



AGENDA: REGULAR SESSION

WEDNESDAY, FEBRUARY 2, 2022

WASCO COUNTY BOARD OF COMMISSIONERS

<https://wascocounty-org.zoom.us/j/3957734524> OR Dial [1-253-215-8782](tel:1-253-215-8782) Meeting ID: 3957734524#

While these virtual options are provided, we cannot guarantee connection or quality of the call.

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 from three 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. If you require an interpreter, please contact the Commission Office at least 7 days in advance.

Las reuniones son ADA accesibles. Por tipo de alojamiento especiales, por favor póngase en contacto con la Oficina de la Comisión de antemano, (541) 506-2520. TDD 1-800-735-2900. Si necesita un intérprete por favor, póngase en contacto con la Oficina de la Comisión por lo menos siete días de antelación.

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: Lone Pine Plat ; COVID Update ; MCEDD IGA Amendment ; MCCFL Gambling Prevention Sub-Contract (<i>Items of general Commission discussion, not otherwise listed on the Agenda</i>) Consent Agenda: 1.19.2022 Regular Session Minutes (<i>Items of a routine nature: minutes, documents, items previously discussed.</i>) Public Comment at discretion of Chair
9:30 a.m.	Planning Commission Appeal – Daniel Dougherty
10:45 a.m.	Recess to District Meetings
11:15 a.m.	Wasco County Annual Audit Report – Mike Middleton/Kenneth Allen
11:35 a.m.	Transit Grant Application – Kate Drennan
11:45 a.m.	Emergency Procurement – Matthew Klebes
	COMMISSION CALL
	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)(n) – Security Programs, ORS 192.660(2)(n) – Labor Negotiations



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This meeting was held on Zoom

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or call in to [1-253-215-8782](tel:1-253-215-8782) Meeting ID: 3957734524#

PRESENT: Kathy Schwartz, Chair
Steve Kramer, Vice-Chair
Scott Hege, County Commissioner

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

Chair Schwartz opened the session at 9:00 a.m.

Discussion Item – Lone Pine Plat

Wasco County Assessor & Tax Collector Jill Amery reviewed the memo included in the Board Packet. She explained that this is part of a planned unit development and will add 16 new lots. County Surveyor Brad Cross added that this is the final phase of the development. He commented that it is pretty rare to have waterfront lots; it is a great asset to the community.

Commissioner Hege said that he is happy to see this development move forward.

Discussion Item – MCEDD IGA Amendment

Ms. Clark explained that when the MCEDD IGA was approved last year it included \$25,000, in addition to base funding, to be used for special projects yet to be defined. Mr. Stone had asked that the County and MCEDD work together to outline expectations for the use of those funds. He and MCEDD Deputy Director of Business Development Carrie Pipinich have agreed upon a scope of work; this amendment formalizes the agreement.

Vice-Chair Kramer observed that this is in line with our goals and has enough flexibility to be responsive to changing needs. He added that our work history and relationship with MCEDD inspires his support of this agreement.

Mr. Stone added that he is very appreciative of the work done by MCEDD.

{{Vice-Chair Kramer moved to approve Amendment 1 to the 2021/2022 MCEDD/Wasco County Intergovernmental Agreement. Commissioner Hege seconded the motion which passed unanimously.}}

Discussion Item – COVID Update

North Central Public Health District Executive Director Shellie Campbell said that with the new Omicron variant, we have seen more cases in January than in previous months – close to 1,000. Many positive home tests are not being reported so the numbers are skewed. NCPHD is working on that and releasing modified data as a result. They are still doing testing daily as is One Community Health. The Oregon Health Authority did some testing in Dufur in response to an outbreak. The FEMA bus is coming to The Dalles on February 21 to do a week of walk-in vaccinations for people aged 5 and older; they will be open from 11 a.m. to 6 p.m. daily. The bus is fully staffed and self-contained.

Ms. Campbell went on to say that they will be receiving 5,000 test kits for in-home testing and will be working with community partners for distribution of those kits. Kits will also be available through local pharmacies.

Commissioner Hege asked when we might be able to hold in-person meetings again. Ms. Campbell replied that they follow CDC and OHA modeling. Although there is a little downhill movement in the numbers of cases, we really want to see the hospitalization numbers go down. We may be looking for the end of March to see a wind down, but that does not necessarily mean we can safely return to in-person meetings.

Vice-Chair Kramer asked Ms. Campbell to review current guidelines. Ms. Campbell responded that there has really been no fundamental changes – practice social distancing, wear a mask in public spaces, stay home if you are sick, get vaccinated and boosted and wash your hands. If tested positive, quarantine for 5 days and mask for 5 days. KN95 and N95 masks are recommended over cloth masks.

Chair Schwartz commented that our numbers last week were close to 500 – they are not going down. We are seeing some plateauing and decrease around the state, but that is not necessarily happening in the rural areas.

Chair Schwartz said she wanted to congratulate Public Health Officer Dr. Mimi McDonnell for her selection as The Dalles Chamber Woman of the Year; she

certainly deserves that honor. She said she is proud of the community for honoring her. Ms. Campbell added that it certainly brought a lot of sunshine for the NCPHD staff.

Chair Schwartz pointed out that there is a website where people can learn about guidelines if they test positive: [Oregon.gov/positivecovidtest](https://oregon.gov/positivecovidtest) or you can call the COVID Positive Test Support Line 866.917.8881

Discussion Item – Gambling Prevention Subcontract

Prevention Coordinator Debby Jones said that this is the agreement for a program she outlined at the last Board Session. This is an effort that has historically been done entirely by Mid-Columbia Center for Living. They will still implement the treatment portion of the grant program but have asked us to implement the prevention portion of the grant program. She said that she is happy to do that as it fits in with the work she is already doing. She pointed out that a piece of the agreement is to work with Sherman County by supporting their new hire in getting their prevention certification.

Commissioner Hege asked if there will be any additional staff needed to implement this agreement. Ms. Jones replied that there will not be a need for additional staff; it will actually give us more bandwidth for what we are already doing in outreach efforts. There are some requirements for us to get more up to date on gambling addiction which is work we have already been trying to do.

Vice-Chair Kramer observed that this is a small step in the bigger picture. He said he wholeheartedly supports this effort.

Chair Schwartz asked if this will be for adults and youth. Ms. Jones said that they will do outreach through the schools and then engage in messaging that will target both adults and children.

{{{Commissioner Hege moved to approve the Professional Services Contract between Mid-Columbia Center for Living and Wasco County through its Youth Think program for gambling prevention services. Commissioner Kramer seconded the motion which passed unanimously.}}}

Agenda Item – Planning Commission Appeal Hearing

At 9:30 a.m. Chair Schwartz reopened the Board of Commissioners Quasi-Judicial Appeal Hearing on agenda item 921-19-000193-PLNG, A National Scenic Area

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request decided upon by the Planning Commission for the following: A new dwelling and structures to support the proposed farm use of raising approximately 13 goats. Specifically, this request includes:

- (1) New Single Family Dwelling (1,889 SF footprint, 50'L x 40'W x 24'H);
- (2) Accessory Buildings (1,500 SF footprint, 50'L x 40'W x 24'H);
- (3) Agriculture Structures: approximately 5,000' of 4' H wire mesh fence (6' fence posts) enclosing three areas on either side of the driveway for livestock pens; approximately 900' of moveable electric fence to protect a wetland; and a 50' diameter moveable round pen; and
- (4) Retroactive review of an unlawfully placed well to serve the residential use and a new 12'L x 12'W x 12'H well house with 1,000-gallon water cistern, and driveway.

The property involved is described as Map & Tax Lot: Township 2 North, Range 11 East, Section 11, Tax Lot 2200. The Tax Account Identification Number: 327.

The criteria for approval of the land use decision includes the following chapters within the National Scenic Area Land Use and Development Ordinance for Wasco County (NSA-LUDO): Chapter 2 - Development Approval Procedures, Section 2.050.C.1 Appeals of a Planning Commission Decision; Section 2.170 Review by the County Governing Body; Chapter 3 - Basic Provisions, Section 3.130 "A-2" Small Scale Agriculture Zone (GMA Only); Chapter 4 - Supplemental Provisions, Section 4.040, Off-Street Parking; Chapter 11 - Fire Safety Standards; and Chapter 14 - Scenic Area Review.

The proposed development must comply with applicable provisions contained in the Management Plan for the Columbia River Gorge National Scenic Area. Generally, unless otherwise noted, if a request is found to be consistent with the NSA-LUDO it is considered consistent with the Management Plan.

This will be a de novo hearing, conducted as a new hearing before the public. New evidence or testimony will be accepted to fully and fairly address significant procedural or substantive issues raised.

Chair Schwartz explained the procedure to be followed:

- a. Disclosure of Interest, Ex Parte Contact or Potential Conflicts (see below)
- b. Reading of the Rules of Evidence (see below)
- c. Planning department staff will present their report

- d. The appellant will then have the opportunity to testify
- e. The applicant will have an opportunity for rebuttal
- f. Those who wish to speak in opposition of the proposal
- g. Those who wish to speak in favor of the proposal
- h. Questions by Commissioners of staff, proponent, or opponent
- i. Close the hearing and record and begin deliberation (only Commissioners, or staff if questioned, may contribute to this discussion)

Chair Schwartz asked if any commissioner wished to disqualify themselves for any personal or financial interest in this matter; or if any commissioner wished to report any significant ex parte or pre-hearing contacts. There were none.

Chair Schwartz asked if any Commissioners have conducted a site visit to the subject property. There were none.

Chair Schwartz explained the Rules of Evidence as follows:

- a. No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence.
- b. Evidence received shall be of a quality that reasonable persons rely upon in the conduct of their daily affairs.
- c. Testimony and evidence must be directed toward the criteria applicable to the subject hearing or to criteria that the party believes apply to the decision.
- d. Failure to raise an issue with sufficient specificity may preclude raising it before the Land Use Board of Appeals.
- e. Failure to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow Wasco County to respond to the issue precludes an action for damages in circuit court.

Chair Schwartz asked staff to present their report. Senior Planner Daniel Dougherty reviewed the report included in the Board Packet using a slide presentation (attached).

Mr. Dougherty corrected the record regarding the Rules of Evidence, saying that it may be precluded from appeal to the Gorge Commission as it is in the National Scenic Area. He outlined the request submitted by the applicant. In accordance with the underlying zone, the use is allowed subject to conditions of approval. The application was approved with conditions on June 24, 2021. The request aligns with the fundamental purpose of the A2 small scale agriculture zone which

is to “protect and enhance small scale agricultural lands for agricultural uses” as outlined in the National Scenic Area Land Use and Development Ordinance.

Mr. Dougherty reviewed the site plan maps pointing out the purpose of each.

1. Most detailed to address criteria for planner review.
2. Addresses setback standards
3. Outlines fencing layout, delineated wetlands and proposed buffer; setbacks.
4. Demonstrates location of existing vegetation.

He displayed a satellite imaging map with the forest and wetlands shown along with the location of existing structures and proposed structures.

Mr. Dougherty went on to address the grounds of the appeal which are outlined in the attached slide presentation. Appeal grounds, staff analysis and staff recommendations for each of the grounds were as follows:

Appeal Grounds #1

“Appeal 1 - Request that the approval of 900’ of moveable fence not be approved

- *There is an absence of documentation of a development request for 900’ of moveable electric fence therefore there should be no approval.*
- *There is no land use ordinance that allows the approval of a development application that is not specifically requested.*
- *The inclusion of additional elements in the approval that were not described in the development request does not allow involved parties to adequately participate in the process.”*

Staff Analysis #1

- NSA-LUDO Section 1.200 provides specific definitions for fencing:
 - *Fence (Protective) & Fence (Site-Obscuring)*
- NSA-LUDO has no standards for movable objects (moveable fencing)
 - *Agricultural Structure/Building*
- Moveable objects (900’ of fencing) are permitted without review
 - Not substantive & No Notice of Administrative Action required

Staff Recommendation #1

Staff recommends the Wasco County Board of Commissioners dismiss this

ground for appeal.

Appeal Grounds #2

“Appeal 2 - The language of approval of 900’ of movable fence remove any reference “to protect the wetland”. It is already protected by the fixed wire woven fence described in the amended application.”

Staff Analysis #2

- Reference to and Additional Commentary concerning the moveable fencing
- NSA-LUDO Section 1.200 provides specific definitions for fencing:
 - Fence (Protective) & Fence (Site-Obscuring)
- NSA-LUDO has no standards for movable objects (moveable fencing)
 - Agricultural Structure/Building
- Moveable objects (900’ of fencing) are permitted without review
 - Not substantive & No Notice of Administrative Action required

Staff Recommendation #2

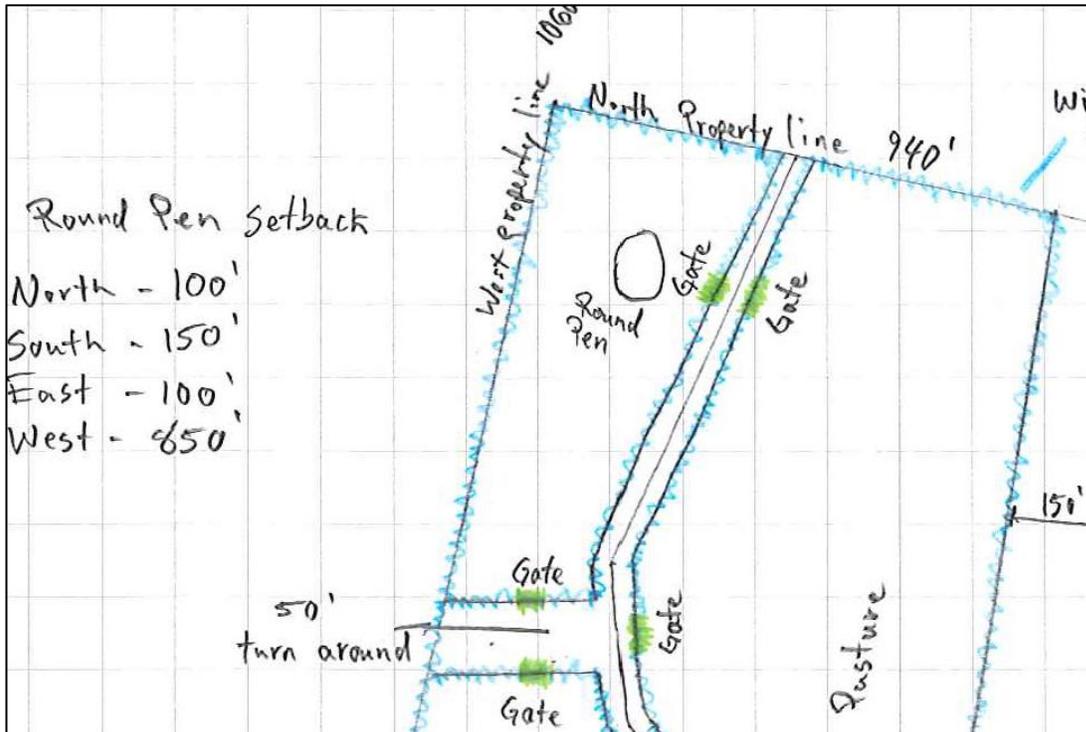
Staff recommends the Wasco County Board of Commissioners dismiss this ground for appeal.

Appeal Grounds #3

“Appeal 3 - The decision to include only a 100’ setback requirement of the structures in the proposed development is incorrect it should be modified based upon a 250’ setback based upon the suitability of my property for orchard activity, and the absence of a continuous vegetative parrier (Sic).”

Staff Analysis #3

- All reviewable structures meet agricultural setback criteria
- Non Reviewable Movable Livestock Pen is 100’ from north adjacent Property Line

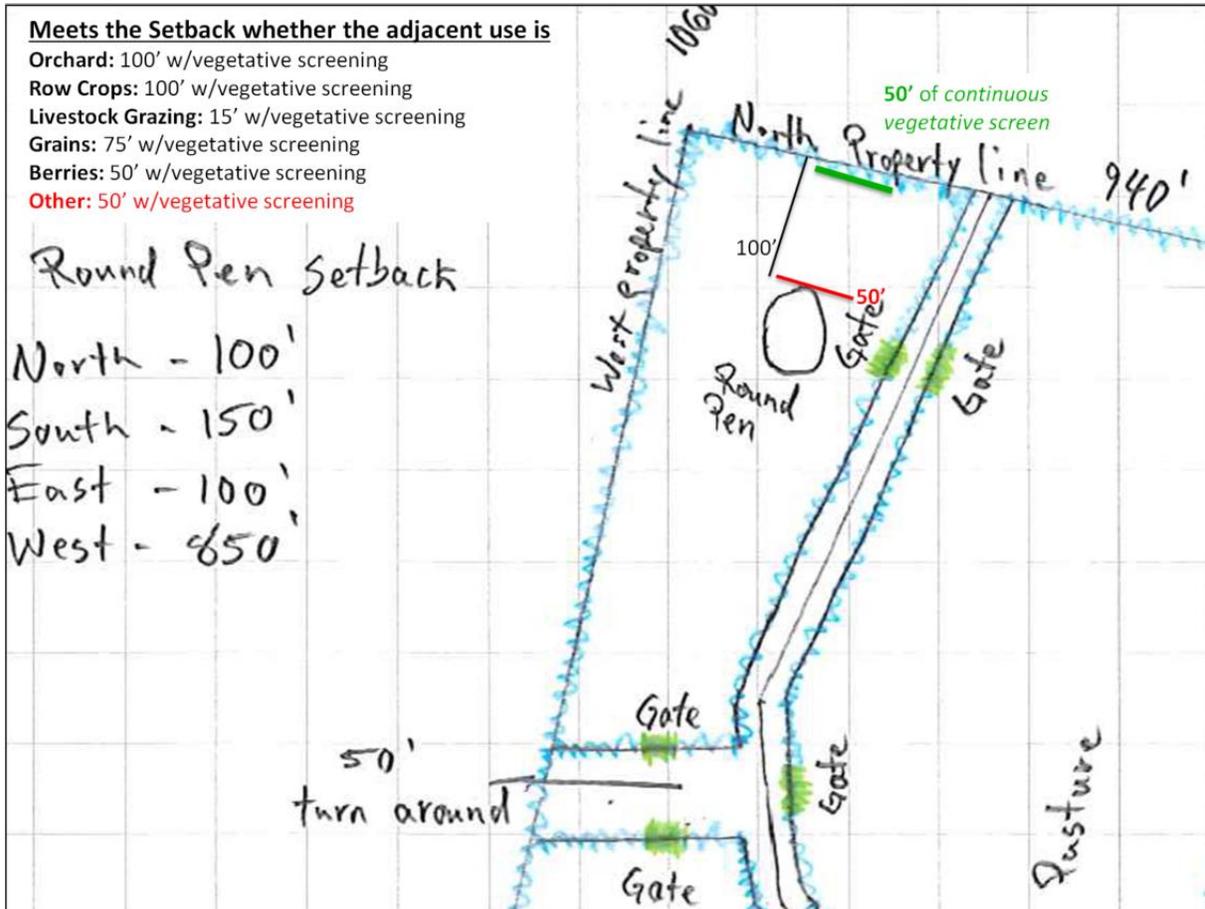


- *Subsection 3.130.G.3: Agricultural Setbacks - In addition to the general setback standards listed in criterion 2 above, all new buildings to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use, shall comply with the following setback standards:*

Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
Orchards	250'	100'	75'
Row crops/ vegetables	300'	100'	75'
Livestock grazing, pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

- Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a minimum of eight (8) feet in height, and contoured at 3 to 1 slopes to look natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of fifteen (15) feet.*
- The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an*

ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.



“Appeal 3 - The decision to include only a 100' setback requirement of the structures in the proposed development is incorrect it should be modified based upon a 250' setback based upon the suitability of my property for orchard activity, and the absence of a continuous vegetative parrier (Sic).”

Staff Analysis #3

- All reviewable structures meet agricultural setback criteria
- Movable Livestock Pen is 100' from north adjacent Property Line
- North adjacent property used for or suitable for “Other” use
- Continuous vegetative screen along development line & property line
- Placement of livestock pen meets all Ag. setback standards with vegetative screen

Staff Recommendation #3

Staff recommends the Wasco County Board of Commissioners dismiss this ground for appeal.

Mr. Dougherty stated that staff recommends approval of the request as submitted by the applicant with conditions of approval.

Vice-Chair Kramer noted that the dimensions for the dwelling and accessory building do not add up to what was mentioned. He asked if that is a scrivener's error. Mr. Dougherty said that it is likely a scrivener's error – the accessory building is 1,500 square feet.

Vice-Chair Kramer asked what the Planning Commission's vote was when they heard the appeal. Mr. Dougherty replied that there were no "nays."

Commissioner Hege asked about our authority regarding wells. Mr. Dougherty explained that the NSA considers it an ag structure. Planning does not review wells outside of the Scenic Area. He said that as he understands it there was an existing well sunk in violation. This application will correct that.

Commissioner Hege asked if the hole that is the well and the pump house are separate. Mr. Dougherty replied that the NSA LUDO considers the actual hole a ground disturbance while the pump house is an ag accessory building and the pump an ag structure. He said that if an applicant can demonstrate that the ground was previously disturbed, there may be an opportunity for an expedited review or no review. The review within the Scenic Area is for new ground disturbance.

Commissioner Hege asked if the application corrects the violation. Mr. Dougherty replied affirmatively saying that from his understanding that was the driving force behind the application. Mr. Lopez had begun construction of a well which was identified as a violation by our Codes Compliance Officer. That alerted Mr. Lopez for the need to file an application for the development of the property.

Commissioner Hege asked if we have communication with Oregon Water Resources regarding the installation of a well. Mr. Dougherty replied that they are on our general notification list but the well is not within our purview once we have issued the permit. Planning Director Kelly Howsley-Glover stated that we do notify Oregon Water Resources Department along with DEQ and North Central Public Health District regarding these applications. She added that it is important that the Board consider only the items on appeal and nothing else; the well is not part of the appeal.

Chair Schwartz asked the appellant if he wished to present any testimony for consideration.

Joseph Czerniecki, 1054 Courts Drive, Mosier, Oregon, presented testimony using a set of slides.

Appeal 1 - Request that the current approval of 900' of moveable fence not be approved

Mr. Czerniecki commented that all fencing is basically moveable. There should be an opportunity for adjacent landowners to participate and understand the type of fencing to be used. Standards cannot foresee all circumstances in which case basic intent should be followed. In addition, moveable fencing is unnecessary as there is already 150 feet of fixed fencing to protect the wetland.

Appeal of the decision to allow 900 ft of moveable fence

- Two levels of Appeal
 - Appeal of the process of approval (Appeal 1)
 - which eliminates the ability of adjacent landowners to comment
 - Appeal of the justification used for the approval (Appeal 2)
 - The staff report suggests that because there are no existing rules that govern moveable fencing it should be allowed outright

Appeal #1

(Appeal 1)

Appeal of the process of approval - which eliminates the ability of adjacent landowners to comment

Amended Application

- sent to adjacent landowners (May 20,2021)

- “Scenic Area Review of a 1,889 Square Foot (SF) (50’Lx40’Wx24’H), two story single family dwelling, a 1,500 SF (50’L x 30’W x 24’H) accessory structure for a shop and storage, and retroactive approval of an unlawfully placed well to be housed in a proposed 100 SF (10’L x 10’W x 12.5’H) pump house. **The request includes a 4’ H wire fence on the eastern portion of the property, 150’ away from the identified wetland.** The request also includes raising 12 goats on the property, and rotating them to different portions of the property on an annual basis. A 50’ diameter portable round pen will also be utilized.....”
- There is no language that includes moveable fencing

Staffing Report: Regarding Amended Application (June 24,2021)

- Scenic Area Review of a new dwelling and structures to support the proposed farm use of raising approximately 13 goats. This request includes:
 - (1) New Single Family Dwelling (1,889 SF footprint, 50’L x 40’W x 24’H)
 - (2) Accessory Buildings (1,500 SF footprint, 50’L x 40’W x 24’H)
 - (3) Agriculture Structures: approximately 5,000’ of 4’ H wire mesh fence (6’ fence posts) enclosing three areas on either side of the driveway for
 - livestock pens; approximately 900’ of moveable electric fence to protect the wetland; and a 50’ diameter moveable round pen.
 - (4) Retroactive review of an unlawfully placed well to serve the residential use and a new 12’L x 12’W x 12’H well house with 1,000 gallon water cistern, and driveway.
- This description of the Amended Application in the staffing report includes the moveable fence which was not included in the initial application. There is a mismatch.

SUMMARY

- The approval of the development application with the 900' of moveable electric fence should not be allowed.
 - The description of the development request in the amended application does not match the development request in the staff report.
 - Because the amended application did not include moveable fence there was no opportunity for comment.
 - **Wasco county development standards require that adjacent landowners have an opportunity to comment.**

Appeal #2

(Appeal 2)

Appeal of the justification used for the approval

The staff report suggests that because there are no existing rules that govern moveable fencing it should be allowed outright

Justification

- The staffing report of appeal argues that moveable fencing does not require approval because the development standards do not specify moveable structures:

- Moveable fencing comes in a wide variety of colors and materials with varying degrees of adverse impact.

- All fencing is essentially moveable, therefore the impact of the fencing should be considered as part of the approval.

- The perimeter fencing (4 foot Mesh fence) is moveable for all intents and purposes and it was considered in the review.



Current Development Standards can not be 100% inclusive of any potential proposed development.

- Current development standards provide an overall structure for evaluating a proposed development
- They can not include every potential situation.
- If the current justification is allowed then everything that is applied for in any subsequent application that is not included in the current standards will have to be approved.
 - For example - Drones are increasingly being used in agriculture
 - Should their use be allowed without restriction just because they are not included in current development standards?

Mr. Czerniecki went on to say that the soils on his property are suitable for orchard activity and Mosier has the infrastructure to support that.

General Setback Requirements

1. The Round Pen is included as an agricultural structure in the Staff Report and Conditional approval of June 24, 2021 (see below)

FINDING: As proposed, the development will exceed the requirements of General Setbacks. Staff finds that the request complies with Criterion 3.130.G.2.

Required Setback	Proposed – Dwelling	Proposed – Shop	Round Pen	Pump House	Consistent?
East (side) = 25'	400'	400'	660'	475'	Yes
West (side) = 25'	550'	550'	100'	475'	Yes
North (rear) = 25'	700'	500'	100'	800'	Yes
South (front) = 40'	300'	500'	850'	150'	Yes

Agricultural Setbacks

3. *Agricultural Setbacks* - In addition to the general setback standards listed in criterion 2 above, all new buildings to be located on a parcel adjacent to lands that are designated **Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use, shall comply with the following setback standards:**

Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
Orchards	250'	100'	75'
Row crops/vegetables	300'	100'	75'
Livestock grazing, pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

The staff report and conditional approval of June 24, 2020, incorrectly asserts that there is a vegetative barrier which supports the 100' setback.

- - This is incorrect. The Land Use and Development Ordinance defines (Page 3-27 3(b)) a Vegetative Barrier as:

*b. The planting of a **continuous vegetative screen** may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.*

Lack of Vegetative Barrier

Supplement B: Photographic Documentation which supports the absence of a vegetative barrier.



View south to Lopez Development from the edge of my parking area which corresponds to our adjacent property boundaries. There is no vegetative barrier.

Lack of Vegetative Barrier



The property setback is defined by the current or proposed agricultural activity of my property.

- The potential use of my property is best suited to orchard activity.
- Adjacent properties are being used for orchard activity.
- **Soil Type-** image taken from the NRCS USDA soil survey (<https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>)
- The majority of my property is designated as 50 C which is defined as: *50C Wamic Loam, 5-12% north slopes*
- The two properties to the west which are used for orchard activity are of the same soil type with slightly different slopes 49B – *Wamic Loam, 1-5% grades*, 50C – *Wamic Loam, 5-12% north slopes*,



Additional factors that support orchard activity

- **Orchard infrastructure** in the Mosier Valley - The predominant agricultural activity in the Mosier area is orchard activity in particular Cherry Orchard.
- There is a significant infrastructure in place to support cherry orchard activity which further supports the economic viability of orchard activity on my property.
- **Rainfall** – The rainfall characteristics of my property are clearly similar to that of the adjacent properties.

SUMMARY

- There is no continuous vegetative screen by LUDO definition of vegetative screen
- Orchard Activity is the most suitable use for my property based upon soil type, slope and the presence of infrastructure in the Mosier area to support orchard activity.
- The two adjacent properties are successful in orchard activity.
- **Therefore there should be a requirement for a 250' setback**

Commissioner Hege noted that Mr. Czerniecki has laid out his appeals and reasons. He asked what the motivation behind the appeal is; he asked if the basic concern is about visual impact or land use. Mr. Czerniecki said what is right should be right; you shouldn't be able to change the application along the way. The purpose described doesn't make sense. The visual impact is a concern as a 100 setback sets precedent for future development. A 250 foot setback should be in place to limit both current and future development.

Commissioner Hege said that the moveable fence is an interesting point; moving the animals for grazing is part of caring for the livestock and the land.

Vice-Chair Kramer asked, in regard to the amended application, if Mr. Czerniecki had an opportunity to participate in the October 5, 2021 hearing. Mr. Czerniecki replied that he had.

Vice-Chair Kramer pointed out that Wasco County is 98% agricultural; the reason they move fences is to protect and conserve as good stewards of the land. If the vegetative screen is inadequate, the applicant could plant screen. He said he really does not have any further questions for the applicant – just the observations he has stated.

Mr. Czerniecki asked if he could respond. Vice-Chair Kramer said that this is not time for debate – staff did a good job with its report and Mr. Czerniecki presented his points well.

Chair Schwartz commented that there is no orchard right now; the potential for an orchard does not appear to be relevant at this time.

Vice-Chair Kramer said that we did notify all our agency partners who had no negative comments.

Chair Schwartz asked the applicant if he wished to speak.

Adrian Lopez, Applicant, said that the moveable fence is not up for review but he wanted to inform the Board that he did provide a sample of the fence he intends to employ. He also pointed out that on the north side of the property the appellant's buildings are not set back the 250 feet that the appellant wants to apply to Mr. Lopez. In conclusion, he observed that the satellite photos illustrate how dense the trees are.

Commissioner Hege asked if the permanent fence is the primary wetland protection. Mr. Lopez replied that the moveable fence was recommended to him by a number of agencies.

Chair Schwartz asked if anyone wished to speak in favor of the request. There were none.

Chair Schwartz asked if anyone wished to speak in opposition of the request. There were none.

Sheila Dooley of Mosier said that she is neither opposed to nor in favor of but commented that the 50 foot fire break in the LUDO does not include trees which need to be limbed up 8 feet; trees are encouraged to provide shade and ground cooling. Chair Schwartz thanked Ms. Dooley for her comments which she suggested be taken up with staff.

Commissioner Hege asked staff if there was anything they heard in the appellant's arguments of which they were not previously aware or that would change any of the recommendations. Mr. Dougherty replied that the appellant raised the same issues as in the appeal request. He noted that the potential use of the adjacent property is reviewed. Unlike standard setbacks, ag setbacks are not static and each is reviewed with every new application. The determination right now of "other" for the appellant's property reflects current use and may not be the same determination five years from now at which time there could be a different setback standard.

Chair Schwartz closed the hearing at 10:37 a.m. and opened deliberations.

{{{Vice-Chair Kramer moved to dismiss appeal grounds #1, #2 and #3 and uphold the Planning Commission's decision. Commissioner Hege seconded the motion which passed unanimously.}}}

Agenda Item – District Meetings

At 10:41 a.m. Chair Schwartz recessed from the Regular Session to open meetings for the 4H & Extension Service District and the Library Service District.

Chair Schwartz resumed the Regular Session at 11:10 a.m.

Agenda Item – Annual Audit

Kenny Allen, CPA, CFE with Pauly, Rogers, and Co. P.C. reviewed the audit report included in the Board Packet saying that the audit opinion is unmodified – the highest possible opinion. He said there are no comments related to Oregon or Federal standards with no issues regarding Corona Virus funding. There were no disagreements with staff who provided the auditors with good accounting records. He commended staff on their work. He noted that there will be some new standards next year including a new way of looking at leases which will be

included on the balance sheet. He said that there will be some changes and they will be working with staff to be prepared for that. He said that opinions will look a little different; but there will be no big changes.

Finance Director Mike Middleton noted that the audit took a little longer this year due to multiple factors, not the least of which was being in two software systems at once.

Commissioner Hege observed that the County's net position has changed – it is \$6.1 million to the positive. Mr. Allen responded that it is the overall number; the County's share of pension liability is less and investment in joint ventures went up. Commissioner Hege added that the American Rescue Plan Act funding is also part of that balance.

Chair Schwartz asked how long the audit takes. Mr. Allen said that the work goes on intermittently year round; it takes between 400 and 500 hours in total. They will be on site in July and again in the fall. Mr. Middleton added that they try to get the numbers to the auditors early to help make for a smoother process. The auditors did a lot of work offsite last year and we have identified some efficiencies through that process that will help cut their time and our costs.

Chair Schwartz commended the Finance staff on their great work. Mr. Stone echoed that saying that our Finance Department has gotten our audit in tip top shape and kept it there. He added that he wants to also recognize the work done by the Management Team for managing well and being good stewards of taxpayers' dollars.

Agenda Item – Transit Grant

MCEDD Deputy Director of Transportation explained that historically MCEDD has applied directly for the 5310 Enhanced Mobility for Seniors and Individuals with Disabilities Discretionary Grant Program. An ODOT change in rules means that a transit agency cannot apply directly – it must go through a County. The information was presented to the Public Transit Advisory Committee; they recommend that the County submit an application with support from MCEDD.

{{Vice-Chair Kramer moved to approve submission of an application for the 5310 Enhanced Mobility for Seniors and Individuals with Disabilities Discretionary Grant Program in partnership with Mid-Columbia Economic Development District. Commissioner Hege seconded the motion which

passed unanimously.}}

Agenda Item – Emergency Procurement

Administrative Services Director Matthew Klebes reviewed the memo included in the Board Packet.

Chair Schwartz asked for a brief review of the costs for the project. Mr. Klebes responded that the replacement cost of \$42,000 outlined in the memo does not include demolition, prep, footings, etcetera. For the repair, \$49,000 is the total cost; the structure of the ramp is in good condition – it is the decking that needs to be replaced.

Vice-Chair Kramer said that we have been aware of the deterioration of the ramp – it is a safety issue for County and Public Health staff as well as the public.

Chair Schwartz agreed and thanked Adams Construction for their willingness to address this right away. Mr. Klebes said that he has done some pre-work to build relationships with local contractors and facilitate faster response times.

Commissioner Hege asked if the cost for repair includes the railing. Mr. Klebes replied affirmatively, saying that it includes priming and painting of the railing and the replacement of the decking.

Commissioner Hege asked if the same materials will be used for the repair as were used when the ramp was constructed. Mr. Klebes replied that they will be using galvanized 2'x12' pieces that will be attached to the existing structure to create a metal ramp rather than concrete.

Chair Schwartz asked about the west end entrance. Mr. Klebes pointed out a temporary set of stairs that staff constructed. Those stairs are located under an area of the ramp that is in good shape. He noted that much of the damage to the existing ramp was due to the use of ice melt; this particular section of the ramp is under a covered area where ice melt was not used and therefore it is in good shape. He added that they will also be doing some improvement to the landing area of the ramp.

{{{Vice-Chair Kramer moved to approve an emergency exemption under Section 20 (1) of the Wasco County Contracting Rules and as authorized by ORS 279B.080 to replace the ramp at Annex A located at 419 E. 7th Street. I

further move to authorize the Administrative Officer to execute a contract for said work pending review by County Counsel. Commissioner Hege seconded the motion which passed unanimously.}}

Commission Call

Commissioner Hege asked about the Fair Conference included in the AOC activities for next week. Vice-Chair Kramer explained that Judges, Chairs and Commissioners are being invited to attend the Fair Conference this year. We are invited to the open session on Monday morning. After that there is an AOC Legislative meeting with further Fair Conference activities in the evening.

Commissioner Hege asked if it would be worth attending the Fair Conference. Vice-Chair Kramer said that he will be attending and can report back.

Chair Schwartz asked if they are offering a remote option for the AOC Legislative Committee and Board of Directors meetings. Vice-Chair Kramer replied affirmatively, adding that the Fair Conference is in-person only.

Chair Schwartz asked if we have a Fair Board member attending the Fair Conference. Vice-Chair Kramer responded that we have at least 3 and perhaps 4 who will be attending.

Vice-Chair Kramer noted that County staff and Commissioners will need to stay on their toes for the short legislative session; there are a lot of bills out there and we need to be totally focused on those pieces that may affect us.

Chair Schwartz said that there will be a work session on February 16th and Ms. Clark will likely be reaching out to the Board for potential topics of discussion.

Chair Schwartz adjourned the session at 11:38 a.m.

Summary of Actions

MOTIONS

- **to approve Amendment 1 to the 2021/2022 MCEDD/Wasco County Intergovernmental Agreement.**
- **to approve the Professional Services Contract between Mid-Columbia Center for Living and Wasco County through its Youth Think program for gambling prevention services.**
- **to dismiss appeal grounds #1, #2 and #3 and uphold the Planning**

Commission's decision.

- **to approve submission of an application for the 5310 Enhanced Mobility for Seniors and Individuals with Disabilities Discretionary Grant Program in partnership with Mid-Columbia Economic Development District.**
- **to approve an emergency exemption under Section 20 (1) of the Wasco County Contracting Rules and as authorized by ORS 279B.080 to replace the ramp at Annex A located at 419 E. 7th Street. I further move to authorize the Administrative Officer to execute a contract for said work pending review by County Counsel.**

Wasco County
Board of Commissioners



Kathleen B. Schwartz, Commission Chair



Steven D. Kramer, Vice-Chair



Scott C. Hege, County Commissioner



DISCUSSION LIST

[LONE PINE PLAT](#)

[NCPHD UPDATE](#)- Mimi McDonell

[MCEDD IGA AMENDMENT](#)– Tyler Stone

[MCCFL GAMBLING PREVENTION CONTRACT](#) – Debby Jones



DISCUSSION ITEM

Lone Pine Plat

[STAFF MEMO](#)

[PLAT MAP](#)



MEMORANDUM

SUBJECT: Lone Pine Subdivision Phase D

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JILL AMERY

DATE: 1/25/2022

BACKGROUND INFORMATION:

The purpose of this plat is to create Phase D of the Lone Pine Village Planned Unit Development. The boundary of Phase D was plated as tracts E and F of Phase C of the Plat of Lone Pine Village PUD. Phase D creates 16 new lots, lots 73 through 88 as seen on the plat before you.

PLAT OF LONE PINE VILLAGE PLANNED UNIT DEVELOPMENT
 PHASE D
 for
 LONE PINE LAND AND CATTLE, LLC.
 PAGE 1 OF 4

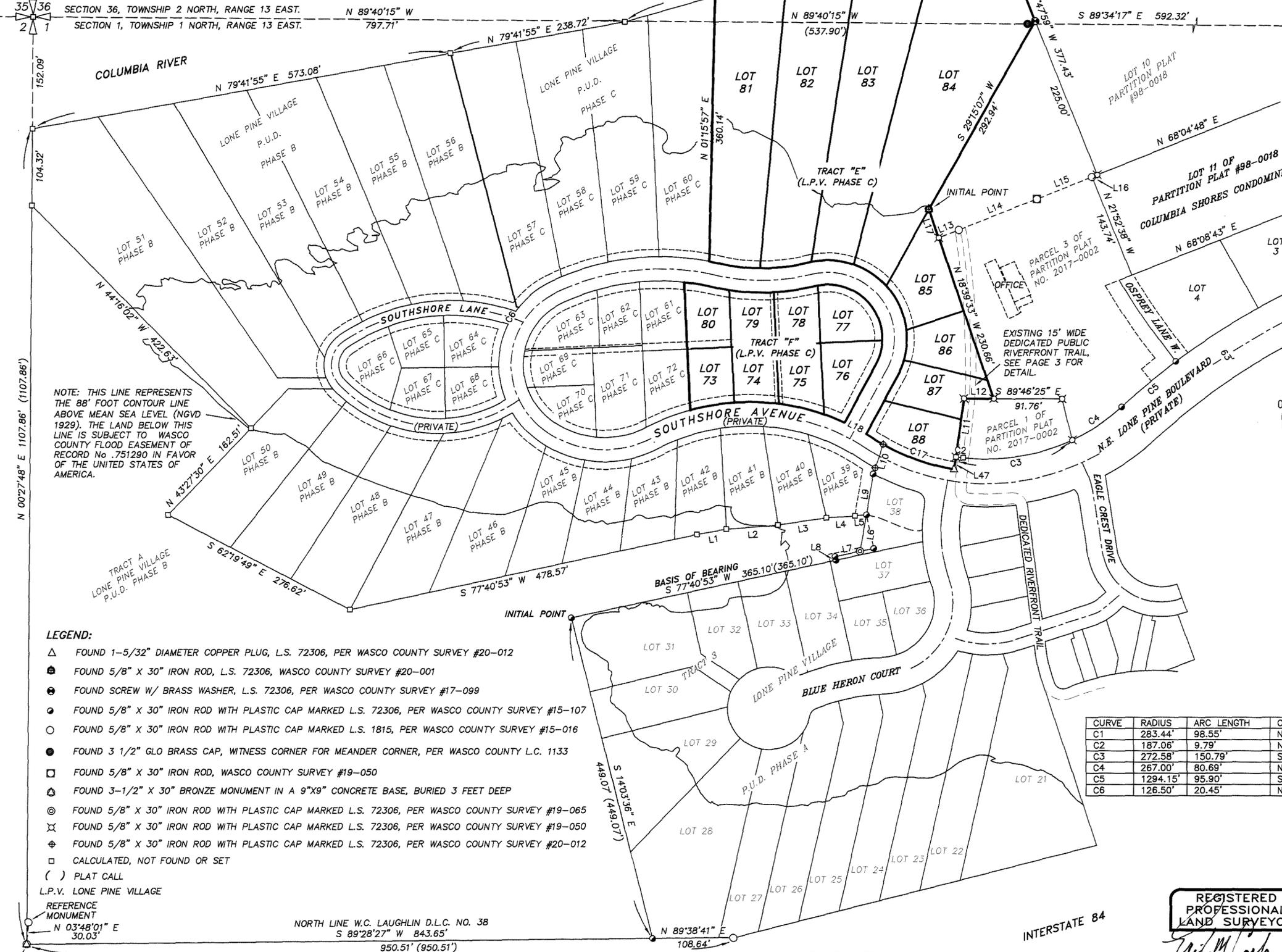
NOTE: THE BOUNDARY OF PARCEL 2 PARTITION PLAT No. 2017-0002, SLIDE D148A IS SHOWN AS IT WAS ESTABLISHED ON THE ORIGINAL PLAT OF LONE PINE PUD, PHASE A

DOC. NUMBER: _____
 PLAT NUMBER: _____
 SLIDE NUMBER: _____

OWNERS:
 LONE PINE LAND AND CATTLE, LLC
 3600 CRATES WAY,
 THE DALLES, OR. 97031

WASCO COUNTY
 SURVEYOR'S OFFICE

CS# _____
 DATE FILED: _____
 BY: _____



SECTION 36, TOWNSHIP 2 NORTH, RANGE 13 EAST.
 SECTION 1, TOWNSHIP 1 NORTH, RANGE 13 EAST.

NOTE: THIS LINE REPRESENTS THE 88' FOOT CONTOUR LINE ABOVE MEAN SEA LEVEL (NGVD 1929). THE LAND BELOW THIS LINE IS SUBJECT TO WASCO COUNTY FLOOD EASEMENT OF RECORD No. 751290 IN FAVOR OF THE UNITED STATES OF AMERICA.

- LEGEND:**
- △ FOUND 1-5/32" DIAMETER COPPER PLUG, L.S. 72306, PER WASCO COUNTY SURVEY #20-012
 - FOUND 5/8" X 30" IRON ROD, L.S. 72306, WASCO COUNTY SURVEY #20-001
 - ⊙ FOUND SCREW W/ BRASS WASHER, L.S. 72306, PER WASCO COUNTY SURVEY #17-099
 - ⊙ FOUND 5/8" X 30" IRON ROD WITH PLASTIC CAP MARKED L.S. 72306, PER WASCO COUNTY SURVEY #15-107
 - FOUND 5/8" X 30" IRON ROD WITH PLASTIC CAP MARKED L.S. 1815, PER WASCO COUNTY SURVEY #15-016
 - FOUND 3 1/2" GLO BRASS CAP, WITNESS CORNER FOR MEANDER CORNER, PER WASCO COUNTY L.C. 1133
 - FOUND 5/8" X 30" IRON ROD, WASCO COUNTY SURVEY #19-050
 - ▲ FOUND 3-1/2" X 30" BRONZE MONUMENT IN A 9"X9" CONCRETE BASE, BURIED 3 FEET DEEP
 - ⊙ FOUND 5/8" X 30" IRON ROD WITH PLASTIC CAP MARKED L.S. 72306, PER WASCO COUNTY SURVEY #19-065
 - ⊙ FOUND 5/8" X 30" IRON ROD WITH PLASTIC CAP MARKED L.S. 72306, PER WASCO COUNTY SURVEY #19-050
 - ⊙ FOUND 5/8" X 30" IRON ROD WITH PLASTIC CAP MARKED L.S. 72306, PER WASCO COUNTY SURVEY #20-012
 - CALCULATED, NOT FOUND OR SET
 - () PLAT CALL

L.P.V. LONE PINE VILLAGE
 REFERENCE MONUMENT
 N 03°48'01" E
 30.03'

NORTH LINE W.C. LAUGHLIN D.L.C. NO. 38
 S 89°28'27" W 843.65'
 950.51' (950.51')

MONUMENTING THE NORTH LINE OF DLC No.38 AT THE INTERSECTION WITH THE WEST LINE OF SECTION 1.
 LC #189

LOCATION OF SURVEY:
 PARCELS OF LAND IN GOVERNMENT LOTS 1 AND 2, AND THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 13 EAST, AND GOVERNMENT LOT 3, SECTION 36, TOWNSHIP 2 NORTH, RANGE 13 EAST, WILLAMETTE MERIDIAN, CITY OF THE DALLES, WASCO COUNTY, OREGON.

SCALE: 1"=100'

BASIS OF BEARING:
 WASCO COUNTY SURVEY #15-107

LINE	BEARING	DISTANCE
L1	S 79°56'47" W	40.31'
L2	S 85°25'02" W	69.71'
L3	S 81°25'15" W	65.91'
L4	S 86°13'29" W	38.48'
L5	N 84°13'53" E	15.67'
L6	S 09°40'44" W	50.39'
L7	N 77°40'53" E	34.44'
L8	N 12°19'07" W	5.00'
L9	S 09°40'44" W	56.37'
L10	N 18°38'21" E	42.13'
L11	N 07°50'16" E	79.99'
L12	S 89°51'13" E	39.97'
L13	N 68°10'46" E	29.46'
L14	N 68°18'05" E	112.89'
L15	N 68°04'51" E	79.99'
L16	N 68°03'55" E	7.73'
L17	S 18°27'03" E	40.91'
L18	N 61°50'05" W	33.00'

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	DELTA ANGLE
C1	283.44'	98.55'	N 70°28'01" W	98.06'	19°55'21"
C2	187.06'	9.79'	N 82°23'52" W	9.79'	2°59'58"
C3	272.58'	150.79'	S 80°40'46" W	148.87'	31°41'43"
C4	267.00'	80.69'	N 55°48'49" E	80.38'	17°18'52"
C5	1294.15'	95.90'	S 49°48'07" W	95.88'	4°14'45"
C6	126.50'	20.45'	N 30°29'52" E	20.43'	9°15'43"

PAGE INDEX:
 PAGE 1. PHASE D BOUNDARY
 PAGE 2. LOTS 73-88 PHASE D
 PAGE 3. LINE/CURVE TABLES
 PAGE 4. SIGNATURES

REGISTERED PROFESSIONAL LAND SURVEYOR
 ERIC M. CARLSON
 72306
 Expires: December 31, 2023

TERRA SURVEYING

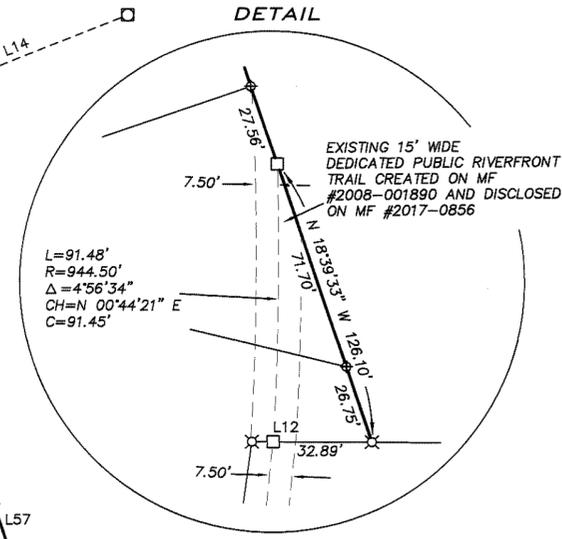
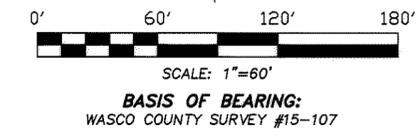
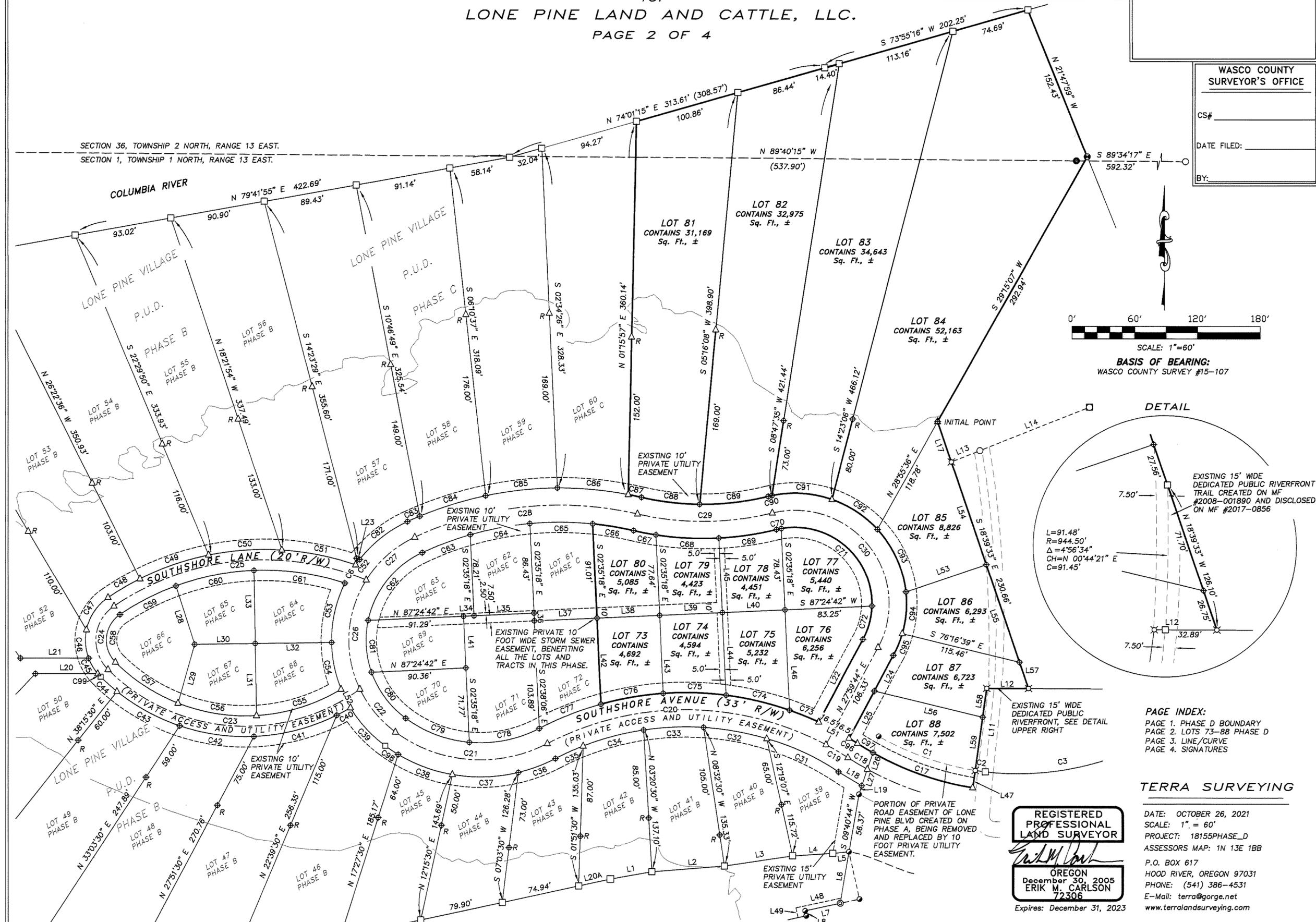
DATE: OCTOBER 26, 2021
 SCALE: 1" = 100'
 PROJECT: 18155PHASE_D
 ASSESSORS MAP: 1N 13E 18B
 P.O. BOX 617
 HOOD RIVER, OREGON 97031
 PHONE: (541) 386-4531
 terra@gorge.net
 www.terraandsurveying.com

TERRA SURVEYING
 PLAT OF LONE PINE VILLAGE PLANNED UNIT DEVELOPMENT
 PHASE D
 for
 LONE PINE LAND AND CATTLE, LLC.
 PAGE 2 OF 4

DOC. NUMBER:
 PLAT NUMBER:
 SLIDE NUMBER:

WASCO COUNTY
 SURVEYOR'S OFFICE
 CS# _____
 DATE FILED: _____
 BY: _____

SECTION 36, TOWNSHIP 2 NORTH, RANGE 13 EAST.
 SECTION 1, TOWNSHIP 1 NORTH, RANGE 13 EAST.



PAGE INDEX:
 PAGE 1. PHASE D BOUNDARY
 PAGE 2. LOTS 73-88 PHASE D
 PAGE 3. LINE/CURVE
 PAGE 4. SIGNATURES

REGISTERED PROFESSIONAL LAND SURVEYOR
 OREGON
 December 30, 2005
 ERIK M. CARLSON
 72306
 Expires: December 31, 2023

DATE: OCTOBER 26, 2021
 SCALE: 1" = 60'
 PROJECT: 18155PHASE_D
 ASSESSORS MAP: 1N 13E 18B
 P.O. BOX 617
 HOOD RIVER, OREGON 97031
 PHONE: (541) 386-4531
 E-Mail: terra@gorge.net
 www.terralandsurveying.com

PLAT OF LONE PINE VILLAGE PLANNED UNIT DEVELOPMENT
 PHASE D
 for
 LONE PINE LAND AND CATTLE, LLC.
 PAGE 3 OF 4

DOC. NUMBER:

PLAT NUMBER:

SLIDE NUMBER:

OWNERS:
 LONE PINE LAND AND CATTLE, LLC
 3600 CRATES WAY,
 THE DALLES, OR. 97031

WASCO COUNTY
 SURVEYOR'S OFFICE

CS#

DATE FILED:

BY:

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	DELTA ANGLE
C1	283.44'	98.55'	N 70°28'01" W	98.06'	19°55'21"
C2	187.06'	9.79'	N 82°23'52" W	9.79'	2°59'58"
C3	272.58'	150.79'	S 80°40'46" W	148.87'	31°41'43"
C4	267.00'	80.69'	N 55°48'49" E	80.38'	17°18'52"
C5	1294.15'	95.90'	S 49°48'07" W	95.88'	4°14'45"
C6	126.50'	20.45'	N 30°29'52" E	20.43'	9°15'43"
C17	283.50'	101.59'	S 70°35'12" E	101.05'	20°31'55"
C18	300.00'	21.68'	S 58°56'44" E	21.68'	4°08'27"
C19	284.00'	24.54'	N 59°21'01" W	24.53'	4°57'00"
C20	284.00'	277.44'	S 89°48'40" E	266.54'	55°58'18"
C21	136.95'	153.65'	N 85°40'07" W	145.72'	64°17'00"
C22	110.00'	54.15'	S 39°26'18" E	53.60'	28°12'14"
C23	185.06'	263.48'	S 85°33'25" E	241.78'	81°34'37"
C24	40.00'	70.01'	S 05°22'21" W	61.41'	100°16'55"
C25	254.60'	253.03'	S 83°59'06" W	242.74'	56°56'35"
C26	110.00'	110.01'	S 03°18'53" W	105.48'	57°18'08"
C27	110.00'	63.07'	N 48°23'33" E	62.21'	32°51'13"
C28	326.64'	218.25'	S 83°57'38" W	214.21'	38°16'57"
C29	275.00'	130.12'	N 89°32'48" E	128.91'	27°06'37"
C30	90.00'	207.35'	N 38°00'23" W	164.44'	132°00'15"
C31	267.50'	76.00'	S 65°00'53" E	75.75'	16°16'45"
C32	267.50'	61.71'	S 79°45'46" E	61.57'	13°13'00"
C33	267.50'	57.54'	N 87°28'00" E	57.43'	12°19'29"
C34	267.50'	59.84'	N 74°53'46" E	59.71'	12°48'59"
C35	267.50'	29.34'	N 65°20'46" E	29.32'	32°51'13"
C36	153.45'	37.97'	S 69°16'45" W	37.88'	14°10'44"
C37	153.45'	63.55'	N 88°13'58" E	63.10'	23°43'41"
C38	153.45'	55.73'	S 69°29'54" E	55.43'	20°48'35"
C39	126.50'	49.82'	S 42°15'31" E	49.49'	22°33'48"
C40	195.06'	15.02'	N 61°08'47" E	15.02'	4°24'43"
C41	195.06'	82.43'	S 75°27'31" W	81.82'	24°12'45"
C42	195.06'	72.25'	S 81°49'26" E	71.84'	21°13'22"
C43	195.06'	68.91'	S 61°05'31" E	68.55'	20°14'29"
C44	195.06'	21.12'	S 47°52'12" E	21.11'	6°12'10"
C45	50.00'	17.46'	N 30°18'12" W	17.37'	20°00'38"
C46	50.00'	27.75'	S 04°23'54" E	27.40'	31°48'00"
C47	50.00'	38.41'	S 33°30'27" W	37.47'	44°00'42"
C48	264.60'	35.53'	N 59°21'38" E	35.51'	7°41'39"
C49	264.60'	69.91'	S 70°46'37" W	69.71'	15°08'18"
C50	264.60'	70.41'	S 85°58'11" W	70.21'	15°14'50"
C51	264.60'	72.17'	N 78°35'33" W	71.95'	15°37'43"
C52	126.50'	6.53'	S 36°36'24" W	6.52'	2°57'20"
C53	126.50'	59.20'	S 12°27'34" W	58.66'	26°48'54"
C54	126.50'	46.20'	S 11°24'43" E	45.95'	20°55'39"
C55	175.06'	85.74'	N 72°28'28" E	84.89'	28°03'46"
C56	175.06'	76.78'	S 80°57'45" E	76.17'	25°07'48"
C57	175.06'	72.19'	S 56°34'59" E	71.68'	23°37'45"
C58	30.00'	52.51'	N 05°22'21" E	46.06'	100°16'55"
C59	244.60'	60.46'	S 62°35'43" W	60.31'	14°09'49"
C60	244.60'	76.55'	S 78°38'35" W	76.24'	17°55'57"
C61	244.60'	88.27'	S 82°03'08" E	87.79'	20°40'36"
C62	93.50'	86.42'	S 38°20'24" W	83.38'	52°57'31"
C63	310.14'	49.13'	S 69°21'27" W	49.08'	9°04'36"
C64	310.14'	58.17'	S 79°16'09" W	58.09'	10°44'47"
C65	310.14'	60.17'	S 89°48'01" E	60.07'	11°06'54"
C66	310.14'	39.76'	N 80°34'14" W	39.73'	7°20'40"
C67	291.50'	21.75'	N 79°02'10" W	21.75'	4°16'32"
C68	291.50'	60.38'	N 87°06'29" W	60.28'	11°52'07"
C69	291.50'	55.79'	N 81°28'28" E	55.71'	10°57'58"
C70	73.50'	4.66'	N 77°48'26" E	4.66'	3°37'54"

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	DELTA ANGLE
C71	73.50'	131.05'	N 49°17'47" W	114.37'	102°09'40"
C72	73.50'	33.62'	N 14°53'24" E	33.33'	26°12'41"
C73	300.50'	30.10'	S 67°51'06" E	30.08'	5°44'18"
C74	300.50'	62.50'	N 76°40'46" W	62.39'	11°55'02"
C75	300.50'	60.26'	S 88°22'59" E	60.16'	11°29'25"
C76	300.50'	60.60'	N 80°05'42" E	60.49'	11°33'13"
C77	300.50'	63.64'	N 68°15'05" E	63.43'	12°08'01"
C78	120.45'	69.24'	N 78°42'06" E	68.38'	32°56'06"
C79	120.45'	65.81'	N 69°10'42" W	64.99'	31°18'18"
C80	93.50'	56.10'	S 36°21'06" E	55.27'	34°21'31"
C81	93.50'	50.62'	S 03°39'02" E	50.01'	31°01'20"
C82	126.50'	59.03'	N 51°27'07" E	58.49'	26°44'05"
C83	343.14'	12.96'	N 65°54'03" E	12.96'	2°09'48"
C84	343.14'	66.15'	S 72°30'18" W	66.05'	11°02'41"
C85	343.14'	69.05'	N 83°47'31" E	68.93'	11°31'44"
C86	343.14'	68.24'	N 84°44'49" W	68.12'	11°23'38"
C87	343.14'	12.98'	N 77°58'27" W	12.98'	2°10'00"
C88	258.50'	56.10'	N 83°07'35" W	55.999'	12°26'07"
C89	258.50'	66.11'	N 83°19'07" E	65.93'	14°39'15"
C90	106.50'	3.76'	N 77°00'09" E	3.76'	2°01'19"
C91	106.50'	58.20'	N 86°19'56" W	57.47'	31°18'32"
C92	106.50'	52.83'	N 56°28'04" W	52.29'	28°25'12"
C93	106.50'	67.129'	N 24°10'41" W	66.18'	36°12'07"
C94	106.50'	40.75'	N 04°51'10" E	40.50'	21°55'19"
C95	106.50'	22.64'	N 21°54'17" E	22.60'	12°10'54"
C96	300.50'	9.50'	N 57°46'52" W	9.50'	1°48'43"
C97	283.50'	17.47'	N 58°38'27" W	17.47'	3°31'54"
C98	153.45'	14.91'	N 56°18'37" W	14.90'	5°34'00"
C99	50.00'	3.89'	N 42°32'19" W	3.89'	4°27'35"

LINE	BEARING	DISTANCE
L1	S 79°56'47" W	40.31'
L2	S 85°25'02" W	69.71'
L3	S 81°25'15" W	65.91'
L4	S 86°13'29" W	38.48'
L5	N 84°13'53" E	15.67'
L6	S 09°40'44" W	50.39'
L7	N 77°40'53" E	34.44'
L8	N 12°19'07" W	5.00'
L9	S 09°40'44" W	56.37'
L10	N 18°38'21" E	42.13'
L11	N 07°50'16" E	79.99'
L12	S 89°51'13" E	39.97'
L13	N 68°10'46" E	29.46'
L14	N 68°18'05" E	112.89'
L15	N 68°04'51" E	79.99'
L16	N 68°03'55" E	7.73'
L17	S 18°39'33" E	41.00'
L18	N 61°50'05" W	33.00'
L19	S 18°38'21" W	8.59'
L20A	S 77°40'53" W	31.04'
L20	N 90°00'00" W	59.78'
L21	N 90°00'00" W	65.37'
L22	N 27°59'44" E	66.18'
L23	S 67°59'18" E	3.05'
L24	N 27°59'44" E	38.85'
L25	N 27°59'44" E	51.49'
L26	S 18°38'21" W	16.79'
L27	S 18°38'21" W	16.76'
L28	S 17°43'06" E	59.10'
L29	N 15°44'33" E	59.01'
L30	N 89°10'21" E	58.00'

LINE	BEARING	DISTANCE
L30	N 89°10'21" E	58.00'
L31	N 01°00'09" W	69.60'
L32	S 89°10'21" W	73.07'
L33	S 01°00'09" E	70.49'
L34	N 87°24'42" E	10.00'
L35	N 87°24'42" E	57.50'
L36	S 02°35'18" E	7.50'
L37	N 87°24'42" E	60.00'
L38	N 87°24'42" E	60.00'
L39	N 87°24'42" E	60.00'
L40	N 87°24'42" E	60.00'
L41	S 02°35'18" E	49.99'
L42	S 02°35'18" E	83.08'
L43	S 02°35'18" E	75.38'
L44	S 02°35'18" E	79.79'
L45	S 02°35'18" E	71.89'
L46	S 02°35'18" E	96.89'
L47	N 08°13'06" E	16.79'
L48	S 77°40'53" W	44.35'
L49	N 12°19'07" W	9.76'
L50	N 18°38'21" E	8.58'
L51	N 61°50'05" W	33.00'
L52	N 26°25'35" W	20.07'
L53	N 71°07'56" E	81.33'
L54	N 18°39'33" W	104.69'
L55	S 18°39'33" E	99.26'
L56	S 76°16'29" E	106.60'
L57	S 18°39'33" E	26.75'
L58	S 07°50'16" W	28.20'
L59	S 07°50'16" W	51.79'

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

 OREGON
 December 30, 2005
 ERIK M. CARLSON
 72306
 Expires: December 31, 2023

TERRA SURVEYING

DATE: OCTOBER 26, 2021
 SCALE: 1" = 60'
 PROJECT: 18155PHASE_D
 ASSESSORS MAP: 1N 13E 18B
 P.O. BOX 617
 HOOD RIVER, OREGON 97031
 PHONE: (541) 386-4531
 E-Mail: terra@gorge.net
 www.terralandsurveying.com

PAGE INDEX:
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OWNERS:
LONE PINE LAND AND CATTLE, LLC
AN OREGON LIMITED LIABILITY COMPANY.
3600 CRATES WAY,
THE DALLES, OR. 97031

TERRA SURVEYING
PLAT OF LONE PINE VILLAGE PLANNED UNIT DEVELOPMENT
PHASE D
for
LONE PINE LAND AND CATTLE, LLC.
PAGE 4 OF 4

WASCO COUNTY SURVEYOR'S OFFICE
CS# _____
DATE FILED: _____
BY: _____
DOC. NUMBER: _____
PLAT NUMBER: _____
SLIDE NUMBER: _____

REGISTERED PROFESSIONAL LAND SURVEYOR
Erik M. Carlson
OREGON
December 30, 2005
ERIK M. CARLSON
72306
Expires: December 31, 2023

DECLARATION:

KNOW ALL PERSONS BY THESE PRESENTS THAT LONE PINE LAND AND CATTLE, L.L.C., DOES HEREBY MAKE, ESTABLISH & DECLARE THE PLAT MAP TO BE A TRUE & CORRECT MAP OF THE LAND OWNED & LAID OUT AS "LONE PINE VILLAGE PLANNED UNIT DEVELOPMENT, PHASE D" AND CAUSED THE SUBDIVISION TO BE PREPARED IN ACCORDANCE WITH THE PROVISIONS OF ORS 92 AND THE DALLES CITY ORDINANCES.

Christopher P. Schanno
REPRESENTATIVE OF LONE PINE LAND AND CATTLE L.L.C.,
an Oregon limited liability company.

ACKNOWLEDGMENT:

STATE OF OREGON)
COUNTY OF WASCO)SS.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON December 17, 2021 BY CHRISTOPHER P. SCHANNO AS THE REPRESENTATIVE OF LONE PINE LAND AND CATTLE, L.L.C.

Christopher P. Schanno 12-17-2021 DATE
REPRESENTATIVE
Christopher P. Schanno
PRINT

Nancy Jane Carlson
NAME OF NOTARY (PRINT)
N Carlson
SIGNATURE OF NOTARY

COMMISSION NUMBER: 985708
MY COMMISSION EXPIRES: April 14, 2023

SURVEYOR'S CERTIFICATE:

I, ERIK M. CARLSON, REGISTERED LAND SURVEYOR FOR THE STATE OF OREGON, BEING FIRST DULY SWORN, DEPOSED AND SAY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH LEGAL MONUMENTS THE LAND REPRESENTED ON THE PLAT OF "LONE PINE VILLAGE, PUD, PHASE D" CITY OF THE DALLES, WASCO COUNTY, STATE OF OREGON AS DESCRIBED AS FOLLOWS:

TRACTS E AND F OF THE PLAT OF LONE PINE VILLAGE PLANNED UNIT DEVELOPMENT (P.U.D.) PHASE C, RECORDED JUNE 18, 2021 AS INST No. 2021-002793, WASCO COUNTY RECORDS IN THE CITY OF THE DALLES, COUNTY OF WASCO AND STATE OREGON.

A FOUND 5/8" IRON ROD WITH PLASTIC CAP MARKED "TERRA LS. 72306" WAS HELD AS THE INITIAL POINT OF THIS PLAT. THE INITIAL POINT IS LOCATED AT THE INTERIOR CORNER ON THE EAST LINE OF TRACT B OF THE PLAT OF LONE PINE VILLAGE PLANNED UNIT DEVELOPMENT, PHASE B, BEING THE NORTHWEST CORNER OF PARCEL 3 OF PARTITION PLAT No. 2017-0002.

Erik M. Carlson
ERIK M. CARLSON PLS 72306

APPROVALS:

I, THE WASCO COUNTY ASSESSOR AND TAX COLLECTOR, HEREBY CERTIFY THAT WE HAVE EXAMINED THE PLAT OF PHASE D "LONE PINE VILLAGE, PUD" IN THE COUNTY OF WASCO AND THAT THE NAME ADOPTED FOR SAID PLAT IS A PROPER NAME AND NOT INCLUDED IN ANY OTHER SUBDIVISION IN WASCO COUNTY, AND FURTHER CERTIFY THAT ALL ASSESSMENTS DUE HEREON HAVE BEEN FULLY PAID AS REQUIRED BY LAW AND WE HEREBY APPROVE SAID PLAT.

WASCO COUNTY ASSESSOR AND TAX COLLECTOR DATE

APPROVALS:

THE PLAT OF PHASE D OF "LONE PINE VILLAGE, PUD" WAS EXAMINED AND APPROVED BY ME THIS 17th DAY OF DECEMBER, 2021.

Barry
WASCO COUNTY SURVEYOR

THE PLAT OF PHASE D OF "LONE PINE VILLAGE, PUD" WAS EXAMINED AND APPROVED BY ME THIS 7th DAY OF January, 2022.

Rubén Amayo
THE DALLES CITY COUNCIL

THE PLAT OF PHASE D OF "LONE PINE VILLAGE, PUD" WAS EXAMINED AND APPROVED BY ME THIS 20th DAY OF DECEMBER, 2021.

Dale D. McEwen
CITY OF THE DALLES ENGINEER

THE PLAT OF PHASE D OF "LONE PINE VILLAGE, PUD" WAS EXAMINED AND APPROVED BY ME THIS _____ DAY OF _____, 20__.

WASCO COUNTY COMMISSIONER

THE PLAT OF PHASE D OF "LONE PINE VILLAGE, PUD" WAS EXAMINED AND APPROVED BY ME THIS 7 DAY OF January, 2022.

Julie Preece
for CITY OF THE DALLES PLANNING DIRECTOR

THE PLAT OF PHASE D OF "LONE PINE VILLAGE, PUD" WAS EXAMINED AND APPROVED BY ME THIS _____ DAY OF _____, 20__.

WASCO COUNTY COMMISSIONER

THE PLAT OF PHASE D OF "LONE PINE VILLAGE, PUD" WAS EXAMINED AND APPROVED BY ME THIS 7 DAY OF January, 2022.

Julie Preece
THE DALLES PLANNING COMMISSION CHAIRMAN

THE PLAT OF PHASE D OF "LONE PINE VILLAGE, PUD" WAS EXAMINED AND APPROVED BY ME THIS _____ DAY OF _____, 20__.

WASCO COUNTY COMMISSIONER

NARRATIVE:

THE PURPOSE OF THIS PLAT IS TO CREATE PHASE D OF LONE PINE VILLAGE, PUD. THE BOUNDARY OF PHASE D WAS PLATTED AS TRACTS E AND F OF PHASE C OF THE PLAT OF LONE PINE VILLAGE, PLANNED UNIT DEVELOPMENT THE CONTROLLING ELEMENTS OF THIS PLAT WERE RECOVERED 5/8" IRON RODS, L.S. 72306 AND COPPER PLUGS FROM THE SUBDIVISION PLAT OF LONE PINE VILLAGE, PUD PHASE B AND C. THESE MONUMENTS WERE HELD AS THEIR POSITION SHOWS THEM TO BE UNDISTURBED. THE NORTHEAST CORNER OF THE W.C. LAUGHLIN D.L.C. NO. 38. THE COUNTY SURVEYOR RECOVERED A 3 1/2" BRONZE MONUMENT FOUND IN A 9" X 9" CONCRETE BASE, BURIED OVER 3 FEET BELOW GROUND SURFACE. THE OUTSIDE BOUNDARIES OF LOTS OF THIS PLAT IS OUT IN THE COLUMBIA RIVER, REFERENCE MONUMENTS WERE SET WITH DISTANCES SHOWN ON THE FACE OF THIS PLAT.

THE BASIS OF BEARING IS THE NORTH LINE OF LOT 34 THROUGH LOT 31 OF THE ORIGINAL LONE PINE VILLAGE, PUD, (C.S. 15-107).

DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS:

THE "MASTER DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS" FOR PHASE D OF "LONE PINE VILLAGE" IS MADE BY ICON HOLDINGS, LLC AND DESCRIBED IN THE WASCO COUNTY DEED INSTRUMENT FILE FOR RECORD AS MICROFILM No. 2008-001237, AS RECORDED MARCH 25th 2008, WASCO COUNTY DEED RECORDS.

REFERENCES (WASCO COUNTY):

- C.S. No. 8-185, LONE PINE SUBDIVISION FOR VAN NUYS, SLIDE A-97 BY TUTTLE, FILED MARCH 7, 1994.
- C.S. No. 9-114, PLAT OF COLUMBIA GORGE VILLAS CONDOS, SLIDE A-098 FOR VAN NUYS, BY TUTTLE, RECORDED MAY 26, 1995.
- C.S. No. 10-023, PARTITION/PROPERTY LINE ADJUSTMENT PLAT NO.96-0035, SLIDE C-035B FOR VAN NUYS, BY TUTTLE, RECORDED NOVEMBER 21, 1996.
- C.S. No. 15-014, PLAT No.970226 OF COLUMBIA SHORES CONDOS, SLIDE A-100, FOR BRENNER BY TUTTLE, RECORDED JANUARY 22, 1997.
- C.S. No. 15-015, REPLAT No.971311 OF COLUMBIA SHORES CONDOS, SLIDE C 48B, FOR BRENNER BY TUTTLE, RECORDED APRIL 7, 1997.
- C.S. No. 11-010, PARTITION PLAT NO. 98-0018 FOR VAN NUYS, SLIDE C-92A BY ROHDE, AUGUST 6, 1998.
- C.S. No. 15-016, SURVEY FOR LONE PINE DEVELOPMENT BY CARLSON, FILED: FEBRUARY 21, 2007.
- C.S. No. 15-107, LONE PINE VILLAGE SUBDIVISION, PUD, PHASE A (PLAT 2008-0006) FOR ICON WEST, SLIDE D-55A, BY CARLSON, FILED: APRIL 29, 2008.
- C.S. N. 17-011, PROPERTY LINE ADJUSTMENT SURVEY FOR ICON WEST BY CARLSON, FILED: DECEMBER 24, 2010.
- C.S. No. 17-099, PROPERTY LINE ADJUSTMENT SURVEY FOR ICON WEST BY CARLSON, FILED: MAY 24, 2012.
- C.S. No. 19-050, PARTITION PLAT No. 2017-0002 FOR COLUMBIA STATE BANK, SLIDE D-148A BY CARLSON, FILED: MARCH 10, 2017.
- C.S. No. 19-065, PROPERTY LINE ADJUSTMENT SURVEY FOR WILLIAM CANESSA BY CARLSON, FILED: OCTOBER, 9 2017.
- C.S. No. 20-001, PROPERTY LINE ADJUSTMENT SURVEY FOR PAUL SCHANNO BY CARLSON, FILED: DECEMBER 2, 2018.
- C.S. No. 20-012, LONE PINE VILLAGE SUBDIVISION PUD, PHASE B (2019-000068) FOR LONE PINE LAND AND CATTLE, SLIDE D-167A, BY CARLSON, FILED: JANUARY 7, 2019.
- C.S. No. 21-033, LONE PINE VILLAGE SUBDIVISION PUD, PHASE C (2021-002793) FOR LONE PINE LAND AND CATTLE, SLIDE D-197B, BY CARLSON, FILED: JUNE 18, 2021.

SPECIAL EXCEPTIONS (WASCO TITLE NO.14-52847, DATED MARCH 18, 2021):

- MICROFILM NO. 641275- JUNE 9, 1964. PACIFIC POWER AND LIGHT COMPANY, THE EXHIBIT MAP AND DESCRIPTION SHOWS UTILITIES TO BE EAST OF THIS SUBDIVISION.
- MICROFILM NO. 641448- JANUARY 1, 1964. NORTHERN WASCO COUNTY PEOPLE'S UTILITY DISTRICT, WE WERE UNABLE TO LOCATE IN THE FIELD AS POWER HAS BEEN RE-LOCATED ON PHASE A.
- MICROFILM NO. 712027- NOVEMBER 2, 1971. PACIFIC POWER AND LIGHT COMPANY, WE WERE UNABLE TO LOCATE IN THE FIELD AS POWER HAS BEEN RE-LOCATED ON PHASE A.
- MICROFILM NO. 75-1290- JANUARY 1974. FLOWAGE EASEMENT CONVEYED TO THE UNITED STATES OF AMERICA TO FLOOD BETWEEN ELEVATIONS 72 FEET TO 88 FEET (NGVD29).
- MICROFILM NO. 762422- OCTOBER 20, 1976. WATERLINE EASEMENT TO THE CITY OF THE DALLES, EASEMENT IS EAST OF THIS SUBDIVISION.
- MICROFILM NO. 2017-0856-RECORDED MARCH 10, 2017, DISCLOSED BY PARTITION PLAT FOR COLUMBIA STATE BANK.

ADDITIONAL NOTES:

- MICROFILM NO. 641275- JUNE 9, 1964. PACIFIC POWER AND LIGHT COMPANY, THE EXHIBIT MAP AND DESCRIPTION SHOWS UTILITIES TO BE EAST OF THIS SUBDIVISION.
- MICROFILM NO. 742278- NOVEMBER 3, 1974. SANITARY EASEMENT TO THE CITY OF THE DALLES.MICROFILM NO. 2008-1237- MARCH 25, 2008, MASTER DECLARATION AND COVENANTS, CONDITIONS AND RESTRICTIONS FOR LONE PINE VILLAGE. RESTATED ON INST2011-3939.
- MICROFILM NO. 2008-4001-SEPTEMBER 11, 2008, BYLAWS OF LONE PINE VILLAGE COMMERCIAL OWNERS ASSOCIATION. NO COMMERCIAL PROPERTY ON THIS PHASE.
- MICROFILM NO. 2012-0001- JANUARY 3, 2012, EASEMENT FOR PARKING DOES NOT AFFECT THE PROPERTY BEING PLATTED.
- MICROFILM NO. 2013-003191- AUGUST 23, 2013, EASEMENT FOR PARKING DOES NOT AFFECT THE PROPERTY BEING PLATTED.
- MICROFILM NO. 2012-0809- MARCH 9, 2012, COMMON MAINTENANCE AGREEMENT FOR COLUMBIA PLAZA.

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TERRA SURVEYING

DATE: OCTOBER 26, 2021
SCALE: 1" = 100'
PROJECT: 18155PHASE_D
ASSESSORS MAP: 1N 13E 1BB
P.O. BOX 617
HOOD RIVER, OREGON 97031
PHONE: (541) 386-4531
terra@gorge.net
www.terralandsurveying.com



DISCUSSION ITEM

NCPHD COVID-19 Update

[NO DOCUMENTS HAVE BEEN SUBMITTED FOR THIS ITEM – RETURN TO AGENDA](#)



DISCUSSION ITEM

MCEDD IGA Amendment

[STAFF MEMO](#)

[2021-2022 MCEDD IGA](#)

[AMENDMENT 1](#)

[MOTION LANGUAGE](#)



MEMORANDUM

SUBJECT: MCEDD Amendment

TO: BOARD OF COUNTY COMMISSIONERS

FROM: KATHY CLARK

DATE: JANUARY 25, 2022

BACKGROUND INFORMATION:

At the time the 2021/2022 MCEDD IGA was approved, Mr. Stone explained that the base funding has been \$50,000; three years ago there was a request for additional funding to do extra work. We have continued that model but have not as yet determined what that extra work will be for this year. Ms. Pipinich noted that depending on what the project is there may need to be a separate agreement. She stated that the additional funds have been very helpful to work on projects such as the Fair Board's strategic plan and the repairs to the boat ramps at the Pine Hollow Reservoir.

Since that time, MCEDD and Wasco County have determined a scope of work for the additional \$25,000; the amendment contained in the Board Packet formalizes that scope and allows for payment of the additional funding.



Intergovernmental Agreement between Wasco County and Mid-Columbia Economic Development District

This Intergovernmental Agreement is made and entered into this 7th day of July, 2021, by and between Wasco County and Mid-Columbia Economic Development District (hereinafter referred to as MCEDD).

PURPOSE

MCEDD, working under the direction of the Wasco County Board of Commissioners and the Wasco County Economic Development Commission, will provide leadership and staff support for economic development activities in Wasco County, as outlined in MCEDD's Scope of Work listed below,

MCEDD, as directed by the Wasco County Board of Commissioners, will be responsible to the Wasco County Economic Development Commission (WCEDC) for the following areas:

1. MCEDD will work closely with the Chair of the WCEDC to prepare an annual calendar of meetings as well as the agendas for each meeting, take minutes at the meetings, and make the arrangements for all scheduled meetings of the WCEDC; and
2. MCEDD will communicate with WCEDC members, County Commissioners and other entities in Wasco County; and
3. MCEDD will work with employees of Wasco County to maintain a website that shows the calendar of events as it pertains to the WCEDC; and
4. MCEDD will assign staff to support the WCEDC; and
5. MCEDD will work closely with the WCEDC to complete an update of the Wasco County Economic Development Strategic Action Plan to ensure the accuracy of information presented in the plan and that it identifies key economic development opportunities and challenges; and
6. MCEDD will work closely with the members of the WCEDC to determine a long-term scope of work for the MCEDD staff assigned to work with the WCEDC, and for the WCEDC; and
7. MCEDD will work closely with the WCEDC to gather, review and prioritize Wasco County economic development projects; and
8. MCEDD staff will be available to provide economic development assistance in Wasco County by providing assistance in grant writing, project development, and the acquisition of resources from supporting organizations; and
9. MCEDD will work closely with the members of the WCEDC to develop and implement WCEDC committee work plans focused on moving priority projects forward and building community capacity for economic development and project implementation;

- 10. MCEDD will serve as point of contact for Wasco County for all economic development information requests and make referrals as needed to community partners; and
- 11. The Executive Director, or a designee at MCEDD, will be available to report quarterly to the Wasco County Board of Commissioners on the activities of the Wasco County Economic Development Commission or as requested by the Wasco County Board of Commissioners; and

PERSONNEL:

Jessica Metta shall be designated as MCEDD’s Primary Contact Person for the purposes of this Agreement. This Project Administrator shall be responsible for management of MCEDD’s day to day administrative activities under this Agreement, and for apprising and updating the Wasco County Board of Commissioners and the Wasco County Economic Development Commission.

WASCO COUNTY’S RESPONSIBILITES:

Wasco County will be responsible for being the Fiscal Agent for all grants received by Wasco County. In consideration for services rendered under this agreement, Wasco County will provide MCEDD Fifty Thousand Dollars (\$50,000) during Fiscal Year 2022 payable on September 30, 2021. An additional Twenty Five Thousand Dollars (\$25,000) will be provided to MCEDD for special projects to be agreed upon by written agreement between Wasco County and MCEDD. These additional funds are due and payable as set forth in the above mentioned written agreement outlining the special project(s). This Agreement may be terminated within thirty (30) days in writing if funding is no longer available. This Agreement shall remain in effect until June 30, 2022.

APPROVED this 7th Day of July, 2021.

MID-COLUMBIA ECONOMIC DEVELOPMENT DISTRICT



Jessica Metta, Executive Director

WASCO COUNTY BOARD OF COMMISSIONERS



Scott C. Hege, Commission Chair

APPROVED AS TO FORM:



Kristen Campbell, County Counsel



Kathleen B. Schwartz, Vice-Chair



Steven D. Kramer, County Commissioner

2021/2022 MCEDD/Wasco County Intergovernmental Agreement

AMENDMENT #1

For Wasco County EDC Special Projects

This First Amendment to the Intergovernmental Agreement (this “Amendment”) is made and entered into as of the 2nd day of February, 2022, by and between Wasco County (County) and Mid-Columbia Economic Development District (MCEDD).

Recitals

WHEREAS, County and MCEDD are parties to an Intergovernmental Agreement (Agreement) dated June 7, 2021, regarding MCEDD support of economic development activities in Wasco County;

WHEREAS, the Agreement contemplates payment by County to MCEDD of an additional Twenty Five Thousand Dollars (\$25,000) “for special projects to be agreed upon by written agreement between Wasco County and MCEDD” at a future date;

WHEREAS, County and MCEDD desire to amend the Agreement to include the payment and identify the special projects through this Amendment; and

WHEREAS, the Agreement and this Amendment shall hereafter collectively be referred to as the “Agreement.”

NOW, THEREFORE, for good and value consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

I. SCOPE

MCEDD will provide the following special project support to County in addition to the obligations set forth in the Agreement:

- Complete a comprehensive update of the Wasco County EDC Strategic Action Plan.
- Provide project support as appropriate for efforts that increase broadband access in Wasco County, including but not limited to supporting Q-Life in funding requests to enhance its network in rural areas of Wasco County and coordinating the formation and activities of a Wasco County Broadband Action Team.
- Provide grant writing support to the County for projects related to the potential relocation of Kramer Fields in The Dalles and enhancing the Wasco County Fair Grounds in Tygh Valley as needed.

- Increase entrepreneurship programming in Wasco County in conjunction with a Rural Opportunity Initiative grant from Business Oregon to further expand capacity.

II. RESPONSIBILITIES OF THE PARTIES

MCEDD agrees to provide the necessary time, staffing, expertise and capacity to implement the projects outlined above.

County agrees to work closely with MCEDD staff as needed when they are the grant applicant for any of the above projects.

The Parties agree to meet regularly to review progress under this Amendment and to update the plan for meeting its objectives as needed.

III. PERIOD OF AGREEMENT AND COMPENSATION

This Amendment will be effective when signed by both parties and will extend through June 30, 2022 unless the Agreement is terminated by either party.

\$25,000 will be due by County to MCEDD upon execution of this Amendment.

IV. FULL FORCE AND EFFECT

The Parties agree that the Agreement is hereby modified as shown hereinabove. Except as expressly modified above, the Agreement shall remain unchanged and in full force and effect. In the event of a conflict between the terms of the Agreement and the terms of this Amendment, the terms of this Amendment shall control.

SIGNED ON BEHALF OF:

Mid-Columbia Economic Development
District

Wasco County

Jessica Metta, Executive Director

Kathleen B. Schwartz, Board Chair

Date: _____

Date: February 2, 2022



MOTION

SUBJECT: MCEDD IGA Amendment #1

I move to approve Amendment 1 to the 2021/2022 MCEDD/Wasco County Intergovernmental Agreement.



DISCUSSION ITEM

Gambling Prevention Subcontract

[STAFF MEMO](#)

[PROFESSIONAL SERVICES CONTRACT](#)

[MOTION LANGUAGE](#)



MEMORANDUM

SUBJECT: Gambling Prevention Memo

TO: BOARD OF COUNTY COMMISSIONERS

FROM: KATHY CLARK

DATE: JANUARY 25, 2022

BACKGROUND INFORMATION:

At the January 19, 2022 Board Session, Prevention Coordinator Debby Jones explained that Mid-Columbia Center for Living has been the contractor for gambling prevention funding through OHA. MCCFL reached out to their three counties to see if there is any interest in taking on that work. This fits perfectly into our upstream prevention work. We already have tools and strategies in place that can be applied to this work. She said she hopes to bring an agreement to the Board at an upcoming meeting. The agreement included in the Board Packet has been signed by MCCFL and reviewed by counsel for Wasco County.

Mid-Columbia Center for Living Professional Services Contract

Parties:

Mid-Columbia Center for Living
1060 Webber St
The Dalles, Oregon 97058

(hereinafter referred to as "MCCFL")

YouthThink, Wasco County Youth Services
Wasco County
400 E Fourth Street,
The Dalles, OR 97058

(hereinafter referred to as "Contractor")

.....

THIS AGREEMENT is between MCCFL, a Community Mental Health Program (CMHP) authorized under ORS 430.610 to enter into agreement with service provider, and YouthThink, a Division of Wasco County Youth Services, Wasco County, (Contractor).

MCCFL needs the professional services of a contractor in the provision Problem Gambling Prevention Services to citizens in Wasco County, Oregon. The proper performance of these services requires the special training, ability, knowledge, and experience in this field.

1. **Effective Date and Termination.** The effective date of this contract shall be **January 1, 2022** and shall continue through **June 30, 2023**, unless terminated earlier by the parties under Section 5 of this agreement.
2. **Statement of Work.** Contractor agrees to perform the following personal or professional services with the following results:
 - A. designate a problem gambling prevention coordinator, who is qualified by virtue of knowledge, training, experience and skills, who shall be responsible for:
 - a. Biennial plan development (Attachment B) utilizing a comprehensive planning framework for addressing awareness of problem gambling and prevention education. Planning frameworks shall demonstrate the following: assessment of current status of the problem, desired outcome, strategic plan to meet outcome; and evaluation plan;
 - i. community assessment to identify trackable outcome measurements to assist in biennial implementation plan development;
 - ii. Implementing problem gambling prevention activities each quarter related to their identified goals in their Biennial Problem Gambling Prevention Implementation Plan , unless preauthorized by OHA Problem Gambling Prevention Services Specialist;

- iii. Monitoring, implementation, evaluation and oversight of the Biennial Problem Gambling Prevention Implementation Plan in accordance with the “Special Reporting Requirements” section below and submitting it electronically to MCCFL.
- b. Preparation of reports, as described in the “Special Reporting Requirements” section below; #159191-0 Mid-Columbia Center for Living Page 49 of 305 19-21 CFAA (GT#0705-19) DOJ Approval 05.30.19
- c. Oversight and coordination of A&D 80 Services (Problem Gambling Prevention Services}, activities, and programs provided in the County;
- d. Completion of Problem Gambling Prevention Coordinator Training Series requirements within two years from the date of hire. The requirement is met through the Certified Prevention Specialist.
- e. Attend a minimum of 15 hours of OHA Problem Gambling Services approved trainings per biennium, separate from the Problem Gambling Prevention Coordinator Training Series referenced above.
- f. Development and adoption of a comprehensive written policy, on gambling in the workplace; and
- g. (1) Participate in a minimum of one Technical Assistance/Program Development visit in a three year period. (2) In accordance with OHA’s Trauma Informed Care (TIC) Policy, as described in Exhibit D, “Special Terms and Conditions,” County’s CMHP providing A&D 80 Services shall have a TIC plan.. (3) The Biennial Problem Gambling Prevention Implementation Plan shall include details of the Services to be provided by CMHP and must include as many of the Six Center for Substance Abuse Prevention (CSAP) Strategies as possible (e.g. Prevention Education, Information Dissemination, Community Based Processes, Problem Identification and Referral, Alternative Activities, and Environmental Strategies).
- h. The financial assistance awarded to Contractor for A&D 80 Services in the subsequent biennium will, in part, depend upon achievement of the goals and outcomes set forth in the County’s Biennial Problem Gambling Prevention Implementation Plan. In the event of a conflict or inconsistency between the provisions of the County’s Biennial Problem Gambling Prevention Implementation Plan and provisions of this Service Description.
- i.
- j. All A&D 80 Services provided by Contractor under this Agreement must be reported and submitted electronically to MCCFL on a quarterly basis, no later than 30 calendar days following the end of each quarter November, February, May, and August, with respect to Services provided in the prior quarter.
- k. Contractor shall submit written annual reports to both MCCFL, using the Problem Gambling Prevention Annual Report form(s) describing the results of A&D 80 Services in achieving the goals and outcomes set forth in the Biennial Problem Gambling Prevention Implementation Plan. The Contractors

annual report(s) must describe the activities, appraisal of activities, trainings attended, and expenses in providing A&D 80 Services during the preceding fiscal year. The Contractor's annual report(s) are due within 30 calendar days following the end of the state fiscal year and shall be sent to MCCFL electronically.

- I. Contractor shall assume responsibility for any expenses or liabilities involved in providing such service.

B. Authorized Hours, Monthly Billing, Reporting. MCCFL shall pay Contractor for the performance of work, as stated in Section 2, as follows:

- a. MCCFL shall utilize Contractor for the provision of Problem Gambling Services at the Following monthly allotments: \$1806.25 – Wasco County & \$833.33 for Sherman County. Payments can be arranged on monthly or quarterly schedule.
- b. MCCFL certifies that sufficient funds are currently available and are authorized for expenditure to finance costs of this agreement in the agency's current appropriation or limitation.

