
**Subject:** RE: Courtesy Copy: DEQ Rulemaking - Solid Waste Permit Fees and Grants - public comment period opens