C. Independent Contractor. Contractor is engaged as an Independent Contractor and as such agrees to the following:

- a. Contractor will be responsible for any Federal or State Taxes applicable to this payment.
- b. Contractor is not eligible and MCCFL is not obligated for any benefits from these contract payments of Federal Social Security, State Workers' Compensation or Unemployment Insurance, except as a self-employed individual. Information returns will be furnished to the Department of Revenue and the Internal Revenue Service, as required.
- c. Contractor certifies that it is not currently employed by the Federal Government full-time.
- d. Contractor certifies it is not a newly appointed, prospective or present State employee.
- e. Contractor certifies that all appropriate licenses and malpractice insurance are maintained, and that MCCFL can request proof of this coverage at any time.

5. Confidentiality. Contractor agrees to not use or disclose any information concerning an MCCFL client for a purpose not directly connected with the administration of its responsibilities under this Contract, except on written consent of the MCCFL client, his or her legally responsible parent or guardian, or if appropriate, his or her attorney, or in accordance with an order from the Wasco County District Attorney or Order of a State Court Judge under the Oregon Public Records laws.

6. Early Termination.

- a. Mutual Agreement. The parties to the agreement may terminate the agreement at any time evidenced by a signed written agreement thirty (30) days prior to the date of termination.
- b. Unilateral Action. Either party may terminate this agreement upon a 30 day written notice to the other party.
- c. Termination upon Breach. Either party may terminate the agreement in the event of breach, provided a 15 day notice of intent to terminate has been provided prior to the termination with opportunity to cure the breach.
- d. Immediate Termination Upon Loss of License or Endangerment of Clients. The contract may be terminated immediately if MCCFL upon evidence of the Contractor's loss by denial, suspension, revocation or non-renewal of any license to practice or certificate of insurance, or upon evidence that the Contractor has endangered or is endangering the health and safety of clients, staff or the public.
- e. Payment Upon Termination. If this agreement is terminated for any reason, all proper services performed to the date of termination shall be invoiced by Contractor and paid by MCCFL.
- f. Insufficient Funding. MCCFL may terminate all or part of this agreement with twenty (20) days' notice if funding to MCCFL from other sources is not obtained or is not continued at levels sufficient to allow for purchase of the indicated quantity of services.

7. Ownership of Product. Work products created by Contractor pursuant to the statement of work for this agreement shall be the property of MCCFL exclusively.

8. Amendment. The parties agree any amendment, addendum, or extension of this agreement must be in writing, signed and dated by both parties.

9. Access to Record.

- a. Contractor shall maintain fiscal records. All fiscal records shall be maintained pursuant to generally accepted accounting standards of accuracy, timeliness, and completeness.
- b. MCCFL'S authorized representatives shall have the right to direct access to all of Contractor's books, documents, papers, and records related to this agreement for the purpose of conducting audits and examinations and making copies, excerpts and transcripts.

10. Compliance with Applicable Law. Contractor shall comply with all federal state, and local laws applicable to the work under this agreement, and all regulations and administrative rules established pursuant to those laws.

11. **Subcontracting with Permission Only.** Contractor agrees all work performed according to Section 2, "Statement of Work," of this contract shall be performed by Contractor personally and will only be subcontracted upon permission of the Executive Director of MCCFL.
12. **Arbitration.** In the event of a dispute between the parties to this agreement and after reasonable attempts to resolve the matter informally, the parties agree to a) refer the matter in dispute to a mutually accepted Arbitrator with the decision of the Arbitrator to be final and legally binding and judgment may be entered thereon, or b) if Arbitration is not pursued, it is agreed any suit in the matter will be filed in Wasco County, Oregon with the prevailing party to be awarded reasonable attorney fees.

THIS CONTRACT CONTAINS A BINDING ARBITRATION PROVISION WHICH AFFECTS YOUR LEGAL RIGHTS AND MAY BE ENFORCED BY THE PARTIES.

Effective Date: This contract shall be effective upon the date both parties have signed below:

MCCFL:

Contractor:



Authorized Signature

Kathy Schwartz, Chair, Wasco County Board
Of Commissioners

Date

Date

Tax ID: 91-1797454

Taxpayer ID # 93-6002315

Phone: 1 541 296-5452

Phone: 541-506-2550

Fax: 1 541 296-4792

Email: kathys@co.wasco.or.us

ATTACHMENT "A"

I. General Performance Standards

A. Insurance:

1. Professional Liability: CONTRACTOR agrees to obtain and keep, during the term of this Contract, professional liability insurance, or a program of self-insurance which provides coverage of direct and vicarious liability relating to any damages caused by error, omission or any negligent acts. CONTRACTOR shall ensure professional liability coverage in the amount of not less than \$1,000,000 per person per incident and not less than \$2,000,000 in the aggregate either through a binder issued by an insurance carrier or by CONTRACTOR'S self-insurance with proof of same to be provided upon MCCFL'S request.

B. Required Insurance Provisions: All required insurance or self-insurance shall include the following provisions,

1. **Thirty Days of Notice of Cancellation.** The CONTRACTOR will provide 30 days' written notice to the MCCFL in the event of cancellation or material change.
2. **Notice of Reduction in Coverage.** The CONTRACTOR will provide written notice to MCCFL within thirty (30) days after any reduction in the general annual aggregate limit.

IV. Monitoring.

A. Agreement Compliance Monitoring

1. **Cooperation.** OHA may conduct compliance and quality assurance monitoring related to this agreement. CONTRACTOR shall cooperate in such monitoring. MCCFL shall notify CONTRACTOR of compliance and quality assurance monitorings, instructions and requests for information.
2. **Notice.** MCCFL shall provide CONTRACTOR twenty (20) days (more when possible) written notice of any agreement compliance and quality assurance monitoring activity which requires any action or cooperation by the CONTRACTOR as specified in subsection 4. below, unless one of the following conditions exist or is suspected to exist:
 - a. Operations of the CONTRACTOR or its subcontractors threaten the health or safety of any DMAP Member; or
 - b. The CONTRACTOR or its subcontractors may act to alter records or make them unavailable for inspection.
3. **Notice Information.** Notice of monitoring shall include the date the monitoring shall occur, names of individuals conducting the monitoring, and instructions and requests for information.
4. **Monitoring Content.** Monitoring procedures may include, but are not limited to, the following as applicable to Contractor's services:
 - a. Entry and inspection of any facility used in the delivery of Covered Services;
 - b. A request for submission to OHA or MCCFL of copies of documents, or access to such documents during a site visit, as needed to verify compliance with this agreement or state and federal laws, rules and regulations;

- c. The completion by CONTRACTOR of self-assessment checklists or pre-site visit questionnaires recording the degree of compliance or noncompliance with specific agreement or rule requirements.

- 5. **Written Report.** MCCFL shall make available to CONTRACTOR a written report of OMHAS findings and conclusions within sixty (60) days of the completion of the monitoring. The CONTRACTOR shall cooperate with MCCFL and OHA in the development of any corrective action plan required to bring CONTRACTOR'S performance into compliance with this contract or state and federal laws, rules and regulations.

- C. **Administration.** MCCFL Project Manager shall, be Al Barton, and shall be designated in writing by the Executive Director of MCCFL. The Project Manager is authorized to approve invoices and be the MCCFL representative in matters related to this contract.



MOTION

SUBJECT: Gambling Prevention Subcontract

I move to approve the Professional Services Contract between Mid-Columbia Center for Living and Wasco County through its Youth Think program for gambling prevention services.



CONSENT AGENDA

[MINUTES: 1.19.2022 REGULAR SESSION](#)



WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
JANUARY 5, 2022

This meeting was held on Zoom

<https://wascocounty-org.zoom.us/j/3957734524>

or call in to [1-253-215-8782](tel:1-253-215-8782) Meeting ID: 3957734524#

PRESENT: Kathy Schwartz, Chair
Steve Kramer, Vice-Chair
Scott Hege, County Commissioner

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

Chair Schwartz opened the session at 9:00 a.m. Changes to the Agenda:

- Remove HHW Search App
- Originally published topic times have changed

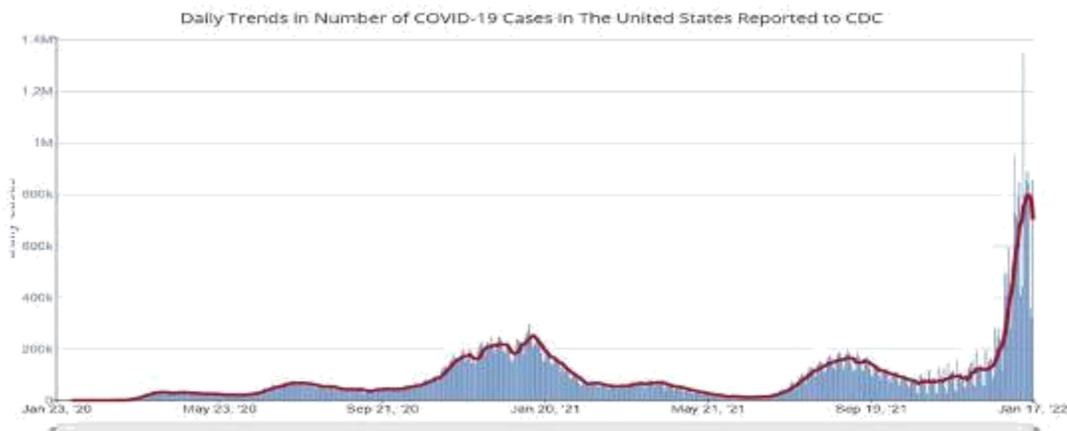
Discussion Item – COVID Update

Public Health Nurse Martha McInnes, Clinical Program Supervisor for North Central Public Health District, explained that they are changing their investigation strategy for COVID cases:

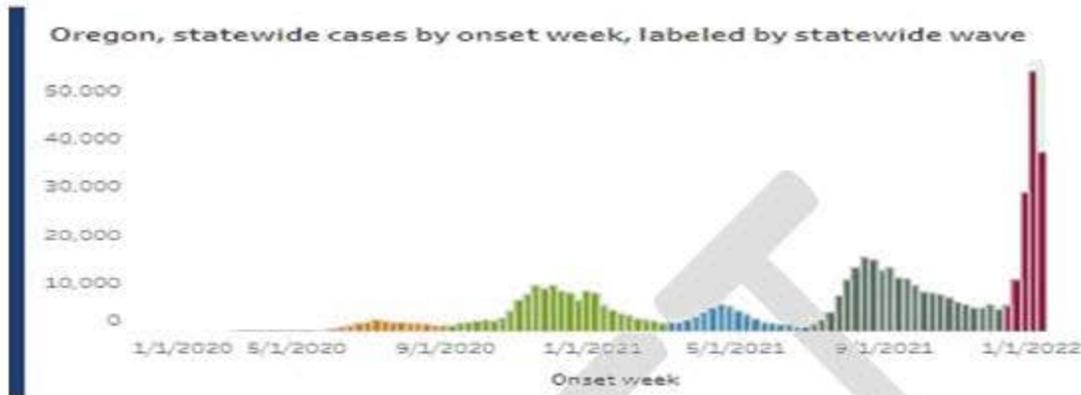
- No longer investigating individual cases
- Only following up on outbreaks

She added that currently there are outbreaks in almost all of the local long-term care facilities. She then reviewed local, state and national data:

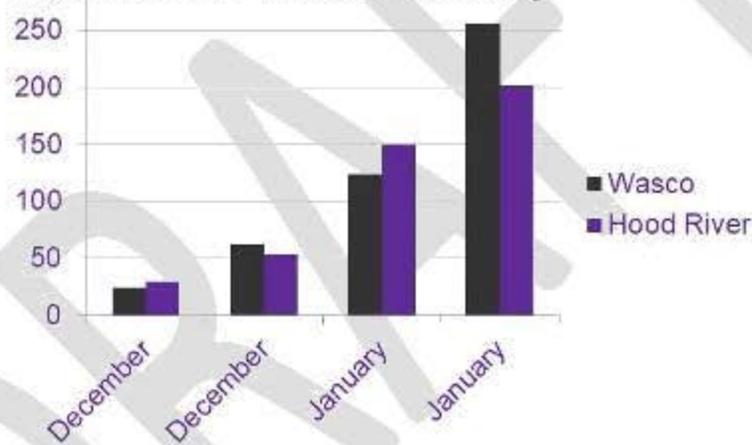
COVID-19 Cases in the USA



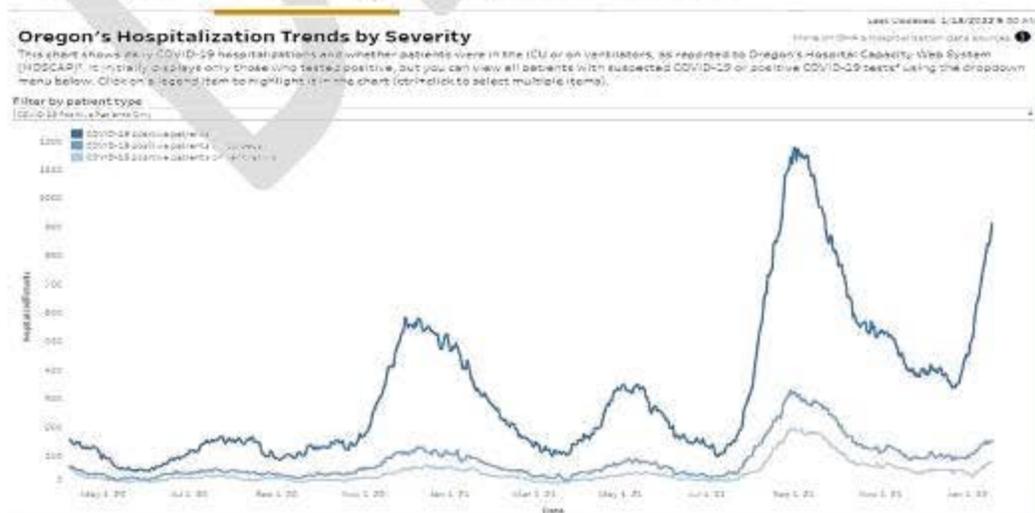
COVID-19 Cases in Oregon



COVID-19 Cases in Wasco County



Oregon COVID-19 Hospitalizations



Ms. McInnes reported that the hospital capacity in our region is extremely stressed with 8 of 10 ICU beds occupied and 46 of 48 non-ICU beds occupied. She added that there is a national shortage of tests; NCPHD and hospitals are prioritizing those with high risk medical conditions. Every household can order up to 4 at-home test kits for free from the federal government at covidtests.gov. She said that if you are sick, just assume you are positive and stay home for 5 days followed by 5 days of masking everywhere you go.

Ms. McInnes observed that just last week, Wasco County was 28 out of 36 Oregon counties for the numbers of people getting booster shots. The NCPHD can provide 1,000 per week but people are not coming in to get them. They are working on how to spread the word in an information-overloaded environment. Much of the public does not realize they are eligible or do not understand booster efficacy. The booster may not keep you from getting sick, but it will prevent hospitalization. NCPHD continues to hold clinics at the Readiness Center from 3-6 p.m. on Thursdays.

Commissioner Hege observed that it seems like some people believe that Omicron is not as bad as earlier variants. Ms. McInnes responded that the percentage of people with Omicron who are hospitalized and/or die is smaller, but because the transmissibility is so much greater, the numbers of people being hospitalized and dying is still enormous. Compounding that is the shortage of staffing either due to illness or burnout. Vaccinations, boosters, masking, social distancing and personal hygiene can all reduce transmission.

Commissioner Hege asked if you need to miss work after being vaccinated. Ms. McInnes replied that you may not feel well enough to work for a day or two, but the booster does not create a contagious condition that would keep you from working.

Commissioner Hege asked how you know a mask is surgical grade. Ms. McInnes answered that she does not know what someone can look for to make sure a mask is actually an adequate surgical mask. There are legitimate places to get KN95s but many are sold out. She suggested people just to the best they can and make sure the mask fits well with no gaping sides. She added that soon the government will be dispensing N95 masks at no cost.

Vice-Chair Kramer encouraged everyone to stay connected to reliable sources of information as there are changes daily and we need to follow the guidelines.

Chair Schwartz asked if what is happening here regarding contact tracing is happening across the state. Ms. McInnes confirmed.

Chair Schwartz asked if there have been local school outbreaks. Ms. McInnes stated that while there are a significant number of local students quarantined, most of the transmission occurred outside of the school system.

Chair Schwartz asked if there are other circumstances in which you might consider using an at-home test such as if you are going to be around unvaccinated children or visiting a long-term care facility. Ms. McInnes agreed that there are other valid reasons to use a test other than being symptomatic; however, she cautioned that there is a test shortage – people should use the tests judiciously and never allow them to substitute for masking. There have been incidences in which everyone tested negative before gathering and there was still transmission – it can change that quickly.

NCPHD Executive Director Shellie Campbell reminded the Board that at the last session they had requested that the tent, provided by the state to house some homeless COVID patients with behavioral issues that made other options inviable, be moved from the Discovery Center to a safer, more convenient location. Although a good deal of work and collaboration went into the effort, they were unable to find a solution. It came down to the cost of insurance and the safety of support staff. Ultimately, the tent was removed – the generator had been stolen. The sanitized cots and bedding were sent to a warming shelter. They continue to work with the shelter and Shilo Inn to house these individuals. They will continue to work with community partners to achieve a long-term solution for a very complex issue.

Chair Schwartz told the audience that if they have further questions, they can call North Central Public Health District.

Agenda Item – Planning Commission Appeal

At 9:33 a.m. Chair Schwartz opened open the Board of Commissioners Quasi-Judicial Appeal Hearing on agenda item 921-19-000193-PLNG, A National Scenic Area request decided upon by the Planning Commission for the following: A new dwelling and structures to support the proposed farm use of raising approximately 13 goats. Specifically, this request includes:

- (1) New Single Family Dwelling (1,889 SF footprint, 50'L x 40'W x 24'H);

- (2) Accessory Buildings (1,500 SF footprint, 50'L x 40'W x 24'H);
- (3) Agriculture Structures: approximately 5,000' of 4' H wire mesh fence (6'fence posts) enclosing three areas on either side of the driveway for livestock pens; approximately 900' of moveable electric fence to protect a wetland; and a 50' diameter moveable round pen; and
- (4) Retroactive review of an unlawfully placed well to serve the residential use and a new 12'L x 12'W x 12'H well house with 1,000-gallon water cistern, and driveway.

The property involved is described as Map & Tax Lot: Township 2 North, Range 11 East, Section 11, Tax Lot 2200. The Tax Account Identification Number: 327.

The criteria for approval of the land use decision includes the following chapters within the National Scenic Area Land Use and Development Ordinance for Wasco County (NSA-LUDO): Chapter 2 - Development Approval Procedures, Section 2.160 Review of a Decision of the Planning Commission; Chapter 3 - Basic Provisions, Section 3.130 "A-2" Small Scale Agriculture Zone (GMA Only); Chapter 4 - Supplemental Provisions, Section 4.040, Off-Street Parking; Chapter 11 - Fire Safety Standards; and Chapter 14 - Scenic Area Review.

The proposed development must comply with applicable provisions contained in the Management Plan for the Columbia River Gorge National Scenic Area. Generally, unless otherwise noted, if a request is found to be consistent with the NSA-LUDO it is considered consistent with the Management Plan.

This will be a de novo hearing, conducted as a new hearing before the public. New evidence or testimony will be accepted to fully and fairly address significant procedural or substantive issues raised.

The procedure to be followed is:

- a. Disclosure of Interest, Ex Parte Contact or Potential Conflicts (see below)
- b. Reading of the Rules of Evidence (see below)
- c. Planning department staff will present their report
- d. The appellant will then have the opportunity to testify
- e. The applicant will have an opportunity for rebuttal
- f. Those who wish to speak in opposition of the proposal
- g. Those who wish to speak in favor of the proposal
- h. Questions by Commissioners of staff, proponent, or opponent

- i. Close the hearing and record and begin deliberation (only Commissioners, or staff if questioned, may contribute to this discussion)

She asked if any commissioner wished to disqualify themselves for any personal or financial interest in this matter. There were none. She asked if any commissioner wished to report any significant ex parte or pre-hearing contacts. There were none.

She asked for the record if any Commissioners conducted a site visit to the subject property. There were none.

Chair Schwartz explained that anyone can speak for or against the proposal today. However, only those who have "party" status will be able to appeal a decision reached by this commission. Anyone seeking party status should say so at the beginning of their testimony.

A party is defined in Section 1.090 as:

- a. *The applicant and all owners or contract purchasers of record, as shown in the files of the Wasco County Assessor's Office, of the property which is the subject of the application.*
- b. *All property owners of record, as provided in (a) above, within the notification area, as described in Table 2-1, of the property which is the subject of the application.*
- c. *A Citizen Advisory Group pursuant to the Citizen Involvement Program approved pursuant to O.R.S. 197.160.*
- d. *Any affected unit of local government or public district or state or federal agency.*
- e. ***Any other person, or his representative, who is specifically, personally or adversely affected in the subject matter, as determined by the Approving Authority.***

And in ORS 197.830 (7)(b) as:

(B) *Persons who appeared before the local government, special district or state agency, orally or in writing.*

The Rules of Evidence are as follows:

- a. No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence.
- b. Evidence received shall be of a quality that reasonable persons rely upon in the conduct of their daily affairs.

- c. Testimony and evidence must be directed toward the criteria applicable to the subject hearing or to criteria that the party believes apply to the decision.
- d. Failure to raise an issue with sufficient specificity may preclude raising it before the Land Use Board of Appeals.
- e. Failure to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow Wasco County to respond to the issue precludes an action for damages in circuit court.

Chair Schwartz asked for staff to present. Senior Planner Daniel Dougherty explained that staff received a formal request from the appellant, Joe Czerniecki, yesterday:

“Mr. Dougherty I am formally requesting a continuance of the currently scheduled appeal regarding the Lopez property in Mosier, Oregon. My husband, Joseph Czerniecki, is recovering from major surgery which occurred January 14, 2022, at the Mayo Clinic in Rochester, Minnesota. He is unable to adequately present his case at this time. I thank you for your willingness to consider this request. Sincerely, Jeanine Czerniecki.”

Mr. Dougherty explained that the Board has options to proceed:

- Stop the hearing now and continue to a date and time certain.
- Allow presentation today but defer testimony to a future date.
- Allow presentation and take some testimony and defer remaining testimony to a future date.
- Deny the request and proceed with the hearing today.

Vice-Chair Kramer said that under the circumstances a couple of weeks' continuance is appropriate; however, this has been going on for some time and we need to get it settled. Chair Schwartz and Commissioner Hege agreed.

{{{Commissioner Kramer moved to continue the Quasi-Judicial Appeal Hearing on agenda item 921-19-000193-PLNG to February 2, 2022 at 9:30 a.m. Commissioner Hege seconded the motion which passed unanimously.}}}

Chair Schwartz closed the hearing at 9:45 a.m. to be reopened at 9:30 a.m. on February 2, 2022.

Agenda Item – Youth Think Update

Prevention Coordinator Debby Jones explained that Mid-Columbia Center for Living has been the contractor for gambling prevention funding through OHA. MCCFL reached out to their three counties to see if there is any interest in taking on that work. This fits perfectly into our upstream prevention work. We already have tools and strategies in place that can be applied to this work. She said she hopes to bring an agreement to the Board at an upcoming meeting.

Ms. Jones went on to say that they successfully applied for \$20,000 in grant funds through 4 Rivers Early Learning to convene new evidence-based Parent Cafes that will fit in with the Parent Boot Camp program for continued outreach. This will give participants the opportunity to become leaders in their communities.

Ms. Jones reported that they have made the decision to step back from some federal grant opportunities as they want to make sure our systems are solidly in place to be prepared to successfully apply for those grants.

The Board thanked Ms. Jones for the report and expressed their appreciation for her work.

Agenda Item – Transit Plan

MCEDD Deputy Director of Transportation Kate Drennan reviewed the presentation included in the Board Packet.

Commissioner Hege asked what the cost is for each additional bus stop. Ms. Drennan replied that it is about \$12,000 including engineering, permits, etc.

Commissioner Hege asked if they looked at the increase in revenue that would result from the changes. He added that it is probably inconsequential compared to costs. Ms. Drennan agreed, saying that fares are a small part of the budget.

Commissioner Hege said that over time the hope is that more people will see it as an option for travel. Ms. Drennan said that one challenge is that for so long it was a dial-a-ride service and people thought of it as something just for seniors or the disabled and not as general public transit. Commissioner Hege suggested that the County can help with that messaging and encouraged MCEDD to send information for posting.

Vice-Chair Kramer said this is very exciting; although there are challenges, we can work through them. He noted that it would be good to see the congestion data and how it can be reduced through public transit along with the other unseen benefits of the plan. He commended the work being done.

Chair Schwartz asked if this is a 20 year vision. Ms. Drennan replied affirmatively, saying that it considers population and job growth among other factors.

Discussion Item – Maupin Deed Transfer

County Assessor Jill Amery reviewed the memo included in the Board Packet. Maupin City Manager Kevin Lewis said that this property abuts current City property and they are looking at using it for affordable housing and a park area.

Ms. Clark explained that there have been some minor changes to the documents included in the Board Packet. The County Surveyor has corrected the legal description. In addition, the agreement has a closing deadline that is already expired; we will be changing that to a future date. The changes have been approved by both City and County Counsels.

{{Vice-Chair Kramer moved to approve the Sale and Purchase Agreement and Bargain Sale and Deed for surplus property to the City of Maupin for consideration of \$22,329.22 with corrections to the legal description in the deed and the closing date in the agreement. Commissioner Hege seconded the motion which passed unanimously.}}

Commissioner Hege asked where the figure of \$22,000 comes from. Ms. Amery replied that it is the outstanding taxes so that the taxing districts are made whole – that is our minimum requirement when selling the foreclosed properties. She said we have owned this property for some time. Commissioner Hege said it is great to get it back on the tax rolls.

Chair Schwartz asked if there is a need for this property in order to expand the City's water system. Mr. Lewis answered that this will allow them to place a water tower high enough to serve the higher elevation properties.

Discussion Item – Budget Appointment

Chair Schwartz noted that Frank Kay has resigned from the Budget Committee due to his plan to relocate out of the area. She said she is very happy to see that

we have a well-qualified applicant.

Applicant DeOra Patton said that she appreciates the opportunity to participate in government and represent the southern part of the county. Chair Schwartz said that Ms. Patton's experience in government and budgeting will be a huge asset.

{{{Commissioner Hege moved to approve Order 22-002 appointing DeOra Patton to the Wasco County Budget Committee. Vice-Chair Kramer seconded the motion which passed unanimously.}}}

Agenda Item – Bargain Sale & Deed to City of Dufur

Public Works Director Arthur Smith reviewed the memo included in the Board Packet. He said this is a win/win and he supports the sale.

Dufur Mayor Merle Keys explained that they need the land to meet DEQ requirements for a setback on an ongoing project. They were not aware of the need when they started the project. The upgrades will allow Dufur to expand housing as well as modernize the sewer system.

Vice-Chair Kramer stated that he is in favor of this as it will help the City of Dufur move into the future.

Commissioner Hege asked how long we have had the property. Mr. Smith said we acquired it in 1924 as a quarry site. The agreement retains our rights to the rock and meets both the needs of the County and the needs of the City.

{{{Commissioner Hege move to approve the Land Transfer Agreement and Statutory Bargain Sale and Deed conveying property to the City of Dufur, retaining County mining rights, for consideration of \$3,000. Vice-Chair Kramer seconded the motion which passed unanimously.}}}

Discussion Item – Expunction Agreement

Vice-Chair Kramer said doing the math on the agreement it would pay for 174 expunctions and he wondered if we actually have that many. Chair Schwartz stated that she had the opportunity to talk with Juvenile Services Director Molly Rogers and this agreement will cover their expenses.

Commissioner Hege said he had also spoken to Ms. Rogers with a concern about

sustainability; Ms. Rogers believes this will be ongoing funding and is comfortable with the agreement.

Chair Schwartz said that her understanding is that this is a new process that will expunge certain juveniles once they turn 18 and open the way for a better future.

{{Vice-Chair Kramer moved to approve IGA 14840 for the expunction of juvenile records. Commissioner Hege seconded the motion which passed unanimously.}}

Agenda Item – Fee Schedule Hearing

At 10:45 a.m. Chair Schwartz opened a hearing for the Wasco County Amended Fee Schedule Ordinance explaining the process to be followed.

Ms. Clark reported that there have been no changes to the proposed fees in the Ordinance since they were presented at the January 2nd hearing. However, a couple of non-substantive changes have been made: 1) Appendix D was not referenced in the introductory language of the Ordinance 2) Not all the Appendices included their designated identifying letter at the beginning of the Appendix. Both of those oversights have been corrected. She went on to say that this is the second of two required hearings; the Board may deliberate and vote at today's hearing. If adopted, the Ordinance would take effect on April 5, 2022.

Commissioner Hege asked if the State comments on the fees. Ms. Clark replied that she has not received any comment from the State Building Codes Division. They require 45 days' notice prior to adoption during which time they post and distribute the proposed changes. We have received no oral or written comment as a result of that process.

Commissioner Hege noted that most of the Building Codes fees are going up approximately 15% but it has been some time since they have been increased. Ms. Clark said that they have not been increased since 2013. These increases were formulated by our previous Building Official. Much higher increases had been proposed but the Board was reluctant to raise them so much all at once.

Commissioner Hege said that we will look at them annually for a more gradual cost increase. Ms. Clark said that she hopes to coordinate the Building Codes Fee Schedule process with that for the remaining County fees included in the Schedule so that the Board has only one annual process to consider increases.

{{{Vice-Chair Kramer move to approve Ordinance 22-001 In the Matter of Amending Wasco County's Uniform Fee Schedule for Various County Departments. Commissioner Hege seconded the motion which passed unanimously.}}}

Public Comment

Sheila Dooley asked if the Wilson hearing will be De novo or on the record; what will be the time limit on testimony; why you need to request party status at the hearing.

Planning Director Kelly Howsley-Glover responded that the Wilson hearing will be limited to items on remand and will be De novo. County Ordinance requires party status be requested and it never hurts to ask. She said she would be happy to talk with Ms. Dooley after the meeting to answer her questions more fully.

Discussion Item Continued – Expunction Agreement

Ms. Rogers explained that Senate Bill 817 was passed to allow for automatic expunction for youth when they turn 18 and have no current issues before the court. It allows expunction without going through the court. Since the fee for expunction applications has been abolished, this agreement helps to pay for the work. She said she believes we can make this work under current staffing; some of the larger counties have had to add staff. Oregon Youth Authority manages those funds.

Commissioner Hege asked who is involved on our side. Ms. Rogers replied that it comes from her office and Law Enforcement agencies. These are cases not filed in court. Her office starts the process and sends it to the youth and any law enforcement agency involved in the referral of the youth. That agency is responsible for redaction, destruction or sealing of the record. If it was a court diversion, then it goes through their staff for processing.

Discussion Item – MCCFL/Pacific Source Letter

Mr. Stone said that Wasco County has put in a significant effort to support MCCFL when they work on filling vacancies and reorganizing. We have been negotiating with Pacific Source and this letter thanks them for a stability payment which will help MCCFL transition from where they are now to where they need to be. He said he is asking for the Board's support to put this letter forward to acknowledge the Pacific Source efforts to help us with one of our most important community needs. He said he is hoping that one or more of the Commissioners can add a

personal story to insert. He added that the stability payment is tied to contractual negotiations, but we are well down the road to finalizing that.

Commissioner Hege said that he supports the letter – it is a good idea.

Vice-Chair Kramer said that the lived experiences can come later. Chair Schwartz agreed but asked that the general language about community experiences, such as mental health issues in our schools, remain in the letter.

*****The Board was in consensus to sign a letter thanking Pacific Source for their help in stabilizing Mid-Columbia Center for Living.*****

Chair Schwartz said there are not enough thanks for the work Mr. Stone is doing at MCCFL. She asked if other counties are sending similar letter. Mr. Stone said that it is also before Hood River and Sherman Counties' Boards. He added that Al Barton and Silas Halloran-Steiner also deserve recognition along with a number of Wasco County staff who have been working hard to help.

Agenda Item – Coordinated Homeless Response Pilot Program

Mid-Columbia Community Action Council Executive Director Kenny LaPoint reminded the Board of a letter of interest he submitted on behalf of the Cities of The Dalles and Hood River along with Wasco, Sherman and Hood River Counties to participate in a proposed pilot program being presented to the State legislature in the upcoming session. He reported that we are one of 8 selected to be included in the legislation. We are unique in that all the others are one city in collaboration with one county. Because we are more regional, we asked for some adjustments to the legislation to address that circumstance.

Mr. LaPoint went on to say that, if the legislation passes, we will get \$1 million over 2 years to develop a plan and establish a coordinated office. We are already in the process of developing a plan, so one request we made was to be able to use some of the money for implementation of the plan. That request has been acknowledged and we are approved so long as we accomplish the two main goals.

Mr. LaPoint stated that another thing that makes us unique is all the other applicants are city or county governments; we are a regional non-profit Action Council. The Council will enter into an MOU with each City and County for the work. He said that his vision is to use dollars for implementation and a

sustainability plan. We can use the additional support for fund development but cannot use it for the development of the Navigation Center.

Vice-Chair Kramer asked that Mr. LaPoint be our point person to keep us up to date on what the Board can do to help advocate for the legislation. Mr. LaPoint said that he would be happy to serve in that capacity. He said he hopes to come back in February to report. He added that there is someone at both AOC and LOC assigned to follow through on support for this bill.

Chair Schwartz noted that the Mayor of The Dalles has put together an unfunded coalition to address houselessness; the work done by that coalition will put us ahead in this process.

Vice-Chair Kramer commented that there will still be work to do in determining what the County's role will be. Most of the issues being addressed are city-based rather than issues seen in the unincorporated areas of the county.

Mr. LaPoint reported that they have made a lot of progress on pre-development for the Navigation Center. Next week is the Point in Time Homeless Count. There are staging areas in the three counties with outreach teams to do the count with the goal of being as accurate as possible; this data is used to determine funding. The hope is that we can do a better job than has been done in the past. The most important information to gather is the number of homeless and the reasons for the homelessness.

Chair Schwartz asked if veterans are counted. Mr. LaPoint replied affirmatively, saying that is one of the characteristics that is tracked. He said they are looking for funding that will address veteran homelessness.

Chair Schwartz asked when the report will be available from that count. Mr. LaPoint responded that they should have preliminary numbers in a month. Previously the count was done with clipboards and paper; this time they will be able to use tablets which will allow much faster tabulation. The County typically counts only those in a shelter or those completely unsheltered. We cannot submit numbers for those who are doubled up at someone else's home, but we will gather that data for our own information. He said that Wasco County Juvenile Services has volunteered to provide some assistance.

Chair Schwartz commented that people make assumptions about why others are

homeless; the report will be educational.

Consent Agenda – 1.5.2022 Regular Session Minutes

**{{Vice-Chair Kramer moved to approve the Consent Agenda.
Commissioner Hege seconded the motion which passed unanimously.}}**

Commission Call

Commissioner Hege said that last week was AOC meetings related to the upcoming short legislative session in Salem. The bill Mr. LaPoint referenced has a lot of conversation around it.

Vice-Chair Kramer followed up on the letter to Representative Blumenauer; he was asked to do a deeper dive with legislative staff. Dr. Howsley-Glover and Mr. Stone have agreed to participate in that. He is also hoping to engage Sheriff Magill in the effort. He said he will follow up and report back.

Vice-Chair Kramer said that there are 6 bills related to mental and behavioral health passed in 2021. Senate Bill 5024 outlines where the funding is supposed to go but there is a lot of that money still sitting out there not being distributed. It is scheduled to be released sometime in February; he is pressing for more information. He said we need to get those funds on the ground to providers who can help the people in need.

Vice-Chair Kramer announced that he has been selected to serve on the Governor's Truth in Labeling Task Force and the Governor's Oregon Recycling System Advisory Council. He added that the County Solutions Advisory is up and running with staffing to help them move forward.

Chair Schwartz congratulated Vice-Chair Kramer on his appointments. She said that she attended the AOC Health and Human Services Committee meeting – it looks like the State will be contracting for an after-action report regarding the pandemic.

Chair Schwartz recessed the meeting at 11:37 a.m.

The session resumed at 2:00 p.m.

Agenda Item – Strategic Investment Program Community Service Fee

Administrative Services Director Matthew Klebes reviewed the report included

in the Board Packet. He said he is looking for direction on the County's position on a process to determine distribution for the Community Service Fee (CSF); the County's recommendation for distribution and a potential loan to MCFR to support their service level during the construction phase of the project.

Mr. Klebes continued saying that there is guidance from statute for the CSF. The amount is based on a formula; but the distribution is determined locally under certain conditions. The decision must be made within 90 days; the agreement was approved on December 17, 2021, so we have until March 17, 2022. The entities involved in the decision is set in statute to include the City of The Dalles, Wasco County and certain taxing districts – Mid-Columbia Fire and Rescue (MCFR), North Wasco County Parks and Recreation, Library District, 4H & Extension District, Port of The Dalles, Soil and Water Conservation District and the Education Service District. The funds may be distributed to any organization that is a benefit to the community.

Mr. Klebes said that the negotiating team recommends a process in which we solicit input from the participating districts. Following that, hold a meeting with two representatives from each deciding entity to review the input and discuss it to reach agreement and consensus. Once there is consensus, that would be memorialized in an IGA for adoption which would then be sent to the Business Oregon for approval.

The staff report contains a recommendation to decide on distribution for Project 2 until it is closer to construction; however, Business Oregon does not permit that and distribution for both projects must be determined in this 90-day window.

Today he is looking for feedback on the process, but within that process is the County's position for distribution. The staff recommendation is to distribute proportionally to all participating taxing districts.

There is also a request for a loan of \$750,000 to MCFR. The negotiating team recommends that it come from the City and County after funds are distributed. This is to support services during construction. The disbursement of the loan would be tied to the initial payment of \$3 million to the City and County. It would be repaid over 15 years, likely using a portion of the CSF to make that payment.

Chair Schwartz asked about the school district's exclusion from the distribution. Mr. Klebes replied that school districts are specifically excluded from the CSF

distribution because the annual SIP fee is split between the City, County and school district but does not include the other taxing districts.

Mid-Columbia Medical Center (MCMC) CEO Dennis Knox congratulated the team on the successful negotiation. He said he would love to see the funds be directed to have an impact on economic development such as the athletic complex for the youth and larger community. He said he is excited about the possibility of having this facility for our youth and to bring in regional as well as statewide tournaments which would have a significant positive economic impact.

Sheriff Magill supported Mr. Knox's statements. He said that community sporting events help the economy but also have a much broader positive impact. The bigger picture is the ripple effect that will bring us a better health care system to include a mental health unit. The proposed resolution center can participate in the long-term care and transition for those in crisis. The improvement of mental health and behavioral health systems creates long-term stability not only for our community but neighboring communities that can take advantage of those services.

MCMC Director of Business Development Travis Dray thanked the team for leading with courage to bring us this opportunity. He said he serves on the Board of the Sluggers Program; the athletic complex is an opportunity for our youth and for our economy. The green space is an offering for all kinds of outdoor activities for users of all ages. He suggested that the Board consider distributing 50% of the CSF to the districts and 50% towards the athletic complex.

Radio News Reporter Rodger Nichols asked what the timeline would be following the March 17th deadline. Mr. Klebes said he would like to start meetings tomorrow and a couple of weeks later try to get a meeting together to work toward an agreement. It is possible to request an extension if the process is moving forward. However, we have no start date from Google for construction.

The Dalles Chamber of Commerce Board Chair Megan Thompson commented that this is a great opportunity for Wasco County and The Dalles; she supports the athletic complex – it would be an opportunity to attract economic development which would help our schools.

Chair Schwartz asked what other funding opportunities are contained in the SIP and how might they be used for projects. Mr. Klebes said that there is an initial

payment of \$3 million for each project; that payment is split between the City and County. There is a tax component which is automatically distributed to the taxing districts. Finally, there is a GAP payment which makes up the difference between the combined total of the CSF & the tax component to achieve 50% (60% for the second project) of what they would pay being fully taxed.

Mr. Stone explained that when the team negotiated on the CSF for Project 1, they did not know that distribution for both projects would have to be determined now. The idea was to have the 1st CSF go to the districts and the 2nd CSF be determined through a process that would take place closer to the start of that project. The team's recommendation was really only for the 1st project. The Board has leeway and can make a different recommendation. The final decision is made jointly by the taxing districts as prescribed by statute.

Ms. Amery noted that when looking at the payments the larger piece is the taxing component, then the CSF then the GAP.

Commissioner Hege said that Mr. Dray made an interesting suggestion because it will give us resources now and in the future. He said that would be his recommendation.

Chair Schwartz asked about flexibility for the 2nd CSF. Mr. Stone explained that the team did not engage in conversation about the 2nd project because we do not know when it will be built; therefore, the negotiations were around the 1st project. The negotiating team has no authority; the Board is free to decide on a recommendation.

Chair Schwartz asked to be reminded of City Council's recommendation. Mr. Klebes said that they recommended distributing both to the taxing districts. He said that the Board can do the same or something different. Mr. Stone said he does not think the Council went very far down the path of alternatives.

Mr. Klebes said that agreement must be City, County and 75% of the Districts; if the County does not agree, then it will not go forward and could go to Business Oregon for a final determination. He said he does not believe that has ever had to happen.

Chair Schwartz asked if we have heard from the districts. Mr. Stone said that process has not started; the closest we came was a discussion many months ago

with a push from MCFR to distribute to the districts. The coming discussions over the next few weeks will bring that out.

Commissioner Hege said he still believes that 50/50 is a good suggestion – 50% to the districts and 50% for greater good projects. Mr. Klebes asked if that would be for Project 1, Project 2 or both. Commissioner Hege said it would be applied to both.

Vice-Chair Kramer said he agrees – almost. He pointed out that Districts will be getting extra funds this year as the original Google project is coming onto the tax rolls. He said he thinks Project 2 should be for greater good projects. The projects in this agreement have not happened and we are spending money we do not have. He said he understands that we have to make a plan.

Commissioner Hege asked Vice-Chair Kramer what he would change about the 50/50 plan. He said he would prefer that 100% goes to greater good for the 2nd project.

Commissioner Hege said that he thinks he is proposing the same thing only a shift in timing to get some money on the ground sooner rather than later for greater good projects.

Chair Schwartz said she can live with that recommendation. Vice-Chair Kramer concurred.

Mr. Stone asked about the loan to MCFR. Mr. Klebes said that the loan is connected to the CSF.

Commissioner Hege said that if the loan comes out of the initial payment, he is fine with it. Mr. Klebes said that the clerical component is that their payment would be from their CSF funds. That may influence their decisions on the loan. Chair Schwartz noted that they will also be receiving tax dollars. Ms. Amery said that they will be mailing Google a tax statement for the original project and MCFR will receive additional revenue through that.

Chair Schwartz said that the Board is in consensus to do a 50/50 split of the CSF to districts and greater good projects for both Project 1 and Project two and also to approve the \$750,000 loan to MCFR. Vice-Chair Kramer and Commissioner Hege agreed.

Chair Schwartz thanked staff for the many hours of work and the recommendations, memos and presentations. She noted that there is still work to do but this has been a good meeting and a good discussion. She thanked MCMC for all the work their staff is doing throughout the pandemic.

Chair Schwartz adjourned the session at 3:02 p.m.

Summary of Actions

MOTIONS

- **To continue the Quasi-Judicial Appeal Hearing on agenda item 921-19-000193-PLNG to February 2, 2022 at 9:30 a.m.**
- **To approve the Sale and Purchase Agreement and Bargain Sale and Deed for surplus property to the City of Maupin for consideration of \$22,329.22 with corrections to the legal description in the deed and the closing date in the agreement.**
- **To approve Order 22-002 appointing DeOra Patton to the Wasco County Budget Committee.**
- **To approve the Land Transfer Agreement and Statutory Bargain Sale and Deed conveying property to the City of Dufur, retaining County mining rights, for consideration of \$3,000.**
- **To approve IGA 14840 for the expunction of juvenile records.**
- **To approve Ordinance 22-001 In the Matter of Amending Wasco County's Uniform Fee Schedule for Various County Departments.**
- **To approve the Consent Agenda – 1.5.2022 Regular Session Minutes.**

CONSENSUS

- **To direct staff to work with NCPHD to move the tent shelter to a new location.**
- **To submit the Medicaid Waiver comments as presented.**
- **To move the 2022 Priority List forward as presented.**
- **To submit the proposed comments regarding the Recreation Enhancement, Wildfire Response & Conservation Concept with the changes suggested by Vice-Chair Kramer.**

Kathleen B. Schwartz, Commission Chair

Steven D. Kramer, Vice-Chair

Scott C. Hege, County Commissioner

DRAFT



AGENDA ITEM

Planning Commission Decision Appeal

[SUMMARY OF INFORMATION](#)

[BOARD OF COMMISSIONERS STAFF REPORT – LOPEZ APPEAL](#)

[BOARD OF COMMISSIONERS APPEAL APPLICATION](#)

[PLANNING COMMISSION NOTICE OF DECISION](#)

[PLANNING COMMISSION STAFF REPORT](#)

[PLANNING COMMISSION APPEAL HEARING STAFF REPORT](#)

[APPEAL OF PLANNING COMMISSION DECISION APPLICATION](#)

[PLANNING COMMISSION APPEAL – ADDITIONAL MATERIALS](#)

[ADMINISTRATIVE NOTICE OF DECISION – JUNE 24, 2021](#)

[ADMINISTRATIVE STAFF REPORT – JUNE 24, 2021](#)

[SITE MAPS](#)

[ADMINISTRATIVE NOTICE OF LAND USE ACTION – JUNE 3, 2021](#)

[LAND USE APPLICATION – ADRIAN LOPEZ](#)

[ADJACENT PROPERTIES MAPS](#)

[USDA CROP DATA](#)

[OREGON DEPARTMENT OF FISH AND WILDLIFE COMMENT](#)



WASCO COUNTY BOARD OF COUNTY COMMISSIONS AGENDA PACKET

FOR

Hearing Date: January 19, 2022
Hearing Time: 9:30 pm
Hearing Location: Electronically via Zoom
Meeting ID: 3957734524#

HEARING DETAILS: File #921-19-000193-PLNG. A Scenic Area request for the following: (1) New Single Family Dwelling (1,889 SF footprint, 50'L x 40'W x 24'H); (2) Accessory Buildings (1,500 SF footprint, 50'L x 40'W x 24'H); (3) Agriculture Structures: approximately 5,000' of 4' H wire mesh fence (6' fence posts) enclosing three areas on either side of the driveway for livestock pens; approximately 900' of moveable electric fence to protect a wetland; and a 50' diameter moveable round pen; and (4) Retroactive review of an unlawfully placed well to serve the residential use and a new 12'L x 12'W x 12'H well house with 1,000 gallon water cistern, and driveway. The subject parcel is located north of Huskey Road, approximately 0.1 miles west of Jasper Lane and 0.5 miles south of the City of Mosier, Oregon, more specifically described as: Tax Lot: 2N 11E 11 2200, Account number: 327, Zoned: (GMA) A-2 (80). The request was approved by the Wasco County Planning Director; appealed by neighbor Joseph Czerniecki, approved by the Wasco County Planning Commission, and appealed by Joseph Czerniecki to the Wasco County Board of County Commissioners.



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Date: January 10, 2022
To: Wasco County Board of County Commissioners
From: Wasco County Planning Office
Subject: Submittal for Hearing dated January 19, 2022
Re: Appeal of Planning Commission approval of #921-19-000193-PLNG

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Attachment N – USDA Crop Data	BOC 1 – 361
Attachment O – Oregon Department of Fish & Wildlife Comment	BOC 1 - 362



PLANNING DEPARTMENT

2705 East Second Street • The Dalles, OR 97058
p: [541] 506-2560 • f: [541] 506-2561

SUMMARY OF INFORMATION

Prepared for the Wasco County Board of Commissioners

FILE #: 921-19-000193-PLNG

APPEAL HEARING DATE: January 19, 2022

NEWSPAPER PUBLISHING DATE: January 5, 2022

REQUEST: Scenic Area Review of a new dwelling and structures to support the proposed farm use of raising approximately 13 goats. This request includes:

- (1) New Single Family Dwelling (1,889 SF footprint, 50'L x 40'W x 24'H)
- (2) Accessory Buildings (1,500 SF footprint, 50'L x 40'W x 24'H)
- (3) Agriculture Structures: approximately 5,000' of 4' H wire mesh fence (6' fence posts) enclosing three areas on either side of the driveway for livestock pens; approximately 900' of moveable electric fence to protect a wetland; and a 50' diameter moveable round pen.
- (4) Retroactive review of an unlawfully placed well to serve the residential use and a new 12'L x 12'W x 12'H well house with 1,000 gallon water cistern, and driveway.

APPLICANT/OWNER INFORMATION:

APPLICANT/OWNER: Adrian Lopez, 1150 Huskey Road, Mosier, OR 97040

PROPERTY INFORMATION:

LOCATION: The subject parcel is located north of Huskey Road, approximately 0.1 miles west of Jasper Lane and 0.5 miles south of the City of Mosier, Oregon, more specifically described as:

<u>Map/Tax Lot</u>	<u>Acct. #</u>	<u>Acres</u>
2N 11E 11 2200	327	20.59

ZONING: A-2 (80), Small Scale Agriculture in the General Management Area of the Columbia River Gorge National Scenic Area

Original Staff Reviewer: Brent Bybee

PC Appeal Reviewer: Daniel Dougherty

BOC Appeal Reviewer: Daniel Dougherty

SUMMARY OF INFORMATION

Prepared for the Wasco County Board of Commissioners

Attachments:

- Attachment A BOC Appeal Staff Report
- Attachment B BOC Appeal Application
- Attachment C PC Notice of Decision
- Attachment D PC Staff Report
- Attachment E PC Appeal Hearing Staff Report
- Attachment F PC Appeal Application
- Attachment G Additional Appeal Information
- Attachment H Original Administrative Notice of Decision
- Attachment I Original Administrative Staff Report
- Attachment J Site Maps
- Attachment K Notice of Administrative Action
- Attachment L Amended Lopez Application
- Attachment M Map of Adjacent Properties
- Attachment N Map of USDA Crop Data
- Attachment O ODFW Comments

SUMMARY OF INFORMATION

RECOMMENDED CONDITIONS OF APPROVAL

The full staff recommendation with proposed findings of fact addressing issues raised within the appeal is enclosed as Attachment A and was available at the Wasco County Planning Department for review one week prior to the January 19, 2022, hearing. The full staff recommendation is made as part of the record. This summary does not supersede or alter any of the findings or conclusions in the staff report, but provides a summary of the overall request, the recommended conditions of approval, and the Wasco County Board of Commission's options and staff's recommendation.

RECOMMENDED CONDITIONS OF APPROVAL

A. Cultural Resources:

1. All ground disturbance within the archaeological site boundaries shall be monitored by a professional archaeologist, specifically the installation of fence lines.
2. If plans change so that greater impacts are proposed within the archaeological site boundaries, the site shall be formally evaluated for significance and eligibility for inclusion on the National Register of Historic Places (NRHP).
3. If cultural resources are discovered during development of any new structure or building, all construction shall cease within 100' of the discovered cultural resource. The cultural resource(s) shall remain as found and further disturbance is prohibited. The owners shall notify the Wasco County Planning Department and Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or associated with Native Americans, the owners shall also notify the Confederated Tribes of Warm Springs, Confederated Tribes of Umatilla, Perce Nez, and Yakama Indian Nation within 24 hours of discovery.
4. If human remains are discovered, all work on the parcel shall cease, and the human remains shall not be disturbed any further. The owners shall immediately notify the Wasco County Sheriff's Office, the Wasco County Planning Department, the Gorge Commission, and the four Indian tribal governments.

B. Prior to Issuance of Zoning Approval on any Building Permit and After Expiration of the 15-Day Appeal Period, the Applicant/Owner shall:

1. Obtain a Road Approach Permit from the Wasco County Public Works Department for the existing driveway onto Huskey Road.
2. Oregon Dept. of Forestry Permit: Any land clearing activities involving power driven machinery that occur from May 1st through September 30th shall obtain a Permit to Operate Power Driven Machinery from the Oregon Dept. of Forestry prior to beginning any development.

C. Chapter 11 - Fire Safety Standards:

1. Improvements and requirements listed in Chapter 11 of the Wasco County NSA-LUDO and the signed and completed Fire Safety Standard Self-Certification shall be achieved within one year of the date of approval and maintained through the life of the development. This certification commits all future property owners to the same requirements. A copy of this self-certification

SUMMARY OF INFORMATION
RECOMMENDED CONDITIONS OF APPROVAL

form is available for inspection at the Wasco County Planning Department under File #921-19-000193-PLNG.

2. Address: Apply for a new address for the proposed dwelling, and submit the County application and fee (\$75) to the Planning Department (prior to issuance of zoning approval on a building permit application). An approved address shall be posted on both sides of a permanent post or mailbox within 30' of the driveway providing access to the dwelling. The address numbers shall be legible, reflective, and at least 2 ½ inches high. Application must be made a minimum of 2 weeks prior to issuance of zoning approval on a building permit application.

D. Colors and Materials

1. The following materials and colors are approved for the kitchen/restroom building:

	Material	Exterior Color	Looks Like	Consistent with color requirement?
HOUSE				
Main/Body	Hardie Board Fiber Cement	SW Thunder Grey (SW 7645)	Dark Gray	Yes, approved
Trim	Hardie Board Fiber Cement	SW Forest Wood (SW 7730)	Dark Green	Yes, approved
Roof	Owens Corning Asphalt Shingles	Gray	Dark Gray	Yes, approved
BARN/SHOP & PUMP HOUSE				
Main/Body	Hardi Board Fiber Cement	SW Thunder Grey (SW 7645)	Dark Gray	Yes, approved
Trim	Hardi Board Fiber Cement	SW Forest Wood (SW 7730)	Dark Green	Yes, approved
Roof	Owens Corning Asphalt Shingles	Gray	Dark Gray	Yes, approved
ROUND PEN	Galvanized Steel	Hunter Green (Rustoleum)	Dark Green	Yes, approved for narrow surfaces only

2. If alternate colors or materials are proposed for any new development, they shall be submitted to and approved by the Planning Department prior to their use on the exterior of the building.
3. All windows shall be thermal pane rated less than 15% visible light reflectivity.

F. Miscellaneous Conditions:

1. Ground disturbance shall be minimized to the greatest extent possible. All ground disturbance resulting from development shall be revegetated no later than the next planting season (Oct-April) with native species. The property owners and their successors in interest shall be

SUMMARY OF INFORMATION

RECOMMENDED CONDITIONS OF APPROVAL

responsible for survival of planted vegetation and the replacement of such vegetation that does not survive.

2. The retention of all conifer trees indicated on the site plan is required to comply with visual subordination standards. Coniferous trees not indicated on the site plan may be removed if they are damaged or diseased, or for fire safety purposes. If coniferous trees indicated on the site plan are removed, die or are destroyed, they shall be replaced in compliance with the following standards:

To ensure survival, new trees and replacement trees shall meet the following requirements

- All trees shall be at least 4 feet tall at planting, well branched, and formed.
 - Each tree shall be braced with 3 guy wires and protected from livestock and wildlife. The guy wires need to be removed after two winters.
 - The trees must be irrigated until they are well established.
 - Trees that die or are damaged shall be replaced with trees that meet the planting requirements above.
3. All conifer trees east of the existing driveway shall be retained.
 4. Trees not impacted by disease or wildfire shall be retained.
 5. Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and the Columbia River. Shielding and hooding materials shall be composed of nonreflective, opaque materials.
 6. The round pen shall not be placed inside any property line or resource protection setbacks in the event that it is moved.
 7. Development approved by this decision shall comply with all requirements of the Wasco County Building Codes Services Department.

SUMMARY OF INFORMATION – WASCO COUNTY BOARD OF COMMISSION OPTIONS & STAFF RECOMMENDATION

WASCO COUNTY BOARD OF COMMISSIONERS OPTIONS

- A. Approve the request as submitted by the applicant with those conditions of approval modified and approved by the Planning Commission
- B. Approve the request, with amended Conditions and Findings; or
- C. Deny the request with amended Conditions and Findings; or
- D. If additional information is needed, continue the hearing to a date and time certain to allow the submittal of additional information.

STAFF RECOMMENDATION

Staff recommends Option A: Approve the request, with those conditions of approval modified and approved by the Planning Commission.

ATTACHMENT A

File Number: 921-19-000193-PLNG

Request: Appeal of the Planning Commission’s decision to approve a new dwelling and agricultural structures to support proposed farm use

Prepared By: Daniel Dougherty, Senior Planner

Prepared For: Wasco County Board of Commissioners

Procedure Type: Appeal

Appellant/Applicant: Joseph Czerniecki

Owner: Adrian Lopez

Staff Recommendation: Uphold the decision of the Planning Commission

Wasco County Board Of Commission Hearing Date: January 19, 2022

Location: The subject parcel is located north of Huskey Road, approximately 0.1 miles west of Jasper Lane and 0.5 miles south of the City of Mosier, Oregon, more specifically described as:

<u>Tax Lot</u>	<u>Acct#</u>	<u>Acres</u>
2N 11E 11 2200	327	20.59

Zoning: A-2 (80), Small Scale Agriculture in the General Management Area of the Columbia River Gorge National Scenic Area

Past Actions: 921-18-000017-PLNG (Withdrawn): Horse Boarding Facility
921-19-000193-PLNG Scenic Area Review of a new dwelling and structure to support the proposed farm use.

APPLICABLE STANDARDS

A. Wasco County National Scenic Area Land Use & Development Ordinance (NSA LUDO)

Chapter 2 – Development Approval Procedures

A. Section 2.160 Review of a Decision of the Planning Commission

Pertinent Sections addressed in the Planning Commission Staff Report (See Attachment D):

B. Chapter 3 – Basic Provisions

Section 3.110	Expedited Review
Section 3.110.A.5	Uses Permitted Subject to Expedited Review, Woven Wire Fences
Section 3.130, A-2	Small Scale Agriculture (GMA)
Section 3.130.D.2	Uses Permitted Subject to Review, Agricultural structures
Section 3.130.D.4	Uses Permitted Subject to Review, One single-family dwelling
Section 3.130.D.6	Uses Permitted Subject to Review, Accessory building(s)
Section 3.130.G	Property Development Standards

C. Chapter 4 – Supplemental Provisions

Section 4.040	Off-Street Parking
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D. Chapter 11 – Fire Safety Standards

Section 11.110	Siting Standards
Section 11.120	Defensible Space
Section 11.130	Construction Standards for Dwellings and Structures
Section 11.140	Access Standards
Section 11.150	Fire Protection or On-Site Water Required

E. Chapter 14 – Scenic Area Review

Section 14.100	Provisions for all new development
Section 14.200	Key Viewing Areas
Section 14.300	Scenic Travel Corridors
Section 14.400	Landscape Settings
Section 14.500	Cultural Resources – GMA
Section 14.600	Natural Resources – GMA
Section 14.700	Recreation Resources - GMA
Section 14.800	Indian Tribal Treaty Rights and Consultation – GMA

I. BACKGROUND

A. **Legal Parcel:** Pursuant to the National Scenic Area Land Use and Development Ordinance (NSA-LUDO) Section 1.200, the definition of a legal parcel is the following:

Parcel (Legal)/Lot of Record - A unit of land created as follows:

- a. A lot in an existing, duly recorded subdivision; or*

- b. *A parcel in an existing, duly recorded major or minor land partition; or*
- c. *By deed or land sales contract prior to September 4, 1974.*

The subject lot is identified as Lot 21 of Rocky Prairie Subdivision, recorded with the Wasco County Clerk on April 27, 1977. It is consistent with the definition of Legal Lot in NSA-LUDO Section 1.200, Definitions, because it was created by a recorded subdivision.

- B. Site Description:** The subject lot is located between Huskey Road and Quartz Drive, in Rocky Prairie, a subdivision located on a hill above Mosier, Oregon. This property contains northwest-facing slopes averaging 9%. The western 1/3 (approximate) of the lot is heavily vegetated with Oregon white oak trees. Natural grasses are the dominant ground cover. The property ranges in elevation from 620-720' Above Sea Level (ASL).
- C. Surrounding Land Use:** Properties located north, east and west of the subject lot are located in the "A-2" Small Scale Agriculture Zone (GMA Only). Properties located south of Huskey Road are located in the "F-3" Small Woodland Forest Zone (GMA Only). With the exception of one property located north of Quartz Drive, all surrounding properties are used for residential use. Properties located east and west of the subject lot contain similar northwest-facing slopes averaging 8-10%. Property to the southwest, located north of Huskey Road is heavily vegetated with Oregon white oak trees. Property located to the west contains cherry orchard and a cidery, but there are no other commercial farm uses on adjacent properties. Land lying within 750' of Huskey Road averages 30% northwest-facing slopes while farther south, slopes lessen to 5-10%. Properties to the south are generally heavily vegetated with Oregon white oak and Ponderosa pine trees.
- D. Public Comments:** On September 16, 2021, 19-days prior to the Planning Commission hearing, a hearing notice was sent to all property owners within 750 feet of the subject parcel, and interested public agencies. Public notice of this hearing appeared in The Dalles Chronicle on September 15, 2021. Wasco County received comments from:
 - 1. (Sep 9, 2021) Jeremy Thompson, District Wildlife Biologist for the Oregon Department of Fish and Wildlife (ODFW).

On January 6, 2022, 13-days prior to the Planning Commission hearing, a hearing notice was sent to all property owners within 750 feet of the subject parcel, and interested public agencies. Public notice of this hearing was published on January 5, 2022. Wasco county received no additional comments.

II. FINDINGS:

A. Wasco County National Scenic Area Land Use & Development Ordinance (NSA LUDO)

Section 2.160 Review of a Decision of the Planning Commission

Fifteen (15) days from the date of a final decision of the Planning Commission, the decision shall become effective unless review is sought pursuant to this Section.

A. Review of the decision of the Planning Commission:

1. *Shall be made by the County Governing Body, pursuant to Section 2.170, upon any party filing a Notice of Review with the Director within fifteen (15) days from the date of the final decision sought to be reviewed; or*
2. *May be made by the County Governing Body, pursuant to Section 2.170, on its own motion passed within fifteen (15) days from the date of the final decision sought to be reviewed.*

FINDING: The decision under appeal, (File No. 921-19-000193) was initially reviewed and approved by the Director's designee as an Administrative Decision. The Administrative Decision was appealed to the Planning Commission. A "de novo" hearing was brought before the Planning Commission for review on October 5, 2021. The Planning Commission reviewed and approved the request, with amended Conditions and Findings. An appeal of the Planning Commission's decision was properly received on October 22, 2021, within the 15 day time period. The appeal of the Planning Commission's decision shall be made by the Wasco County Board of Commissioners pursuant to Section 2.170. Staff finds that Section 2.160.A has been met.

- B. *Notice of the time and place of the review together with any Notice of Review filed shall meet the requirements of Section 2.100, Notice Requirements.*

FINDING: Newspaper publication of the hearing was published on January 5, 2022, and notification was mailed on January 6, 2022. Staff provided proper notice according to requirements under *Section 21.00.B. Type III - Quasi Judicial Public Hearing*. Staff finds that Section 2.160.B has been met.

- C. *Every Notice of Review shall contain:*
 1. *A reference to the decision sought to be reviewed;*
 2. *A statement as to how the petitioner qualifies as a party;*
 3. *The specific grounds relied upon in the petition request for review; and*
 4. *The date of the decision sought to be reviewed.*

FINDING: The notice of review contains the above requirements. Staff finds that Section 2.160.C has been met.

- D. *A Notice of Review shall be accompanied by a fee as set forth on the fee schedule established by the County Governing Body.*

FINDING: The proper appeal fee (Appeal to Board of Commissioners \$1,296) was received in a timely manner. Staff finds that Section 2.160.D has been met.

Section 2.170 Review by the County Governing Body

- A. *The review of the decision of the Planning Commission by the County Governing Body shall be conducted as a "de novo" hearing, including but not limited to the record established at the Planning Commission level.*

FINDING: The review of the Planning Commission decision by the Wasco County Board of Commissioners shall be conducted as a "de novo" hearing. Staff finds that Section 2.170.A has been met.

- B. *Review by the County Governing Body upon appeal by a party shall be limited to the grounds relied upon in the petition request for review.*

FINDING: The review by the Wasco County Board of Commissioners shall be limited to the grounds relied upon by the appellant. The grounds for appeal are provided below in subsection II.B. of this report. Staff finds that Section 2.170.B has been met.

- C. *The County Governing Body may remand the matter to the Planning Commission if it is satisfied that testimony or other evidence could not have been presented at the hearing before the Planning Commission. In deciding such remand, the County Governing Body shall consider and adopt findings and conclusions respecting:*
1. *Prejudice to parties;*
 2. *Convenience or availability of evidence at the time of the initial hearing;*
 3. *Surprise to opposing parties;*
 4. *Date notice was sent to other parties as to an attempt to admit; and*
 5. *The competency, relevancy and materiality of the proposed testimony or other evidence.*
- D. *Only those members of the County Governing Body reviewing the entire record may act on the matter reviewed. The agreement of at least two (2) members is necessary to amend, reverse, or remand the action of the Planning Commission. Upon failure of at least two (2) members to agree, the decision of the Approving Authority below shall stand.*
- E. *The Notice of a Decision shall meet the requirements of Section 2.130.*

B. Appeal Grounds

Appeal Grounds 1:

“Appeal 1 - Request that the approval of 900' of moveable fence not be approved

- *There is an absence of documentation of a development request for 900' of moveable electric fence therefore there should be no approval.*
- *There is no land use ordinance that allows the approval of a development application that is not specifically requested.*
- *The inclusion of additional elements in the approval that were not described in the development request does not allow involved parties to adequately participate in the process.”*

FINDING: The Administrative Staff Report (Attachment I) and Notice of Decision (Attachment H) issued for the Administrative Decision on June 24, 2021, and the Planning Commission Staff Report (Attachment D) and Notice of Decision (Attachment C), issued on October 5, 2021, requests the following:

The Scenic Area Review of a new dwelling and structures to support the proposed farm use of raising approximately 13 goats.

This request includes:

- (1) New Single Family Dwelling (1,889 SF footprint, 50'L x 40'W x 24'H)
- (2) Accessory Buildings (1,500 SF footprint, 50'L x 40'W x 24'H)
- (3) Agriculture Structures: approximately 5,000' of 4' H wire mesh fence (6' fence posts) enclosing three areas on either side of the driveway for livestock pens; approximately 900' of moveable electric fence to protect a wetland; and a 50' diameter moveable round pen.
- (4) Retroactive review of an unlawfully placed well to serve the residential use and a new 12'L x 12'W x 12'H well house with 1,000 gallon water cistern, and driveway.

The last Public Notice of Administrative Action (Attachment K), issued on June 3, 2021, provides the following description of requests:

Scenic Area Review of a 1,889 Square Foot (SF) (50'L x 40'W x 24'H), two story single family dwelling, a 1,500 SF (50'L x 30'W x 24'H) accessory structure for a shop and storage, and retroactive approval of an unlawfully placed well to be housed in a proposed 100 SF (10'L x 10'W x 12.5'H) pump house. The request includes a 4' H wire fence on the eastern portion of the property, 150' away from the identified wetland. The request also includes raising 12 goats on the property, and rotating them to different portions of the property on an annual basis. A 50' diameter portable round pen will also be utilized.

The Public Notice of Administrative Action, which was amended due to an updated application posted on the website, accurately reflects the application details and site plan (Attachment K). The Administrative Staff Report (Attachment I Page 23) and Planning Commission Staff Report (Attachment D Page 24: "Staff also coordinated with the applicant to ensure that the wetland resource on the property would not be disturbed through the request, by placing the fencing outside of the wetland buffer").

The criteria in the National Scenic Area Land Use and Development Ordinance related to fencing is specifically for permanent or semi-permanent fencing. Fencing definitions reference built fences like stone, wood, or metal and do not include moveable pens or things like kennels.

Section 1.200, provides:

Fence, Protective - A fence at least six feet tall designed to restrict passage through the fence. A protective fence includes stockade, woven wood, chain link and others, but not split rail or primarily barbed wire.

Fence, Site-Obscuring - A fence consisting of wood, metal, or masonry, or an evergreen hedge or other evergreen planting, arranged in such a way as to obstruct vision.

There are no standards for moveable objects, like moveable fencing, farm equipment, water troughs, feeders, recreational vehicles and so forth. The definition of agricultural structure lists permanent buildings or storage containers for the storage of farm equipment and supplies, but does not list the containment of livestock.

Section 1.200, provides:

Agricultural structure/building - A structure or building located on a farm or ranch and used in the operation for the storage, repair and maintenance of farm equipment, and supplies or for the raising and/or storage of crops and livestock. These include, but are not limited to: Barns, silos, workshops, equipment sheds, greenhouses, wind machines (orchards), processing facilities, storage bins and structures.

As such, the standards for the moveable fencing are not addressed in the staff report because they are not subject to the same regulation as permanent or semi-permanent structures.

Based on that lack of standards to evaluate moveable objects, staff concluded the 900' of fencing is permitted without review and therefore not substantive to the application. Therefore, staff concludes it was immaterial for the moveable fence to have been noticed; its presence in the staff report request portion erved only to raise awareness that staff had advised it as a mitigation measure to reduce or eliminate wetland disturbance. **Staff recommends the Wasco County Board of Commissioners dismiss this ground for appeal.**

Appeal Grounds 2:

"Appeal 2 - The language of approval of 900' of movable fence remove any reference "to protect the wetland". It is already protected by the fixed wire woven fence described in the amended application."

FINDING: The Staff Report for the Administrative Decision issued on June 24, 2021, (Attachment I), and the Staff Report issued for the Planning Commission Decision issued on October 5, 2021, (Attachment D), provide the following statements describing the 900 feet of movable fence:

The Scenic Area Review of a new dwelling and structures to support the proposed farm use of raising approximately 13 goats.

This request includes:

- (1) New Single Family Dwelling (1,889 SF footprint, 50'L x 40'W x 24'H)
- (2) Accessory Buildings (1,500 SF footprint, 50'L x 40'W x 24'H)
- (3) Agriculture Structures: approximately 5,000' of 4' H wire mesh fence (6' fence posts) enclosing three areas on either side of the driveway for livestock pens; approximately 900' of moveable electric fence to protect a wetland; and a 50' diameter moveable round pen. (Emphasis Added).
- (4) Retroactive review of an unlawfully placed well to serve the residential use and a new 12'L x 12'W x 12'H well house with 1,000 gallon water cistern, and driveway.

I. BACKGROUND

- A. **Proposal:** The property currently contains a driveway and a residential well that was constructed without review. This application proposes the construction of a two-story single family dwelling, a two story accessory building, fencing, a round pen to assist with the raising of approximately 5 cows, 15 goats and/or sheep, and a new well house and cistern for the well. The applicant has described the use of the property as a "small family farm." As noted above, the request can be more specifically described as 1,889 Square Foot (SF), 50'L x 40'W x 24'H, two story single family dwelling, a 1,500 SF, 50'L x 30'W x 24'H two story accessory structure for a shop and farm equipment storage, retroactive review of an unlawfully placed well and a new well house and cistern, and approximately 5,000' of 4' H wire mesh fence (6' fence posts) enclosing the three areas on either side of the driveway for livestock pens, approximately 900' of moveable electric fence to protect a wetland, and a 50' diameter moveable round pen. (Emphasis Added).

As noted above in the "Finding" for the first ground of appeal:

The Public Notice of Administrative Action, which was amended due to an updated application posted on the website, accurately reflects the application details and site plan (Attachment K). The Administrative Staff Report (Attachment I Page 23) and Planning Commission Staff Report (Attachment D Page 24: "Staff also coordinated with the applicant to ensure that the wetland resource on the property would not be disturbed through the request, by placing the fencing outside of the wetland buffer").

The criteria in the National Scenic Area Land Use and Development Ordinance related to fencing is specifically for permanent or semi-permanent fencing. Fencing definitions reference built fences like stone, wood, or metal and do not include moveable pens or things like kennels.

Section 1.200, provides:

Fence, Protective - A fence at least six feet tall designed to restrict passage through the fence. A protective fence includes stockade, woven wood, chain link and others, but not split rail or primarily barbed wire.

Fence, Site-Obscuring - A fence consisting of wood, metal, or masonry, or an evergreen hedge or other evergreen planting, arranged in such a way as to obstruct vision.

There are no standards for moveable objects, like moveable fencing, farm equipment, water troughs, feeders, recreational vehicles and so forth. The definition of agricultural structure lists permanent buildings or storage containers for the storage of farm equipment and supplies, but does not list the containment of livestock.

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Agricultural structure/building - A structure or building located on a farm or ranch and used in the operation for the storage, repair and maintenance of farm equipment, and supplies or for the raising and/or storage of crops and livestock. These include, but are not limited to: Barns, silos, workshops, equipment sheds, greenhouses, wind machines (orchards), processing facilities, storage bins and structures.

As such, the standards for the moveable fencing are not addressed in the staff report because they are not subject to the same regulation as permanent or semi-permanent structures.

Based on that lack of standards to evaluate moveable objects, staff concluded the 900' of fencing is permitted without review and therefore not substantive to the application. Therefore, staff concludes it was immaterial for the moveable fence to have been noticed; its presence in the staff report request portion served only to raise awareness that staff had advised it as a mitigation measure to reduce or eliminate wetland disturbance. **Staff recommends the Wasco County Board of Commissioners dismiss this ground for appeal.**

Appeal Grounds 3:

"Appeal 3 - The decision to include only a 100' setback requirement of the structures in the proposed development is incorrect it should be modified based upon a 250' setback based upon the suitability of my property for orchard activity, and the absence of a continuous vegetative parrier (Sic)."

FINDING: Staff relies on the clear and objective standard in the National Scenic Area criteria related to setbacks. All structures proposed in the development are more than 500' from the property line to the north. The exception is the 50' round pen, which is proposed to be 100' from the property line. The round

pen is a moveable structure, which for reasons laid out by previous findings, is not generally subject to review. However, for the sake of being thorough and because it was listed in the staff report setback review, the round pen will be reviewed as if it is subject to setback standards.

Agricultural setbacks for the "A-2" Small Scale Agriculture Zone (GMA Only) are provided for in the Wasco County National Scenic Area Land Use and Development Ordinance Chapter 3, under Section 3.130.G Property Development Standards. (See NSA-LUDO Section 3.130.G.3 Agricultural Setbacks Page 3-39). The required criterion and listed setbacks are provided:

Agricultural Setbacks - In addition to the general setback standards listed in criterion 2 above, all new buildings to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use, shall comply with the following setback standards:

Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
Orchards	250'	100'	75'
Row crops/ vegetables	300'	100'	75'
Livestock grazing, pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

These clear and objective standards require staff analyze the actual adjacent use. Because the appellant has not provided additional details or information about the actual farm use on his property, staff analysis has included review of aerial photography (Attachment M), analysis of GIS layers like the United States Department of Agriculture (USDA) Crop data, and a site visit.

A site visit was conducted during the initial application review and staff determined there was not currently an agricultural use on the property in question. Aerial photography shows this property is not planted as an orchard, cultivated for row crops or vegetables, harvested for grains, or in cultivation for berries or vineyards (Attachment M). The USDA Crop data lists the current use as "shrubland" (Attachment N).

Based on the best available data, staff finds the agricultural use on the appellant's property is more consistent with "Other" and as such, the 100' "Open or Fenced" setback is appropriate.

However, even if objective data provides that the adjacent north property is "used for or [is] suitable for agricultural use" and that that use is for "Orchards", the 100' "Natural or Created Vegetation Barrier" is sufficient due to the existence of a "of a continuous vegetative screen" located along the northwest adjacent property line.

The vegetative screen definition and analysis of the existing vegetative screen is provided below:

A vegetative screen, or vegetation barrier, is defined in Chapter 3, A-2 Zone under Section G.3.b.

Section 3.130 "A-2" Small Scale Agriculture Zone (GMA Only)

The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least

fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.

This criterion does not define the thickness of vegetation, but rather the height, and requires trees to be at least 15 feet high. Photographs of the existing tree vegetation were provided by the appellant (Attachment G, labelled as Supplement B), and appear to be well over 15 feet high. The term continuous is used in the criterion, but implies continuous to development rather than the entire property line.

Staff found that the development, with the exception of the moveable round pen, will occur more than 500' from the north adjacent property line. According to the detailed site plan (Attachment J Page 19) the round pen does not run the length of the approximate 940' north adjacent property line. Instead, it is in the northwest corner of the property, and measures 50' in diameter.

The proposed placement of the round pen is in the same corner where the stand of oak trees exists to the north. Staff found that the round pen's placement, in relation to the existing oak stand, offered the continuous vegetative screen to satisfy a reduction in the setback if it was necessary. According to GIS analysis, the existing oak stand measures 278.3 feet across, in a continuous cluster, providing a vegetative screen for the round pen. The continuous nature of the barrier is related to the development in question. In this case, the oak stand exceeds the length of the 50' barrier.

Furthermore, the requirement for a setback between an "Open or Fenced" nonagricultural or agricultural use classified as "Other" is 100', which the round pen meets. As indicated, the round pen is a moveable, non-permanent farm related implement used for holding animals and not generally subject to Scenic Area standards. **Staff recommends the Wasco County Board of Commissioners dismiss this ground for appeal.**



**WASCO COUNTY
PLANNING DEPARTMENT**

OCT 21 2021

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PLANNING DEPARTMENT

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FILE NUMBER: PLAAPL-

FEE: _____

APPEAL OF LAND USE DECISION

ORIGINAL PLANNING DEPARTMENT FILE NUMBER: 921-19-000193-PLNG

Accela Processed

Date Received: 11 Oct 2021 Planner Initials: DLD Date Complete: _____ Planner Initials: _____

APPELLANT INFORMATION

Name: Joseph Czerniecki

Mailing Address: 4232 Bagley Ave N

City/State/Zip: Seattle/WA/98103

Phone: 206 849 2179 Email: jczer@uw.edu

APPEAL INFORMATION

1. Appeal Type

- Administrative Decision to the Planning Commission: Fee = \$250
- Planning Commission Decision to the Board of County Commissioners: Fee = \$ 250.00

If appellant prevails at Planning Commission or a subsequent appeal, the \$250 fee for the initial appeal shall be refunded per ORS 215.416(11)(b). This is not applicable for any subsequent appeal costs.

2. Appeal Deadline: Oct 22, 2021 4 pm

Date Submitted: _____

All appeal documents filed with Wasco County must be delivered to the Wasco County Planning Department Office by postal service or in person. Documents faxed are not considered filed. An appeal will not be considered timely unless received no later than 4:00 p.m. on the deadline stated on the Notice of Decision or Resolution. AN APPEAL IS NOT CONSIDERED COMPLETE UNTIL BOTH THE SIGNED NOTICE OF APPEAL AND FILING FEE ARE RECEIVED.

3. Party Status: State how the petitioner(s) qualifies as a party to this matter:
Adjacent property owner. filed an appeal to the Wasco County Planning Commission

Party includes the following:

- The applicant and all owners or contract purchasers of record, as shown in the files of the Wasco County Assessor's Office, of the property which is the subject of the application.
- All property owners of record, as provided in (a) above, within the notification area, as described in section 2.080 A.2., of the property which is the subject of the application.
- A Citizen Advisory Group pursuant to the Citizen Involvement Program approved pursuant to O.R.S. 197.160.
- Any affected unit of local government or public district or state or federal agency.
- Any other person, or his representative, who is specifically, personally or adversely affected in the subject matter, as determined by the Approving Authority. (Revised 1/92)

4. Grounds for appeal: List the specific grounds relied upon in the petition request for review (e.g. ordinance criteria not met, procedural error, etc.) Additional pages may be attached.
Amended Application differs from Staff Report and Decision. Decision to approve 900' moveable electric fence was not included in the application therefore should not be approved.

Decision regarding 100' setback was incorrect based upon suitability of agricultural use of my property.
See Attached document for details

5. De Novo vs. On The Record: All appeals to Planning Commission are De Novo meaning new information can be entered into the record. All appeals to the Board of Commissioners are on the record unless a request is made as part of this request by party filing the petition. Any other party must make such a request no more than seven (7) calendar days after the deadline for filing a petition for review has expired.

The appeal is to the Board of Commissioners? NO YES

I request the hearing to be De Novo or partial De Novo? NO YES

State the reasons you are requesting a De Novo or partial De Novo without addressing the merits of the land use action:

I am including additional information that supports my appeal to the planning commission. So it is not totally new information. It supports the suitability of my property for orchard which I communicated during the prior hearing.

Indicate any persons known to be opposed to a request for a De Novo hearing.

When practicable, the requesting party shall advise the other parties and attempt to gain their consent.

I have attempted to gain the consent of the other parties associated with this file? NO YES

If you answered no indicate why this is not practicable. If you answered yes list the parties who have consented for this to be a De Novo or partial De Novo hearing.

The request for a De Novo hearing for appeal of a quasi-judicial plan amendment shall be decided by the Board of Commissioners as a nonpublic hearing item, except that the Board may make such provision for notice to the parties and may take such testimony as it deems necessary to fully and fairly address significant procedural or substantive issues raised. The Court shall grant the request only upon findings that:

- A De Novo hearing is necessary to fully and properly evaluate a significant issue relevant to the proposed development action;
- The substantial rights of the parties will not be significantly prejudiced; and
- The request is not necessitated by improper or unreasonable conduct of the requesting party or by a failure to present evidence that was available at the time of the previous review.

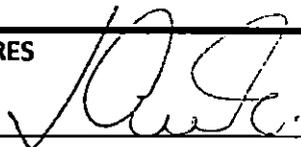
5. Outstanding Appeal Fees: Any person wishing to appeal any decision shall be required to pay all outstanding appeal fees prior to their appeal application being considered complete.

List prior appeals filed:

appeal to planning commission Oct 5	\$250.00

I have paid all outstanding fees associated with prior appeals: NO YES

SIGNATURES

	<i>Oct 18, 2021</i>
Name, Title	Date

Name, Title	Date

Additional petitioner(s):

Name	Address

P:\Development Applications\Appeal_Decision.doc Last updated 3/9/2017

Appeal of Development Application 921-19-000193-PLNG

October 19, 2021

Joseph and Janine Czerniecki adjacent property landholders

Appeal 1 - Request that the approval of 900' of moveable fence not be approved

- There is an absence of documentation of a development request for 900' of moveable electric fence therefore there should be no approval.
- There is no land use ordinance that allows the approval of a development application that is not specifically requested.
- The inclusion of additional elements in the approval that were not described in the development request does not allow involved parties to adequately participate in the process.

Supporting Information

- The initial development application **921-19-000193-PLNG** 12/31/2019 does not include any fencing of any description in the request.
- The amended application which is **not available on-line** as it is required to be, but in the mailed version the Amended Request (May 20, 2021) is for:
 - o "Scenic Area Review of a 1,889 Square Foot (SF) (50'Lx40'Wx24'H), two story single family dwelling, a 1,500 SF (50'L x 30'W x 24'H) accessory structure for a shop and storage, and retroactive approval of an unlawfully placed well to be housed in a proposed 100 SF (10'L x 10'W x 12.5'H) pump house. The request includes a 4' H wire fence on the eastern portion of the property, 150' away from the identified wetland. The request also includes raising 12 goats on the property, and rotating them to different portions of the property on an annual basis. A 50' diameter portable round pen will also be utilized. pump house."
- The staff report (June 24, 2021) in response to the request states that the request is for:
 - o "Scenic Area Review of a new dwelling and structures to support the proposed farm use of raising approximately 13 goats. This request includes:
 - (1) New Single Family Dwelling (1,889 SF footprint, 50'L x 40'W x 24'H)
 - (2) Accessory Buildings (1,500 SF footprint, 50'L x 40'W x 24'H)
 - (3) Agriculture Structures: approximately 5,000' of 4' H wire mesh fence (6' fence posts) enclosing three areas on either side of the driveway for livestock pens; approximately 900' of moveable electric fence to protect a wetland; and a 50' diameter moveable round pen.
 - (4) Retroactive review of an unlawfully placed well to serve the residential use and a new 12'L x 12'W x 12'H well house with 1,000 gallon water cistern, and driveway.

SUMMARY:

The description of the request in the staff report should match the development request

- Failure to do this does not allow all involved parties an opportunity to respond.
- Therefore this should be deleted from the approval, and if the applicant would like to include this it would require a separate application

Appeal 2 – The language of approval of 900’ of moveable fence remove any reference “to protect the wetland”. It is already protected by the fixed wire woven fence described in the amended application.

Supporting Information

- The staff report and decision (June 24, 2021) in the description of the request includes the following language – “approximately 900’ of moveable electric fence to protect the wetland”
- The Amended Application already includes a fixed 4 foot high woven wire fence to protect the wetland.
- The justification that the moveable electric fence should be approved to protect the wetland is unjustified and unnecessary.

SUMMARY

- There is no justification for inclusion of the 900’ of electric fence to protect the wetland therefore it should be deleted.

Appeal 3 – The decision to include only a 100’ setback requirement of the structures in the proposed development is incorrect it should be modified based upon a 250’ setback based upon the suitability of my property for orchard activity, and the absence of a continuous vegetative parier

Supporting Information

- The staff report and Decision dated June 24, 2021 in it’s assessment of setback requirements evaluates whether or not the proposed development meets all general and agricultural set back requirements and incorrectly concludes that a 100’ set back is all that is required.

1. The Round Pen is included as an agricultural structure in the Staff Report and Conditional approval of June 24, 2021 (see below)

FINDING: As proposed, the development will exceed the requirements of General Setbacks. Staff finds that the request complies with Criterion 3.130.G.2.

Required Setback	Proposed – Dwelling	Proposed – Shop	Round Pen	Pump House	Consistent?
East (side) = 25'	400'	400'	660'	475'	Yes
West (side) = 25'	550'	550'	100'	475'	Yes
North (rear) = 25'	700'	500'	100'	800'	Yes
South (front) = 40'	300'	500'	850'	150'	Yes

3. ***Agricultural Setbacks*** - In addition to the general setback standards listed in criterion 2 above, all new buildings to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use, shall comply with the following setback standards:

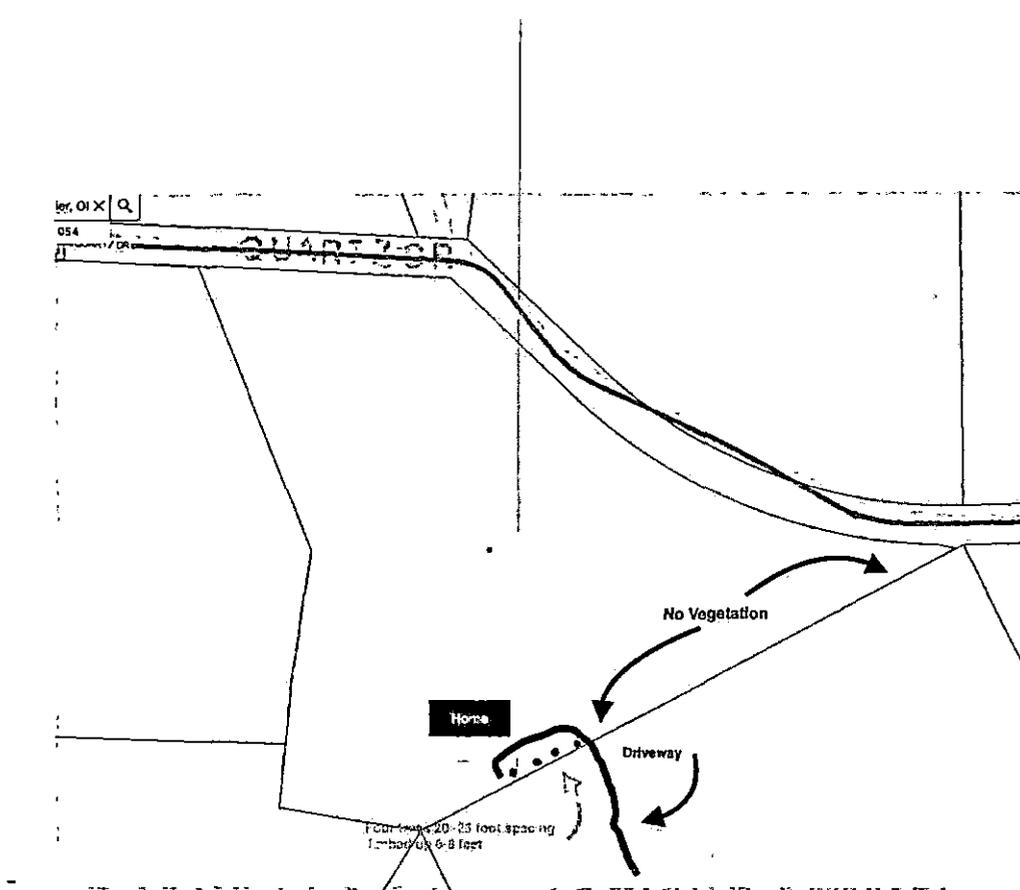
Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
Orchards	250'	100'	75'
Row crops/vegetables	300'	100'	75'
Livestock grazing, pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

2. The staff report and conditional approval of June 24, 2020, incorrectly asserts that there is a vegetative barrier which supports the 100' setback.

- This is incorrect. The Land Use and Development Ordinance defines (Page 3-27 3(b)) a Vegetative Barrier as:

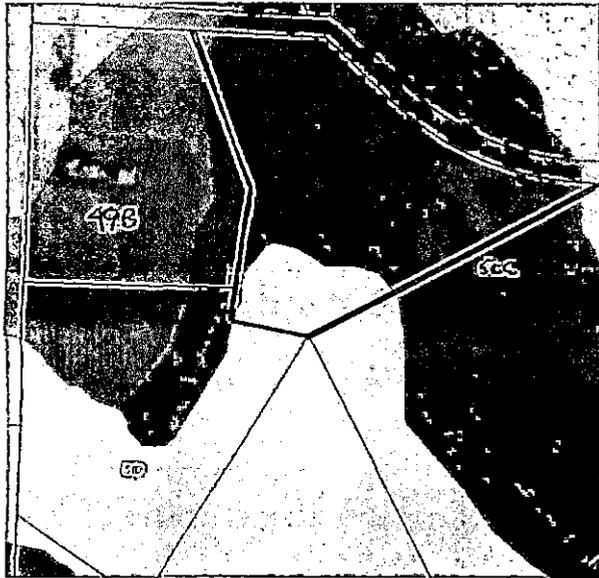
b. The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.

- There is no continuous vegetative screen by the LUDO definition. There are approximately 5 evergreen trees separating the two properties that have no limbs below approximately 15 feet above ground level along a 900' property line. (see figure below)



3. The proposed use of my property is best suited to orchard activity which requires a 250' set back in the absence of a continuous vegetative barrier.

- a. **Soil type** - The soil type is the same as adjacent properties to the west that are currently planted in productive orchard.



- This is an image taken from the NRCS USDA soil survey web page (<https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>) it is an overlay of the property boundaries soil type and topographic image of the vegetation on each property.
- My property is defined by the blue lines.

- In the two adjacent properties to the west the image of orchard trees can be seen.
 - The soil type is indicated by the codes 50C, 49B
 - The majority of my property is designated as 50 C which is defined as:
50C Wamic Loam, 5-12% north slopes
 - The two properties to the west are of the same soil type with slightly different slopes 49B – Wamic Loam, 1-5% grades, 50C – Wamic Loam, 5-12% north slopes, The soil type and slope therefore confirm the potential use of my property as orchard and therefore requires a 250’ setback.
- b. **Orchard infrastructure** in the Mosier Valley - The predominant agricultural activity in the Mosier area is Orchard activity in particular Cherry Orchard. There is a significant infrastructure in place to support cherry orchard activity which further supports the suitability for orchard activity.
- c. **Rainfall** – The rainfall characteristics of my property are clearly similar to that of the adjacent properties.

SUMMARY

- Orchard Activity is the most suitable use for my property based upon soil type, slope and the presence of infrastructure in the Mosier area to support orchard activity.
- The two adjacent properties are successful in orchard activity.
- There is no continuous vegetative screen by LUDO definition of vegetative screen therefore there is a requirement for a 250’ setback



PLANNING DEPARTMENT

2705 East Second Street • The Dalles, OR 97058
p: [541] 506-2560 • f: [541] 506-2561

PLANNING COMMISSION NOTICE OF DECISION

FILE #: 921-19-000193-PLNG

PC DECISION DATE: October 5, 2021

DATE OF NOTIFICATION: October 7, 2021

APPEAL DEADLINE: October 22, 2021

REQUEST: Scenic Area Review of a new dwelling and structures to support the proposed farm use of raising approximately 13 goats. This request includes:

- (1) New Single Family Dwelling (1,889 SF footprint, 50'L x 40'W x 24'H)
- (2) Accessory Buildings (1,500 SF footprint, 50'L x 40'W x 24'H)
- (3) Agriculture Structures: approximately 5,000' of 4' H wire mesh fence (6' fence posts) enclosing three areas on either side of the driveway for livestock pens; approximately 900' of moveable electric fence to protect a wetland; and a 50' diameter moveable round pen.
- (4) Retroactive review of an unlawfully placed well to serve the residential use and a new 12'L x 12'W x 12'H well house with 1,000 gallon water cistern, and driveway.

DECISION: Approved with **Conditions**

APPLICANT/OWNER INFORMATION:

APPLICANT/OWNER: Adrian Lopez, 1150 Huskey Road, Mosier, OR 97040

PROPERTY INFORMATION:

LOCATION: The development site is located north of Huskey Road, approximately 0.1 miles west of Jasper Lane and 0.5 miles south of the City of Mosier, Oregon, more specifically described as:

<u>Map/Tax Lot</u>	<u>Acct. #</u>	<u>Acres</u>
2N 11E 11 2200	327	20.59

ZONING: A-2 (80), Small Scale Agriculture in the General Management Area of the Columbia River Gorge National Scenic Area

Attachments:

Staff Reviewer: Daniel Dougherty, Senior Planner &

- A. Conditions of Approval
- B. Time Limits & Appeal Information
- C. Maps
- D. Staff Report
- E. Outdoor Lighting Standards
- F. Forest-Farm Management Easement
- G. Comments (made during initial review and during appeal period review)

After recording, please return to:
Wasco County Planning Department
Board of County Commissioners Agenda Packet
January 19, 2022

ATTACHMENT A – CONDITIONS OF APPROVAL

Pursuant to Wasco County National Scenic Area Land Use Development Ordinance, Chapter 2 – Development Approval Procedures, Section 2.150. Appeal from Decision of the Director, the following shall be recorded as conditions of approval and binding upon the owners, developers or assigns.

A. Cultural Resources:

1. All ground disturbance within the archaeological site boundaries shall be monitored by a professional archaeologist, specifically the installation of fence lines.
2. If plans change so that greater impacts are proposed within the archaeological site boundaries, the site shall be formally evaluated for significance and eligibility for inclusion on the National Register of Historic Places (NRHP).
3. If cultural resources are discovered during development of any new structure or building, all construction shall cease within 100' of the discovered cultural resource. The cultural resource(s) shall remain as found and further disturbance is prohibited. The owners shall notify the Wasco County Planning Department and Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or associated with Native Americans, the owners shall also notify the Confederated Tribes of Warm Springs, Confederated Tribes of Umatilla, Perce Nez, and Yakama Indian Nation within 24 hours of discovery.
4. If human remains are discovered, all work on the parcel shall cease, and the human remains shall not be disturbed any further. The owners shall immediately notify the Wasco County Sheriff's Office, the Wasco County Planning Department, the Gorge Commission, and the four Indian tribal governments.

B. Prior to Issuance of Zoning Approval on any Building Permit and After Expiration of the 15-Day Appeal Period, the Applicant/Owner shall:

1. Obtain a Road Approach Permit from the Wasco County Public Works Department for the existing driveway onto Huskey Road.
2. Oregon Dept. of Forestry Permit: Any land clearing activities involving power driven machinery that occur from May 1st through September 30th shall obtain a Permit to Operate Power Driven Machinery from the Oregon Dept. of Forestry prior to beginning any development.

C. Chapter 11 - Fire Safety Standards:

1. Improvements and requirements listed in Chapter 11 of the Wasco County NSA-LUDO and the signed and completed Fire Safety Standard Self-Certification shall be achieved within one year of the date of approval and maintained through the life of the development. This certification commits all future property owners to the same requirements. A copy of this self-certification form is available for inspection at the Wasco County Planning Department under File #921-19-000193-PLNG.
2. Address: Apply for a new address for the proposed commercial horse boarding facility, and submit the County application and fee (\$75) to the Planning Department (prior to issuance of zoning approval on a building permit application). An approved address shall be posted on both sides of a permanent post or mailbox within 30' of the driveway providing access to the

ATTACHMENT A – CONDITIONS OF APPROVAL

dwelling. The address numbers shall be legible, reflective, and at least 2 ½ inches high. Application must be made a minimum of 2 weeks prior to issuance of zoning approval on a building permit application.

D. Colors and Materials

- The following materials and colors are approved for the kitchen/restroom building:

	Material	Exterior Color	Looks Like	Consistent with color requirement?
HOUSE				
Main/Body	Hardie Board Fiber Cement	SW Thunder Grey (SW 7645)	Dark Gray	Yes, approved
Trim	Hardie Board Fiber Cement	SW Forest Wood (SW 7730)	Dark Green	Yes, approved
Roof	Owens Corning Asphalt Shingles	Gray	Dark Gray	Yes, approved
BARN/SHOP & PUMP HOUSE				
Main/Body	Hardi Board Fiber Cement	SW Thunder Grey (SW 7645)	Dark Gray	Yes, approved
Trim	Hardi Board Fiber Cement	SW Forest Wood (SW 7730)	Dark Green	Yes, approved
Roof	Owens Corning Asphalt Shingles	Gray	Dark Gray	Yes, approved
ROUND PEN	Galvanized Steel	Hunter Green (Rustoleum)	Dark Green	Yes, approved for narrow surfaces only

- If alternate colors or materials are proposed for any new development, they shall be submitted to and approved by the Planning Department prior to their use on the exterior of the building.
- All windows shall be thermal pane rated less than 15% visible light reflectivity.

F. Miscellaneous Conditions:

- Ground disturbance shall be minimized to the greatest extent possible. All ground disturbance resulting from development shall be revegetated no later than the next planting season (Oct-April) with native species. The property owners and their successors in interest shall be responsible for survival of planted vegetation and the replacement of such vegetation that does not survive.
- The retention of all conifer trees indicated on the site plan is required to comply with visual subordination standards. Coniferous trees not indicated on the site plan may be removed if they are damaged or diseased, or for fire safety purposes. If coniferous trees indicated on the site

ATTACHMENT B – TIME LIMITS AND APPEAL INFORMATION

plan are removed, die or are destroyed, they shall be replaced in compliance with the following standards:

To ensure survival, new trees and replacement trees shall meet the following requirements

- All trees shall be at least 4 feet tall at planting, well branched, and formed.
 - Each tree shall be braced with 3 guy wires and protected from livestock and wildlife. The guy wires need to be removed after two winters.
 - The trees must be irrigated until they are well established.
 - Trees that die or are damaged shall be replaced with trees that meet the planting requirements above.
3. All conifer trees east of the existing driveway shall be retained.
 4. To ensure sensitive wildlife habitat protection and the retention vegetative screening, all on site trees not impacted by wildfire or disease shall be retained unless removed for approved development. Any trees that die shall be replaced in the next growing season.
 5. Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and the Columbia River. Shielding and hooding materials shall be composed of nonreflective, opaque materials.
 6. The round pen shall not be placed inside any property line or resource protection setbacks in the event that it is moved.
 7. Development approved by this decision shall comply with all requirements of the Wasco County Building Codes Services Department.

SIGNED THIS 7th day of October, 2021, at The Dalles, Oregon.

Daniel Dougherty, Senior Planner
Wasco County Planning Department

NOTE: Any new land uses or structural development such as residences; garages, workshops or other accessory structures; or additions or alterations not included in the approved application or site plan will require a new application and review.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: Oregon Revised Statutes, Chapter 215, requires that if you receive this notice, it must promptly be forwarded to the purchaser.

Proposed development shall not commence until the appeal period has expired, and conditions of approval are adhered to.

Section 2.240 of the Wasco County National Scenic Area Land Use and Development Ordinance, this approval shall expire: (1) when construction has not commenced within two years of the date the land use approval was granted, or (2) when the structure has not been completed within two years of the date of commencement of construction. **The expiration date for the validity of a land use approval is from the date of expiration of the appeal period and not the date the decision was issued.**

Please Note!

No guarantee of extension or subsequent approval either expressed or implied can be made by the Wasco County Planning Department. Please take care in implementing your proposal in a timely manner.

APPEAL PROCESS:

The decision date for this land use review is **Thursday, October 7, 2021**. The decision of the Director shall be final unless an appeal from an aggrieved party is received by the Director within fifteen (15) days of the mailing date of this decision, **Friday, October 22, 2021, at 4:00 p.m.**, or unless the Planning Commission or Board of County Commissioners on its own motion orders review within fifteen (15) days of the date of decision. A complete record of the matter is available for review upon request during regular business hours or copies can be ordered at a reasonable price at the Wasco County Planning Department. Notice of Appeal forms may also be obtained at the Wasco County Planning Department. **The filing fee for an appeal is \$250.00. Fees are refunded if appellant prevails.**

FINDINGS OF FACT:

Findings of fact approving this request may be reviewed at the Wasco County Planning Department, 2705 East Second Street, The Dalles, Oregon, 97058, or are available for purchase at the cost of \$0.25 per page. These documents are also available online at: <http://co.wasco.or.us/departments/planning/index.php>. Click the drop-down arrow to the right of Zoning Permits, click on Active Applications. The table is sorted alphabetically by the name of the applicant. The information will be available until the end of the appeal period.

ATTACHMENT C – MAPS
Applicant/Owner: Adrian Lopez
2N 11E 11, Tax Lot 2200; Account #327
Vicinity Map

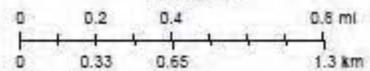
Wasco County Planning Dept



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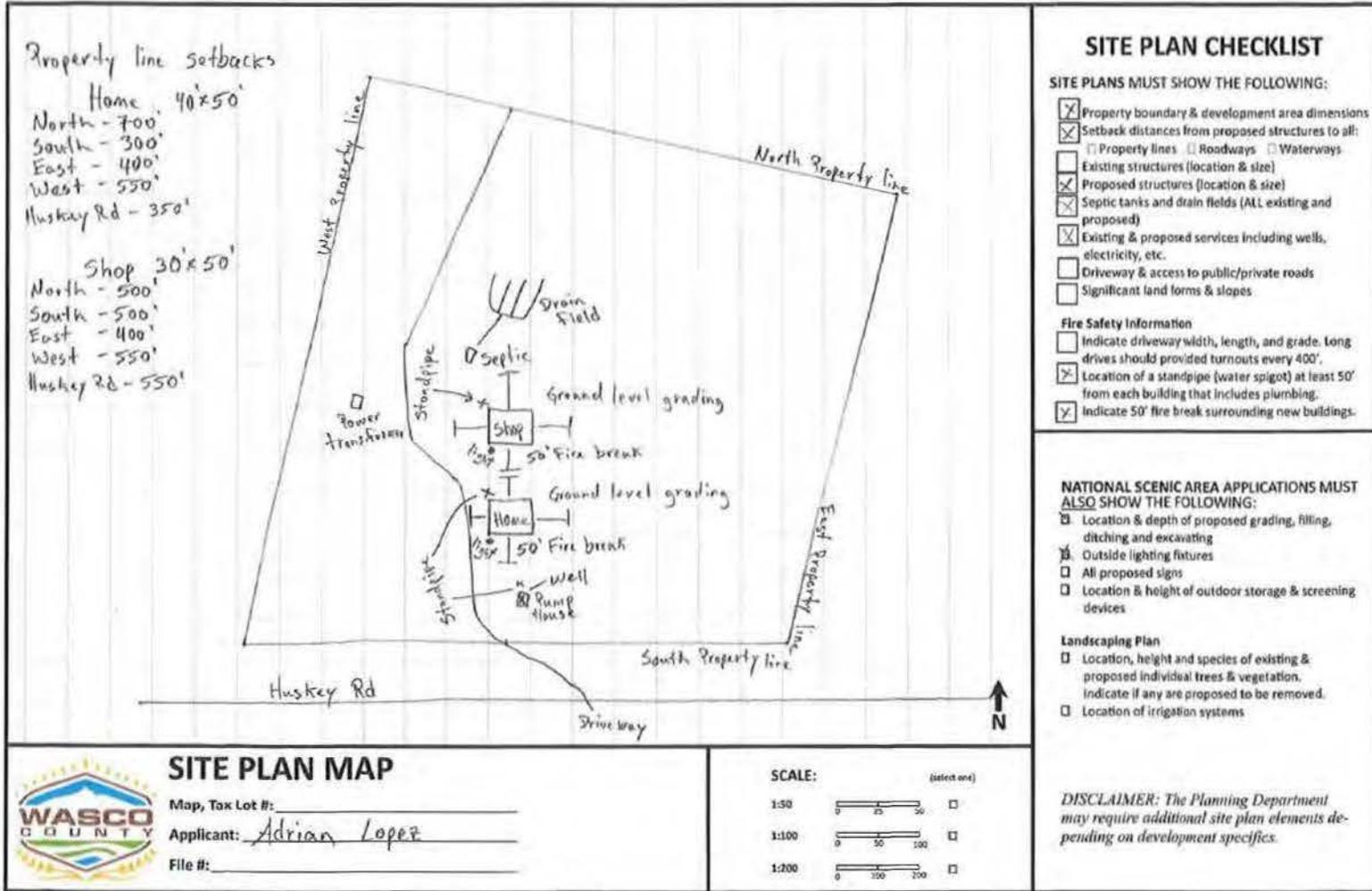
- Taxlots
- City
- Railroad
- Public Access
- Roads**
- State
- Private
- County
- Road Labels
- Wasco County Boundary Line

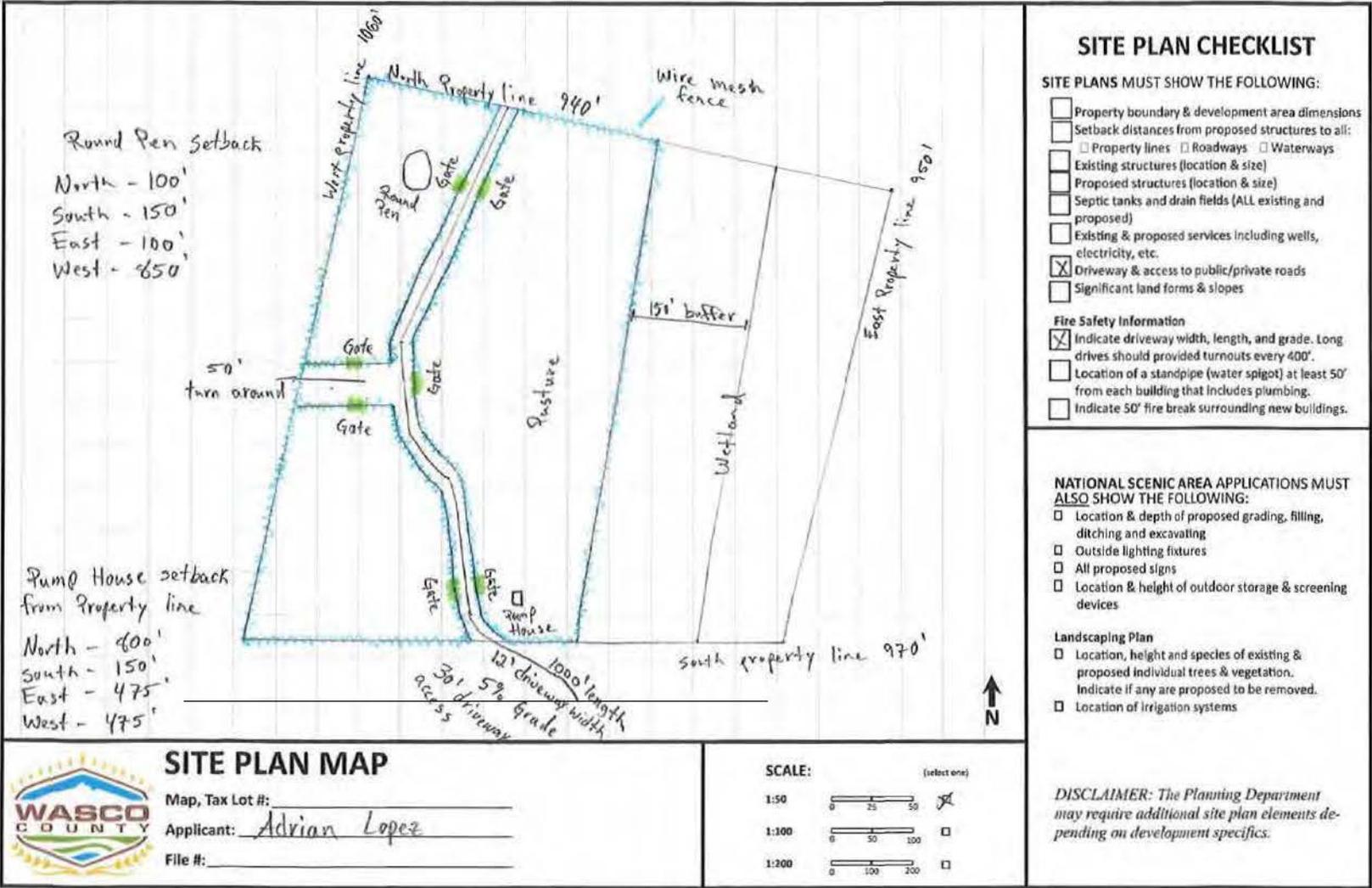


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Wasco County Planning
This Map is for Informational Purposes Only

ATTACHMENT C – MAPS
Applicant/Owner: Adrian Lopez
2N 11E 11, Tax Lot 2200; Account #327
Site Plan







SITE PLAN MAP


 Map, Tax Lot #: _____
 Applicant: Adrian Lopez
 File #: _____

SCALE: (select one)

1:50 
 1:100 
 1:200 

- SITE PLAN CHECKLIST**
- SITE PLANS MUST SHOW THE FOLLOWING:**
- Property boundary & development area dimensions
 - Setback distances from proposed structures to all:
 - Property lines
 - Roadways
 - Waterways
 - Existing structures (location & size)
 - Proposed structures (location & size)
 - Septic tanks and drain fields (ALL existing and proposed)
 - Existing & proposed services including wells, electricity, etc.
 - Driveway & access to public/private roads
 - Significant land forms & slopes
- Fire Safety Information**
- Indicate driveway width, length, and grade. Long drives should provided turnouts every 400'.
 - Location of a standpipe (water spigot) at least 50' from each building that includes plumbing.
 - Indicate 50' fire break surrounding new buildings.

- NATIONAL SCENIC AREA APPLICATIONS MUST ALSO SHOW THE FOLLOWING:**
- Location & depth of proposed grading, filling, ditching and excavating
 - Outside lighting fixtures
 - All proposed signs
 - Location & height of outdoor storage & screening devices
- Landscaping Plan**
- Location, height and species of existing & proposed individual trees & vegetation. Indicate if any are proposed to be removed.
 - Location of irrigation systems

DISCLAIMER: The Planning Department may require additional site plan elements depending on development specifics.

ATTACHMENT D – STAFF REPORT

File Number: 921-19-000193-PLNG

Applicant/Owner: Adrian Lopez

Requests: Scenic Area Review of a new dwelling and structures to support the proposed farm use of raising approximately 13 goats. This request includes:

- (1) New Single Family Dwelling (1,889 SF footprint, 50'L x 40'W x 24'H)
- (2) Accessory Buildings (1,500 SF footprint, 50'L x 40'W x 24'H)
- (3) Agriculture Structures: approximately 5,000' of 4' H wire mesh fence (6' fence posts) enclosing three areas on either side of the driveway for livestock pens; approximately 900' of moveable electric fence to protect a wetland; and a 50' diameter moveable round pen.
- (4) Retroactive review of an unlawfully placed well to serve the residential use and a new 12'L x 12'W x 12'H well house with 1,000 gallon water cistern, and driveway.

Administrative

Decision: June 24, 2021

**Decision Appealed to
Planning Commission:** July 9, 2021

**Planning Commission
Decision Date:** October 5, 2021

**Notice of Decision
Issued:** October 7, 2021

Appeal Deadline: October 22, 2021

Planning Commission

Decision: **Approved** by the Planning Commission with amended Conditions and Findings as described in Attachment A of the Planning Commission Packet. Amended findings are described in this Staff Report as **[AMENDED FINDING]**.

Location: Development site is located north of Huskey Road, approximately 0.1 miles west of Jasper Lane and 0.5 miles south of the City of Mosier, Oregon, more specifically described as:

<u>Map/Tax Lot</u>	<u>Acct. #</u>	<u>Acres</u>
2N 11E 11 2200	327	20.59

Zoning: A-2 (80), Small Scale Agriculture in the General Management Area of the Columbia River Gorge National Scenic Area

Past Actions: 921-18-000017-PLNG (Withdrawn): Horse Boarding Facility

ATTACHMENT D – STAFF REPORT

Procedure Type: Administrative

Prepared By: Daniel Dougherty, Senior Planner

I. APPLICABLE STANDARDS

Wasco County National Scenic Area Land Use & Development Ordinance (NSALUDO)

A. Chapter 3 – Basic Provisions

Section 3.110, Expedited Review

Section 3.110.A.5., Uses Permitted Subject to Expedited Review, Woven Wire Fences

Section 3.130, A-2, Small Scale Agriculture (GMA)

Section 3.130.D.2., Uses Permitted Subject to Review, Agricultural structures

Section 3.130.D.4., Uses Permitted Subject to Review, One single-family dwelling

Section 3.130.D.6., Uses Permitted Subject to Review, Accessory building(s)

Section 3.130.G, Property Development Standards

B. Chapter 4 – Supplemental Provisions

Section 4.040, Off-Street Parking

C. Chapter 11 – Fire Safety Standards

Section 11.110, Siting Standards

Section 11.120, Defensible Space

Section 11.130, Construction Standards for Dwellings and Structures

Section 11.140, Access Standards

Section 11.150, Fire Protection or On-Site Water Required

D. Chapter 14 – Scenic Area Review

Section 14.100, Provisions for all new development

Section 14.200, Key Viewing Areas

Section 14.300, Scenic Travel Corridors

Section 14.400, Landscape Settings

Section 14.500, Cultural Resources – GMA

Section 14.600, Natural Resources – GMA

Section 14.700, Recreation Resources - GMA

Section 14.800, Indian Tribal Treaty Rights and Consultation – GMA

I. BACKGROUND

- A. Proposal:** The property currently contains a driveway and a residential well that was constructed without review. This application proposes the construction of a two-story single family dwelling, a two story accessory building, fencing, a round pen to assist with the raising of approximately 5 cows, 15 goats and/or sheep, and a new well house and cistern for the well. The applicant has described the use of the property as a “small family farm.” As noted above, the request can be more specifically described as 1,889 Square Foot (SF), 50’L x 40’W x 24’H, two story single family dwelling, a 1,500 SF, 50’L x 30’W x 24’H two story accessory structure for a shop and farm equipment storage, retroactive review of an unlawfully placed well and a new well house and cistern, and approximately 5,000’ of 4’ H wire mesh fence (6’ fence posts) enclosing the three areas on either side of the driveway for livestock pens, approximately 900’ of moveable electric fence to protect a wetland, and a 50’ diameter moveable round pen.

- B. Legal Lot:** The subject lot is identified as Lot 21 of Rocky Prairie Subdivision, recorded with the Wasco County Clerk on April 27, 1977. It is consistent with the definition of Legal Lot in NSA-LUDO Section 1.200, Definitions, because it was created by a recorded subdivision.
- C. Site Description:** The subject lot is located between Huskey Road and Quartz Drive, in Rocky Prairie, a subdivision located on the hill above Mosier, Oregon. This property contains northwest-facing slopes averaging 9%. The western 1/3 (approximate) of the lot is heavily vegetated with Oregon white oak trees. Natural grasses are the dominant ground cover. The property ranges in elevation from 620-720' Above Sea Level (ASL).
- D. Surrounding Land Use:** Properties located north, east and west of the subject lot are located in the A-2, Small Scale Agriculture Zone. Properties located south of Huskey Road are zoned F-3(80), Small Woodland-Forest. With the exception of one property located north of Quartz Drive, all surrounding properties are used for residential use. Properties located east and west of the subject lot contain similar northwest-facing slopes averaging 8-10%. Property to the southwest, located north of Huskey Road is heavily vegetated with Oregon white oak trees. Property located to the west contains cherry orchard and a cidery, but there are no other commercial farm uses on adjacent properties. Land lying within 750' of Huskey Road averages 30% northwest-facing slopes while farther south, slopes lessen to 5-10%. Properties to the south are generally heavily vegetated with Oregon white oak and Ponderosa pine trees.
- E. Public Comment:** Notice of Administrative Action was mailed on July 2, 2020, to all owners of property within 500' of the subject parcel, the U.S. Forest Service - Columbia River Gorge National Scenic Area Office, Columbia River Gorge Commission, the four tribal governments, State Historic Preservation Office, and other interested parties registered with Wasco County. This notice provided a 15-day pre-notice for public comment (ending July 17, 2020). Comments are included as Attachment G of this report. All comments are addressed in applicable Findings throughout this report.

II. FINDINGS:

Wasco County National Scenic Area Land Use & Development Ordinance (NSALUDO)

A. Chapter 3 - Basic Provisions

Section 3.110 Expedited Review

A. Uses Permitted Subject to Expedited Review

(***)

5. Woven-wire fences for agricultural use that would enclose 80 acres or less. (GMA Only)

FINDING: The request includes a 4'H "mesh" or woven-wire fence enclosing the subject property, to support a proposed agricultural use. The property is 20.59 acres and is located in the GMA, meeting the requirements of this criterion. However, it is on a property where a cultural reconnaissance survey was required. Section 3.110.B.2.A. states: "The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey or historic survey." Because a survey was required, the woven-wire fence is included in the full review below.

Section 3.130, A-2, Small Scale Agriculture (GMA)

D. Uses Permitted Subject to Review

The following uses and activities may be allowed on a legal parcel designated Small-Scale Agriculture subject to Subsection G - Property Development Standards, Chapter 11 - Fire Safety Standards & Chapter 14 - Scenic Area Review, as well as all other listed or referenced standards.

2. Agricultural structures, except buildings, in conjunction with agricultural use. Non commercial wind energy conversion systems which fit this category are subject to the applicable provisions of Chapter 19.

FINDING: This proposal includes approximately 5,000' of perimeter fencing, about 1,000' of temporary moveable electric fencing, and a 50' diameter moveable round pen to support the proposed farm use of a "Small Family Farm." The Farm Management Plan submitted with the application materials describes the potential animal husbandry of approximately 13 goats on this 20 acre parcel. Farm Use is permitted without review in the A-2 zone, unless it involves new cultivation. Agricultural structures are permitted subject to compliance with property development standards, Fire Safety Standards, and Scenic Area Review criteria. Property Development Standards are addressed below. Chapter 11 – Fire Safety Standards is addressed in III.C. Chapter 14 – Scenic Area Review is addressed in III.D. Staff finds that the request complies with Criterion 3.130.D.2.

4. One single-family dwelling on any legally existing parcel.

FINDING: As noted under section I.B above, the subject parcel was lawfully created. The request includes the construction of one single family dwelling, with associated underground septic system. As permitted by this criterion, new dwellings are an allowed review use in the A-2 Small Scale Agriculture zone subject to compliance with property development standards, Fire Safety Standards, and Scenic Area review criteria. Property Development Standards are addressed below. Chapter 11 – Fire Safety Standards is addressed in III.C. Chapter 14 – Scenic Area Review is addressed in III.D. Staff finds that the request complies with Criterion 3.130.D.4.

6. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any parcel:

b. Larger than 10 acres in size are subject to the following additional standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(3) The height of any individual accessory building shall not exceed 24 feet.

FINDING: The subject property is larger than 10 acres in size and does not currently contain any lawfully established buildings (the well that was being constructed unlawfully is being reviewed as a new use).

Proposed development includes the construction of one single family dwelling, one 1,500 SF accessory building with a height of 24 feet, and a 144 SF well house. As a result of the proposed development, there will be a total footprint of 1,644 SF worth of accessory structures, which is less than the 2,500 SF maximum. The shop/barn is being reviewed as an accessory structure because it was not proposed to be fully dedicated to farm use. Though that will be a part of its function, storing equipment and feed, it was also proposed as a personal shop, accessory to the residential use. Neither of the proposed accessory structures exceed 24' in height. Staff finds that the request is consistent with Criterion 3.130.D.6.

G. Property Development Standards

(***)

2. General Setbacks - All structures, other than approved signs and fences shall comply with the following general setback standards:

Front Yard	25'
Side Yard	25'
Rear Yard	40'

FINDING: As proposed, the development will exceed the requirements of General Setbacks. Staff finds that the request complies with Criterion 3.130.G.2.

Required Setback	Proposed – Dwelling	Proposed – Shop	Round Pen	Pump House	Consistent?
East (side) = 25'	400'	400'	660'	475'	Yes
West (side) = 25'	550'	550'	100'	475'	Yes
North (rear) = 25'	700'	500'	100'	800'	Yes
South (front) = 40'	300'	500'	850'	150'	Yes

3. Agricultural Setbacks - In addition to the general setback standards listed in criterion 2 above, all new buildings to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use, shall comply with the following setback standards:

Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
Orchards	250'	100'	75'
Row crops/ vegetables	300'	100'	75'
Livestock grazing, pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

FINDING: The subject property shares borders with seven other properties. To the west, an adjacent property is currently farmed as a commercial orchard on the other side of a vegetative barrier (oak trees). To the north, one property contains approximately eight acres of land that is not currently

farmed, but is suitable for future farm use. Without a barrier, orchards are protected by a 250' setback. With a barrier, orchards are protected by a 100' setback. The property to the north contains an oak woodland that creates a natural vegetative barrier and thus only require a 100' buffer. All other adjacent properties contain poor quality soils and are predominantly developed as rural residential properties that are 10-15 acres in size.

As proposed, the following distances will exist between the development and adjacent properties that contain or are suitable for agriculture use:

Required Setback	Barrier Present?	Proposed – Dwelling	Proposed – Shop	Round Pen	Pump House	Consistent?
North = 100'	Yes, existing vegetative	600'	500'	100'	800'	Yes
West = 250'	No, open field	600'	500'	NA (structure is proposed in the portion of the property with the barrier)	900'	Yes

The applicant describes the round pen in their Farm Management Plan narrative as “made up of 10 panels 5’ tall ... it can be taken apart and moved in under 20 min so it probably will be moved for some reason or another.” It is permissible to move this pen anywhere on the property as long as it complies with required setbacks, including those listed under the wetland protection section below. As the placement of the pen does not involve ground disturbance, there will be no impact to cultural resources. A **condition** of approval is included requiring that the pen not be placed inside any property line or resource protection setbacks in the event that it is moved.

With that condition, staff finds that the proposed setbacks meet or exceed the requirements in the A-2, Small Scale Agriculture Zone and that request complies with Criterion 3.130.G.3.

4. *Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.240, Flood Hazard Overlay.*

FINDING: The subject property is not located within any identified FEMA flood zone. It is located approximately 0.8 mile south of the closest identified flood plain along Rock Creek. Staff finds that the request complies with Criterion 3.130.G.4.

5. *Height - Maximum height for all structures shall be thirty-five feet (35') unless further restricted in accordance with Chapter 14 - Scenic Area Review.*

FINDING: The applicant proposes the following heights for all new structures:

- Dwelling: 24'
- Shop: 24'
- Round Pen: 5'
- Woven-wire fence: 4' fencing, 6' posts
- Well house: 12'

All structures are proposed to be less than 35' in height. Staff finds that the request complies with Criterion 3.130.G.5.

6. *Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.*

FINDING: The subject lot is not located on a corner lot. Staff finds that Criterion 3.130.G.6. is not applicable to this request.

7. *Parking - Off street parking shall be provided in accordance with Chapter 4.*

FINDING: Off-street parking is addressed below in Chapter 4. There is an existing driveway accessing the property however there is no Road Approach Permit on file with the Wasco County Public Works Department for this driveway. A **condition** of approval is included in the Notice of Decision requiring the applicant/owner to obtain a Road Approach Permit for the existing driveway after expiration of the appeal period. Staff finds that the request complies with Criterion 3.130.G7.

B. Chapter 4 – Supplemental Provisions

(***)

Section 4.040, Off-Street Parking

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, off-street parking spaces shall be provided in accordance with this Section. In an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Section. Where square feet are specified the area measured shall be the gross floor area necessary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season, including proprietors.

A. Residential

1. Single-family dwelling: One (1) space per dwelling unit.

FINDING: The proposal involves one single family dwelling and an accessory structure. This section requires one parking space for a dwelling. The house designs submitted with the application indicate a 19' x 19'6" attached garage which is large enough to accommodate two vehicles. Staff finds that the request complies with Criterion 4.040.A.1.

(***)

C. Chapter 11 – Fire Safety Standards

The Fire Safety Standards, adopted by the Wasco County Court and effective February 5, 2007, require property owners to be aware of potential fire risks in areas outside of urban areas of Wasco County, and requires compliance with siting standards, fuel break requirements, construction standards, access standards, and on-site water storage requirements.

As part of a complete application, the property owners completed a Fire Safety Standard Self-Certification Form. By signing the self-certification form, the owners have acknowledged that they

understand these standards and commit to achieve compliance with them within one year of the date of approval and maintain them through the life of the development. This certification further commits all future property owners to this same requirement. A copy of this self-certification form is available for inspection at the Wasco County Planning Department under File 921-19-000193-PLNG. A **condition** of approval stating this is included in the Notice of Decision.

Section 11.110, Siting Standards – Locating Structures for Good Defensibility

FINDING: There are no slopes on the property in excess of 30%, except short ones right at the road. The slopes around the proposed development are between 5 and 9%. Staff finds the request complies with Section 11.110.

Section 11.120, Defensible Space – Clearing and Maintaining a Fire Fuel Break

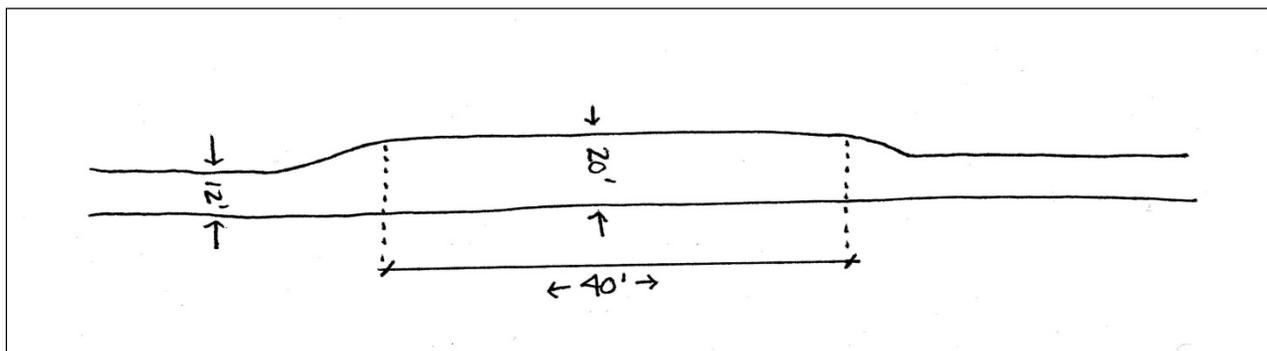
FINDING: The applicant included 50' of defensible space on the site plan around the proposed development. Currently that land in a 50' radius around the home and shop consists of grass and three mature ponderosa pine trees. The applicant has committed himself and future property owners in his self-certification form to maintaining that fire fuel break. Staff finds the request complies with Section 11.120.

Section 11.130, Construction Standards for Dwellings and Structures – Decreasing the Ignition Risks by Planning for a more Fire-Safe Structure

FINDING: The application states that the dwelling and accessory structure will be constructed of fiber cement (Hardie board brand) siding and trim, with asphalt shingles for roofing. Cement and asphalt are fire resistant materials. Staff finds the request complies with Section 11.130.

Section 11.140, Access Standards – Providing Safe Access to and Escape From Your Home

FINDING: The existing driveway provides access to the lot located to the north. The driveway is approximately 1,000' in length. The site plan shows that the proposed new dwelling will be 360' from the main road. Fire safety standards require the driveway to be a minimum of 12' wide, and contain 6-8" of pitrun base rock, and 2-3" ¾ minus leveling course. A 13' vertical clearance must be provided for vehicles, including a fire fuel break of 10' from the centerline of the driveway on each side. The driveway must also contain turnouts every 400' to allow vehicles to pass safely, especially during an emergency as well as a turnaround that is passable for emergency responders.



The site plan does not show access and turnaround for emergency vehicles or turnouts. However, a January 17, 2020 site visit confirmed that the property is open enough to allow for turnouts and turn

around anywhere along its length, with the exception of the first 100' of driveway where it slopes down steeply from Huskey Road. Staff finds the request complies with Section 11.140.

Section 11.150, Fire Protection or On-Site Water Required – Ensuring Dwellings Have Some Fire Protection Available Through Manned or Unmanned Response)

FINDING: The subject property is located within the boundaries of Mosier Fire District and has structural fire protection. The proposed structures are not larger than 3,500 SF, which would necessitate on site water storage. No on-site water storage is required. The site plan demonstrates two locations where water spigots will be available outside the dwelling. Staff finds the proposal complies with Section 11.150.

This proposed development is located within the Oregon Department of Forestry Fire Protection District and receives wildland fire protection services by ODF, as does surrounding properties.

Based on comments received from ODF for the application, ODF continues to be concerned about the impact of additional structures and the associated human activities within the wildland urban interface and emphasizes defensible space standards around the building site that contribute to higher likelihood of a structure being saved while reducing risk to firefighting personnel in the event of a wildland fire moving through the area, regardless of how the fire started. Road Standards need to be met regarding road width, vertical clearance, turnarounds and turn outs, and road grades. If any land clearing activities involving power driven machinery are proposed during the spring or summer months, applicant or owner will be required to obtain a Permit to Operate Power Driven Machinery (PDM) from ODF prior to the start of these activities. A **condition** stating this is included in the Notice of Decision.

Though not specifically addressed in Chapter 11, it is essential that the proposed development have a valid address so that emergency responders can quickly find the property. In accordance with the Wasco County Uniform Addressing Ordinance adopted on June 9, 1982, prior to Building Permit Authorization, the applicant or future owner(s) shall clearly post the address of the subject lot on both sides of a post or mailbox, or other similar post, support, stake or pedestal which cannot be easily removed or destroyed which is within 30' of the driveway which accesses the dwelling. The address numbers shall be legible, reflective, and at least 2 ½ inches high. A **condition** of approval is included in the Notice of Decision requiring the owner to apply for a new address for the new dwelling after expiration of the appeal period but at least 2 weeks prior to issuance of zoning approval on a building permit application, and submit the filing fee (\$75) for an address application to the Planning Department prior to issuance of zoning approval on a building permit application.

With these conditions of approval staff finds that the request complies with Chapter 11 – Fire Safety Standards.

D. Chapter 14 – Scenic Area Review

Section 14.100, Provisions For All New Development (GMA & SMA)

- A. *All new development, except uses allowed through the expedited review process, shall be reviewed under the applicable sections of Key Viewing Areas, Scenic Travel Corridors, Landscape Settings, Natural Resources, Cultural Resources, and Recreation Resources.*

FINDING: The following applicable sections of Chapter 14 are addressed below: Section 14.200, Key Viewing Areas, Section 14.300, Scenic Travel Corridors, Section 14.400, Landscape Settings, Section

14.500, Cultural Resources – GMA, Section 14.600, Natural Resources – GMA, Section 14.700, Recreation Resources – GMA, and Section 14.800, Indian Tribal Treaty Rights and Consultation – GMA.

- B. New buildings and roads shall be sited and designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.*

FINDING: The request includes a dwelling, accessory structure, approximately 6,000 linear feet of fencing and underground utilities including subsurface septic disposal system. Slopes on the subject lot are less than 10% and are similar throughout the property. As proposed, both buildings will require less than 100 cubic yards of grading, individually. The driveway is existing and will require no further grading. Staff finds that the proposed development will retain existing topography and minimize grading activities to the maximum extent practicable and complies with Criterion 14.100.B.

- C. New buildings shall be compatible with the general scale (height, dimensions and overall mass) of existing nearby development. Expansion of existing development shall comply with this guideline to the maximum extent practicable.*

FINDING: The applicant is requesting approval to construct a two story single family dwelling with a 1,889 Square Foot (SF) footprint 50'L x 40'W x 24'H, and a 1,500 SF, 50'L x 30'W x 24'H accessory structure for a shop and storage. The two story dwelling will have an overall square footage of 2,978 SF.

Staff conducted a compatibility analysis of all properties in Rocky Prairie Subdivision; there are dozens of existing buildings in this study area. The largest building is a 2-story barn with an overall mass of 6,496 SF. This building is considered to be an outlier because no other building in the area is anywhere close to this size. The next largest building in the area is 3,921 SF and many others are smaller but similar in size. As proposed, all proposed buildings are smaller than other nearby structures, and will fit into the general scale of the neighborhood. Staff finds that the request complies with Criterion 14.100.C.

- D. Unless expressly exempted by other provisions, colors of all exterior surfaces of structures on sites not visible from Key Viewing Areas shall be earth-tones found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The Scenic Resources Implementation Handbook will include a recommended palette of colors.*

FINDING: The entire property is visible from one or more KVAs. Staff finds that Criterion 14.100.D. is not applicable to this request.

- E. Additions to existing buildings.....*

FINDING: This request involves three new buildings. There are no existing buildings on the subject property (the well is present, but was unlawfully constructed and is being reviewed as new development, not existing, along with the proposed new well house for it). Staff finds that Criterion 14.100.E. is not applicable to this request.

- F. Outdoor lighting shall be directed downward, sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and the Columbia River as well as preventing the lighting from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting. Shielding and hooding materials shall be composed of nonreflective opaque materials. There*

shall be no visual pollution due to the siting or brilliance, nor shall it constitute a hazard for traffic.

FINDING: Two new lights are proposed as part of the dwelling request, one on the garage, and one on the back door. These lights will be motion detector lights and will not be on all night. The applicant and owner should be aware of the requirements for outdoor lighting and the need to hood and shield outdoor lighting so that it is directed onto the subject lot. A **condition** of approval is included in the Notice of Decision requiring outdoor lighting to be directed downward, sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and the Columbia River as well as preventing the lighting from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting. Shielding and hooding materials shall be composed of nonreflective opaque materials. There shall be no visual pollution due to the siting or brilliance, nor shall it constitute a hazard for traffic. Outdoor Lighting Standards are included as Attachment E. With this condition of approval, staff finds that the request complies with Criterion 14.100.F.

G. All ground disturbance as a result of site development shall be revegetated no later than the next planting season (Oct-April) with native species. The property owners and their successors in interest shall be responsible for survival of planted vegetation, and replacement of such vegetation that does not survive.

FINDING: There will be ground disturbance as a result of new development (dwelling, shop, fencing). A **condition** of approval is included in the Notice of Decision requiring ground disturbance to be minimized to the greatest extent possible. All ground disturbance resulting from construction of the new development must be revegetated no later than the next planting season (Oct-April) with native species. The property owners and their successors in interest shall be responsible for survival of planted vegetation and the replacement of such vegetation that does not survive. With the proposed condition of approval, the request complies with Criterion 14.100.G.

H. Except as is necessary for site development or fire safety purposes, the existing tree cover screening the development area on the subject parcel from Key Viewing Areas and trees that provide a back drop on the subject parcel which help the development area achieve visual subordination, shall be retained. Additionally, unless allowed to be removed as part of the review use, all trees and vegetation within buffer zones for wetlands, streams, lakes, ponds and riparian areas shall be retained in their natural condition. Any of these trees or other trees required to be planted as a condition of approval that die for any reason shall be replaced by the current property owner or successors in interest no later than the next planting season (Oct-April) after their death with trees of the same species or from the list in the landscape setting for the property.

To ensure survival, new trees and replacement trees shall meet the following requirements

- 1. All trees shall be at least 4 feet tall at planting, well branched, and formed.*
- 2. Each tree shall be braced with 3 guy wires and protected from livestock and wildlife. The guy wires need to be removed after two winters.*
- 3. The trees must be irrigated until they are well established.*

4. *Trees that die or are damaged shall be replaced with trees that meet the planting requirements above.*

FINDING: The subject lot contains scattered tree cover (15 Ponderosa pine trees) around the proposed development and the southwestern third of the property, behind the development as seen from KVAs, is heavily vegetated with Oregon white oak trees. The applicant does not propose to remove any trees for site development. Appropriate thinning may occur over time to comply with fire safety standards among the oak trees, however the grove acts as backdrop screening to the proposed development and must remain generally intact. The 15 pine trees indicated on the site plan provide visual screening in front and behind the proposed structures, as seen from KVAs. A **condition** of approval is included in the Notice of Decision requiring retention of all conifer trees indicated on the site plan to comply with visual subordination standards. Coniferous trees not indicated on the site plan may be removed if they are damaged or diseased, or for fire safety purposes. If coniferous trees indicated on the site plan are removed, die or are destroyed, they shall be replaced in compliance with Criterion 14.100.H. Staff notes that an individual property owner's view is not protected by the NSA-LUDO, however no trees between the applicant and the neighboring property will be removed. Also, all locations on the property are visible from KVAs, so there is no other location which will minimize visibility from KVAs.

With the proposed condition of approval, staff finds that the request complies with Criterion 14.100.H.

Section 14.200, Key Viewing Areas

The following is required for all development that occurs on parcels/lots topographically visible from Key Viewing Areas.

- A. *Each development and land use shall be visually subordinate to its setting in the GMA as seen from Key Viewing Areas. The extent and type of conditions applied to a proposed development to achieve visual subordination shall be proportionate to its potential visual impacts as seen from Key Viewing Areas.*
 1. *Decisions shall include written findings addressing the factors influencing potential visual impact including but not limited to:*
 - a. *The number of Key Viewing Areas it is visible from;*
 - b. *The distance from the building site to the Key Viewing Areas it is visible from;*
 - c. *The linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads and the Columbia River);*
 - d. *The difference in elevation between the building site and Key Viewing Areas;*
 - e. *The nature and extent of topographic and vegetative back screening behind the building site as seen from Key Viewing Areas;*
 - f. *The amount of area of the building site exposed to Key Viewing Areas; and*
 - g. *The degree of existing vegetation providing screening.*
 2. *Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA as seen from key viewing areas, including but not limited to:*
 - a. *siting (location of development on the subject property, building orientation, and other elements);*

- b. *design (color, reflectivity, size, shape, height, architectural and design details and other elements); and*
- c. *new landscaping.*

[AMENDED FINDING]: Both the dwelling and the shop will be two stories with pitched roofs. The dwelling will have a cross gabled design and will be oriented east-west. They will be just east of the driveway closer to the southern property line (road) than the north. The western third of the property is covered in oak trees. Approximately 15 mature Ponderosa pine trees are scattered throughout the open field in the eastern two thirds of the property.

The development sites are topographically visible from the following Key Viewing Areas (KVAs):

- Dwelling & Pump House: SR 14, the Columbia River, and Highway 30 W (Middle Ground);
- Accessory Structure: SR 14 and the Columbia River (Middle Ground);

Middleground is defined as ¼ mile – 3 miles from the subject lot.

Section 14.200 is not applicable to portions of a KVA within an Urban Area (UA) identified by the Management Plan. The Urban Area identified in this request is Mosier, Oregon.

The development sites are located at an elevation of approximately 680' feet above sea level (ASL). The primary factors in analyzing the visibility of the proposed dwelling and agricultural structures include the distance from KVAs, the use of dark earthtone colors on the buildings, existing backdrop of trees and the use of nonreflective materials.

The land use designation (GMA, Large Scale Agriculture) and landscape setting (Oak Woodlands) in the project area requires a scenic standard of visually subordinate.

Visually Subordinate is defined in Chapter 1 as "...the relative visibility of a structure ...does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point. As opposed to structures which are fully screened, structures which are visually subordinate may be partially visible. They are not visually dominant in relation to their surroundings..."

Highway 30 W: The portion of this KVA located within the Urban Area (UA) of Mosier, Oregon, is not included in this review. The portion of the KVA located outside of the UA is located at an elevation ranging from 180-200 beginning approximately 1.4 miles north of the development site and is visible for a linear distance of approximately 0.4 miles. Based on distance, screening vegetation (including the oak grove backdrop, and the scattered conifers onsite in the foreground), proposed dark earth-tone colors and non-reflective materials to be used on the exterior of the building, it will be visually subordinate as seen from this KVA.

Washington SR 14: This KVA is located at an elevation of 40-80' Above Sea Level (ASL), approximately 1.9 mile north of the development site. The site is sporadically visible among land forms for approximately 3.3 linear miles. Based on distance, screening vegetation (including the oak grove backdrop, and the scattered conifers onsite in the foreground), proposed dark earth-tone colors and non-reflective materials to be used on the exterior of the building, it will be visually subordinate as seen from this KVA.

Columbia River: This KVA is located at an elevation of approximately 76' ASL (per Corps of Engineers flowage easement between The Dalles Dam and Bonneville Dam). The development site is located approximately 1.1 mile south of the Columbia River. The development site is topographically visible for 3.5

linear miles along the river, however existing on-site trees (background and foreground) and distance make it very difficult to see the development site from this KVA. Based on distance, screening vegetation (including the oak grove backdrop, and the scattered conifers onsite in the foreground), proposed dark earth-tone colors and non-reflective materials to be used on the exterior of the building, the proposed development will be visually subordinate as seen from this KVA.

The applicant submitted colors for the proposed structures (dwelling, shop, round pen, and pump house) which are dark earth tone colors that blend with the surrounding area. Dark earth tone colors were not submitted, nor required, for the agricultural fencing as Section 3.110.B.1.a states: "a. In the General Management Area, the scenic resource protection guidelines shall not apply to woven-wire fences for agricultural use that would enclose 80 acres or less" and this 20.59 acre property is in the GMA.

Colors are addressed further in Section 14.200.I.

Reflectivity is addressed in Section 14.200.J.

Based on distance between the new development and KVAs, screening vegetation, and proposed colors and materials, with conditions proposed in Sections 14.200 I. and J., the proposed agricultural buildings and structures will be visually subordinate as seen from KVAs. Staff finds that the request complies with Criterion 14.200.A.

- B. New development shall be sited to achieve visual subordination from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, endemic and listed plants, sensitive wildlife sites or conflict with standards to protect cultural resources. In such situations, development shall comply with this standard to the maximum extent practicable. (GMA Only)*

FINDING: All portions of the subject property are topographically visible from KVAs. The home has been sited to allow for the shop to be clustered nearest the livestock, without impacting grazing, well or septic areas. No other sites exist on the property that would reduce the overall visibility of the proposed development. With conditions of approval throughout this report, the proposed development will be visually subordinate from all KVAs therefore staff finds that the request complies with Criterion 14.200.B.

- C. New development shall be sited to achieve visual subordination utilizing existing topography, and/or existing vegetation as needed in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA from Key Viewing Areas.*

FINDING: The required scenic standard in this location is "visually subordinate." There are no on-site topographic features on the subject lot that will screen the new building from KVAs. The buildings will be partially screened by 15 existing Ponderosa pine trees scattered around the development. As proposed, dark earthtone colors and nonreflective materials will also help the development achieve visual subordination with its surrounding landscape. Staff finds that the request complies with Criterion 14.200.C.

- D. Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from Key Viewing Areas.*

FINDING: Slopes on the subject lot are less than 10%. Each proposed building site will require less than 100 cubic yards of leveling. Since there is little leveling to be done on site, there will be little cut banks

and fill slopes on-site, and they will not be visible from KVAs. The driveway is existing and will not require further grading. A condition of approval is included in the notice of decisions requiring that ground disturbance shall be minimized to the greatest extent possible. All ground disturbance resulting from development shall be revegetated no later than the next planting season (Oct-April) with native species. The property owners and their successors in interest shall be responsible for survival of planted vegetation and the replacement of such vegetation that does not survive. With this condition, staff finds that the request complies with Criterion 14.200.D.

- E. The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as seen from Key Viewing Areas. A variance in the General Management Area may be granted according to Chapter 6 if application of the guidelines would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use and may be applied only after all reasonable efforts to modify the design, building height and site to comply with the criteria have been made.*

FINDING: KVAs from which the site is visible are located north of the subject property. The development site is located at an elevation of approximately 680' Above Sea Level (ASL). Hills to the south rise to an elevation of approximately 1,200'. When viewed from KVAs, the proposed agricultural buildings will be located below the skyline of a bluff, cliff or ridge. Staff finds that the request complies with Criterion 14.200.E.

- F. An alteration to a building built prior to*

FINDING: The request involves three new buildings. There are no existing buildings on the subject property. Staff finds that Criterion 14.200.F. is not applicable to this request.

- G. Except for water-dependent development and for water-related recreation development, development shall be set back 100 feet from the ordinary high water mark of the Columbia River below Bonneville Dam, and 100 feet from the normal pool elevation of the Columbia River above Bonneville Dam, unless the setback would render a property unbuildable. In such cases, variances to this guideline may be authorized according to Chapter 6 of this Ordinance. In the SMA the setbacks described above shall be 200 feet.*

FINDING: The proposed development is located approximately 1 mile south of the Columbia River. Staff finds that the request complies with Criterion 14.200.G.

- H. New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. Variances to this guideline may be authorized according to Chapter 6 of this Ordinance if its application would render a property unbuildable. In determining the slope, the average percent slope of the proposed building site shall be utilized.*

FINDING: The average slope on the subject lot is approximately 10%. This is less than 30% and staff finds that the request complies with Criterion 14.200.H.

- I. Unless expressly exempted by other provisions in this chapter, colors of all exterior surfaces of structures visible from Key Viewing Areas shall be dark earth-tones found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The Scenic Resources Implementation Handbook will include a recommended palette of colors.*

FINDING: The subject parcel is visible from several KVAs. The request includes construction of three new buildings (a dwelling, shop, & pump house), a round pen, and a mesh fence. Dark earth tone colors are required on all exterior surfaces, with the exception of the mesh fences as described above. The applicant submitted the following proposed materials and colors:

	Material	Exterior Color	Looks Like	Consistent with color requirement?
HOUSE				
Main/Body	Hardie Board Fiber Cement	SW Thunder Grey (SW 7645)	Dark Gray	Yes, approved
Trim	Hardie Board Fiber Cement	SW Forest Wood (SW 7730)	Dark Green	Yes, approved
Roof	Owens Corning Asphalt Shingles	Gray	Dark Gray	Yes, approved
SHOP & PUMP HOUSE				
Main/Body	Hardi Board Fiber Cement	SW Thunder Grey (SW 7645)	Dark Gray	Yes, approved
Trim	Hardi Board Fiber Cement	SW Forest Wood (SW 7730)	Dark Green	Yes, approved
Roof	Owens Corning Asphalt Shingles	Gray	Dark Gray	Yes, approved
ROUND PEN	Galvanized Steel	Hunter Green (Rustoleum)	Dark Green	Yes, approved for narrow surfaces only

A **condition** of approval is included in the Notice of Decision approving these colors. If alternate colors are proposed, they shall be submitted to and approved by the Planning Department prior to their application on the building. With the proposed condition of approval staff finds that the request complies with Criterion 14.200.I.

J. The exterior of buildings in the GMA and structures in the SMA on lands seen from Key Viewing Areas shall be composed of nonreflective materials or materials with low reflectivity, unless the structure would be fully screened from all key viewing areas by existing topographic features. The Scenic Resources Implementation Handbook will include a list of recommended exterior materials. These recommended materials and other materials may be deemed consistent with this criterion, including those where the specific application meets recommended thresholds in the "Visibility and Reflectivity Matrices" in the Implementation Handbook (once they are created). Continuous surfaces of glass unscreened from Key Viewing Areas shall be limited to ensure visual subordination. Recommended square footage limitations for such surfaces will be provided for guidance in the Implementation Handbook.

FINDING: Exterior materials are identified above in Section 14.200.I. Exterior siding and trim for the buildings will be fiber cement (Hardie board brand), and the roofing will be asphalt shingles. The round pen is a structure, not a building, and does not need to comply with this criterion as this is not in the SMA. Fiber cement and asphalt are non-reflective materials listed in the Scenic Resources Implementation Handbook as 'Preferred' and are approved.

Windows on the north, east, and west facing walls of the proposed buildings will be visible from KVAs. The application materials state that the windows will be of “low reflectivity glass.” No specifications were given. The Scenic Resources Implementation Handbook states that clear thermal pane glass with 11%-15% reflectivity is potentially acceptable outside the foreground of KVAs. Tinted glass with less than 11% visible light reflectivity rating is recommended. The proposed structures are outside the foreground of KVAs. A **condition** of approval is included requiring that all windows be thermal pane rated less than 15% visible light reflectivity.

The Scenic Resources Implementation Handbook also states:

“The Management Plan does not limit the total amount of glass on buildings. Review agencies recommend, however, that an unscreened window or continuous glass area should not exceed 50 square feet.”

On the dwelling there will be three windows, a door, and a garage door on the north side; one window on the west side, and none on the east side. According to the scaled elevation drawings, only the north side will have one door that will be larger than 50 SF of continuous glass and it will not be visible from KVAs. The site plan indicates that there are several pine trees immediately south of the proposed dwelling which will provide screening. In addition, the proposed shop sits 100’ south of the dwelling and will provide additional screening from KVAs. The shop has two small windows proposed on each side that faces the KVAs, with the two large and one small shop doors on the north face which is not visible from KVAs.

As there are no sections of continuous glass larger than 50 SF that face KVAs, all windows are proposed to be low reflectivity, and there is existing vegetative screening as well as proposed structural screening, staff finds that the request complies with Criterion 14.200.J.

K. The following criteria shall apply to new landscaping used to screen development from Key Viewing Areas...

[AMENDED FINDING]: The proposed development is required to be visually subordinate from identified KVAs. The subject property contains scattered tree cover (approximately 15 conifers) between the proposed development and KVAs to the north and northeast provide year-round screening from KVAs. There are no alternate sites on the parcel to place new development to better achieve visual subordination than the proposed development sites because alternative sites could require tree removal and increased grading. No additional tree screening, landscaping, or earthen berms are required to be planted to achieve visual subordination because visual subordination can be achieved by the retention of existing on-site coniferous trees and the use of dark earthtone colors and nonreflective materials on the exterior surfaces of new development. A **condition** of approval is included requiring the retention of all on site trees not impacted by wildfire or disease. Any trees that die shall be replaced in the next growing season. With that condition, staff finds that the request complies with Criterion 14.200.K.

L. Determination of potential visual effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments.

[FINDING]: The subject lot is topographically visible from three KVAs (Highway 30W, SR 14, and the Columbia River). KVAs are located to the north and northeast at elevations ranging from 40-360’ ASL. The development site is located at an elevation of approximately 660’ Above Sea Level (ASL), and the landscape continues to rise behind it, as seen from KVAs. Hills to the south rise to an elevation of

approximately 1,200'. When viewed from KVAs, the proposed agricultural buildings will be located below the skyline of a bluff, cliff or ridge.

The subject lot is difficult to see from KVAs due to their relatively low elevation and the existence of intervening vegetation. As proposed, the buildings will be subordinate to the surrounding landscape because the height of the development is within the canopy height of the mature pine trees offering screening on the property, the design uses dark earth-tone colors and non-reflective materials and all large glass surfaces face away from KVAs.

With the distance from KVAs, screening and backdrop provided by existing vegetation, low reflective, small windows being used on KVA facing sides of buildings, and dark earthtone colors proposed to be used on the exterior surfaces, staff finds that the proposed development will have no cumulative impact on scenic resources and will blend into the surrounding landscape. Staff finds that the request complies with Criterion 14.200.L.

M. New main lines on lands visible from Key Viewing Areas for the transmission of electricity, gas, oil, other fuels, or communications, except for connections to individual users or small clusters of individual users, shall be built in existing transmission corridors unless it can be demonstrated that use of existing corridors is not practicable. Such new lines shall be underground as a first preference unless it can be demonstrated to be impracticable.

FINDING: This request does not include any items discussed in this criterion. Staff finds Criterion 14.200.M. is not applicable to this request.

N. New communication facilities (antennae, dishes, etc.) on lands visible from Key Viewing Areas, which require an open and unobstructed site shall be built upon existing facilities unless it can be demonstrated that use of existing facilities is not practicable.

O. New communications facilities may protrude above a skyline visible from a Key Viewing Area only upon demonstration that...

FINDING: This request does not include any communication facilities. Staff finds Criteria 14.200.N. and O. are not applicable to this request.

P. Overpasses, safety and directional signs and other road and highway facilities may protrude above a skyline visible from a Key Viewing Area only upon a demonstration that...

FINDING: This request does not include any items discussed in the above criterion. Staff finds Criterion 14.200.P. is not applicable to this request.

Q. In addition to all applicable criteria above, all Mineral and Aggregate related uses on lands visible from Key Viewing Areas shall meet all applicable criteria in Chapter 10.

FINDING: This request does not include any Mineral or Aggregate uses. Staff finds Criterion 14.200.Q. is not applicable to this request.

R. In addition to the GMA standards, the following will be required in the SMA...

FINDING: This request is not for development in the SMA. Staff finds Criterion 14.200.R. is not applicable to this request.

S. *The following are not required to meet scenic standards...*

FINDING: This request does not include any items discussed in this criterion. Staff finds Criterion 14.200.S. is not applicable to this request.

Section 14.300, Scenic Travel Corridors

The Historic Columbia River Highway (Highway 30) and Interstate 84 (I-84) are designated as Scenic Travel Corridors, and development along a Scenic Travel Corridor must be set back at least 100' from the edge of pavement of the Scenic Travel Corridor roadway.

FINDING: The proposed development site is located approximately 0.9 mile south of Highway 30 W and 1 mile south of Interstate 84. Staff finds that the request complies with Section 14.300.

Section 14.400, Landscape Settings (GMA & SMA)

Landscape settings are the combination of land uses, landforms and vegetation patterns which distinguish an area in appearance and character from other portions of the National Scenic Area.

C. Oak-Pine Woodland Landscape Setting

GMA Only

1. *Structure height shall remain below the tree canopy level in wooded portions of this setting.*

FINDING: The subject lot contains a grove of Oregon white oak trees whose canopy exceeds 30' in height. There are also Ponderosa pine trees up to 75' in height. The proposed dwelling and shop will be 24' tall, lower than the nearby canopy. Staff finds that the request complies with Criterion 14.400.C.1.

2. *In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development.*
 - a. *At least half of any tree species planted for screening purposes shall be species native to the setting. Such species include: Oregon white oak, ponderosa pine, Douglas fir.*
 - b. *At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.*

FINDING: The buildings are located on the eastern side of the oak grove, which is located on the west side of the property, and have scattered pine trees around them. Based on distance from KVAs, the use of dark earthtone colors and nonreflective materials on the exterior of all buildings, no new trees need to be planted to achieve visual subordination. Staff finds that the request complies with Criterion 14.400.C.2.

Section 14.500, Cultural Resources – GMA

The purpose of this section is to protect and enhance cultural resources, and ensure that proposed development does not have an adverse effect on significant cultural resources.

(***)

B. Applicability of the Cultural Resource Reconnaissance and Historic Survey Requirements

1. The reconnaissance survey standards of C, Cultural Resource Reconnaissance and Historic Survey, apply until a cultural resource survey of the General Management Areas is complete.

a. A reconnaissance survey shall be required for all proposed uses, except...

(***)

(5) Proposed uses that would occur on sites that have been adequately surveyed in the past.

(a) The project applicant must demonstrate that the project area has been adequately surveyed to qualify for this exception.

(b) Past surveys must have been conducted by a qualified professional and must include a surface survey and subsurface testing.

(c) The nature and extent of any cultural resources in the project area must be adequately documented.

FINDING: A new reconnaissance survey is not required for the requested development. One was performed during a 2018-19 application on this property when a prior owner applied for a horse boarding facility but withdrew the application after appeals. In a July 20, 2020 comment, Chris Donnermeyer, the Heritage Program Manager of the Columbia River Gorge National Scenic Area deemed that the prior survey adequately surveyed the area relevant to the new proposal. During the second pre-notice comment period (sent Sept 17, 2020) and the cultural notice comment period (sent October 7, 2020), Chris affirmed this comment.

The cultural resource survey was prepared on June 21, 2018 by Justin B. Colon, M.A., Archaeological Services LLC, 601 Officers Row, Vancouver, WA 98661. He is considered to be an expert consistent with the professional standards published in 36 Code of Federal Regulations Part 61, and Guidelines for evaluating and Documenting Traditional Cultural Properties. His report included surface survey information and subsurface testing, adequately documenting the cultural resources. While the results of this survey are confidential, relevant portions of them are discussed below. Staff finds that the request complies with Criterion 14.500.B.1.a.

2. A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or compromise features of the surrounding area that are important in defining the historic or architectural character of the buildings or structures that are 50 years old or older.

FINDING: This request does not include any structures over 50 years old. Staff finds that Section 14.500 does not apply.

3. The Gorge Commission will conduct and pay for all reconnaissance and historic surveys for small-scale uses in the General Management Area.

a. When archaeological resources or traditional cultural properties are discovered, the Gorge

Commission also will identify the approximate boundaries of the resource or property and delineate a reasonable buffer zone.

FINDING: A cultural resource survey was conducted and delineated during the application process for application #921-18-000017-PLNG. No new delineation is required. Staff finds that the request complies with Criterion 14.500.B.3.a.

- b. Reconnaissance surveys and buffer zone delineations for large-scale uses shall be the responsibility of the project applicant.*

FINDING: As a request for a new dwelling and a farm use with associated structures, this request does not meet the definition of a large-scale use (described below in Criterion 14.500.d). Staff finds that Criterion 14.500.B.3.b. does not apply to this request.

- c. The Gorge Commission will conduct and pay for evaluations of significance and mitigation plans for cultural resources that are discovered during construction, subsection G, for small and large-scale uses in the General Management Area.*

FINDING: If any cultural resources are discovered during the development of this request, the Gorge Commission will conduct and pay for evaluations of significance and mitigation planning. Staff finds that the request complies with Criterion 14.500.c.

- d. For this Ordinance, large-scale uses include development involving:*

- (1) two or more new residential dwellings;*

- (2) recreation facilities;*

- (3) commercial and industrial development;*

- (4) public transportation facilities;*

- (5) electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater;*

- (6) communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances; and*

- (7) disposal sites*

FINDING: This request is for one new residential dwelling, a farm use, and associated structures. It does not meet the definition of a large-scale use identified above. Staff finds that Criterion 14.500.3.d. does not apply.

(***)

- 4. The primary responsibility and cost of preparing an Evaluation of Significance, D; Assessment of Affect, E; or Mitigation Plan, F, shall be borne by the project applicant.*

- a. If the applicant has no practicable alternative, according to (5) below, Practicable Alternative Test, allowing them to avoid an affected cultural resource, or is seeking to*

make a change or addition to a historic resource, the Forest Service has agreed to provide services to aid in the preparation of the Evaluation of Significance, Assessment of Effect, or Mitigation Plan to the greatest extent possible.

- b. The responsibility for and cost of any development necessary to protect or mitigate effects on the cultural resource shall be borne by the project applicant.*

FINDING: A cultural resource reconnaissance survey dated June 21, 2018, was submitted to the Planning Department. The cost of this survey was borne by the previous project applicant/property owner.

- 5. All cultural resource surveys, evaluations, assessments, and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published in 36 Code of Federal Regulations (CFR) Part 61 and Guidelines for evaluating and Documenting Traditional Cultural Properties (Parker and King, no date).*

FINDING: The cultural resource survey was prepared by Justin B. Colon, M.A., Archaeological Services LLC, 601 Officers Row, Vancouver, WA 98661. He is considered to be an expert consistent with the professional standards published in 36 Code of Federal Regulations Part 61, and Guidelines for evaluating and Documenting Traditional Cultural Properties. Staff finds that the request complies with Criterion 5.

Practicable Alternative Test

An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.

A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:

- a. The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on cultural resources;*

FINDING: The request includes small scale livestock (goats) in the A-2 (80), Small Scale Agriculture Zone. A farm use is a use permitted without review in this zone. To enable this farm use however, fencing must be placed on the subject parcel as this is within the Wasco County Livestock District, where it is the responsibility of the landowner to keep cattle on their land, as opposed to Open Range, where they may be allowed to roam free and other landowners need to fence them out.

Cultural resources were identified on a portion of the property. As well, approximately one third of the land (6.5 acres) is oak pine woodland and does not contain adequate forage for the applicant's proposed livestock. It is not feasible to require the removal of the oak pine woodland to provide more forage for the livestock, as that would conflict with other criteria within the NSA LUDO related to visual subordination and natural resources.

The soil types on the property include about 19 acres of 50C (wamic loam, class 4) and 51D (wamic skyline complex, class C), as well as just under 2 acres of 39 (rocky outcropping, class 8). The 51 D is in

the oak area on the western edge, and the 39 is along the eastern edge, with the 50C occupying the central area of the parcel. The Class C and Class 4 soils have an Animal Unit Monthly (AUM) value ranging from 3.33 (favorable conditions) to 7.02 (unfavorable conditions) according to the USDA soil interpretation guide. The class 8 soil has no listed value for AUM.

Staff also coordinated with the applicant to ensure that the wetland resource on the property would not be disturbed through the request, by placing the fencing outside of the wetland buffer. The proposed farm use on this land cannot reasonably be accomplished by eliminating the cultural resource area from grazing. To do so would concentrate the animals on a much smaller area of the land, and the existing 19 acres is only just adequate during favorable conditions.

A condition described and required below, requires a cultural resources monitor to be onsite during the construction of the fencing. The condition is in response to concerns raised by the Umatilla and Warm Springs tribal government cultural resource protection programs. Staff finds that the request complies with Criterion a.

In sum, staff finds the applicants have exhausted practicable alternatives and coordinated with resource protection agencies to ensure compliance with resource protection requirements of the Wasco County NSA LUDO and the Management Plan for the Columbia River Gorge National Scenic Area.

- b. The basic purpose of the use cannot be reasonably accomplished by reducing its size, scope, configuration, or density as proposed, or by changing the design of the use in a way that would avoid or result in less adverse effects on cultural resources; and*

FINDING: As stated in a. above, the basic purpose of the use would not be reasonably accomplished by reducing the size, scope or configuring by changing the design of the use in a way that would avoid or result in less adverse effects on cultural resources. Additional plans were submitted by the applicant to accommodate competing natural and cultural resource buffers with the assistance of resource specialists that meet the regulatory requirements of this plan. A condition is included in D.5. requiring on-site monitoring by an archaeologist when construction of the project occurs in the identified cultural area on the property. As noted below, this was deemed reasonable by the Umatilla tribe and Warm Springs tribes during the cultural notice process for this application. With the proposed condition of approval staff finds that the request complies with Criterion b.

- c. Reasonable attempts were made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. Such constraints include inadequate infrastructure, parcel size, and land use designations. If a land use designation or recreation intensity class is a constraint, an applicant must request a management plan amendment to demonstrate that practicable alternatives do not exist.*

FINDING: The land use designation and recreation intensity class are not a constraint in this application. There are no proposed alternatives to this request due to the parcel size and configuration of land outside of the wildlife habitat and cultural area. Staff finds that the request complies with Criterion c.

A. Cultural Resource Reconnaissance and Historic Surveys

1. Gorge Commission/Tribal Government Notice

- a. In addition to other public notice requirements that may exist, the County shall notify the Indian tribal governments when:*

(1) a reconnaissance survey is required; or

(2) cultural resources that are prehistoric or otherwise associated with Native Americans exist in the project area.

b. Notices sent to Indian tribal governments shall include a site plan as stipulated in Section 14.040.

c. Indian tribal governments shall have 20 calendar days from the date a notice is mailed to submit written comments to the County Planning Office.

(1) Written comments should describe the nature and extent of any cultural resources that exist in the project area and identify individuals with specific knowledge about them.

(2) The County shall send a copy of all comments to the Gorge Commission.

FINDING: All appropriate notices were sent to the four tribal governments, State Historic Preservation Office (SHPO) and the Gorge Commission. This included the original pre-notice (July 2, 2020), the amended pre-notice (Sept. 17, 2020), and a cultural notice (Oct. 7, 2020). SHPO was notified of the original report in 2018. A June 4, 2021, email from Chris Donnermeyer clarifies that they do not need to be updated with the new proposal as they have already affirmed the original report. Kristen Tiede, Archaeologist with the Cultural Resources Protection Program of the Confederated Tribes of the Umatilla Indian Reservation replied with the following statement:

“The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program (CRPP) has reviewed the application for the dwelling, barn, and fence (921-19-000193-PLNG). The CRPP concurs with the condition of requiring an archaeological monitor be present for the construction of the fence.”

Christian Nauer, archaeologist with the Confederated Tribes of the Warm Springs Reservation stated:

“This office considers the report to represent a reasonable and good faith effort to identify and protect historic properties within the Project APE, and concurs with the recommendation for an archaeological monitor to be present during Project activities within the boundaries of the site.”

No other comments were received from any agency or Tribe during the notification periods of the various notices. Staff finds that the request complies with Criterion 1.

3. Notice of Survey Results

a. The County shall submit a copy of all cultural resource survey reports to the State Historic Preservation Office and the Indian tribal governments.

(1) Survey reports may include measures to avoid affected cultural resources, such as a map that shows a reasonable buffer zone.

(2) The State Historic Preservation Office and the tribes shall have 30 calendar days from the date a survey report is mailed to submit written comments to the County

Planning Office.

- (3) The County shall record and address all written comments in its development review order.*

FINDING: On October 7, 2020, Planning Department staff sent a copy of the completed cultural resource reconnaissance survey to all four Indian tribal governments and SHPO. Comments were received from two Tribal governments (Umatilla and Warm Springs). Kristen Tiede, Archaeologist with the Cultural Resources Protection Program of the Confederated Tribes of the Umatilla Indian Reservation replied with the following statement:

“The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program (CRPP) has reviewed the application for the dwelling, barn, and fence (921-19-000193-PLNG). The CRPP concurs with the condition of requiring an archaeological monitor be present for the construction of the fence.”

Christian Nauer, archaeologist with the Confederated Tribes of the Warm Springs Reservation stated:

“This office considers the report to represent a reasonable and good faith effort to identify and protect historic properties within the Project APE, and concurs with the recommendation for an archaeological monitor to be present during Project activities within the boundaries of the site.”

No other comments were received from any agency or Tribe during the notification periods of the various notices.

Staff finds that the request complies with Criterion 3.

4. Conclusion of the Cultural Resource Protection Process

- a. The County Planning Office will make a final decision on whether the proposed use would be consistent with the cultural resource goals, policies, guidelines, and standards.*
- b. If the final decision contradicts the comments submitted by the State Historic Preservation Office, the County must justify how it reached an opposing conclusion.*

FINDING: Through this report and Notice of Decision Wasco County is making a final decision that, with conditions of approval, the proposed use will be consistent with the cultural resource goals, policies, guidelines, and standards. The final decision does not contradict SHPO, who concurred that there will be no adverse effect on cultural resources. Staff finds that the request complies with Criteria a. and b.

- c. The cultural resource protection process may conclude when one of the following conditions exist:*

*(***)*

(3) The proposed use would avoid archaeological resources and traditional cultural resources that exist in the project area.

- (a) To meet this standard, a reasonable buffer zone must be established around the affected resources or properties;*

- (b) *All ground disturbing activities shall be prohibited within the buffer zone.*
- (c) *Buffer zones must preserve the integrity and context of cultural resources. They will vary in width depending on the eventual use of the project area, the type of cultural resources that are present, and the characteristics for which the cultural resources may be significant.*
- (d) *A deed covenant, easement, or other appropriate mechanism shall be developed to ensure that the buffer zone and the cultural resources are protected.*
- (e) *An evaluation of significance shall be conducted if a project applicant decides not to avoid the affected cultural resource. In these instances, the reconnaissance survey and survey report shall be incorporated into the evaluation of significance.*

FINDING: The applicant proposes to use a portion of the identified cultural area for pasture. Instead of following (a)-(d) and avoiding the area entirely, the applicant has elected to construct fencing through that section of the property. A condition of approval has been included requiring an on-site archaeologist to monitor the installation of the fence posts. This condition has been deemed acceptable by the two commenting treaty tribes, as well as by Chris Donnermeyer. Neither of the other tribes has voiced concerns for this proposed condition. Staff finds that the request complies with Criterion 3. (e) and an evaluation of significance is addressed below in B.

D. Evaluation of Significance

1. Evaluation Criteria

Cultural resources are significant if one of the following criteria is satisfied.

- a. The cultural resources are included in, or eligible for inclusion in, the National Register of Historic Places.*

The criteria for evaluating the eligibility of cultural resources for the National Register of Historic Places appear in the "National Register Criteria for Evaluation" (36 CFR 60.4). Cultural resources are eligible for the National Register of Historic Places if they possess integrity of location, design, setting, materials, workmanship, feeling, and association. In addition, they must meet one or more of the following criteria...

- b. The cultural resources are determined to be culturally significant by an Indian tribal government, based on criteria developed by that Indian tribal government and filed with the Gorge Commission.*

FINDING: The site has not been formally evaluated for significance and eligibility consideration for inclusion on the National Register of Historic Places (NRHP). The private consultant recommended that if plans change so that greater impacts are proposed within the site boundaries, it should be formally evaluated. No Indian tribal government submitted comments indicating the site is culturally significant. Because neither of the above criteria can be met, the cultural resource is not considered to be significant. Staff finds that the request complies with Criterion 1.

2. *Evaluation Process and Information Needs*

If cultural resources would be affected by a new use, an evaluation of their significance shall be conducted. Evaluations of significance shall meet the following standards...

FINDING: The Forest Service archaeologist and SHPO concurred with the consultant's report. Comments received from both the Umatilla tribe and the Confederated Tribes of the Warm Springs Reservation indicated support for a mitigation plan that would require an archaeological monitor be present for the construction of the fence. A **condition** of approval is included requiring that an archaeological monitor be present for the construction of the fence. With that condition, staff finds that the request complies with Criterion 2.

3. *Notice of Evaluation Results*

If the evaluation of significance demonstrates that the cultural resources are not significant, the County shall submit a copy of the evaluation of significance to the State Historic Preservation Office and the Indian tribal governments.

- a. *The State Historic Preservation Office, Indian tribal governments, and interested persons shall have 30 calendar days from the date the evaluation of significance is mailed to submit written comments to the County Planning Office.*
- b. *The County Planning Office shall record and address all written comments in its development review order.*

FINDING: After coordinating with Indian Tribal Governments, the SHPO and Mr. Donnermeyer, the cultural resources have not been found to be significant. Comments were received from two Tribal governments, the Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of the Warm Springs Reservation. These comments are addressed in this review. Staff finds that the request complies with Criterion 3.

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5. *Conclusion of the Cultural Resource Protection Process*

The County will make a final decision on whether the affected resources are significant.

- a. *If the final decision contradicts the comments or recommendations submitted by the State Historic Preservation Office or Cultural Advisory Committee, the County must justify how it reached an opposing conclusion.*
- b. *The cultural resource protection process may conclude if the affected cultural resources are not significant.*
- c. *If the project applicant or the County determines that the cultural resources are significant, the effects of the proposed use shall be assessed according to E below, Assessment of Effect.*

FINDING: Based on the cultural resource reconnaissance survey submitted by the applicant/owner, Wasco County finds that if specific conditions are imposed, the cultural resources are not significant. This decision is consistent with the USFS archaeologist and SHPO and the cultural resource process may conclude. **Conditions** of approval associated with cultural resources include:

- All ground disturbance within the archaeological site boundaries shall be archaeologically monitored, specifically the installation of fence lines.
- If plans change so that greater impacts are proposed within the archaeological site boundaries, the site shall be formally evaluated for significance and eligibility for inclusion on the National Register of Historic Places (NRHP).

With these conditions, staff finds that the request meets Criterion 5.

G. Cultural Resources Discovered After Construction Begins

The following procedures shall be effected when cultural resources are discovered during construction activities.

1. *Halt Construction: All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.*

FINDING: A **condition** of approval is included in the Notice of Decision requiring all construction within 100' of any discovered cultural resource to cease. The cultural resource shall remain as found and no further disturbance may occur. With this condition, staff finds that the request complies with Criterion 1.

2. *Notification: The project applicant shall notify the County Planning Office and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.*

FINDING: A **condition** of approval is included in the Notice of Decision requiring the project applicant to notify the Wasco County Planning Department and the Gorge Commission within 24 hours of any cultural resource discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the applicant shall also notify the Indian tribal government within 24 hours. With this condition of approval staff finds that the request complies with Criterion 2.

3. *Survey and Evaluation: The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the State Historic Preservation Office (see, ORS 358.905 to 358.955).*
4. *Mitigation Plan: Mitigation plans shall be prepared according to the information, consultation, and report guidelines contained in F above, Mitigation Plans.*
5. *All survey and evaluation reports and mitigation plans shall be submitted to the County Planning Office and the State Historic Preservation Office.*
6. *Indian tribal governments also shall receive a copy of all reports and plans if the cultural*

resources are prehistoric or otherwise associated with Native Americans.

7. *Construction activities may recommence when the conditions in the mitigation plan have been executed.*

FINDING: If cultural resources are found to be significant, the process outlined in Criteria 3.-7. will be followed. Staff finds that the request complies with Criteria 3. – 7.

H. Discovery of Human Remains

The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.

1. *Halt Activities: All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.*
2. *Notification: Local law enforcement officials, the County Planning Office, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.*

FINDING: If any human remains are discovered during construction, all activities shall cease and the human remains shall not be disturbed any further. The project applicant will notify local law enforcement officials, the County Planning Office, the Gorge Commission and all four Indian tribal governments. **Conditions** of approval stating this are included in the Notice of Decision. Staff finds that the request complies with Criteria 14.500.H.1. and 2.

3. *Inspection: The county coroner, or appropriate official, shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.*
4. *Jurisdiction: If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.*
5. *Treatment: Prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in Oregon Revised Statutes, chapter 97.740 to 97.760.*
6. *If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report requirements specified in F above, Mitigation Plans.*
 - a. *The plan shall accommodate the cultural and religious concerns of Native Americans.*
 - b. *The cultural resource protection process may conclude when the conditions set forth in F above, Mitigation Plans, are met and the mitigation plan is executed.*

FINDING: If human remains are found during construction/ground disturbance, the process outlined in Criteria 3. – 6. will be followed. Staff finds that the request complies with Criteria 14.500.H.3. – 6.

Section 14.600, Natural Resources – GMA

A. Wetlands:

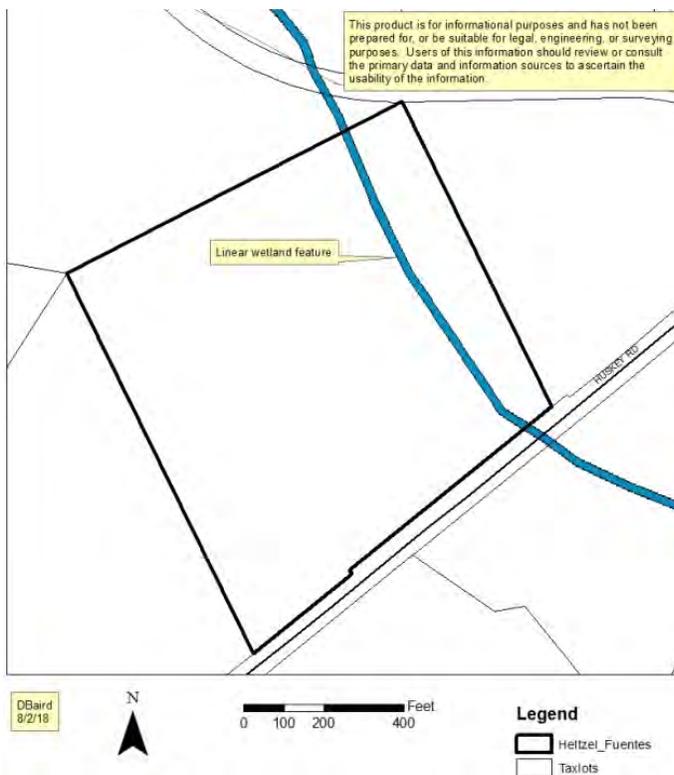
1. Purpose

- a. *Achieve no overall net loss of wetlands acreage and functions.*
- b. *Increase the quantity and quality of wetlands.*

2. Rules for Delineating Wetlands Boundaries

- a. *The approximate location and extent of wetlands in the Scenic Area is shown on the National Wetlands Inventory (U.S. Fish and Wildlife Service 1987). In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands.*

FINDING: The National Wetlands Inventory map identifies a linear wetland feature on the eastern portion of the property (see below). Staff finds that the subject lot contains a wetland.



3. Wetlands Buffer Zones

(***)

- b. *The dominant vegetation community in a buffer zone is the vegetation community that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland. Vegetation communities are classified as forest, shrub, or herbaceous.*

(1) A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent.

(2) A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community.

(3) A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.

(4) A herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and nonwoody vines.

FINDING: The subject lot contains a wetland with an herbaceous vegetation community. Staff finds that the request complies with Criterion 14.600.A.3.b.

c. *Buffer zones shall be measured outward from a wetlands boundary on a horizontal scale that is perpendicular to the wetlands boundary. The following buffer zone widths shall be required.*

(3) *Herbaceous communities: 150 feet*

d. *Except as otherwise allowed, wetlands buffer zones shall be retained in their natural condition.*

FINDING: The herbaceous community buffer zone is 150'. The request does not include development within the buffer of this resource. Staff finds that Criteria 14.600.A.3.c. and d. are not applicable to this request.

(***)

6. *Other Uses and Activities Located in Wetlands or Wetland Buffer Zones.*

Except for uses permitted without review in Section 3.100 and 3.180(B) (Open Space) and Modifications to Serviceable Structures and Placement of Minor Water-Dependent and Water-Related Structures in Wetlands as specified in (4) above, other uses authorized by the applicable zoning designation may be allowed in wetlands and wetland buffer zones subject to (7) below, Site Plans, the remaining applicable sections of this Chapter and the following criteria:

FINDING: The proposed use involves a small scale agriculture use. No portions of the proposed project or farm use will occur within the buffer for this resource. This use is not water-dependent. The Practicable Alternative Test is addressed in E. Staff finds Criterion 14.600.A.6 is not applicable.

(***)

B. *Streams, Ponds, Lakes, and Riparian Areas*

FINDING: The purpose of this section is to protect water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas, and to enhance aquatic and riparian areas. According to digital data from the Gorge Commission, there are no streams, ponds, lakes or riparian areas on the subject lot. Staff finds that the request complies with Criterion 14.600.B.

(***)

C. *Wildlife Habitat*

1. *Purpose:*

- a. *Ensure that new uses do not adversely affect sensitive wildlife areas and sites.*

"Sensitive wildlife areas" means the 17 land and water areas that are included in the wildlife inventory of the Management Plan.

"Sensitive wildlife sites" is used here in a generic sense to refer to sites that are used by species that are:

(1) Listed as endangered or threatened pursuant to federal or state endangered species acts,

(2) Listed as sensitive by the Oregon Fish and Wildlife Commission, or

(3) Considered to be of special interest to the public, limited to great blue heron, osprey, mountain goat, golden eagle, and prairie falcon.

(4) Updated lists of species included in (1), (2), and (3) above can be found on the website for the Wildlife Division of Oregon Department of Fish and Wildlife. A list also is maintained by the USDA Forest Service – Scenic Area Office and available at the Gorge Commission office and on its website.

- b. *Enhance wildlife habitat that has been altered or destroyed by past uses.*

FINDING: The purpose of this section is to ensure that new uses do not adversely affect sensitive wildlife areas and sites. The proposed residential use and small family farm will result in the creation of three buildings (a dwelling, shop, and pump house), and one additional structure (a round pen) in addition to the proposed livestock fencing. The southwestern 1/3 (approximate) of the subject lot contains Oregon white oak, which is an important wildlife habitat for many species. Staff confirmed that the development will be occurring within a sensitive wildlife area, and contacted ODFW regarding the proposal. The deer and elk winter range is addressed below. Staff also contacted Andrew Meyers with ODFW on June 21, 2021, to ensure there were no further concerns regarding the Big Game Turkey wildlife area. Meyers confirmed by phone that he had no concerns with the proposal with regard to this wildlife area. Staff finds that the request is subject to Criterion 14.600.C.1.

2. *Approval Criteria for Fences in Deer and Elk Winter Range*

(***)

- c. *Woven wire fences may be authorized only when a project applicant clearly*

demonstrates that such a fence is required to meet his/her specific and immediate needs, such as controlling hogs and sheep.

[AMENDED FINDING]: The applicant has demonstrated that the proposed use includes goats, which require a woven wire fence for controlling. In a Nov. 4, 2020 email, Jeremy Thompson, District Wildlife Biologist for the Oregon Department of Fish and Wildlife (ODFW) stated: “It does not appear that the applicant is proposing to impact the oak habitat in this application, and with the proximity to town I do not see additional wildlife impacts. ODFW has no concerns.”

Additional commentary was provided by Jeremy Thompson, District Wildlife Biologist for the (ODFW) on Sep 9, 2021. A Complete copy of this commentary is provided in the land use file 921-19-000193-PLNG, and below in attachment G.

With no concerns for impact on deer and elk winter range from the proposed fencing, which has been demonstrated to be required for the proposed farm use of controlling goats, staff finds that the request complies with Criterion 14.600.C.2.

D. Rare Plants

FINDING: The purpose of this section is to ensure that new uses do not adversely affect plant species listed on an inventory kept by the Gorge Commission. Inventories provided by the Oregon Biodiversity Information Center and the Columbia River Gorge Commission indicate that a sensitive plant may be located within 1,000 feet of the proposed development. A Sensitive Plant Notification was sent to Sue Vrilakis of ORBIC and Sarah Callaghan of the US Forest Service National Scenic Area. On Sept 17, 2020, Sarah stated: “No concerns. From what I can see of the landscape/habitat for the proposed development, there is unlikely any habitat in the immediate area for the sensitive plant species.”

The Scenic Area regulations do not protect all grasses and wild flowers, only those known to be rare. Staff notes that while the use will impact native grasses and wild flowers, there is no criterion that requires all on-site vegetation to be undisturbed. Staff finds that the request complies with Criterion 14.600.D.

E. Practicable Alternative Test

An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.

FINDING: A practicable alternative test will not be required since the proposal will meet the criterion for the protection of all natural resources. As previously noted in the cultural resources practicable alternative test, the applicant worked with staff and resource protection professionals to ensure all protected resources were protected and consistent with applicable regulations. Staff finds Criterion E is not applicable.

(***)

Section 14.700, Recreation Resources – GMA

The purpose of this section is to protect and enhance recreation resources consistent with Indian treaty rights, and to protect scenic, natural, cultural and recreation resources when providing

new recreation opportunities.

FINDING: There are no recreational sites on the subject lot and no new recreational use is proposed on the property. The closest recreational sites are the Twin Tunnels portion of Highway 30 (0.7 mile to the north) and the Columbia River (1 mile to the north). The proposed development will have no impact on the recreational use due to distance. Staff finds that the request complies with Section 14.700.

Section 14.800, Indian Tribal Treaty Rights and Consultation - GMA

The purpose of this section is to ensure that the Scenic Area Act, the Management Plan, and these implementing ordinances do not affect or modify any treaty or other rights of any Indian tribe. It requires notification to the four tribal governments when new uses are proposed on public lands, in or adjacent to the Columbia River or its tributaries that support anadromous or resident fish.

FINDING: Section 14.800 provides protection of Indian Tribal Treaty Rights from new development in the National Scenic Area. Section 14.800.B.3. lists additional notice materials for projects in or providing access to the Columbia River or its fish bearing tributaries or for projects that may affect Indian treaty rights and provides 20 days for tribal governments to submit comments. The subject property has no access to the Columbia River, but pursuant to other noticing requirements, notice of the proposal was mailed or e-mailed to the four tribal governments on July 2, 2020, and a 15-day comment period was provided. After that comment period, the application was amended and a second pre-notice was sent out on Sept 17, 2020, with a 20-day comment period. At the conclusion of that comment period, a cultural notice was sent to the four treaty tribes and the US Forest Service on October 7, 2020, with a 30-day comment period. In response to the cultural notice, comments were received from the Umatilla tribe and Warm Springs tribes that they supported the requirement for an archaeological monitor to be present during construction of the fencing. A condition of approval is included requiring this monitor.

Section 14.800.C. lists guidelines for tribal government consultation when those governments submit substantive written comments. The comments described above were received from the tribal governments but these comments did not contain any claims that the request would affect or modify any treaty or other rights of any Indian tribe. Staff finds that the proposed development is consistent with Section 14.800.C.

Section 14.800.D. states that the treaty rights protection process may conclude if the Executive Director determines that the proposed uses would not affect or modify treaty or other rights of any Indian tribe. Uses that would affect or modify such rights shall be prohibited.

The subject property does not provide access to the Columbia River or its fish bearing tributaries. No known treaty rights are affected by this proposal and no treaty rights concerns were raised by the tribal governments. Because the proposed use would not affect or modify treaty or other rights of any Indian tribe, the treaty rights protection process may conclude pursuant to Section 14.800.D.

ATTACHMENT E – OUTDOOR LIGHTING STANDARDS

Good Neighbor OUTDOOR LIGHTING

PRESENTED BY THE NEW ENGLAND LIGHT POLLUTION ADVISORY GROUP (NELPAG) AND SKY & TELESCOPE.

What is good lighting?

Good outdoor lights improve visibility, safety, and a sense of security, while minimizing energy use, operating costs, and ugly, dazzling glare.

Why should we be concerned?

Many outdoor lights are poorly designed or improperly aimed. Such lights are costly, wasteful, and distractingly glary. They harm the nighttime environment and neighbors' property values. Light directed uselessly above the horizon creates murky skyglow — the "light pollution" that washes out our view of the stars.

Glare Here's the basic rule of thumb: If you can see the bright bulb from a distance, it's a bad light. With a good light, you see lit ground instead of the dazzling bulb. "Glare" is light that beams directly from a bulb into your eye. It hampers the vision of pedestrians, cyclists, and drivers.

Light Trespass Poor outdoor lighting shines onto neighbors' properties and into bedroom windows, reducing privacy, hindering sleep, and giving the area an unattractive, trashy look.

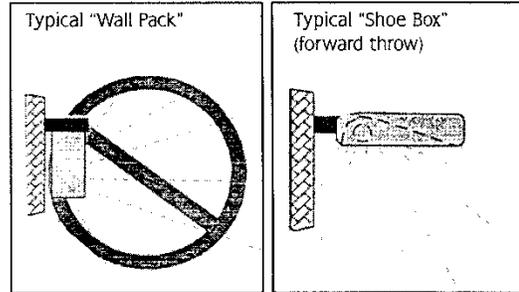
Energy Waste Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. Each year we waste more than a billion dollars in the United States needlessly lighting the night sky.

Excess Lighting Some homes and businesses are flooded with much stronger light than is necessary for safety or security.

How do I switch to good lighting?

- 1 Provide only enough light for the task at hand; don't over-light, and don't spill light off your property. Specifying enough light for a job is sometimes hard to do on paper. Remember that a full Moon can make an area quite bright. Some lighting systems illuminate

Some Good and Bad Light Fixtures

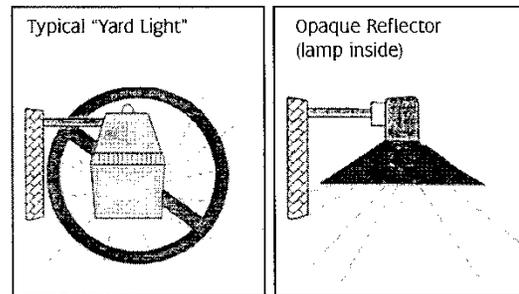


BAD

Waste light goes up and sideways

GOOD

Directs all light down

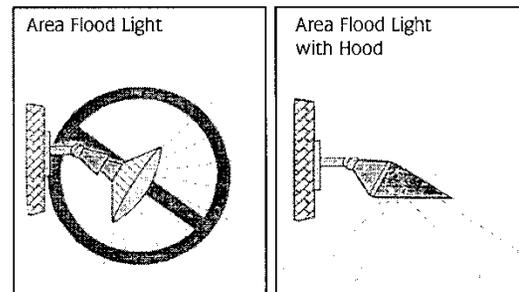


BAD

Waste light goes up and sideways

GOOD

Directs all light down



BAD

Waste light goes up and sideways

GOOD

Directs all light down

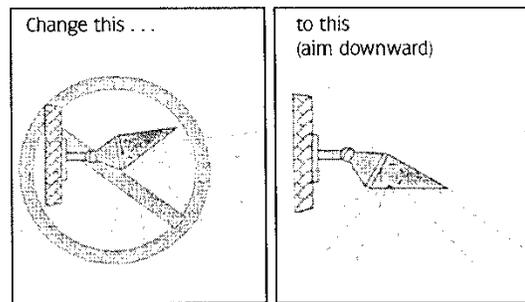
areas 100 times more brightly than the full Moon! More importantly, by choosing properly shielded lights, you can meet your needs without bothering neighbors or polluting the sky.

- 2 Aim lights down. Choose "full-cutoff shielded" fixtures that keep light from going uselessly up or sideways. Full-cutoff fixtures produce minimum glare. They create a pleasant-looking environment. They increase safety because you see illuminated people, cars, and terrain, not dazzling bulbs.
- 3 Install fixtures carefully to maximize their effectiveness on the targeted area and minimize their impact elsewhere. Proper aiming of fixtures is crucial. Most are aimed too high. Try to install them at night, when you can see where all the rays actually go. Properly aimed and shielded lights may cost more initially, but they save you far more in the long run. They can illuminate your target with a low-wattage bulb just as well as a wasteful light does with a high-wattage bulb.
- 4 If color discrimination is not important, choose energy-efficient fixtures utilizing yellowish high-pressure sodium (HPS) bulbs. If "white" light is needed, fixtures using compact fluorescent or metal-halide (MH) bulbs are more energy-efficient than those using incandescent, halogen, or mercury-vapor bulbs.
- 5 Where feasible, put lights on timers to turn them off each night after they are no longer needed. Put home security lights on a motion-detector switch, which turns them on only when someone enters the area; this provides a great deterrent effect!

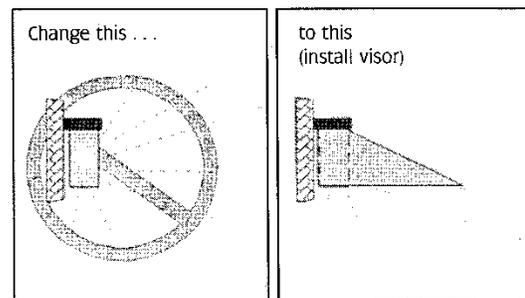
Replace bad lights with good lights.

You'll save energy and money. You'll be a good neighbor. And you'll help preserve our view of the stars.

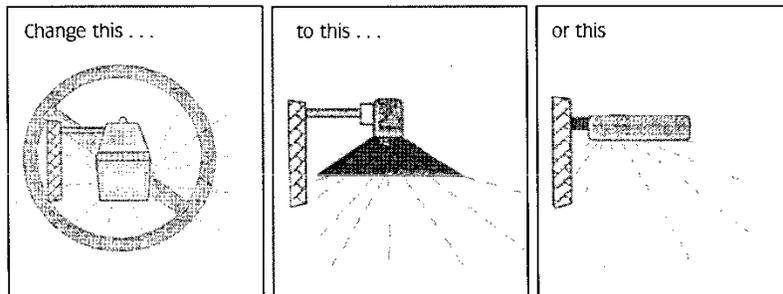
What You Can Do To Modify Existing Fixtures



FLOOD LIGHT



WALL PACK



YARD LIGHT OPAQUE REFLECTOR SHOE BOX

Presented by the **New England Light Pollution Advisory Group (NELPAG)** (<http://cfa-www.harvard.edu/cfa/ps/nelpag.html>) and **Sky & Telescope** (<http://SkyandTelescope.com/>).

NELPAG and *Sky & Telescope* support the International Dark-Sky Association (IDA) (<http://www.darksky.org/>).

We urge all individuals and groups interested in the problems of light pollution and obtrusive lighting to support the IDA and subscribe to its newsletter. IDA membership costs \$30 per year; send your check to IDA, 3225 N. First Avenue, Tucson, AZ 85719, U.S.A.



Sky Publishing Corp.
49 Bay State Road
Cambridge, MA 02138
SkyandTelescope.com

GNF01

ATTACHMENT F - COMMENTS

9/9/21, 9:49 AM

Wasco County Mail - Goat farm, dwelling, agricultural structures and fencing in the NSA



Kelly Howsley - Glover <kellyg@co.wasco.or.us>

Goat farm, dwelling, agricultural structures and fencing in the NSA

THOMPSON Jeremy L * ODFW <Jeremy.L.THOMPSON@odfw.oregon.gov>

Thu, Sep 9, 2021 at 9:36 AM

To: Kelly Howsley - Glover <kellyg@co.wasco.or.us>

Cc: Jeremy Thompson <jeremy.l.thompson@state.or.us>, MEYERS Andrew R * ODFW <Andrew.R.MEYERS@odfw.oregon.gov>

Kelly,

ODFW still does not have a concern regarding this proposal. We support the fencing of sensitive areas, such as a wetland area. While strand wire fencing is more hospitable to deer movement, in this scenario woven wire will not have an impact on the deer or elk, as there are no known migratory corridors within the area, and the proposed development is in an area already impacted by human presence, especially considering that within 1500 meters to the west is a large block of commercial orchards, and 1500 meters to the north lies the city of Mosier.

Impacts to the oak habitat were addressed through limiting the removal of trees on this property. The understory component within the area proposed for development is already impacted due to the previous land uses and adjacent human development.

Let me know if you need any further clarification.

Jeremy Thompson

District Wildlife Biologist

Mid-Columbia District, ODFW

3701 W. 13th. St.

The Dalles, OR 97058

541-967-6794 office

541-980-8524 cell

541-298-4993 fax

<https://mail.google.com/mail/u/0?ik=316e660433&view=pt&search=all&permmsgid=msg-f%3A1710442820826825165&siml=msg-f%3A1710442820826825165> 1/2

8/9/21, 9:49 AM

Wasco County Mail - Goat farm, dwelling, agricultural structures and fencing in the NSA



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<https://mail.google.com/mail/u/0?ik=316e660433&view=pt&search=all&permmsgid=msg-f%3A1710442820826825165&simpl=msg-f%3A17104428208...> 2/2



Daniel Dougherty <daniel@co.wasco.or.us>

File 921-19-000193- PLNG

1 message

amyhop@gorge.net <amyhop@gorge.net>
To: daniel@co.wasco.or.us

Tue, Oct 5, 2021 at 1:07 AM

Tax lot 2N 11E 11 2200,acct # 327 ,Zoned :(GMA) A - 2 (80)

I support the appeal request by Joseph Czerniecki regarding the property that I have identified above by tax lot. And by your letter as approximately 0.1 miles west of Jasper Lane and 0.5 miles south of the city of Mosier. But, outside city limits and that's ss the crow flies.

I would add as a neighbor, an adjacent landowner that if you are going to allow 15 goats, then you need to regulate where they are and where they are housed . Goats stink and if you want to subject his neighbors to them, then we should have the right to put some next to you,where you live. And don't give me gentrification crap, I have lived in the Mosier area for 30 years .20 at my humble place on Huskey road.

This application has stunk of Mark Fuentes from day one. A question I've asked previously is access for the Czernieckis? Now they have to dodge 15 goats to get to their house which they built over 20 years ago? What's the solution to that? How does the general management agricultural 80 square with a 20 acre parcel? I'm EFU but my property is almost exclusively white oak trees. Can I clear cut it to grow grapes or husband goats?

You would allow the destruction of a beautiful landscape, seen from key viewing areas by letting some guy run goats and ruin it?

Unbelievable, the Columbia River Gorge is meant to be protected.

Sincerely, Amy Conroy

The following comments were received during the original review period. They were included in the original Staff Report issued on June 24, 2021.

Wasco County Planners -
(Planning Dept)

COMMENTS ON 14X LOT 2N 11E 11 2200

PREPARED BY	Amy
DATE	Conroy

July 16, 2020

1 ADRIAN LOPEZ, owner/applicant

2 File # 921 19 000193 PLNG

3 1) Retroactive approval of an unlawfully
4 placed well. No.

5 I am opposed for several reasons.

6 First, why would anyone bother with
7 getting a permit for building a structure
8 or siting and drilling a well when it will
9 be approved after the fact anyway?

10 2) I am also very concerned about the
11 impact of an unregulated well on my
12 well. I have a very good well that I have
13 maintained and am very concerned that
14 there was no geological oversight on the
15 drilling. The negative impact on my property
16 of loss of my water source by a neighboring
17 property is huge.

18 What is the county doing retroactively to
19 insure the well drilled will not adversely affect
20 the neighboring properties? And what is my
21 recourse against the offending parties, Mark
22 FUENTES, M+M Drilling, unfortunately Adrian
23 Lopez as current landowner and the county
24 of Wasco for allowing it?

25
26 3) The sitings of the 2 very large buildings,
27 the single family home and the accessory
structure,

2N 11E 11 2200

PREPARED BY	Amy
DATE	Conroy

1 I respectfully request that the proposed building
2 structures not be placed directly across from
3 my building structures (house, garage, etc).

4 My house was sited 10 years before I bought it
5 and I'm stuck with it. (Almost 30 years ago, for siting)

6 I must also note that the power source, the
7 electrical utility box is on my property and
8 is for my property. It is not a general purpose,
9 anyone can tap into it resource. This has
10 been an issue in the past.

11
12 4) Wire fencing around the entire perimeter
13 of the property. NO.

14 I oppose, We are in a National Scenic Area
15 and a proposed fence will destroy the aesthetic
16 of the Rocky Prairie slope. And what is the
17 purpose of the fence? This is a wildlife corridor
18 and fencing the whole property will force the
19 animals onto Huskey Road endangering them
20 and people driving on Huskey Road.

21 And there is a legal easement, access to the
22 property owned by Joe + Janine Cerniecki. How
23 will you mitigate that? or plants

24 And, has there been a cataloging of native grasses[^] on the property?

25 Thank you for your time and consideration
26 of these issues.

27 Amy Conroy (541-578-0188)

28 115 Huskey Rd Mosier, OR 97040



Brent Bybee <brentb@co.wasco.or.us>

File # 921-19-000193-PLNG

3 messages

amyhop@gorge.net <amyhop@gorge.net>

Fri, Jun 4, 2021 at 2:48 PM

To: brentb@co.wasco.or.us

Cc: kclm98@hotmail.com

My concern is still about the unlawfully dug well and the long term impact on my water supply from my well. Is it county policy to grant retroactive approval, and if so that begs the question as to why a person would get a permit to begin with? The well driller assured me last summer that Mark Fuentes had gotten a permit but refused to show it to me. Did the county level any kind of fine on Mark Fuentes for an unlawfully placed well? This appears to be a case of it's easier to say I'm sorry then go through the procedure of obtaining a permit.

I understand that Adrian Lopez needs a water source to effectively develop his property and that he did not commission the well to be dug, but with the drastic shortage of water we face in these drought conditions, doesn't retroactive approval set a precedent?

Sincerely,

Amy Conroy
 1145 Huskey Road
 Mosier, Oregon 97040
 541 578 0188

Brent Bybee <brentb@co.wasco.or.us>

Mon, Jun 7, 2021 at 5:42 PM

To: amyhop@gorge.net

Cc: kclm98@hotmail.com

Hello Amy,

Thank you for commenting, I'll be sure to include your comments on the record.

Our department does not regulate water rights for landowners, please contact the Oregon Water Resources Department (OWRD) regarding that request. Our department will only review the actual development of a well to ensure resources will not be affected. It is the responsibility of the landowner to ensure the well can be approved through OWRD. Any approvals may be on file with them as well.

All applicants throughout the entirety of Wasco County are afforded the opportunity to bring nonconforming development built without review into compliance. If the development constructed without review does not meet the land use criteria, it must be removed. If it meets the criteria it may remain after being approved retroactively. In 2020, the Board of County Commissioners approved additional fees for development commenced without land use approval in the National Scenic Area, which would ultimately result in double the cost. This application was submitted before that went into effect, so to answer your question directly no the applicant was not fined.

Brent

[Quoted text hidden]

--



Brent Bybee | Associate Planner
PLANNING DEPARTMENT

brentb@co.wasco.or.us | www.co.wasco.or.us

541-506-2544 | Fax 541-506-2561

2705 E 2nd St | The Dalles, OR 97058

Office Notice about COVID-19

Welcome back! We have resumed in-person customer service. Office hours are Monday through Thursday, 10am to 4pm with a lunchtime closure. Appointments can be accommodated on Fridays. Masks are required in the office unless you bring your vaccination card to demonstrate you are a full two weeks out from your final COVID-19 vaccination.

Staff continue to stagger their schedules to allow for COVID-19 safe distancing in a shared office environment. Appointments with staff are encouraged to ensure adequate staffing on the day of your visit. We also offer video calls that can save you travel time. We strongly encourage customers to contact us first by phone or email to determine whether an in-person visit is necessary. Please scroll down for many online available tools and resources.

Need information? Help with a tool? Schedule an in person or video call appointment?
Please call 541-506-2560 or write us at wcplanning@co.wasco.or.us

Thank you for your patience during this time.

*Note: This correspondence does not constitute a Land Use Decision per ORS 197.015.
It is informational only and a matter of public record.*

amyhop@gorge.net <amyhop@gorge.net>
To: Brent Bybee <brentb@co.wasco.or.us>

Mon, Jun 7, 2021 at 11:55 PM

So what you are saying is if the unlawfully placed Fuentes well drains my well dry and I decide to replace my well as Fuentes drilled a new well, it would cost me double but he gets off with no penalty. That's fucked up. On the record, an arbitrary date allows a person to steal water yet penalizes the wronged person to correct the issue with the same mechanisms the county turned a blind eye to.

What particularly grieves me is that I have been a resident of Wasco county for 30 years and have owned and resided at the Huskey Road property for 20 years and have many dedicated hours of bringing the value of the property up by physically taking care of fire abatement, that is ongoing, and making it into a beautiful property only to have Wasco county shit on me and say not only if the illegal placed well destroys your water source, if you drill the same type well without a permit it will cost you double. We'll fine you for what your neighbor caused.

Great, Amy Conroy

----- OriginalMessage -----

From: "Brent Bybee" <brentb@co.wasco.or.us>

To: amyhop@gorge.net

CC: kclm98@hotmail.com

Sent: Mon, Jun 07, 2021, 05:43 PM

Subject: Re: File # 921-19-000193-PLNG

[Quoted text hidden]



Will S <wills@co.wasco.or.us>

CAFO minimum size?

William Matthews <wmatthews@oda.state.or.us>
 To: Will S <wills@co.wasco.or.us>
 Cc: William J Matthews <wmatthew@oda.state.or.us>

Wed, Sep 23, 2020 at 2:35 PM

Hi Will, There is no minimum number of animals on an operation that may require a CAFO Permit. Based on the details you provided, it appears that the system they propose is a grazing system with minimal confinement. The pasture deposition of manure is allowed as long as it does not cause pollution of surface or ground waters of the state. As long as this facility as described is not proposing a liquid manure or process waste water collection system or creating process waste water from a milking or cheese making activity, we would not require a CAFO Permit. The facility is required to maintain compliance with the ODA AGWQ area management plan. See <https://www.oregon.gov/oda/programs/NaturalResources/AgWQ/Pages/AgWQPlans.aspx> to find the appropriate area management plan for the proposed facility location. -Wym

On Sep 23, 2020, at 1:46 PM, Will S <wills@co.wasco.or.us> wrote:

Good afternoon,

We have a land use application south of Mosier that involves five cows and 15 goats and/or sheep on about 20 acres of land. The land they will be grazing on has a seasonal wetland running through a portion of it. Would they need a CAFO permit as the livestock may be leaving manure in that wetland that runs to Rock Creek and then to the Columbia River? I didn't see a minimum size of ag operation listed on your website.

A little more info about the proposal: They plan on fencing the whole property in with mesh fence, but including a moveable strip of electric fence to keep the livestock out of the wetland during wet portions of the year, only allowing the grazing and use of it when it is dry (most of the year it just looks like a meadow, and it is mostly just damp during the winter - it's not a stream.)

Please let me know if you need more information. Thank you.

--



Will Smith, AICP | Senior Planner
PLANNING DEPARTMENT

wills@co.wasco.or.us | www.co.wasco.or.us

541-506-2560 | Fax 541-506-2561

2705 East Second Street | The Dalles, OR 97058

NOTE: DUE TO COVID-19 CONCERNS THE PLANNING DEPARTMENT IS CURRENTLY RESTRICTING FACE TO FACE ASSISTANCE. WE ARE ACCEPTING APPLICATIONS BY MAIL AND INQUIRIES BY PHONE OR EMAIL UNTIL FURTHER NOTICE.

This correspondence does not constitute a Land Use Decision per ORS 197.015.

It is informational only and a matter of public record.

Planning for the Future. Wasco County 2040.

[Get involved](#)

Wym Matthews, Manager
Oregon Department of Agriculture – CAFO and Fertilizer Programs
 635 Capitol St NE, Salem, OR 97301-2532
 PH: 503-986-4792 | CELL: 503-881-5418 | WEB: Oregon.gov/ODA

Pronouns: he, him, his

Response to Lopez Development Application 921-19-000193-PLNG
October 3, 2020
Joe Czerniecki

First of all I would like to say that my goal in providing comment on this development is not to obstruct their proposed development but to try to ensure that the adverse impacts of their development plans are minimized. I have only met Adrian a couple of times and he seems like a nice fellow and I look forward to having him as a neighbor. My comments below are focused on ways that the proposed development does not conform to the Wasco County and Columbia River Gorge Commission requirements, as well as how this property has been impacted without development approval.

There has been extensive development and modification of the property without any application or approval. This includes:

1. a well drilled without approval
2. After notification of the county development office about the well drilling, and communication between the county and Mr. Lopez about the need for development approval he engaged in extensive tree cutting, and limbing, as well as spraying of the understory in the designated woodland portion of his property. This was done out of scale with current fire protection requirements and has damaged the quality and character of the woodland which has adversely affected its function as deer and elk winter range.
3. Most recently a paddock for horse training has been installed in the northwest corner of the property, which once again this occurred without county approval.

I am therefore concerned that the pattern of apparently ignoring the Wasco County Development Land Use Ordinances may continue to occur. And that consideration should be given to remediation and special oversight.

The development requirements are designed to protect the character of the Columbia River Gorge in perpetuity and must be followed. I do understand that they create some additional burdens, but the end result is something that I have appreciated in the over 25 years I have had a home in Rocky Prairie. The preservation of the unique and special character of the Columbia River Gorge is not only of value to me but to all of the visitors and other residents.

In the following section I will also outline how the current development application does not meet the Wasco County LUDO requirements. I will be referring extensively to the Hetzel/Fuentes application 921-18-000017-PLNG in my comments. This application was reviewed by the Wasco County Planning and Development office less than 2 years ago and many of the issues that were raised by the neighboring landowners and the decisions reached by the planning office will parallel the issues I will raise.

A. Problems Related to Inconsistencies and a Lack of Completeness of the Application.

1. The date on the application is December 31st 2019. Because the application was mailed out to neighboring landowners the assumption is that the application was deemed complete. It's current state of ongoing incompleteness is based upon the requirements in Section 2.080. This raises questions about whether the current application should be considered void:

1. **On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection a. of this section and has not submitted information.**

2. Incompleteness of the information provided in the application

A complete site plan shall be submitted for all new development, except for buildings smaller than 60 square feet in area and less than or equal to 10 feet in height, as measured at the roof peak.

- a. There continues to be conflicting information on the site plan and the Farm management plan. The site plan includes a 5 foot "MESS fence" around the perimeter of the property and the Farm Management Plan includes a 4 foot fence. The site plan includes a continuous fence around the property, but the Farm Management plan includes a fence around the woodland area to the west of the driveway and a fence around the remaining property. Which is it? These inconsistencies prevent all parties from being able to adequately comment.
- b. There is no access or egress designated to either of the fenced areas. This should be defined in the development plan.
- c. Part of the farm management plan suggests that there will be 5 cows, 15 goats, and a large number of chickens. There is no fencing in the immediate area of the home to exclude the animals from this area. This is very unusual. Will there be no fencing in this area? Typically when chickens are raised they have some type of shelter. There is no designation on the farm management plan, about where these will be, and what the visual appearance and size of this structure will be. The farm management plan is incomplete. The farm management plan also suggests that there will be a moveable electric fence. How will electricity be conducted to this area? Presumably there will be a hot wire, in addition to the proposed fence? If so this is not included in the development plan.

- d. **The site plan shall be prepared at a scale of 1" = 200' or a scale providing greater detail which clearly indicates key information:**

There is no indication of the scale provided with plan.

- e. **Location, size, and shape, of all existing and proposed buildings and structures on the subject parcel.** The site plan provided is largely illegible: this is partly because of an effort on the part of Mr. Lopez to provide all of the necessary information in too small a space. To clearly indicate the relationship of the buildings to one another and all of the necessary detail of the development an additional site plan should be provided that provides the necessary scale to adequately evaluate the development plan. Further, I assume because this is a formal document it should be covered under the ADA

requirements. Anyone with a visual impairment would not be able to read it at all, and therefore would be prevented from having their right to comment.

- f. **Access: Indicate all existing and proposed points of ingress and egress and whether they are public or private.** There is no specific indication on the plan.
- g. **Location, dimensions and method of improvement of all roads, access drives, trails, and parking areas with individual parking spaces and internal circulation patterns.** The dimension (width) of the driveway, which provides access to my property, and which is immediately north of the Lopez property, is not included. I have an easement that gives me free access to and use of the driveway extending from Huskey road, through the Lopez property to my home. The easement is 30' wide, so no fence structure can be installed within the boundaries of this easement.
- h. **Access drives shall be constructed to a minimum of twelve (12) feet in width and not exceed a grade of twelve (12) percent with turnouts provided at a minimum of every five hundred (500) feet.** Although there is an indication on the site plan of a driveway, that extends from Huskey road to my property immediately to the north of the Lopez property, the plan does not indicate the necessary turnout. The development of the Lopez property, with its associated increase in vehicle use on the driveway, will likely result in an increase in potential access problems especially in emergency situations. A turnout should be included in the site plan.
- i. **Location of existing and proposed services, including wells or other water supplies, sewage disposal systems, telephone and power poles and lines. Telephone and power supply systems shall be underground whenever practical.** There is no indication of where trenching will occur to provide power access to the home site.
- j. **The location of the pond, stream, tank or sump with storage of not less than 1,000 gallons if the well or water system is not capable of delivering twenty (20) gallons per minute.** There is no specification of well output and no indication of storage.
- k. **The location of a standpipe (water spigot) a minimum of fifty (50) feet from each flammable structure if the development includes a plumbed water system.** I didn't see this specified in the site plan. Scale and legibility may be the limiting factor in this assessment.
- l. **Location and depth of all proposed grading, filling, ditching and excavating unless a grading plan is required by F below.** There is no indication of where trenching will occur to provide power access to the home site. There is only one indication of grade in the application. That is a 5% grade as the driveway approaches my property to the north. Prior review of a development plan on this property (Hetzl **921-18-000017-PLNG**) in 2018 indicates a finding by Wasco County Development that there is a 10% grade in the area of the homesite. The development plan must include a grading and excavating plan.

- m. **North arrow and map scale.** No indication of map scale
- n. **Elevation Drawing - Elevation drawings shall show the appearance of all sides of proposed structures and shall include natural grade, finished grade, and the geometrical exterior of at least the length and width of structures as seen from a horizontal view. Elevation drawings shall be drawn to scale.** The provided elevation drawings are only of the structures in a plan view. They do not include the natural grade and the finished grade. It is also unclear if the elevations of the structures are labelled correctly-this should be clarified. The north elevation for example should be the north facing side of the building. As currently provided it suggests that in the house elevations the garage doors will be on the north (view) side of the structure. The north elevation of the shop has two large openings penciled in - should they be on the south elevation? There is also no indication of what these openings are so it is difficult to ascertain whether light reflectivity and visual subordination will be a problem. Are they ? windows ? doors?
- o. The site plan does not include the necessary information on the natural grade, finished grade and the relationship of the structures to this grade. It is a requirement to provide this information and it should be provided at an appropriate scale so that it can adequately be assessed.

Problems with the Proposed Development Plan.

SECTION 14.200 Key Viewing Areas

A. Each development and land use shall be visually subordinate to its setting in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA as seen from Key Viewing Areas. The extent and type of conditions applied to a proposed development to achieve visual subordination shall be proportionate to its potential visual impacts as seen from Key Viewing Areas.

SITING

New development shall be sited to achieve visual subordination from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, endemic and listed plants, sensitive wildlife sites or conflict with standards to protect cultural resources. In such situations, development shall comply with this standard to the maximum extent practicable. (GMA Only)

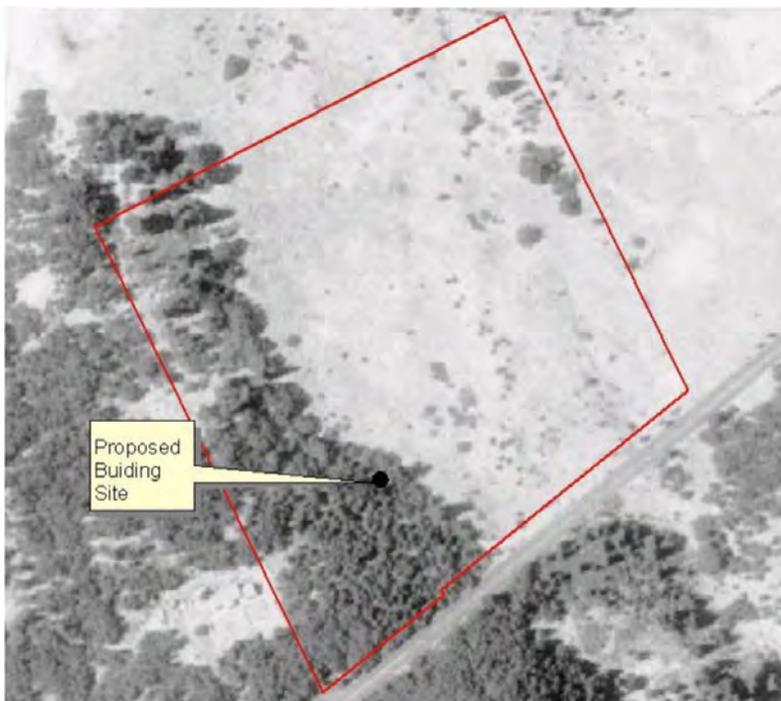
New development shall be sited to achieve visual subordination utilizing existing topography, and/or existing vegetation as needed in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA from Key Viewing Areas.

Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from Key Viewing Areas.

The proposed siting of the structures avoids the use of oak pine woodland to the west, and the wetland to the east but places the structures in open grassland, with little to no screening because of the previously-mentioned excessive tree removal and limbing.

Additionally, the orientation of the two proposed structures strongly influences their visual impact from key viewing areas. In the plan view the shop is immediately to the north of the house and there is a 180 foot distance between them. On the surface does not look like this would affect the visual impact, however when the slope is considered the two structures will have the visual appearance from key viewing areas to the north of being 75' high. Prior decision of Wasco County states there is a 10% slope in the area of home/shop development. with a 10 % grade there is 27 foot overall elevation gain between the north wall of the shop and the south wall of the home. This means the total visual height of the two structures is 24' shop + 24' home + 27' resulting from the grade = 75'. This is an imposing visual feature in open grassland without adequate screening. It will likely also require extensive grading depending on the details of the relationship between the buildings, access between the buildings and access to both the driveway and the shop.

Further, as noted above, more detail is required to understand the extent of grading, the overall "visual" stature of the two structures with the 10% north/south grade, to adequately evaluate its impact on Key Viewing Areas and the potential for visual subordination of the two structures. Visual subordination could be improved by shifting the development closer to the woodland or in the edge of the woodland to the west, a site which was approved in a prior application (Shattuck SAR-04-110). See illustration below.



(Figure 4. Location proposed building site in existing vegetation.)

Proposed Farm Use

Mr. Lopez is proposing as part of the Farm Management Plan to have 5 cows, 15 goats and 15 chickens. The number of animals is excessive relative to the available grazing area.

1. In the summer when the wetland and the wildlife area are excluded from possible grazing, there is inadequate area available to graze the livestock. In the attached table the NRC Soil Survey suggests that 5 cows require at a minimum 5 acres per month and the goats are the equivalent of sheep which would require an additional 3.75 acres per month at .25 acres per goat. Therefore, there is inadequate grazing area for even 1 month and there would be no time for recovery, because this area cannot be watered. The proposed use therefore should not be allowed. If allowed the numbers of livestock should be greatly reduced. In the Hetzel/Fuentes application on the same property the Wasco County Land Use Development office limited the number of livestock to 5 horses.

Geographic Area	Soil Name	1 Cow Acre	1 Sheep Acre	1 Horse Acre
TDalles / Mill Crk	Cherry Hill /Chenowith	1.5 Acres	0.03 Acre	2 Acres
Wrentham / Dufur	Walla Walla /Dufur	1.0	0.08	1.1
Juniper Flat	Maupin / Watama	1.0	0.22	1.4
Bakeoven	Condon / Bakeoven	2.0	0.50	2.5
Tygh Ridge	Condon / Cantala	1.2	0.25	1.5
Tygh Valley	Sherar / Sinamox	1.3	0.25	1.7

Data obtained from Wasco County NRCS Soil Survey

11

SECTION 14.600 Natural Resources (GMA Only)

A. Wetlands

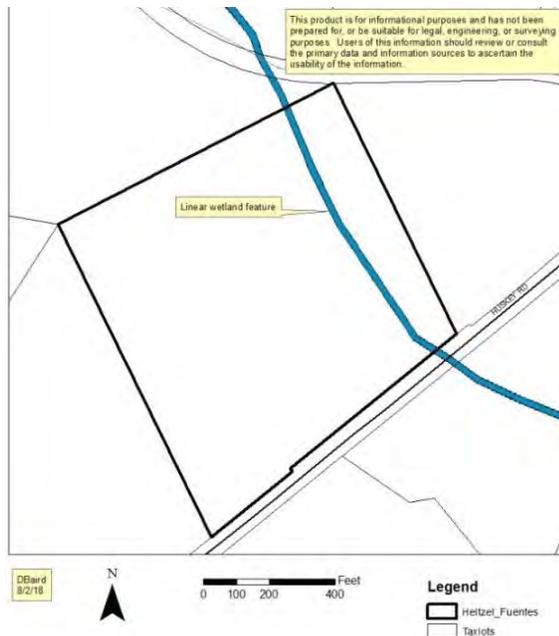
The Wasco County Development staff in the prior development application (Hetzel 2018 **921-18-000017-PLNG**) made a finding that the Lopez property includes a Herbaceous community wetland. This wetland requires a 150' setback for all development including fences. The proposed development includes a plan to install fencing which will disrupt the wetland and should not be allowed in the setback area of the wetland.

The importance of and the preservation of the wetland was raised by many neighbors, in particular by the McCabe comments, in the prior Hetzel/Fuentes **921-18-000017-PLNG** application. In the current Lopez amended proposal, the farm management plan includes a fence that encloses the wetland, with a moveable fence that would prevent grazing of 5 cows and 15 goats in the wetland in the winter season but be allowed to graze in the wetland in the summer season. The farm management plan suggests that this will have a beneficial effect on plant life in the wetland. The consequences of animal grazing are much greater than the soil or plant characteristics in it's immediate vicinity. Nitrites from manure can increase algae and reduce oxygen content in the water which can adversely affect fish survival. There are also increases in bacterial counts in the water which have led to fish die offs and sickness. These consequences in the Rock Creek drainage area which feed the Columbia, can therefore have adverse effects on fish and endangered species. The potential for E coli contamination is enough of an issue that a monitoring plan is being put in place (see minutes of the Mosier Watershed Counsel meeting Appendix A). In addition there are many at-risk and endangered species listed in the Mosier Watershed area which includes Rock Creek which is the destination of the water from the Lopez property. The endangered species are listed in Appendix B.

This conclusion was also reached by the Wasco County Development office in their evaluation of the Hetzel/Fuentes application.

“ FINDING: The National Wetlands Inventory map identifies a linear wetland feature on the eastern portion of the property. Staff finds that the subject lot contains a wetland.

Staff Recommendation Page 42 of 52 921-18-000017-PLNG (Heltzel/Fuentes)



c. Buffer zones shall be measured outward from a wetlands boundary on a horizontal scale that is perpendicular to the wetlands boundary. The following buffer zone widths shall be required.

(3) Herbaceous communities: 150 feet

d. Except as otherwise allowed, wetlands buffer zones shall be retained in their natural condition.

The herbaceous community buffer zone is 150'. Normally the buffer zones cannot be disturbed.

A condition of approval is included in the Notice of Decision requiring the maintenance of the existing contour, vegetation and hydrology of the wetland."

Other published literature further supports the potential adverse effects of livestock grazing in watershed areas(Paul Hansen a Research Associate Professor in the School of Forestry at the University of Montana in Missoula. Dr. Hansen is a Riparian wetland ecologist and principal ecologist for the Montana Riparian Association) in a US forest service publication.

He suggests that there is a delicate balance when grazing is allowed in wetlands (Appendix C)

1. • season-long grazing is not a viable option to improve deteriorated riparian wetland areas or to maintain a healthy riparian-wetland zone.
2. It only takes a few weeks of unauthorized use or overgrazing to set back years of progress in improvements of riparian-wetland systems. Myers (1981) states "that compliance with grazing systems is critical. When livestock are moved from a management pasture, it is commonplace for a few animals to be overlooked. In one stream, annual use by a few head of unauthorized livestock throughout most of the hot season period has nullified positive riparian-wetland habitat responses in an otherwise excellent grazing systems."
3. Therefore, livestock grazing should not be permitted in the wetland. The risk of adverse consequences and history of compliance problems both suggest this would not be advisable.

C. Wildlife Habitat

a. Ensure that new uses do not adversely affect sensitive wildlife areas and sites.

In the prior application (Hetzl/Fuentes **921-18-000017-PLNG**) there were once again extensive comments by the neighboring property owners that the protection of habitat was important for wildlife. The Wasco County Development staff made a finding that this property includes wildlife habitat.

Prior Wasco County Development Office FINDING: Approximately 6.6 acres of the western portion of the property is located in Oregon white oak trees and is considered to be wildlife habitat.



In the interim period from the Hetzel/Fuentes application until now, there has been extensive tree cutting and scraping of the land surface to provide rough roadways through the Wildlife Habitat damaging the understory. With restoration, time and the prevention of development in this area, it should be able to recover and allow this portion of the property to return to wildlife habitat.

This wildlife habitat is primarily oak woodland. The recommendation after appeal of the (Hetzel/Fuentes **921-18-00017-PLNG**) was that this woodland was an important wildlife corridor. This is supported by the priorities of the **East Cascades Oak Partnership** which was referenced in the Mosier Watershed Council meeting (see Appendix D)

The Wasco County Development office has an obligation to require restoration of this wildlife habitat.

Fencing Requirements

New fences in deer and elk winter range shall comply with the following standards.

1. **New fences in deer and elk winter range shall be allowed only when necessary to control livestock or exclude wildlife from specified areas, such as gardens or sensitive wildlife sites. The areas fenced shall be the minimum necessary to meet the immediate needs of the project applicant.**

The addition of the Farm Management Plan suggests that the fencing is necessary to contain livestock. This is in conflict with the preservation of the western fenced area as a wildlife corridor. To preserve the woodland as a wildlife corridor the fencing should not be allowed in this area.

- 2. New and replacement fences that are allowed in winter range shall comply with the guidelines in Specifications for Structural Range Improvements (Sanderson et. al. 1990), as summarized below, unless the project applicant demonstrates the need for an alternative design:**
 - 1. To make it easier for deer to jump over the fence, the top wire shall not be more than 42 inches high.**
 - 2. The distance between the top two wires is critical for adult deer because their hind legs often become entangled between these wires. A gap of at least 10 inches shall be maintained between the top two wires to make it easier for deer to free themselves if they become entangled.**
 - 3. The bottom wire shall be at least 16 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire because barbs often injure animals as they crawl under fences.**
 - 4. Stays, or braces placed between strands of wire, shall be positioned between fence posts where deer are most likely to cross. Stays create a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires. Woven wire fences may be authorized only when a project applicant clearly demonstrates that such a fence is required to meet his/her specific and immediate needs, such as controlling hogs and sheep.**

There is a conflict between the Farm Management Plan and the Development plan: one suggests a 5 foot high MESS fence and the other has a 4' high MESS fence. Both of these do not conform to the fencing requirements in deer and elk winter range. The fence type does not conform to development standards, and the fence height exceeds the 42" requirement

The post height being proposed (6' posts) do not conform to the fencing needs. It is of particular concern that the current owners have been non-compliant and that the fence height limitations will be exceeded in the future. The posts should be no higher than that required for fencing.

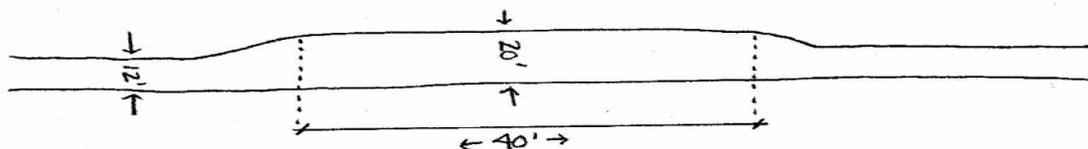
This importance of placing limitations on fencing is supported by the Friends of Columbia Gorge comments in the Hetzel/Fuentes application 2018 **921-18-000017-PLNG**.

Pursuant to NSA LUDO 14.600© new fences in deer and elk winter range are allowed only where necessary to control livestock or pets, or to exclude wildlife from specific areas such as gardens. Fences must be minimum to meet the needs of the project applicant. If the proposed fence is in deer and elk winter range, the top wire must be no more than 42 inches high, the distance between the top two wires must be 1- inches apart, the bottom wire must be at least 16 inches above the ground, and must be smooth wire, stays or braces must be placed between fence posts to create a more rigid. Fence and woven wire must not be used as fencing material. Applicants must demonstrate a specific need for variance from these rules.

CHAPTER 11 FIRE SAFETY STANDARDS

SECTION 11.140 Access Standards - Providing safe access to and escape from your home.

IF YOUR DRIVEWAY IS LONGER THAN 200 FEET, ARE TURNOUTS PROVIDED ALONG ITS LENGTH?



Turnouts need to be provided at least every 400 feet. Turn outs are intended to allow vehicles to pass safely, especially during an emergency. This should be kept in mind when siting the turnouts. Steeper slopes or tighter corners may require turnouts to be located closer than every 400 feet.

The requirement of “providing safe access to and escape from your home” is an important issue. As already noted, I have an easement that runs with the land giving me free and unencumbered access to my home using the driveway that spans from Huskey road through the Lopez property to the property line separating the Lopez property and my property to the north. This easement is 30’ wide. The current development plan does not specify the spacing of the proposed fence on the east and west sides of the driveway. A finding based upon Wasco County Development staff in their assessment on page 24 of the decision on the Hetzel/Fuentes application paid particular attention to safety access concerns related to my property. The proposed fencing in the Farm Management Plan specifically states that there will be no gate at the south end of the property where it intersects with Huskey Road. It does not state this at the north end where it provides access to my property. It should specifically state there will be no gates at either end of the driveway.

There are no turnouts proposed along the driveway. Because of the proposed farm use the probability that there will be other vehicles using the driveway, the decision should require the required turnouts.

Summary:

The following list outlines in brief the significant problems associated with the development plan. It is a bullet point summary. Details are included in the above comments.

1. The filing of the application exceeds the required time period required for completeness and consideration should be given to whether or not it is a valid application.
2. The development plan is incomplete, and is inconsistent. I have identified numerous areas where the application is incomplete. It is also inconsistent in that there are differences in what is presented in the on-line application and what is presented in the Farm Management Plan. The development plan is also illegible, likely due in part to the amount of information being provided

at the scale it was drawn. To remedy this a larger scale additional site plan should be provided that allows adequate assessment of grading, visual impact, location of a standpipe, etc. There should also be a reapplication that is consistent in the site plan so that neighboring property owners can adequately determine what is being proposed so that concerns can be addressed.

3. The development plan does not allow the proposed development to be subordinate to the landscape.
4. The plan for development and animal grazing as proposed in the wetlands area should not be allowed as the adverse risks are too high.
5. There is inadequate acreage to graze the proposed number of animals which creates a high risk of destruction of the soils and erosion.
6. Fencing as proposed does not meet the required criteria and should not be allowed.
7. The development plan for the driveway is inadequate to ensure fire and emergency safety.
8. The development plan must allow a 30' minimum clearance to be in compliance with the easement.
9. There should be a requirement to restore the woodland portion of the property to its prior health.

Appendix A

From minutes of Mosier Watershed Council January 2020

Surface Water Monitoring Group Discussion

Bryce initiated the conversation by sharing how he and Kris have been wanting the council to have an open discussion about the correlation of our creeks and anything that folks have noticed (water quality concerns) that the watershed council could help landowners address. The council has spent a majority of our focus addressing groundwater concerns and thought this would be a great time to also look closer at our surface waters. There are many different reasons to evaluate our creeks. Todd added that a good way to measure the chemistry of the creek is to evaluate how many times it's used before it goes to the Columbia; gathering baseline data to assess areas of improvement. Todd has been gathering *E.coli* and bacteria levels in Mosier Creek for the past several years, and has volunteered to share that information with the council on an annual basis. There are many causes of *E.coli* being present in streams including: flushing during a Summer rain event; livestock in or near the stream; and human contamination. Not just including *E.coli* there are a whole range of parameters that can be measured to investigate water quality. Abbie shared the efforts that The Dalles Watershed Council has been involved with over the past 10 years addressing water quality concerns in

Mill Creek. Susan stated, she is not very knowledgeable of how to be a good steward of the creek. She added that having knowledge of what to do to "do her part" would be very valuable. Council members agreed that providing educational materials to the public would be very beneficial. Karen Lamson added that the Conservation Riparian Enhancement Program has an assessment tool that is used by conservation technicians to look at the landowner's land and quality conditions of the stream. Discussion ensued.

The council members agreed to have Abbie seek out funding to add Mosier Creek monitoring to the current ODA Water Quality Monitoring Plan that is administered through the SWCD. Pete volunteered to work with Todd, Bryce and Abbie to develop a monitoring plan. Part of that plan will be to develop a Sampling Analysis Plan (SAP) and submit to DEQ for their Volunteer Water Quality Monitoring Program in hopes of having monitoring supplies donated. The newly formed Water Quality subcommittee will also find out what data is already available and add that information to the watershed council website so it is accessible to the public.

Appendix B: Endangered Species Lists for Mosier Watershed including species migrating through Columbia River (US Fish and Wildlife Service, December 26, 2001)

ATTACHMENT A

FEDERALLY LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES,
AND CANDIDATE SPECIES THAT MAY OCCUR WITHIN
THE AREA OF THE MOSIER WATERSHED ASSESSMENT PROJECT
1-7-02-SP-110

LISTED SPECIES¹⁷

Mammals

Canada lynx ²⁰	<i>Lynx canadensis</i>	T
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Birds

Bald eagle ²¹	<i>Haliaeetus leucocephalus</i>	T
Northern spotted owl ²²	<i>Strix occidentalis caurina</i>	CH T

Fish

Steelhead (Middle Columbia River) ²³	<i>Oncorhynchus mykiss</i>	**T
Steelhead (Upper Columbia River) ²⁴	<i>Oncorhynchus mykiss</i>	**E
Steelhead (Snake River Basin) ²⁵	<i>Oncorhynchus mykiss</i>	**T
Sockeye salmon Salmon River tributary to the Snake River, Idaho	<i>Oncorhynchus nerka</i>	CH **E
Chinook salmon (Upper Columbia River) ²⁷	<i>Oncorhynchus tshawytscha</i>	**E
Chinook salmon Snake River spring/summer runs	<i>Oncorhynchus tshawytscha</i>	CH **T
Chinook salmon Snake River fall runs	<i>Oncorhynchus tshawytscha</i>	CH **T
Bull trout (Columbia River pop) ²⁸	<i>Salvelinus confluentus</i>	T

PROPOSED SPECIES

Fish

Coastal cutthroat trout (Southwestern Washington/Columbia River)	<i>Oncorhynchus clarki clarki</i>	PT
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CANDIDATE SPECIES²⁹

Birds

Yellow-billed cuckoo ¹⁰⁰	<i>Coccyzus americanus</i>	
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Amphibians and Reptiles

Oregon spotted frog	<i>Rana pretiosa</i>	
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Fish

Coho salmon (Lower Columbia River) ¹¹⁰	<i>Oncorhynchus kisutch</i>	**CF
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Developing a Successful Riparian-Wetland Grazing Management Plan for the Upper Ruby River Cattle and Horse Allotment in Southwestern Montana

Paul Hansen

Introduction

The Upper Ruby Cattle and Horse Grazing Allotment lies in the Upper Ruby River drainage, a watershed of approximately 88,000 acres in southwestern Montana. The Allotment encompasses 43,261 acres within the Beaverhead National Forest. It is located approximately 35 air miles southeast of Sheridan, Montana. The Ruby River flows northward and is bounded by the Snowcrest Range to the west and the Gravelly Range to the east. To the south lies the Centennial Valley. The entire area has been grazed by livestock since the late 1800's. The landscape of the Upper Ruby River is characterized as having open grasslands and wet meadows, sagebrush and grass slopes, willow and aspen complexes, open conifer/grass stands, and dense coniferous forests. Topography is varied and includes the Ruby River bottoms, large open valley bottoms, high benches, open basins, and rough rocky mountainous terrain. Elevations range from 6,000 ft on the lower Ruby River to over 10,000 ft on the Gravelly crest.

Since the 1970 Allotment Management Plan (AMP) was implemented, a large number of interest groups have expressed concern. More recently; this concern has been elevated to the national level by the various parties. In 1990 the Beaverhead National Forest started to prepare an Environmental Impact Statement (EIS) for the allotment. The draft EIS became a focal point for the various groups.

The major concern with the Upper Ruby Cattle and Horse Grazing Allotment has been the health of the riparian zone. The historic use of the riparian zone along the Upper

Ruby River and its major tributaries has left much of it in a degraded state. The issue is complicated in that both allotted and nonallotted livestock trail along the main road which lies for most of its length immediately adjacent to the Upper Ruby River.

Cattle and sheep are trailed annually to and from the Upper Ruby, adjacent USDA Forest Service allotments, and private, State, and USDI Bureau of Land Management lands in the Centennial Valley. In the spring, approximately 2,919 cow/calf pairs of the Upper Ruby Allotment are trailed from home ranches to the Allotment. Also in the spring, an additional 2,450 nonallotted cow/calf pairs are trailed southward through the allotment to USDI Bureau of Land Management, State, and private lands in the Centennial Valley. In the fall, approximately 3,275 head of nonallotted cattle and 3,245 head of nonallotted sheep trail back through the Allotment. In addition, 2,919 head of cattle from the Upper Ruby Allotment trail back through the Allotment.

Paul Hansen is a Research Associate Professor in the School of Forestry at the University of Montana in Missoula. Dr. Hansen is a riparian-wetland ecologist and principal ecologist for the Montana Riparian Association. He has been working on riparian-wetland classification and management issues in the Northern Great Plains and Northern Rocky Mountain ecosystems for the past 15 years.

The fall trailing has historically taken place immediately before the opening of big game hunting. The fall is typically characterized as a time of increased precipitation when heavy rainfall or snowfall may occur at any time. The main road and livestock trail lie immediately adjacent to the Ruby River, the same location where many of the big game hunting camps are established. This has created a classic case of big game hunting vs. livestock managing.

In 1990 the Beaverhead National Forest began preparing an Environmental Impact Statement (EIS) for the Allotment. The draft EIS became a focal point for the various groups. All sides reached an impasse and wanted an independent third-party review of the Allotment and requested the Section 8 process. Within Montana, the Section 8 process represents a Memorandum of Understanding (MOU) between the Governor of the State of Montana and the Regional Forester of the USDA Forest Service regarding rangeland management issues such as allotment management plans (AMP). (The MOU was signed on May 31, 1990.) The USDA Forest Service has just recently started to develop a memorandum of understanding on a state-by-state basis in the West.

The Section 8 process can be invoked by either the USDA Forest Service or the grazing permittee(s). The process typically occurs after both sides have met an impasse and all other attempts, such as a Coordinated Resource Management Planning (CRMP) process, has failed. If technical concerns develop during the development or revision of an AMP, either the USDA Forest Service or the grazing permittee(s) can request that the Governor's representative become involved in the consultation. The USDA Forest Service, the permittee(s), and the Governor's representative then become the Core Consultation Group or Core Group. The Core Group then selects a Target Group to provide technical services. The issues, concerns, and resource values of the allotment determine the composition of the Target Group. The Target Group reviews existing data in a timely manner and identifies any additional data that will be needed to develop or revise the AMP plan. The Target Group can also

identify responsibilities for additional data collection. In order to resolve the issues in conflict, the Target Group will make recommendations that are based on a consensus. The comments on the recommendations of the Target Group are given to the Core Group. Any consensus reached by the Target Group must comply with applicable federal laws, policies, administrative orders, guidelines, etc. The recommendations of the Target Group are included in the environmental analysis and the National Environmental Policy Act (NEPA) documentation. The appropriate USFS line officer selects an alternative (NEPA decision) and approves the final AMP. If the permittee(s) disagrees with the line officer's decision, the permittee(s) retains the opportunity to appeal the decisions as provided in the appeal regulations.

In 1991, a Target Group was chosen that included Edward Ruppel, state geologist from Butte; Pat Currie, a range consultant from Miles City; Don Collins, a biologist from Montana State University; and myself, Paul Hansen, a riparian-wetland ecologist from The University of Montana. The Target Group prepared a draft set of recommendations. After a review of these recommendations by the Core Group, additional riparian-wetland technical information was requested. The Core Group felt this was necessary to support recommendations concerning riparian-wetland management and monitoring. The following discussion represents my recommendations on developing a riparian-wetland grazing management plan for the Upper Ruby Cattle and Horse Grazing Allotment. The same discussion is also applicable to riparian-wetland areas throughout the West.

Background

Although the land area is small, riparian-wetland areas occupy a unique position in the landscape and life of the West with their importance far exceeding their total area. Riparian-wetland areas are important islands of diversity within extensive upland ecosystems. Abundant water, forage, and habitat attract a proportionately greater

amount of use and conflict than their small area would indicate. They are of prime importance to water quality, water quantity, stream stability, and fisheries habitat. They are vital to the livestock grazing industry and many are also well suited for development as high quality agricultural farmland. In addition, many riparian-wetland sites are excellent timber producing sites. Most sites provide critical habitat needs for many species and they support a greater concentration of wildlife species and activities than any other type of location on the landscape (Pfister and Batchelor 1984). Finally, riparian-wetland areas can be considered the "thread" that ties together all the other ecosystems. The importance of these areas as wildlife corridors can not be emphasized enough.

Riparian-wetland areas are defined as the green zones associated with lakes, reservoirs, estuaries, potholes, springs, bogs, fens, wet meadows, and ephemeral, intermittent, or perennial streams. The riparian-wetland zone occurs between the upland or terrestrial zone and the aquatic or deep water zone.

In contrast to their importance, riparian-wetland communities are among the least studied and least understood areas in terms of structure, function, and management. The riparian-wetland zone has often been overlooked, ignored, or considered a minor inclusion of the larger terrestrial or aquatic systems. Impacts from improper grazing, timber harvesting, road construction, and agricultural practices may drastically affect these communities. However, in general, riparian-wetland areas are among the most resilient ecosystems. Depending on the health of the site (condition) and potential of the site, riparian-wetland areas usually respond more quickly to changes in management than do drier upland sites.

Identifying the Problem

The management of livestock grazing in riparian-wetland areas is one of the most difficult and complex issues facing the western rangeland manager today. Kinch (1989) and Clary and Webster (1989) found that in reviewing the literature and in discussions with range managers, it is apparent that no single grazing management system has as yet conclusively proven to result in consistent improvement of degraded riparian-wetland areas throughout western range. Many varying combinations of sites, resource health (condition), and impacts as well as the interaction of many different human perspectives are involved. Therefore, the grazing management strategy designed for an area should be tailored to the conditions, problems, site potential, objectives, and livestock management considerations on a site specific basis that will best meet the resource needs.

Moore and others (1979) summarized it best by stating "From the standpoint of

"Livestock grazing is a compatible use in riparian-wetland areas when the functions of the riparian system (sediment filtering, streambank building, water storage, aquifer recharge, energy dissipation during storm events, etc.), potential of the site, and the needs of the riparian vegetation guide the development of the grazing management strategy."

achieving livestock management objectives and minimizing soil, vegetation and water quality impacts, grazing management plans will vary. There is no set formula that will identify the type of grazing system or management plan that will be best for any livestock operation or

allotment. Water quality impact will be closely related to soil erosion and sedimentation, associated with vegetation cover and concentration of livestock grazing. The grazing system must be designed on the basis of soil and vegetation capabilities, water quality considerations and livestock and wildlife requirements."

Livestock grazing is a compatible use in riparian-wetland areas when the functions of the riparian system (sediment filtering, streambank building, water storage, aquifer recharge, energy dissipation during storm events, etc.), potential of the site, and the needs of the riparian vegetation guide the development of the grazing management strategy.

Developing Management Objectives

Grazing management based only on objectives related to nonriparian-wetland areas (uplands) does not usually result in maintenance or improvement of riparian-wetland areas present in the same pasture or allotment. Therefore, where maintenance or improvement of riparian-wetland areas is desired, land use plan, activity plan objectives, and management prescriptions must be determined specifically for the riparian-wetland features while considering the needs of the entire watershed.

The establishment of specific objectives, description of the desired plant community, and selection of key species should be an interdisciplinary effort carried out in close cooperation with the range user. Objectives need to have realistic and attainable goals. They should be dictated by the present condition and trend of the riparian-wetland habitat in relation to management goals, the resource potential for change, and the importance of other resource values. Major considerations in establishing management objectives in riparian-wetland areas should include the following (Kinch 1989):

Vegetation

1. The potential of the site (e.g., the riparian-wetland plant association).
2. The desired plant community.
 - If the potential of the site is woody vegetation, then the health and reproduction of woody vegetation should receive equal consideration as the herbaceous vegetation (depending on the riparian-wetland

objectives). If one of the objectives for a riparian-wetland area is streambank stability, then woody vegetation vigor should be of utmost importance due to the vastly different streambank stability protection afforded by the woody vegetation when compared to the herbaceous vegetation.

- The development and/or maintenance of different age classes (e.g., seedlings, saplings, poles, and mature for trees; seedlings, saplings, and mature age classes for shrubs) of the key woody plant species on the site in order to maintain a viable plant community. (Once again, only if the potential of the site is for woody vegetation.)

- The type of vegetation cover necessary to minimize trampling damage and reduce the erosive effects of run-off events.

- The vegetation structure necessary for wildlife cover diversity.

3. The stabilization of streambanks and elimination of bank hoof shearing.

4. The value of the site for forage production.

5. The amount of vegetation stubble required to trap and hold sediment deposits during run-off events to rebuild streambanks and restore/recharge aquifers. It is important to realize that on streams with high gradients and low silt loads, it is more difficult to improve them than those with low gradients and high silt loads (e.g., mud management).

Water Quality/Quantity Issues

1. Raising the elevation of the present water table.

2. The improvement or maintenance of water quality and quantity or change in the timing of the flow.

Streambank Stability

1. The establishment of proper stream channels, streambanks, and floodplain conditions and functions.

2. The maintenance of long term adjustment processes which may affect channel/riparian-wetland zone conditions. These processes include sediment deposition, streambank development, floodplain development, and stream dynamics (meandering).

Wildlife

1. The improvement or maintenance of the fishery habitat.

2. The importance of the riparian-wetland community to riparian-wetland dependent wildlife and to wildlife species that occur primarily on upland sites but are periodically attracted to riparian-wetland areas.

Other

1. The aesthetic values of a healthy riparian-wetland zone.

2. The period of time which is acceptable or necessary for riparian-wetland rehabilitation/restoration.

3. The reduction of upland erosion and stream sediment load and the maintenance of soil productivity.

The proper management of livestock grazing in riparian-wetland areas requires a recognition that:

- grazing management practices which improve or maintain upland sites may not be good management practice for riparian-wetland areas, and
- season-long grazing is not a viable option to improve deteriorated riparian-wetland areas or to maintain a healthy riparian-wetland zone. Grazing management must provide for an adequate cover and height of vegetation on the streambanks and overflow zones to permit the natural stream functions (e.g., sediment filtering, streambank building, flood energy dissipation, aquifer recharge, and water storage) to operate successfully.

Developing the Monitoring Plan

Key Areas

As objectives are considered and developed for riparian-wetland areas, key areas for monitoring must be located in representative portions of the riparian-wetland areas as well as in the uplands. These key areas will serve as the location where appropriate monitoring will be conducted and where decisions will be made as to whether management objectives are being met or not. Key areas must possess (or have the potential to produce) all the specific elements in the objective(s) because these will provide data for evaluation of management efforts. In many cases, it is appropriate to select the key areas first and then develop objectives specific to each.

Key Species

Key species will vary with the potential of each individual site. Key species should be selected which are necessary to the operation of the natural stream functions. The type of vegetation present will affect channel roughness and the dissipation of stream energy. Willows and other large woody vegetation (trees) filter large water-borne organic material, and their root systems provide streambank stabilization. Sedges, rushes, grasses, and forbs capture and filter out the finer materials while their root masses help stabilize streambanks and colonize filtered sediments. On sites where the potential exists for both woody and herbaceous vegetation, the cumulative effect of plant diversity greatly enhances stream function. Finally, it is essential that the physiological and ecological requirements of the key wood species, along with key herbaceous species, be understood so that a proper management program can be designed. This includes determining the effects of grazing/browsing on the particular growth characteristics of the species involved.

Utilization Guidelines

Utilization targets guidelines are a tool that can be used to help insure that long-term objectives are met. Utilization can be monitored annually, or more often, whereas progress in reaching long-term resource objectives such as streambank stabilization, rebuilding of the streamside aquifer, and the re-establishment of beaver, fish, or moose habitat can only be determined over a longer period of time. The accomplishment of these long term objectives relates directly or indirectly to the need to leave a certain amount of vegetation available for other uses (soil stabilization, trapping sediment, wildlife cover, or forage, etc.,). Utilization monitoring provides a means of insuring that the necessary amount of vegetation is left to protect the site and provide for reaching other vegetation-dependent objectives.

The establishment of utilization targets for riparian-wetland key plant species and the management of grazing to insure these targets are met are critical factors involved in proper riparian-wetland area management. It is important to remember that without proper livestock distribution, utilization targets in riparian-wetland zones will usually be reached much sooner than those in adjacent uplands. The establishment of utilization targets requires that the manager know the growth habitats and characteristics of the important plant species for which they are managing and how the plant species respond to grazing and browsing.

The manager must know the characteristics, preferences, and requirements of the grazing/browsing animals. Therefore, utilization targets should be developed for riparian-wetland areas that:

- Will maintain both herbaceous species and woody species (where present) in a healthy and vigorous state and promote their ability to reproduce and maintain different age classes in the desired riparian-wetland plant community.
- Will leave sufficient plant residue necessary to protect streambanks during run-off events and provide for adequate sediment

filtering, and dissipation of flood water energy.

- Are consistent with other resource values and objectives (e.g., aesthetics, water quality, water quantity, wildlife populations, etc.,).
- Will limit streambank shearing and trampling to acceptable levels.

In many instances, proper utilization guidelines can only be derived over time through trial and error by monitoring, analyzing, and evaluating the results. Initial results may be different than expected. The manager should not hesitate to make changes in key species or utilization guidelines where required to meet objectives.

When establishing utilization targets to ensure riparian-wetland area improvements, guidelines should be considered that will provide a margin of safety for those years when production is less than average (Riparian Habitat Committee 1982). This could take the form of reduction in the utilization targets for both riparian-wetland and upland areas to provide additional carryover forage and vegetation necessary for streambank protection and sediment filtering. The importance of providing for adequate vegetation vigor and regeneration at the end of the growing season can not be emphasized enough.

Finally, due to the variation in riparian-wetland sites and management, one standard utilization target is not appropriate. However, utilization should be considered, together with regrowth potential, to ensure the presence of vegetation stubble necessary to the operation of natural stream functions or accomplishment of other land use objectives.

Compliance And Supervision

Range management in riparian-wetland areas will require a greater level of management because livestock are attracted to riparian-wetland areas during certain seasons. Resource managers must work closely with users to insure that alternate water sources are functional, that fences are

maintained, that salt and supplements are located as required in the management plan, that essential riding and herding is done, that livestock are in the proper pasture at the proper time, and that the necessary vegetation stubble is left. It only takes a few weeks of unauthorized use or overgrazing to set back years of progress in improvements of riparian-wetland systems. Myers (1981) states "that compliance with grazing systems is critical. When livestock are moved from a management pasture, it is commonplace for a few animals to be overlooked. In one stream, annual use by a few head of unauthorized livestock throughout most of the hot season period has nullified positive riparian-wetland habitat responses in an otherwise excellent grazing systems." Therefore, compliance is one of the key issues in proper riparian-wetland management.

Steps Necessary for a Successful Management Plan

The following steps are necessary in order to have a successful riparian-wetland grazing management plan (Kinch 1989, Skovlin 1984):

1. The grazing management designed for an area must be tailored to a particular site or stream reach. The management plan should include the following: a) determine the site potential(s), b) determine the existing vegetation type(s) (community type[s]), and c) determine the desired plant community or desired future condition. Determine the current health (e.g., condition) of the site or stream reach. Identify the factors contributing to undesirable habitat conditions (if applicable). Grazing must be managed to leave sufficient vegetation stubble on the banks and overflow zones to permit the natural functions of the stream to operate successfully. Define realistic and attainable management objectives for the site or stream reach. Those involved in the management of the area including the livestock user and the involved public (if applicable) should understand and agree on the problems and objectives to be addressed, as well as understand the changes which can occur, and how they can benefit from proper management and improvements in the riparian-wetland conditions. All parties

involved need to share the commitment to achieve the management objectives. Rangeland rest should be employed wherever and whenever possible. Implement the management plan. Design a monitoring plan that will evaluate the effectiveness of the management plan. Monitor the site or the stream reach over time. Grazing management must be flexible enough to accommodate changes based on experience. Mistakes need to be documented and not repeated elsewhere. Once the management is in progress, the most important element is frequent use of supervision. This is necessary to foresee and avoid adverse impacts (e.g., trampling damage to streambanks and excessive utilization). Determine the outcome of the management plan. If it is successful, then proceed with the existing management plan. If the plan was either a partial or complete failure, then modify the management objectives.



Literature Cited

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Moore, E., E. James, F. Kinsinger, K. Pitney, and J. Samsbury. 1979. Summary of best management practices for minimizing or preventing adverse water quality impacts. *In: Livestock Grazing Management and Water Quality Protection (State of the Art Reference Document)*. EPA Publication 9190/9-79-67. Denver, CO. pp. 13-199.

Myers, Lewis. 1981. Grazing on stream riparian habitats in southwestern Montana. Proceedings of the Montana Chapter, Wildlife Society, Great Falls, MT.

Pfister, Robert D., and Ronald F. Batchelor. 1984. Montana riparian vegetation types. *Western Wildlands* 9(4):19-23. School of Forestry, University of Montana, Missoula, MT.

Riparian Habitat Committee--Western Division American Fisheries Society. 1982. The best management practices for the management and protection of western riparian stream ecosystems. American Fisheries Society, Western Division. 45 p.

Skovlin, J. M. 1984. Impacts of grazing on wetlands and riparian habitat: A review of our knowledge. *In: Developing Strategies for Rangeland Management*. Westview Press, Boulder, CO. pp. 1001-1104.

*"When man obliterates wilderness,
he repudiates the evolutionary force
that put him on this planet. In a deeply
terrifying sense man is on his own."
David Brower*

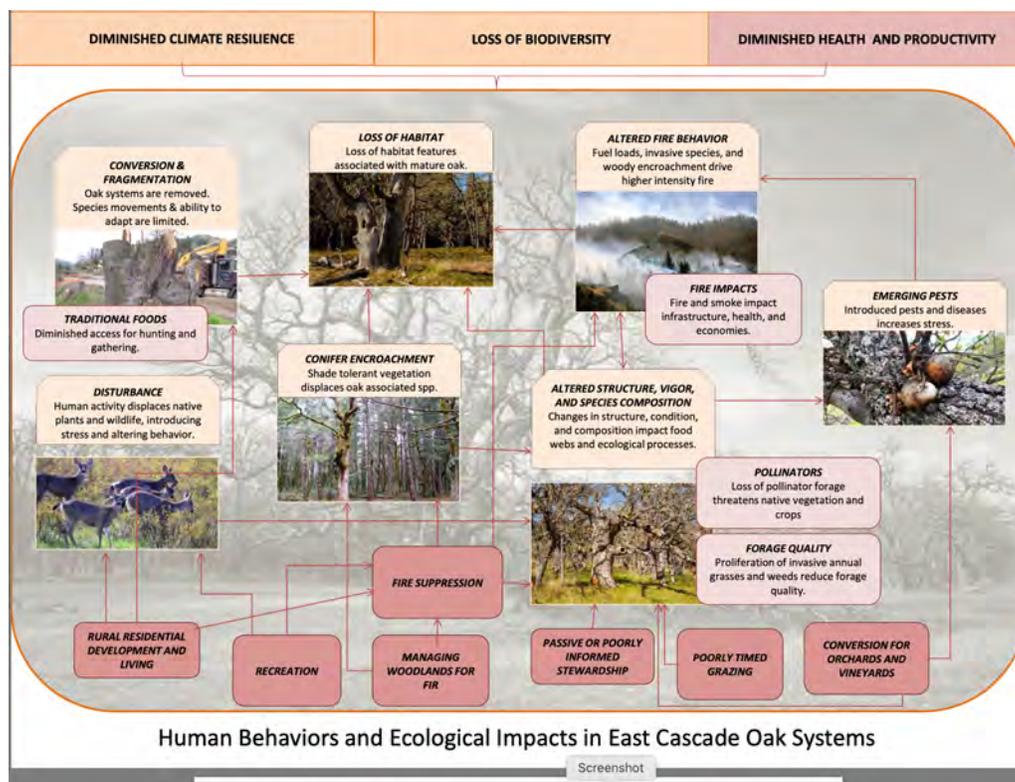
Appendix D:

East Cascades Oak Partnership update for September 2020 Watershed Council meeting

The East Cascades Oak Partnership (ECOP) is a group of people collaborating to leverage resources, share knowledge, and implement conservation strategies that will help protect vulnerable oak habitats, encouraging more sustainable human interactions and improving outcomes for people, oaks and wildlife. The partnership recognizes that relationships between public, private, tribal and nonprofit organizations and individuals are essential to protecting and restoring oak habitats in the region.

Over the past three years ECOP has been working on the development of a strategic action plan. The strategic plan effort has the support of over 150 partners, representing 29 public and private organizations and businesses, as well as dozens of private land owners. The result of the strategic planning process is that partners have agreed to focus our strategies around five high priority actions that are guiding the future direction of the group.

1. Protect the most intact, functional oak systems, connectivity and climate resiliency corridors on the landscape and manage for ecological stewardship
2. Establish and distribute best management practices to support positive outcomes in oak systems while advancing other private landowner management goals.
3. Develop conservation projects on a strong research, monitoring, and adaptive management framework.
4. Advocate for oak systems experiencing fir encroachment in existing fuels reduction program funding allocations, expand funding and partner capacity to implement release activities
5. Build and expand outreach and incentive programs that support oak system stewardship by rural residential landowners in core conservation areas, connectivity corridors, and buffers.



Addendum to Czerniecki Comments:

October 6, 2020

1. An additional component of my objection to the proposed development plan is the reference to the *50 foot diameter* ground pen. The reference to this pen in the farm management plan is: "It can be taken apart and moved in about 20 minutes so it probably will be moved for some reason or another". This round pen is a structure and the vague reference to be moved for some reason or another is inadequate. It would be assumed that in a Farm Management Plan, there would be a clear idea of how the pen would be used, what criteria would be considered to move the pen, and where it might be moved to. Even if some flexibility is required the development plan and the farm management plan should define where it might be moved to and under what conditions it might be moved. This would allow individuals to comment on the impact of this structure.



Brent Bybee <brentb@co.wasco.or.us>

921-19-000193-PLNG Fencing Question

Donnermeyer, Christopher -FS <christopher.donnermeyer@usda.gov>
To: Brent Bybee <brentb@co.wasco.or.us>

Tue, Jun 15, 2021 at 8:59 AM

Hi Brent,

Since the railroad posts will require excavation, an archaeological monitor will need to be hired by the applicant. No monitoring will be needed for installation of t-posts.

Thanks,

Chris



Chris Donnermeyer, MA, RPA
Heritage Program Manager

Forest Service

Columbia River Gorge National Scenic Area

p: 541-308-1711

c: 541-288-8027
christopher.donnermeyer@usda.gov

902 Wasco Ave. Suite 200
Hood River, OR 97031
www.fs.fed.us



Caring for the land and serving people

From: Brent Bybee <brentb@co.wasco.or.us>
Sent: Monday, June 7, 2021 8:23 AM
To: Donnermeyer, Christopher -FS <christopher.donnermeyer@usda.gov>
Subject: [External Email]Fwd: 921-19-000193-PLNG Fencing Question

[External Email]

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Will S <wills@co.wasco.or.us>

Wasco Co., 02N 11E 11 #2200; RE: Notice of Land Use Action - Lopez

BROWN Jevra <jevra.brown@state.or.us>

Thu, Jul 2, 2020 at 4:32 PM

To: Will S <wills@co.wasco.or.us>

Cc: TAYLOR Clara <clara.taylor@state.or.us>, EVANS Daniel <Daniel.Evans@state.or.us>, HARTMAN Heidi <heidi.m.hartman@state.or.us>, "jensis@co.wasco.or.us" <jensis@co.wasco.or.us>

Hi Will,

We have some history with this property. We have previous WLUNs for a horse barn and associated structures: WN2018-0267, WN2018-0397, and WN2019-0125. Please check the location of the proposed house and associated structures against the SWI mapping and submit a WLUN if appropriate.

Stay home, stay healthy,

Jevra Brown, Aquatic Resource Planner

Department of State Lands

Office (M-W) 503-986-5297; cell (Th-F) 503-580-3172; fax 503-378-4844

Have you heard about the Statewide Wetlands Inventory update? [Learn More!](#)

Messages to and from this e-mail address may be available to the public under Oregon Public Record Law.

Most of the Department of State Lands staff is currently teleworking to help prevent the spread of COVID-19.

Customer Satisfaction Survey open until Monday June 29th

Agencywide: <https://www.surveymonkey.com/r/OregonDSL>

ARM: https://www.surveymonkey.com/r/DSL_waters

From: Will S <wills@co.wasco.or.us>

Sent: Thursday, July 2, 2020 8:54 AM

To: Cindy Miller <millerc@nwasco.k12.or.us>; Mike Renault <mike.renault@mosierfire.com>; jeffd@wascoelectric.com; EVANS Daniel <Daniel.Evans@state.or.us>; BROWN Jevra <jevra.brown@dsl.state.or.us>; Lane Magill <lanem@co.wasco.or.us>; scottw@co.wasco.or.us

Subject: Fwd: Notice of Land Use Action - Lopez

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

From: **Jensi Smith** <jensis@co.wasco.or.us>

Date: Thu, Jul 2, 2020 at 8:34 AM

Subject: Notice of Land Use Action - Lopez

To: Nicole Bailey <nicoleba@ncphd.org>, Jaime Solars <jaimes@co.wasco.or.us>, Jesus Elias <Jesuse@ncphd.org>, Teri Thalhofer <TeriT@ncphd.org>, Building Codes <buildingcodes@co.wasco.or.us>, Jill Amery <jilla@co.wasco.or.us>, Adam Fourcade <adamf@co.wasco.or.us>, Melanie Brown <melanieb@co.wasco.or.us>, Marci Beebe <marcib@co.wasco.or.us>, Brandon Jones <brandonj@co.wasco.or.us>, Sheridan McClellan <sheridanm@co.wasco.or.us>, Arthur Smith <arthurs@co.wasco.or.us>, Jayme Kimberly <jaymek@co.wasco.or.us>, WOOD Robert L * WRD <Robert.L.Wood@oregon.gov>, <ykahn@fhco.org>, HARTMAN Heidi

Board of County Commissioners Agenda Packet

BOCC 1 - 107

<heidi.m.hartman@state.or.us>, <shilah.olson@or.nacdn.net>, <Candres@osp.state.or.us>, Sue Vrillakas <sue.vrillakas@pdx.edu>, <jeremy.l.thompson@state.or.us>, <rod.a.french@state.or.us>, DODD Kristin * ODF <Kristin.dodd@oregon.gov>, <kristen.stallman@odot.state.or.us>, <jthomps9999@yahoo.com>, <steve@gorgefriends.org>, Stephanie Krell <stephaniek@co.wasco.or.us>, Tyler Stone <tylers@co.wasco.or.us>, <rshoal@fs.fed.us>, <sacallaghan@fs.fed.us>, <permits@friends.org>, kfitzz77 <kfitzz77@gmail.com>, Gatz, Casey -FS <cgatz@fs.fed.us>, Donnermeyer, Christopher J -FS <cjdonnermeyer@fs.fed.us>, <connie.acker@gorgecommission.org>, <rowapplications@bpa.gov>, MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>, <ODOTR4PLANMGR@odot.state.or.us>, <Patrick.M.Cimmiyotti@odot.state.or.us>, DEHART Brad <bradley.k.dehart@odot.state.or.us>, <scott.peters@odot.state.or.us>, Jacob Powell <jacob.powell@oregonstate.edu>, <nakiaw@nezperce.org>, pat b <keithb@nezperce.org>, <robert.brunoe@ctwsbnr.org>, <THPO@ctwsbnr.org>, <pattyperry@ctuir.org>, Kristen Tiede <kristentiede@ctuir.org>, Sheila Dooley <sdooley3300@yahoo.com>, <casey_barney@yakama.com>, Will S <wills@co.wasco.or.us>, Angie Brewer <angieb@co.wasco.or.us>

The Wasco County Planning Department has new information which has been updated on the webpage. Please visit the page to view the updated information for the following files. **Please note:** The comment deadline for this action is **4:00 PM, July 17, 2020.**

Lopez	921-19-000193-PLNG	A-2 (80) GMA	Scenic area review for a single family dwelling with accessory structure	2N11E11TL2200	Smith	Notice of Action Comment deadline July 17, 2020 at 4:00 pm
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Wasco County Planning Department Website

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Jensi Smith | Planning Coordinator

PLANNING DEPARTMENT

jensis@co.wasco.or.us | www.co.wasco.or.us

541-506-2697 | Fax 541-506-2561

2705 East Second Street | The Dalles, OR 97058

NOTE: DUE TO COVID-19 CONCERNS THE PLANNING DEPARTMENT IS CURRENTLY RESTRICTING FACE TO FACE ASSISTANCE. WE ARE ACCEPTING APPLICATIONS BY MAIL AND INQUIRIES BY PHONE OR EMAIL UNTIL FURTHER NOTICE. EMAIL IS THE BEST METHOD FOR THE QUICKEST RESPONSE. THANK YOU!

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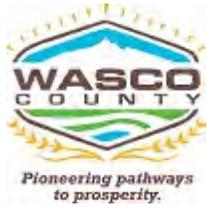
Will Smith, AICP | Senior Planner

PLANNING DEPARTMENT

wills@co.wasco.or.us | www.co.wasco.or.us

7/7/2020

Wasco County Mail - Wasco Co., 02N 11E 11 #2200; RE: Notice of Land Use Action - Lopez



541-506-2560 | Fax 541-506-2561
2705 East Second Street | The Dalles, OR 97058

NOTE: DUE TO COVID-19 CONCERNS THE PLANNING DEPARTMENT IS CURRENTLY RESTRICTING FACE TO FACE ASSISTANCE. WE ARE ACCEPTING APPLICATIONS BY MAIL AND INQUIRIES BY PHONE OR EMAIL UNTIL FURTHER NOTICE.

This correspondence does not constitute a Land Use Decision per ORS 197.015.

It is informational only and a matter of public record.

Planning for the Future. Wasco County 2040.

[Get involved](#)



Will S <wills@co.wasco.or.us>

RE: Notice of Land Use Action Wasco Co, 02N22E11#2200

BROWN Jevra <jevra.brown@state.or.us>
 To: Will S <wills@co.wasco.or.us>
 Cc: Brenda Coleman <brendac@co.wasco.or.us>

Thu, Sep 17, 2020 at 2:00 PM

Hi Will,

You might look at WN2019-0125 for the same site last year. It might be applicable for this activity since the only mapped SWI feature is an intermittent stream/wetland similar to what is represented on submitted site plan...especially if this is the same applicant. If applicant is different then giving them a copy of WN2019-0125 or submitting a new WLUN will be an educational opportunity -

Thanks,

Jevra Brown, Aquatic Resource Planner

Department of State Lands

Cell 503-580-3172

Checking for wetlands and waters? – Use the STATEWIDE WETLANDS INVENTORY

To help prevent the spread of COVID-19 many of the DSL staff are telecommuting.

From: Brenda Coleman <brendac@co.wasco.or.us>
Sent: Thursday, September 17, 2020 10:08 AM

To: Nicole Bailey <nicoleba@ncphd.org>; Jaime Solars <jaimes@co.wasco.or.us>; Jesus Elias <Jesuse@ncphd.org>; Shellie Campbell <shelliec@ncphd.org>; Building Codes <buildingcodes@co.wasco.or.us>; Jill Amery <jilla@co.wasco.or.us>; Adam Fourcade <adamf@co.wasco.or.us>; Melanie Brown <melanieb@co.wasco.or.us>; Marci Beebe <marcib@co.wasco.or.us>; Brandon Jones <brandonj@co.wasco.or.us>; Sheridan McClellan <sheridanm@co.wasco.or.us>; Arthur Smith <arthurs@co.wasco.or.us>; Jayme Kimberly <jaymek@co.wasco.or.us>; Robert.L.Wood@oregon.gov; ykahn@fhco.org; HARTMAN Heidi <Heidi.M.Hartman@dsl.state.or.us>; BROWN Jevra <jevra.brown@dsl.state.or.us>; TAYLOR Clara <clara.taylor@dsl.state.or.us>; shilah.olson@or.nacdnet.net; Candres@osp.state.or.us; Sue Vrilakas <sue.vrilakas@pdx.edu>; THOMPSON Jeremy L <Jeremy.L.Thompson@state.or.us>; FRENCH Rod A <Rod.A.French@state.or.us>; Kristin.dodd@oregon.gov; Kristen Stallman <kristen.stallman@odot.state.or.us>; Jeff Thompson <jthomps9999@yahoo.com>; Steve McCoy <steve@gorgefriends.org>; Stephanie Krell <stephaniek@co.wasco.or.us>; Tyler Stone <tylers@co.wasco.or.us>; Robin Shoal <rshoal@fs.fed.us>; sacallaghan@fs.fed.us; permits@friends.org; Kathleen Fitzpatrick <kfitz77@gmail.com>; Gatz, Casey -FS <cgatz@fs.fed.us>; Donnermeyer, Christopher J -FS <cjdonnermeyer@fs.fed.us>; connie.acker@gorgecommission.org; Bonneville Power <rowapplications@bpa.gov>; Donald.MOREHOUSE@odot.state.or.us; ODOTR4PLANMGR@odot.state.or.us; Patrick Cimmiyotti <Patrick.M.Cimmiyotti@odot.state.or.us>; Bradley DeHart <bradley.k.dehart@odot.state.or.us>; Scott Peters <scott.peters@odot.state.or.us>; jacob.powell@oregonstate.edu; Nakia Williamson <nakiaw@nezperce.org>; Nez Perce Tribe <keithb@nezperce.org>; robert.brunoe@ctwsbnr.org; THPO@ctwsbnr.org; Confed Tribes of Umatilla <pattyperry@ctuir.org>; kristientiede@ctuir.org; Sheila Dooley <sdooley3300@yahoo.com>; casey_barney@yakama.com

Cc: William Smith <wills@co.wasco.or.us>; Angie Brewer <angieb@co.wasco.or.us>; Jensi Smith <jensis@co.wasco.or.us>

Subject: Notice of Land Use Action

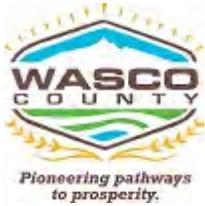
The Wasco County Planning Department has new information which has been updated on the webpage. Please visit the page to view the updated information for the following files. **Please note:** The comment deadline for

Board of County Commissioners Agenda Packet

BOCC 1 - 110

this decision is **4:00 PM, October 7, 2020.**

Lopez	921-19-000193-PLNG AMENDED APPLICATION - Farm Management Plan	A-2 (80) GMA	Scenic area review for a single family dwelling with accessory structure	2N11E11TL2200	Smith	AMENDED Notice of Action Comment deadline October 7, 2020 at 4:00 pm
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Brenda Coleman | Office Assistant

PLANNING DEPARTMENT

brendac@co.wasco.or.us | www.co.wasco.or.us
 541-506-2562 | Fax 541-506-2561
 2705 East Second Street | The Dalles, OR 97058

Email is the best way to reach me! In an effort to prevent, slow, and stop the spread of COVID-19 to our citizens and staff, our office will be limiting business to phone, email and online service. If you are not sure how to access services online, or you have a need that requires in-person assistance, please call our office at 541-506-2560 to discuss. Please keep in mind that response time may vary depending on staffing. Thank you for your patience during this time.

This correspondence does not constitute a Land Use Decision per ORS 197.015. It is informational only and a matter of public record.



July 17, 2020

Will Smith, Senior Planner
Wasco County Department of Planning and Economic Development
2705 East Second Street
The Dalles, Oregon 97058
via email

Re: Adrian Lopez’s application #921-20-000193 to construct a single family dwelling and accessory building, and for after-the-fact approval of a well.

Dear Mr. Smith:

Friends of the Columbia Gorge (“Friends”) has reviewed and submits these comments on the above-referenced application. Friends is a non-profit organization with approximately 6,500 members dedicated to protecting and enhancing the resources of the Columbia River Gorge. Our membership includes hundreds of citizens who reside within the Columbia River Gorge National Scenic Area.

Friends reviews and comments on all land use applications subject to the Wasco County National Scenic Area Land Use and Development Ordinance. These comments are intended to identify application requirements and resource protection standards, provide recommendations to the permitting agency and the public regarding legal requirements, and establish standing.

Requests for after-the-fact approval must be reviewed as if the development has not taken place. Otherwise, landowners have no incentive to properly apply for permits and permittees have an incentive to violate the terms of their permits since relief will be available afterwards. As such, after-the-fact approval must be based upon the conditions on the ground prior to development even in instances of honest mistake.

Application Requirements

Under section 2.080 of the Wasco County National Scenic Area Land Use and Development Ordinance (NSA-LUDO), a complete application is required prior to review. An application must not be accepted until any omissions or deficiencies have been corrected by the applicant. *Id.* Approval of a land use proposal not accompanied by a complete and adequate application violates the county’s scenic area ordinance, denies the public any meaningful opportunity to comment on the proposed development, and results in a decision not based on substantial

evidence. Such a decision is subject to reversal, as held by the Gorge Commission unanimously in the *Eagle Ridge* case. CRGC No. COA-S-99-01 (June 22, 2001). It is similarly unlawful for the County to use conditions of approval to defer the submission of complete and adequate application materials. *Eagle Ridge* at 9–10.

Site Plan Map

Each site plan must contain a map of the project area. NSA-LUDO § 14.020(B) contains a list of specific elements that must be included in site plan maps. Site plan maps must include the following required elements:

- North arrow
- Map scale
- Boundaries, dimensions, and size of the subject parcel
- Location, size, and shape, of all existing and proposed buildings and structures on the subject parcel
- An illustration of the buildings and parking facilities on abutting parcels
- Bodies of water and watercourses
- Location and width and methods of improvement for all existing and proposed roads, driveways, trails and parking areas
- Location of existing and proposed services, including wells or other water supplies, sewage disposal systems, power and telephone poles, and lines, and outdoor lighting
- Location and depth of all proposed grading, filling, ditching, and excavating
- An indication of all existing and proposed point of ingress and egress and whether they are public or private
- Significant terrain features and landforms

Landscaping Plan

Pursuant to NSA-LUDO § 14.020(D), all applications must contain a detailed landscaping plan that must clearly illustrate the following elements:

- The location, height, and species of all existing trees and vegetation, with an indication of any vegetation that would be removed.
- The location, height, and species of individually proposed trees and vegetation groupings.
- The location of automatic sprinkler systems or other irrigation provisions to ensure the survival of any proposed screening vegetation.

Material Samples

All applications must contain material samples for all exterior surfaces of proposed structures, including but not limited to the main portion of each structure, trim or secondary portions, roof, window frames, windowsills, window sashes, doors (including garage doors), and hooding for exterior lighting. NSA-LUDO § 14.020(C)

Elevation Drawings

Pursuant to NSA-LUDO § 14.020(E), applications for new structures must provide elevation drawings showing:

- the appearance of proposed structures, including both natural and finished grade, and
- the geometric exterior of the length and width of structures seen from a horizontal view.

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Grading Plan

For structural development that meets either or both of the following conditions, the application must include a grading plan containing the elements specified by NSA-LUDO § 14.020(F)(3):

- More than 100 cubic yards of grading on slopes exceeding 10 percent. NSA-LUDO § 14.020(F)(1).
- More than 200 cubic yards of grading on a site visible from key viewing areas. NSA-LUDO § 14.020(F)(2).

Without the above-mentioned required information, neither the County nor any other reviewing agency can accurately evaluate the potential impacts of the development. In addition, this information is required in order to afford the public a meaningful opportunity to comment on the proposed development.

Allowed Uses

Accessory Buildings and Structures

Buildings and structures accessory to a dwelling must be incidental and subordinate to the dwelling and located on the same parcel as the dwelling. NSA-LUDO § 1.200 (definition of “accessory structure/building”). All accessory buildings and structures with a footprint of at least 60 square feet, with a height of at least 10 feet, or located within the buffer zone of a riparian area must be reviewed under all applicable rules at NSA-LUDO Chapter 14 (scenic, cultural, natural, and recreational resources). NSA-LUDO § 3.100(E).

In most zones, the height of any individual accessory building must not exceed 24 feet and the combined footprints of all accessory buildings on a parcel must not exceed 1,500 square feet. This combined limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings. **If the parcel is larger than 10 acres and is located within an agricultural or forest zone, the combined footprints of all accessory buildings on the parcel must not exceed 2,500 square feet and the footprint of any individual accessory building must not exceed 1,500 square feet. The accessory structure in the application is listed as 30’x 50’ in one location and 40’x 50’ in another. If the accessory structure is in fact proposed as 40’x 50’, the structure exceeds the 1,500 square foot maximum footprint of any individual accessory building.**

Small-Scale Agriculture Zone

The proposed project is located in a Small-Scale Agriculture zone in the General Management Area. NSA-LUDO § 3.130 specifies which uses are allowed in Small-Scale Agriculture zones.

Only one single-family dwelling is allowed per legally created parcel, and only if the development is consistent with all applicable rules protecting scenic, cultural, natural, and recreational resources. The applicant bears the burden of proving the legality of the parcel and the County has the responsibility of making a determination of the parcel’s legality prior to a decision.

Resource Impact Review

Scenic Resource Protection

NSA-LUDO §§ 14.100 and 14.200 contain the scenic resource protection standards for the General Management Area. Whether or not the parcel is visible from key viewing areas (KVAs),

new buildings and roads must be sited and designed to retain existing topography and to reduce grading to the maximum extent possible. NSA-LUDO § 14.100(B). New buildings must be generally compatible with the general scale of existing nearby development. For purposes of determining compatibility, the height, dimensions (*i.e.*, length, width, and footprint), and visible mass of the proposed building must each be evaluated. NSA-LUDO § 14.100(C).

Key Viewing Areas

The subject parcel may be visible from key viewing areas such as the Historic Columbia River Highway, SR-14, and the Columbia River. If so, then the following rules apply:

- New buildings and roads must be sited so that they are visually subordinate to their settings as seen from KVAs. In determining the least visible site, existing topography and vegetation must be given priority over artificial means of screening. NSA-LUDO § 14.200(R)(4).
- The existing tree cover screening the development area on the subject parcel from KVAs shall be retained except as necessary for site development or fire safety purposes. NSA-LUDO § 14.200(H).
- New buildings and roads must be sited and designed to minimize grading activities and visibility of cut banks and fill slopes from KVAs. NSA-LUDO § 14.200(D).
- The County must evaluate all aspects of the development, including size, height, shape, color, reflectivity, landscaping, and siting, to ensure that the development will be visually subordinate. NSA-LUDO § 14.200(A)(2).
- Exterior colors must be dark earth-tones found at the specific site or in the surrounding landscape. Actual specific colors meeting this standard must be proposed in the land use application. Colors that are not expressly approved by a land use decision may not be used. 14.200(I).
- The County must evaluate the number of KVAs from which the development site is visible; the amount of area of the building site exposed to KVAs; the degree of existing vegetation providing screening; the distance from the building site to the KVAs; and, for linear KVAs such as roads, the linear distance along which the site is visible. NSA-LUDO § 14.200(A)(1).
- The County must evaluate the potential cumulative visual effects of the proposed development. NSA-LUDO § 14.200(L). This includes evaluation of past, present and likely future actions. Individually insignificant but cumulatively significant actions must be evaluated and cumulative adverse impacts must be avoided. 16 USC 544(a)(3).
- New buildings are not allowed on sites with slopes greater than 30 percent. NSA-LUDO § 14.200(H).
- The silhouette of new buildings must remain below the skyline of bluffs, cliffs, or ridges as seen from KVAs. NSA-LUDO § 14.200(E).
- Unless the building site is fully screened from all key viewing areas by existing topography, building materials must be nonreflective or low-reflective. NSA-LUDO § 14.200(J).

New development must be sited on the parcel in the location that best achieves visual subordination as seen from KVAs, using existing topography and vegetation for screening before requiring new screening measures.

If the proposed development cannot be conditioned to ensure that the development will achieve visual subordination, then the County must deny the application. This requirement was upheld by

the Oregon Supreme Court in its ruling in Friends of the Columbia Gorge v. Columbia River Gorge Comm'n, 346 Or 366, 213 P3d 1164 (2009) (“If the applicant does not or cannot sufficiently alter the proposal to satisfy the [scenic resource protection guidelines], permission to carry out the proposed activity must be denied”). Consequently, if the project would reduce visibility “to the maximum extent practicable” but not achieve visual subordination the application must be denied.

Landscape Setting

NSA-LUDO § 14.400 specifies the standards for compatibility of development with the landscape setting in the GMA. Generally, new development in all landscape settings must be compatible with the general scale (height, dimensions, overall mass) of similar development in the vicinity.

This development is proposed in an Oak-Pine Woodland landscape setting. If the parcel is visible from KVAs, at least half of all new screening trees must be native and coniferous. For portions with fewer trees, (1) structures must be sited on portions of the property that provide maximum screening from KVAs, using existing topographic features; (2) patterns of screening vegetation plantings must match the character of the surrounding area; and (3) buildings and roads must be clustered together, particularly toward the edges of existing open areas. Structure height must remain below the tree canopy level. NSA-LUDO § 14.400(C).

Natural Resource Protection

Cumulative Adverse Effects

The County must determine if there would be “[a] reasonable likelihood of more than moderate adverse consequence for the scenic, cultural, recreation or natural resources of the scenic area” considering the context of the proposal, the intensity of the proposal (including magnitude, duration, and likelihood of reoccurrence), other similar actions that may cumulatively lead to “more than moderate adverse consequences,” and any proposed mitigation measures. NSA-LUDO § 1.200 (Definition of “Adversely affect or Adversely affecting”). No adverse effects to wetlands, streams, ponds, lakes, and riparian areas, and their buffer zones are allowed. NSA-LUDO §§ 14.600(A)(7), (B)(6). In addition, there may be no adverse effects to sensitive plants and wildlife areas within 1000 feet of the project area. NSA-LUDO §§ 14.600(C)(3)(i), (D)(3)(d).

Water Resources

NSA-LUDO § 14.600 contains the standards for projects that may affect streams, ponds, lakes, wetlands, or other riparian areas in the General Management Area. If one or more of these resources is present on or adjacent to the subject parcel, then the applicant must determine the *exact* location of the water resource boundary. NSA-LUDO §§ 14.600(A)(2)(c), (B)(2)(b). In addition, the following buffer zones apply:

- Perennial streams: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1). A perennial stream is a stream that flows year-round during years of normal precipitation. NSA-LUDO § 1.200.
- Special streams: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1). A special stream is a stream that is a primary water supply for a fish hatchery or rearing pond. NSA-LUDO § 1.200.
- Intermittent streams used by anadromous or resident fish: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1).

- Intermittent streams not used by anadromous or resident fish: 50 feet. NSA-LUDO § 14.600(B)(2)(a)(2).
- Wetlands, lakes, and ponds in forest vegetation communities: 75 feet. NSA-LUDO § 14.600(A)(3)(c)(1). A forest vegetation community is characterized by trees with an average height of at least 20 feet, along with a shrub component. The trees and shrubs must form a canopy cover of at least 40 percent. NSA-LUDO § 14.600(A)(3)(b)(1).
- Wetlands, lakes, and ponds in shrub vegetation communities: 100 feet. NSA-LUDO § 14.600(A)(3)(c)(2). A shrub vegetation community is characterized by shrubs and trees with an average height between 3 feet and 20 feet. The trees and shrubs must form a canopy cover of at least 40 percent. NSA-LUDO § 14.600(A)(3)(b)(2).
- Wetlands, lakes, and ponds in herbaceous vegetation communities: 150 feet. NSA-LUDO § 14.600(A)(3)(c)(3). A herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and nonwoody vines. NSA-LUDO § 14.600(A)(3)(b)(3).

Buffer zones must be untouched and maintained in their natural condition. NSA-LUDO §§ 14.600(A)(3)(d), (B)(2)(d).

Sensitive Wildlife Resources

NSA-LUDO § 14.600(C) contains the standards for projects in the GMA that may affect sensitive wildlife resources. The first step is for the County to determine whether the project is proposed within 1,000 feet of a sensitive wildlife area or site. This includes the following areas:

- habitat for wildlife species that are listed as endangered, threatened, sensitive, or candidate by the federal government or by the State of Oregon
- habitat for elk, mountain goat, great blue heron, osprey, golden eagle, or prairie falcon
- deer and elk winter range
- pika colony areas
- waterfowl areas
- shallow water fish habitat in the Columbia River
- sturgeon spawning areas
- tributary fish habitat
- streams that are primary water supplies for fish hatcheries or rearing ponds
- wetlands, mudflats, shallow water, or riparian vegetation that have high values for waterfowl, shorebirds, raptors, songbirds, upland game, and reptiles

NSA-LUDO §§ 1.200 (definition of “sensitive wildlife species”), 14.600(C)(1)(b).

If the proposed project is within 1,000 feet of one of these areas, the County must transmit the application to the Oregon Department of Fish and Wildlife, which will review the application to determine the precise locations of wildlife habitat and activities, as well as potential impacts to wildlife areas or sites. As part of its review, Oregon DFW may in its discretion conduct site visits. NSA-LUDO § 14.410(C)(3).

If the County, in consultation with ODFW, concludes that the proposed project is likely to adversely affect a sensitive wildlife area or site and that the impacts cannot be eliminated through site plan modifications or project timing, then the applicant must prepare a wildlife management plan. NSA-LUDO § 14.410(C)(5). The plan will provide a basis for the applicant to redesign the project in a manner that protects sensitive wildlife areas and sites, maximizes his or her development options, and mitigates temporary impacts to the wildlife area or buffer zone. *Id.*

A wildlife management plan, prepared by a professional biologist hired by the applicant, includes the following:

- relevant background, such as biology of the species, characteristics of the subject parcel, and regulatory protection and management guidelines
- delineation of core habitat
- wildlife buffer zones
- an indication of the size, scope, configuration or density, and timing of all new uses within core habitat
- rehabilitation and enhancement actions
- a 3-year monitoring plan for federal or state listed species

Id.

Fences

Pursuant to NSA-LUDO § 14.600(C), new fences in deer and elk winter range are allowed only where necessary to control livestock or pets, or to exclude wildlife from specific areas, such as gardens. Fenced areas must be the minimum necessary to meet the needs of the project applicant. **If the proposed fence is in deer and elk winter range, the top wire must be no more than 42 inches high**, the distance between the two top wires must be at least 10 inches apart, the bottom wire must be at least 16 inches above the ground and must consist of smooth wire, stays or braces must be placed between fence posts to create a more rigid fence, and woven wire may not be used as fencing material. Applicants must demonstrate a specific need for any variance from these rules.

Sensitive Plant Species

NSA-LUDO § 14.600(D) contains the standards for projects in the GMA that may affect sensitive plant resources. The first step is for the County to determine whether the project is proposed within 1,000 feet of a sensitive plant species. This includes the following plant species:

- species endemic to the Columbia River Gorge and vicinity
- species listed as endangered or threatened by federal or state authorities, including the Oregon Natural Heritage Program

NSA-LUDO §§ 1.200 (definition of “sensitive plant species”), 14.600(D)(1)(a).

If the proposed project is within 1,000 feet of such a species, the next step is for the applicant to prepare a more detailed site plan map at a scale of at least one inch equals 100 feet (1:1,200). NSA-LUDO § 14.600(D)(4)(a). The County must transmit the more detailed map to the Oregon Natural Heritage Program, which will review the application to determine if the project could affect sensitive plants. ONHP must identify the precise location of the affected plants and must delineate a 200-foot buffer zone to protect these plants. NSA-LUDO § 14.600(D)(4)(c)(2). Buffer zones must be maintained in an undisturbed, natural condition.

If one of the following uses is proposed, then a field survey must be prepared by a professional wildlife biologist hired by the applicant:

- **communications, water and sewer, and natural gas transmission lines, pipes, etc.**
- NSA-LUDO § 14.410(C)(4)(b).

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Cultural Resource Protection

Pursuant to the Oregon Supreme Court ruling in Friends of the Columbia Gorge v. Columbia River Gorge Comm'n, 346 Or 366, 213 P3d 1164 (2009), County land use decisions must protect against cumulative adverse effects to cultural resources. Pursuant to this ruling, the County must review whether the proposed development would contribute to cumulative adverse impacts to cultural resources. This includes evaluation of past, present and likely future actions. Individually insignificant but cumulatively significant actions must be evaluated and cumulative adverse impacts must be avoided.

NSA-LUDO § 14.500 contains the standards for protection of cultural resources in the General Management Area.

If a use is proposed within 500 feet of a known cultural resource, the Gorge Commission is responsible for preparing a cultural resource reconnaissance survey and report. NSA-LUDO § 14.500(B)(3). For any other small-scale use, a reconnaissance survey need not be prepared if the area has a low probability of containing cultural resources, as determined by the Columbia River Gorge Commission and United States Forest Service. Reconnaissance surveys and reports must comply with the standards found at NSA-LUDO § 14.500(C).

Significant Cultural Resources

If a cultural resource is identified, it must be evaluated for significance. NSA-LUDO § 14.500(D)(2). If the resource is determined to be significant, the County must determine whether the project is likely to adversely affect the resource. NSA-LUDO § 14.500(D)(4). If the County concludes that the project would have an adverse effect on a significant cultural resource, then a mitigation plan must be prepared and reviewed pursuant to section 14.500(F).

Conditions of Approval

All conditions of approval must be entered into the deeds of the affected parcels and registered with the county.

Conclusion

Thank you for this opportunity to comment.

Sincerely,



Steven D. McCoy
Staff Attorney



October 7, 2020

Will Smith, Senior Planner
Wasco County Department of Planning and Economic Development
2705 East Second Street
The Dalles, Oregon 97058
via email

Re: Adrian Lopez's revised application #921-19-000193 to construct a single family dwelling and agricultural building, and for after-the-fact approval of a well.

Dear Mr. Smith:

Friends of the Columbia Gorge ("Friends") has reviewed and submits these comments on the above-referenced application. Friends is a non-profit organization with approximately 6,500 members dedicated to protecting and enhancing the resources of the Columbia River Gorge. Our membership includes hundreds of citizens who reside within the Columbia River Gorge National Scenic Area.

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evidence. Such a decision is subject to reversal, as held by the Gorge Commission unanimously in the *Eagle Ridge* case. CRGC No. COA-S-99-01 (June 22, 2001). It is similarly unlawful for the County to use conditions of approval to defer the submission of complete and adequate application materials. *Eagle Ridge* at 9–10.

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- North arrow
- Map scale
- Boundaries, dimensions, and size of the subject parcel
- Location, size, and shape, of all existing and proposed buildings and structures on the subject parcel
- An illustration of the buildings and parking facilities on abutting parcels
- Bodies of water and watercourses
- Location and width and methods of improvement for all existing and proposed roads, driveways, trails and parking areas
- Location of existing and proposed services, including wells or other water supplies, sewage disposal systems, power and telephone poles, and lines, and outdoor lighting
- Location and depth of all proposed grading, filling, ditching, and excavating
- An indication of all existing and proposed point of ingress and egress and whether they are public or private
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- The location, height, and species of individually proposed trees and vegetation groupings.
- The location of automatic sprinkler systems or other irrigation provisions to ensure the survival of any proposed screening vegetation.

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Pursuant to NSA-LUDO § 14.020(E), applications for new structures must provide elevation drawings showing:

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- the geometric exterior of the length and width of structures seen from a horizontal view.

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Grading Plan

For structural development that meets either or both of the following conditions, the application must include a grading plan containing the elements specified by NSA-LUDO § 14.020(F)(3):

- More than 100 cubic yards of grading on slopes exceeding 10 percent. NSA-LUDO § 14.020(F)(1).
- More than 200 cubic yards of grading on a site visible from key viewing areas. NSA-LUDO § 14.020(F)(2).

Without the above-mentioned required information, neither the County nor any other reviewing agency can accurately evaluate the potential impacts of the development. In addition, this information is required in order to afford the public a meaningful opportunity to comment on the proposed development.

Allowed Uses

Small-Scale Agriculture Zone

The proposed project is located in a Small-Scale Agriculture zone in the General Management Area. NSA-LUDO § 3.130 specifies which uses are allowed in Small-Scale Agriculture zones. Only one single-family dwelling is allowed per legally created parcel, and only if the development is consistent with all applicable rules protecting scenic, cultural, natural, and recreational resources. The applicant bears the burden of proving the legality of the parcel and the County has the responsibility of making a determination of the parcel's legality prior to a decision.

Agricultural buildings and structures must be located on a farm or ranch; must be proposed in conjunction with a **current** agricultural use; and must be used for the storage, repair, and maintenance of farm equipment and supplies, or for the raising and/or storage of crops and livestock. NSA-LUDO § 1.200 (definition of "agricultural structure/building"), NSA-LUDO § 3.120(D)(3), (D)(4). An "agricultural use," as defined at NSA-LUDO § 1.200, means the current employment of land for the primary purpose of obtaining a monetary profit by one or more of the following practices:

- the raising, harvesting, and selling of crops, including Christmas trees;
- the feeding, breeding, management, and sale or production of livestock, poultry, fur-bearing animals or honeybees (not including livestock feed lots);
- dairying and the sale of dairy products;
- any other agricultural or horticultural use.

Pursuant to NSA-LUDO § 3.120(D)(4), the size of agricultural buildings must not exceed the size needed to serve the current agricultural use (and, if applicable, any proposed agricultural uses). All applications for agricultural buildings must contain the following information:

- A description of the size and characteristics of current agricultural uses.
- If any new agricultural uses are proposed, a plan specifying the types, locations, and schedules of such uses and details regarding any agricultural structures that would support the uses.
- A floor plan showing the intended uses of the agricultural building (*e.g.*, space for equipment, supplies, agricultural products, livestock).

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Resource Impact Review

Scenic Resource Protection

NSA-LUDO §§ 14.100 and 14.200 contain the scenic resource protection standards for the General Management Area. Whether or not the parcel is visible from key viewing areas (KVAs), new buildings and roads must be sited and designed to retain existing topography and to reduce grading to the maximum extent possible. NSA-LUDO § 14.100(B). New buildings must be generally compatible with the general scale of existing nearby development. For purposes of determining compatibility, the height, dimensions (*i.e.*, length, width, and footprint), and visible mass of the proposed building must each be evaluated. NSA-LUDO § 14.100(C).

Key Viewing Areas

The subject parcel may be visible from key viewing areas such as the Historic Columbia River Highway, SR-14, and the Columbia River. If so, then the following rules apply:

- New buildings and roads must be sited so that they are visually subordinate to their settings as seen from KVAs. In determining the least visible site, existing topography and vegetation must be given priority over artificial means of screening. NSA-LUDO § 14.200(R)(4).
- The existing tree cover screening the development area on the subject parcel from KVAs shall be retained except as necessary for site development or fire safety purposes. NSA-LUDO § 14.200(H).
- New buildings and roads must be sited and designed to minimize grading activities and visibility of cut banks and fill slopes from KVAs. NSA-LUDO § 14.200(D).
- The County must evaluate all aspects of the development, including size, height, shape, color, reflectivity, landscaping, and siting, to ensure that the development will be visually subordinate. NSA-LUDO § 14.200(A)(2).
- Exterior colors must be dark earth-tones found at the specific site or in the surrounding landscape. Actual specific colors meeting this standard must be proposed in the land use application. Colors that are not expressly approved by a land use decision may not be used. 14.200(I).
- The County must evaluate the number of KVAs from which the development site is visible; the amount of area of the building site exposed to KVAs; the degree of existing vegetation providing screening; the distance from the building site to the KVAs; and, for linear KVAs such as roads, the linear distance along which the site is visible. NSA-LUDO § 14.200(A)(1).
- The County must evaluate the potential cumulative visual effects of the proposed development. NSA-LUDO § 14.200(L). This includes evaluation of past, present and likely future actions. Individually insignificant but cumulatively significant actions must be evaluated and cumulative adverse impacts must be avoided. 16 USC 544(a)(3).
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New development must be sited on the parcel in the location that best achieves visual subordination as seen from KVAs, using existing topography and vegetation for screening before requiring new screening measures.

If the proposed development cannot be conditioned to ensure that the development will achieve visual subordination, then the County must deny the application. This requirement was upheld by the Oregon Supreme Court in its ruling in Friends of the Columbia Gorge v. Columbia River Gorge Comm'n, 346 Or 366, 213 P3d 1164 (2009) (“If the applicant does not or cannot sufficiently alter the proposal to satisfy the [scenic resource protection guidelines], permission to carry out the proposed activity must be denied”). Consequently, if the project would reduce visibility “to the maximum extent practicable” but not achieve visual subordination the application must be denied.

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Natural Resource Protection

Cumulative Adverse Effects

The County must determine if there would be “[a] reasonable likelihood of more than moderate adverse consequence for the scenic, cultural, recreation or natural resources of the scenic area” considering the context of the proposal, the intensity of the proposal (including magnitude, duration, and likelihood of reoccurrence), other similar actions that may cumulatively lead to “more than moderate adverse consequences,” and any proposed mitigation measures. NSA-LUDO § 1.200 (Definition of “Adversely affect or Adversely affecting”). No adverse effects to wetlands, streams, ponds, lakes, and riparian areas, and their buffer zones are allowed. NSA-LUDO §§ 14.600(A)(7), (B)(6). In addition, there may be no adverse effects to sensitive plants and wildlife areas within 1000 feet of the project area. NSA-LUDO §§ 14.600(C)(3)(i), (D)(3)(d).

Water Resources

NSA-LUDO § 14.600 contains the standards for projects that may affect streams, ponds, lakes, wetlands, or other riparian areas in the General Management Area. If one or more of these resources is present on or adjacent to the subject parcel, then the applicant must determine the *exact* location of the water resource boundary. NSA-LUDO §§ 14.600(A)(2)(c), (B)(2)(b). In addition, the following buffer zones apply:

- Perennial streams: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1). A perennial stream is a stream that flows year-round during years of normal precipitation. NSA-LUDO § 1.200.

- Special streams: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1). A special stream is a stream that is a primary water supply for a fish hatchery or rearing pond. NSA-LUDO § 1.200.
- Intermittent streams used by anadromous or resident fish: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1).
- Intermittent streams not used by anadromous or resident fish: 50 feet. NSA-LUDO § 14.600(B)(2)(a)(2).
- Wetlands, lakes, and ponds in forest vegetation communities: 75 feet. NSA-LUDO § 14.600(A)(3)(c)(1). A forest vegetation community is characterized by trees with an average height of at least 20 feet, along with a shrub component. The trees and shrubs must form a canopy cover of at least 40 percent. NSA-LUDO § 14.600(A)(3)(b)(1).
- Wetlands, lakes, and ponds in shrub vegetation communities: 100 feet. NSA-LUDO § 14.600(A)(3)(c)(2). A shrub vegetation community is characterized by shrubs and trees with an average height between 3 feet and 20 feet. The trees and shrubs must form a canopy cover of at least 40 percent. NSA-LUDO § 14.600(A)(3)(b)(2).
- Wetlands, lakes, and ponds in herbaceous vegetation communities: 150 feet. NSA-LUDO § 14.600(A)(3)(c)(3). A herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and nonwoody vines. NSA-LUDO § 14.600(A)(3)(b)(3).

Buffer zones must be untouched and maintained in their natural condition. NSA-LUDO §§ 14.600(A)(3)(d), (B)(2)(d).

Sensitive Wildlife Resources

NSA-LUDO § 14.600(C) contains the standards for projects in the GMA that may affect sensitive wildlife resources. The first step is for the County to determine whether the project is proposed within 1,000 feet of a sensitive wildlife area or site. This includes the following areas:

- habitat for wildlife species that are listed as endangered, threatened, sensitive, or candidate by the federal government or by the State of Oregon
- habitat for elk, mountain goat, great blue heron, osprey, golden eagle, or prairie falcon
- deer and elk winter range
- pika colony areas
- waterfowl areas
- shallow water fish habitat in the Columbia River
- sturgeon spawning areas
- tributary fish habitat
- streams that are primary water supplies for fish hatcheries or rearing ponds
- wetlands, mudflats, shallow water, or riparian vegetation that have high values for waterfowl, shorebirds, raptors, songbirds, upland game, and reptiles

NSA-LUDO §§ 1.200 (definition of “sensitive wildlife species”), 14.600(C)(1)(b).

If the proposed project is within 1,000 feet of one of these areas, the County must transmit the application to the Oregon Department of Fish and Wildlife, which will review the application to determine the precise locations of wildlife habitat and activities, as well as potential impacts to wildlife areas or sites. As part of its review, Oregon DFW may in its discretion conduct site visits. NSA-LUDO § 14.410(C)(3).

If the County, in consultation with ODFW, concludes that the proposed project is likely to adversely affect a sensitive wildlife area or site and that the impacts cannot be eliminated through site plan modifications or project timing, then the applicant must prepare a wildlife

management plan. NSA-LUDO § 14.410(C)(5). The plan will provide a basis for the applicant to redesign the project in a manner that protects sensitive wildlife areas and sites, maximizes his or her development options, and mitigates temporary impacts to the wildlife area or buffer zone. *Id.* A wildlife management plan, prepared by a professional biologist hired by the applicant, includes the following:

- relevant background, such as biology of the species, characteristics of the subject parcel, and regulatory protection and management guidelines
- delineation of core habitat
- wildlife buffer zones
- an indication of the size, scope, configuration or density, and timing of all new uses within core habitat
- rehabilitation and enhancement actions
- a 3-year monitoring plan for federal or state listed species

Id.

Fences

Pursuant to NSA-LUDO § 14.600(C), new fences in deer and elk winter range are allowed only where necessary to control livestock or pets, or to exclude wildlife from specific areas, such as gardens. Fenced areas must be the minimum necessary to meet the needs of the project applicant. **If the proposed fence is in deer and elk winter range, the top wire must be no more than 42 inches high**, the distance between the two top wires must be at least 10 inches apart, the bottom wire must be at least 16 inches above the ground and must consist of smooth wire, stays or braces must be placed between fence posts to create a more rigid fence, and woven wire may not be used as fencing material. Applicants must demonstrate a specific need for any variance from these rules.

Sensitive Plant Species

NSA-LUDO § 14.600(D) contains the standards for projects in the GMA that may affect sensitive plant resources. The first step is for the County to determine whether the project is proposed within 1,000 feet of a sensitive plant species. This includes the following plant species:

- species endemic to the Columbia River Gorge and vicinity
- species listed as endangered or threatened by federal or state authorities, including the Oregon Natural Heritage Program

NSA-LUDO §§ 1.200 (definition of “sensitive plant species”), 14.600(D)(1)(a).

If the proposed project is within 1,000 feet of such a species, the next step is for the applicant to prepare a more detailed site plan map at a scale of at least one inch equals 100 feet (1:1,200).

NSA-LUDO § 14.600(D)(4)(a). The County must transmit the more detailed map to the Oregon Natural Heritage Program, which will review the application to determine if the project could affect sensitive plants. ONHP must identify the precise location of the affected plants and must delineate a 200-foot buffer zone to protect these plants. NSA-LUDO § 14.600(D)(4)(c)(2).

Buffer zones must be maintained in an undisturbed, natural condition.

Cultural Resource Protection

Pursuant to the Oregon Supreme Court ruling in Friends of the Columbia Gorge v. Columbia River Gorge Comm’n, 346 Or 366, 213 P3d 1164 (2009), County land use decisions must protect against cumulative adverse effects to cultural resources. Pursuant to this ruling, the

County must review whether the proposed development would contribute to cumulative adverse impacts to cultural resources. This includes evaluation of past, present and likely future actions. Individually insignificant but cumulatively significant actions must be evaluated and cumulative adverse impacts must be avoided.

NSA-LUDO § 14.500 contains the standards for protection of cultural resources in the General Management Area. If a use is proposed within 500 feet of a known cultural resource, the Gorge Commission is responsible for preparing a cultural resource reconnaissance survey and report. NSA-LUDO § 14.500(B)(3). For any other small-scale use, a reconnaissance survey need not be prepared if the area has a low probability of containing cultural resources, as determined by the Columbia River Gorge Commission and United States Forest Service. Reconnaissance surveys and reports must comply with the standards found at NSA-LUDO § 14.500(C).

Significant Cultural Resources

If a cultural resource is identified, it must be evaluated for significance. NSA-LUDO § 14.500(D)(2). If the resource is determined to be significant, the County must determine whether the project is likely to adversely affect the resource. NSA-LUDO § 14.500(D)(4). If the County concludes that the project would have an adverse effect on a significant cultural resource, then a mitigation plan must be prepared and reviewed pursuant to section 14.500(F).

Conditions of Approval

All conditions of approval must be entered into the deeds of the affected parcels and registered with the county.

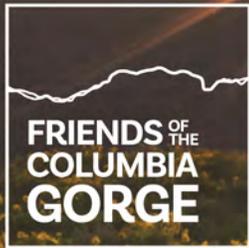
Conclusion

Thank you for this opportunity to comment.

Sincerely,



Steven D. McCoy
Staff Attorney



June 17, 2021

Brent Bybee, Associate Planner
Wasco County Department of Planning and Economic Development
2705 East Second Street
The Dalles, Oregon 97058
via email

Re: Adrian Lopez's revised application #921-19-000193 to construct a dwelling, an accessory structure, an agricultural building, and fencing; for new agricultural uses; and for after-the-fact approval of a well.

Dear Mr. Bybee:

Friends of the Columbia Gorge ("Friends") has reviewed and submits these comments on the above-referenced application. Friends is a non-profit organization with approximately 6,000 members dedicated to protecting and enhancing the resources of the Columbia River Gorge. Our membership includes hundreds of citizens who reside within the Columbia River Gorge National Scenic Area.

Friends reviews and comments on all land use applications subject to the Wasco County National Scenic Area Land Use and Development Ordinance. These comments are intended to identify application requirements and resource protection standards, provide recommendations to the permitting agency and the public regarding legal requirements, and establish standing.

Requests for after-the-fact approval must be reviewed as if the development has not taken place. Otherwise, landowners have no incentive to properly apply for permits and permittees have an incentive to violate the terms of their permits since relief will be available afterwards. As such, after-the-fact approval must be based upon the conditions on the ground prior to development even in instances of honest mistake.

Application Requirements

Under section 2.080 of the Wasco County National Scenic Area Land Use and Development Ordinance (NSA-LUDO), a complete application is required prior to review. An application must not be accepted until any omissions or deficiencies have been corrected by the applicant. *Id.* Approval of a land use proposal not accompanied by a complete and adequate application violates the county's scenic area ordinance, denies the public any meaningful opportunity to

comment on the proposed development, and results in a decision not based on substantial evidence. Such a decision is subject to reversal, as held by the Gorge Commission unanimously in the *Eagle Ridge* case. CRGC No. COA-S-99-01 (June 22, 2001). It is similarly unlawful for the County to use conditions of approval to defer the submission of complete and adequate application materials. *Eagle Ridge* at 9–10.

Site Plan Map

Each site plan must contain a map of the project area. NSA-LUDO § 14.020(B) contains a list of specific elements that must be included in site plan maps. Site plan maps must include the following required elements:

- North arrow
- Map scale
- Boundaries, dimensions, and size of the subject parcel
- Location, size, and shape, of all existing and proposed buildings and structures on the subject parcel
- An illustration of the buildings and parking facilities on abutting parcels
- Bodies of water and watercourses
- Location and width and methods of improvement for all existing and proposed roads, driveways, trails and parking areas
- Location of existing and proposed services, including wells or other water supplies, sewage disposal systems, power and telephone poles, and lines, and outdoor lighting
- Location and depth of all proposed grading, filling, ditching, and excavating
- An indication of all existing and proposed point of ingress and egress and whether they are public or private
- Significant terrain features and landforms

Landscaping Plan

Pursuant to NSA-LUDO § 14.020(D), all applications must contain a detailed landscaping plan that must clearly illustrate the following elements:

- The location, height, and species of all existing trees and vegetation, with an indication of any vegetation that would be removed.
- The location, height, and species of individually proposed trees and vegetation groupings.
- The location of automatic sprinkler systems or other irrigation provisions to ensure the survival of any proposed screening vegetation.

Material Samples

All applications must contain material samples for all exterior surfaces of proposed structures, including but not limited to the main portion of each structure, trim or secondary portions, roof, window frames, windowsills, window sashes, doors (including garage doors), and hooding for exterior lighting. NSA-LUDO § 14.020(C)

Elevation Drawings

Pursuant to NSA-LUDO § 14.020(E), applications for new structures must provide elevation drawings showing:

- the appearance of proposed structures, including both natural and finished grade, and
- the geometric exterior of the length and width of structures seen from a horizontal view.

Grading Plan

For structural development that meets either or both of the following conditions, the application must include a grading plan containing the elements specified by NSA-LUDO § 14.020(F)(3):

- More than 100 cubic yards of grading on slopes exceeding 10 percent. NSA-LUDO § 14.020(F)(1).
- More than 200 cubic yards of grading on a site visible from key viewing areas. NSA-LUDO § 14.020(F)(2).

Without the above-mentioned required information, neither the County nor any other reviewing agency can accurately evaluate the potential impacts of the development. In addition, this information is required in order to afford the public a meaningful opportunity to comment on the proposed development.

Allowed Uses

Small-Scale Agriculture Zone

The proposed project is located in a Small-Scale Agriculture zone in the General Management Area. NSA-LUDO § 3.130 specifies which uses are allowed in Small-Scale Agriculture zones. Only one single-family dwelling is allowed per legally created parcel, and only if the development is consistent with all applicable rules protecting scenic, cultural, natural, and recreational resources. The applicant bears the burden of proving the legality of the parcel and the County has the responsibility of making a determination of the parcel's legality prior to a decision.

Agricultural buildings and structures must be located on a farm or ranch; must be proposed in conjunction with a **current** agricultural use; and must be used for the storage, repair, and maintenance of farm equipment and supplies, or for the raising and/or storage of crops and livestock. NSA-LUDO § 1.200 (definition of "agricultural structure/building"), NSA-LUDO § 3.120(D)(3), (D)(4). **An "agricultural use," as defined at NSA-LUDO § 1.200, means the current employment of land for the primary purpose of obtaining a monetary profit** by one or more of the following practices:

- the raising, harvesting, and selling of crops, including Christmas trees;
- the feeding, breeding, management, and sale or production of livestock, poultry, fur-bearing animals or honeybees (not including livestock feed lots);
- dairying and the sale of dairy products;
- any other agricultural or horticultural use.

Pursuant to NSA-LUDO § 3.120(D)(4), the size of agricultural buildings must not exceed the size needed to serve the current agricultural use (and, if applicable, any proposed agricultural uses). All applications for agricultural buildings must contain the following information:

- A description of the size and characteristics of current agricultural uses.
- If any new agricultural uses are proposed, a plan specifying the types, locations, and schedules of such uses and details regarding any agricultural structures that would support the uses.
- A floor plan showing the intended uses of the agricultural building (*e.g.*, space for equipment, supplies, agricultural products, livestock).

Resource Impact Review

Scenic Resource Protection

NSA-LUDO §§ 14.100 and 14.200 contain the scenic resource protection standards for the General Management Area. Whether or not the parcel is visible from key viewing areas (KVAs), new buildings and roads must be sited and designed to retain existing topography and to reduce grading to the maximum extent possible. NSA-LUDO § 14.100(B). New buildings must be generally compatible with the general scale of existing nearby development. For purposes of determining compatibility, the height, dimensions (*i.e.*, length, width, and footprint), and visible mass of the proposed building must each be evaluated. NSA-LUDO § 14.100(C).

Key Viewing Areas

The subject parcel may be visible from key viewing areas such as the Historic Columbia River Highway, SR-14, and the Columbia River. If so, then the following rules apply:

- New buildings and roads must be sited so that they are visually subordinate to their settings as seen from KVAs. In determining the least visible site, existing topography and vegetation must be given priority over artificial means of screening. NSA-LUDO § 14.200(R)(4).
- The existing tree cover screening the development area on the subject parcel from KVAs shall be retained except as necessary for site development or fire safety purposes. NSA-LUDO § 14.200(H).
- New buildings and roads must be sited and designed to minimize grading activities and visibility of cut banks and fill slopes from KVAs. NSA-LUDO § 14.200(D).
- The County must evaluate all aspects of the development, including size, height, shape, color, reflectivity, landscaping, and siting, to ensure that the development will be visually subordinate. NSA-LUDO § 14.200(A)(2).
- Exterior colors must be dark earth-tones found at the specific site or in the surrounding landscape. Actual specific colors meeting this standard must be proposed in the land use application. Colors that are not expressly approved by a land use decision may not be used. 14.200(I).
- The County must evaluate the number of KVAs from which the development site is visible; the amount of area of the building site exposed to KVAs; the degree of existing vegetation providing screening; the distance from the building site to the KVAs; and, for linear KVAs such as roads, the linear distance along which the site is visible. NSA-LUDO § 14.200(A)(1).
- The County must evaluate the potential cumulative visual effects of the proposed development. NSA-LUDO § 14.200(L). This includes evaluation of past, present and likely future actions. Individually insignificant but cumulatively significant actions must be evaluated and cumulative adverse impacts must be avoided. 16 USC 544(a)(3).
- New buildings are not allowed on sites with slopes greater than 30 percent. NSA-LUDO § 14.200(H).
- The silhouette of new buildings must remain below the skyline of bluffs, cliffs, or ridges as seen from KVAs. NSA-LUDO § 14.200(E).
- Unless the building site is fully screened from all key viewing areas by existing topography, building materials must be nonreflective or low-reflective. NSA-LUDO § 14.200(J).

New development must be sited on the parcel in the location that best achieves visual subordination as seen from KVAs, using existing topography and vegetation for screening before requiring new screening measures.

If the proposed development cannot be conditioned to ensure that the development will achieve visual subordination, then the County must deny the application. This requirement was upheld by the Oregon Supreme Court in its ruling in Friends of the Columbia Gorge v. Columbia River Gorge Comm'n, 346 Or 366, 213 P3d 1164 (2009) (“If the applicant does not or cannot sufficiently alter the proposal to satisfy the [scenic resource protection guidelines], permission to carry out the proposed activity must be denied”). Consequently, if the project would reduce visibility “to the maximum extent practicable” but not achieve visual subordination the application must be denied.

Landscape Setting

NSA-LUDO § 14.400 specifies the standards for compatibility of development with the landscape setting in the GMA. Generally, new development in all landscape settings must be compatible with the general scale (height, dimensions, overall mass) of similar development in the vicinity. This development is proposed in an Oak-Pine Woodland landscape setting. If the parcel is visible from KVAs, at least half of all new screening trees must be native and coniferous. For portions with fewer trees, (1) structures must be sited on portions of the property that provide maximum screening from KVAs, using existing topographic features; (2) patterns of screening vegetation plantings must match the character of the surrounding area; and (3) buildings and roads must be clustered together, particularly toward the edges of existing open areas. Structure height must remain below the tree canopy level. NSA-LUDO § 14.400(C).

Natural Resource Protection

Cumulative Adverse Effects

The County must determine if there would be “[a] reasonable likelihood of more than moderate adverse consequence for the scenic, cultural, recreation or natural resources of the scenic area” considering the context of the proposal, the intensity of the proposal (including magnitude, duration, and likelihood of reoccurrence), other similar actions that may cumulatively lead to “more than moderate adverse consequences,” and any proposed mitigation measures. NSA-LUDO § 1.200 (Definition of “Adversely affect or Adversely affecting”). No adverse effects to wetlands, streams, ponds, lakes, and riparian areas, and their buffer zones are allowed. NSA-LUDO §§ 14.600(A)(7), (B)(6). In addition, there may be no adverse effects to sensitive plants and wildlife areas within 1000 feet of the project area. NSA-LUDO §§ 14.600(C)(3)(i), (D)(3)(d).

Water Resources

NSA-LUDO § 14.600 contains the standards for projects that may affect streams, ponds, lakes, wetlands, or other riparian areas in the General Management Area. If one or more of these resources is present on or adjacent to the subject parcel, then the applicant must determine the *exact* location of the water resource boundary. NSA-LUDO §§ 14.600(A)(2)(c), (B)(2)(b). In addition, the following buffer zones apply:

- Perennial streams: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1). A perennial stream is a stream that flows year-round during years of normal precipitation. NSA-LUDO § 1.200.
- Special streams: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1). A special stream is a stream that is a primary water supply for a fish hatchery or rearing pond. NSA-LUDO § 1.200.

- Intermittent streams used by anadromous or resident fish: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1).
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If the County, in consultation with ODFW, concludes that the proposed project is likely to adversely affect a sensitive wildlife area or site and that the impacts cannot be eliminated through site plan modifications or project timing, then the applicant must prepare a wildlife management plan. NSA-LUDO § 14.410(C)(5). The plan will provide a basis for the applicant to redesign the project in a manner that protects sensitive wildlife areas and sites, maximizes his or

her development options, and mitigates temporary impacts to the wildlife area or buffer zone. *Id.* A wildlife management plan, prepared by a professional biologist hired by the applicant, includes the following:

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If the proposed project is within 1,000 feet of such a species, the next step is for the applicant to prepare a more detailed site plan map at a scale of at least one inch equals 100 feet (1:1,200).

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Pursuant to the Oregon Supreme Court ruling in Friends of the Columbia Gorge v. Columbia River Gorge Comm’n, 346 Or 366, 213 P3d 1164 (2009), County land use decisions must protect against cumulative adverse effects to cultural resources. Pursuant to this ruling, the County must review whether the proposed development would contribute to cumulative adverse impacts to cultural resources. This includes evaluation of past, present and likely future actions.

Individually insignificant but cumulatively significant actions must be evaluated and cumulative adverse impacts must be avoided.

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Significant Cultural Resources

If a cultural resource is identified, it must be evaluated for significance. NSA-LUDO § 14.500(D)(2). If the resource is determined to be significant, the County must determine whether the project is likely to adversely affect the resource. NSA-LUDO § 14.500(D)(4). If the County concludes that the project would have an adverse effect on a significant cultural resource, then a mitigation plan must be prepared and reviewed pursuant to section 14.500(F).

Conditions of Approval

All conditions of approval must be entered into the deeds of the affected parcels and registered with the county.

Conclusion

Thank you for this opportunity to comment.

Sincerely,



Steven D. McCoy
Staff Attorney



Will S <wills@co.wasco.or.us>

Applicant: Adrian Lopez File Number: 921-19-000193-PLNG

McCabe, Edward M.D., Ph.D <EMcCabe@mednet.ucla.edu>
To: "wills@co.wasco.or.us" <wills@co.wasco.or.us>
Cc: "McCabe, Linda Ph.D" <LMcCabe@mednet.ucla.edu>

Tue, Jul 7, 2020 at 12:46 PM

Dear Mr. Smith,

We are extremely pleased to support the Application of Adrian Lopez for development of the lot that is part of the Rocky Prairie subdivision. A corner of the lot abuts Quartz Drive across from our property at 953 Quartz Drive.

We have reviewed the material you sent to us by USPS, as well as the on-line information.

The two buildings planned for this property are of a scale consistent with other buildings on Rocky Prairie. We do not see any information that is concerning to us as neighbors to this property development.

Thank you.

Linda and Edward McCabe

953 Quartz Drive

July 7, 2020

Sent from [Mail](#) for Windows 10

UCLA HEALTH SCIENCES IMPORTANT WARNING: This email (and any attachments) is only intended for the use of the person or entity to which it is addressed, and may contain information that is privileged and confidential. You, the recipient, are obligated to maintain it in a safe, secure and confidential manner. Unauthorized redisclosure or failure to maintain confidentiality may subject you to federal and state penalties. If you are not the intended recipient, please immediately notify us by return email, and delete this message from your computer.



Oregon

Kate Brown, Governor

Department of Forestry

Central Oregon District
The Dalles Unit
3701 West 13th
The Dalles, OR 97058
PHONE: 541-296-4626
FAX: 541-298-4993
www.ODFcentraloregon.com



"STEWARDSHIP IN FORESTRY"

7/2/2020

Wasco County Planning and Development
2705 East 2nd Street
The Dalles Or 97058

Attn: Will Smith

Re: Lopez 921-19-000193 PLNG

Catastrophic wildfires threaten and destroy many homes in Oregon and in other states each year. The Oregon Department of Forestry (ODF) has a responsibility to its landowners to protect their forest lands from wildfire. Since ODF does not provide structure protection it is incumbent on the local fire district (in this case, Mosier Fire District) to provide that protection. However, ODF is still responsible for the forest and range land surrounding those structures.

This proposed development is located within the Oregon Department of Forestry Fire Protection District, hence, this property receives wildland fire protection services by ODF, as does surrounding properties.

ODF continues to be concerned about the impact of putting additional structures and the associated human activities within the wildland urban interface. Simply stated, people start fires, no matter the good intentions of the landowner or guests to the property. Many activities that result from living in the forest/range zone have the potential to cause fires. Because of these concerns we have worked closely with the planning department to provide consistent and appropriate siting standards for structures.

I'd like to emphasize that structures, and human activity associated with those structures in the wildland urban interface, create additional fire start risk as well as additional complexity in fire suppression activities and evacuations. As such, ODF wants to reiterate the importance of fire prevention and risk mitigation. If approved, ODF would expect the planning department to consistently apply the wildfire siting standards adopted by the county as they currently exist.

I would like to also iterate the importance of the defensible space standards around the building site that contribute to higher likelihood of a structure being saved while reducing risk to firefighting personnel in the event of a wildland fire moving through the area, regardless of how the fire started. We place emphasis on primary and secondary fuel breaks, construction materials, and not siting structures on slopes greater than 40%.

We also want to see Road Standards with emphasis on road width, vertical clearance, turnarounds and turn outs, and road grades.

Flammable vegetation will continue to grow in and around these structures over time. However, if the proposal is granted, the long term maintenance of defensible space is an issue that is not addressed in the current planning department standards, and may only be addressed through ongoing maintenance of defensible space surrounding all structures by the landowner.

It is ODF's hope that through proper wildfire siting standards and continued maintenance of defensible space, landowners will be able to provide a safe and risk free environment for themselves, their neighbors and the firefighters who protect their property.

Finally, if applicant intends to clear any brush or vegetation by using power equipment during the months of May through October, they will need to file an eNotification for a 'Permit to Operate Power Driven Machinery' with the Oregon Department of Forestry. Information for this free electronic permit can be found at: <https://www.oregon.gov/odf/working/pages/ENotification.aspx>.

Thank you for the opportunity to comment.

Regards,
/s/ Kristin Dodd
Unit Forester
Central Oregon District – The Dalles Unit



Brent Bybee <brentb@co.wasco.or.us>

Notice of Land Use Action - Lopez

Scott Williams <scottw@co.wasco.or.us>

Thu, May 20, 2021 at 12:38 PM

To: Brent Bybee <brentb@co.wasco.or.us>

Cc: Cindy Miller <millerc@nwasco.k12.or.us>, Mike Renault <mike.renault@mosierfire.com>, Jeff Davis <jeffd@wascoelectric.com>, EVANS Daniel <Daniel.Evans@state.or.us>, BROWN Jevra <jevra.brown@state.or.us>, Lane Magill <lanem@co.wasco.or.us>

no issues for law enforcement

[Quoted text hidden]

--



Scott Williams | *Chief Deputy*
SHERIFF'S OFFICE

scottw@co.wasco.or.us | www.co.wasco.or.us

541-506-2593 | Fax 541-506-2581

511 Washington Street suite 102 | The Dalles, OR 97058



Will S <wills@co.wasco.or.us>

Notice of Land Use Action - Lopez

Lane Magill <lanem@co.wasco.or.us>

Thu, Jul 2, 2020 at 9:37 AM

To: Will S <wills@co.wasco.or.us>

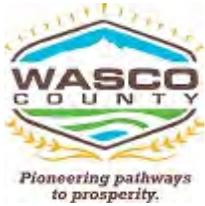
Cc: Cindy Miller <millerc@nwasco.k12.or.us>, Mike Renault <mike.renault@mosierfire.com>, Jeff Davis <jeffd@wascoelectric.com>, EVANS Daniel <Daniel.Evans@state.or.us>, BROWN Jevra <jevra.brown@state.or.us>, Scott Williams <scottw@co.wasco.or.us>

I don't see any issues with this application.

Lane

[Quoted text hidden]

--



**Lane Magill | Wasco County Sheriff
SHERIFF'S OFFICE**

lanem@co.wasco.or.us | www.co.wasco.or.us

541-506-2592 | Fax 541-506-2581

511 Washington St. Suite 102 | The Dalles, OR 97058



Will S <wills@co.wasco.or.us>

Notice of Land Use Action

Lane Magill <lanem@co.wasco.or.us>

Thu, Sep 17, 2020 at 11:29 AM

To: Will S <wills@co.wasco.or.us>

Cc: Cindy Miller <millerc@nwasco.k12.or.us>, Mike Renault <mike.renault@mosierfire.com>, Jeff Davis <jeffd@wascoelectric.com>, EVANS Daniel <Daniel.Evans@state.or.us>, BROWN Jevra <jevra.brown@state.or.us>, Scott Williams <scottw@co.wasco.or.us>

I don't see any issues with this.

I do have a question. Most of the applications we see have a physical address and this one didn't. I know there was Section information but I don't have any access to that type of information.

Thanks
Lane

On Thu, Sep 17, 2020 at 10:19 AM Will S <wills@co.wasco.or.us> wrote:

[Quoted text hidden]

--



Lane Magill | Wasco County Sheriff
SHERIFF'S OFFICE

lanem@co.wasco.or.us | www.co.wasco.or.us
541-506-2592 | Fax 541-506-2581
511 Washington St. Suite 102 | The Dalles, OR 97058



Will S <wills@co.wasco.or.us>

Cultural notice for 921-19-000193-PLNG

Kristen Tiede <KristenTiede@ctuir.org>

Thu, Oct 8, 2020 at 7:41 AM

To: Will S <wills@co.wasco.or.us>

Cc: "Donnermeyer, Christopher J -FS" <christopher.donnermeyer@usda.gov>

Good morning Mr. Smith,

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program (CRPP) has reviewed the application for the dwelling, barn, and fence (921-19-000193-PLNG). The CRPP concurs with the condition of requiring an archaeological monitor be present for the construction of the fence.

Thank you,

Kristen Tiede

Archaeologist

Cultural Resources Protection Program

Confederated Tribes of the Umatilla Indian Reservation

46411 Timine Way, Pendleton, OR 97801

Direct Line/Fax: (541) 429-7206

Main Office: (541) 276-3447

KristenTiede@ctuir.org



From: Will S [mailto:wills@co.wasco.or.us]

Sent: Wednesday, October 7, 2020 4:30 PM

Subject: Cultural notice for 921-19-000193-PLNG

EXTERNAL EMAIL: Please use caution when clicking links or opening attachments.

[Quoted text hidden]

The opinions expressed by the author are his or her own and are not necessarily those of the Confederated Tribes of the Umatilla Indian Reservation. The information, contents and attachments in this email are Confidential and Private.



Brent Bybee <brentb@co.wasco.or.us>

Notice of Land Use Action - Lopez

Kristen Tiede <KristenTiede@ctuir.org>

Thu, Jun 3, 2021 at 8:26 AM

To: Brent Bybee <brentb@co.wasco.or.us>, Jensi Smith <jensis@co.wasco.or.us>

Cc: "Donnermeyer, Christopher -FS" <christopher.donnermeyer@usda.gov>

Good morning,

As the CRPP recommended previously on this project, a cultural resources monitor should be present for the fence construction if it is near the previously recorded archaeological site. Please let me know if there are any questions or concerns.

Thank you,

Kristen Tiede

Archaeologist

Cultural Resources Protection Program

Confederated Tribes of the Umatilla Indian Reservation

46411 Timine Way, Pendleton, OR 97801

Direct Line/Fax: (541) 429-7206

Main Office: (541) 276-3447

KristenTiede@ctuir.org



From: Jensi Smith [mailto:jensis@co.wasco.or.us]

Sent: Thursday, May 20, 2021 5:30 AM

To: Nicole Bailey <nicoleba@ncphd.org>; Jaime Solars <jaimes@co.wasco.or.us>; Jesus Elias <Jesuse@ncphd.org>; Shellie Campbell <shelliec@ncphd.org>; Building Codes <buildingcodes@co.wasco.or.us>; Jill Amery <jilla@co.wasco.or.us>; Adam Fourcade <adamf@co.wasco.or.us>; Melanie Brown <melanieb@co.wasco.or.us>; Marci Beebe <marcib@co.wasco.or.us>; Brandon Jones <brandonj@co.wasco.or.us>; Sheridan McClellan <sheridanm@co.wasco.or.us>; Arthur Smith <arthurs@co.wasco.or.us>; Kara Davis <karad@co.wasco.or.us>; WOOD Robert L * WRD <Robert.L.Wood@oregon.gov>; ykahn@fhco.org; Heidi.M.Hartman@dsl.state.or.us;
 Board of County Commissioners Agenda Packet BOCC 1 - 144

BROWN Jevra * DSL <jevra.brown@dsl.state.or.us>; clara.taylor@dsl.state.or.us; shilah.olson@or.nacdnet.net; Candres@osp.state.or.us; Sue Vrilakas <sue.vrilakas@pdx.edu>; jeremy.l.thompson@state.or.us; Andrew.R.Meyers@state.or.us; rod.a.french@state.or.us; DODD Kristin * ODF <Kristin.dodd@oregon.gov>; kristen.stallman@odot.state.or.us; jthomps9999@yahoo.com; steve@gorgefriends.org; Stephanie Krell <stephaniek@co.wasco.or.us>; Tyler Stone <tylers@co.wasco.or.us>; rshoal@fs.fed.us; sacallaghan@fs.fed.us; permits@friends.org; kfitzz77 <kfitzz77@gmail.com>; Gatz, Casey -FS <cgatz@fs.fed.us>; Donnermeyer, Christopher J -FS <cjdonnermeyer@fs.fed.us>; Connie Acker <connie.acker@gorgecommission.org>; rowapplications@bpa.gov; MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>; ODOTR4PLANMGR@odot.state.or.us; Patrick.M.Cimmiyotti@odot.state.or.us; DEHART Brad <bradley.k.dehart@odot.state.or.us>; PETERS Scott <scott.peters@odot.state.or.us>; Jacob Powell <jacob.powell@oregonstate.edu>; nakiaw@nezperce.org; pat b <keithb@nezperce.org>; robert.brunoe@ctwsbnr.org; THPO@ctwsbnr.org; Patty Perry <PattyPerry@ctuir.org>; Kristen Tiede <KristenTiede@ctuir.org>; Sheila Dooley <sdooley3300@yahoo.com>; casey_barney@yakama.com; Angie Brewer <angieb@co.wasco.or.us>; Brent Bybee <brentb@co.wasco.or.us>

Subject: Notice of Land Use Action - Lopez

EXTERNAL EMAIL: Please use caution when clicking links or opening attachments.

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The opinions expressed by the author are his or her own and are not necessarily those of the Confederated Tribes of the Umatilla Indian Reservation. The information, contents and attachments in this email are Confidential and Private.

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

From: Kristen Tiede <KristenTiede@ctuir.org>
 To: Will S <wills@co.wasco.or.us>
 Cc: "Donnermeyer, Christopher J -FS" <christopher.donnermeyer@usda.gov>
 Bcc:
 Date: Thu, 8 Oct 2020 14:41:05 +0000
 Subject: RE: Cultural notice for 921-19-000193-PLNG

Good morning Mr. Smith,

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program (CRPP) has reviewed the application for the dwelling, barn, and fence (921-19-000193-PLNG). The CRPP concurs with the condition of requiring an archaeological monitor be present for the construction of the fence.

Thank you,

Kristen Tiede

Archaeologist

Cultural Resources Protection Program

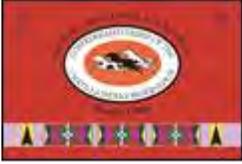
Confederated Tribes of the Umatilla Indian Reservation

46411 Timíne Way, Pendleton, OR 97801

Direct Line/Fax: (541) 429-7206

Main Office: (541) 276-3447

KristenTiede@ctuir.org



From: Will S [mailto:wills@co.wasco.or.us]
Sent: Wednesday, October 7, 2020 4:30 PM
Subject: Cultural notice for 921-19-000193-PLNG

EXTERNAL EMAIL: Please use caution when clicking links or opening attachments.

Good afternoon,

This application involves locating a fence in the vicinity of a confirmed cultural resource and I wanted to ensure we received your input in the process. A previous application for a horse boarding facility proposed a fence around the property and they hired an archaeologist to conduct a study (see attached, no new study was required for this application due to the work performed in 2018, but a new notification for your review is required.) That application ended up being withdrawn, but staff had proposed a condition to require an archaeologist to be on site when the fence was built. The current application is for a dwelling, barn, and fence (for 5 cows, 15 goats/sheep, and chickens). The dwelling and the barn are not in the impacted area. We would propose the same condition for this application regarding the placement of the fence. This cultural notice has a 30 day review period, ending November 6, but if you have comments or concerns, or if you have none and find it acceptable, please let me know as soon as possible. Thank you!

Attachments:
Cultural Notice (including location and site plan maps)

2018 Survey

2018 USFS Response

Regards,

--



Will Smith, AICP | Senior Planner

PLANNING DEPARTMENT

wills@co.wasco.or.us | www.co.wasco.or.us

541-506-2560 | Fax 541-506-2561

2705 East Second Street | The Dalles, OR 97058

NOTE: DUE TO COVID-19 CONCERNS THE PLANNING DEPARTMENT IS CURRENTLY RESTRICTING FACE TO FACE ASSISTANCE. WE ARE ACCEPTING APPLICATIONS BY MAIL AND INQUIRIES BY PHONE OR EMAIL UNTIL FURTHER NOTICE.

This correspondence does not constitute a Land Use Decision per ORS 197.015.

It is informational only and a matter of public record.

Planning for the Future. Wasco County 2040.

[Get involved](#)

The opinions expressed by the author are his or her own and are not necessarily those of the Confederated Tribes of the Umatilla Indian Reservation. The information, contents and attachments in this email are Confidential and Private.

 **RE: Cultural notice for 921-19-000193-PLNG.eml**
54K



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#*
WN2019-0125

Responsible Jurisdiction

Staff Contact William Smith	Jurisdiction Type County	Municipality Wasco
Local case file # 921-18-000017-PLNG	County Wasco	

Activity Location

Township 02N	Range 11E	Section 11	QQ section	Tax Lot(s) 2200
------------------------	---------------------	----------------------	-------------------	---------------------------

Street Address
1139 Huskey Rd
Address Line 2

City
Mosier

Postal / Zip Code
97040

State / Province / Region
OR

Country
Wasco

Latitude
45.669989

Longitude
-121.406104

Wetland/Waterway/Other Water Features

- There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.
- The National Wetlands Inventory shows wetland, waterway or other water features on the property

Your Activity

- It appears that the proposed project **may** impact wetlands and **may** require a State permit.

Applicable Oregon Removal-Fill Permit Requirement(s)

A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

Closing Information

Additional Comments

There is a National Wetland Inventory-mapped channel on the east side of the parcel. The proposed project appears to have impacts of <50 cubic yards associated with fence post installation around and through this channel. A state permit is not required for projects with <50 cy of removal or fill activities. No permit will be required for the DSL if impacts are below 50 cy or removal or fill..

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

A Federal permit may be required by The Army Corps of Engineers: (503)808-4373

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

4/3/2019

Response by:

Daniel Evans

Response Phone:

503-986-5271

ATTACHMENT A

File Number: 921-19-000193-PLNG

Request: Appeal of the Planning Director’s decision to approve a new dwelling and agricultural structures to support proposed farm use

Prepared By: Daniel Dougherty, Associate Planner

Prepared For: Wasco County Planning Commission

Procedure Type: Appeal

Appellant/Applicant: Joseph Czerniecki

Owner: Adrian Lopez

Staff Recommendation: Uphold the decision of the Planning Director

Planning Commission Hearing Date: October 5, 2021

Location: The subject parcel is located north of Huskey Road, approximately 0.1 miles west of Jasper Lane and 0.5 miles south of the City of Mosier, Oregon, more specifically described as:

<u>Tax Lot</u>	<u>Acct#</u>	<u>Acres</u>
2N 11E 11 2200	327	20.59

Zoning: A-2 (80), Small Scale Agriculture in the General Management Area of the Columbia River Gorge National Scenic Area

Past Actions: 921-18-000017-PLNG (Withdrawn): Horse Boarding Facility
921-19-000193-PLNG Scenic Area Review of a new dwelling and structure to support the proposed farm use.

Attachments:

Attachment B	Appeal Application
Attachment C	Additional Appeal Information
Attachment D	N/A, See Attachment G
Attachment E	Staff Report
Attachment F	Maps
Attachment G	Notice of Decision
Attachment H	Notice of Administrative Action
Attachment I	Amended Lopez Application
Attachment J	Map of Adjacent Properties
Attachment K	Map of USDA Crop Data
Attachment L	ODFW Comments

APPLICABLE STANDARDS

A. Wasco County National Scenic Area Land Use & Development Ordinance (NSA LUDO)

Chapter 2 – Development Approval Procedures

Section 2.150 Appeals from the Decision of the Director

Addressed in Original Staff Report (Attachment E):

A. Chapter 3 – Basic Provisions

Section 3.110	Expedited Review
Section 3.110.A.5	Uses Permitted Subject to Expedited Review, Woven Wire Fences
Section 3.130, A-2	Small Scale Agriculture (GMA)
Section 3.130.D.2	Uses Permitted Subject to Review, Agricultural structures
Section 3.130.D.4	Uses Permitted Subject to Review, One single-family dwelling
Section 3.130.D.6	Uses Permitted Subject to Review, Accessory building(s)
Section 3.130.G	Property Development Standards

B. Chapter 4 – Supplemental Provisions

Section 4.040	Off-Street Parking
---------------	--------------------

C. Chapter 11 – Fire Safety Standards

Section 11.110	Siting Standards
Section 11.120	Defensible Space
Section 11.130	Construction Standards for Dwellings and Structures
Section 11.140	Access Standards
Section 11.150	Fire Protection or On-Site Water Required

D. Chapter 14 – Scenic Area Review

Section 14.100	Provisions for all new development
Section 14.200	Key Viewing Areas
Section 14.300	Scenic Travel Corridors
Section 14.400	Landscape Settings
Section 14.500	Cultural Resources – GMA
Section 14.600	Natural Resources – GMA
Section 14.700	Recreation Resources - GMA
Section 14.800	Indian Tribal Treaty Rights and Consultation – GMA

I. BACKGROUND

- A. Legal Parcel:** Pursuant to the National Scenic Area Land Use and Development Ordinance (NSA-LUDO) Section 1.200, the definition of a legal parcel is the following:

Parcel (Legal)/Lot of Record - A unit of land created as follows:

- a. *A lot in an existing, duly recorded subdivision; or*
- b. *A parcel in an existing, duly recorded major or minor land partition; or*
- c. *By deed or land sales contract prior to September 4, 1974.*

The subject lot is identified as Lot 21 of Rocky Prairie Subdivision, recorded with the Wasco County Clerk on April 27, 1977. It is consistent with the definition of Legal Lot in NSA-LUDO Section 1.200, Definitions, because it was created by a recorded subdivision.

- B. Site Description:** The subject lot is located between Huskey Road and Quartz Drive, in Rocky Prairie, a subdivision located on a hill above Mosier, Oregon. This property contains northwest-facing slopes averaging 9%. The western 1/3 (approximate) of the lot is heavily vegetated with Oregon white oak trees. Natural grasses are the dominant ground cover. The property ranges in elevation from 620-720' Above Sea Level (ASL).
- C. Surrounding Land Use:** Properties located north, east and west of the subject lot are located in the "A-2" Small Scale Agriculture Zone (GMA Only). Properties located south of Huskey Road are located in the "F-3" Small Woodland Forest Zone (GMA Only). With the exception of one property located north of Quartz Drive, all surrounding properties are used for residential use. Properties located east and west of the subject lot contain similar northwest-facing slopes averaging 8-10%. Property to the southwest, located north of Huskey Road is heavily vegetated with Oregon white oak trees. Property located to the west contains cherry orchard and a cidery, but there are no other commercial farm uses on adjacent properties. Land lying within 750' of Huskey Road averages 30% northwest-facing slopes while farther south, slopes lessen to 5-10%. Properties to the south are generally heavily vegetated with Oregon white oak and Ponderosa pine trees.
- D. Public Comments:** On September 16, 2021, 19-days prior to the Planning Commission hearing, a hearing notice was sent to all property owners within 750 feet of the subject parcel, and interested public agencies. Public notice of this hearing appeared in The Dalles Chronicle on September 15, 2021. Wasco County received comments from:
 - 1. (Sep 9, 2021) Jeremy Thompson, District Wildlife Biologist for the Oregon Department of Fish and Wildlife (ODFW).

II. FINDINGS:

A. Wasco County National Scenic Area Land Use & Development Ordinance (NSA LUDO)

Section 2.150 Appeal from Decision of the Director

- A. *Any action taken by the Director or the Director's designee in the interpretation, administration or enforcement of this ordinance shall be subject to review by the Planning Commission.*

FINDING: The decision under appeal, 921-19-000193 was initially reviewed and approved by the Director's designee. This appeal is brought before the Planning Commission for review on October 5, 2021. Staff finds that Section 2.150.A has been met.

- B. *Any party may appeal a decision of the Director relative to an Administrative Action. In the conduct of a hearing, the Approving Authority shall establish the appellant as a party or the*

appeal shall not be heard and the contested decision shall become final. For expedited reviews, party status shall be given to any person.

FINDING: The appellant submitted comment during the full scenic area review and is presenting the case before the Planning Commission.

The Planning Commission may **approve or deny** the appellant as a party.

- C. *The Approving Authority may review the action of the Director upon receipt of a Notice of Appeal as prescribed in this section. For the purpose of this section, an appeal shall be filed with the Director no later than twelve (12) days for an expedited review and fifteen (15) days for all other reviews following the date of the decision or action of the Director. The decision of the Director may also be reviewed by the County Governing Body upon its own motion passed within twelve (12) days for an expedited review and (15) fifteen days for all other reviews following the date of the written decision sought to be reviewed if no appeal is filed. County Governing Body review shall be conducted pursuant to Section 2.170.*

FINDING: The appeal deadline for the Administrative Decision was July 9, 2021. The appeal was properly received and filed on July 9, 2021. Staff finds that Section 2.150.C has been met.

D. *Every Notice of Appeal shall contain:*

1. *A reference to the application sought to be appealed.*
2. *A statement as to how the petitioner qualifies as a party.*
3. *The specific grounds relied upon in the petition request for review.*
4. *The date of the final decision of the action.*
5. *The required fee, unless waived pursuant to Section 2.090.*

FINDING: The appeal was properly submitted on July 9, 2021, with the following: required fee, specific grounds relied upon in the petition request for review, a statement as to how the petitioner qualifies as a party, reference to the application being appealed, and the date of the final decision of the action. This was provided on the application materials and an additional sheet and is attached to the Planning Commission Packet as Attachment B. Additional evidence was provided on September 3, 2021 and is included as Attachment C.

To summarize the application, the appellant is a neighboring property owner and submitted comments in response to "initial application". The appeal application indicated the case being appealed was 921-19-000193-PLNG with an appeal deadline of June 9, 2021 and was being submitted on June 9, 2021.

Staff assumes the dates listed under the Appeal Deadline and Date Submitted were incorrectly written as June, as staff notation on the application indicates the appeal application was submitted on July 9, 2021.

The appellant lists the specific grounds for appeal as follows:

1. The Notice of Decision for 921-19-000193-PLNG did not match the Public Notice of Administrative Action because the Public Notice did not include the proposal for 900' of moveable electric fence. The appellant lists "other specific differences in the requests for agricultural structures".

2. The appellant cites “many inaccuracies and inconsistencies” in the staff report including:
 - a. Discrepancies with the 900’ electrical fence
 - b. Change between the Request and the Development Proposal in the number of animals in the application
 - c. Error in description of the land use of an adjacent parcel
 - d. Discrepancy in the length of the moveable electric fence
 - e. The number of parcels the subject parcel borders
 - f. The description of existing vegetative barriers
 - g. The description of the project in KVA analysis
3. 100’ setback of structures from property lines are insufficient, given the existing (or lack thereof) vegetative barriers.
4. Approval of fencing based on adverse impacts. The appellant cites a past development for this property as evidence.
5. Lack of a condition requiring preservation of oak trees.

E. Members of the Approving Authority shall neither:

1. *Communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; nor*
2. *Take notice of any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless the parties are afforded an opportunity to contest the material so noticed.*

FINDING: The Planning Commission is asked in the initial part of the hearing to disclose any ex parte contact. At the October 5, 2021 hearing, Planning Commission members stated for the record: [insert ex parte disclosures]. Staff finds the criteria _____.

F. Appeal of an administrative decision to the Planning Commission shall be "de novo"; i.e., conducted as a new hearing before the public.

FINDING: Although the appellant did not indicate on the appeal application a request for a de novo hearing, based on the requirement listed in the criterion above staff has treated the appeal as de novo, advised both the applicant and the appellant that the hearing would be de novo, and explained the impact of a de novo hearing. Staff finds that Section 2.150.F has been met.

G. The review shall be accomplished in accordance with the Rules of Procedure adopted by the County Governing Body. The Approving Authority may continue its hearing from time to time to gather additional evidence or to consider the application fully. Unless otherwise provided by the Approving Authority no additional notice need be given of continued hearings if the matter be continued to a certain date.

FINDING: To be made at the hearing. This review shall be accomplished in accordance with the Rules of Procedure adopted by the County Governing Body. The Planning Commission may continue the hearing “to gather additional evidence or to consider the application fully.” Proposed: The Planning Commission is not requiring a continuance. Staff finds Section 2.150.G is not applicable at this time.

H. All evidence offered and not objected to shall be received unless excluded by the Approving Authority on its own motion. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conducting of their everyday affairs. Evidence shall be received and notice may be taken of those facts in a manner similar to that provided for in contested cases before state administrative agencies pursuant to Oregon Revised Statutes 183.450 except as otherwise provided for herein.

FINDING: [To be made at the hearing. Proposed: The Planning Commission has received, and not rejected, all evidence of a quality that reasonable persons rely upon in the conducting of their everyday affairs.]

I. The Approving Authority shall render a decision, may affirm, reverse or modify the action of a lesser authority and may reasonably grant approval subject to conditions necessary to carry out the Comprehensive Plan and Management Plan for the Columbia River Gorge National Scenic Area pursuant to 2.120(C).

- 1. For all cases the Approving Authority shall make a decision based on findings and conclusions from the record before it as justification for its action.*
- 2. The Director shall send a copy of the Approving Authority's decision to all parties to the matter and a copy of such decision shall be filed in the records of the Director.*

FINDING: [To be made at the hearing. Proposed: The Planning Commission affirms and modifies the decision of the Planning Director, based on the findings and conclusions from the record. The Planning Director will send a copy of the Planning Commission decision to all parties to the matter and a copy will be saved in the file records.]

B. Appeal Grounds

Appeal Grounds 1: *The Notice of Decision for 921-19-000193-PLNG did not match the Public Notice of Administrative Action because the Public Notice did not include the proposal for 900’ of moveable electric fence. The appellant lists “other specific differences in the requests for agricultural structures”.*

FINDING: The Staff report (Attachment E) and Notice of Decision with a decision date of June 24, 2021 (Attachment G) lists the application as including the following requests:

The Scenic Area Review of a new dwelling and structures to support the proposed farm use of raising approximately 13 goats.

This request includes:

- (1) New Single Family Dwelling (1,889 SF footprint, 50’L x 40’W x 24’H)
- (2) Accessory Buildings (1,500 SF footprint, 50’L x 40’W x 24’H)
- (3) Agriculture Structures: approximately 5,000’ of 4’ H wire mesh fence (6’ fence posts) enclosing three areas on either side of the driveway for livestock pens; approximately 900’ of moveable electric fence to protect a wetland; and a 50’ diameter moveable round pen.

- (4) Retroactive review of an unlawfully placed well to serve the residential use and a new 12'L x 12'W x 12'H well house with 1,000 gallon water cistern, and driveway.

The last Public Notice of Administrative Action (Attachment H) provides the following description of requests:

Scenic Area Review of a 1,889 Square Foot (SF) (50'L x 40'W x 24'H), two story single family dwelling, a 1,500 SF (50'L x 30'W x 24'H) accessory structure for a shop and storage, and retroactive approval of an unlawfully placed well to be housed in a proposed 100 SF (10'L x 10'W x 12.5'H) pump house. The request includes a 4' H wire fence on the eastern portion of the property, 150' away from the identified wetland. The request also includes raising 12 goats on the property, and rotating them to different portions of the property on an annual basis. A 50' diameter portable round pen will also be utilized.

The Public Notice of Administrative Action, which was amended due to an updated application posted on the website, accurately reflects the application details and site plan (Attachment I). The original staff report indicates (Attachment E, page 23): "Staff also coordinated with the applicant to ensure that the wetland resource on the property would not be disturbed through the request, by placing the fencing outside of the wetland buffer".

The criteria in the National Scenic Area Land Use and Development Ordinance related to fencing is specifically for permanent or semi-permanent fencing. Fencing definitions reference built fences like stone, wood, or metal and do not include moveable pens or things like kennels.

Section 1.200, provides:

Fence, Protective - A fence at least six feet tall designed to restrict passage through the fence. A protective fence includes stockade, woven wood, chain link and others, but not split rail or primarily barbed wire.

Fence, Site-Obscuring - A fence consisting of wood, metal, or masonry, or an evergreen hedge or other evergreen planting, arranged in such a way as to obstruct vision.

There are no standards for moveable objects, like moveable fencing, farm equipment, water troughs, feeders, recreational vehicles and so forth. The definition of agricultural structure lists permanent buildings or storage containers for the storage of farm equipment and supplies, but does not list the containment of livestock.

Section 1.200, provides:

Agricultural structure/building - A structure or building located on a farm or ranch and used in the operation for the storage, repair and maintenance of farm equipment, and supplies or for the raising and/or storage of crops and livestock. These include, but are not limited to: Barns, silos, workshops, equipment sheds, greenhouses, wind machines (orchards), processing facilities, storage bins and structures.

As such, the standards for the moveable fencing are not addressed in the staff report because they are not subject to the same regulation as permanent or semi-permanent structures.

Based on that lack of standards to evaluate moveable objects, staff concluded moveable objects like the 900' of fencing are permitted without review and therefore not substantive to the application. Therefore, staff concludes it was immaterial for the moveable fence to have been noticed; its presence in the staff

report request portion served only to raise awareness that staff had advised it as a mitigation measure to reduce or eliminate wetland disturbance. **Staff recommends the Planning Commission dismiss this ground for appeal.**

Appeal Grounds 2: *The appellant cites “many inaccuracies and inconsistencies” in the staff report including:*

- a. Discrepancies with the 900’ electrical fence*
- b. Change between the Request and the Development Proposal in the number of animals in the application*
- c. Error in description of the land use of an adjacent parcel*
- d. The length of moveable electric fence was elsewhere cited as 1,000 feet.*
- e. The number of parcels the subject parcel borders*
- f. The description of existing vegetative barriers*
- g. The description of the project in KVA analysis*

FINDING:

Appeal ground 2a. Staff has addressed a. in the finding for “Appeal Grounds 1” above, and **recommends the Planning Commission dismiss this ground for appeal.**

Appeal ground 2b. This appeal ground states that the number of animals has changed between the request and the development proposal. The staff report and notice of decision indicates 13 goats are proposed. The application (Attachment I) included a farm management plan that indicated the ultimate goal of having 12 female goats and one stud. The farm management plan indicated an expected four year timeline to reach the total maximum number of goats.

The farm management plan, according to the National Scenic Area LUDO, is required to include the following:

- *proof that the parcel is enrolled in a farm deferral program with the Wasco County Assessor;*
- *written description of the current and/or proposed farm operation that identifies the number of acres of land in production, type and number of acres planted to a specific crop;*
- *the current and/or proposed number of animals grazing or being raised on the farm parcel;*
- *existing and/or proposed farm structures (including irrigation sprinklers) supporting the farm use and existing water rights.*
- *description of the existing and/or proposed number of employees, including owners, working the farm parcel, and their responsibilities and the hours per week they will be principally engaged in the farm use.*
- *a map that shows the location of all current and/or proposed farm activities including but not limited to registered fields, grazing areas, areas dedicated to farm structures, acres and location of water rights (Farm Services Agency map); and*
- *a schedule of all proposed agricultural uses which shall be initiated within one year and complete within five years*

The purpose of the farm management plan is to verify that proposed agricultural buildings dwellings are approved in conjunction with agricultural use and in support of commercial agricultural activity.

An earlier iteration of the Farm Management Plan included 15 goats, five cows, and 15 chickens. This was revised to the current Farm Management Plan for 13 goats. This change reflects the reason for the scrivener's error between the request and the development proposal section of the staff report.

The number of animals is only important to the review insomuch as it demonstrates the farm use; the difference between 15 goats and 13 goats is insignificant to the review. **Staff recommends dismissal of grounds for appeal 2b.**

Appeal grounds 2c. This appeal ground relates to page 3 of the staff report "Surrounding Land Use." The appellant provides "staff report states that the land to the west is used for orchard. This is incorrect the immediate property to the west is oak woodland it is the property beyond this to the west that is orchard [sic]."

The staff report provided the following description of west adjacent properties:

"Property to the southwest, located north of Huskey Road is heavily vegetated with Oregon white oak trees. Property located to the west contains cherry orchard..." (Staff Report page 3).

For the purposes of neighborhood compatibility and other analysis, it is common for land use planners to consider properties that not only share a common property line, but also a common point. Land use planners also typically evaluate parcels across roadways because, in rural areas, roads are often owned by the adjacent property owner to the centerline of the road, and therefore the centerline of the road constitutes a common border. The purpose for expanding analysis beyond properties that share a common property line is to have a complete picture of compatibility and understanding neighborhood impacts. This is, in part, due to the requirement in the Management Plan for compatibility with adjacent uses.

Adjacent is not defined in the Management Plan or Wasco County Land Use and Development Ordinance, and so planners use the common dictionary definition of "Adjacent":

Merriam-Webster Dictionary

- a: not distant : NEARBY // the city and adjacent suburbs
- b: having a common endpoint or border // adjacent lots // adjacent sides of a triangle
- c: immediately preceding or following

(Merriam-Webster Dictionary: <https://www.merriam-webster.com/dictionary/adjacent>).

In the case of the Lopez development review, staff considered properties that not only share a common property line, but also a common point or are across Huskey Road (Attachment J). A property to the west, that shares a common point, is an orchard. Staff was not incorrect in identifying this property, albeit did not specify that its relationship to the subject parcel was based on a common point rather than a property line.

Staff recommends denial of grounds for appeal 2c.

Appeal grounds 2d. This appeal ground relates to the proposed electric fence. The appellant cites that the staff report finding on page 4 provides that the length of the fence is listed as 1,000 feet.

The staff report provided the following regarding the proposed movable/mobile electric fence:

“This proposal includes approximately... about 1,000’ of temporary moveable electric fencing...” (Staff Report page 4).

Although the explicit language within the staff report provides for “about” 1,000 feet of mobile electric fence, it is clear that the listed amount of fencing within the staff report on page 4 is a scrivener’s error, and as recommended above in appeal grounds b., is not critical to the analysis.

Staff recommends denial of ground for appeal 2d.

Appeal grounds 2e. This appeal ground posits the following: “that the subject parcel shares borders with 7. This is not accurate it shares a border with 3 parcels, and Huskey Road to the South.”

For the purposes of neighborhood compatibility and other analysis, it is common for land use planners to consider properties that not only share a common property line, but also a common point. Land use planners also typically evaluate parcels across roadways because, in rural areas, roads are often owned by the adjacent property owner to the centerline of the road, and therefore the centerline of the road constitutes a common border. The purpose for expanding analysis beyond properties that share a common property line is to have a complete picture of compatibility and understanding neighborhood impacts. This is, in part, due to the requirement in the Management Plan for compatibility with adjacent uses.

Adjacent is not defined in the Management Plan or Wasco County Land Use and Development Ordinance, and so planners use the common dictionary definition of “Adjacent”:

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- c: immediately preceding or following

(Merriam-Webster Dictionary: <https://www.merriam-webster.com/dictionary/adjacent>).

The end result of the staff report analyzing seven properties rather than three was a more thorough analysis with greater protections for agricultural use and neighborhood compatibility.

Staff recommends denial of ground for appeal 2e.

Appeal grounds 2f. Appeal ground f is related to vegetative barriers. Specifically, the appellant provides that the staff report: “goes on to say that there is vegetative barrier between the Lopez parcel and my parcel to the north...This is incorrect. There are 5 trees over the greater than 900 foot property line. This does not meet the Wasco County definition of a vegetative barrier.” In Attachment C, the appellant provides a photograph which shows the cluster of oaks and provides “there is no vegetative barrier”.

A vegetative screen, or vegetation barrier, is defined in Chapter 3, A-2 Zone under Section G.3.b.

Section 3.130 "A-2" Small Scale Agriculture Zone (GMA Only)

The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.

This criterion does not define the thickness of vegetation, but rather the height, and requires trees to be at least 15 feet high. The trees in the photograph (Attachment C, labelled as Supplement B) appear to be well over 15 feet high. The term continuous is used in the criterion, but implies continuous to development rather than the property line.

Staff found that development, with the exception of the moveable round pen, would occur more than 500' from the property to the north. According to the detailed site plan (page 19 of Attachment I) the round pen does not run the length of the 940' property line to the north. Instead, it is in the northwest corner of the property, and measures 50' in diameter.

The proposed placement of the round pen is in the same corner where the stand of oak trees exists to the north. Staff found that the round pen's placement, in relation to the existing oak stand, offered the continuous vegetative screen to satisfy a reduction in the setback if it was necessary. According to GIS analysis, the existing oak stand measures 278.3 feet across, in a continuous cluster, providing a vegetative screen for the round pen. The continuous nature of the barrier is related to the development in question. In this case, the oak stand exceeds the length of the 50' barrier.

Furthermore, the requirement for a setback between an open or faced nonagricultural or agricultural use classified as "other" is 100', which the round pen meets. As indicated in the previous finding, the round pen is a moveable, non-permanent farm related implement used for holding animals and not generally subject to Scenic Area standards.

Based on all these findings, staff recommends denial of ground for appeal 2f.

Appeal grounds 2g. Finally, grounds for appeal g. provides that on page 13 of the staff report that: "The development sites are located at an elevation of approximately 680' above sea level (ASL). The primary factors in analyzing the visibility of the proposed kitchen/restroom building include the distance from KVAs, the use of dark earthtone colors on the building, existing backdrop of trees and the use of nonreflective materials."

There is no kitchen/restroom building provided for in the development proposal. Staff believes that this may be a cut/paste error from the prior Heltzel/Fuentes development proposal on this property.

This does appear to be an error, as no kitchen/restroom building is proposed in this application. However, staff did perform the Key Viewing Area, reflectivity, and topographic analysis based on the correct proposed structures, as clearly indicated in other portions of this finding and elsewhere in the report (See Pages 13-14, See also Pages 15-18 of Staff Report in Attachment E of this packet).

Regarding grounds for appeal 2g: **Staff recommends the Planning Commission acknowledge this error and except the modified findings for Section 14.200 Key Viewing Areas to be:**

Finding: Both the dwelling and the shop will be two stories with pitched roofs. The dwelling will have a cross gabled design and will be oriented east-west. They will be just east of the driveway closer to the southern property line (road) than the north. The western third of the property is covered in oak trees. Approximately 15 mature Ponderosa pine trees are scattered throughout the open field in the eastern two thirds of the property.

The development sites are topographically visible from the following Key Viewing Areas (KVAs):

- *Dwelling & Pump House: SR 14, the Columbia River, and Highway 30 W (Middle Ground);*
- *Accessory Structure: SR 14 and the Columbia River (Middle Ground);*

Middleground is defined as ¼ mile – 3 miles from the subject lot.

Section 14.200 is not applicable to portions of a KVA within an Urban Area (UA) identified by the Management Plan. The Urban Area identified in this request is Mosier, Oregon.

The development sites are located at an elevation of approximately 680' feet above sea level (ASL). The primary factors in analyzing the visibility of the proposed dwelling and agricultural structures include the distance from KVAs, the use of dark earthtone colors on the buildings, existing backdrop of trees and the use of nonreflective materials.

The land use designation (GMA, Large Scale Agriculture) and landscape setting (Oak Woodlands) in the project area requires a scenic standard of visually subordinate.

Visually Subordinate is defined in Chapter 1 as "...the relative visibility of a structure ...does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point. As opposed to structures which are fully screened, structures which are visually subordinate may be partially visible. They are not visually dominant in relation to their surroundings..."

Highway 30 W: The portion of this KVA located within the Urban Area (UA) of Mosier, Oregon, is not included in this review. The portion of the KVA located outside of the UA is located at an elevation ranging from 180-200 beginning approximately 1.4 miles north of the development site and is visible for a linear distance of approximately 0.4 miles. Based on distance, screening vegetation (including the oak grove backdrop, and the scattered conifers onsite in the foreground), proposed dark earth-tone colors and non-reflective materials to be used on the exterior of the building, it will be visually subordinate as seen from this KVA.

Washington SR 14: This KVA is located at an elevation of 40-80' Above Sea Level (ASL), approximately 1.9 mile north of the development site. The site is sporadically visible among land forms for approximately 3.3 linear miles. Based on distance, screening vegetation (including the oak grove backdrop, and the scattered conifers onsite in the foreground), proposed dark earth-tone colors and non-reflective materials to be used on the exterior of the building, it will be visually subordinate as seen from this KVA.

Columbia River: This KVA is located at an elevation of approximately 76' ASL (per Corps of Engineers flowage easement between The Dalles Dam and Bonneville Dam). The development site is located approximately 1.1 mile south of the Columbia River. The development site is topographically visible for 3.5 linear miles along the river, however existing on-site trees (background and foreground) and distance make it very difficult to see the development site from this KVA. Based on distance, screening vegetation (including the oak grove backdrop, and the scattered conifers onsite in the foreground), proposed dark earth-tone colors and non-reflective materials to be used on the exterior of the building, the proposed development will be visually subordinate as seen from this KVA.

The applicant submitted colors for the proposed structures (dwelling, shop, round pen, and pump house) which are dark earth tone colors that blend with the surrounding area. Dark earth tone colors were not submitted, nor required, for the agricultural fencing as Section 3.110.B.1.a states: "a. In the General Management Area, the scenic resource protection guidelines shall not apply to woven-wire fences for agricultural use that would enclose 80 acres or less" and this 20.59 acre property is in the GMA.

Colors are addressed further in Section 14.200.I.

Reflectivity is addressed in Section 14.200.J.

Based on distance between the new development and KVAs, screening vegetation, and proposed colors and materials, with conditions proposed in Sections 14.200 I. and J., the proposed agricultural buildings and structures will be visually subordinate as seen from KVAs. Staff finds that the request complies with Criterion 14.200.A.

As the revised language does not represent a deviation from the recommended conditions, staff believes a modification of findings to be the most appropriate course of action.

The appellant concludes this section of grounds for appeal with the following statement: “These errors call into question the validity and the accuracy of the whole staffing report. Further it leaves potential respondents uncertain about what is being proposed and what is being approved and what the justification for the approval/conditions might be.”

As staff has demonstrated, the errors or perceived errors represented as grounds for appeal are generally immaterial to the analysis and review of the request, and thus, an insufficient basis for reversal or remand.

Appeal Grounds 3: The appellant opposes the 100’ setback from his property to the north, suggesting all development should be setback 250’ from his property on the basis that: “Although my property is not currently being used for orchard activity it is agricultural activity that is most consistent with the agricultural uses of two neighboring properties to the west.”

FINDING: The appellant did not supply additional information to indicate that any agricultural activity is occurring on his property to the north or support the claim that “it is most consistent with the agricultural uses of two neighboring properties to the west.”

Staff relies on the clear and objective standard in the National Scenic Area criteria related to setbacks. All structures proposed in the development are more than 500’ from the property line to the north. The exception is the 50’ round pen, which is proposed to be 100’ from the property line. The round pen is a moveable structure, which for reasons laid out by previous findings, is not generally subject to review. However, for the sake of being thorough and because it was listed in the staff report setback review, the round pen will be reviewed as if it is subject to setback standards.

Agricultural setbacks for the "A-2" Small Scale Agriculture Zone (GMA Only) are provided for in the Wasco County National Scenic Area Land Use and Development Ordinance Chapter 3, under Section 3.130.G Property Development Standards. (See NSA-LUDO Section 3.130.G.3 Agricultural Setbacks Page 3-39). The required criterion and listed setbacks are provided:

Agricultural Setbacks - In addition to the general setback standards listed in criterion 2 above, all new buildings to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use, shall comply with the following setback standards:

Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
Orchards	250'	100'	75'
Row crops/ vegetables	300'	100'	75'
Livestock grazing, pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

These clear and objective standards require staff analyze the actual adjacent use. Because the appellant has not provided additional details or information about the actual farm use on his property, staff analysis has included review of aerial photography (Attachment J), analysis of GIS layers like the United States Department of Agriculture (USDA) Crop data, and a site visit.

A site visit was conducted during the initial application review and staff determined there was not currently an agricultural use on the property in question. Aerial photography shows this property is not planted as an orchard, cultivated for row crops or vegetables, harvested for grains, or in cultivation for berries or vineyards (Attachment J). The USDA Crop data lists the current use as “shrubland” (Attachment K).

Based on the best available data, staff finds the agricultural use on the appellant’s property is more consistent with “other” and as such, the 100’ setback is appropriate.

Staff recommends denial of this ground for appeal.

***Appeal Grounds 4:** The fourth grounds for appeal are related to fencing being permitted in the oak woodland “because of its adverse affect on wildlife habitat.”*

FINDING: The appellant uses several arguments to suggest that fencing should not be allowed within oak woodland habitat.

In item a., the appellant states “Wasco county [sic] development standards in the national scenic area [sic] are required to ensure that new uses do not adversely affect sensitive wildlife areas and sites.”

Wasco County relies on the expert consultation of the Oregon Department of Fish and Wildlife to determine when proposed development represents potential for adverse effects. In a Nov. 4, 2020 email, Jeremy Thompson, District Wildlife Biologist for the Oregon Department of Fish and Wildlife (ODFW) stated: “It does not appear that the applicant is proposing to impact the oak habitat in this application, and with the proximity to town I do not see additional wildlife impacts. ODFW has no concerns.” Staff finds that the original finding, in consultation with ODFW, followed requirements to identify, mitigate and/or eliminate adverse impacts and that ODFW clearly stated they had no concerns related to fencing within the oak woodlands.

In part b. and c., the appellant uses neighbor comments from a prior property owner’s application that is unrelated to the application at hand. Land use reviews consider the property conditions, zoning, and proposed development against current regulations. The review does not include past proposals in making a decision unless submitted as evidence by the applicant. This is for multiple reasons including: findings related to a previous application may have been different because the material facts, proposed uses and development were substantially different; conditions may have changed; regulations may have changed; due process requires land use reviews are conducted de novo or “anew” except when specifically required to consider the full record or history of the property. In the case of Heltzel-Fuentes, referenced by the appellant, the application was for a horse boarding facility and other development inconsistent with the Lopez application and is immaterial to the Lopez proposal.

The appellant included information from an East Cascades Oak Partnership meeting to support ground for appeal c. The East Cascades Oak Partnership is a non-governmental consortium of various stakeholders who are developing a plan to preserve oak habitat in the region. The plan is not adopted, regulatory, or recognized by the Columbia River Gorge Commission as an official guidance document for reviews. These recommendations also do not mention or preclude fencing as the appellant implies.

In part d., the appellant elaborates on fencing standards. Wasco County Planning relies on the expert consultation of the Oregon Department of Fish and Wildlife to determine when proposed development

represents potential for adverse effects. As indicated above, the District Wildlife Biologist found no conflict with the proposed fencing and wildlife. Furthermore, staff reached out to ODFW with the appeal and to clarify ODFW had reviewed all the proposed fencing, including the 900' moveable fence proposed around the wetland to mitigate impacts. In a September 9, 2021 email (Attachment L), Jeremy Thompson, District Wildlife Biologist for the Oregon Department of Fish and Wildlife (ODFW) stated: "ODFW still does not have a concern regarding this proposal. We support the fencing of sensitive areas, such as a wetland area. While strand wire fencing is more hospitable to deer movement, in this scenario woven wire will not have an impact on the deer or elk, as there are no known migratory corridors within the area, and the proposed development is in an area already impacted by human presence, especially considering that within 1500 meters to the west is a large block of commercial orchards, and 1500 meters to the north lies the city of Mosier."

Impacts to the oak habitat were addressed through limiting the removal of trees on this property. The understory component within the area proposed for development is already impacted due to the previous land uses and adjacent human development.

Finally, in item e., the appellant again raises issues from a previous development proposal on the same property. As stated above, this information is irrelevant as it is based on a different development and agricultural use proposal.

Additional information was provided in Attachment C by the appellant which includes a snapshot of staff analysis from the Heltzel-Fuentes review and a report from the University of California Small Farm Center about goat farming in California. Appellant claims that the report's statement about the amount of pasture land required to raise a goat in California suggests 12 goats can be raised on a smaller amount of the parcel. However, the University of California Small Farm Center is relying on the high level of productivity of California's "fertile land" (Attachment C, page 26). Attachment K of the USDA Crop Data shows a mixture of shrubland and grassland/pasture land on the Lopez property, with soils ranging between class four and 8, according to NRCS soil data. Without knowing the average soil classification of a California goat farm, it's impossible to do detailed analysis on the comparison except to say that it is likely the acreage required on "fertile" California pasture land and a mixture of soils/land types in Oregon is different for the rearing of goats.

Staff recommends the Planning Commission dismiss these grounds for appeal.

***Appeal Grounds 5:** The appellant charges that the proposed fencing does not meet deer and elk winter range requirements for fencing.*

FINDING: The applicant has demonstrated that the proposed use includes goats which require a woven wire fence for controlling. In a Nov. 4, 2020 email, Jeremy Thompson, District Wildlife Biologist for the Oregon Department of Fish and Wildlife (ODFW) stated: "It does not appear that the applicant is proposing to impact the oak habitat in this application, and with the proximity to town I do not see additional wildlife impacts. ODFW has no concerns." With no concerns for impact on deer and elk winter range from the proposed fencing, which has been demonstrated to be required for the proposed farm use of controlling goats, staff finds that the request complies with Criterion 14.600.C.2.

ODFW had the opportunity to review the proposed fencing and expressed no concerns. As allowed by the requirements, the applicant was able to demonstrate the need for the specific type of fencing which is alternative to the design standard and allowed an exception conditioned on the review of ODFW not finding any conflicts or having concerns. As indicated above, the District Wildlife Biologist found no conflict with the proposed fencing and wildlife.

Staff recommends the Planning Commission dismiss these grounds for appeal.

Appeal Grounds 6: *The appellant request a specific condition to require oak tree preservation.*

FINDING: The condition of approval to require retention of all on site conifers is related to criterion 14.200.K which is for new landscaping used to screen development from Key Viewing areas. The finding states that the existing conifer trees can be used to better achieve visual subordination, along with dark earthtone colors and non-reflective materials.

There are no other triggers for requiring tree preservation.

Staff recommends dismissal of this grounds for appeal but suggests the Planning Commission modify the condition to require preservation of all trees not impacted by wildfire or disease.



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Pioneering pathways to prosperity.

FILE NUMBER: PLAAPL- 921-19-000193
FEE: \$ 250

APPEAL OF LAND USE DECISION

ORIGINAL PLANNING DEPARTMENT FILE NUMBER: 921-19-000-193-PLNG

Date Received: 7/9/21 Planner Initials: BB Date Complete: _____ Planner Initials: _____

APPELLANT INFORMATION

Name: JOSEPH CZERNIECKI

Mailing Address: (LOCAL) 1059 QUARTZ DR, MOSIER OR

City/State/Zip: (RESIDENTIAL SEATTLE) 4232 BAGLEY AVE N, SEATTLE, 98103

Phone: 206 899 2179 Email: jczern@uw.edu

APPEAL INFORMATION

1. Appeal Type

- Administrative Decision to the Planning Commission: Fee = \$250
- Planning Commission Decision to the Board of County Commissioners: Fee = \$ _____

If appellant prevails at Planning Commission or a subsequent appeal, the \$250 fee for the initial appeal shall be refunded per ORS 215.416(11)(b). This is not applicable for any subsequent appeal costs.

2. Appeal Deadline: JUNE 9, 2021 4PM

Date Submitted: JUNE 9, 2021

All appeal documents filed with Wasco County must be delivered to the Wasco County Planning Department Office by postal service or in person. Documents faxed are not considered filed. An appeal will not be considered timely unless received no later than 4:00 p.m. on the deadline stated on the Notice of Decision or Resolution. AN APPEAL IS NOT CONSIDERED COMPLETE UNTIL BOTH THE SIGNED NOTICE OF APPEAL AND FILING FEE ARE RECEIVED.

3. Party Status: State how the petitioner(s) qualifies as a party to this matter:

NEIGHBORING PROPERTY OWNER / SUBMITTED COMMENTS
IN RESPONSE TO INITIAL APPLICATION

Party includes the following:

- The applicant and all owners or contract purchasers of record, as shown in the files of the Wasco County Assessor's Office, of the property which is the subject of the application.
- All property owners of record, as provided in (a) above, within the notification area, as described in section 2.080 A.2., of the property which is the subject of the application.
- A Citizen Advisory Group pursuant to the Citizen Involvement Program approved pursuant to O.R.S. 197.160.
- Any affected unit of local government or public district or state or federal agency.
- Any other person, or his representative, who is specifically, personally or adversely affected in the subject matter, as determined by the Approving Authority. (Revised 1/92)

4. Grounds for appeal: List the **specific** grounds relied upon in the petition request for review (e.g. ordinance criteria not met, procedural error, etc.) Additional pages may be attached.

(see attached)

5. De Novo vs. On The Record: All appeals to Planning Commission are De Novo meaning new information can be entered into the record. All appeals to the Board of Commissioners are on the record unless a request is made as part of this request by party filing the petition. Any other party must make such a request no more than seven (7) calendar days after the deadline for filing a petition for review has expired.

The appeal is to the Board of Commissioners?

NO YES

I request the hearing to be De Novo or partial De Novo?

NO YES

State the reasons you are requesting a De Novo or partial De Novo without addressing the merits of the land use action:

Indicate any persons known to be opposed to a request for a De Novo hearing.

When practicable, the requesting party shall advise the other parties and attempt to gain their consent.

I have attempted to gain the consent of the other parties associated with this file? NO YES

If you answered no indicate why this is not practicable. If you answered yes list the parties who have consented for this to be a De Novo or partial De Novo hearing.

The request for a De Novo hearing for appeal of a quasi-judicial plan amendment shall be decided by the Board of Commissioners as a nonpublic hearing item, except that the Board may make such provision for notice to the parties and may take such testimony as it deems necessary to fully and fairly address significant procedural or substantive issues raised. The Court shall grant the request only upon findings that:

- A De Novo hearing is necessary to fully and properly evaluate a significant issue relevant to the proposed development action;
- The substantial rights of the parties will not be significantly prejudiced; and
- The request is not necessitated by improper or unreasonable conduct of the requesting party or by a failure to present evidence that was available at the time of the previous review.

5. Outstanding Appeal Fees: Any person wishing to appeal any decision shall be required to pay all outstanding appeal fees prior to their appeal application being considered complete.

List prior appeals filed:

I have paid all outstanding fees associated with prior appeals: N/A NO YES

SIGNATURES

Joseph Czerwik [Signature] June 9, 2021
Name, Title Date

Name, Title Date

Additional petitioner(s):

Name Address

Name Address

Name Address

Name Address

P:\Development Applications\Appeal_Decision.doc Last updated 3/9/2017

Joseph Czerniecki

Re: Appeal of proposed Adrian Lopez development – Application number 921-19-000193-PLNG

First of all I would like to complement Adrian for all of his work on amending the application. The amended version has gone a long way to addressing the majority of my concerns.

The first two appeals A and B below relate to the Notice of Decision and the Staff Report related to this development application. Both of these documents have so many errors that will lead to confusion and probable downstream errors of interpretation that they should be re-written.

- A. The Notice of Decision should be remanded for correction and resubmitted to all involved parties.
 - a. The current notice of decision includes a request that does not match the Public Notice of Administrative action dated June 3,2021
 - i. This leads to confusion and ambiguity about what is being requested and what is being approved.
 - ii. Specifically, the Amended Request (June 3,2021) does not include 900' of electric fence while the Notice of Decision (June 24,2021)states that the request includes 900' of moveable electric fence.
 - iii. It also includes other specific differences in the requests for agricultural structures
 - iv. This error will lead to potential downstream conflict.
- B. The Staff Report should be remanded for modification and correction – there are so many inaccuracies and inconsistencies that there are questions about the overall validity of the report. It also leaves open to ongoing confusion about what is being requested and what is being approved. It also limits the ability of neighbors and other agencies to adequately respond to the development application.
 - a. Page 1. The description of the development states that the proposed development includes 900 ft of moveable electric fence – this was present in the initial application but was not specified in the amended application. The amended application indicates a blue color coding for only 4' MESH fence in all areas including that which runs north/south protecting the wetland in the eastern portion of the property.
 - b. Page 2. Background – staff report states that the proposed agricultural use of the Lopez property is 5 cows, 15 goats and/or sheep. This is not consistent with the amended application which states that the agricultural use will be for 12 goats.
 - c. Page 3. D. Surrounding land use – staff report states that the land to the west is used for orchard. This is incorrect the immediate property to the west is oak woodland it is the property beyond this to the west that is orchard.

- d. Page 4. Finding – the extent of moveable electric fence has now changed to 1,000 ft. – once again moveable fence is not included in the amended application.
- e. Pages 5-6. Finding- the subject parcel shares borders with 7 parcels. This is not accurate it shares a border with 3 parcels, and Huskey Road to the south.
- f. Pages 5-6 – goes on to say that there is vegetative barrier between the Lopez parcel and my parcel to the north. “To the north, one property contains approximately eight acres of land that is not currently farmed, but is suitable for future farm use. Without a barrier, orchards are protected by a 250’ setback. With a barrier, orchards are protected by a 100’ setback. The property to the north contains an oak woodland that creates a natural vegetative barrier and thus only require a 100’ buffer.”
 - i. This is incorrect. There are 5 trees over the greater than 900 foot property line. This does not meet Wasco County definition of a vegetative barrier.
- g. Page 13 – The staff report includes the statement “The development sites are located at an elevation of approximately 680’ feet above sea level (ASL). The primary factors in analyzing the visibility of **the proposed kitchen/restroom building** include the distance from KVAs, the use of dark earthtone colors on the buildings, existing backdrop of trees and the use of nonreflective materials. “
 - i. There is no kitchen/restroom building in the development proposal. I believe this may be a cut/paste error from the prior Hetzel/Fuentes development proposal on this property.
 - ii. These errors call into question the validity and the accuracy of the whole staffing report. Further it leaves potential respondents uncertain about what is being proposed and what is being approved and what the justification for the approval/conditions might be.

Regarding the proposed development, I have a number of additional points of appeal related to the decisions that were reached regarding this development.

- C. I am appealing the decision to only have a 100’ setback of all structures from my property. Currently there is a roundpen (agricultural structure) that was put into place approximately 100’ from the property line adjacent to my home.
 - i. This proposed decision is based upon the following finding.
 - 1. **“FINDING:** The subject property shares borders with seven other properties. To the west, an adjacent property is currently farmed as a commercial orchard on the other side of a vegetative barrier (oak trees). To the north, one property contains approximately eight acres of land that is not currently farmed, but is suitable for future farm use. Without a barrier, orchards are protected by a 250’ setback. With a barrier, orchards are protected by a 100’ setback. The property to the north contains an oak woodland that creates a natural vegetative barrier and thus only require a 100’ buffer.”
 - ii. The definition of vegetative barrier in the NSA development ordinance is:
 - 1. The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted

and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.

- iii. There are currently 5 trees that separate our parcels over a 900+ foot property line. This does not meet the definition of a vegetative screen. The setback distance to my property therefore should be 250'. Although my property is not currently being used for orchard activity it is agricultural activity that is most consistent with the agricultural uses of two neighboring properties to the west.

D. I am also appealing the decision to allow fencing in the oak woodland because of its adverse effect on wildlife habitat

- a. Wasco county development standards in the national scenic area are required to ensure that new uses do not adversely affect sensitive wildlife areas and sites.
- b. In the prior development application on this property (Hetzl/Fuentes 921-18-00017-PLNG) in 2018 there were extensive comments by the neighboring property owners that the protection of habitat was important for wildlife. The Wasco County Development staff made a finding that this property includes wildlife habitat. Below is a map of the subject parcel developed by the Wasco County Development staff.

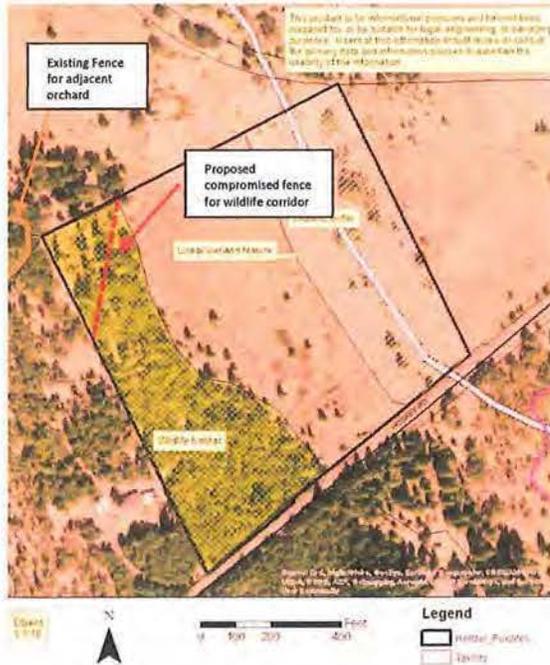


- c. This wildlife habitat is primarily oak woodland. The recommendation after appeal of the (Hetzl/Fuentes 921-18-00017-PLNG) application was that this woodland was an

important wildlife corridor. This is supported by the priorities of the **East Cascades Oak Partnership** which was referenced in the Mosier Watershed Council meeting (see Appendix A)

- d. Wasco County Development standards in the National Scenic area require:
 - i. *New and replacement fences that are allowed in winter range shall comply with the guidelines in Specifications for Structural Range Improvements (Sanderson et. al. 1990), as summarized below, unless the project applicant demonstrates the need for an alternative design:*
 - ii. *To make it easier for deer to jump over the fence, the top wire shall not be more than 42 inches high.*
 - iii. *The distance between the top two wires is critical for adult deer because their hind legs often become entangled between these wires. A gap of at least 10 inches shall be maintained between the top two wires to make it easier for deer to free themselves if they become entangled.*
 - iv. *The bottom wire shall be at least 16 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire because barbs often injure animals as they crawl under fences.*
 - v. *Stays, or braces placed between strands of wire, shall be positioned between fence posts where deer are most likely to cross. Stays create a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires. Woven wire fences may be authorized only when a project applicant clearly demonstrates that such a fence is required to meet his/her specific and immediate needs, such as controlling hogs and sheep.*
- e. **From Hetzel/Fuentes application 2 years prior staff findings included:**
 - i. **FINDING:** As stated in a. above, the grove of oak/pine trees cannot be removed to increase the amount of land available for the horse boarding operation.
 - ii. **FINDING:** Approximately 6.6 acres of the western portion of the property is located in Oregon white oak trees and is considered to be wildlife habitat.
 - iii. **FINDING:** The purpose of this section is to ensure that new uses do not adversely affect sensitive wildlife areas and sites. The proposed horse boarding facility will result in the creation of four buildings: a barn, a round pen, a loafing shed, and an equipment shed. The southwestern 1/3 (approximate) of the subject lot contains Oregon white oak, an important wildlife habitat for big game.
 - iv. Report of contact included the following:
 1. Staff contacted Mr. Thompson again by e-mail on August 2, 2018, and inquired about whether the proposed fencing would allow wildlife passage. The fence will be constructed with wooden posts and smooth wire with a hot top wire. Mr. Thompson replied by email on August 2 2018 and stated: *"I prefer smooth wire, and a tophot wire is no impact."*

- E. The Farm Management Plan included by Mr. Lopez suggests that the fencing is necessary to contain livestock. The proposed fencing does not meet the above noted requirements for preservation of deer and elk winter range. This is in conflict with the preservation of the western fenced area as a wildlife corridor



- a. The importance of maintaining wildlife corridors is being increasingly recognized as important for the preservation of both habitat and the animal species who reside there. Because of this conflict between agricultural use and preservation of deer and elk winter range the best compromise would be to modify the fencing location to allow for a wildlife corridor. As indicated on the figure above. This would allow deer and elk to move freely between adjacent properties, without significant loss of the proposed use of the property for raising 13 goats.
- F. The final area of appeal is that there should be a specific condition that requires preservation of the oak trees in the oak woodland portion of the property.
- a. The conditions in the decision specify the preservation of existing conifer trees on the subject parcel but do not specifically state that the oak trees in the oak woodland must be preserved.
 - b. They should be preserved for both wildlife protection and for reducing the visibility of the proposed structures.
 - c. According to NSALUDO 14.200 The existing tree cover screening the development area on the subject parcel from KVAs shall be retained except as necessary for site *development or fire safety purposes*.

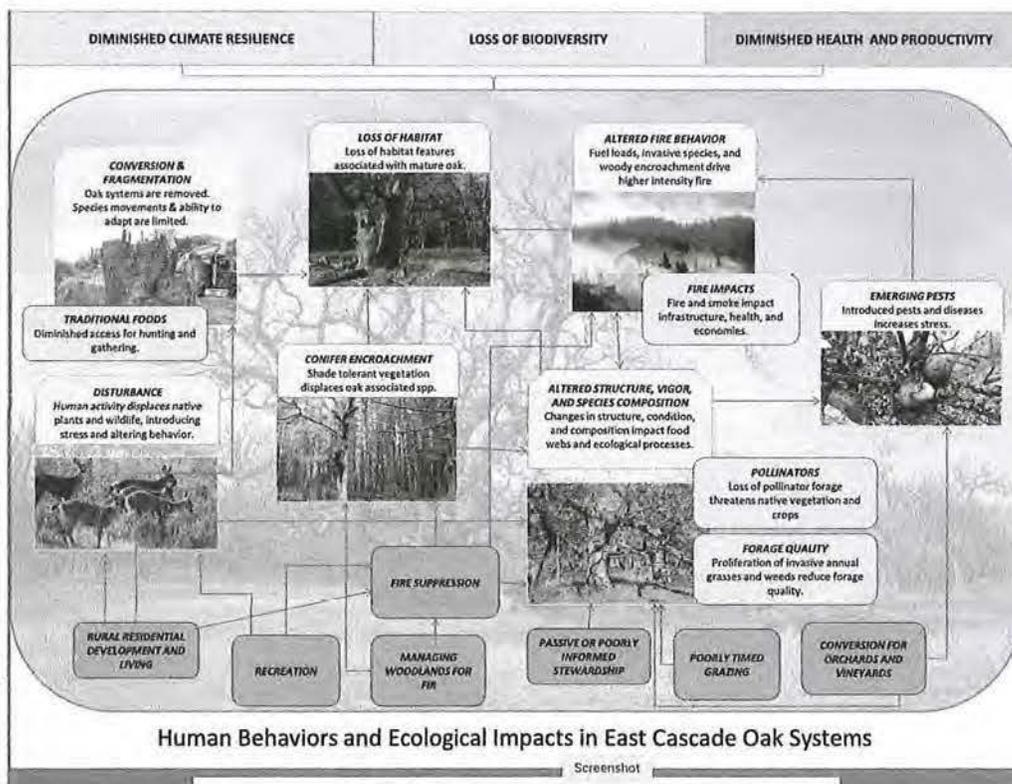
Appendix A:

East Cascades Oak Partnership update for September 2020 Watershed Council meeting

The East Cascades Oak Partnership (ECOP) is a group of people collaborating to leverage resources, share knowledge, and implement conservation strategies that will help protect vulnerable oak habitats, encouraging more sustainable human interactions and improving outcomes for people, oaks and wildlife. The partnership recognizes that relationships between public, private, tribal and nonprofit organizations and individuals are essential to protecting and restoring oak habitats in the region.

Over the past three years ECOP has been working on the development of a strategic action plan. The strategic plan effort has the support of over 150 partners, representing 29 public and private organizations and businesses, as well as dozens of private land owners. The result of the strategic planning process is that partners have agreed to focus our strategies around five high priority actions that are guiding the future direction of the group.

1. Protect the most intact, functional oak systems, connectivity and climate resiliency corridors on the landscape and manage for ecological stewardship
2. Establish and distribute best management practices to support positive outcomes in oak systems while advancing other private landowner management goals.
3. Develop conservation projects on a strong research, monitoring, and adaptive management framework.
4. Advocate for oak systems experiencing fir encroachment in existing fuels reduction program funding allocations, expand funding and partner capacity to implement release activities
5. Build and expand outreach and incentive programs that support oak system stewardship by rural residential landowners in core conservation areas, connectivity corridors, and buffers.



**Supplement A: History of Non-compliance:
Photographic documentation to supplement prior comments**

Figure 1. Round Pen, Shed



Figure 2. Shed



Figure 3. School bus parked for months without approval for a parking area



Supplement B: Photographic Documentation which supports the absence of a vegetative barrier.



View south to Lopez Development from the edge of my parking area which corresponds to our adjacent property boundaries. There is no vegetative barrier.

Figure illustrating the property line and the absence of a vegetative barrier between the Czerniecki and Lopez properties.



Supplement C: Documentation to support the feasibility and advantage of wildlife corridor

1. Supplement to my prior comments about a wildlife corridor.
2. The proposed development is in deer/elk winter range and has been determined to be wildlife habitat by Wasco County Development staff on previous Fuentes application.



3. The proposed development includes fencing design which is not allowed under current standards for deer elk winter range.
4. The proposed fencing is being approved to meet agricultural requirements
5. The proposed fencing is unnecessary to meet agricultural requirements
6. This is supported by:
 - a. Accompanying UC Small Farm Center Research Report SFCRR2005-01
 - b. Excerpt from page 5 of Report see highlighted below
 - i. Indicates the proposed 12 goat farm can be financially and functionally viable if an unfenced wildlife corridor is retained

ments. An average California meat goat farm of 24 goats can be raised on 5 to 10 acres of pasture land and can fit into more than 62 percent of the farms in California, contributing to the diversity of these small farms.

Figure 1. Wasco County map illustrating existing fencing (blue), proposed fencing (orange), and recommended fencing to preserve corridor (pink)



Outlook for a Small Farm ◀ Meat Goat Industry for California



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University of California Small Farm Center
Research Report SFCRR2005-01

February 2006 (Revised)





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UC Small Farm Center Research Report SFCRR2005-01

This report was edited by
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Photographs courtesy of
John Gonzales of Rocky Spot Ranch.

Layout by Natalie Karst.

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Goats are the most popular domesticated animals in the world and goat meat and milk are the most widely consumed animal products. Goats are popular with small holders because of their efficient conversion of feed into edible, high quality meat, milk, and hide. Goats are also used as a holistic tool for land vegetation management and fire fuel-load control. With proper grazing management, goats can eliminate noxious weeds, restore native grasses, and prevent fire through fuel-load reduction.

In the United States, meat goat production has been gaining in popularity in recent years thanks to several factors, including growing populations of ethnic groups that favor goat meat and

faith-based consumers who prefer it. National estimates based on import data indicate that the U.S.'s supply of goats is deficient—more than 500,000 additional goats are required to meet the country's current demand for goat meat.

California, with its large ethnic populations and many faith-based consumers, has great potential for meat goat production. A small herd of meat goats can be produced on 10 to 15 acres of pasture land and can fit into more than 60 percent of California's farmsteads, enhancing small farm diversity and profitability. Goat meat is also lean and healthy and can play a major role in the diet of health-conscious Californians.

All photos are courtesy of John Gonzales of Rocky Spot Ranch and are used by permission.





Present Status of the Goat Industry in the U.S. and California ◀

Changes in Farms and Farming Acreage

According to the U.S. Department of Agriculture’s (USDA’s) 2002 census, the total number of U.S. and California farms and the land area devoted to farming have decreased. However, average acres per farm and total dollars produced per acre of farm land have increased in the U.S. and especially in California (Table 1). California farmers produce on average three times the dollar value per acre as those in the rest of the U.S., and this is partially due to the creativity and diversity of small farms in California. Meat goats, as small grazing units, can quite appropriately fit into California’s farming structure and add more diversity to farming—justified by the increase in the percent of the population that consumes goat meat.

The majority of farms in California are small farms. Around 62 percent of California farms are less than 50 acres, 72 percent are less than 100 acres, and 80 percent are less than 180 acres in size (Table 2).

According to the USDA census (2002), while the number of acres in total woodland, pasture land and range land decreased from 1997 to 2002, the number of farms claiming woodland, pasture land, and range land increased (Table 3). This could be an indication that more small farms are utilizing grazing and browsing animals. Especially in California, more small farms seem to be utilizing pasture and range lands that are appropriate for goat production (goats being browsers).

Status of Goat Farms in the U.S.

According to USDA’s census (2002), the number of goat farms in this country increased by more than 19 percent while there was a 12 percent increase in the goat population from 1997 to 2002; however, the number of farms that sold goats increased by more than 45 percent and goat sales were up more than 55 percent (Table 4).

During the same period, the number of angora goat farms declined along with a decrease of about 63 percent in the number of angora goats. The number

▶ Table 1. Farms’ status changes from 1997 to 2002 in the U.S. and California

	U.S.		California	
	1997	2002	1997	2002
Number of Farms	2,215,876	2,128,982	87,991	79,631
Area in Farming (acres)	954,752,502	938,279,056	28,795,834	27,589,027
Average Farm Size (acres)	431	441	327	346
Dollars per Acre	967	1,213	2,643	3,526

Source: U.S. Department of Agriculture, *2002 Census of Agriculture*.



► Table 2. California farm size (acres) and numbers

Farm Size in Acres	Number of Farms	Percent of Farms	Accumulated Percent
1-9	21,827	27.4	27.4
10-49	27,307	34.3	61.7
50-69	4,143	5.2	66.9
70-99	4,044	5.1	72.0
100-139	3,505	4.4	76.4
140-179	2,664	3.3	79.7
>180	16,141	20.2	99.9



Source: U.S. Department of Agriculture, 2002 Census of Agriculture.

► Table 3. Farms (acres) with woodland and pasture land

	U.S.		California	
	1997	2002	1997	2002
Total Woodland				
Number of Farms	858,438	818,105	4,944	5,136
Number of Acres	76,854,833	75,878,213	1,213,093	1,191,484
Woodland Pasture				
Number of Farms	402,490	379,795	2,183	2,534
Number of Acres	31,078,705	31,128,955	706,996	679,384
Pasture and Range				
Number of Farms	645,548	850,913	15,890	18,053
Number of Acres	398,232,125	395,278,829	15,021,823	13,987,763
Pasture, All Types				
Number of Farms	1,429,638	1,384,798	26,941	26,462
Number of Acres	495,699,214	486,965,589	17,067,865	16,012,506

Source: U.S. Department of Agriculture, 2002 Census of Agriculture.

► Table 4. Changes in all goat farms from 1997 to 2002 in the U.S.

	1997	2002
Number of Farms	76,543	91,462
Number of Goats	2,251,613	2,530,466
Number of Farms that Sold Goats	29,937	43,495
Number of Goats Sold	843,773	1,314,310

Source: U.S. Department of Agriculture, 2002 Census of Agriculture.



of farms that sold angora goats declined as well, with a decrease exceeding 61 percent in the number of angora goats sold (Table 5). The number of farms that sold mohair declined by more than 36 percent with more than 54 percent less mohair sold (Table 6).

By contrast, the number of dairy goat farms increased by 45 percent with a more than 52 percent increase in the number of dairy goats in the U.S. from 1997 to 2002. The number of dairy farms that sold goats increased by 71 percent with a more than 57 percent increase in the number of goats sold (Table 7).

► **Table 5.** Changes in angora goat farms from 1997 to 2002 in the U.S.

	1997	2002
Number of Farms	5,485	5,075
Number of Goats	829,263	300,753
Number of Farms that Sold Goats	1,883	1,662
Number of Goats Sold	238,674	91,037

Source: U.S. Department of Agriculture, *2002 Census of Agriculture*.

► **Table 6.** Changes in mohair production from 1997 to 2002 in the U.S.

	1997	2002
Number of Farms that Sold Mohair	3,826	2,434
Pounds of Mohair Sold	5,287,312	2,416,376

Source: U.S. Department of Agriculture, *2002 Census of Agriculture*.

► **Table 7.** Changes in dairy goat farms from 1997 to 2002 in the U.S.

	1997	2002
Number of Farms	15,451	22,389
Number of Goats	190,588	290,789
Number of Farms that Sold Goats	5,163	8,850
Number of Goats Sold	72,307	113,654

Source: U.S. Department of Agriculture, *2002 Census of Agriculture*.

► **Table 8.** Changes in meat goat farms from 1997 to 2002 in the U.S.

	1997	2002
Number of Farms	63,422	74,980
Number of Goats	1,231,762	1,938,924
Number of Farms that Sold Goats	24,539	36,403
Number of Goats Sold	532,792	1,109,619

Source: U.S. Department of Agriculture, *2002 Census of Agriculture*.

The number of meat goat farms increased by 18 percent with a more than 57 percent increase in the number of meat goats (Table 8). The number of farms that sold meat goats increased by 48 percent with a more than 108 percent increase in meat goats sold from 1997 to 2002. While there was a drastic reduction in angora goat numbers (530,000) and sales, the increase in the total goat population (more than 250,000) in the U.S. can be attributed partially to a small increase in the number of dairy goats (more than 100,000) and a major increase in the number of meat goats (more than 700,000). The 71 percent increase in the number of goats sold by dairy goat farms also may have contributed to the meat goat supply.



► Table 9. Profile of the goat industry in the U.S. and California

	U.S.		California		
	Number	Percent	Number	Percent	Rank
All Goats	2,530,466	100.0	103,122	100.0	3
Meat Goats	1,938,924	76.6	61,241	59.4	6
Milk Goats	290,789	11.5	37,343	36.2	1
Fiber Goats	300,756	11.9	4,538	4.4	4

Source: U.S. Department of Agriculture, 2002 Census of Agriculture.

Status of Goat Farming in California

The 2002 agricultural census for California reported 4,256 farms that had sales of sheep and goat products worth \$52.4 million, whereas the U.S. reported 96,249 farms with sales of \$541.7 million. California claimed 4.4 percent of U.S. farms with a 9.7 percent contribution to sales of sheep and goat products.

Goat Numbers

California, with more than 103,000 goats, ranks third in the total number of goats after Texas and Tennessee according to USDA’s 2002 census (Table 14). More than three-quarters of the U.S.’s goats are meat goats. Meat goats account for 60 percent, milk goats for 36 percent, and fiber goats for 4 percent of the goats in California. For dairy goats, California, with more than 37,000, ranks first; the state’s more than 4,500 fiber goats rank the state fourth; and its more than 61,000 reported meat goats place it sixth in the nation. Tables 10, 11, 12, and 13 clearly indicate that California is a leading state for goat production and that there is great potential for the meat goat industry to grow in this state.

Goat Herd Size

The average size of goat herds in the U.S. is higher for fiber goats, followed by meat and dairy goats. Fiber goats are mainly

concentrated in large herds in the hot, dry climates of Texas, Arizona, and New Mexico. Dairy goats are located mainly in cooler environments such as those found in California and Wisconsin. Meat goats are the most widely distributed across the United States, which is an indication of their adaptability to different environments. An average California meat goat farm of 24 goats can be raised on 5 to 10 acres of pasture land and can fit into more than 62 percent of the farms in California, contributing to the diversity of these small farms.

Goat Meat Imports

As shown in Table 15, in 2003 the U.S. imported 77.5 million kilograms of mutton and goat meat, up 54.4 percent from 50.2 million kilograms in 1999. Imports were valued at \$353.2 million, up 93.7 percent from \$182.3 million in 1999. The main exporters to the U.S. are Australia, which has about a 66 percent share, and New Zealand, which has about a 34 percent share.

Figures 1 and 2 show changes in goat meat imports and dollars spent from 1999 to 2003. Goat meat imports in 2003 alone were 8.46 million kilograms (valued at \$21.48 million), an increase of 151 percent from the 3.36 million kilograms imported in 1999. The value of goat meat imports



► Table 10. Top ten states for the number of all goats in 2002

	Farms	Goats
U.S.	91,462	2,530,466
Texas	17,411	1,194,289
Tennessee	5,268	114,664
California	3,542	103,122
Oklahoma	3,560	82,792
Georgia	2,975	69,498
Kentucky	3,471	68,412
North Carolina	3,546	67,276
Alabama	2,259	50,574
Missouri	2,411	48,654
Ohio	4,014	45,061

Source: U.S. Department of Agriculture, 2002 Census of Agriculture.

► Table 11. Top ten states for the number of meat goats in 2002

	Farms	Goats
U.S.	74,980	1,938,924
Texas	16,145	941,783
Tennessee	4,758	107,211
Oklahoma	3,006	73,302
Georgia	2,786	66,018
Kentucky	2,979	61,618
California	2,613	61,241
North Carolina	3,111	58,993
Alabama	2,042	47,270
South Carolina	1,943	37,985
Missouri	1,852	37,515

Source: U.S. Department of Agriculture, 2002 Census of Agriculture.

► Table 12. Top ten states for the number of milk goats in 2002

	Farms	Goats
U.S.	22,389	290,789
California	1,301	37,343
Wisconsin	668	25,900
Texas	1,703	22,569
Ohio	1,358	14,420
New York	1,146	12,822
Pennsylvania	1,082	12,652
Michigan	843	8,935
Missouri	749	8,656
Iowa	447	8,524
Oklahoma	865	8,389

Source: U.S. Department of Agriculture, 2002 Census of Agriculture.

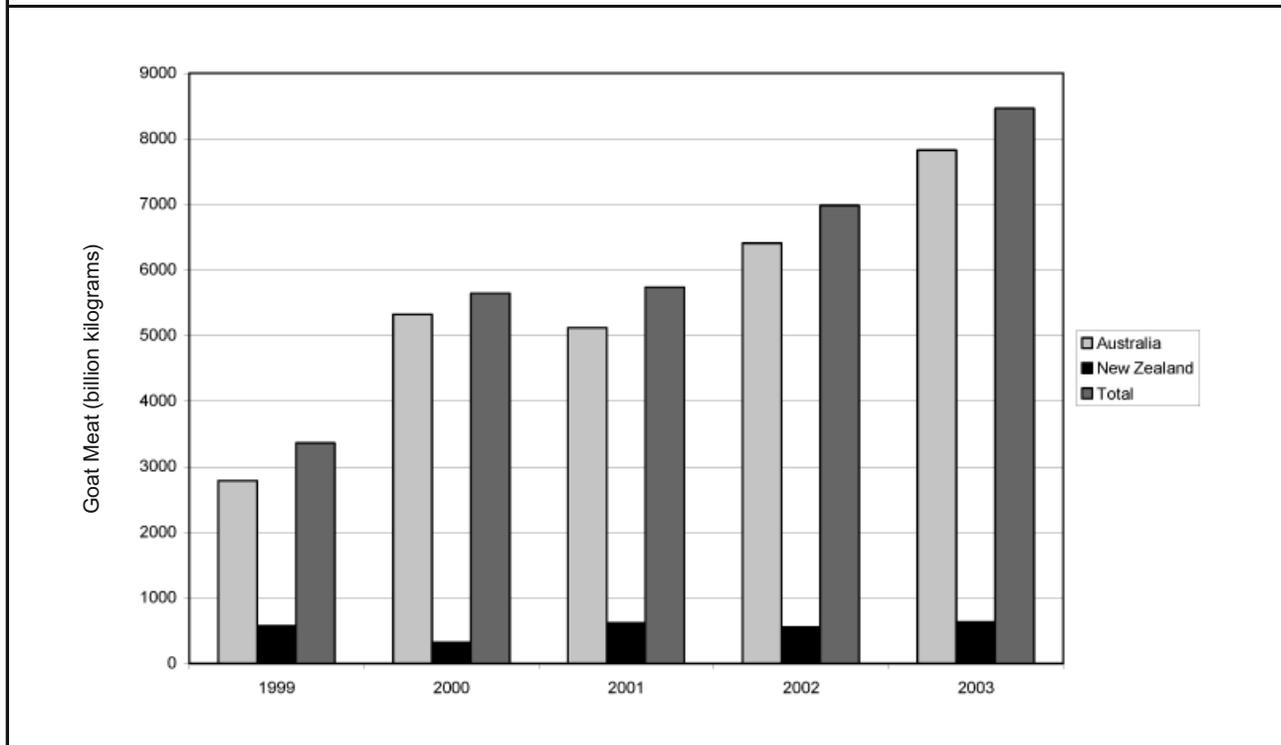
► Table 13. Top ten states for the number of fiber goats in 2002

	Farms	Goats
U.S.	5,075	300,756
Texas	908	229,937
Arizona	53	27,905
New Mexico	98	7,059
California	246	4,538
Missouri	154	2,483
Ohio	253	2,202
Oregon	257	2,156
North Carolina	161	1,571
Michigan	145	1,374
Virginia	124	1,164

Source: U.S. Department of Agriculture, 2002 Census of Agriculture.

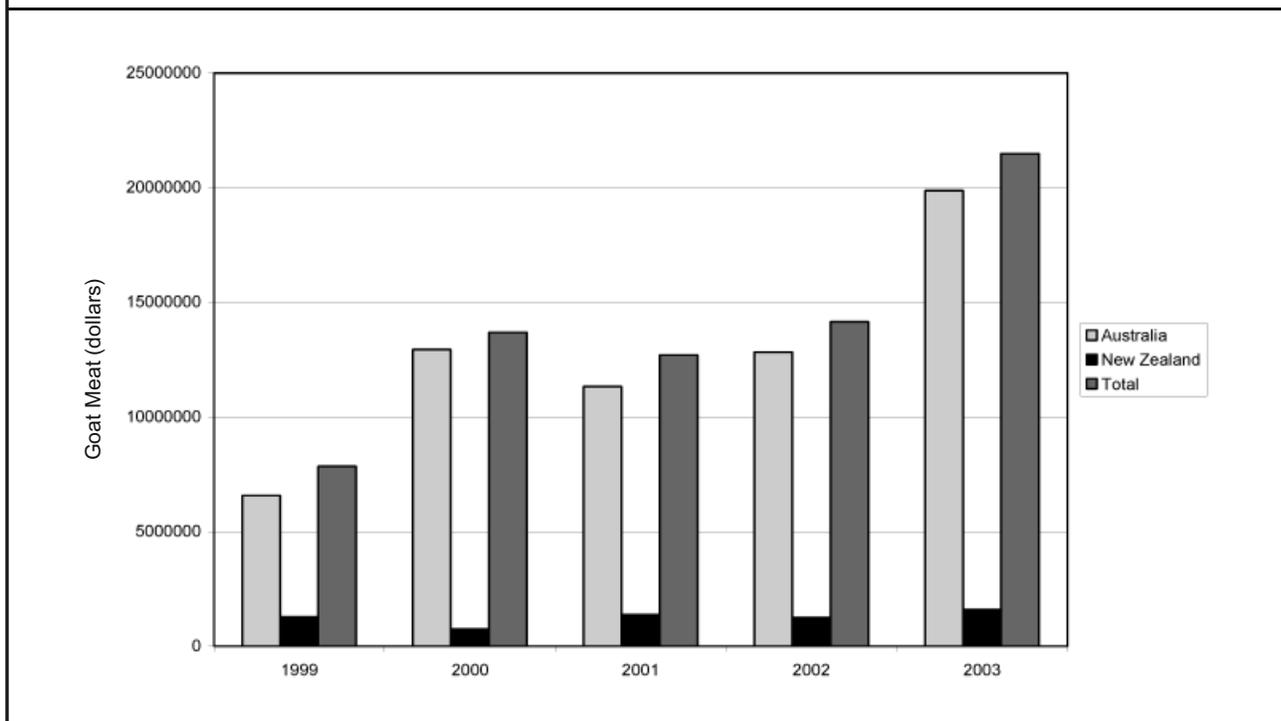


► Figure 1. Changes in goat meat imported to the U.S. from 1999 to 2003



Source: U.S. Department of Agriculture, National Agricultural Statistics Service, *Livestock Slaughter: 2004 Summary*.

► Figure 2. Changes in total dollars spent on goat meat from 1999 to 2003 in the U.S.



Source: U.S. Department of Agriculture, National Agricultural Statistics Service, *Livestock Slaughter: 2004 Summary*.



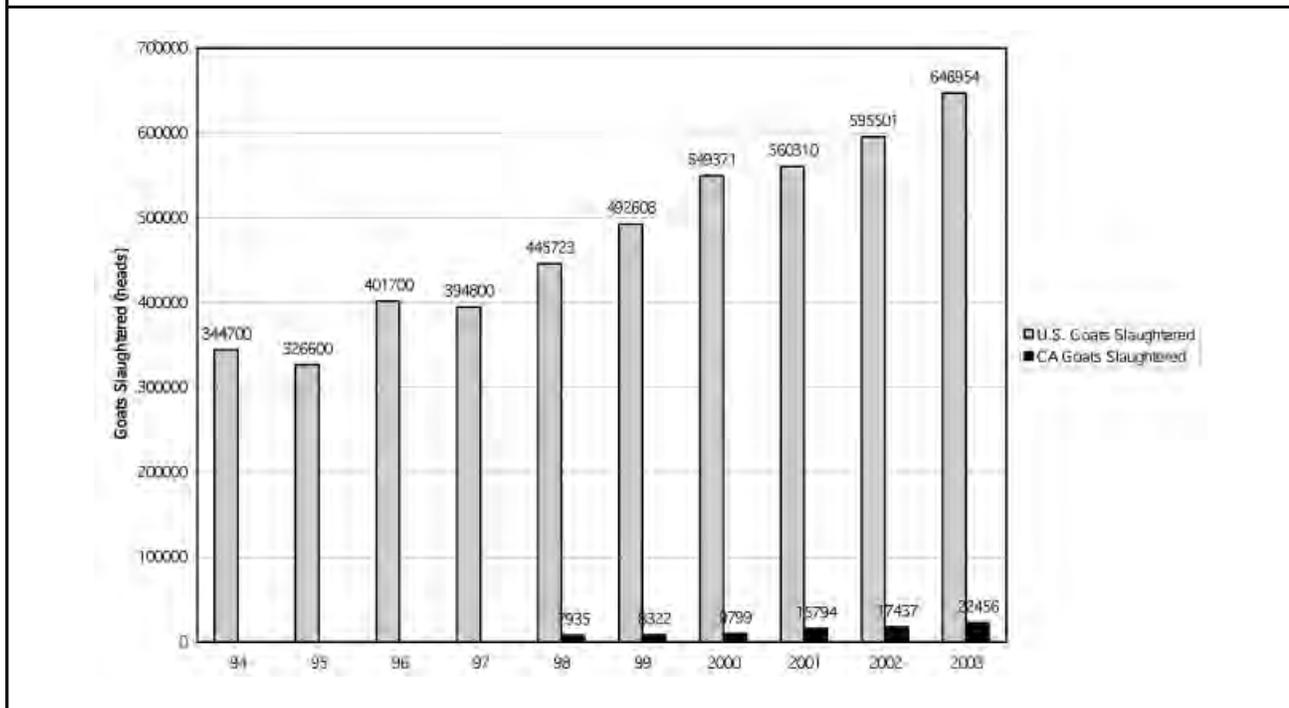
► Table 14.

Average size of goat herds in the U.S. and top ten states for meat, milk, and fiber goats

	All Goats	Meat Goats	Milk Goats	Fiber Goats
U.S.	28	26	13	60
Texas	69	59	14	254
Tennessee	22	23	–	–
California	29	24	29	19
Oklahoma	24	25	10	–
Georgia	24	24	–	–
Kentucky	20	21	–	–
Wisconsin	–	–	39	–
Ohio	11	–	11	9
New York	–	–	11	–
Arizona	–	–	–	527

Source: U.S. Department of Agriculture, 2002 Census of Agriculture.

► Figure 3. Goats slaughtered in USDA-inspected plants in the U.S. and California from 1994 through 2003



Source: U.S. Department of Agriculture, National Agricultural Statistics Service, *Livestock Slaughter: 2004 Summary*.



represented an increase of 174 percent from \$7.85 million in 1999. As the figures indicate, there was a sharp increase in goat meat imports and dollars spent for goat meat, especially from 2002 to 2003. This trend is likely to continue unless there is an increase in domestic production.

Goats Slaughtered in USDA-Inspected Plants

The number of all goats slaughtered at federally inspected plants increased by 45.1 percent between 1998 and 2003, and there was a much greater increase in slaughters reported in California—183 percent (Table 16). No slaughter data were reported for California prior to 1998. The number of meat goats slaughtered has shown solid increases since 1998 and will



continue to increase due to a number of factors promoting meat goat production, especially in California (Figure 3). It also

must be noted that the meat goat industry in general and especially in California is in its infancy; therefore, many on-farm slaughters are not reported. For every goat slaughter reported, one can assume that others have not been reported.

► Table 15. U.S. goat meat and mutton imports and their value

	1999	2003	Percent Change
Goat Meat and Mutton			
Imports in Million Kilograms	182.30	353.20	93.7
Goat Meat Only			
Imports in Million Kilograms	3.36	8.46	151.0
Value in Million Dollars	7.85	21.48	174.0

Source: U.S. Department of Agriculture, National Agricultural Statistics Service, *Livestock Slaughter: 2004 Summary*.

► Table 16. Goats (number) slaughtered at federally inspected plants in the U.S. and California

	1998 ^a	2003	Percent Change
U.S.	445,723	646,954	45.1
California	7,935	22,456	183.0

^a First year that data were reported for goats in California. Source: U.S. Department of Agriculture, National Agricultural Statistics Service, *Livestock Slaughter: 2004 Summary*.



Factors That May Affect Goat Meat Consumption ◀

U.S. Population Changes with Special Reference to California

According to the 2000 U.S. census, the number of foreign-born people in the U.S. has risen 57 percent since 1990—from 19.8 million to 31.1 million—and continues

1950 and 2000, the Southern share of the population increased from 31 percent to 36 percent; for the West, it increased from 13 percent to 22 percent; and for the Midwest, it dropped from 29 percent to 23 percent (Table 18).

► Table 17. U.S. population changes by ethnic/cultural group with projections to 2050

	2000	Percent	2005	Percent	2050	Percent
Total	281,421,906		295,507,000		419,854,000	
Asian	10,242,998	3.6	12,419,000	4.2	33,430,000	7.9
Black	34,658,190	12.3	38,056,000	12.9	61,361,000	14.6
Hispanic	35,305,818	12.5	41,801,000	14.1	102,560,000	24.4

Source: U.S. Census Bureau, *U.S. Census 2000*.

to increase on an upward trend that started in 1970. Of those born outside the U.S., 51.7 percent are from Latin America and 26.4 percent are from Asia. With this shift in geographic origins, there has also been a major change in regional settlement in the U.S. The number of foreign-born individuals living in the West and South rose from 37.7 percent in 1990 to 65.5 percent in 2000. The U.S. Hispanic population increased at a fast rate and will exceed 100 million or 25 percent of the population in the year 2050 (Table 17). This group of immigrants has a strong preference for goat meat and will create an opportunity for this segment of agriculture to expand.

Because of differences in growth rates, regions' shares of the total U.S. population have shifted considerably in recent decades. Between

U.S. Hispanic Population Changes

Table 19 indicates changes in the U.S. Hispanic population by regional residency. The Hispanic population is mostly concentrated in the West and South with more than 40 percent in California.

U.S. Asian Population Changes

About 50 percent of the U.S. Asian population resides in the West with more than 70

► Table 18. U.S. population changes by region

	1990	2000	Percent Change
U.S. Total	248,709,873	281,421,906	13.2
Northeast	50,809,229	53,594,378	5.5
Midwest	59,668,632	64,392,776	7.9
South	85,445,930	100,236,820	17.3
West	52,786,082	63,197,932	19.7

Source: U.S. Census Bureau, *U.S. Census 2000*.



► Table 19. Changes in the U.S. Hispanic population by region

	1990		2000	
	Number	Percent	Number	Percent
U.S.	22,354,056	9.0	35,305,818	12.5
Northeast	3,754,389	7.4	5,254,087	9.8
Midwest	1,726,509	2.9	3,124,532	4.9
South	6,767,021	7.9	11,586,696	11.6
West	10,106,140	19.1	15,340,503	24.3

Source: U.S. Census Bureau, *U.S. Census 2000*.

► Table 20. Changes in the U.S. Asian population by region

	1990		2000	
	Number	Percent	Number	Percent
U.S.	6,908,638	2.8	10,242,998	3.6
Northeast	1,324,865	2.6	2,119,426	4.0
Midwest	755,403	1.3	1,197,554	1.9
South	1,094,179	1.3	1,922,407	1.9
West	3,734,191	7.1	5,003,611	7.9

Source: U.S. Census Bureau, *U.S. Census 2000*.

percent of those in California. Goat meat is a popular staple food for this group of immigrants and provides an opportunity for goat meat production, especially in the West and California (Table 20).

the U.S. 2000 census) currently reside in the United States. Along with these populations come opportunities for U.S. agriculture to promote new products to serve this ever increasing population base (Table 21).

U.S. Ethnic and Faith-Based Populations with a Preference for Goat Meat

The U.S. ethnic population consuming goat meat changed between 1990 and 2000. More than a million Buddhists and Muslims, more than ten million Asians, and more than 35 million Hispanics (according to

► Table 21. Changes in the U.S. ethnic population from 1990 to 2000

	1990	2000	Percent Change
Muslims	527,000	1,104,000	109
Buddhists	401,000	1,082,000	170
Hispanics	22,354,000	35,305,000	58
Asians	6,908,638	10,242,998	48

Source: U.S. Census Bureau, *U.S. Census 2000*.



Outlook for Goat Meat Production in California ◀

The major factor contributing to the rise in demand for meat goat production in the U.S. is the shift in population demographics. California, with a Hispanic population of more than 30 percent, can be a major goat meat producer and consumer.

In 2000, 51.7 percent of the foreign-born population was from Latin America, 26.4 percent was from Asia, and 15.8 percent was from Europe. Together, Latin America and Asia accounted for 78.2 percent of the foreign-born population, up from 28.3 percent in 1970.

Along with this major change in the geographic origins of the foreign-born, the U.S. has seen a major change in settlement of these groups within the United States. The proportion of the foreign-born population living in the West and South rose from 37.7 percent in 1970 to 65.5 percent in 2000.

► Table 22. Population changes from 1990 to 2000 in California and surrounding states

	1990	2000	Percent Change
Arizona	3,665,228	5,130,632	40.0
California	29,760,021	33,871,648	13.8
Nevada	1,201,833	1,998,257	66.3
Oregon	2,842,321	3,421,399	20.4

Source: U.S. Census Bureau, *U.S. Census 2000*.

Ethnic Population Changes in California and Surrounding States

The total population of Arizona increased 40 percent and Nevada saw a 66 percent increase in population from 1990 to 2000 (Table 22).

The increase in population in California, especially among ethnic minorities, has a spillover effect on neighboring states. This shift has impacted the foreign-born population in those states, which could also create a potential market for goat meat production. The Hispanic population doubled in Nevada and Oregon and increased 25 percent in California and

34 percent in Arizona from 1990 to 2000 (Table 23).

The Asian population has also increased more than 28 percent in Arizona, 18 percent in California, 55 percent in

► Table 23. Changes in the Hispanic population in California and surrounding states

	1990		2000	
	Number	Percent	Number	Percent
Arizona	688,338	18.8	1,295,617	25.3
California	7,687,938	25.8	10,966,556	32.4
Nevada	124,419	10.4	393,970	19.7
Oregon	112,707	4.0	275,314	8.0

Source: U.S. Census Bureau, *U.S. Census 2000*.



Nevada, and 30 percent in Oregon. This population increase in California and surrounding states is another promising factor for the goat meat industry in this region (Table 24).

Sociological and Economic Changes among the Ethnic Population

Not only have ethnic populations increased in number in California, but household incomes for various ethnic groups have increased as well, allowing for more disposable income. Average household income

increased 18.8 percent with the incomes of African Americans and Asians increasing by 25.8 percent and 51.3 percent respectively (Table 25).

Socioeconomic changes in the Hispanic population are indicated by an increase in the number and proportion of Hispanic farmers that are principal operators and farm owners (Table 26). The increase in income could potentially lead to more disposable income in ethnic households, which may result in more consumption of goat meat.

► Table 24. Changes in the Asian population in California and surrounding states

	1990		2000	
	Number	Percent	Number	Percent
Arizona	51,699	1.4	92,236	1.8
California	2,735,060	9.2	3,697,513	10.9
Nevada	35,232	2.9	90,266	4.5
Oregon	64,232	2.3	101,350	3.0

Source: U.S. Census Bureau, *U.S. Census 2000*.

► Table 25. Changes in household income in the U.S.

	1990 Income in 2000 Dollars	2000 Income	Percent Increase
All Households	\$48,024	\$57,047	18.79
Whites	\$49,962	\$59,280	18.65
African Americans	\$31,860	\$40,067	25.76
Hispanics	\$35,915	\$42,411	18.09
Asians	\$46,412	\$70,231	51.32

Source: U.S. Census Bureau, *U.S. Census 2000*.

► Table 26. Changes in Hispanic principal operators from 1997 to 2002

	1997	2002	Percent Change
Farmers	33,450	50,592	51.2
Full Owners	21,742	36,650	68.5

Source: U.S. Department of Agriculture, *2002 Census of Agriculture*.





Goats Slaughtered at USDA-Inspected Plants in California

The number of goats slaughtered at federally inspected plants in California increased from more than 7,900 reported in 1998 to more than 22,000 in 2003 (Figure 4). This is a clear indication of increased interest in goat meat.

Presently there are 27 federally inspected slaughterhouses in California according to a list compiled by High Sierra Beef. Five of those plants show goat processing and four of the five are open to the public (Table 27). The plants are all located in Central and Northern California.

The majority of California’s Hispanic population resides in Southern California locations, including Los Angeles (46.5 percent) and San Diego (25.4 percent)

(Table 28). The population in some areas in Southern California is more than 60 to 90 percent Hispanic, and the presence of a USDA goat-harvesting and processing plant should be justified.

Imports and Exports of Goat Meat

The United States was a net exporter of goat meat until 1991; however, there were no exports after 1993 (Table 29). This shift is another indication of the increased interest in goat meat consumption nationally. In 2003, the U.S. imported more than 18 million pounds of goat meat. With an average carcass weight of 35 to 40 pounds, an estimated 500,000 goat carcasses were imported. This number of goats is a potentially viable value-added enterprise opportunity by which small farms in California can diversify.

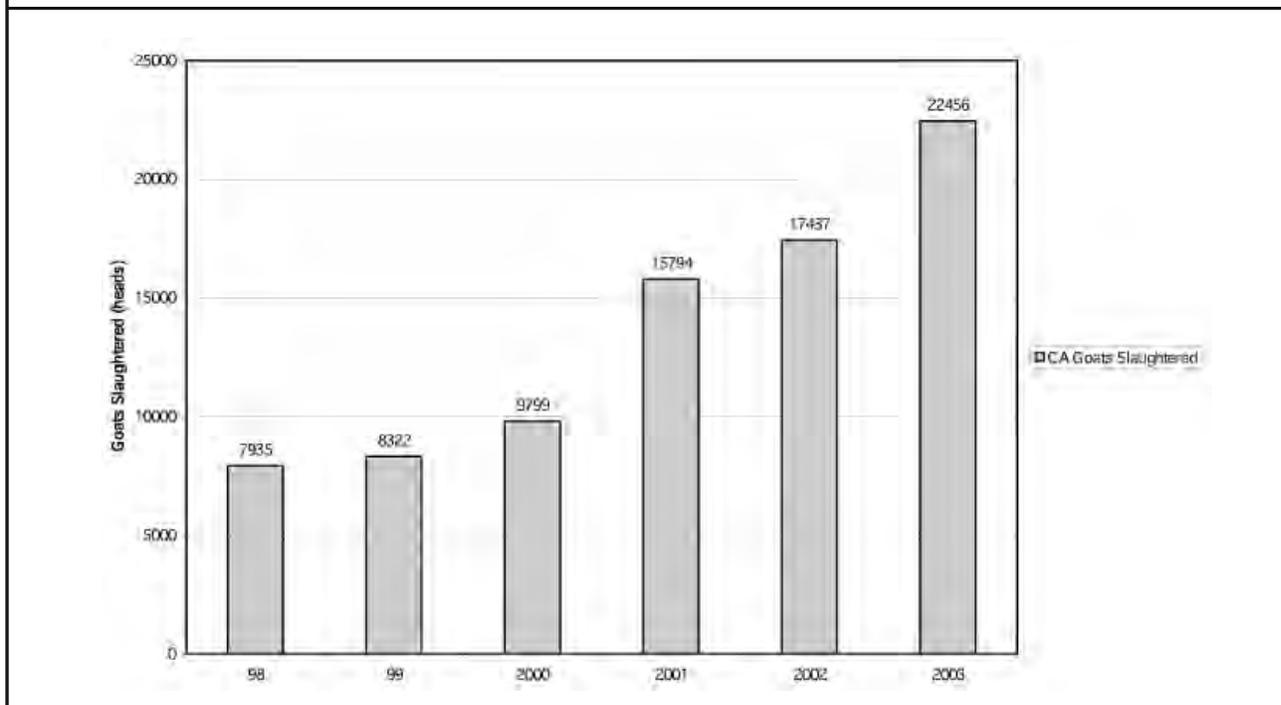
► Table 27. USDA-inspected goat processing sites in California

Abattoir	County	Telephone Number	Days Open	Public
Johansen’s Meat Market Road P North of Highway 232 Orland, California	Glenn	530.865.2103	Tuesday– Thursday	Yes
Meridian Meat Company 16761 Kilgore Road Meridian, California	Sutter	530.696.0130	Monday– Tuesday	Yes
Panizzera Meat Company Main Street & Graton Road Occidental, California	Sonoma	707.874.1854	Monday– Wednesday	Yes
Stagno’s Meat Company E. Barstow & Woodrow Modesto, California	Stanislaus	209.578.1748	Monday– Friday	Yes
University of California UC Meat Lab One Shields Avenue Davis, California	Yolo	530.752.7410	Monday– Friday	No

Source: http://ucce.ucdavis.edu/counties/ceplacernevada.ucdavis.edu/custom_program550/usda_inspected_harvesting_sites.htm.



► Figure 4. Goat slaughters reported from 13 USDA-inspected plants in California



Source: U.S. Department of Agriculture, National Agricultural Statistics Service, *Livestock Slaughter: 2004 Summary*.

► Table 28. Places in California with 100,000 or more individuals making up the Hispanic population

	Population	Percent
East Los Angeles	120,307	96.8
Santa Ana	257,097	76.1
El Monte	83,945	72.4
Oxnard	112,807	66.2

Source: U.S. Census Bureau, *U.S. Census 2000*.

► Table 29. U.S. meat goat import and export balance

	Imports to U.S.	Exports from U.S.	Balance
1989	86,067	122,056	+35,989
1990	99,353	115,413	+16,060
1991	122,932	53,246	-71,506
1992	172,280	60,444	-148,836
1993	136,364	3,504	-132,860
1994	138,481	None	-138,481

Source: U.S. Department of Agriculture, National Agricultural Statistics Service, *Livestock Slaughter: 2004 Summary*.



Estimated Potential Demand for Goat Meat in California ◀

The largest group of ethnic consumers of goat meat is Hispanics, which increased 57.9 percent in population from 1990 to 2000. Muslims, Asians, and Africans also consume significant amounts of goat meat. Goat meat consumption throughout the year typically remains constant except on special holidays, when it triples or quadruples. There also are increases in demand for goat meat for Easter, the Fourth of July, and some Muslim holidays such as Aideh Ghorban and Aideh Fatre. Goat meat consumption is usually greater in colder months between October and February among the Chinese. Understanding these ethnic traditions and matching demand with production require special education in marketing techniques. Also, special handling and harvesting procedures related to various religions and traditions can contribute added value to goat meat. Halal harvesting procedures for Muslims and Kosher techniques for Jewish people may add value to goat meat.

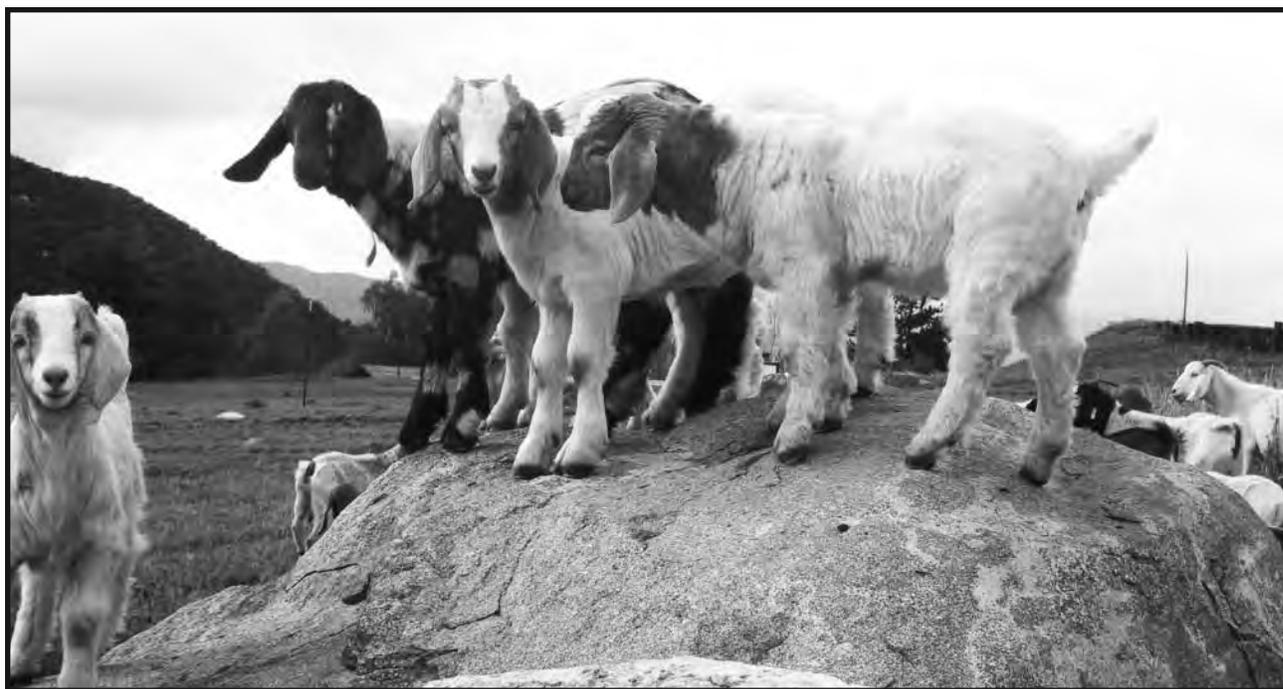
The following estimate of the potential demand for goat meat is based on the Hispanic and Asian population in

California. According to the U.S. census (2000), there are about 3.7 million Asians and about 11 million Hispanics in California. Among 7 million illegal immigrants, more than 50 percent are Mexicans (who consume goat meat), the majority of whom reside in California. In total, there are at least 17 million people belonging to ethnic populations in California. Dividing that figure by an average of 5 persons per household generates an estimated 3.4 million households. If only 10 percent of those households consume goat meat, there would be demand for the meat by 340,000 households. If every household consumes 6 pounds of meat per month (including holidays), there would be a demand for 24,480,000 pounds of meat. Assuming a 40-pound carcass weight, demand as total number of goats is 612,000 head (Table 30).

This is a very modest estimate of demand for meat goats in California. According to the USDA's 2002 census, California has about 61,000 goats that are not dairy or fiber goats. Some of those goats are undoubtedly used for vegetation control and are not usually sold for meat.

► Table 30. Estimated demand for goats and goat meat in California

Total Population (Asian and Hispanic)	17 million
Total number of households assuming five persons per household	3.4 million
Households that consume goat meat (10 percent)	340,000
Household consumption of goat meat per month, including holidays	6 pounds
Total goat meat consumed	24,480,000 pounds
Average goat carcass weight	40 pounds
Total head of goats in demand	612,000



With only 22,000 goats harvested in USDA-inspected plants, it is clear that there is great potential for this industry to grow and become better organized in California. About 50 percent of the U.S. ethnic population resides in California (17–18 million of 35–36 million), which should translate

into consumption of about half of the goat meat imported and harvested in the U.S. The estimated demand for consumption of goat meat in California is a little more than 50 percent of the 1.15 million goats reported consumed in the U.S. in 2003 (domestic slaughters + imports).



Conditions Promoting Goat Production in California ◀

Hispanic and Female Principal Operators

The number of female principal operators rose 12 percent between 1997 and 2002, whereas the number of Hispanic principal operators and of Hispanic female principal operators were up 51 percent and 56 percent respectively (Table 31). Goats are smaller animals than cattle and very popular with female producers. Increasing numbers of female principal operators and especially Hispanic principal operators and Hispanic women are encouraging prospects for promoting meat goat production. Proper knowledge in goat husbandry, budgeting, and marketing techniques will ensure a profitable agri-business.

The number of California women as principal operators decreased by 3.2 percent between 1997 and 2002; however, total Hispanic and Hispanic female principal operators were up more than 43 percent according to the USDA's 2002 census (Table 32).

Farm Size in California

In 2002, California reported 4,256 farms with sales of sheep and goat products worth \$52.4 million, whereas the U.S. reported 96,249 farms with sales of \$541.7 million. California claimed 4.4 percent of U.S. farms with a 9.7 percent contribution to the sale of sheep and goat products.

California, having an average farm size of 346 acres and a median of 35 acres

per farm, is appropriately designed for small-scale meat goat production. Also, more than 50 percent of California's farms are less than 49 acres in size. Goats are smaller-unit animals and 5 to 10 goats can be raised on an acre of improved pasture depending on the intensity of management.

Sources of Feed

California has the highest product value per acre in the U.S. and a large variety of agricultural products are grown on its fertile land. Energy-source cereal grains such as wheat, barley, and sorghum are grown locally. Protein feeds such as cotton seeds, sunflower meal, and other by-products are readily available. Roughages such as good quality hays

► Table 31. Changes in the characteristics of U.S. farms' principal operators from 1997 to 2002

	1997	2002	Percent Change
Total Women	209,784	238,269	11.95
Total Hispanics	33,450	50,443	50.80
Hispanic Women	3,286	5,138	56.36

Source: U.S. Department of Agriculture, 2002 Census of Agriculture.

► Table 32. Changes in the characteristics of California farms' principal operators from 1997 to 2002

	1997	2002	Percent Change
Total Women	13,018	12,598	-3.20
Total Hispanics	5,347	7,771	45.33
Hispanic Women	512	736	43.75

Source: U.S. Department of Agriculture, 2002 Census of Agriculture.



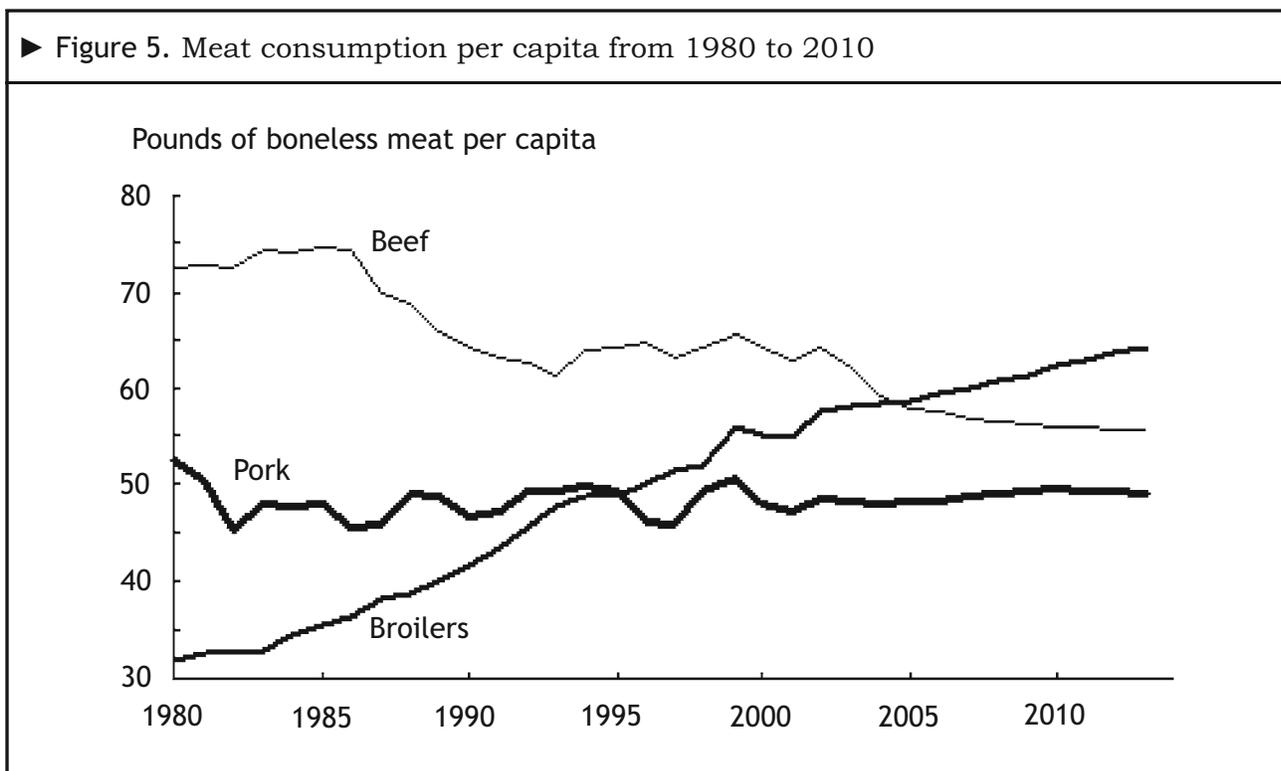
and silages and by-products such as rice bran, wheat bran, and sugar beet pulp are common. Leftover garden produce of all kinds sold in farmers markets is presently being composted, but it is a goat's favorite meal.

Health Consciousness and Goat Meat Quality

Americans and especially Californians are more conscious of their health and what they eat than ever before. Poultry consumption has increased from less than 35 pounds per capita in 1980 and is projected to exceed 60 pounds per capita by 2010 (Figure 5). Three characteristics of poultry have made major contributions to this increase: 1) it is considered a healthier product as it is leaner than beef and pork, 2) it costs less than beef or pork, and 3) it is readily available. Compared to poultry,

goat meat is leaner with less fat waste, and research has indicated that it has balanced proportions of saturated and unsaturated fatty acids and is a rich source of conjugated linoleic acid (CLA), which is found only in ruminants. However, it is more expensive than poultry, beef, lamb, and pork and it is not readily available. A 2004 report of county fair activities in Merced, California, indicated that the interest in showing meat goats has been increasing each year since the first show of four meat goats in 2001. This year, the number was up to 53. Beef and sheep entries were down and goat and rabbits entries were up. Average prices per pound were \$4.93 for goats, \$4.50 for sheep, \$3.46 for swine, and \$2.50 for beef. Clearly the most expensive meat was goat meat. The high price of goat meat, along with lack of availability, constrains its consumption.

► Figure 5. Meat consumption per capita from 1980 to 2010



Source: U.S. Department of Agriculture, Economic Research Service, *USDA Agricultural Baseline Projections to 2013*, February 2004.



Major problems associated with advancement of goat meat production in California are:

- ▶ Consumer education
- ▶ Producer education
- ▶ Organized market and marketing channels

Consumer education on the quality of goat meat and why all the old cultures such as Greek, Chinese, Mayan (Mexican, Hispanic), and Middle Eastern people, eat this meat should be investigated. Producers should be educated on the best management techniques for raising goats for meat. Utilizing some superior breeds with fast growth rates, especially from South Africa, has revolutionized meat goat production

elsewhere. However, the most important factor in the growth of any industry, including goat meat, is marketing of the product. With high prices for goat meat, it may be feasible to do direct marketing using the internet. Value-added products, such as specialty sausages and other ready-to-eat meat products, can enhance marketing and profit margins. Special consideration should be given to proper harvesting and handling techniques for goat meat to cater to various customer groups for increased profit margins.





Conclusion ◀

There is increased interest in goat meat consumption in the U.S. The number of goats harvested in USDA-inspected plants and the amount of goat meat imported from Australia and New Zealand have increased sharply since 1999. The U.S. has changed from a net exporter to a net importer during the last decade. Increases in ethnic populations, especially Hispanics, Asians, and Muslims, in the U.S. in general and in California in

particular may have contributed to this fact. Also, goat meat is a healthy meat that fits the “designer” diets of health-conscious Americans. This is an opportunity for small farm producers in California to target this market and diversify their farm products. There is also an opportunity for value-added products. However, consumer and producer education is needed and marketing structures need development.







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The Small Farm Center offers this Situation and Outlook report as a prelude to more serious analysis and discussion about the possibilities for development of a more rational goat meat production and distribution system in California. As this report suggests, the potential demand for goat meat by various ethnic populations could provide the demand side that would justify developing this industry. On the supply side, it would not be an insuperable task to enable a significant number of California's small farmers to develop the necessary production capacity. More of a challenge would be the logistics of a marketing and distribution system, particularly regarding the location of slaughtering facilities. But through collaboration among potential stakeholders, the constraints may be breached and development enabled.



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PLANNING DEPARTMENT

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NOTICE OF DECISION

FILE #: 921-19-000193-PLNG

DECISION DATE: June 24, 2021

APPEAL DEADLINE: July 9, 2021

REQUEST: Scenic Area Review of a new dwelling and structures to support the proposed farm use of raising approximately 13 goats. This request includes:

- (1) New Single Family Dwelling (1,889 SF footprint, 50'L x 40'W x 24'H)
- (2) Accessory Buildings (1,500 SF footprint, 50'L x 40'W x 24'H)
- (3) Agriculture Structures: approximately 5,000' of 4' H wire mesh fence (6' fence posts) enclosing three areas on either side of the driveway for livestock pens; approximately 900' of moveable electric fence to protect a wetland; and a 50' diameter moveable round pen.
- (4) Retroactive review of an unlawfully placed well to serve the residential use and a new 12'L x 12'W x 12'H well house with 1,000 gallon water cistern, and driveway.

DECISION: Approved with **Conditions**

APPLICANT/OWNER INFORMATION:

APPLICANT/OWNER: Adrian Lopez, 1150 Huskey Road, Mosier, OR 97040

PROPERTY INFORMATION:

LOCATION: The development site is located north of Huskey Road, approximately 0.1 miles west of Jasper Lane and 0.5 miles south of the City of Mosier, Oregon, more specifically described as:

<u>Map/Tax Lot</u>	<u>Acct. #</u>	<u>Acres</u>
2N 11E 11 2200	327	20.59

ZONING: A-2 (80), Small Scale Agriculture in the General Management Area of the Columbia River Gorge National Scenic Area

Attachments:

- A. Conditions of Approval
- B. Time Limits & Appeal Information
- C. Maps
- D. Staff Report
- E. Outdoor Lighting Standards
- F. Forest-Farm Management Easement
- G. Comments

Staff Reviewer: Will Smith, Senior Planner &
Brent Bybee, Associate Planner

After recording, please return to:
Wasco County Planning Department

ATTACHMENT A – CONDITIONS OF APPROVAL

Pursuant to Wasco County National Scenic Area Land Use Development Ordinance, Chapter 2 – Development Approval Procedures, Section 2.120.A., Notice of a Decision by the Director, the following shall be recorded as conditions of approval and binding upon the owners, developers or assigns.

A. Cultural Resources:

1. All ground disturbance within the archaeological site boundaries shall be monitored by a professional archaeologist, specifically the installation of fence lines.
2. If plans change so that greater impacts are proposed within the archaeological site boundaries, the site shall be formally evaluated for significance and eligibility for inclusion on the National Register of Historic Places (NRHP).
3. If cultural resources are discovered during development of any new structure or building, all construction shall cease within 100' of the discovered cultural resource. The cultural resource(s) shall remain as found and further disturbance is prohibited. The owners shall notify the Wasco County Planning Department and Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or associated with Native Americans, the owners shall also notify the Confederated Tribes of Warm Springs, Confederated Tribes of Umatilla, Perce Nez, and Yakama Indian Nation within 24 hours of discovery.
4. If human remains are discovered, all work on the parcel shall cease, and the human remains shall not be disturbed any further. The owners shall immediately notify the Wasco County Sheriff's Office, the Wasco County Planning Department, the Gorge Commission, and the four Indian tribal governments.

B. Prior to Issuance of Zoning Approval on any Building Permit and After Expiration of the 15-Day Appeal Period, the Applicant/Owner shall:

1. Obtain a Road Approach Permit from the Wasco County Public Works Department for the existing driveway onto Huskey Road.
2. Oregon Dept. of Forestry Permit: Any land clearing activities involving power driven machinery that occur from May 1st through September 30th shall obtain a Permit to Operate Power Driven Machinery from the Oregon Dept. of Forestry prior to beginning any development.

C. Chapter 11 - Fire Safety Standards:

1. Improvements and requirements listed in Chapter 11 of the Wasco County NSA-LUDO and the signed and completed Fire Safety Standard Self-Certification shall be achieved within one year of the date of approval and maintained through the life of the development. This certification commits all future property owners to the same requirements. A copy of this self-certification form is available for inspection at the Wasco County Planning Department under File #921-19-000193-PLNG.
2. Address: Apply for a new address for the proposed commercial horse boarding facility, and submit the County application and fee (\$75) to the Planning Department (prior to issuance of zoning approval on a building permit application). An approved address shall be posted on both sides of a permanent post or mailbox within 30' of the driveway providing access to the

ATTACHMENT A – CONDITIONS OF APPROVAL

dwelling. The address numbers shall be legible, reflective, and at least 2 ½ inches high. Application must be made a minimum of 2 weeks prior to issuance of zoning approval on a building permit application.

D. Colors and Materials

- The following materials and colors are approved for the kitchen/restroom building:

	Material	Exterior Color	Looks Like	Consistent with color requirement?
HOUSE				
Main/Body	Hardie Board Fiber Cement	SW Thunder Grey (SW 7645)	Dark Gray	Yes, approved
Trim	Hardie Board Fiber Cement	SW Forest Wood (SW 7730)	Dark Green	Yes, approved
Roof	Owens Corning Asphalt Shingles	Gray	Dark Gray	Yes, approved
BARN/SHOP & PUMP HOUSE				
Main/Body	Hardi Board Fiber Cement	SW Thunder Grey (SW 7645)	Dark Gray	Yes, approved
Trim	Hardi Board Fiber Cement	SW Forest Wood (SW 7730)	Dark Green	Yes, approved
Roof	Owens Corning Asphalt Shingles	Gray	Dark Gray	Yes, approved
ROUND PEN	Galvanized Steel	Hunter Green (Rustoleum)	Dark Green	Yes, approved for narrow surfaces only

- If alternate colors or materials are proposed for any new development, they shall be submitted to and approved by the Planning Department prior to their use on the exterior of the building.
- All windows shall be thermal pane rated less than 15% visible light reflectivity.

F. Miscellaneous Conditions:

- Ground disturbance shall be minimized to the greatest extent possible. All ground disturbance resulting from development shall be revegetated no later than the next planting season (Oct-April) with native species. The property owners and their successors in interest shall be responsible for survival of planted vegetation and the replacement of such vegetation that does not survive.
- The retention of all conifer trees indicated on the site plan is required to comply with visual subordination standards. Coniferous trees not indicated on the site plan may be removed if they are damaged or diseased, or for fire safety purposes. If coniferous trees indicated on the site

ATTACHMENT A – CONDITIONS OF APPROVAL

plan are removed, die or are destroyed, they shall be replaced in compliance with the following standards:

To ensure survival, new trees and replacement trees shall meet the following requirements

- All trees shall be at least 4 feet tall at planting, well branched, and formed.
 - Each tree shall be braced with 3 guy wires and protected from livestock and wildlife. The guy wires need to be removed after two winters.
 - The trees must be irrigated until they are well established.
 - Trees that die or are damaged shall be replaced with trees that meet the planting requirements above.
3. All conifer trees east of the existing driveway shall be retained.
 4. Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and the Columbia River. Shielding and hooding materials shall be composed of nonreflective, opaque materials.
 5. The round pen shall not be placed inside any property line or resource protection setbacks in the event that it is moved.
 6. Development approved by this decision shall comply with all requirements of the Wasco County Building Codes Services Department.

SIGNED THIS 24th day of June, 2021, at The Dalles, Oregon.



Brent Bybee, Associate Planner
Wasco County Planning Department

NOTE: Any new land uses or structural development such as residences; garages, workshops or other accessory structures; or additions or alterations not included in the approved application or site plan will require a new application and review.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: Oregon Revised Statutes, Chapter 215, requires that if you receive this notice, it must promptly be forwarded to the purchaser.

ATTACHMENT B – TIME LIMITS AND APPEAL INFORMATION

Proposed development shall not commence until the appeal period has expired, and conditions of approval are adhered to.

Section 2.240 of the Wasco County National Scenic Area Land Use and Development Ordinance, this approval shall expire: (1) when construction has not commenced within two years of the date the land use approval was granted, or (2) when the structure has not been completed within two years of the date of commencement of construction. **The expiration date for the validity of a land use approval is from the date of expiration of the appeal period and not the date the decision was issued.**

Please Note!

No guarantee of extension or subsequent approval either expressed or implied can be made by the Wasco County Planning Department. Please take care in implementing your proposal in a timely manner.

APPEAL PROCESS:

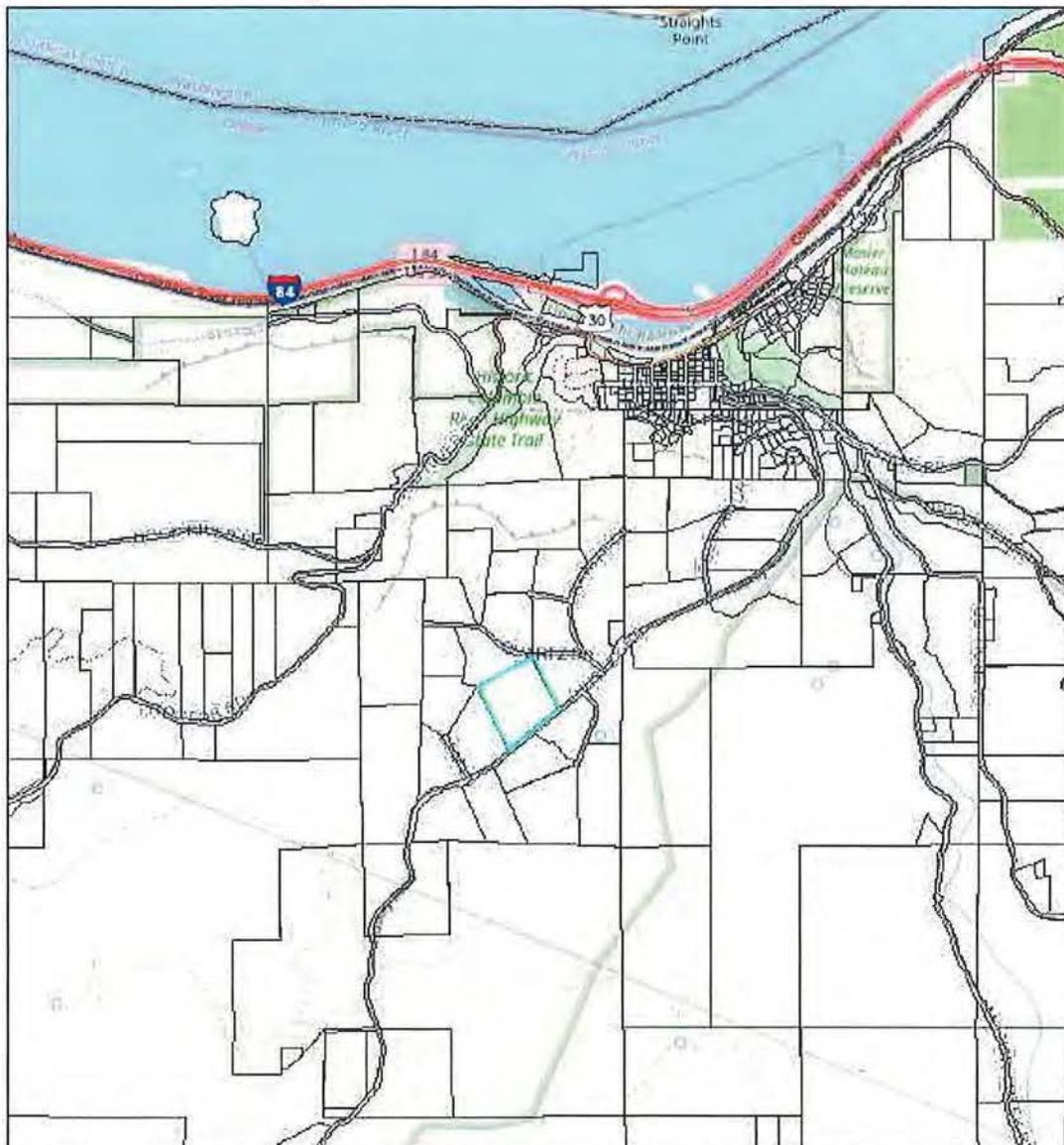
The decision date for this land use review is **Thursday, June 24, 2021**. The decision of the Director shall be final unless an appeal from an aggrieved party is received by the Director within fifteen (15) days of the mailing date of this decision, **Friday, July 9, 2021, at 4:00 p.m.**, or unless the Planning Commission or Board of County Commissioners on its own motion orders review within fifteen (15) days of the date of decision. A complete record of the matter is available for review upon request during regular business hours or copies can be ordered at a reasonable price at the Wasco County Planning Department. Notice of Appeal forms may also be obtained at the Wasco County Planning Department. **The filing fee for an appeal is \$250.00. Fees are refunded if appellant prevails.**

FINDINGS OF FACT:

Findings of fact approving this request may be reviewed at the Wasco County Planning Department, 2705 East Second Street, The Dalles, Oregon, 97058, or are available for purchase at the cost of \$0.25 per page. These documents are also available online at: <http://co.wasco.or.us/departments/planning/index.php>. Click the drop-down arrow to the right of Zoning Permits, click on Active Applications. The table is sorted alphabetically by the name of the applicant. The information will be available until the end of the appeal period.

ATTACHMENT C – MAPS
Applicant/Owner: Adrian Lopez
2N 11E 11, Tax Lot 2200; Account #327
Vicinity Map

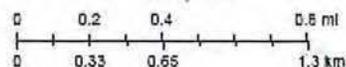
Wasco County Planning Dept



6/25/2020, 10:03:28 AM

1:36,112

- Taxlots
- City
- Railroad
- Public Access
- Roads**
- State
- Private
- Road Labels
- County
- Wasco County Boundary Line



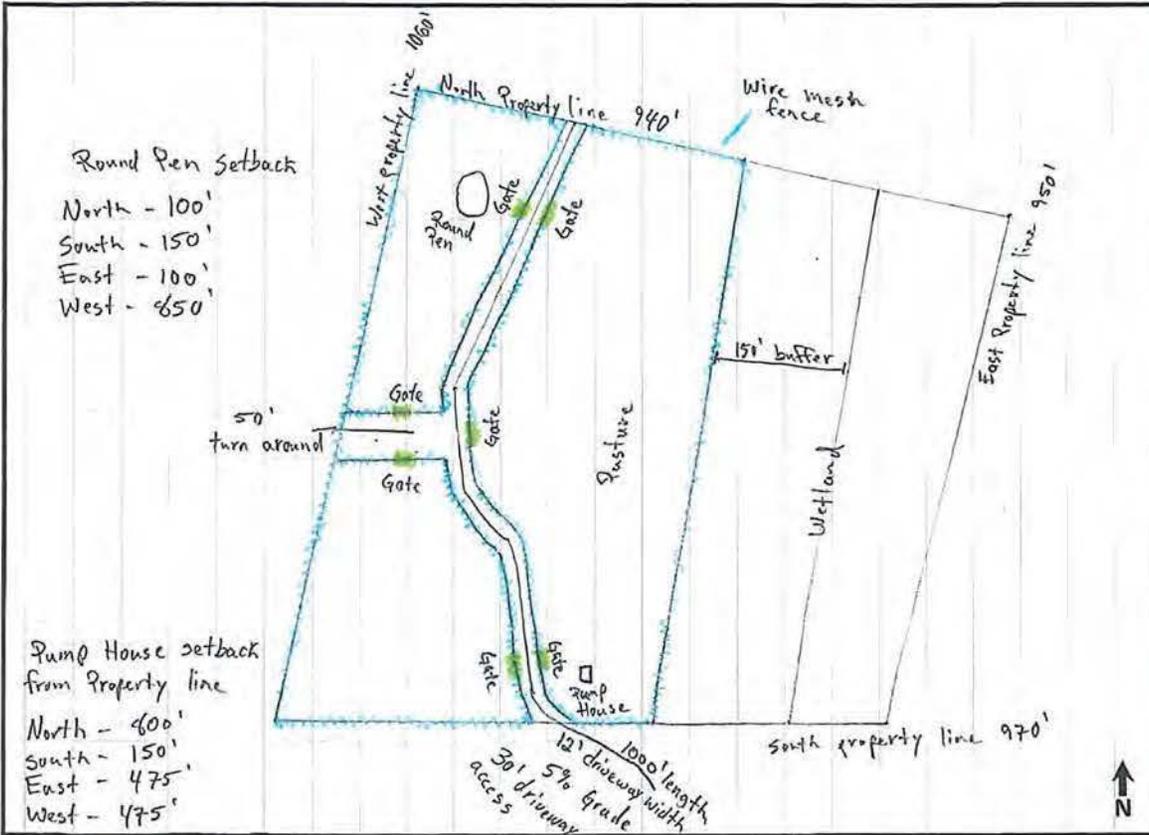
© CoenStreetMap (and) contributors, CC-BY-SA, Wasco County GIS, DOGAMI, State of Oregon, Wasco County GIS, Lane County, Assessor, Wasco County GIS

Wasco County Planning
This Map is for Informational Purposes Only.

ATTACHMENT C – MAPS
Applicant/Owner: Adrian Lopez
2N 11E 11, Tax Lot 2200; Account #327
Site Plan



ATTACHMENT C – MAPS
 Applicant/Owner: Adrian Lopez
 2N 11E 11, Tax Lot 2200; Account #327
 Site Plan



SITE PLAN MAP

Map, Tax Lot #: _____
 Applicant: Adrian Lopez
 File #: _____

SCALE: (select one)
 1:50
 1:100
 1:200

SITE PLAN CHECKLIST

- SITE PLANS MUST SHOW THE FOLLOWING:**
- Property boundary & development area dimensions
 - Setback distances from proposed structures to all:
 - Property lines
 - Roadways
 - Waterways
 - Existing structures (location & size)
 - Proposed structures (location & size)
 - Septic tanks and drain fields (ALL existing and proposed)
 - Existing & proposed services including wells, electricity, etc.
 - Driveway & access to public/private roads
 - Significant land forms & slopes
- Fire Safety Information**
- Indicate driveway width, length, and grade. Long drives should provided turnouts every 400'.
 - Location of a standpipe (water spigot) at least 50' from each building that includes plumbing.
 - Indicate 50' fire break surrounding new buildings.

NATIONAL SCENIC AREA APPLICATIONS MUST ALSO SHOW THE FOLLOWING:

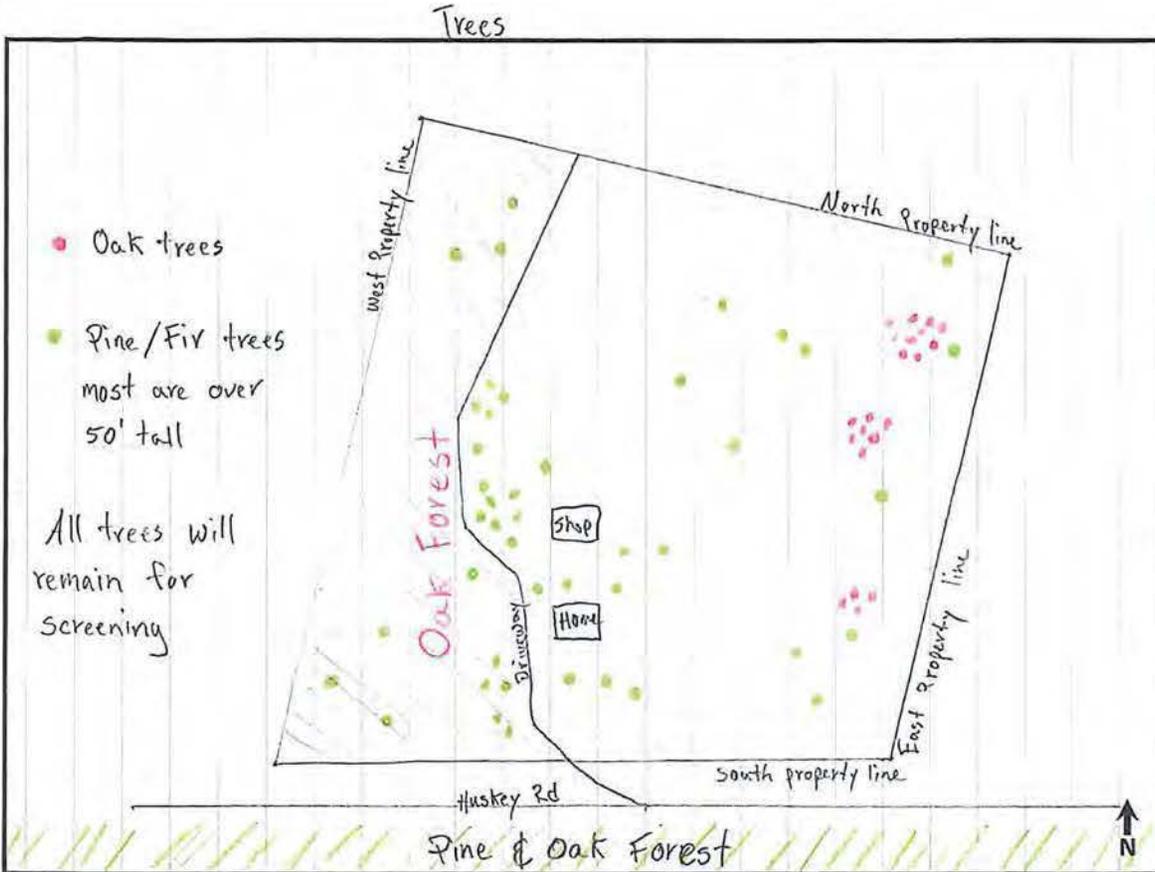
- Location & depth of proposed grading, filling, ditching and excavating
- Outside lighting fixtures
- All proposed signs
- Location & height of outdoor storage & screening devices

Landscaping Plan

- Location, height and species of existing & proposed individual trees & vegetation. Indicate if any are proposed to be removed.
- Location of irrigation systems

DISCLAIMER: The Planning Department may require additional site plan elements depending on development specifics.

Site Plan



SITE PLAN CHECKLIST

SITE PLANS MUST SHOW THE FOLLOWING:

- Property boundary & development area dimensions
- Setback distances from proposed structures to all:
 - Property lines
 - Roadways
 - Waterways
- Existing structures (location & size)
- Proposed structures (location & size)
- Septic tanks and drain fields (ALL existing and proposed)
- Existing & proposed services including wells, electricity, etc.
- Driveway & access to public/private roads
- Significant land forms & slopes

Fire Safety Information

- Indicate driveway width, length, and grade. Long drives should provided turnouts every 400'.
- Location of a standpipe (water spigot) at least 50' from each building that includes plumbing.
- Indicate 50' fire break surrounding new buildings.

NATIONAL SCENIC AREA APPLICATIONS MUST ALSO SHOW THE FOLLOWING:

- Location & depth of proposed grading, filling, ditching and excavating
- Outside lighting fixtures
- All proposed signs
- Location & height of outdoor storage & screening devices

Landscaping Plan

- Location, height and species of existing & proposed individual trees & vegetation. Indicate if any are proposed to be removed.
- Location of irrigation systems

DISCLAIMER: The Planning Department may require additional site plan elements depending on development specifics.



SITE PLAN MAP

Map, Tax Lot #: _____
 Applicant: Adrian Lopez
 File #: _____

SCALE: (select one)

- 1:50
- 1:100
- 1:200

ATTACHMENT D – STAFF REPORT

File Number: 921-19-000193-PLNG

Applicant/Owner: Adrian Lopez

Requests: Scenic Area Review of a new dwelling and structures to support the proposed farm use of raising approximately 13 goats. This request includes:

- (1) New Single Family Dwelling (1,889 SF footprint, 50'L x 40'W x 24'H)
- (2) Accessory Buildings (1,500 SF footprint, 50'L x 40'W x 24'H)
- (3) Agriculture Structures: approximately 5,000' of 4' H wire mesh fence (6' fence posts) enclosing three areas on either side of the driveway for livestock pens; approximately 900' of moveable electric fence to protect a wetland; and a 50' diameter moveable round pen.
- (4) Retroactive review of an unlawfully placed well to serve the residential use and a new 12'L x 12'W x 12'H well house with 1,000 gallon water cistern, and driveway.

Decision: **Approved** with Conditions

Decision Date: June 24, 2021

Appeal Deadline: July 9, 2021

Location: Development site is located north of Huskey Road, approximately 0.1 miles west of Jasper Lane and 0.5 miles south of the City of Mosier, Oregon, more specifically described as:

<u>Map/Tax Lot</u>	<u>Acct. #</u>	<u>Acres</u>
2N 11E 11 2200	327	20.59

Zoning: A-2 (80), Small Scale Agriculture in the General Management Area of the Columbia River Gorge National Scenic Area

Past Actions: 921-18-000017-PLNG (Withdrawn): Horse Boarding Facility

Procedure Type: Administrative

Prepared By: Will Smith, Senior Planner & Brent Bybee, Associate Planner

I. APPLICABLE STANDARDS

Wasco County National Scenic Area Land Use & Development Ordinance (NSALUDO)

A. Chapter 3 – Basic Provisions

Section 3.110, Expedited Review

Section 3.110.A.5., Uses Permitted Subject to Expedited Review, Woven Wire Fences

Section 3.130, A-2, Small Scale Agriculture (GMA)

Section 3.130.D.2., Uses Permitted Subject to Review, Agricultural structures

Section 3.130.D.4., Uses Permitted Subject to Review, One single-family dwelling

Section 3.130.D.6., Uses Permitted Subject to Review, Accessory building(s)

Section 3.130.G, Property Development Standards

B. Chapter 4 – Supplemental Provisions

Section 4.040, Off-Street Parking

C. Chapter 11 – Fire Safety Standards

Section 11.110, Siting Standards

Section 11.120, Defensible Space

Section 11.130, Construction Standards for Dwellings and Structures

Section 11.140, Access Standards

Section 11.150, Fire Protection or On-Site Water Required

D. Chapter 14 – Scenic Area Review

Section 14.100, Provisions for all new development

Section 14.200, Key Viewing Areas

Section 14.300, Scenic Travel Corridors

Section 14.400, Landscape Settings

Section 14.500, Cultural Resources – GMA

Section 14.600, Natural Resources – GMA

Section 14.700, Recreation Resources - GMA

Section 14.800, Indian Tribal Treaty Rights and Consultation – GMA

I. BACKGROUND

- A. Proposal:** The property currently contains a driveway and a residential well that was constructed without review. This application proposes the construction of a two-story single family dwelling, a two story accessory building, fencing, a round pen to assist with the raising of approximately 5 cows, 15 goats and/or sheep, and a new well house and cistern for the well. The applicant has described the use of the property as a “small family farm.” As noted above, the request can be more specifically described as 1,889 Square Foot (SF), 50’L x 40’W x 24’H, two story single family dwelling, a 1,500 SF, 50’L x 30’W x 24’H two story accessory structure for a shop and farm equipment storage, retroactive review of an unlawfully placed well and a new well house and cistern, and approximately 5,000’ of 4’ H wire mesh fence (6’ fence posts) enclosing the three areas on either side of the driveway for livestock pens, approximately 900’ of moveable electric fence to protect a wetland, and a 50’ diameter moveable round pen.

- B. Legal Lot:** The subject lot is identified as Lot 21 of Rocky Prairie Subdivision, recorded with the Wasco County Clerk on April 27, 1977. It is consistent with the definition of Legal Lot in NSA-LUDO Section 1.200, Definitions, because it was created by a recorded subdivision.
- C. Site Description:** The subject lot is located between Huskey Road and Quartz Drive, in Rocky Prairie, a subdivision located on the hill above Mosier, Oregon. This property contains northwest-facing slopes averaging 9%. The western 1/3 (approximate) of the lot is heavily vegetated with Oregon white oak trees. Natural grasses are the dominant ground cover. The property ranges in elevation from 620-720' Above Sea Level (ASL).
- D. Surrounding Land Use:** Properties located north, east and west of the subject lot are located in the A-2, Small Scale Agriculture Zone. Properties located south of Huskey Road are zoned F-3(80), Small Woodland-Forest. With the exception of one property located north of Quartz Drive, all surrounding properties are used for residential use. Properties located east and west of the subject lot contain similar northwest-facing slopes averaging 8-10%. Property to the southwest, located north of Huskey Road is heavily vegetated with Oregon white oak trees. Property located to the west contains cherry orchard and a cidery, but there are no other commercial farm uses on adjacent properties. Land lying within 750' of Huskey Road averages 30% northwest-facing slopes while farther south, slopes lessen to 5-10%. Properties to the south are generally heavily vegetated with Oregon white oak and Ponderosa pine trees.
- E. Public Comment:** Notice of Administrative Action was mailed on July 2, 2020, to all owners of property within 500' of the subject parcel, the U.S. Forest Service - Columbia River Gorge National Scenic Area Office, Columbia River Gorge Commission, the four tribal governments, State Historic Preservation Office, and other interested parties registered with Wasco County. This notice provided a 15-day pre-notice for public comment (ending July 17, 2020). Comments are included as Attachment G of this report. All comments are addressed in applicable Findings throughout this report.

II. FINDINGS:

Wasco County National Scenic Area Land Use & Development Ordinance (NSALUDO)

A. Chapter 3 - Basic Provisions

Section 3.110 Expedited Review

A. Uses Permitted Subject to Expedited Review

(***)

5. Woven-wire fences for agricultural use that would enclose 80 acres or less. (GMA Only)

FINDING: The request includes a 4'H "mesh" or woven-wire fence enclosing the subject property, to support a proposed agricultural use. The property is 20.59 acres and is located in the GMA, meeting the requirements of this criterion. However, it is on a property where a cultural reconnaissance survey was required. Section 3.110.B.2.A. states: "The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey or historic survey." Because a survey was required, the woven-wire fence is included in the full review below.

Section 3.130, A-2, Small Scale Agriculture (GMA)

D. Uses Permitted Subject to Review

The following uses and activities may be allowed on a legal parcel designated Small-Scale Agriculture subject to Subsection G - Property Development Standards, Chapter 11 - Fire Safety Standards & Chapter 14 - Scenic Area Review, as well as all other listed or referenced standards.

2. Agricultural structures, except buildings, in conjunction with agricultural use. Non commercial wind energy conversion systems which fit this category are subject to the applicable provisions of Chapter 19.

FINDING: This proposal includes approximately 5,000' of perimeter fencing, about 1,000' of temporary moveable electric fencing, and a 50' diameter moveable round pen to support the proposed farm use of a "Small Family Farm." The Farm Management Plan submitted with the application materials describes the potential animal husbandry of approximately 13 goats on this 20 acre parcel. Farm Use is permitted without review in the A-2 zone, unless it involves new cultivation. Agricultural structures are permitted subject to compliance with property development standards, Fire Safety Standards, and Scenic Area Review criteria. Property Development Standards are addressed below. Chapter 11 – Fire Safety Standards is addressed in III.C. Chapter 14 – Scenic Area Review is addressed in III.D. Staff finds that the request complies with Criterion 3.130.D.2.

4. One single-family dwelling on any legally existing parcel.

FINDING: As noted under section I.B above, the subject parcel was lawfully created. The request includes the construction of one single family dwelling, with associated underground septic system. As permitted by this criterion, new dwellings are an allowed review use in the A-2 Small Scale Agriculture zone subject to compliance with property development standards, Fire Safety Standards, and Scenic Area review criteria. Property Development Standards are addressed below. Chapter 11 – Fire Safety Standards is addressed in III.C. Chapter 14 – Scenic Area Review is addressed in III.D. Staff finds that the request complies with Criterion 3.130.D.4.

6. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any parcel:

b. Larger than 10 acres in size are subject to the following additional standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(3) The height of any individual accessory building shall not exceed 24 feet.

FINDING: The subject property is larger than 10 acres in size and does not currently contain any lawfully established buildings (the well that was being constructed unlawfully is being reviewed as a new use).

Proposed development includes the construction of one single family dwelling, one 1,500 SF accessory building with a height of 24 feet, and a 144 SF well house. As a result of the proposed development, there will be a total footprint of 1,644 SF worth of accessory structures, which is less than the 2,500 SF maximum. The shop/barn is being reviewed as an accessory structure because it was not proposed to be fully dedicated to farm use. Though that will be a part of its function, storing equipment and feed, it was also proposed as a personal shop, accessory to the residential use. Neither of the proposed accessory structures exceed 24' in height. Staff finds that the request is consistent with Criterion 3.130.D.6.

G. *Property Development Standards*

(***)

2. General Setbacks - All structures, other than approved signs and fences shall comply with the following general setback standards:

Front Yard	25'
Side Yard	25'
Rear Yard	40'

FINDING: As proposed, the development will exceed the requirements of General Setbacks. Staff finds that the request complies with Criterion 3.130.G.2.

Required Setback	Proposed – Dwelling	Proposed – Shop	Round Pen	Pump House	Consistent?
East (side) = 25'	400'	400'	660'	475'	Yes
West (side) = 25'	550'	550'	100'	475'	Yes
North (rear) = 25'	700'	500'	100'	800'	Yes
South (front) = 40'	300'	500'	850'	150'	Yes

3. Agricultural Setbacks - In addition to the general setback standards listed in criterion 2 above, all new buildings to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use, shall comply with the following setback standards:

Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
Orchards	250'	100'	75'
Row crops/ vegetables	300'	100'	75'
Livestock grazing, pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

FINDING: The subject property shares borders with seven other properties. To the west, an adjacent property is currently farmed as a commercial orchard on the other side of a vegetative barrier (oak trees). To the north, one property contains approximately eight acres of land that is not currently

farmed, but is suitable for future farm use. Without a barrier, orchards are protected by a 250' setback. With a barrier, orchards are protected by a 100' setback. The property to the north contains an oak woodland that creates a natural vegetative barrier and thus only require a 100' buffer. All other adjacent properties contain poor quality soils and are predominantly developed as rural residential properties that are 10-15 acres in size.

As proposed, the following distances will exist between the development and adjacent properties that contain or are suitable for agriculture use:

Required Setback	Barrier Present?	Proposed – Dwelling	Proposed – Shop	Round Pen	Pump House	Consistent?
North = 100'	Yes, existing vegetative	600'	500'	100'	800'	Yes
West = 250'	No, open field	600'	500'	NA (structure is proposed in the portion of the property with the barrier)	900'	Yes

The applicant describes the round pen in their Farm Management Plan narrative as “made up of 10 panels 5’ tall ... it can be taken apart and moved in under 20 min so it probably will be moved for some reason or another.” It is permissible to move this pen anywhere on the property as long as it complies with required setbacks, including those listed under the wetland protection section below. As the placement of the pen does not involve ground disturbance, there will be no impact to cultural resources. A **condition** of approval is included requiring that the pen not be placed inside any property line or resource protection setbacks in the event that it is moved.

With that condition, staff finds that the proposed setbacks meet or exceed the requirements in the A-2, Small Scale Agriculture Zone and that request complies with Criterion 3.130.G.3.

4. *Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.240, Flood Hazard Overlay.*

FINDING: The subject property is not located within any identified FEMA flood zone. It is located approximately 0.8 mile south of the closest identified flood plain along Rock Creek. Staff finds that the request complies with Criterion 3.130.G.4.

5. *Height - Maximum height for all structures shall be thirty-five feet (35') unless further restricted in accordance with Chapter 14 - Scenic Area Review.*

FINDING: The applicant proposes the following heights for all new structures:

- Dwelling: 24'
- Shop: 24'
- Round Pen: 5'
- Woven-wire fence: 4' fencing, 6' posts
- Well house: 12'

All structures are proposed to be less than 35' in height. Staff finds that the request complies with Criterion 3.130.G.5.

6. *Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.*

FINDING: The subject lot is not located on a corner lot. Staff finds that Criterion 3.130.G.6. is not applicable to this request.

7. *Parking - Off street parking shall be provided in accordance with Chapter 4.*

FINDING: Off-street parking is addressed below in Chapter 4. There is an existing driveway accessing the property however there is no Road Approach Permit on file with the Wasco County Public Works Department for this driveway. A **condition** of approval is included in the Notice of Decision requiring the applicant/owner to obtain a Road Approach Permit for the existing driveway after expiration of the appeal period. Staff finds that the request complies with Criterion 3.130.G7.

B. Chapter 4 – Supplemental Provisions

(***)

Section 4.040, Off-Street Parking

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, off-street parking spaces shall be provided in accordance with this Section. In an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Section. Where square feet are specified the area measured shall be the gross floor area necessary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season, including proprietors.

A. Residential

1. Single-family dwelling: One (1) space per dwelling unit.

FINDING: The proposal involves one single family dwelling and an accessory structure. This section requires one parking space for a dwelling. The house designs submitted with the application indicate a 19' x 19'6" attached garage which is large enough to accommodate two vehicles. Staff finds that the request complies with Criterion 4.040.A.1.

(***)

C. Chapter 11 – Fire Safety Standards

The Fire Safety Standards, adopted by the Wasco County Court and effective February 5, 2007, require property owners to be aware of potential fire risks in areas outside of urban areas of Wasco County, and requires compliance with siting standards, fuel break requirements, construction standards, access standards, and on-site water storage requirements.

As part of a complete application, the property owners completed a Fire Safety Standard Self-Certification Form. By signing the self-certification form, the owners have acknowledged that they

understand these standards and commit to achieve compliance with them within one year of the date of approval and maintain them through the life of the development. This certification further commits all future property owners to this same requirement. A copy of this self-certification form is available for inspection at the Wasco County Planning Department under File 921-19-000193-PLNG. A **condition** of approval stating this is included in the Notice of Decision.

Section 11.110, Siting Standards – Locating Structures for Good Defensibility

FINDING: There are no slopes on the property in excess of 30%, except short ones right at the road. The slopes around the proposed development are between 5 and 9%. Staff finds the request complies with Section 11.110.

Section 11.120, Defensible Space – Clearing and Maintaining a Fire Fuel Break

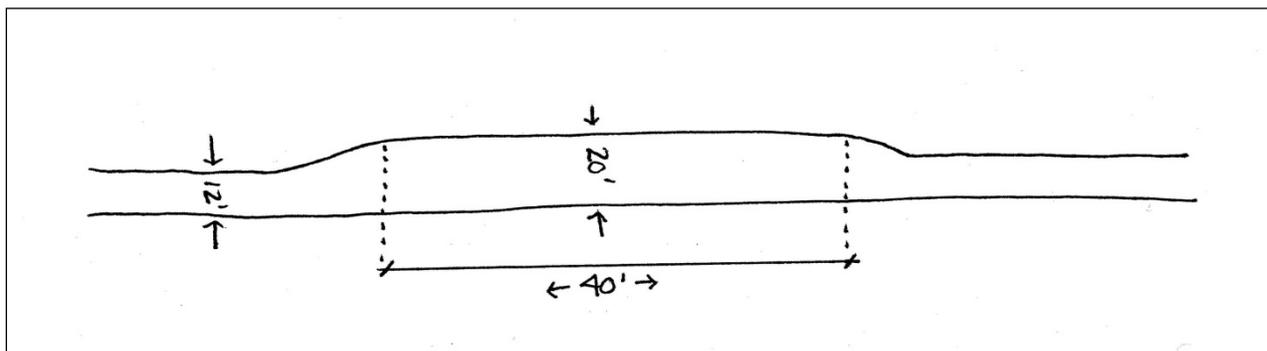
FINDING: The applicant included 50' of defensible space on the site plan around the proposed development. Currently that land in a 50' radius around the home and shop consists of grass and three mature ponderosa pine trees. The applicant has committed himself and future property owners in his self-certification form to maintaining that fire fuel break. Staff finds the request complies with Section 11.120.

Section 11.130, Construction Standards for Dwellings and Structures – Decreasing the Ignition Risks by Planning for a more Fire-Safe Structure

FINDING: The application states that the dwelling and accessory structure will be constructed of fiber cement (Hardie board brand) siding and trim, with asphalt shingles for roofing. Cement and asphalt are fire resistant materials. Staff finds the request complies with Section 11.130.

Section 11.140, Access Standards – Providing Safe Access to and Escape From Your Home

FINDING: The existing driveway provides access to the lot located to the north. The driveway is approximately 1,000' in length. The site plan shows that the proposed new dwelling will be 360' from the main road. Fire safety standards require the driveway to be a minimum of 12' wide, and contain 6-8" of pitrun base rock, and 2-3" ¾ minus leveling course. A 13' vertical clearance must be provided for vehicles, including a fire fuel break of 10' from the centerline of the driveway on each side. The driveway must also contain turnouts every 400' to allow vehicles to pass safely, especially during an emergency as well as a turnaround that is passable for emergency responders.



The site plan does not show access and turnaround for emergency vehicles or turnouts. However, a January 17, 2020 site visit confirmed that the property is open enough to allow for turnouts and turn

around anywhere along its length, with the exception of the first 100' of driveway where it slopes down steeply from Huskey Road. Staff finds the request complies with Section 11.140.

Section 11.150, Fire Protection or On-Site Water Required – Ensuring Dwellings Have Some Fire Protection Available Through Manned or Unmanned Response)

FINDING: The subject property is located within the boundaries of Mosier Fire District and has structural fire protection. The proposed structures are not larger than 3,500 SF, which would necessitate on site water storage. No on-site water storage is required. The site plan demonstrates two locations where water spigots will be available outside the dwelling. Staff finds the proposal complies with Section 11.150.

This proposed development is located within the Oregon Department of Forestry Fire Protection District and receives wildland fire protection services by ODF, as does surrounding properties.

Based on comments received from ODF for the application, ODF continues to be concerned about the impact of additional structures and the associated human activities within the wildland urban interface and emphasizes defensible space standards around the building site that contribute to higher likelihood of a structure being saved while reducing risk to firefighting personnel in the event of a wildland fire moving through the area, regardless of how the fire started. Road Standards need to be met regarding road width, vertical clearance, turnarounds and turn outs, and road grades. If any land clearing activities involving power driven machinery are proposed during the spring or summer months, applicant or owner will be required to obtain a Permit to Operate Power Driven Machinery (PDM) from ODF prior to the start of these activities. A **condition** stating this is included in the Notice of Decision.

Though not specifically addressed in Chapter 11, it is essential that the proposed development have a valid address so that emergency responders can quickly find the property. In accordance with the Wasco County Uniform Addressing Ordinance adopted on June 9, 1982, prior to Building Permit Authorization, the applicant or future owner(s) shall clearly post the address of the subject lot on both sides of a post or mailbox, or other similar post, support, stake or pedestal which cannot be easily removed or destroyed which is within 30' of the driveway which accesses the dwelling. The address numbers shall be legible, reflective, and at least 2 ½ inches high. A **condition** of approval is included in the Notice of Decision requiring the owner to apply for a new address for the new dwelling after expiration of the appeal period but at least 2 weeks prior to issuance of zoning approval on a building permit application, and submit the filing fee (\$75) for an address application to the Planning Department prior to issuance of zoning approval on a building permit application.

With these conditions of approval staff finds that the request complies with Chapter 11 – Fire Safety Standards.

D. Chapter 14 – Scenic Area Review

Section 14.100, Provisions For All New Development (GMA & SMA)

- A. *All new development, except uses allowed through the expedited review process, shall be reviewed under the applicable sections of Key Viewing Areas, Scenic Travel Corridors, Landscape Settings, Natural Resources, Cultural Resources, and Recreation Resources.*

FINDING: The following applicable sections of Chapter 14 are addressed below: Section 14.200, Key Viewing Areas, Section 14.300, Scenic Travel Corridors, Section 14.400, Landscape Settings, Section

14.500, Cultural Resources – GMA, Section 14.600, Natural Resources – GMA, Section 14.700, Recreation Resources – GMA, and Section 14.800, Indian Tribal Treaty Rights and Consultation – GMA.

- B. New buildings and roads shall be sited and designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.*

FINDING: The request includes a dwelling, accessory structure, approximately 6,000 linear feet of fencing and underground utilities including subsurface septic disposal system. Slopes on the subject lot are less than 10% and are similar throughout the property. As proposed, both buildings will require less than 100 cubic yards of grading, individually. The driveway is existing and will require no further grading. Staff finds that the proposed development will retain existing topography and minimize grading activities to the maximum extent practicable and complies with Criterion 14.100.B.

- C. New buildings shall be compatible with the general scale (height, dimensions and overall mass) of existing nearby development. Expansion of existing development shall comply with this guideline to the maximum extent practicable.*

FINDING: The applicant is requesting approval to construct a two story single family dwelling with a 1,889 Square Foot (SF) footprint 50'L x 40'W x 24'H, and a 1,500 SF, 50'L x 30'W x 24'H accessory structure for a shop and storage. The two story dwelling will have an overall square footage of 2,978 SF.

Staff conducted a compatibility analysis of all properties in Rocky Prairie Subdivision; there are dozens of existing buildings in this study area. The largest building is a 2-story barn with an overall mass of 6,496 SF. This building is considered to be an outlier because no other building in the area is anywhere close to this size. The next largest building in the area is 3,921 SF and many others are smaller but similar in size. As proposed, all proposed buildings are smaller than other nearby structures, and will fit into the general scale of the neighborhood. Staff finds that the request complies with Criterion 14.100.C.

- D. Unless expressly exempted by other provisions, colors of all exterior surfaces of structures on sites not visible from Key Viewing Areas shall be earth-tones found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The Scenic Resources Implementation Handbook will include a recommended palette of colors.*

FINDING: The entire property is visible from one or more KVAs. Staff finds that Criterion 14.100.D. is not applicable to this request.

- E. Additions to existing buildings.....*

FINDING: This request involves three new buildings. There are no existing buildings on the subject property (the well is present, but was unlawfully constructed and is being reviewed as new development, not existing, along with the proposed new well house for it). Staff finds that Criterion 14.100.E. is not applicable to this request.

- F. Outdoor lighting shall be directed downward, sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and the Columbia River as well as preventing the lighting from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting. Shielding and hooding materials shall be composed of nonreflective opaque materials. There*

shall be no visual pollution due to the siting or brilliance, nor shall it constitute a hazard for traffic.

FINDING: Two new lights are proposed as part of the dwelling request, one on the garage, and one on the back door. These lights will be motion detector lights and will not be on all night. The applicant and owner should be aware of the requirements for outdoor lighting and the need to hood and shield outdoor lighting so that it is directed onto the subject lot. A **condition** of approval is included in the Notice of Decision requiring outdoor lighting to be directed downward, sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and the Columbia River as well as preventing the lighting from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting. Shielding and hooding materials shall be composed of nonreflective opaque materials. There shall be no visual pollution due to the siting or brilliance, nor shall it constitute a hazard for traffic. Outdoor Lighting Standards are included as Attachment E. With this condition of approval, staff finds that the request complies with Criterion 14.100.F.

- G. All ground disturbance as a result of site development shall be revegetated no later than the next planting season (Oct-April) with native species. The property owners and their successors in interest shall be responsible for survival of planted vegetation, and replacement of such vegetation that does not survive.*

FINDING: There will be ground disturbance as a result of new development (dwelling, shop, fencing). A **condition** of approval is included in the Notice of Decision requiring ground disturbance to be minimized to the greatest extent possible. All ground disturbance resulting from construction of the new development must be revegetated no later than the next planting season (Oct-April) with native species. The property owners and their successors in interest shall be responsible for survival of planted vegetation and the replacement of such vegetation that does not survive. With the proposed condition of approval, the request complies with Criterion 14.100.G.

- H. Except as is necessary for site development or fire safety purposes, the existing tree cover screening the development area on the subject parcel from Key Viewing Areas and trees that provide a back drop on the subject parcel which help the development area achieve visual subordination, shall be retained. Additionally, unless allowed to be removed as part of the review use, all trees and vegetation within buffer zones for wetlands, streams, lakes, ponds and riparian areas shall be retained in their natural condition. Any of these trees or other trees required to be planted as a condition of approval that die for any reason shall be replaced by the current property owner or successors in interest no later than the next planting season (Oct-April) after their death with trees of the same species or from the list in the landscape setting for the property.*

To ensure survival, new trees and replacement trees shall meet the following requirements

- 1. All trees shall be at least 4 feet tall at planting, well branched, and formed.*
- 2. Each tree shall be braced with 3 guy wires and protected from livestock and wildlife. The guy wires need to be removed after two winters.*
- 3. The trees must be irrigated until they are well established.*

4. *Trees that die or are damaged shall be replaced with trees that meet the planting requirements above.*

FINDING: The subject lot contains scattered tree cover (15 Ponderosa pine trees) around the proposed development and the southwestern third of the property, behind the development as seen from KVAs, is heavily vegetated with Oregon white oak trees. The applicant does not propose to remove any trees for site development. Appropriate thinning may occur over time to comply with fire safety standards among the oak trees, however the grove acts as backdrop screening to the proposed development and must remain generally intact. The 15 pine trees indicated on the site plan provide visual screening in front and behind the proposed structures, as seen from KVAs. A **condition** of approval is included in the Notice of Decision requiring retention of all conifer trees indicated on the site plan to comply with visual subordination standards. Coniferous trees not indicated on the site plan may be removed if they are damaged or diseased, or for fire safety purposes. If coniferous trees indicated on the site plan are removed, die or are destroyed, they shall be replaced in compliance with Criterion 14.100.H. Staff notes that an individual property owner's view is not protected by the NSA-LUDO, however no trees between the applicant and the neighboring property will be removed. Also, all locations on the property are visible from KVAs, so there is no other location which will minimize visibility from KVAs.

With the proposed condition of approval, staff finds that the request complies with Criterion 14.100.H.

Section 14.200, Key Viewing Areas

The following is required for all development that occurs on parcels/lots topographically visible from Key Viewing Areas.

- A. *Each development and land use shall be visually subordinate to its setting in the GMA as seen from Key Viewing Areas. The extent and type of conditions applied to a proposed development to achieve visual subordination shall be proportionate to its potential visual impacts as seen from Key Viewing Areas.*
 1. *Decisions shall include written findings addressing the factors influencing potential visual impact including but not limited to:*
 - a. *The number of Key Viewing Areas it is visible from;*
 - b. *The distance from the building site to the Key Viewing Areas it is visible from;*
 - c. *The linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads and the Columbia River);*
 - d. *The difference in elevation between the building site and Key Viewing Areas;*
 - e. *The nature and extent of topographic and vegetative back screening behind the building site as seen from Key Viewing Areas;*
 - f. *The amount of area of the building site exposed to Key Viewing Areas; and*
 - g. *The degree of existing vegetation providing screening.*
 2. *Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA as seen from key viewing areas, including but not limited to:*
 - a. *siting (location of development on the subject property, building orientation, and other elements);*

- b. *design (color, reflectivity, size, shape, height, architectural and design details and other elements); and*
- c. *new landscaping.*

FINDING: Both the dwelling and the shop will be two stories with pitched roofs. The dwelling will have a cross gabled design and will be oriented east-west. They will be just east of the driveway closer to the southern property line (road) than the north. The western third of the property is covered in oak trees. Approximately 15 mature Ponderosa pine trees are scattered throughout the open field in the eastern two thirds of the property.

The development sites are topographically visible from the following Key Viewing Areas (KVAs):

- Dwelling & Pump House: SR 14, the Columbia River, and Highway 30 W (Middle Ground);
- Accessory Structure: SR 14 and the Columbia River (Middle Ground);

Middleground is defined as ¼ mile – 3 miles from the subject lot.

Section 14.200 is not applicable to portions of a KVA within an Urban Area (UA) identified by the Management Plan. The Urban Area identified in this request is Mosier, Oregon.

The development sites are located at an elevation of approximately 680' feet above sea level (ASL). The primary factors in analyzing the visibility of the proposed kitchen/restroom building include the distance from KVAs, the use of dark earthtone colors on the buildings, existing backdrop of trees and the use of nonreflective materials.

The land use designation (GMA, Large Scale Agriculture) and landscape setting (Oak Woodlands) in the project area requires a scenic standard of visually subordinate.

Visually Subordinate is defined in Chapter 1 as "...the relative visibility of a structure ...does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point. As opposed to structures which are fully screened, structures which are visually subordinate may be partially visible. They are not visually dominant in relation to their surroundings..."

Highway 30 W: The portion of this KVA located within the Urban Area (UA) of Mosier, Oregon, is not included in this review. The portion of the KVA located outside of the UA is located at an elevation ranging from 180-200 beginning approximately 1.4 miles north of the development site and is visible for a linear distance of approximately 0.4 miles. Based on distance, screening vegetation (including the oak grove backdrop, and the scattered conifers onsite in the foreground), proposed dark earth-tone colors and non-reflective materials to be used on the exterior of the building, it will be visually subordinate as seen from this KVA.

Washington SR 14: This KVA is located at an elevation of 40-80' Above Sea Level (ASL), approximately 1.9 mile north of the development site. The site is sporadically visible among land forms for approximately 3.3 linear miles. Based on distance, screening vegetation (including the oak grove backdrop, and the scattered conifers onsite in the foreground), proposed dark earth-tone colors and non-reflective materials to be used on the exterior of the building, it will be visually subordinate as seen from this KVA.

Columbia River: This KVA is located at an elevation of approximately 76' ASL (per Corps of Engineers flowage easement between The Dalles Dam and Bonneville Dam). The development site is located

approximately 1.1 mile south of the Columbia River. The development site is topographically visible for 3.5 linear miles along the river, however existing on-site trees (background and foreground) and distance make it very difficult to see the development site from this KVA. Based on distance, screening vegetation (including the oak grove backdrop, and the scattered conifers onsite in the foreground), proposed dark earth-tone colors and non-reflective materials to be used on the exterior of the building, the proposed development will be visually subordinate as seen from this KVA.

The applicant submitted colors for the proposed structures (dwelling, shop, round pen, and pump house) which are dark earth tone colors that blend with the surrounding area. Dark earth tone colors were not submitted, nor required, for the agricultural fencing as Section 3.110.B.1.a states: “a. In the General Management Area, the scenic resource protection guidelines shall not apply to woven-wire fences for agricultural use that would enclose 80 acres or less” and this 20.59 acre property is in the GMA.

Colors are addressed further in Section 14.200.I.

Reflectivity is addressed in Section 14.200.J.

Based on distance between the new development and KVAs, screening vegetation, and proposed colors and materials, with conditions proposed in Sections 14.200 I. and J., the proposed agricultural buildings and structures will be visually subordinate as seen from KVAs. Staff finds that the request complies with Criterion 14.200.A.

- B. New development shall be sited to achieve visual subordination from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, endemic and listed plants, sensitive wildlife sites or conflict with standards to protect cultural resources. In such situations, development shall comply with this standard to the maximum extent practicable. (GMA Only)*

FINDING: All portions of the subject property are topographically visible from KVAs. The home has been sited to allow for the shop to be clustered nearest the livestock, without impacting grazing, well or septic areas. No other sites exist on the property that would reduce the overall visibility of the proposed development. With conditions of approval throughout this report, the proposed development will be visually subordinate from all KVAs therefore staff finds that the request complies with Criterion 14.200.B.

- C. New development shall be sited to achieve visual subordination utilizing existing topography, and/or existing vegetation as needed in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA from Key Viewing Areas.*

FINDING: The required scenic standard in this location is “visually subordinate.” There are no on-site topographic features on the subject lot that will screen the new building from KVAs. The buildings will be partially screened by 15 existing Ponderosa pine trees scattered around the development. As proposed, dark earthtone colors and nonreflective materials will also help the development achieve visual subordination with its surrounding landscape. Staff finds that the request complies with Criterion 14.200.C.

- D. Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from Key Viewing Areas.*

FINDING: Slopes on the subject lot are less than 10%. Each proposed building site will require less than 100 cubic yards of leveling. Since there is little leveling to be done on site, there will be little cut banks and fill slopes on-site, and they will not be visible from KVAs. The driveway is existing and will not require further grading. A condition of approval is included in the notice of decisions requiring that ground disturbance shall be minimized to the greatest extent possible. All ground disturbance resulting from development shall be revegetated no later than the next planting season (Oct-April) with native species. The property owners and their successors in interest shall be responsible for survival of planted vegetation and the replacement of such vegetation that does not survive. With this condition, staff finds that the request complies with Criterion 14.200.D.

- E. The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as seen from Key Viewing Areas. A variance in the General Management Area may be granted according to Chapter 6 if application of the guidelines would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use and may be applied only after all reasonable efforts to modify the design, building height and site to comply with the criteria have been made.*

FINDING: KVAs from which the site is visible are located north of the subject property. The development site is located at an elevation of approximately 680' Above Sea Level (ASL). Hills to the south rise to an elevation of approximately 1,200'. When viewed from KVAs, the proposed agricultural buildings will be located below the skyline of a bluff, cliff or ridge. Staff finds that the request complies with Criterion 14.200.E.

- F. An alteration to a building built prior to*

FINDING: The request involves three new buildings. There are no existing buildings on the subject property. Staff finds that Criterion 14.200.F. is not applicable to this request.

- G. Except for water-dependent development and for water-related recreation development, development shall be set back 100 feet from the ordinary high water mark of the Columbia River below Bonneville Dam, and 100 feet from the normal pool elevation of the Columbia River above Bonneville Dam, unless the setback would render a property unbuildable. In such cases, variances to this guideline may be authorized according to Chapter 6 of this Ordinance. In the SMA the setbacks described above shall be 200 feet.*

FINDING: The proposed development is located approximately 1 mile south of the Columbia River. Staff finds that the request complies with Criterion 14.200.G.

- H. New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. Variances to this guideline may be authorized according to Chapter 6 of this Ordinance if its application would render a property unbuildable. In determining the slope, the average percent slope of the proposed building site shall be utilized.*

FINDING: The average slope on the subject lot is approximately 10%. This is less than 30% and staff finds that the request complies with Criterion 14.200.H.

- I. Unless expressly exempted by other provisions in this chapter, colors of all exterior surfaces of structures visible from Key Viewing Areas shall be dark earth-tones found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be*

included as a condition of approval. The Scenic Resources Implementation Handbook will include a recommended palette of colors.

FINDING: The subject parcel is visible from several KVAs. The request includes construction of three new buildings (a dwelling, shop, & pump house), a round pen, and a mesh fence. Dark earth tone colors are required on all exterior surfaces, with the exception of the mesh fences as described above. The applicant submitted the following proposed materials and colors:

	Material	Exterior Color	Looks Like	Consistent with color requirement?
HOUSE				
Main/Body	Hardie Board Fiber Cement	SW Thunder Grey (SW 7645)	Dark Gray	Yes, approved
Trim	Hardie Board Fiber Cement	SW Forest Wood (SW 7730)	Dark Green	Yes, approved
Roof	Owens Corning Asphalt Shingles	Gray	Dark Gray	Yes, approved
SHOP & PUMP HOUSE				
Main/Body	Hardi Board Fiber Cement	SW Thunder Grey (SW 7645)	Dark Gray	Yes, approved
Trim	Hardi Board Fiber Cement	SW Forest Wood (SW 7730)	Dark Green	Yes, approved
Roof	Owens Corning Asphalt Shingles	Gray	Dark Gray	Yes, approved
ROUND PEN	Galvanized Steel	Hunter Green (Rustoleum)	Dark Green	Yes, approved for narrow surfaces only

A **condition** of approval is included in the Notice of Decision approving these colors. If alternate colors are proposed, they shall be submitted to and approved by the Planning Department prior to their application on the building. With the proposed condition of approval staff finds that the request complies with Criterion 14.200.I.

J. The exterior of buildings in the GMA and structures in the SMA on lands seen from Key Viewing Areas shall be composed of nonreflective materials or materials with low reflectivity, unless the structure would be fully screened from all key viewing areas by existing topographic features. The Scenic Resources Implementation Handbook will include a list of recommended exterior materials. These recommended materials and other materials may be deemed consistent with this criterion, including those where the specific application meets recommended thresholds in the "Visibility and Reflectivity Matrices" in the Implementation Handbook (once they are created). Continuous surfaces of glass unscreened from Key Viewing Areas shall be limited to ensure visual subordination. Recommended square footage limitations for such surfaces will be provided for guidance in the Implementation Handbook.

FINDING: Exterior materials are identified above in Section 14.200.I. Exterior siding and trim for the buildings will be fiber cement (Hardie board brand), and the roofing will be asphalt shingles. The round

pen is a structure, not a building, and does not need to comply with this criterion as this is not in the SMA. Fiber cement and asphalt are non-reflective materials listed in the Scenic Resources Implementation Handbook as 'Preferred' and are approved.

Windows on the north, east, and west facing walls of the proposed buildings will be visible from KVAs. The application materials state that the windows will be of "low reflectivity glass." No specifications were given. The Scenic Resources Implementation Handbook states that clear thermal pane glass with 11%-15% reflectivity is potentially acceptable outside the foreground of KVAs. Tinted glass with less than 11% visible light reflectivity rating is recommended. The proposed structures are outside the foreground of KVAs. A **condition** of approval is included requiring that all windows be thermal pane rated less than 15% visible light reflectivity.

The Scenic Resources Implementation Handbook also states:

"The Management Plan does not limit the total amount of glass on buildings. Review agencies recommend, however, that an unscreened window or continuous glass area should not exceed 50 square feet."

On the dwelling there will be three windows, a door, and a garage door on the north side; one window on the west side, and none on the east side. According to the scaled elevation drawings, only the north side will have one door that will be larger than 50 SF of continuous glass and it will not be visible from KVAs. The site plan indicates that there are several pine trees immediately south of the proposed dwelling which will provide screening. In addition, the proposed shop sits 100' south of the dwelling and will provide additional screening from KVAs. The shop has two small windows proposed on each side that faces the KVAs, with the two large and one small shop doors on the north face which is not visible from KVAs.

As there are no sections of continuous glass larger than 50 SF that face KVAs, all windows are proposed to be low reflectivity, and there is existing vegetative screening as well as proposed structural screening, staff finds that the request complies with Criterion 14.200.J.

K. The following criteria shall apply to new landscaping used to screen development from Key Viewing Areas...

FINDING: The proposed development is required to be visually subordinate from identified KVAs. The subject property contains scattered tree cover (approximately 15 conifers) between the proposed development and KVAs to the north and northeast provide year-round screening from KVAs. There are no alternate sites on the parcel to place new development to better achieve visual subordination than the proposed development sites because alternative sites could require tree removal and increased grading. No additional tree screening, landscaping, or earthen berms are required to be planted to achieve visual subordination because visual subordination can be achieved by the retention of existing on-site coniferous trees and the use of dark earthtone colors and nonreflective materials on the exterior surfaces of new development. A **condition** of approval is included requiring the retention of all on site conifers east of the existing driveway. Any trees that die shall be replaced in the next growing season. With that condition, staff finds that the request complies with Criterion 14.200.K.

L. Determination of potential visual effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments.

FINDING: The subject lot is topographically visible from three KVAs (Highway 30W, SR 14, and the Columbia River). KVAs are located to the north and northeast at elevations ranging from 40-360' ASL. The development site is located at an elevation of approximately 660' Above Sea Level (ASL), and the landscape continues to rise behind it, as seen from KVAs. Hills to the south rise to an elevation of approximately 1,200'. When viewed from KVAs, the proposed agricultural buildings will be located below the skyline of a bluff, cliff or ridge.

The subject lot is difficult to see from KVAs due to their relatively low elevation and the existence of intervening vegetation. As proposed, the buildings will be subordinate to the surrounding landscape because the height of the development is within the canopy height of the mature pine trees offering screening on the property, the design uses dark earth-tone colors and non-reflective materials and all large glass surfaces face away from KVAs.

With the distance from KVAs, screening and backdrop provided by existing vegetation, low reflective, small windows being used on KVA facing sides of buildings, and dark earthtone colors proposed to be used on the exterior surfaces, staff finds that the proposed development will have no cumulative impact on scenic resources and will blend into the surrounding landscape. Staff finds that the request complies with Criterion 14.200.L.

M. New main lines on lands visible from Key Viewing Areas for the transmission of electricity, gas, oil, other fuels, or communications, except for connections to individual users or small clusters of individual users, shall be built in existing transmission corridors unless it can be demonstrated that use of existing corridors is not practicable. Such new lines shall be underground as a first preference unless it can be demonstrated to be impracticable.

FINDING: This request does not include any items discussed in this criterion. Staff finds Criterion 14.200.M. is not applicable to this request.

N. New communication facilities (antennae, dishes, etc.) on lands visible from Key Viewing Areas, which require an open and unobstructed site shall be built upon existing facilities unless it can be demonstrated that use of existing facilities is not practicable.

O. New communications facilities may protrude above a skyline visible from a Key Viewing Area only upon demonstration that...

FINDING: This request does not include any communication facilities. Staff finds Criteria 14.200.N. and O. are not applicable to this request.

P. Overpasses, safety and directional signs and other road and highway facilities may protrude above a skyline visible from a Key Viewing Area only upon a demonstration that...

FINDING: This request does not include any items discussed in the above criterion. Staff finds Criterion 14.200.P. is not applicable to this request.

Q. In addition to all applicable criteria above, all Mineral and Aggregate related uses on lands visible from Key Viewing Areas shall meet all applicable criteria in Chapter 10.

FINDING: This request does not include any Mineral or Aggregate uses. Staff finds Criterion 14.200.Q. is not applicable to this request.

R. In addition to the GMA standards, the following will be required in the SMA...

FINDING: This request is not for development in the SMA. Staff finds Criterion 14.200.R. is not applicable to this request.

S. The following are not required to meet scenic standards...

FINDING: This request does not include any items discussed in this criterion. Staff finds Criterion 14.200.S. is not applicable to this request.

Section 14.300, Scenic Travel Corridors

The Historic Columbia River Highway (Highway 30) and Interstate 84 (I-84) are designated as Scenic Travel Corridors, and development along a Scenic Travel Corridor must be set back at least 100' from the edge of pavement of the Scenic Travel Corridor roadway.

FINDING: The proposed development site is located approximately 0.9 mile south of Highway 30 W and 1 mile south of Interstate 84. Staff finds that the request complies with Section 14.300.

Section 14.400, Landscape Settings (GMA & SMA)

Landscape settings are the combination of land uses, landforms and vegetation patterns which distinguish an area in appearance and character from other portions of the National Scenic Area.

C. Oak-Pine Woodland Landscape Setting

GMA Only

1. *Structure height shall remain below the tree canopy level in wooded portions of this setting.*

FINDING: The subject lot contains a grove of Oregon white oak trees whose canopy exceeds 30' in height. There are also Ponderosa pine trees up to 75' in height. The proposed dwelling and shop will be 24' tall, lower than the nearby canopy. Staff finds that the request complies with Criterion 14.400.C.1.

2. *In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development.*
 - a. *At least half of any tree species planted for screening purposes shall be species native to the setting. Such species include: Oregon white oak, ponderosa pine, Douglas fir.*
 - b. *At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.*

FINDING: The buildings are located on the eastern side of the oak grove, which is located on the west side of the property, and have scattered pine trees around them. Based on distance from KVAs, the use of dark earthtone colors and nonreflective materials on the exterior of all buildings, no new trees need to be planted to achieve visual subordination. Staff finds that the request complies with Criterion 14.400.C.2.

Section 14.500, Cultural Resources – GMA

The purpose of this section is to protect and enhance cultural resources, and ensure that proposed development does not have an adverse effect on significant cultural resources.

(***)

B. Applicability of the Cultural Resource Reconnaissance and Historic Survey Requirements

1. *The reconnaissance survey standards of C, Cultural Resource Reconnaissance and Historic Survey, apply until a cultural resource survey of the General Management Areas is complete.*

a. *A reconnaissance survey shall be required for all proposed uses, except...*

(***)

(5) Proposed uses that would occur on sites that have been adequately surveyed in the past.

(a) The project applicant must demonstrate that the project area has been adequately surveyed to qualify for this exception.

(b) Past surveys must have been conducted by a qualified professional and must include a surface survey and subsurface testing.

(c) The nature and extent of any cultural resources in the project area must be adequately documented.

FINDING: A new reconnaissance survey is not required for the requested development. One was performed during a 2018-19 application on this property when a prior owner applied for a horse boarding facility but withdrew the application after appeals. In a July 20, 2020 comment, Chris Donnermeyer, the Heritage Program Manager of the Columbia River Gorge National Scenic Area deemed that the prior survey adequately surveyed the area relevant to the new proposal. During the second pre-notice comment period (sent Sept 17, 2020) and the cultural notice comment period (sent October 7, 2020), Chris affirmed this comment.

The cultural resource survey was prepared on June 21, 2018 by Justin B. Colon, M.A., Archaeological Services LLC, 601 Officers Row, Vancouver, WA 98661. He is considered to be an expert consistent with the professional standards published in 36 Code of Federal Regulations Part 61, and Guidelines for evaluating and Documenting Traditional Cultural Properties. His report included surface survey information and subsurface testing, adequately documenting the cultural resources. While the results of this survey are confidential, relevant portions of them are discussed below. Staff finds that the request complies with Criterion 14.500.B.1.a.

2. *A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or compromise features of the surrounding area that are important in defining the historic or architectural character of the buildings or structures that are 50 years old or older.*

FINDING: This request does not include any structures over 50 years old. Staff finds that Section 14.500 does not apply.

3. *The Gorge Commission will conduct and pay for all reconnaissance and historic surveys for small-scale uses in the General Management Area.*
 - a. *When archaeological resources or traditional cultural properties are discovered, the Gorge Commission also will identify the approximate boundaries of the resource or property and delineate a reasonable buffer zone.*

FINDING: A cultural resource survey was conducted and delineated during the application process for application #921-18-000017-PLNG. No new delineation is required. Staff finds that the request complies with Criterion 14.500.B.3.a.

- b. *Reconnaissance surveys and buffer zone delineations for large-scale uses shall be the responsibility of the project applicant.*

FINDING: As a request for a new dwelling and a farm use with associated structures, this request does not meet the definition of a large-scale use (described below in Criterion 14.500.d). Staff finds that Criterion 14.500.B.3.b. does not apply to this request.

- c. *The Gorge Commission will conduct and pay for evaluations of significance and mitigation plans for cultural resources that are discovered during construction, subsection G, for small and large-scale uses in the General Management Area.*

FINDING: If any cultural resources are discovered during the development of this request, the Gorge Commission will conduct and pay for evaluations of significance and mitigation planning. Staff finds that the request complies with Criterion 14.500.c.

- d. *For this Ordinance, large-scale uses include development involving:*
 - (1) *two or more new residential dwellings;*
 - (2) *recreation facilities;*
 - (3) *commercial and industrial development;*
 - (4) *public transportation facilities;*
 - (5) *electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater;*
 - (6) *communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances; and*
 - (7) *disposal sites*

FINDING: This request is for one new residential dwelling, a farm use, and associated structures. It does not meet the definition of a large-scale use identified above. Staff finds that Criterion 14.500.3.d. does not apply.

(***)

4. *The primary responsibility and cost of preparing an Evaluation of Significance, D; Assessment*

of Affect, E; or Mitigation Plan, F, shall be borne by the project applicant.

- a. If the applicant has no practicable alternative, according to (5) below, Practicable Alternative Test, allowing them to avoid an affected cultural resource, or is seeking to make a change or addition to a historic resource, the Forest Service has agreed to provide services to aid in the preparation of the Evaluation of Significance, Assessment of Effect, or Mitigation Plan to the greatest extent possible.*
- b. The responsibility for and cost of any development necessary to protect or mitigate effects on the cultural resource shall be borne by the project applicant.*

FINDING: A cultural resource reconnaissance survey dated June 21, 2018, was submitted to the Planning Department. The cost of this survey was borne by the previous project applicant/property owner.

- 5. All cultural resource surveys, evaluations, assessments, and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published in 36 Code of Federal Regulations (CFR) Part 61 and Guidelines for evaluating and Documenting Traditional Cultural Properties (Parker and King, no date).*

FINDING: The cultural resource survey was prepared by Justin B. Colon, M.A., Archaeological Services LLC, 601 Officers Row, Vancouver, WA 98661. He is considered to be an expert consistent with the professional standards published in 36 Code of Federal Regulations Part 61, and Guidelines for evaluating and Documenting Traditional Cultural Properties. Staff finds that the request complies with Criterion 5.

Practicable Alternative Test

An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.

A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:

- a. The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on cultural resources;*

FINDING: The request includes small scale livestock (goats) in the A-2 (80), Small Scale Agriculture Zone. A farm use is a use permitted without review in this zone. To enable this farm use however, fencing must be placed on the subject parcel as this is within the Wasco County Livestock District, where it is the responsibility of the landowner to keep cattle on their land, as opposed to Open Range, where they may be allowed to roam free and other landowners need to fence them out.

Cultural resources were identified on a portion of the property. As well, approximately one third of the land (6.5 acres) is oak pine woodland and does not contain adequate forage for the applicant's proposed livestock. It is not feasible to require the removal of the oak pine woodland to provide more forage for the livestock, as that would conflict with other criteria within the NSA LUDO related to visual

subordinance and natural resources.

The soil types on the property include about 19 acres of 50C (wamic loam, class 4) and 51D (wamic skyline complex, class C), as well as just under 2 acres of 39 (rocky outcropping, class 8). The 51 D is in the oak area on the western edge, and the 39 is along the eastern edge, with the 50C occupying the central area of the parcel. The Class C and Class 4 soils have an Animal Unit Monthly (AUM) value ranging from 3.33 (favorable conditions) to 7.02 (unfavorable conditions) according to the USDA soil interpretation guide. The class 8 soil has no listed value for AUM.

Staff also coordinated with the applicant to ensure that the wetland resource on the property would not be disturbed through the request, by placing the fencing outside of the wetland buffer. The proposed farm use on this land cannot reasonably be accomplished by eliminating the cultural resource area from grazing. To do so would concentrate the animals on a much smaller area of the land, and the existing 19 acres is only just adequate during favorable conditions.

A condition described and required below, requires a cultural resources monitor to be onsite during the construction of the fencing. The condition is in response to concerns raised by the Umatilla and Warm Springs tribal government cultural resource protection programs. Staff finds that the request complies with Criterion a.

In sum, staff finds the applicants have exhausted practicable alternatives and coordinated with resource protection agencies to ensure compliance with resource protection requirements of the Wasco County NSA LUDO and the Management Plan for the Columbia River Gorge National Scenic Area.

- b. The basic purpose of the use cannot be reasonably accomplished by reducing its size, scope, configuration, or density as proposed, or by changing the design of the use in a way that would avoid or result in less adverse effects on cultural resources; and*

FINDING: As stated in a. above, the basic purpose of the use would not be reasonably accomplished by reducing the size, scope or configuring by changing the design of the use in a way that would avoid or result in less adverse effects on cultural resources. Additional plans were submitted by the applicant to accommodate competing natural and cultural resource buffers with the assistance of resource specialists that meet the regulatory requirements of this plan. A condition is included in D.5. requiring on-site monitoring by an archaeologist when construction of the project occurs in the identified cultural area on the property. As noted below, this was deemed reasonable by the Umatilla tribe and Warm Springs tribes during the cultural notice process for this application. With the proposed condition of approval staff finds that the request complies with Criterion b.

- c. Reasonable attempts were made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. Such constraints include inadequate infrastructure, parcel size, and land use designations. If a land use designation or recreation intensity class is a constraint, an applicant must request a management plan amendment to demonstrate that practicable alternatives do not exist.*

FINDING: The land use designation and recreation intensity class are not a constraint in this application. There are no proposed alternatives to this request due to the parcel size and configuration of land outside of the wildlife habitat and cultural area. Staff finds that the request complies with Criterion c.

A. Cultural Resource Reconnaissance and Historic Surveys

1. *Gorge Commission/Tribal Government Notice*

a. *In addition to other public notice requirements that may exist, the County shall notify the Indian tribal governments when:*

(1) a reconnaissance survey is required; or

(2) cultural resources that are prehistoric or otherwise associated with Native Americans exist in the project area.

b. *Notices sent to Indian tribal governments shall include a site plan as stipulated in Section 14.040.*

c. *Indian tribal governments shall have 20 calendar days from the date a notice is mailed to submit written comments to the County Planning Office.*

(1) Written comments should describe the nature and extent of any cultural resources that exist in the project area and identify individuals with specific knowledge about them.

(2) The County shall send a copy of all comments to the Gorge Commission.

FINDING: All appropriate notices were sent to the four tribal governments, State Historic Preservation Office (SHPO) and the Gorge Commission. This included the original pre-notice (July 2, 2020), the amended pre-notice (Sept. 17, 2020), and a cultural notice (Oct. 7, 2020). SHPO was notified of the original report in 2018. A June 4, 2021, email from Chris Donnermeyer clarifies that they do not need to be updated with the new proposal as they have already affirmed the original report. Kristen Tiede, Archaeologist with the Cultural Resources Protection Program of the Confederated Tribes of the Umatilla Indian Reservation replied with the following statement:

“The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program (CRPP) has reviewed the application for the dwelling, barn, and fence (921-19-000193-PLNG). The CRPP concurs with the condition of requiring an archaeological monitor be present for the construction of the fence.”

Christian Nauer, archaeologist with the Confederated Tribes of the Warm Springs Reservation stated:

“This office considers the report to represent a reasonable and good faith effort to identify and protect historic properties within the Project APE, and concurs with the recommendation for an archaeological monitor to be present during Project activities within the boundaries of the site.”

No other comments were received from any agency or Tribe during the notification periods of the various notices. Staff finds that the request complies with Criterion 1.

3. *Notice of Survey Results*

a. *The County shall submit a copy of all cultural resource survey reports to the State Historic Preservation Office and the Indian tribal governments.*

(1) Survey reports may include measures to avoid affected cultural resources, such as a

map that shows a reasonable buffer zone.

- (2) *The State Historic Preservation Office and the tribes shall have 30 calendar days from the date a survey report is mailed to submit written comments to the County Planning Office.*
- (3) *The County shall record and address all written comments in its development review order.*

FINDING: On October 7, 2020, Planning Department staff sent a copy of the completed cultural resource reconnaissance survey to all four Indian tribal governments and SHPO. Comments were received from two Tribal governments (Umatilla and Warm Springs). Kristen Tiede, Archaeologist with the Cultural Resources Protection Program of the Confederated Tribes of the Umatilla Indian Reservation replied with the following statement:

“The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program (CRPP) has reviewed the application for the dwelling, barn, and fence (921-19-000193-PLNG). The CRPP concurs with the condition of requiring an archaeological monitor be present for the construction of the fence.”

Christian Nauer, archaeologist with the Confederated Tribes of the Warm Springs Reservation stated:

“This office considers the report to represent a reasonable and good faith effort to identify and protect historic properties within the Project APE, and concurs with the recommendation for an archaeological monitor to be present during Project activities within the boundaries of the site.”

No other comments were received from any agency or Tribe during the notification periods of the various notices.

Staff finds that the request complies with Criterion 3.

4. Conclusion of the Cultural Resource Protection Process

- a. The County Planning Office will make a final decision on whether the proposed use would be consistent with the cultural resource goals, policies, guidelines, and standards.*
- b. If the final decision contradicts the comments submitted by the State Historic Preservation Office, the County must justify how it reached an opposing conclusion.*

FINDING: Through this report and Notice of Decision Wasco County is making a final decision that, with conditions of approval, the proposed use will be consistent with the cultural resource goals, policies, guidelines, and standards. The final decision does not contradict SHPO, who concurred that there will be no adverse effect on cultural resources. Staff finds that the request complies with Criteria a. and b.

- c. The cultural resource protection process may conclude when one of the following conditions exist:*

*(***)*

- (3) The proposed use would avoid archaeological resources and traditional cultural*

resources that exist in the project area.

- (a) *To meet this standard, a reasonable buffer zone must be established around the affected resources or properties;*
- (b) *All ground disturbing activities shall be prohibited within the buffer zone.*
- (c) *Buffer zones must preserve the integrity and context of cultural resources. They will vary in width depending on the eventual use of the project area, the type of cultural resources that are present, and the characteristics for which the cultural resources may be significant.*
- (d) *A deed covenant, easement, or other appropriate mechanism shall be developed to ensure that the buffer zone and the cultural resources are protected.*
- (e) *An evaluation of significance shall be conducted if a project applicant decides not to avoid the affected cultural resource. In these instances, the reconnaissance survey and survey report shall be incorporated into the evaluation of significance.*

FINDING: The applicant proposes to use a portion of the identified cultural area for pasture. Instead of following (a)-(d) and avoiding the area entirely, the applicant has elected to construct fencing through that section of the property. A condition of approval has been included requiring an on-site archaeologist to monitor the installation of the fence posts. This condition has been deemed acceptable by the two commenting treaty tribes, as well as by Chris Donnermeyer. Neither of the other tribes has voiced concerns for this proposed condition. Staff finds that the request complies with Criterion 3. (e) and an evaluation of significance is addressed below in B.

D. Evaluation of Significance

1. Evaluation Criteria

Cultural resources are significant if one of the following criteria is satisfied.

- a. The cultural resources are included in, or eligible for inclusion in, the National Register of Historic Places.*

The criteria for evaluating the eligibility of cultural resources for the National Register of Historic Places appear in the "National Register Criteria for Evaluation" (36 CFR 60.4). Cultural resources are eligible for the National Register of Historic Places if they possess integrity of location, design, setting, materials, workmanship, feeling, and association. In addition, they must meet one or more of the following criteria...

- b. The cultural resources are determined to be culturally significant by an Indian tribal government, based on criteria developed by that Indian tribal government and filed with the Gorge Commission.*

FINDING: The site has not been formally evaluated for significance and eligibility consideration for inclusion on the National Register of Historic Places (NRHP). The private consultant recommended that

if plans change so that greater impacts are proposed within the site boundaries, it should be formally evaluated. No Indian tribal government submitted comments indicating the site is culturally significant. Because neither of the above criteria can be met, the cultural resource is not considered to be significant. Staff finds that the request complies with Criterion 1.

2. *Evaluation Process and Information Needs*

If cultural resources would be affected by a new use, an evaluation of their significance shall be conducted. Evaluations of significance shall meet the following standards...

FINDING: The Forest Service archaeologist and SHPO concurred with the consultant's report. Comments received from both the Umatilla tribe and the Confederated Tribes of the Warm Springs Reservation indicated support for a mitigation plan that would require an archaeological monitor be present for the construction of the fence. A **condition** of approval is included requiring that an archaeological monitor be present for the construction of the fence. With that condition, staff finds that the request complies with Criterion 2.

3. *Notice of Evaluation Results*

If the evaluation of significance demonstrates that the cultural resources are not significant, the County shall submit a copy of the evaluation of significance to the State Historic Preservation Office and the Indian tribal governments.

- a. *The State Historic Preservation Office, Indian tribal governments, and interested persons shall have 30 calendar days from the date the evaluation of significance is mailed to submit written comments to the County Planning Office.*
- b. *The County Planning Office shall record and address all written comments in its development review order.*

FINDING: After coordinating with Indian Tribal Governments, the SHPO and Mr. Donnermeyer, the cultural resources have not been found to be significant. Comments were received from two Tribal governments, the Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of the Warm Springs Reservation. These comments are addressed in this review. Staff finds that the request complies with Criterion 3.

(***)

5. *Conclusion of the Cultural Resource Protection Process*

The County will make a final decision on whether the affected resources are significant.

- a. *If the final decision contradicts the comments or recommendations submitted by the State Historic Preservation Office or Cultural Advisory Committee, the County must justify how it reached an opposing conclusion.*
- b. *The cultural resource protection process may conclude if the affected cultural resources are not significant.*
- c. *If the project applicant or the County determines that the cultural resources are*

significant, the effects of the proposed use shall be assessed according to E below, Assessment of Effect.

FINDING: Based on the cultural resource reconnaissance survey submitted by the applicant/owner, Wasco County finds that if specific conditions are imposed, the cultural resources are not significant. This decision is consistent with the USFS archaeologist and SHPO and the cultural resource process may conclude. **Conditions** of approval associated with cultural resources include:

- All ground disturbance within the archaeological site boundaries shall be archaeologically monitored, specifically the installation of fence lines.
- If plans change so that greater impacts are proposed within the archaeological site boundaries, the site shall be formally evaluated for significance and eligibility for inclusion on the National Register of Historic Places (NRHP).

With these conditions, staff finds that the request meets Criterion 5.

G. Cultural Resources Discovered After Construction Begins

The following procedures shall be effected when cultural resources are discovered during construction activities.

1. *Halt Construction: All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.*

FINDING: A **condition** of approval is included in the Notice of Decision requiring all construction within 100' of any discovered cultural resource to cease. The cultural resource shall remain as found and no further disturbance may occur. With this condition, staff finds that the request complies with Criterion 1.

2. *Notification: The project applicant shall notify the County Planning Office and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.*

FINDING: A **condition** of approval is included in the Notice of Decision requiring the project applicant to notify the Wasco County Planning Department and the Gorge Commission within 24 hours of any cultural resource discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the applicant shall also notify the Indian tribal government within 24 hours. With this condition of approval staff finds that the request complies with Criterion 2.

3. *Survey and Evaluation: The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the State Historic Preservation Office (see, ORS 358.905 to 358.955).*
4. *Mitigation Plan: Mitigation plans shall be prepared according to the information, consultation, and report guidelines contained in F above, Mitigation Plans.*
5. *All survey and evaluation reports and mitigation plans shall be submitted to the County*

Planning Office and the State Historic Preservation Office.

6. *Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.*
7. *Construction activities may recommence when the conditions in the mitigation plan have been executed.*

FINDING: If cultural resources are found to be significant, the process outlined in Criteria 3.-7. will be followed. Staff finds that the request complies with Criteria 3. – 7.

H. Discovery of Human Remains

The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.

1. *Halt Activities: All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.*
2. *Notification: Local law enforcement officials, the County Planning Office, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.*

FINDING: If any human remains are discovered during construction, all activities shall cease and the human remains shall not be disturbed any further. The project applicant will notify local law enforcement officials, the County Planning Office, the Gorge Commission and all four Indian tribal governments. **Conditions** of approval stating this are included in the Notice of Decision. Staff finds that the request complies with Criteria 14.500.H.1. and 2.

3. *Inspection: The county coroner, or appropriate official, shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.*
4. *Jurisdiction: If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.*
5. *Treatment: Prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in Oregon Revised Statutes, chapter 97.740 to 97.760.*
6. *If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report requirements specified in F above, Mitigation Plans.*
 - a. *The plan shall accommodate the cultural and religious concerns of Native Americans.*
 - b. *The cultural resource protection process may conclude when the conditions set forth in F above, Mitigation Plans, are met and the mitigation plan is executed.*

FINDING: If human remains are found during construction/ground disturbance, the process outlined in Criteria 3. – 6. will be followed. Staff finds that the request complies with Criteria 14.500.H.3. – 6.

Section 14.600, Natural Resources – GMA

A. Wetlands:

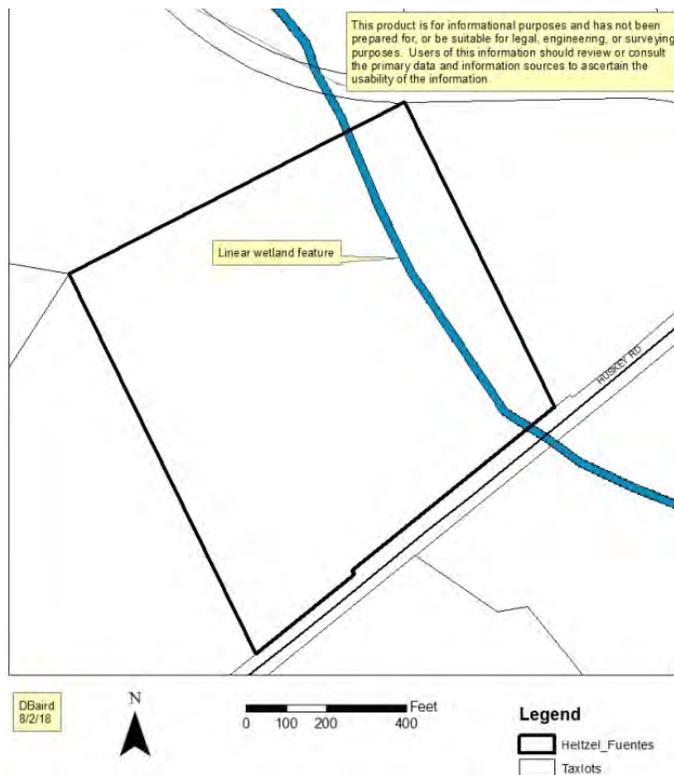
1. Purpose

- a. *Achieve no overall net loss of wetlands acreage and functions.*
- b. *Increase the quantity and quality of wetlands.*

2. Rules for Delineating Wetlands Boundaries

- a. *The approximate location and extent of wetlands in the Scenic Area is shown on the National Wetlands Inventory (U.S. Fish and Wildlife Service 1987). In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands.*

FINDING: The National Wetlands Inventory map identifies a linear wetland feature on the eastern portion of the property (see below). Staff finds that the subject lot contains a wetland.



3. Wetlands Buffer Zones

(***)

- b. *The dominant vegetation community in a buffer zone is the vegetation community*

that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland. Vegetation communities are classified as forest, shrub, or herbaceous.

(1) A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent.

(2) A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community.

(3) A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.

(4) A herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and nonwoody vines.

FINDING: The subject lot contains a wetland with an herbaceous vegetation community. Staff finds that the request complies with Criterion 14.600.A.3.b.

c. *Buffer zones shall be measured outward from a wetlands boundary on a horizontal scale that is perpendicular to the wetlands boundary. The following buffer zone widths shall be required.*

(3) *Herbaceous communities: 150 feet*

d. *Except as otherwise allowed, wetlands buffer zones shall be retained in their natural condition.*

FINDING: The herbaceous community buffer zone is 150'. The request does not include development within the buffer of this resource. Staff finds that Criteria 14.600.A.3.c. and d. are not applicable to this request.

(***)

6. *Other Uses and Activities Located in Wetlands or Wetland Buffer Zones.*

Except for uses permitted without review in Section 3.100 and 3.180(B) (Open Space) and Modifications to Serviceable Structures and Placement of Minor Water-Dependent and Water-Related Structures in Wetlands as specified in (4) above, other uses authorized by the applicable zoning designation may be allowed in wetlands and wetland buffer zones subject to (7) below, Site Plans, the remaining applicable sections of this Chapter and the following criteria:

FINDING: The proposed use involves a small scale agriculture use. No portions of the proposed project or farm use will occur within the buffer for this resource. This use is not water-dependent. The Practicable Alternative Test is addressed in E. Staff finds Criterion 14.600.A.6 is not applicable.

(***)

B. Streams, Ponds, Lakes, and Riparian Areas

FINDING: The purpose of this section is to protect water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas, and to enhance aquatic and riparian areas. According to digital data from the Gorge Commission, there are no streams, ponds, lakes or riparian areas on the subject lot. Staff finds that the request complies with Criterion 14.600.B.

(***)

C. Wildlife Habitat

1. Purpose:

- a. Ensure that new uses do not adversely affect sensitive wildlife areas and sites.*

"Sensitive wildlife areas" means the 17 land and water areas that are included in the wildlife inventory of the Management Plan.

"Sensitive wildlife sites" is used here in a generic sense to refer to sites that are used by species that are:

(1) Listed as endangered or threatened pursuant to federal or state endangered species acts,

(2) Listed as sensitive by the Oregon Fish and Wildlife Commission, or

(3) Considered to be of special interest to the public, limited to great blue heron, osprey, mountain goat, golden eagle, and prairie falcon.

(4) Updated lists of species included in (1), (2), and (3) above can be found on the website for the Wildlife Division of Oregon Department of Fish and Wildlife. A list also is maintained by the USDA Forest Service – Scenic Area Office and available at the Gorge Commission office and on its website.

- b. Enhance wildlife habitat that has been altered or destroyed by past uses.*

FINDING: The purpose of this section is to ensure that new uses do not adversely affect sensitive wildlife areas and sites. The proposed residential use and small family farm will result in the creation of three buildings (a dwelling, shop, and pump house), and one additional structure (a round pen) in addition to the proposed livestock fencing. The southwestern 1/3 (approximate) of the subject lot contains Oregon white oak, which is an important wildlife habitat for many species. Staff confirmed that the development will be occurring within a sensitive wildlife area, and contacted ODFW regarding the proposal. The deer and elk winter range is addressed below. Staff also contacted Andrew Meyers with ODFW on June 21, 2021, to ensure there were no further concerns regarding the Big Game Turkey wildlife area. Meyers confirmed by phone that he had no concerns with the proposal with regard to this wildlife area. Staff finds that the request is subject to Criterion 14.600.C.1.

2. Approval Criteria for Fences in Deer and Elk Winter Range

(***)

- c. *Woven wire fences may be authorized only when a project applicant clearly demonstrates that such a fence is required to meet his/her specific and immediate needs, such as controlling hogs and sheep.*

FINDING: The applicant has demonstrated that the proposed use includes goats, which require a woven wire fence for controlling. In a Nov. 4, 2020 email, Jeremy Thompson, District Wildlife Biologist for the Oregon Department of Fish and Wildlife (ODFW) stated: "It does not appear that the applicant is proposing to impact the oak habitat in this application, and with the proximity to town I do not see additional wildlife impacts. ODFW has no concerns." With no concerns for impact on deer and elk winter range from the proposed fencing, which has been demonstrated to be required for the proposed farm use of controlling goats, staff finds that the request complies with Criterion 14.600.C.2.

D. Rare Plants

FINDING: The purpose of this section is to ensure that new uses do not adversely affect plant species listed on an inventory kept by the Gorge Commission. Inventories provided by the Oregon Biodiversity Information Center and the Columbia River Gorge Commission indicate that a sensitive plant may be located within 1,000 feet of the proposed development. A Sensitive Plant Notification was sent to Sue Vrilakis of ORBIC and Sarah Callaghan of the US Forest Service National Scenic Area. On Sept 17, 2020, Sarah stated: "No concerns. From what I can see of the landscape/habitat for the proposed development, there is unlikely any habitat in the immediate area for the sensitive plant species."

The Scenic Area regulations do not protect all grasses and wild flowers, only those known to be rare. Staff notes that while the use will impact native grasses and wild flowers, there is no criterion that requires all on-site vegetation to be undisturbed. Staff finds that the request complies with Criterion 14.600.D.

E. Practicable Alternative Test

An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.

FINDING: A practicable alternative test will not be required since the proposal will meet the criterion for the protection of all natural resources. As previously noted in the cultural resources practicable alternative test, the applicant worked with staff and resource protection professionals to ensure all protected resources were protected and consistent with applicable regulations. Staff finds Criterion E is not applicable.

(***)

Section 14.700, Recreation Resources – GMA

The purpose of this section is to protect and enhance recreation resources consistent with Indian treaty rights, and to protect scenic, natural, cultural and recreation resources when providing new recreation opportunities.

FINDING: There are no recreational sites on the subject lot and no new recreational use is proposed on the property. The closest recreational sites are the Twin Tunnels portion of Highway 30 (0.7 mile to the

north) and the Columbia River (1 mile to the north). The proposed development will have no impact on the recreational use due to distance. Staff finds that the request complies with Section 14.700.

Section 14.800, Indian Tribal Treaty Rights and Consultation - GMA

The purpose of this section is to ensure that the Scenic Area Act, the Management Plan, and these implementing ordinances do not affect or modify any treaty or other rights of any Indian tribe. It requires notification to the four tribal governments when new uses are proposed on public lands, in or adjacent to the Columbia River or its tributaries that support anadromous or resident fish.

FINDING: Section 14.800 provides protection of Indian Tribal Treaty Rights from new development in the National Scenic Area. Section 14.800.B.3. lists additional notice materials for projects in or providing access to the Columbia River or its fish bearing tributaries or for projects that may affect Indian treaty rights and provides 20 days for tribal governments to submit comments. The subject property has no access to the Columbia River, but pursuant to other noticing requirements, notice of the proposal was mailed or e-mailed to the four tribal governments on July 2, 2020, and a 15-day comment period was provided. After that comment period, the application was amended and a second pre-notice was sent out on Sept 17, 2020, with a 20-day comment period. At the conclusion of that comment period, a cultural notice was sent to the four treaty tribes and the US Forest Service on October 7, 2020, with a 30-day comment period. In response to the cultural notice, comments were received from the Umatilla tribe and Warm Springs tribes that they supported the requirement for an archaeological monitor to be present during construction of the fencing. A condition of approval is included requiring this monitor.

Section 14.800.C. lists guidelines for tribal government consultation when those governments submit substantive written comments. The comments described above were received from the tribal governments but these comments did not contain any claims that the request would affect or modify any treaty or other rights of any Indian tribe. Staff finds that the proposed development is consistent with Section 14.800.C.

Section 14.800.D. states that the treaty rights protection process may conclude if the Executive Director determines that the proposed uses would not affect or modify treaty or other rights of any Indian tribe. Uses that would affect or modify such rights shall be prohibited.

The subject property does not provide access to the Columbia River or its fish bearing tributaries. No known treaty rights are affected by this proposal and no treaty rights concerns were raised by the tribal governments. Because the proposed use would not affect or modify treaty or other rights of any Indian tribe, the treaty rights protection process may conclude pursuant to Section 14.800.D.

ATTACHMENT E – OUTDOOR LIGHTING STANDARDS

Good Neighbor OUTDOOR LIGHTING

PRESENTED BY THE NEW ENGLAND LIGHT POLLUTION ADVISORY GROUP (NELPAG) AND SKY & TELESCOPE.

What is good lighting?

Good outdoor lights improve visibility, safety, and a sense of security, while minimizing energy use, operating costs, and ugly, dazzling glare.

Why should we be concerned?

Many outdoor lights are poorly designed or improperly aimed. Such lights are costly, wasteful, and distractingly glary. They harm the nighttime environment and neighbors' property values. Light directed uselessly above the horizon creates murky skyglow — the "light pollution" that washes out our view of the stars.

Glare Here's the basic rule of thumb: If you can see the bright bulb from a distance, it's a bad light. With a good light, you see lit ground instead of the dazzling bulb. "Glare" is light that beams directly from a bulb into your eye. It hampers the vision of pedestrians, cyclists, and drivers.

Light Trespass Poor outdoor lighting shines onto neighbors' properties and into bedroom windows, reducing privacy, hindering sleep, and giving the area an unattractive, trashy look.

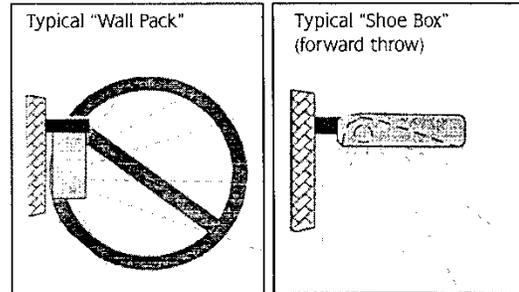
Energy Waste Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. Each year we waste more than a billion dollars in the United States needlessly lighting the night sky.

Excess Lighting Some homes and businesses are flooded with much stronger light than is necessary for safety or security.

How do I switch to good lighting?

- 1 Provide only enough light for the task at hand; don't over-light, and don't spill light off your property. Specifying enough light for a job is sometimes hard to do on paper. Remember that a full Moon can make an area quite bright. Some lighting systems illuminate

Some Good and Bad Light Fixtures

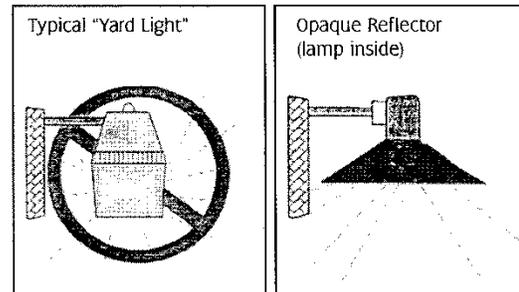


BAD

Waste light goes up and sideways

GOOD

Directs all light down

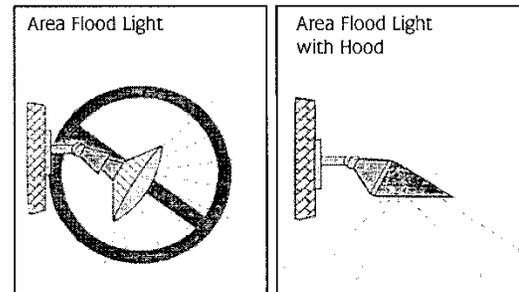


BAD

Waste light goes up and sideways

GOOD

Directs all light down



BAD

Waste light goes up and sideways

GOOD

Directs all light down

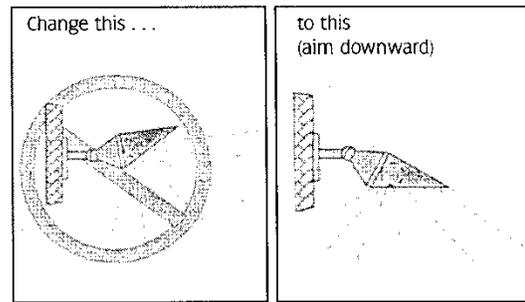
areas 100 times more brightly than the full Moon! More importantly, by choosing properly shielded lights, you can meet your needs without bothering neighbors or polluting the sky.

- 2** Aim lights down. Choose "full-cutoff shielded" fixtures that keep light from going uselessly up or sideways. Full-cutoff fixtures produce minimum glare. They create a pleasant-looking environment. They increase safety because you see illuminated people, cars, and terrain, not dazzling bulbs.
- 3** Install fixtures carefully to maximize their effectiveness on the targeted area and minimize their impact elsewhere. Proper aiming of fixtures is crucial. Most are aimed too high. Try to install them at night, when you can see where all the rays actually go. Properly aimed and shielded lights may cost more initially, but they save you far more in the long run. They can illuminate your target with a low-wattage bulb just as well as a wasteful light does with a high-wattage bulb.
- 4** If color discrimination is not important, choose energy-efficient fixtures utilizing yellowish high-pressure sodium (HPS) bulbs. If "white" light is needed, fixtures using compact fluorescent or metal-halide (MH) bulbs are more energy-efficient than those using incandescent, halogen, or mercury-vapor bulbs.
- 5** Where feasible, put lights on timers to turn them off each night after they are no longer needed. Put home security lights on a motion-detector switch, which turns them on only when someone enters the area; this provides a great deterrent effect!

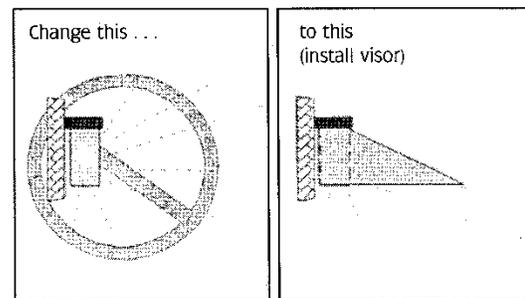
Replace bad lights with good lights.

You'll save energy and money. You'll be a good neighbor. And you'll help preserve our view of the stars.

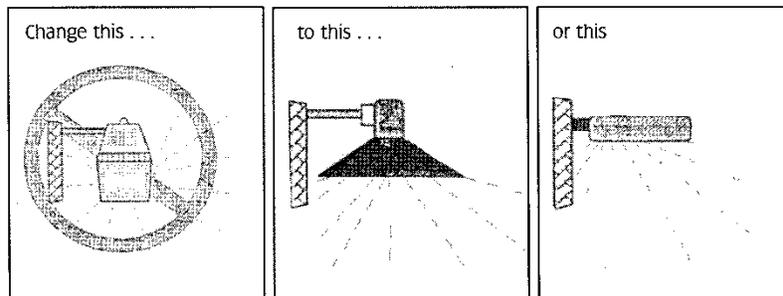
What You Can Do To Modify Existing Fixtures



FLOOD LIGHT



WALL PACK



YARD LIGHT OPAQUE REFLECTOR SHOE BOX

Presented by the **New England Light Pollution Advisory Group (NELPAG)** (<http://cfa-www.harvard.edu/cfa/ps/nelpag.html>)

and **Sky & Telescope** (<http://SkyandTelescope.com/>).

NELPAG and *Sky & Telescope* support the International Dark-Sky Association (IDA) (<http://www.darksky.org/>).

We urge all individuals and groups interested in the problems of light pollution and obtrusive lighting to support the IDA and subscribe to its newsletter. IDA membership costs \$30 per year; send your check to IDA, 3225 N. First Avenue, Tucson, AZ 85719, U.S.A.



Sky Publishing Corp.
49 Bay State Road
Cambridge, MA 02138
SkyandTelescope.com

GNF01

ATTACHMENT G - COMMENTS

The following pages contain the comments received.

Wasco County Planners -
(Planning Dept)

COMMENTS ON 14X LOT 2N 11E 11 2200

PREPARED BY	Amy
DATE	Conroy

July 16, 2020

1 ADRIAN LOPEZ, owner/applicant

2 File # 921 19 000193 PLNG

3 1) Retroactive approval of an unlawfully
4 placed well. No.

5 I am opposed for several reasons.

6 First, why would anyone bother with
7 getting a permit for building a structure
8 or siting and drilling a well when it will
9 be approved after the fact anyway?

10 2) I am also very concerned about the
11 impact of an unregulated well on my
12 well. I have a very good well that I have
13 maintained and am very concerned that
14 there was no geological oversight on the
15 drilling. The negative impact on my property
16 of loss of my water source by a neighboring
17 property is huge.

18 What is the county doing retroactively to
19 insure the well drilled will not adversely affect
20 the neighboring properties? And what is my
21 recourse against the offending parties, Mark
22 FUENTES, M+M Drilling, unfortunately Adrian
23 Lopez as current landowner and the county
24 of Wasco for allowing it?

25
26 3) The sitings of the 2 very large buildings,
27 the single family home and the accessory
structure,

2N 11E 11 2200

PREPARED BY	Amy
DATE	Conroy

1 I respectfully request that the proposed building
2 structures not be placed directly across from
3 my building structures (house, garage, etc).

4 My house was sited 10 years before I bought it
5 and I'm stuck with it. (Almost 30 years ago, for siting)

6 I must also note that the power source, the
7 electrical utility box is on my property and
8 is for my property. It is not a general purpose,
9 anyone can tap into it resource. This has
10 been an issue in the past.

11
12 4) Wire fencing around the entire perimeter
13 of the property. NO.

14 I oppose, We are in a National Scenic Area
15 and a proposed fence will destroy the aesthetic
16 of the Rocky Prairie slope. And what is the
17 purpose of the fence? This is a wildlife corridor
18 and fencing the whole property will force the
19 animals onto Huskey Road endangering them
20 and people driving on Huskey Road.

21 And there is a legal easement, access to the
22 property owned by Joe + Janine Cerniecki. How
23 will you mitigate that? or plants

24 And, has there been a cataloging of native grasses[^] on the property?

25 Thank you for your time and consideration
26 of these issues.

27 Amy Conroy (541-578-0188)



Brent Bybee <brentb@co.wasco.or.us>

File # 921-19-000193-PLNG

3 messages

amyhop@gorge.net <amyhop@gorge.net>

Fri, Jun 4, 2021 at 2:48 PM

To: brentb@co.wasco.or.us

Cc: kclm98@hotmail.com

My concern is still about the unlawfully dug well and the long term impact on my water supply from my well. Is it county policy to grant retroactive approval, and if so that begs the question as to why a person would get a permit to begin with? The well driller assured me last summer that Mark Fuentes had gotten a permit but refused to show it to me. Did the county level any kind of fine on Mark Fuentes for an unlawfully placed well? This appears to be a case of it's easier to say I'm sorry then go through the procedure of obtaining a permit.

I understand that Adrian Lopez needs a water source to effectively develop his property and that he did not commission the well to be dug, but with the drastic shortage of water we face in these drought conditions, doesn't retroactive approval set a precedent?

Sincerely,

Amy Conroy
 1145 Huskey Road
 Mosier, Oregon 97040
 541 578 0188

Brent Bybee <brentb@co.wasco.or.us>

Mon, Jun 7, 2021 at 5:42 PM

To: amyhop@gorge.net

Cc: kclm98@hotmail.com

Hello Amy,

Thank you for commenting, I'll be sure to include your comments on the record.

Our department does not regulate water rights for landowners, please contact the Oregon Water Resources Department (OWRD) regarding that request. Our department will only review the actual development of a well to ensure resources will not be affected. It is the responsibility of the landowner to ensure the well can be approved through OWRD. Any approvals may be on file with them as well.

All applicants throughout the entirety of Wasco County are afforded the opportunity to bring nonconforming development built without review into compliance. If the development constructed without review does not meet the land use criteria, it must be removed. If it meets the criteria it may remain after being approved retroactively. In 2020, the Board of County Commissioners approved additional fees for development commenced without land use approval in the National Scenic Area, which would ultimately result in double the cost. This application was submitted before that went into effect, so to answer your question directly no the applicant was not fined.

Brent

[Quoted text hidden]

--



Brent Bybee | Associate Planner
PLANNING DEPARTMENT

brentb@co.wasco.or.us | www.co.wasco.or.us

541-506-2544 | Fax 541-506-2561

2705 E 2nd St | The Dalles, OR 97058

Office Notice about COVID-19

Welcome back! We have resumed in-person customer service. Office hours are Monday through Thursday, 10am to 4pm with a lunchtime closure. Appointments can be accommodated on Fridays. Masks are required in the office unless you bring your vaccination card to demonstrate you are a full two weeks out from your final COVID-19 vaccination.

Staff continue to stagger their schedules to allow for COVID-19 safe distancing in a shared office environment. Appointments with staff are encouraged to ensure adequate staffing on the day of your visit. We also offer video calls that can save you travel time. We strongly encourage customers to contact us first by phone or email to determine whether an in-person visit is necessary. Please scroll down for many online available tools and resources.

Need information? Help with a tool? Schedule an in person or video call appointment?
Please call 541-506-2560 or write us at wcplanning@co.wasco.or.us

Thank you for your patience during this time.

*Note: This correspondence does not constitute a Land Use Decision per ORS 197.015.
It is informational only and a matter of public record.*

amyhop@gorge.net <amyhop@gorge.net>
To: Brent Bybee <brentb@co.wasco.or.us>

Mon, Jun 7, 2021 at 11:55 PM

So what you are saying is if the unlawfully placed Fuentes well drains my well dry and I decide to replace my well as Fuentes drilled a new well, it would cost me double but he gets off with no penalty. That's fucked up. On the record, an arbitrary date allows a person to steal water yet penalizes the wronged person to correct the issue with the same mechanisms the county turned a blind eye to.

What particularly grieves me is that I have been a resident of Wasco county for 30 years and have owned and resided at the Huskey Road property for 20 years and have many dedicated hours of bringing the value of the property up by physically taking care of fire abatement, that is ongoing, and making it into a beautiful property only to have Wasco county shit on me and say not only if the illegal placed well destroys your water source, if you drill the same type well without a permit it will cost you double. We'll fine you for what your neighbor caused.

Great, Amy Conroy

----- OriginalMessage -----

From: "Brent Bybee" <brentb@co.wasco.or.us>

To: amyhop@gorge.net

CC: kclm98@hotmail.com

Sent: Mon, Jun 07, 2021, 05:43 PM

Subject: Re: File # 921-19-000193-PLNG

[Quoted text hidden]



Will S <wills@co.wasco.or.us>

CAFO minimum size?

William Matthews <wmatthews@oda.state.or.us>
 To: Will S <wills@co.wasco.or.us>
 Cc: William J Matthews <wmatthew@oda.state.or.us>

Wed, Sep 23, 2020 at 2:35 PM

Hi Will, There is no minimum number of animals on an operation that may require a CAFO Permit. Based on the details you provided, it appears that the system they propose is a grazing system with minimal confinement. The pasture deposition of manure is allowed as long as it does not cause pollution of surface or ground waters of the state. As long as this facility as described is not proposing a liquid manure or process waste water collection system or creating process waste water from a milking or cheese making activity, we would not require a CAFO Permit. The facility is required to maintain compliance with the ODA AGWQ area management plan. See <https://www.oregon.gov/oda/programs/NaturalResources/AgWQ/Pages/AgWQPlans.aspx> to find the appropriate area management plan for the proposed facility location. -Wym

On Sep 23, 2020, at 1:46 PM, Will S <wills@co.wasco.or.us> wrote:

Good afternoon,

We have a land use application south of Mosier that involves five cows and 15 goats and/or sheep on about 20 acres of land. The land they will be grazing on has a seasonal wetland running through a portion of it. Would they need a CAFO permit as the livestock may be leaving manure in that wetland that runs to Rock Creek and then to the Columbia River? I didn't see a minimum size of ag operation listed on your website.

A little more info about the proposal: They plan on fencing the whole property in with mesh fence, but including a moveable strip of electric fence to keep the livestock out of the wetland during wet portions of the year, only allowing the grazing and use of it when it is dry (most of the year it just looks like a meadow, and it is mostly just damp during the winter - it's not a stream.)

Please let me know if you need more information. Thank you.

--



Will Smith, AICP | Senior Planner
PLANNING DEPARTMENT

wills@co.wasco.or.us | www.co.wasco.or.us

541-506-2560 | Fax 541-506-2561

2705 East Second Street | The Dalles, OR 97058

NOTE: DUE TO COVID-19 CONCERNS THE PLANNING DEPARTMENT IS CURRENTLY RESTRICTING FACE TO FACE ASSISTANCE. WE ARE ACCEPTING APPLICATIONS BY MAIL AND INQUIRIES BY PHONE OR EMAIL UNTIL FURTHER NOTICE.

This correspondence does not constitute a Land Use Decision per ORS 197.015.

It is informational only and a matter of public record.

Planning for the Future. Wasco County 2040.

[Get involved](#)

Wym Matthews, Manager
Oregon Department of Agriculture – CAFO and Fertilizer Programs
 635 Capitol St NE, Salem, OR 97301-2532
 PH: 503-986-4792 | CELL: 503-881-5418 | WEB: Oregon.gov/ODA

Pronouns: he, him, his

Response to Lopez Development Application 921-19-000193-PLNG
October 3, 2020
Joe Czerniecki

First of all I would like to say that my goal in providing comment on this development is not to obstruct their proposed development but to try to ensure that the adverse impacts of their development plans are minimized. I have only met Adrian a couple of times and he seems like a nice fellow and I look forward to having him as a neighbor. My comments below are focused on ways that the proposed development does not conform to the Wasco County and Columbia River Gorge Commission requirements, as well as how this property has been impacted without development approval.

There has been extensive development and modification of the property without any application or approval. This includes:

1. a well drilled without approval
2. After notification of the county development office about the well drilling, and communication between the county and Mr. Lopez about the need for development approval he engaged in extensive tree cutting, and limbing, as well as spraying of the understory in the designated woodland portion of his property. This was done out of scale with current fire protection requirements and has damaged the quality and character of the woodland which has adversely affected its function as deer and elk winter range.
3. Most recently a paddock for horse training has been installed in the northwest corner of the property, which once again this occurred without county approval.

I am therefore concerned that the pattern of apparently ignoring the Wasco County Development Land Use Ordinances may continue to occur. And that consideration should be given to remediation and special oversight.

The development requirements are designed to protect the character of the Columbia River Gorge in perpetuity and must be followed. I do understand that they create some additional burdens, but the end result is something that I have appreciated in the over 25 years I have had a home in Rocky Prairie. The preservation of the unique and special character of the Columbia River Gorge is not only of value to me but to all of the visitors and other residents.

In the following section I will also outline how the current development application does not meet the Wasco County LUDO requirements. I will be referring extensively to the Hetzel/Fuentes application 921-18-000017-PLNG in my comments. This application was reviewed by the Wasco County Planning and Development office less than 2 years ago and many of the issues that were raised by the neighboring landowners and the decisions reached by the planning office will parallel the issues I will raise.

A. Problems Related to Inconsistencies and a Lack of Completeness of the Application.

1. The date on the application is December 31st 2019. Because the application was mailed out to neighboring landowners the assumption is that the application was deemed complete. It's current state of ongoing incompleteness is based upon the requirements in Section 2.080. This raises questions about whether the current application should be considered void:

1. **On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection a. of this section and has not submitted information.**

2. Incompleteness of the information provided in the application

A complete site plan shall be submitted for all new development, except for buildings smaller than 60 square feet in area and less than or equal to 10 feet in height, as measured at the roof peak.

- a. There continues to be conflicting information on the site plan and the Farm management plan. The site plan includes a 5 foot "MESS fence" around the perimeter of the property and the Farm Management Plan includes a 4 foot fence. The site plan includes a continuous fence around the property, but the Farm Management plan includes a fence around the woodland area to the west of the driveway and a fence around the remaining property. Which is it? These inconsistencies prevent all parties from being able to adequately comment.
- b. There is no access or egress designated to either of the fenced areas. This should be defined in the development plan.
- c. Part of the farm management plan suggests that there will be 5 cows, 15 goats, and a large number of chickens. There is no fencing in the immediate area of the home to exclude the animals from this area. This is very unusual. Will there be no fencing in this area? Typically when chickens are raised they have some type of shelter. There is no designation on the farm management plan, about where these will be, and what the visual appearance and size of this structure will be. The farm management plan is incomplete. The farm management plan also suggests that there will be a moveable electric fence. How will electricity be conducted to this area? Presumably there will be a hot wire, in addition to the proposed fence? If so this is not included in the development plan.

- d. **The site plan shall be prepared at a scale of 1" = 200' or a scale providing greater detail which clearly indicates key information:**

There is no indication of the scale provided with plan.

- e. **Location, size, and shape, of all existing and proposed buildings and structures on the subject parcel.** The site plan provided is largely illegible: this is partly because of an effort on the part of Mr. Lopez to provide all of the necessary information in too small a space. To clearly indicate the relationship of the buildings to one another and all of the necessary detail of the development an additional site plan should be provided that provides the necessary scale to adequately evaluate the development plan. Further, I assume because this is a formal document it should be covered under the ADA

requirements. Anyone with a visual impairment would not be able to read it at all, and therefore would be prevented from having their right to comment.

- f. **Access: Indicate all existing and proposed points of ingress and egress and whether they are public or private.** There is no specific indication on the plan.
- g. **Location, dimensions and method of improvement of all roads, access drives, trails, and parking areas with individual parking spaces and internal circulation patterns.** The dimension (width) of the driveway, which provides access to my property, and which is immediately north of the Lopez property, is not included. I have an easement that gives me free access to and use of the driveway extending from Huskey road, through the Lopez property to my home. The easement is 30' wide, so no fence structure can be installed within the boundaries of this easement.
- h. **Access drives shall be constructed to a minimum of twelve (12) feet in width and not exceed a grade of twelve (12) percent with turnouts provided at a minimum of every five hundred (500) feet.** Although there is an indication on the site plan of a driveway, that extends from Huskey road to my property immediately to the north of the Lopez property, the plan does not indicate the necessary turnout. The development of the Lopez property, with its associated increase in vehicle use on the driveway, will likely result in an increase in potential access problems especially in emergency situations. A turnout should be included in the site plan.
- i. **Location of existing and proposed services, including wells or other water supplies, sewage disposal systems, telephone and power poles and lines. Telephone and power supply systems shall be underground whenever practical.** There is no indication of where trenching will occur to provide power access to the home site.
- j. **The location of the pond, stream, tank or sump with storage of not less than 1,000 gallons if the well or water system is not capable of delivering twenty (20) gallons per minute.** There is no specification of well output and no indication of storage.
- k. **The location of a standpipe (water spigot) a minimum of fifty (50) feet from each flammable structure if the development includes a plumbed water system.** I didn't see this specified in the site plan. Scale and legibility may be the limiting factor in this assessment.
- l. **Location and depth of all proposed grading, filling, ditching and excavating unless a grading plan is required by F below.** There is no indication of where trenching will occur to provide power access to the home site. There is only one indication of grade in the application. That is a 5% grade as the driveway approaches my property to the north. Prior review of a development plan on this property (Hetzel **921-18-000017-PLNG**) in 2018 indicates a finding by Wasco County Development that there is a 10% grade in the area of the homesite. The development plan must include a grading and excavating plan.

- m. **North arrow and map scale.** No indication of map scale
- n. **Elevation Drawing - Elevation drawings shall show the appearance of all sides of proposed structures and shall include natural grade, finished grade, and the geometrical exterior of at least the length and width of structures as seen from a horizontal view. Elevation drawings shall be drawn to scale.** The provided elevation drawings are only of the structures in a plan view. They do not include the natural grade and the finished grade. It is also unclear if the elevations of the structures are labelled correctly-this should be clarified. The north elevation for example should be the north facing side of the building. As currently provided it suggests that in the house elevations the garage doors will be on the north (view) side of the structure. The north elevation of the shop has two large openings penciled in - should they be on the south elevation? There is also no indication of what these openings are so it is difficult to ascertain whether light reflectivity and visual subordination will be a problem. Are they ? windows ? doors?
- o. The site plan does not include the necessary information on the natural grade, finished grade and the relationship of the structures to this grade. It is a requirement to provide this information and it should be provided at an appropriate scale so that it can adequately be assessed.

Problems with the Proposed Development Plan.

SECTION 14.200 Key Viewing Areas

A. Each development and land use shall be visually subordinate to its setting in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA as seen from Key Viewing Areas. The extent and type of conditions applied to a proposed development to achieve visual subordination shall be proportionate to its potential visual impacts as seen from Key Viewing Areas.

SITING

New development shall be sited to achieve visual subordination from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, endemic and listed plants, sensitive wildlife sites or conflict with standards to protect cultural resources. In such situations, development shall comply with this standard to the maximum extent practicable. (GMA Only)

New development shall be sited to achieve visual subordination utilizing existing topography, and/or existing vegetation as needed in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA from Key Viewing Areas.

Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from Key Viewing Areas.

The proposed siting of the structures avoids the use of oak pine woodland to the west, and the wetland to the east but places the structures in open grassland, with little to no screening because of the previously-mentioned excessive tree removal and limbing.

Additionally, the orientation of the two proposed structures strongly influences their visual impact from key viewing areas. In the plan view the shop is immediately to the north of the house and there is a 180 foot distance between them. On the surface does not look like this would affect the visual impact, however when the slope is considered the two structures will have the visual appearance from key viewing areas to the north of being 75' high. Prior decision of Wasco County states there is a 10% slope in the area of home/shop development. with a 10 % grade there is 27 foot overall elevation gain between the north wall of the shop and the south wall of the home. This means the total visual height of the two structures is 24' shop + 24' home + 27' resulting from the grade = 75'. This is an imposing visual feature in open grassland without adequate screening. It will likely also require extensive grading depending on the details of the relationship between the buildings, access between the buildings and access to both the driveway and the shop.

Further, as noted above, more detail is required to understand the extent of grading, the overall "visual" stature of the two structures with the 10% north/south grade, to adequately evaluate its impact on Key Viewing Areas and the potential for visual subordination of the two structures. Visual subordination could be improved by shifting the development closer to the woodland or in the edge of the woodland to the west, a site which was approved in a prior application (Shattuck SAR-04-110). See illustration below.



(Figure 4. Location proposed building site in existing vegetation.)

Proposed Farm Use

Mr. Lopez is proposing as part of the Farm Management Plan to have 5 cows, 15 goats and 15 chickens. The number of animals is excessive relative to the available grazing area.

1. In the summer when the wetland and the wildlife area are excluded from possible grazing, there is inadequate area available to graze the livestock. In the attached table the NRC Soil Survey suggests that 5 cows require at a minimum 5 acres per month and the goats are the equivalent of sheep which would require an additional 3.75 acres per month at .25 acres per goat. Therefore, there is inadequate grazing area for even 1 month and there would be no time for recovery, because this area cannot be watered. The proposed use therefore should not be allowed. If allowed the numbers of livestock should be greatly reduced. In the Hetzel/Fuentes application on the same property the Wasco County Land Use Development office limited the number of livestock to 5 horses.

Geographic Area	Soil Name	1 Cow Acre	1 Sheep Acre	1 Horse Acre
TDalles / Mill Crk	Cherry Hill /Chenowith	1.5 Acres	0.03 Acre	2 Acres
Wrentham / Dufur	Walla Walla /Dufur	1.0	0.08	1.1
Juniper Flat	Maupin / Watama	1.0	0.22	1.4
Bakeoven	Condon / Bakeoven	2.0	0.50	2.5
Tygh Ridge	Condon / Cantala	1.2	0.25	1.5
Tygh Valley	Sherar / Sinamox	1.3	0.25	1.7

Data obtained from Wasco County NRCS Soil Survey

11

SECTION 14.600 Natural Resources (GMA Only)

A. Wetlands

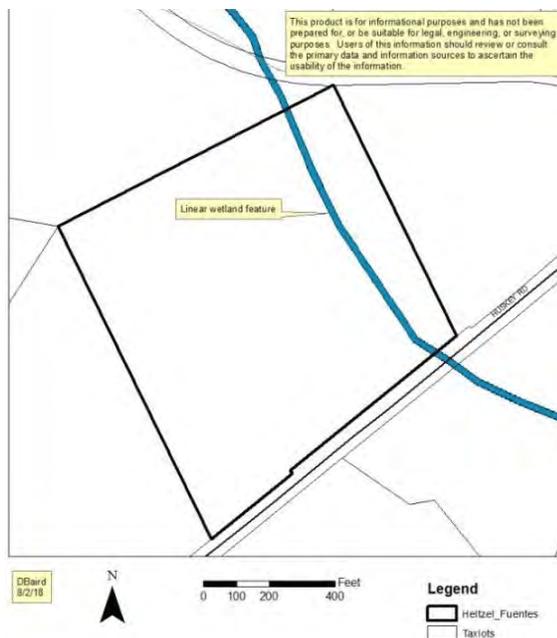
The Wasco County Development staff in the prior development application (Hetzel 2018 **921-18-000017-PLNG**) made a finding that the Lopez property includes a Herbaceous community wetland. This wetland requires a 150’ setback for all development including fences. The proposed development includes a plan to install fencing which will disrupt the wetland and should not be allowed in the setback area of the wetland.

The importance of and the preservation of the wetland was raised by many neighbors, in particular by the McCabe comments, in the prior Hetzel/Fuentes **921-18-000017-PLNG** application. In the current Lopez amended proposal, the farm management plan includes a fence that encloses the wetland, with a moveable fence that would prevent grazing of 5 cows and 15 goats in the wetland in the winter season but be allowed to graze in the wetland in the summer season. The farm management plan suggests that this will have a beneficial effect on plant life in the wetland. The consequences of animal grazing are much greater than the soil or plant characteristics in it's immediate vicinity. Nitrites from manure can increase algae and reduce oxygen content in the water which can adversely affect fish survival. There are also increases in bacterial counts in the water which have led to fish die offs and sickness. These consequences in the Rock Creek drainage area which feed the Columbia, can therefore have adverse effects on fish and endangered species. The potential for E coli contamination is enough of an issue that a monitoring plan is being put in place (see minutes of the Mosier Watershed Counsel meeting Appendix A). In addition there are many at-risk and endangered species listed in the Mosier Watershed area which includes Rock Creek which is the destination of the water from the Lopez property. The endangered species are listed in Appendix B.

This conclusion was also reached by the Wasco County Development office in their evaluation of the Hetzel/Fuentes application.

“ FINDING: The National Wetlands Inventory map identifies a linear wetland feature on the eastern portion of the property. Staff finds that the subject lot contains a wetland.

Staff Recommendation Page 42 of 52 921-18-000017-PLNG (Heltzel/Fuentes)



c. Buffer zones shall be measured outward from a wetlands boundary on a horizontal scale that is perpendicular to the wetlands boundary. The following buffer zone widths shall be required.

(3) Herbaceous communities: 150 feet

d. Except as otherwise allowed, wetlands buffer zones shall be retained in their natural condition.

The herbaceous community buffer zone is 150'. Normally the buffer zones cannot be disturbed.

A condition of approval is included in the Notice of Decision requiring the maintenance of the existing contour, vegetation and hydrology of the wetland."

Other published literature further supports the potential adverse effects of livestock grazing in watershed areas(Paul Hansen a Research Associate Professor in the School of Forestry at the University of Montana in Missoula. Dr. Hansen is a Riparian wetland ecologist and principal ecologist for the Montana Riparian Association) in a US forest service publication.

He suggests that there is a delicate balance when grazing is allowed in wetlands (Appendix C)

1. • season-long grazing is not a viable option to improve deteriorated riparian wetland areas or to maintain a healthy riparian-wetland zone.
2. It only takes a few weeks of unauthorized use or overgrazing to set back years of progress in improvements of riparian-wetland systems. Myers (1981) states "that compliance with grazing systems is critical. When livestock are moved from a management pasture, it is commonplace for a few animals to be overlooked. In one stream, annual use by a few head of unauthorized livestock throughout most of the hot season period has nullified positive riparian-wetland habitat responses in an otherwise excellent grazing systems."
3. Therefore, livestock grazing should not be permitted in the wetland. The risk of adverse consequences and history of compliance problems both suggest this would not be advisable.

C. Wildlife Habitat

a. Ensure that new uses do not adversely affect sensitive wildlife areas and sites.

In the prior application (Hetzl/Fuentes **921-18-000017-PLNG**) there were once again extensive comments by the neighboring property owners that the protection of habitat was important for wildlife. The Wasco County Development staff made a finding that this property includes wildlife habitat.

Prior Wasco County Development Office FINDING: Approximately 6.6 acres of the western portion of the property is located in Oregon white oak trees and is considered to be wildlife habitat.



In the interim period from the Hetzel/Fuentes application until now, there has been extensive tree cutting and scraping of the land surface to provide rough roadways through the Wildlife Habitat damaging the understory. With restoration, time and the prevention of development in this area, it should be able to recover and allow this portion of the property to return to wildlife habitat.

This wildlife habitat is primarily oak woodland. The recommendation after appeal of the (Hetzel/Fuentes **921-18-00017-PLNG**) was that this woodland was an important wildlife corridor. This is supported by the priorities of the **East Cascades Oak Partnership** which was referenced in the Mosier Watershed Council meeting (see Appendix D)

The Wasco County Development office has an obligation to require restoration of this wildlife habitat.

Fencing Requirements

New fences in deer and elk winter range shall comply with the following standards.

1. **New fences in deer and elk winter range shall be allowed only when necessary to control livestock or exclude wildlife from specified areas, such as gardens or sensitive wildlife sites. The areas fenced shall be the minimum necessary to meet the immediate needs of the project applicant.**

The addition of the Farm Management Plan suggests that the fencing is necessary to contain livestock. This is in conflict with the preservation of the western fenced area as a wildlife corridor. To preserve the woodland as a wildlife corridor the fencing should not be allowed in this area.

- 2. New and replacement fences that are allowed in winter range shall comply with the guidelines in Specifications for Structural Range Improvements (Sanderson et. al. 1990), as summarized below, unless the project applicant demonstrates the need for an alternative design:**
 - 1. To make it easier for deer to jump over the fence, the top wire shall not be more than 42 inches high.**
 - 2. The distance between the top two wires is critical for adult deer because their hind legs often become entangled between these wires. A gap of at least 10 inches shall be maintained between the top two wires to make it easier for deer to free themselves if they become entangled.**
 - 3. The bottom wire shall be at least 16 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire because barbs often injure animals as they crawl under fences.**
 - 4. Stays, or braces placed between strands of wire, shall be positioned between fence posts where deer are most likely to cross. Stays create a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires. Woven wire fences may be authorized only when a project applicant clearly demonstrates that such a fence is required to meet his/her specific and immediate needs, such as controlling hogs and sheep.**

There is a conflict between the Farm Management Plan and the Development plan: one suggests a 5 foot high MESS fence and the other has a 4' high MESS fence. Both of these do not conform to the fencing requirements in deer and elk winter range. The fence type does not conform to development standards, and the fence height exceeds the 42" requirement

The post height being proposed (6' posts) do not conform to the fencing needs. It is of particular concern that the current owners have been non-compliant and that the fence height limitations will be exceeded in the future. The posts should be no higher than that required for fencing.

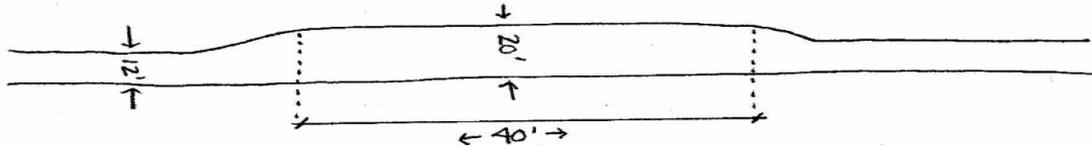
This importance of placing limitations on fencing is supported by the Friends of Columbia Gorge comments in the Hetzel/Fuentes application 2018 **921-18-000017-PLNG**.

Pursuant to NSA LUDO 14.600© new fences in deer and elk winter range are allowed only where necessary to control livestock or pets, or to exclude wildlife from specific areas such as gardens. Fences must be minimum to meet the needs of the project applicant. If the proposed fence is in deer and elk winter range, the top wire must be no more than 42 inches high, the distance between the top two wires must be 1- inches apart, the bottom wire must be at least 16 inches above the ground, and must be smooth wire, stays or braces must be placed between fence posts to create a more rigid. Fence and woven wire must not be used as fencing material. Applicants must demonstrate a specific need for variance from these rules.

CHAPTER 11 FIRE SAFETY STANDARDS

SECTION 11.140 Access Standards - Providing safe access to and escape from your home.

IF YOUR DRIVEWAY IS LONGER THAN 200 FEET, ARE TURNOUTS PROVIDED ALONG ITS LENGTH?



Turnouts need to be provided at least every 400 feet. Turn outs are intended to allow vehicles to pass safely, especially during an emergency. This should be kept in mind when siting the turnouts. Steeper slopes or tighter corners may require turnouts to be located closer than every 400 feet.

The requirement of “providing safe access to and escape from your home” is an important issue. As already noted, I have an easement that runs with the land giving me free and unencumbered access to my home using the driveway that spans from Huskey road through the Lopez property to the property line separating the Lopez property and my property to the north. This easement is 30’ wide. The current development plan does not specify the spacing of the proposed fence on the east and west sides of the driveway. A finding based upon Wasco County Development staff in their assessment on page 24 of the decision on the Hetzel/Fuentes application paid particular attention to safety access concerns related to my property. The proposed fencing in the Farm Management Plan specifically states that there will be no gate at the south end of the property where it intersects with Huskey Road. It does not state this at the north end where it provides access to my property. It should specifically state there will be no gates at either end of the driveway.

There are no turnouts proposed along the driveway. Because of the proposed farm use the probability that there will be other vehicles using the driveway, the decision should require the required turnouts.

Summary:

The following list outlines in brief the significant problems associated with the development plan. It is a bullet point summary. Details are included in the above comments.

1. The filing of the application exceeds the required time period required for completeness and consideration should be given to whether or not it is a valid application.
2. The development plan is incomplete, and is inconsistent. I have identified numerous areas where the application is incomplete. It is also inconsistent in that there are differences in what is presented in the on-line application and what is presented in the Farm Management Plan. The development plan is also illegible, likely due in part to the amount of information being provided

at the scale it was drawn. To remedy this a larger scale additional site plan should be provided that allows adequate assessment of grading, visual impact, location of a standpipe, etc. There should also be a reapplication that is consistent in the site plan so that neighboring property owners can adequately determine what is being proposed so that concerns can be addressed.

3. The development plan does not allow the proposed development to be subordinate to the landscape.
4. The plan for development and animal grazing as proposed in the wetlands area should not be allowed as the adverse risks are too high.
5. There is inadequate acreage to graze the proposed number of animals which creates a high risk of destruction of the soils and erosion.
6. Fencing as proposed does not meet the required criteria and should not be allowed.
7. The development plan for the driveway is inadequate to ensure fire and emergency safety.
8. The development plan must allow a 30' minimum clearance to be in compliance with the easement.
9. There should be a requirement to restore the woodland portion of the property to its prior health.

Appendix A

From minutes of Mosier Watershed Council January 2020

Surface Water Monitoring Group Discussion

Bryce initiated the conversation by sharing how he and Kris have been wanting the council to have an open discussion about the correlation of our creeks and anything that folks have noticed (water quality concerns) that the watershed council could help landowners address. The council has spent a majority of our focus addressing groundwater concerns and thought this would be a great time to also look closer at our surface waters. There are many different reasons to evaluate our creeks. Todd added that a good way to measure the chemistry of the creek is to evaluate how many times it's used before it goes to the Columbia; gathering baseline data to assess areas of improvement. Todd has been gathering *E.coli* and bacteria levels in Mosier Creek for the past several years, and has volunteered to share that information with the council on an annual basis. There are many causes of *E.coli* being present in streams including: flushing during a Summer rain event; livestock in or near the stream; and human contamination. Not just including *E.coli* there are a whole range of parameters that can be measured to investigate water quality. Abbie shared the efforts that The Dalles Watershed Council has been involved with over the past 10 years addressing water quality concerns in

Mill Creek. Susan stated, she is not very knowledgeable of how to be a good steward of the creek. She added that having knowledge of what to do to "do her part" would be very valuable. Council members agreed that providing educational materials to the public would be very beneficial. Karen Lamson added that the Conservation Riparian Enhancement Program has an assessment tool that is used by conservation technicians to look at the landowner's land and quality conditions of the stream. Discussion ensued.

The council members agreed to have Abbie seek out funding to add Mosier Creek monitoring to the current ODA Water Quality Monitoring Plan that is administered through the SWCD. Pete volunteered to work with Todd, Bryce and Abbie to develop a monitoring plan. Part of that plan will be to develop a Sampling Analysis Plan (SAP) and submit to DEQ for their Volunteer Water Quality Monitoring Program in hopes of having monitoring supplies donated. The newly formed Water Quality subcommittee will also find out what data is already available and add that information to the watershed council website so it is accessible to the public.

Appendix B: Endangered Species Lists for Mosier Watershed including species migrating through Columbia River (US Fish and Wildlife Service, December 26, 2001)

ATTACHMENT A

FEDERALLY LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES,
AND CANDIDATE SPECIES THAT MAY OCCUR WITHIN
THE AREA OF THE MOSIER WATERSHED ASSESSMENT PROJECT
1-7-02-SP-110

LISTED SPECIES¹⁷

Mammals

Canada lynx ²⁰	<i>Lynx canadensis</i>	T
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Birds

Bald eagle ²¹	<i>Haliaeetus leucocephalus</i>	T
Northern spotted owl ²²	<i>Strix occidentalis caurina</i>	CH T

Fish

Steelhead (Middle Columbia River) ²³	<i>Oncorhynchus mykiss</i>	**T
Steelhead (Upper Columbia River) ²⁴	<i>Oncorhynchus mykiss</i>	**E
Steelhead (Snake River Basin) ²⁵	<i>Oncorhynchus mykiss</i>	**T
Sockeye salmon Salmon River tributary to the Snake River, Idaho	<i>Oncorhynchus nerka</i>	CH **E
Chinook salmon (Upper Columbia River) ²⁷	<i>Oncorhynchus tshawytscha</i>	**E
Chinook salmon Snake River spring/summer runs	<i>Oncorhynchus tshawytscha</i>	CH **T
Chinook salmon Snake River fall runs	<i>Oncorhynchus tshawytscha</i>	CH **T
Bull trout (Columbia River pop) ²⁸	<i>Salvelinus confluentus</i>	T

PROPOSED SPECIES

Fish

Coastal cutthroat trout (Southwestern Washington/Columbia River)	<i>Oncorhynchus clarki clarki</i>	PT
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CANDIDATE SPECIES²⁹

Birds

Yellow-billed cuckoo ¹⁰⁰	<i>Coccyzus americanus</i>	
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Amphibians and Reptiles

Oregon spotted frog	<i>Rana pretiosa</i>	
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Fish

Coho salmon (Lower Columbia River) ¹¹⁰	<i>Oncorhynchus kisutch</i>	**CF
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Developing a Successful Riparian-Wetland Grazing Management Plan for the Upper Ruby River Cattle and Horse Allotment in Southwestern Montana

Paul Hansen

Introduction

The Upper Ruby Cattle and Horse Grazing Allotment lies in the Upper Ruby River drainage, a watershed of approximately 88,000 acres in southwestern Montana. The Allotment encompasses 43,261 acres within the Beaverhead National Forest. It is located approximately 35 air miles southeast of Sheridan, Montana. The Ruby River flows northward and is bounded by the Snowcrest Range to the west and the Gravelly Range to the east. To the south lies the Centennial Valley. The entire area has been grazed by livestock since the late 1800's. The landscape of the Upper Ruby River is characterized as having open grasslands and wet meadows, sagebrush and grass slopes, willow and aspen complexes, open conifer/grass stands, and dense coniferous forests. Topography is varied and includes the Ruby River bottoms, large open valley bottoms, high benches, open basins, and rough rocky mountainous terrain. Elevations range from 6,000 ft on the lower Ruby River to over 10,000 ft on the Gravelly crest.

Since the 1970 Allotment Management Plan (AMP) was implemented, a large number of interest groups have expressed concern. More recently; this concern has been elevated to the national level by the various parties. In 1990 the Beaverhead National Forest started to prepare an Environmental Impact Statement (EIS) for the allotment. The draft EIS became a focal point for the various groups.

The major concern with the Upper Ruby Cattle and Horse Grazing Allotment has been the health of the riparian zone. The historic use of the riparian zone along the Upper

Ruby River and its major tributaries has left much of it in a degraded state. The issue is complicated in that both allotted and nonallotted livestock trail along the main road which lies for most of its length immediately adjacent to the Upper Ruby River.

Cattle and sheep are trailed annually to and from the Upper Ruby, adjacent USDA Forest Service allotments, and private, State, and USDI Bureau of Land Management lands in the Centennial Valley. In the spring, approximately 2,919 cow/calf pairs of the Upper Ruby Allotment are trailed from home ranches to the Allotment. Also in the spring, an additional 2,450 nonallotted cow/calf pairs are trailed southward through the allotment to USDI Bureau of Land Management, State, and private lands in the Centennial Valley. In the fall, approximately 3,275 head of nonallotted cattle and 3,245 head of nonallotted sheep trail back through the Allotment. In addition, 2,919 head of cattle from the Upper Ruby Allotment trail back through the Allotment.

Paul Hansen is a Research Associate Professor in the School of Forestry at the University of Montana in Missoula. Dr. Hansen is a riparian-wetland ecologist and principal ecologist for the Montana Riparian Association. He has been working on riparian-wetland classification and management issues in the Northern Great Plains and Northern Rocky Mountain ecosystems for the past 15 years.

The fall trailing has historically taken place immediately before the opening of big game hunting. The fall is typically characterized as a time of increased precipitation when heavy rainfall or snowfall may occur at any time. The main road and livestock trail lie immediately adjacent to the Ruby River, the same location where many of the big game hunting camps are established. This has created a classic case of big game hunting vs. livestock managing.

In 1990 the Beaverhead National Forest began preparing an Environmental Impact Statement (EIS) for the Allotment. The draft EIS became a focal point for the various groups. All sides reached an impasse and wanted an independent third-party review of the Allotment and requested the Section 8 process. Within Montana, the Section 8 process represents a Memorandum of Understanding (MOU) between the Governor of the State of Montana and the Regional Forester of the USDA Forest Service regarding rangeland management issues such as allotment management plans (AMP). (The MOU was signed on May 31, 1990.) The USDA Forest Service has just recently started to develop a memorandum of understanding on a state-by-state basis in the West.

The Section 8 process can be invoked by either the USDA Forest Service or the grazing permittee(s). The process typically occurs after both sides have met an impasse and all other attempts, such as a Coordinated Resource Management Planning (CRMP) process, has failed. If technical concerns develop during the development or revision of an AMP, either the USDA Forest Service or the grazing permittee(s) can request that the Governor's representative become involved in the consultation. The USDA Forest Service, the permittee(s), and the Governor's representative then become the Core Consultation Group or Core Group. The Core Group then selects a Target Group to provide technical services. The issues, concerns, and resource values of the allotment determine the composition of the Target Group. The Target Group reviews existing data in a timely manner and identifies any additional data that will be needed to develop or revise the AMP plan. The Target Group can also

identify responsibilities for additional data collection. In order to resolve the issues in conflict, the Target Group will make recommendations that are based on a consensus. The comments on the recommendations of the Target Group are given to the Core Group. Any consensus reached by the Target Group must comply with applicable federal laws, policies, administrative orders, guidelines, etc. The recommendations of the Target Group are included in the environmental analysis and the National Environmental Policy Act (NEPA) documentation. The appropriate USFS line officer selects an alternative (NEPA decision) and approves the final AMP. If the permittee(s) disagrees with the line officer's decision, the permittee(s) retains the opportunity to appeal the decisions as provided in the appeal regulations.

In 1991, a Target Group was chosen that included Edward Ruppel, state geologist from Butte; Pat Currie, a range consultant from Miles City; Don Collins, a biologist from Montana State University; and myself, Paul Hansen, a riparian-wetland ecologist from The University of Montana. The Target Group prepared a draft set of recommendations. After a review of these recommendations by the Core Group, additional riparian-wetland technical information was requested. The Core Group felt this was necessary to support recommendations concerning riparian-wetland management and monitoring. The following discussion represents my recommendations on developing a riparian-wetland grazing management plan for the Upper Ruby Cattle and Horse Grazing Allotment. The same discussion is also applicable to riparian-wetland areas throughout the West.

Background

Although the land area is small, riparian-wetland areas occupy a unique position in the landscape and life of the West with their importance far exceeding their total area. Riparian-wetland areas are important islands of diversity within extensive upland ecosystems. Abundant water, forage, and habitat attract a proportionately greater

amount of use and conflict than their small area would indicate. They are of prime importance to water quality, water quantity, stream stability, and fisheries habitat. They are vital to the livestock grazing industry and many are also well suited for development as high quality agricultural farmland. In addition, many riparian-wetland sites are excellent timber producing sites. Most sites provide critical habitat needs for many species and they support a greater concentration of wildlife species and activities than any other type of location on the landscape (Pfister and Batchelor 1984). Finally, riparian-wetland areas can be considered the "thread" that ties together all the other ecosystems. The importance of these areas as wildlife corridors can not be emphasized enough.

Riparian-wetland areas are defined as the green zones associated with lakes, reservoirs, estuaries, potholes, springs, bogs, fens, wet meadows, and ephemeral, intermittent, or perennial streams. The riparian-wetland zone occurs between the upland or terrestrial zone and the aquatic or deep water zone.

In contrast to their importance, riparian-wetland communities are among the least studied and least understood areas in terms of structure, function, and management. The riparian-wetland zone has often been overlooked, ignored, or considered a minor inclusion of the larger terrestrial or aquatic systems. Impacts from improper grazing, timber harvesting, road construction, and agricultural practices may drastically affect these communities. However, in general, riparian-wetland areas are among the most resilient ecosystems. Depending on the health of the site (condition) and potential of the site, riparian-wetland areas usually respond more quickly to changes in management than do drier upland sites.

Identifying the Problem

The management of livestock grazing in riparian-wetland areas is one of the most difficult and complex issues facing the western rangeland manager today. Kinch (1989) and Clary and Webster (1989) found that in reviewing the literature and in discussions with range managers, it is apparent that no single grazing management system has as yet conclusively proven to result in consistent improvement of degraded riparian-wetland areas throughout western range. Many varying combinations of sites, resource health (condition), and impacts as well as the interaction of many different human perspectives are involved. Therefore, the grazing management strategy designed for an area should be tailored to the conditions, problems, site potential, objectives, and livestock management considerations on a site specific basis that will best meet the resource needs.

Moore and others (1979) summarized it best by stating "From the standpoint of

"Livestock grazing is a compatible use in riparian-wetland areas when the functions of the riparian system (sediment filtering, streambank building, water storage, aquifer recharge, energy dissipation during storm events, etc.), potential of the site, and the needs of the riparian vegetation guide the development of the grazing management strategy."

achieving livestock management objectives and minimizing soil, vegetation and water quality impacts, grazing management plans will vary. There is no set formula that will identify the type of grazing system or management plan that will be best for any livestock operation or

allotment. Water quality impact will be closely related to soil erosion and sedimentation, associated with vegetation cover and concentration of livestock grazing. The grazing system must be designed on the basis of soil and vegetation capabilities, water quality considerations and livestock and wildlife requirements."

Livestock grazing is a compatible use in riparian-wetland areas when the functions of the riparian system (sediment filtering, streambank building, water storage, aquifer recharge, energy dissipation during storm events, etc.), potential of the site, and the needs of the riparian vegetation guide the development of the grazing management strategy.

Developing Management Objectives

Grazing management based only on objectives related to nonriparian-wetland areas (uplands) does not usually result in maintenance or improvement of riparian-wetland areas present in the same pasture or allotment. Therefore, where maintenance or improvement of riparian-wetland areas is desired, land use plan, activity plan objectives, and management prescriptions must be determined specifically for the riparian-wetland features while considering the needs of the entire watershed.

The establishment of specific objectives, description of the desired plant community, and selection of key species should be an interdisciplinary effort carried out in close cooperation with the range user. Objectives need to have realistic and attainable goals. They should be dictated by the present condition and trend of the riparian-wetland habitat in relation to management goals, the resource potential for change, and the importance of other resource values. Major considerations in establishing management objectives in riparian-wetland areas should include the following (Kinch 1989):

Vegetation

1. The potential of the site (e.g., the riparian-wetland plant association).
2. The desired plant community.
 - If the potential of the site is woody vegetation, then the health and reproduction of woody vegetation should receive equal consideration as the herbaceous vegetation (depending on the riparian-wetland

objectives). If one of the objectives for a riparian-wetland area is streambank stability, then woody vegetation vigor should be of utmost importance due to the vastly different streambank stability protection afforded by the woody vegetation when compared to the herbaceous vegetation.

- The development and/or maintenance of different age classes (e.g., seedlings, saplings, poles, and mature for trees; seedlings, saplings, and mature age classes for shrubs) of the key woody plant species on the site in order to maintain a viable plant community. (Once again, only if the potential of the site is for woody vegetation.)

- The type of vegetation cover necessary to minimize trampling damage and reduce the erosive effects of run-off events.

- The vegetation structure necessary for wildlife cover diversity.

3. The stabilization of streambanks and elimination of bank hoof shearing.

4. The value of the site for forage production.

5. The amount of vegetation stubble required to trap and hold sediment deposits during run-off events to rebuild streambanks and restore/recharge aquifers. It is important to realize that on streams with high gradients and low silt loads, it is more difficult to improve them than those with low gradients and high silt loads (e.g., mud management).

Water Quality/Quantity Issues

1. Raising the elevation of the present water table.

2. The improvement or maintenance of water quality and quantity or change in the timing of the flow.

Streambank Stability

1. The establishment of proper stream channels, streambanks, and floodplain conditions and functions.

2. The maintenance of long term adjustment processes which may affect channel/riparian-wetland zone conditions. These processes include sediment deposition, streambank development, floodplain development, and stream dynamics (meandering).

Wildlife

1. The improvement or maintenance of the fishery habitat.

2. The importance of the riparian-wetland community to riparian-wetland dependent wildlife and to wildlife species that occur primarily on upland sites but are periodically attracted to riparian-wetland areas.

Other

1. The aesthetic values of a healthy riparian-wetland zone.

2. The period of time which is acceptable or necessary for riparian-wetland rehabilitation/restoration.

3. The reduction of upland erosion and stream sediment load and the maintenance of soil productivity.

The proper management of livestock grazing in riparian-wetland areas requires a recognition that:

- grazing management practices which improve or maintain upland sites may not be good management practice for riparian-wetland areas, and
- season-long grazing is not a viable option to improve deteriorated riparian-wetland areas or to maintain a healthy riparian-wetland zone. Grazing management must provide for an adequate cover and height of vegetation on the streambanks and overflow zones to permit the natural stream functions (e.g., sediment filtering, streambank building, flood energy dissipation, aquifer recharge, and water storage) to operate successfully.

Developing the Monitoring Plan

Key Areas

As objectives are considered and developed for riparian-wetland areas, key areas for monitoring must be located in representative portions of the riparian-wetland areas as well as in the uplands. These key areas will serve as the location where appropriate monitoring will be conducted and where decisions will be made as to whether management objectives are being met or not. Key areas must possess (or have the potential to produce) all the specific elements in the objective(s) because these will provide data for evaluation of management efforts. In many cases, it is appropriate to select the key areas first and then develop objectives specific to each.

Key Species

Key species will vary with the potential of each individual site. Key species should be selected which are necessary to the operation of the natural stream functions. The type of vegetation present will affect channel roughness and the dissipation of stream energy. Willows and other large woody vegetation (trees) filter large water-borne organic material, and their root systems provide streambank stabilization. Sedges, rushes, grasses, and forbs capture and filter out the finer materials while their root masses help stabilize streambanks and colonize filtered sediments. On sites where the potential exists for both woody and herbaceous vegetation, the cumulative effect of plant diversity greatly enhances stream function. Finally, it is essential that the physiological and ecological requirements of the key wood species, along with key herbaceous species, be understood so that a proper management program can be designed. This includes determining the effects of grazing/browsing on the particular growth characteristics of the species involved.

Utilization Guidelines

Utilization targets guidelines are a tool that can be used to help insure that long-term objectives are met. Utilization can be monitored annually, or more often, whereas progress in reaching long-term resource objectives such as streambank stabilization, rebuilding of the streamside aquifer, and the re-establishment of beaver, fish, or moose habitat can only be determined over a longer period of time. The accomplishment of these long term objectives relates directly or indirectly to the need to leave a certain amount of vegetation available for other uses (soil stabilization, trapping sediment, wildlife cover, or forage, etc.,). Utilization monitoring provides a means of insuring that the necessary amount of vegetation is left to protect the site and provide for reaching other vegetation-dependent objectives.

The establishment of utilization targets for riparian-wetland key plant species and the management of grazing to insure these targets are met are critical factors involved in proper riparian-wetland area management. It is important to remember that without proper livestock distribution, utilization targets in riparian-wetland zones will usually be reached much sooner than those in adjacent uplands. The establishment of utilization targets requires that the manager know the growth habitats and characteristics of the important plant species for which they are managing and how the plant species respond to grazing and browsing.

The manager must know the characteristics, preferences, and requirements of the grazing/browsing animals. Therefore, utilization targets should be developed for riparian-wetland areas that:

- Will maintain both herbaceous species and woody species (where present) in a healthy and vigorous state and promote their ability to reproduce and maintain different age classes in the desired riparian-wetland plant community.
- Will leave sufficient plant residue necessary to protect streambanks during run-off events and provide for adequate sediment

filtering, and dissipation of flood water energy.

- Are consistent with other resource values and objectives (e.g., aesthetics, water quality, water quantity, wildlife populations, etc.,).
- Will limit streambank shearing and trampling to acceptable levels.

In many instances, proper utilization guidelines can only be derived over time through trial and error by monitoring, analyzing, and evaluating the results. Initial results may be different than expected. The manager should not hesitate to make changes in key species or utilization guidelines where required to meet objectives.

When establishing utilization targets to ensure riparian-wetland area improvements, guidelines should be considered that will provide a margin of safety for those years when production is less than average (Riparian Habitat Committee 1982). This could take the form of reduction in the utilization targets for both riparian-wetland and upland areas to provide additional carryover forage and vegetation necessary for streambank protection and sediment filtering. The importance of providing for adequate vegetation vigor and regeneration at the end of the growing season can not be emphasized enough.

Finally, due to the variation in riparian-wetland sites and management, one standard utilization target is not appropriate. However, utilization should be considered, together with regrowth potential, to ensure the presence of vegetation stubble necessary to the operation of natural stream functions or accomplishment of other land use objectives.

Compliance And Supervision

Range management in riparian-wetland areas will require a greater level of management because livestock are attracted to riparian-wetland areas during certain seasons. Resource managers must work closely with users to insure that alternate water sources are functional, that fences are

maintained, that salt and supplements are located as required in the management plan, that essential riding and herding is done, that livestock are in the proper pasture at the proper time, and that the necessary vegetation stubble is left. It only takes a few weeks of unauthorized use or overgrazing to set back years of progress in improvements of riparian-wetland systems. Myers (1981) states "that compliance with grazing systems is critical. When livestock are moved from a management pasture, it is commonplace for a few animals to be overlooked. In one stream, annual use by a few head of unauthorized livestock throughout most of the hot season period has nullified positive riparian-wetland habitat responses in an otherwise excellent grazing systems." Therefore, compliance is one of the key issues in proper riparian-wetland management.

Steps Necessary for a Successful Management Plan

The following steps are necessary in order to have a successful riparian-wetland grazing management plan (Kinch 1989, Skovlin 1984):

1. The grazing management designed for an area must be tailored to a particular site or stream reach. The management plan should include the following: a) determine the site potential(s), b) determine the existing vegetation type(s) (community type[s]), and c) determine the desired plant community or desired future condition. Determine the current health (e.g., condition) of the site or stream reach. Identify the factors contributing to undesirable habitat conditions (if applicable). Grazing must be managed to leave sufficient vegetation stubble on the banks and overflow zones to permit the natural functions of the stream to operate successfully. Define realistic and attainable management objectives for the site or stream reach. Those involved in the management of the area including the livestock user and the involved public (if applicable) should understand and agree on the problems and objectives to be addressed, as well as understand the changes which can occur, and how they can benefit from proper management and improvements in the riparian-wetland conditions. All parties

involved need to share the commitment to achieve the management objectives. Rangeland rest should be employed wherever and whenever possible. Implement the management plan. Design a monitoring plan that will evaluate the effectiveness of the management plan. Monitor the site or the stream reach over time. Grazing management must be flexible enough to accommodate changes based on experience. Mistakes need to be documented and not repeated elsewhere. Once the management is in progress, the most important element is frequent use of supervision. This is necessary to foresee and avoid adverse impacts (e.g., trampling damage to streambanks and excessive utilization). Determine the outcome of the management plan. If it is successful, then proceed with the existing management plan. If the plan was either a partial or complete failure, then modify the management objectives.



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Skovlin, J. M. 1984. Impacts of grazing on wetlands and riparian habitat: A review of our knowledge. *In: Developing Strategies for Rangeland Management*. Westview Press, Boulder, CO. pp. 1001-1104.

*"When man obliterates wilderness,
he repudiates the evolutionary force
that put him on this planet. In a deeply
terrifying sense man is on his own."
David Brower*

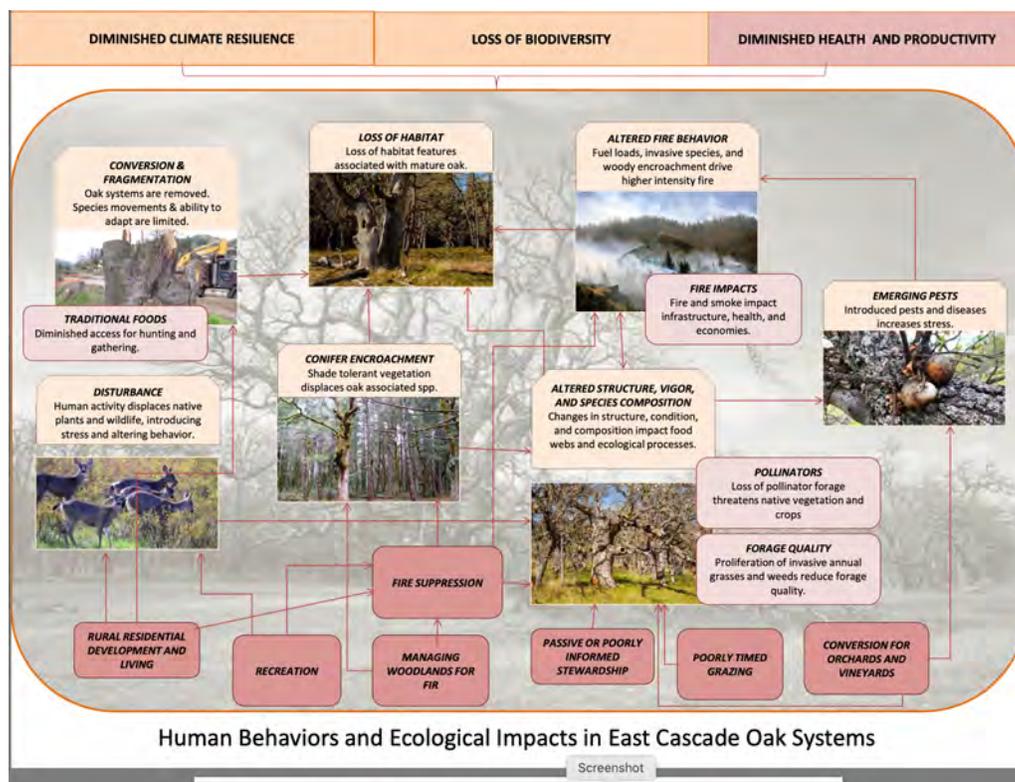
Appendix D:

East Cascades Oak Partnership update for September 2020 Watershed Council meeting

The East Cascades Oak Partnership (ECOP) is a group of people collaborating to leverage resources, share knowledge, and implement conservation strategies that will help protect vulnerable oak habitats, encouraging more sustainable human interactions and improving outcomes for people, oaks and wildlife. The partnership recognizes that relationships between public, private, tribal and nonprofit organizations and individuals are essential to protecting and restoring oak habitats in the region.

Over the past three years ECOP has been working on the development of a strategic action plan. The strategic plan effort has the support of over 150 partners, representing 29 public and private organizations and businesses, as well as dozens of private land owners. The result of the strategic planning process is that partners have agreed to focus our strategies around five high priority actions that are guiding the future direction of the group.

1. Protect the most intact, functional oak systems, connectivity and climate resiliency corridors on the landscape and manage for ecological stewardship
2. Establish and distribute best management practices to support positive outcomes in oak systems while advancing other private landowner management goals.
3. Develop conservation projects on a strong research, monitoring, and adaptive management framework.
4. Advocate for oak systems experiencing fir encroachment in existing fuels reduction program funding allocations, expand funding and partner capacity to implement release activities
5. Build and expand outreach and incentive programs that support oak system stewardship by rural residential landowners in core conservation areas, connectivity corridors, and buffers.



Addendum to Czerniecki Comments:

October 6, 2020

1. An additional component of my objection to the proposed development plan is the reference to the *50 foot diameter* ground pen. The reference to this pen in the farm management plan is: "It can be taken apart and moved in about 20 minutes so it probably will be moved for some reason or another". This round pen is a structure and the vague reference to be moved for some reason or another is inadequate. It would be assumed that in a Farm Management Plan, there would be a clear idea of how the pen would be used, what criteria would be considered to move the pen, and where it might be moved to. Even if some flexibility is required the development plan and the farm management plan should define where it might be moved to and under what conditions it might be moved. This would allow individuals to comment on the impact of this structure.



Brent Bybee <brentb@co.wasco.or.us>

921-19-000193-PLNG Fencing Question

Donnermeyer, Christopher -FS <christopher.donnermeyer@usda.gov>
To: Brent Bybee <brentb@co.wasco.or.us>

Tue, Jun 15, 2021 at 8:59 AM

Hi Brent,

Since the railroad posts will require excavation, an archaeological monitor will need to be hired by the applicant. No monitoring will be needed for installation of t-posts.

Thanks,

Chris



Chris Donnermeyer, MA, RPA
Heritage Program Manager

Forest Service

Columbia River Gorge National Scenic Area

p: 541-308-1711

c: 541-288-8027
christopher.donnermeyer@usda.gov

902 Wasco Ave. Suite 200
Hood River, OR 97031
www.fs.fed.us



Caring for the land and serving people

From: Brent Bybee <brentb@co.wasco.or.us>
Sent: Monday, June 7, 2021 8:23 AM
To: Donnermeyer, Christopher -FS <christopher.donnermeyer@usda.gov>
Subject: [External Email]Fwd: 921-19-000193-PLNG Fencing Question

[External Email]

If this message comes from an **unexpected sender** or references a **vague/unexpected topic**;

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Will S <wills@co.wasco.or.us>

Wasco Co., 02N 11E 11 #2200; RE: Notice of Land Use Action - Lopez

BROWN Jevra <jevra.brown@state.or.us>

Thu, Jul 2, 2020 at 4:32 PM

To: Will S <wills@co.wasco.or.us>

Cc: TAYLOR Clara <clara.taylor@state.or.us>, EVANS Daniel <Daniel.Evans@state.or.us>, HARTMAN Heidi <heidi.m.hartman@state.or.us>, "jensis@co.wasco.or.us" <jensis@co.wasco.or.us>

Hi Will,

We have some history with this property. We have previous WLUNs for a horse barn and associated structures: WN2018-0267, WN2018-0397, and WN2019-0125. Please check the location of the proposed house and associated structures against the SWI mapping and submit a WLUN if appropriate.

Stay home, stay healthy,

Jevra Brown, Aquatic Resource Planner

Department of State Lands

Office (M-W) 503-986-5297; cell (Th-F) 503-580-3172; fax 503-378-4844

Have you heard about the Statewide Wetlands Inventory update? [Learn More!](#)

Messages to and from this e-mail address may be available to the public under Oregon Public Record Law.

Most of the Department of State Lands staff is currently teleworking to help prevent the spread of COVID-19.

Customer Satisfaction Survey open until Monday June 29th

Agencywide: <https://www.surveymonkey.com/r/OregonDSL>ARM: https://www.surveymonkey.com/r/DSL_waters

From: Will S <wills@co.wasco.or.us>
Sent: Thursday, July 2, 2020 8:54 AM**To:** Cindy Miller <millerc@nwasco.k12.or.us>; Mike Renault <mike.renault@mosierfire.com>; jeffd@wascoelectric.com; EVANS Daniel <Daniel.Evans@state.or.us>; BROWN Jevra <jevra.brown@dsl.state.or.us>; Lane Magill <lanem@co.wasco.or.us>; scottw@co.wasco.or.us**Subject:** Fwd: Notice of Land Use Action - Lopez

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

From: **Jensi Smith** <jensis@co.wasco.or.us>

Date: Thu, Jul 2, 2020 at 8:34 AM

Subject: Notice of Land Use Action - Lopez

To: Nicole Bailey <nicoleba@ncphd.org>, Jaime Solars <jaimes@co.wasco.or.us>, Jesus Elias <Jesuse@ncphd.org>, Teri Thalhofer <TeriT@ncphd.org>, Building Codes <buildingcodes@co.wasco.or.us>, Jill Amery <jilla@co.wasco.or.us>, Adam Fourcade <adamf@co.wasco.or.us>, Melanie Brown <melanieb@co.wasco.or.us>, Marci Beebe <marcib@co.wasco.or.us>, Brandon Jones <brandonj@co.wasco.or.us>, Sheridan McClellan <sheridanm@co.wasco.or.us>, Arthur Smith <arthurs@co.wasco.or.us>, Jayme Kimberly <jaymek@co.wasco.or.us>, WOOD Robert L * WRD <Robert.L.Wood@oregon.gov>, <ykahn@fhco.org>, HARTMAN Heidi

Board of County Commissioners Agenda Packet

BOCC 1 - 286

<heidi.m.hartman@state.or.us>, <shilah.olson@or.nacdn.net>, <Candres@osp.state.or.us>, Sue Vrilakas <sue.vrilakas@pdx.edu>, <jeremy.l.thompson@state.or.us>, <rod.a.french@state.or.us>, DODD Kristin * ODF <Kristin.dodd@oregon.gov>, <kristen.stallman@odot.state.or.us>, <jthomps9999@yahoo.com>, <steve@gorgefriends.org>, Stephanie Krell <stephaniek@co.wasco.or.us>, Tyler Stone <tylers@co.wasco.or.us>, <rshoal@fs.fed.us>, <sacallaghan@fs.fed.us>, <permits@friends.org>, kfitzz77 <kfitzz77@gmail.com>, Gatz, Casey -FS <cgatz@fs.fed.us>, Donnermeyer, Christopher J -FS <cjdonnermeyer@fs.fed.us>, <connie.acker@gorgecommission.org>, <rowapplications@bpa.gov>, MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>, <ODOTR4PLANMGR@odot.state.or.us>, <Patrick.M.Cimmiyotti@odot.state.or.us>, DEHART Brad <bradley.k.dehart@odot.state.or.us>, <scott.peters@odot.state.or.us>, Jacob Powell <jacob.powell@oregonstate.edu>, <nakiaw@nezperce.org>, pat b <keithb@nezperce.org>, <robert.brunoe@ctwsbnr.org>, <THPO@ctwsbnr.org>, <pattyperry@ctuir.org>, Kristen Tiede <kristentiede@ctuir.org>, Sheila Dooley <sdooley3300@yahoo.com>, <casey_barney@yakama.com>, Will S <wills@co.wasco.or.us>, Angie Brewer <angieb@co.wasco.or.us>

The Wasco County Planning Department has new information which has been updated on the webpage. Please visit the page to view the updated information for the following files. **Please note:** The comment deadline for this action is **4:00 PM, July 17, 2020.**

Lopez	921-19-000193-PLNG	A-2 (80) GMA	Scenic area review for a single family dwelling with accessory structure	2N11E11TL2200	Smith	Notice of Action Comment deadline July 17, 2020 at 4:00 pm
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Wasco County Planning Department Website

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Jensi Smith | Planning Coordinator

PLANNING DEPARTMENT

jensis@co.wasco.or.us | www.co.wasco.or.us

541-506-2697 | Fax 541-506-2561

2705 East Second Street | The Dalles, OR 97058

NOTE: DUE TO COVID-19 CONCERNS THE PLANNING DEPARTMENT IS CURRENTLY RESTRICTING FACE TO FACE ASSISTANCE. WE ARE ACCEPTING APPLICATIONS BY MAIL AND INQUIRIES BY PHONE OR EMAIL UNTIL FURTHER NOTICE. EMAIL IS THE BEST METHOD FOR THE QUICKEST RESPONSE. THANK YOU!

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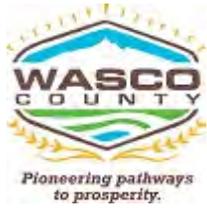
Will Smith, AICP | Senior Planner

PLANNING DEPARTMENT

wills@co.wasco.or.us | www.co.wasco.or.us

7/7/2020

Wasco County Mail - Wasco Co., 02N 11E 11 #2200; RE: Notice of Land Use Action - Lopez



541-506-2560 | Fax 541-506-2561
2705 East Second Street | The Dalles, OR 97058

NOTE: DUE TO COVID-19 CONCERNS THE PLANNING DEPARTMENT IS CURRENTLY RESTRICTING FACE TO FACE ASSISTANCE. WE ARE ACCEPTING APPLICATIONS BY MAIL AND INQUIRIES BY PHONE OR EMAIL UNTIL FURTHER NOTICE.

This correspondence does not constitute a Land Use Decision per ORS 197.015.

It is informational only and a matter of public record.

Planning for the Future. Wasco County 2040.

[Get involved](#)



Will S <wills@co.wasco.or.us>

RE: Notice of Land Use Action Wasco Co, 02N22E11#2200

BROWN Jevra <jevra.brown@state.or.us>
 To: Will S <wills@co.wasco.or.us>
 Cc: Brenda Coleman <brendac@co.wasco.or.us>

Thu, Sep 17, 2020 at 2:00 PM

Hi Will,

You might look at WN2019-0125 for the same site last year. It might be applicable for this activity since the only mapped SWI feature is an intermittent stream/wetland similar to what is represented on submitted site plan...especially if this is the same applicant. If applicant is different then giving them a copy of WN2019-0125 or submitting a new WLUN will be an educational opportunity -

Thanks,

Jevra Brown, Aquatic Resource Planner

Department of State Lands

Cell 503-580-3172

Checking for wetlands and waters? – Use the STATEWIDE WETLANDS INVENTORY

To help prevent the spread of COVID-19 many of the DSL staff are telecommuting.

From: Brenda Coleman <brendac@co.wasco.or.us>
Sent: Thursday, September 17, 2020 10:08 AM

To: Nicole Bailey <nicoleba@ncphd.org>; Jaime Solars <jaimes@co.wasco.or.us>; Jesus Elias <Jesuse@ncphd.org>; Shellie Campbell <shelliec@ncphd.org>; Building Codes <buildingcodes@co.wasco.or.us>; Jill Amery <jilla@co.wasco.or.us>; Adam Fourcade <adamf@co.wasco.or.us>; Melanie Brown <melanieb@co.wasco.or.us>; Marci Beebe <marcib@co.wasco.or.us>; Brandon Jones <brandonj@co.wasco.or.us>; Sheridan McClellan <sheridanm@co.wasco.or.us>; Arthur Smith <arthurs@co.wasco.or.us>; Jayme Kimberly <jaymek@co.wasco.or.us>; Robert.L.Wood@oregon.gov; ykahn@fhco.org; HARTMAN Heidi <Heidi.M.Hartman@dsl.state.or.us>; BROWN Jevra <jevra.brown@dsl.state.or.us>; TAYLOR Clara <clara.taylor@dsl.state.or.us>; shilah.olson@or.nacdnet.net; Candres@osp.state.or.us; Sue Vrilakas <sue.vrilakas@pdx.edu>; THOMPSON Jeremy L <Jeremy.L.Thompson@state.or.us>; FRENCH Rod A <Rod.A.French@state.or.us>; Kristin.dodd@oregon.gov; Kristen Stallman <kristen.stallman@odot.state.or.us>; Jeff Thompson <jthomps9999@yahoo.com>; Steve McCoy <steve@gorgefriends.org>; Stephanie Krell <stephaniek@co.wasco.or.us>; Tyler Stone <tylers@co.wasco.or.us>; Robin Shoal <rshoal@fs.fed.us>; sacallaghan@fs.fed.us; permits@friends.org; Kathleen Fitzpatrick <kfitzz77@gmail.com>; Gatz, Casey -FS <cgatz@fs.fed.us>; Donnermeyer, Christopher J -FS <cjdonnermeyer@fs.fed.us>; connie.acker@gorgecommission.org; Bonneville Power <rowapplications@bpa.gov>; Donald.MOREHOUSE@odot.state.or.us; ODOTR4PLANMGR@odot.state.or.us; Patrick Cimmiyotti <Patrick.M.Cimmiyotti@odot.state.or.us>; Bradley DeHart <bradley.k.dehart@odot.state.or.us>; Scott Peters <scott.peters@odot.state.or.us>; jacob.powell@oregonstate.edu; Nakia Williamson <nakiaw@nezperce.org>; Nez Perce Tribe <keithb@nezperce.org>; robert.brunoe@ctwsbnr.org; THPO@ctwsbnr.org; Confed Tribes of Umatilla <pattyperry@ctuir.org>; kristentiede@ctuir.org; Sheila Dooley <sdooley3300@yahoo.com>; casey_barney@yakama.com

Cc: William Smith <wills@co.wasco.or.us>; Angie Brewer <angieb@co.wasco.or.us>; Jensi Smith <jensis@co.wasco.or.us>

Subject: Notice of Land Use Action

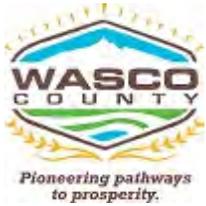
The Wasco County Planning Department has new information which has been updated on the webpage. Please visit the page to view the updated information for the following files. **Please note:** The comment deadline for

Board of County Commissioners Agenda Packet

BOCC 1 - 289

this decision is **4:00 PM, October 7, 2020.**

Lopez	921-19-000193-PLNG AMENDED APPLICATION - Farm Management Plan	A-2 (80) GMA	Scenic area review for a single family dwelling with accessory structure	2N11E11TL2200	Smith	AMENDED Notice of Action Comment deadline October 7, 2020 at 4:00 pm
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Brenda Coleman | Office Assistant

PLANNING DEPARTMENT

brendac@co.wasco.or.us | www.co.wasco.or.us
 541-506-2562 | Fax 541-506-2561
 2705 East Second Street | The Dalles, OR 97058

Email is the best way to reach me! In an effort to prevent, slow, and stop the spread of COVID-19 to our citizens and staff, our office will be limiting business to phone, email and online service. If you are not sure how to access services online, or you have a need that requires in-person assistance, please call our office at 541-506-2560 to discuss. Please keep in mind that response time may vary depending on staffing. Thank you for your patience during this time.

This correspondence does not constitute a Land Use Decision per ORS 197.015. It is informational only and a matter of public record.



July 17, 2020

Will Smith, Senior Planner
Wasco County Department of Planning and Economic Development
2705 East Second Street
The Dalles, Oregon 97058
via email

Re: Adrian Lopez's application #921-20-000193 to construct a single family dwelling and accessory building, and for after-the-fact approval of a well.

Dear Mr. Smith:

Friends of the Columbia Gorge ("Friends") has reviewed and submits these comments on the above-referenced application. Friends is a non-profit organization with approximately 6,500 members dedicated to protecting and enhancing the resources of the Columbia River Gorge. Our membership includes hundreds of citizens who reside within the Columbia River Gorge National Scenic Area.

Friends reviews and comments on all land use applications subject to the Wasco County National Scenic Area Land Use and Development Ordinance. These comments are intended to identify application requirements and resource protection standards, provide recommendations to the permitting agency and the public regarding legal requirements, and establish standing.

Requests for after-the-fact approval must be reviewed as if the development has not taken place. Otherwise, landowners have no incentive to properly apply for permits and permittees have an incentive to violate the terms of their permits since relief will be available afterwards. As such, after-the-fact approval must be based upon the conditions on the ground prior to development even in instances of honest mistake.

Application Requirements

Under section 2.080 of the Wasco County National Scenic Area Land Use and Development Ordinance (NSA-LUDO), a complete application is required prior to review. An application must not be accepted until any omissions or deficiencies have been corrected by the applicant. *Id.* Approval of a land use proposal not accompanied by a complete and adequate application violates the county's scenic area ordinance, denies the public any meaningful opportunity to comment on the proposed development, and results in a decision not based on substantial

evidence. Such a decision is subject to reversal, as held by the Gorge Commission unanimously in the *Eagle Ridge* case. CRGC No. COA-S-99-01 (June 22, 2001). It is similarly unlawful for the County to use conditions of approval to defer the submission of complete and adequate application materials. *Eagle Ridge* at 9–10.

Site Plan Map

Each site plan must contain a map of the project area. NSA-LUDO § 14.020(B) contains a list of specific elements that must be included in site plan maps. Site plan maps must include the following required elements:

- North arrow
- Map scale
- Boundaries, dimensions, and size of the subject parcel
- Location, size, and shape, of all existing and proposed buildings and structures on the subject parcel
- An illustration of the buildings and parking facilities on abutting parcels
- Bodies of water and watercourses
- Location and width and methods of improvement for all existing and proposed roads, driveways, trails and parking areas
- Location of existing and proposed services, including wells or other water supplies, sewage disposal systems, power and telephone poles, and lines, and outdoor lighting
- Location and depth of all proposed grading, filling, ditching, and excavating
- An indication of all existing and proposed point of ingress and egress and whether they are public or private
- Significant terrain features and landforms

Landscaping Plan

Pursuant to NSA-LUDO § 14.020(D), all applications must contain a detailed landscaping plan that must clearly illustrate the following elements:

- The location, height, and species of all existing trees and vegetation, with an indication of any vegetation that would be removed.
- The location, height, and species of individually proposed trees and vegetation groupings.
- The location of automatic sprinkler systems or other irrigation provisions to ensure the survival of any proposed screening vegetation.

Material Samples

All applications must contain material samples for all exterior surfaces of proposed structures, including but not limited to the main portion of each structure, trim or secondary portions, roof, window frames, windowsills, window sashes, doors (including garage doors), and hooding for exterior lighting. NSA-LUDO § 14.020(C)

Elevation Drawings

Pursuant to NSA-LUDO § 14.020(E), applications for new structures must provide elevation drawings showing:

- the appearance of proposed structures, including both natural and finished grade, and
- the geometric exterior of the length and width of structures seen from a horizontal view.

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Grading Plan

For structural development that meets either or both of the following conditions, the application must include a grading plan containing the elements specified by NSA-LUDO § 14.020(F)(3):

- More than 100 cubic yards of grading on slopes exceeding 10 percent. NSA-LUDO § 14.020(F)(1).
- More than 200 cubic yards of grading on a site visible from key viewing areas. NSA-LUDO § 14.020(F)(2).

Without the above-mentioned required information, neither the County nor any other reviewing agency can accurately evaluate the potential impacts of the development. In addition, this information is required in order to afford the public a meaningful opportunity to comment on the proposed development.

Allowed Uses

Accessory Buildings and Structures

Buildings and structures accessory to a dwelling must be incidental and subordinate to the dwelling and located on the same parcel as the dwelling. NSA-LUDO § 1.200 (definition of “accessory structure/building”). All accessory buildings and structures with a footprint of at least 60 square feet, with a height of at least 10 feet, or located within the buffer zone of a riparian area must be reviewed under all applicable rules at NSA-LUDO Chapter 14 (scenic, cultural, natural, and recreational resources). NSA-LUDO § 3.100(E).

In most zones, the height of any individual accessory building must not exceed 24 feet and the combined footprints of all accessory buildings on a parcel must not exceed 1,500 square feet. This combined limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings. **If the parcel is larger than 10 acres and is located within an agricultural or forest zone, the combined footprints of all accessory buildings on the parcel must not exceed 2,500 square feet and the footprint of any individual accessory building must not exceed 1,500 square feet. The accessory structure in the application is listed as 30’x 50’ in one location and 40’x 50’ in another. If the accessory structure is in fact proposed as 40’x 50’, the structure exceeds the 1,500 square foot maximum footprint of any individual accessory building.**

Small-Scale Agriculture Zone

The proposed project is located in a Small-Scale Agriculture zone in the General Management Area. NSA-LUDO § 3.130 specifies which uses are allowed in Small-Scale Agriculture zones.

Only one single-family dwelling is allowed per legally created parcel, and only if the development is consistent with all applicable rules protecting scenic, cultural, natural, and recreational resources. The applicant bears the burden of proving the legality of the parcel and the County has the responsibility of making a determination of the parcel’s legality prior to a decision.

Resource Impact Review

Scenic Resource Protection

NSA-LUDO §§ 14.100 and 14.200 contain the scenic resource protection standards for the General Management Area. Whether or not the parcel is visible from key viewing areas (KVAs),

new buildings and roads must be sited and designed to retain existing topography and to reduce grading to the maximum extent possible. NSA-LUDO § 14.100(B). New buildings must be generally compatible with the general scale of existing nearby development. For purposes of determining compatibility, the height, dimensions (*i.e.*, length, width, and footprint), and visible mass of the proposed building must each be evaluated. NSA-LUDO § 14.100(C).

Key Viewing Areas

The subject parcel may be visible from key viewing areas such as the Historic Columbia River Highway, SR-14, and the Columbia River. If so, then the following rules apply:

- New buildings and roads must be sited so that they are visually subordinate to their settings as seen from KVAs. In determining the least visible site, existing topography and vegetation must be given priority over artificial means of screening. NSA-LUDO § 14.200(R)(4).
- The existing tree cover screening the development area on the subject parcel from KVAs shall be retained except as necessary for site development or fire safety purposes. NSA-LUDO § 14.200(H).
- New buildings and roads must be sited and designed to minimize grading activities and visibility of cut banks and fill slopes from KVAs. NSA-LUDO § 14.200(D).
- The County must evaluate all aspects of the development, including size, height, shape, color, reflectivity, landscaping, and siting, to ensure that the development will be visually subordinate. NSA-LUDO § 14.200(A)(2).
- Exterior colors must be dark earth-tones found at the specific site or in the surrounding landscape. Actual specific colors meeting this standard must be proposed in the land use application. Colors that are not expressly approved by a land use decision may not be used. 14.200(I).
- The County must evaluate the number of KVAs from which the development site is visible; the amount of area of the building site exposed to KVAs; the degree of existing vegetation providing screening; the distance from the building site to the KVAs; and, for linear KVAs such as roads, the linear distance along which the site is visible. NSA-LUDO § 14.200(A)(1).
- The County must evaluate the potential cumulative visual effects of the proposed development. NSA-LUDO § 14.200(L). This includes evaluation of past, present and likely future actions. Individually insignificant but cumulatively significant actions must be evaluated and cumulative adverse impacts must be avoided. 16 USC 544(a)(3).
- New buildings are not allowed on sites with slopes greater than 30 percent. NSA-LUDO § 14.200(H).
- The silhouette of new buildings must remain below the skyline of bluffs, cliffs, or ridges as seen from KVAs. NSA-LUDO § 14.200(E).
- Unless the building site is fully screened from all key viewing areas by existing topography, building materials must be nonreflective or low-reflective. NSA-LUDO § 14.200(J).

New development must be sited on the parcel in the location that best achieves visual subordination as seen from KVAs, using existing topography and vegetation for screening before requiring new screening measures.

If the proposed development cannot be conditioned to ensure that the development will achieve visual subordination, then the County must deny the application. This requirement was upheld by

the Oregon Supreme Court in its ruling in Friends of the Columbia Gorge v. Columbia River Gorge Comm'n, 346 Or 366, 213 P3d 1164 (2009) (“If the applicant does not or cannot sufficiently alter the proposal to satisfy the [scenic resource protection guidelines], permission to carry out the proposed activity must be denied”). Consequently, if the project would reduce visibility “to the maximum extent practicable” but not achieve visual subordination the application must be denied.

Landscape Setting

NSA-LUDO § 14.400 specifies the standards for compatibility of development with the landscape setting in the GMA. Generally, new development in all landscape settings must be compatible with the general scale (height, dimensions, overall mass) of similar development in the vicinity.

This development is proposed in an Oak-Pine Woodland landscape setting. If the parcel is visible from KVAs, at least half of all new screening trees must be native and coniferous. For portions with fewer trees, (1) structures must be sited on portions of the property that provide maximum screening from KVAs, using existing topographic features; (2) patterns of screening vegetation plantings must match the character of the surrounding area; and (3) buildings and roads must be clustered together, particularly toward the edges of existing open areas. Structure height must remain below the tree canopy level. NSA-LUDO § 14.400(C).

Natural Resource Protection

Cumulative Adverse Effects

The County must determine if there would be “[a] reasonable likelihood of more than moderate adverse consequence for the scenic, cultural, recreation or natural resources of the scenic area” considering the context of the proposal, the intensity of the proposal (including magnitude, duration, and likelihood of reoccurrence), other similar actions that may cumulatively lead to “more than moderate adverse consequences,” and any proposed mitigation measures. NSA-LUDO § 1.200 (Definition of “Adversely affect or Adversely affecting”). No adverse effects to wetlands, streams, ponds, lakes, and riparian areas, and their buffer zones are allowed. NSA-LUDO §§ 14.600(A)(7), (B)(6). In addition, there may be no adverse effects to sensitive plants and wildlife areas within 1000 feet of the project area. NSA-LUDO §§ 14.600(C)(3)(i), (D)(3)(d).

Water Resources

NSA-LUDO § 14.600 contains the standards for projects that may affect streams, ponds, lakes, wetlands, or other riparian areas in the General Management Area. If one or more of these resources is present on or adjacent to the subject parcel, then the applicant must determine the *exact* location of the water resource boundary. NSA-LUDO §§ 14.600(A)(2)(c), (B)(2)(b). In addition, the following buffer zones apply:

- Perennial streams: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1). A perennial stream is a stream that flows year-round during years of normal precipitation. NSA-LUDO § 1.200.
- Special streams: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1). A special stream is a stream that is a primary water supply for a fish hatchery or rearing pond. NSA-LUDO § 1.200.
- Intermittent streams used by anadromous or resident fish: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1).

- Intermittent streams not used by anadromous or resident fish: 50 feet. NSA-LUDO § 14.600(B)(2)(a)(2).
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Buffer zones must be untouched and maintained in their natural condition. NSA-LUDO §§ 14.600(A)(3)(d), (B)(2)(d).

Sensitive Wildlife Resources

NSA-LUDO § 14.600(C) contains the standards for projects in the GMA that may affect sensitive wildlife resources. The first step is for the County to determine whether the project is proposed within 1,000 feet of a sensitive wildlife area or site. This includes the following areas:

- habitat for wildlife species that are listed as endangered, threatened, sensitive, or candidate by the federal government or by the State of Oregon
- habitat for elk, mountain goat, great blue heron, osprey, golden eagle, or prairie falcon
- deer and elk winter range
- pika colony areas
- waterfowl areas
- shallow water fish habitat in the Columbia River
- sturgeon spawning areas
- tributary fish habitat
- streams that are primary water supplies for fish hatcheries or rearing ponds
- wetlands, mudflats, shallow water, or riparian vegetation that have high values for waterfowl, shorebirds, raptors, songbirds, upland game, and reptiles

NSA-LUDO §§ 1.200 (definition of “sensitive wildlife species”), 14.600(C)(1)(b).

If the proposed project is within 1,000 feet of one of these areas, the County must transmit the application to the Oregon Department of Fish and Wildlife, which will review the application to determine the precise locations of wildlife habitat and activities, as well as potential impacts to wildlife areas or sites. As part of its review, Oregon DFW may in its discretion conduct site visits. NSA-LUDO § 14.410(C)(3).

If the County, in consultation with ODFW, concludes that the proposed project is likely to adversely affect a sensitive wildlife area or site and that the impacts cannot be eliminated through site plan modifications or project timing, then the applicant must prepare a wildlife management plan. NSA-LUDO § 14.410(C)(5). The plan will provide a basis for the applicant to redesign the project in a manner that protects sensitive wildlife areas and sites, maximizes his or her development options, and mitigates temporary impacts to the wildlife area or buffer zone. *Id.*

A wildlife management plan, prepared by a professional biologist hired by the applicant, includes the following:

- relevant background, such as biology of the species, characteristics of the subject parcel, and regulatory protection and management guidelines
- delineation of core habitat
- wildlife buffer zones
- an indication of the size, scope, configuration or density, and timing of all new uses within core habitat
- rehabilitation and enhancement actions
- a 3-year monitoring plan for federal or state listed species

Id.

Fences

Pursuant to NSA-LUDO § 14.600(C), new fences in deer and elk winter range are allowed only where necessary to control livestock or pets, or to exclude wildlife from specific areas, such as gardens. Fenced areas must be the minimum necessary to meet the needs of the project applicant. **If the proposed fence is in deer and elk winter range, the top wire must be no more than 42 inches high**, the distance between the two top wires must be at least 10 inches apart, the bottom wire must be at least 16 inches above the ground and must consist of smooth wire, stays or braces must be placed between fence posts to create a more rigid fence, and woven wire may not be used as fencing material. Applicants must demonstrate a specific need for any variance from these rules.

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- species endemic to the Columbia River Gorge and vicinity
- species listed as endangered or threatened by federal or state authorities, including the Oregon Natural Heritage Program

NSA-LUDO §§ 1.200 (definition of “sensitive plant species”), 14.600(D)(1)(a).

If the proposed project is within 1,000 feet of such a species, the next step is for the applicant to prepare a more detailed site plan map at a scale of at least one inch equals 100 feet (1:1,200). NSA-LUDO § 14.600(D)(4)(a). The County must transmit the more detailed map to the Oregon Natural Heritage Program, which will review the application to determine if the project could affect sensitive plants. ONHP must identify the precise location of the affected plants and must delineate a 200-foot buffer zone to protect these plants. NSA-LUDO § 14.600(D)(4)(c)(2). Buffer zones must be maintained in an undisturbed, natural condition.

If one of the following uses is proposed, then a field survey must be prepared by a professional wildlife biologist hired by the applicant:

- **communications, water and sewer, and natural gas transmission lines, pipes, etc.**
- NSA-LUDO § 14.410(C)(4)(b).

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Cultural Resource Protection

Pursuant to the Oregon Supreme Court ruling in Friends of the Columbia Gorge v. Columbia River Gorge Comm'n, 346 Or 366, 213 P3d 1164 (2009), County land use decisions must protect against cumulative adverse effects to cultural resources. Pursuant to this ruling, the County must review whether the proposed development would contribute to cumulative adverse impacts to cultural resources. This includes evaluation of past, present and likely future actions. Individually insignificant but cumulatively significant actions must be evaluated and cumulative adverse impacts must be avoided.

NSA-LUDO § 14.500 contains the standards for protection of cultural resources in the General Management Area.

If a use is proposed within 500 feet of a known cultural resource, the Gorge Commission is responsible for preparing a cultural resource reconnaissance survey and report. NSA-LUDO § 14.500(B)(3). For any other small-scale use, a reconnaissance survey need not be prepared if the area has a low probability of containing cultural resources, as determined by the Columbia River Gorge Commission and United States Forest Service. Reconnaissance surveys and reports must comply with the standards found at NSA-LUDO § 14.500(C).

Significant Cultural Resources

If a cultural resource is identified, it must be evaluated for significance. NSA-LUDO § 14.500(D)(2). If the resource is determined to be significant, the County must determine whether the project is likely to adversely affect the resource. NSA-LUDO § 14.500(D)(4). If the County concludes that the project would have an adverse effect on a significant cultural resource, then a mitigation plan must be prepared and reviewed pursuant to section 14.500(F).

Conditions of Approval

All conditions of approval must be entered into the deeds of the affected parcels and registered with the county.

Conclusion

Thank you for this opportunity to comment.

Sincerely,



Steven D. McCoy
Staff Attorney



October 7, 2020

Will Smith, Senior Planner
Wasco County Department of Planning and Economic Development
2705 East Second Street
The Dalles, Oregon 97058
via email

Re: Adrian Lopez's revised application #921-19-000193 to construct a single family dwelling and agricultural building, and for after-the-fact approval of a well.

Dear Mr. Smith:

Friends of the Columbia Gorge ("Friends") has reviewed and submits these comments on the above-referenced application. Friends is a non-profit organization with approximately 6,500 members dedicated to protecting and enhancing the resources of the Columbia River Gorge. Our membership includes hundreds of citizens who reside within the Columbia River Gorge National Scenic Area.

Friends reviews and comments on all land use applications subject to the Wasco County National Scenic Area Land Use and Development Ordinance. These comments are intended to identify application requirements and resource protection standards, provide recommendations to the permitting agency and the public regarding legal requirements, and establish standing.

Requests for after-the-fact approval must be reviewed as if the development has not taken place. Otherwise, landowners have no incentive to properly apply for permits and permittees have an incentive to violate the terms of their permits since relief will be available afterwards. As such, after-the-fact approval must be based upon the conditions on the ground prior to development even in instances of honest mistake.

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evidence. Such a decision is subject to reversal, as held by the Gorge Commission unanimously in the *Eagle Ridge* case. CRGC No. COA-S-99-01 (June 22, 2001). It is similarly unlawful for the County to use conditions of approval to defer the submission of complete and adequate application materials. *Eagle Ridge* at 9–10.

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Each site plan must contain a map of the project area. NSA-LUDO § 14.020(B) contains a list of specific elements that must be included in site plan maps. Site plan maps must include the following required elements:

- North arrow
- Map scale
- Boundaries, dimensions, and size of the subject parcel
- Location, size, and shape, of all existing and proposed buildings and structures on the subject parcel
- An illustration of the buildings and parking facilities on abutting parcels
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Landscaping Plan

Pursuant to NSA-LUDO § 14.020(D), all applications must contain a detailed landscaping plan that must clearly illustrate the following elements:

- The location, height, and species of all existing trees and vegetation, with an indication of any vegetation that would be removed.
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- The location of automatic sprinkler systems or other irrigation provisions to ensure the survival of any proposed screening vegetation.

Material Samples

All applications must contain material samples for all exterior surfaces of proposed structures, including but not limited to the main portion of each structure, trim or secondary portions, roof, window frames, windowsills, window sashes, doors (including garage doors), and hooding for exterior lighting. NSA-LUDO § 14.020(C)

Elevation Drawings

Pursuant to NSA-LUDO § 14.020(E), applications for new structures must provide elevation drawings showing:

- the appearance of proposed structures, including both natural and finished grade, and
- the geometric exterior of the length and width of structures seen from a horizontal view.

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Grading Plan

For structural development that meets either or both of the following conditions, the application must include a grading plan containing the elements specified by NSA-LUDO § 14.020(F)(3):

- More than 100 cubic yards of grading on slopes exceeding 10 percent. NSA-LUDO § 14.020(F)(1).
- More than 200 cubic yards of grading on a site visible from key viewing areas. NSA-LUDO § 14.020(F)(2).

Without the above-mentioned required information, neither the County nor any other reviewing agency can accurately evaluate the potential impacts of the development. In addition, this information is required in order to afford the public a meaningful opportunity to comment on the proposed development.

Allowed Uses

Small-Scale Agriculture Zone

The proposed project is located in a Small-Scale Agriculture zone in the General Management Area. NSA-LUDO § 3.130 specifies which uses are allowed in Small-Scale Agriculture zones. Only one single-family dwelling is allowed per legally created parcel, and only if the development is consistent with all applicable rules protecting scenic, cultural, natural, and recreational resources. The applicant bears the burden of proving the legality of the parcel and the County has the responsibility of making a determination of the parcel's legality prior to a decision.

Agricultural buildings and structures must be located on a farm or ranch; must be proposed in conjunction with a **current** agricultural use; and must be used for the storage, repair, and maintenance of farm equipment and supplies, or for the raising and/or storage of crops and livestock. NSA-LUDO § 1.200 (definition of "agricultural structure/building"), NSA-LUDO § 3.120(D)(3), (D)(4). An "agricultural use," as defined at NSA-LUDO § 1.200, means the current employment of land for the primary purpose of obtaining a monetary profit by one or more of the following practices:

- the raising, harvesting, and selling of crops, including Christmas trees;
- the feeding, breeding, management, and sale or production of livestock, poultry, fur-bearing animals or honeybees (not including livestock feed lots);
- dairying and the sale of dairy products;
- any other agricultural or horticultural use.

Pursuant to NSA-LUDO § 3.120(D)(4), the size of agricultural buildings must not exceed the size needed to serve the current agricultural use (and, if applicable, any proposed agricultural uses). All applications for agricultural buildings must contain the following information:

- A description of the size and characteristics of current agricultural uses.
- If any new agricultural uses are proposed, a plan specifying the types, locations, and schedules of such uses and details regarding any agricultural structures that would support the uses.
- A floor plan showing the intended uses of the agricultural building (*e.g.*, space for equipment, supplies, agricultural products, livestock).

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Resource Impact Review

Scenic Resource Protection

NSA-LUDO §§ 14.100 and 14.200 contain the scenic resource protection standards for the General Management Area. Whether or not the parcel is visible from key viewing areas (KVAs), new buildings and roads must be sited and designed to retain existing topography and to reduce grading to the maximum extent possible. NSA-LUDO § 14.100(B). New buildings must be generally compatible with the general scale of existing nearby development. For purposes of determining compatibility, the height, dimensions (*i.e.*, length, width, and footprint), and visible mass of the proposed building must each be evaluated. NSA-LUDO § 14.100(C).

Key Viewing Areas

The subject parcel may be visible from key viewing areas such as the Historic Columbia River Highway, SR-14, and the Columbia River. If so, then the following rules apply:

- New buildings and roads must be sited so that they are visually subordinate to their settings as seen from KVAs. In determining the least visible site, existing topography and vegetation must be given priority over artificial means of screening. NSA-LUDO § 14.200(R)(4).
- The existing tree cover screening the development area on the subject parcel from KVAs shall be retained except as necessary for site development or fire safety purposes. NSA-LUDO § 14.200(H).
- New buildings and roads must be sited and designed to minimize grading activities and visibility of cut banks and fill slopes from KVAs. NSA-LUDO § 14.200(D).
- The County must evaluate all aspects of the development, including size, height, shape, color, reflectivity, landscaping, and siting, to ensure that the development will be visually subordinate. NSA-LUDO § 14.200(A)(2).
- Exterior colors must be dark earth-tones found at the specific site or in the surrounding landscape. Actual specific colors meeting this standard must be proposed in the land use application. Colors that are not expressly approved by a land use decision may not be used. 14.200(I).
- The County must evaluate the number of KVAs from which the development site is visible; the amount of area of the building site exposed to KVAs; the degree of existing vegetation providing screening; the distance from the building site to the KVAs; and, for linear KVAs such as roads, the linear distance along which the site is visible. NSA-LUDO § 14.200(A)(1).
- The County must evaluate the potential cumulative visual effects of the proposed development. NSA-LUDO § 14.200(L). This includes evaluation of past, present and likely future actions. Individually insignificant but cumulatively significant actions must be evaluated and cumulative adverse impacts must be avoided. 16 USC 544(a)(3).
- New buildings are not allowed on sites with slopes greater than 30 percent. NSA-LUDO § 14.200(H).
- The silhouette of new buildings must remain below the skyline of bluffs, cliffs, or ridges as seen from KVAs. NSA-LUDO § 14.200(E).
- Unless the building site is fully screened from all key viewing areas by existing topography, building materials must be nonreflective or low-reflective. NSA-LUDO § 14.200(J).

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New development must be sited on the parcel in the location that best achieves visual subordination as seen from KVAs, using existing topography and vegetation for screening before requiring new screening measures.

If the proposed development cannot be conditioned to ensure that the development will achieve visual subordination, then the County must deny the application. This requirement was upheld by the Oregon Supreme Court in its ruling in Friends of the Columbia Gorge v. Columbia River Gorge Comm'n, 346 Or 366, 213 P3d 1164 (2009) (“If the applicant does not or cannot sufficiently alter the proposal to satisfy the [scenic resource protection guidelines], permission to carry out the proposed activity must be denied”). Consequently, if the project would reduce visibility “to the maximum extent practicable” but not achieve visual subordination the application must be denied.

Landscape Setting

NSA-LUDO § 14.400 specifies the standards for compatibility of development with the landscape setting in the GMA. Generally, new development in all landscape settings must be compatible with the general scale (height, dimensions, overall mass) of similar development in the vicinity.

This development is proposed in an Oak-Pine Woodland landscape setting. If the parcel is visible from KVAs, at least half of all new screening trees must be native and coniferous. For portions with fewer trees, (1) structures must be sited on portions of the property that provide maximum screening from KVAs, using existing topographic features; (2) patterns of screening vegetation plantings must match the character of the surrounding area; and (3) buildings and roads must be clustered together, particularly toward the edges of existing open areas. Structure height must remain below the tree canopy level. NSA-LUDO § 14.400(C).

Natural Resource Protection

Cumulative Adverse Effects

The County must determine if there would be “[a] reasonable likelihood of more than moderate adverse consequence for the scenic, cultural, recreation or natural resources of the scenic area” considering the context of the proposal, the intensity of the proposal (including magnitude, duration, and likelihood of reoccurrence), other similar actions that may cumulatively lead to “more than moderate adverse consequences,” and any proposed mitigation measures. NSA-LUDO § 1.200 (Definition of “Adversely affect or Adversely affecting”). No adverse effects to wetlands, streams, ponds, lakes, and riparian areas, and their buffer zones are allowed. NSA-LUDO §§ 14.600(A)(7), (B)(6). In addition, there may be no adverse effects to sensitive plants and wildlife areas within 1000 feet of the project area. NSA-LUDO §§ 14.600(C)(3)(i), (D)(3)(d).

Water Resources

NSA-LUDO § 14.600 contains the standards for projects that may affect streams, ponds, lakes, wetlands, or other riparian areas in the General Management Area. If one or more of these resources is present on or adjacent to the subject parcel, then the applicant must determine the *exact* location of the water resource boundary. NSA-LUDO §§ 14.600(A)(2)(c), (B)(2)(b). In addition, the following buffer zones apply:

- Perennial streams: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1). A perennial stream is a stream that flows year-round during years of normal precipitation. NSA-LUDO § 1.200.

- Special streams: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1). A special stream is a stream that is a primary water supply for a fish hatchery or rearing pond. NSA-LUDO § 1.200.
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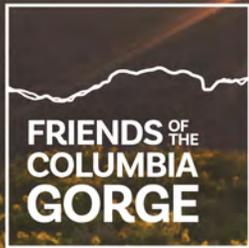
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Sincerely,



Steven D. McCoy
Staff Attorney



June 17, 2021

Brent Bybee, Associate Planner
Wasco County Department of Planning and Economic Development
2705 East Second Street
The Dalles, Oregon 97058
via email

Re: Adrian Lopez's revised application #921-19-000193 to construct a dwelling, an accessory structure, an agricultural building, and fencing; for new agricultural uses; and for after-the-fact approval of a well.

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Elevation Drawings

Pursuant to NSA-LUDO § 14.020(E), applications for new structures must provide elevation drawings showing:

- the appearance of proposed structures, including both natural and finished grade, and
- the geometric exterior of the length and width of structures seen from a horizontal view.

Grading Plan

For structural development that meets either or both of the following conditions, the application must include a grading plan containing the elements specified by NSA-LUDO § 14.020(F)(3):

- More than 100 cubic yards of grading on slopes exceeding 10 percent. NSA-LUDO § 14.020(F)(1).
- More than 200 cubic yards of grading on a site visible from key viewing areas. NSA-LUDO § 14.020(F)(2).

Without the above-mentioned required information, neither the County nor any other reviewing agency can accurately evaluate the potential impacts of the development. In addition, this information is required in order to afford the public a meaningful opportunity to comment on the proposed development.

Allowed Uses

Small-Scale Agriculture Zone

The proposed project is located in a Small-Scale Agriculture zone in the General Management Area. NSA-LUDO § 3.130 specifies which uses are allowed in Small-Scale Agriculture zones. Only one single-family dwelling is allowed per legally created parcel, and only if the development is consistent with all applicable rules protecting scenic, cultural, natural, and recreational resources. The applicant bears the burden of proving the legality of the parcel and the County has the responsibility of making a determination of the parcel's legality prior to a decision.

Agricultural buildings and structures must be located on a farm or ranch; must be proposed in conjunction with a **current** agricultural use; and must be used for the storage, repair, and maintenance of farm equipment and supplies, or for the raising and/or storage of crops and livestock. NSA-LUDO § 1.200 (definition of "agricultural structure/building"), NSA-LUDO § 3.120(D)(3), (D)(4). **An "agricultural use," as defined at NSA-LUDO § 1.200, means the current employment of land for the primary purpose of obtaining a monetary profit** by one or more of the following practices:

- the raising, harvesting, and selling of crops, including Christmas trees;
- the feeding, breeding, management, and sale or production of livestock, poultry, fur-bearing animals or honeybees (not including livestock feed lots);
- dairying and the sale of dairy products;
- any other agricultural or horticultural use.

Pursuant to NSA-LUDO § 3.120(D)(4), the size of agricultural buildings must not exceed the size needed to serve the current agricultural use (and, if applicable, any proposed agricultural uses). All applications for agricultural buildings must contain the following information:

- A description of the size and characteristics of current agricultural uses.
- If any new agricultural uses are proposed, a plan specifying the types, locations, and schedules of such uses and details regarding any agricultural structures that would support the uses.
- A floor plan showing the intended uses of the agricultural building (*e.g.*, space for equipment, supplies, agricultural products, livestock).

Resource Impact Review

Scenic Resource Protection

NSA-LUDO §§ 14.100 and 14.200 contain the scenic resource protection standards for the General Management Area. Whether or not the parcel is visible from key viewing areas (KVAs), new buildings and roads must be sited and designed to retain existing topography and to reduce grading to the maximum extent possible. NSA-LUDO § 14.100(B). New buildings must be generally compatible with the general scale of existing nearby development. For purposes of determining compatibility, the height, dimensions (*i.e.*, length, width, and footprint), and visible mass of the proposed building must each be evaluated. NSA-LUDO § 14.100(C).

Key Viewing Areas

The subject parcel may be visible from key viewing areas such as the Historic Columbia River Highway, SR-14, and the Columbia River. If so, then the following rules apply:

- New buildings and roads must be sited so that they are visually subordinate to their settings as seen from KVAs. In determining the least visible site, existing topography and vegetation must be given priority over artificial means of screening. NSA-LUDO § 14.200(R)(4).
- The existing tree cover screening the development area on the subject parcel from KVAs shall be retained except as necessary for site development or fire safety purposes. NSA-LUDO § 14.200(H).
- New buildings and roads must be sited and designed to minimize grading activities and visibility of cut banks and fill slopes from KVAs. NSA-LUDO § 14.200(D).
- The County must evaluate all aspects of the development, including size, height, shape, color, reflectivity, landscaping, and siting, to ensure that the development will be visually subordinate. NSA-LUDO § 14.200(A)(2).
- Exterior colors must be dark earth-tones found at the specific site or in the surrounding landscape. Actual specific colors meeting this standard must be proposed in the land use application. Colors that are not expressly approved by a land use decision may not be used. 14.200(I).
- The County must evaluate the number of KVAs from which the development site is visible; the amount of area of the building site exposed to KVAs; the degree of existing vegetation providing screening; the distance from the building site to the KVAs; and, for linear KVAs such as roads, the linear distance along which the site is visible. NSA-LUDO § 14.200(A)(1).
- The County must evaluate the potential cumulative visual effects of the proposed development. NSA-LUDO § 14.200(L). This includes evaluation of past, present and likely future actions. Individually insignificant but cumulatively significant actions must be evaluated and cumulative adverse impacts must be avoided. 16 USC 544(a)(3).
- New buildings are not allowed on sites with slopes greater than 30 percent. NSA-LUDO § 14.200(H).
- The silhouette of new buildings must remain below the skyline of bluffs, cliffs, or ridges as seen from KVAs. NSA-LUDO § 14.200(E).
- Unless the building site is fully screened from all key viewing areas by existing topography, building materials must be nonreflective or low-reflective. NSA-LUDO § 14.200(J).

New development must be sited on the parcel in the location that best achieves visual subordination as seen from KVAs, using existing topography and vegetation for screening before requiring new screening measures.

If the proposed development cannot be conditioned to ensure that the development will achieve visual subordination, then the County must deny the application. This requirement was upheld by the Oregon Supreme Court in its ruling in Friends of the Columbia Gorge v. Columbia River Gorge Comm'n, 346 Or 366, 213 P3d 1164 (2009) (“If the applicant does not or cannot sufficiently alter the proposal to satisfy the [scenic resource protection guidelines], permission to carry out the proposed activity must be denied”). Consequently, if the project would reduce visibility “to the maximum extent practicable” but not achieve visual subordination the application must be denied.

Landscape Setting

NSA-LUDO § 14.400 specifies the standards for compatibility of development with the landscape setting in the GMA. Generally, new development in all landscape settings must be compatible with the general scale (height, dimensions, overall mass) of similar development in the vicinity. This development is proposed in an Oak-Pine Woodland landscape setting. If the parcel is visible from KVAs, at least half of all new screening trees must be native and coniferous. For portions with fewer trees, (1) structures must be sited on portions of the property that provide maximum screening from KVAs, using existing topographic features; (2) patterns of screening vegetation plantings must match the character of the surrounding area; and (3) buildings and roads must be clustered together, particularly toward the edges of existing open areas. Structure height must remain below the tree canopy level. NSA-LUDO § 14.400(C).

Natural Resource Protection

Cumulative Adverse Effects

The County must determine if there would be “[a] reasonable likelihood of more than moderate adverse consequence for the scenic, cultural, recreation or natural resources of the scenic area” considering the context of the proposal, the intensity of the proposal (including magnitude, duration, and likelihood of reoccurrence), other similar actions that may cumulatively lead to “more than moderate adverse consequences,” and any proposed mitigation measures. NSA-LUDO § 1.200 (Definition of “Adversely affect or Adversely affecting”). No adverse effects to wetlands, streams, ponds, lakes, and riparian areas, and their buffer zones are allowed. NSA-LUDO §§ 14.600(A)(7), (B)(6). In addition, there may be no adverse effects to sensitive plants and wildlife areas within 1000 feet of the project area. NSA-LUDO §§ 14.600(C)(3)(i), (D)(3)(d).

Water Resources

NSA-LUDO § 14.600 contains the standards for projects that may affect streams, ponds, lakes, wetlands, or other riparian areas in the General Management Area. If one or more of these resources is present on or adjacent to the subject parcel, then the applicant must determine the *exact* location of the water resource boundary. NSA-LUDO §§ 14.600(A)(2)(c), (B)(2)(b). In addition, the following buffer zones apply:

- Perennial streams: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1). A perennial stream is a stream that flows year-round during years of normal precipitation. NSA-LUDO § 1.200.
- Special streams: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1). A special stream is a stream that is a primary water supply for a fish hatchery or rearing pond. NSA-LUDO § 1.200.

- Intermittent streams used by anadromous or resident fish: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1).
- Intermittent streams not used by anadromous or resident fish: 50 feet. NSA-LUDO § 14.600(B)(2)(a)(2).
- Wetlands, lakes, and ponds in forest vegetation communities: 75 feet. NSA-LUDO § 14.600(A)(3)(c)(1). A forest vegetation community is characterized by trees with an average height of at least 20 feet, along with a shrub component. The trees and shrubs must form a canopy cover of at least 40 percent. NSA-LUDO § 14.600(A)(3)(b)(1).
- Wetlands, lakes, and ponds in shrub vegetation communities: 100 feet. NSA-LUDO § 14.600(A)(3)(c)(2). A shrub vegetation community is characterized by shrubs and trees with an average height between 3 feet and 20 feet. The trees and shrubs must form a canopy cover of at least 40 percent. NSA-LUDO § 14.600(A)(3)(b)(2).
- Wetlands, lakes, and ponds in herbaceous vegetation communities: 150 feet. NSA-LUDO § 14.600(A)(3)(c)(3). A herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and nonwoody vines. NSA-LUDO § 14.600(A)(3)(b)(3).

Buffer zones must be untouched and maintained in their natural condition. NSA-LUDO §§ 14.600(A)(3)(d), (B)(2)(d).

Sensitive Wildlife Resources

NSA-LUDO § 14.600(C) contains the standards for projects in the GMA that may affect sensitive wildlife resources. The first step is for the County to determine whether the project is proposed within 1,000 feet of a sensitive wildlife area or site. This includes the following areas:

- habitat for wildlife species that are listed as endangered, threatened, sensitive, or candidate by the federal government or by the State of Oregon
- habitat for elk, mountain goat, great blue heron, osprey, golden eagle, or prairie falcon
- deer and elk winter range
- pika colony areas
- waterfowl areas
- shallow water fish habitat in the Columbia River
- sturgeon spawning areas
- tributary fish habitat
- streams that are primary water supplies for fish hatcheries or rearing ponds
- wetlands, mudflats, shallow water, or riparian vegetation that have high values for waterfowl, shorebirds, raptors, songbirds, upland game, and reptiles

NSA-LUDO §§ 1.200 (definition of “sensitive wildlife species”), 14.600(C)(1)(b).

If the proposed project is within 1,000 feet of one of these areas, the County must transmit the application to the Oregon Department of Fish and Wildlife, which will review the application to determine the precise locations of wildlife habitat and activities, as well as potential impacts to wildlife areas or sites. As part of its review, Oregon DFW may in its discretion conduct site visits. NSA-LUDO § 14.410(C)(3).

If the County, in consultation with ODFW, concludes that the proposed project is likely to adversely affect a sensitive wildlife area or site and that the impacts cannot be eliminated through site plan modifications or project timing, then the applicant must prepare a wildlife management plan. NSA-LUDO § 14.410(C)(5). The plan will provide a basis for the applicant to redesign the project in a manner that protects sensitive wildlife areas and sites, maximizes his or

her development options, and mitigates temporary impacts to the wildlife area or buffer zone. *Id.* A wildlife management plan, prepared by a professional biologist hired by the applicant, includes the following:

- relevant background, such as biology of the species, characteristics of the subject parcel, and regulatory protection and management guidelines
- delineation of core habitat
- wildlife buffer zones
- an indication of the size, scope, configuration or density, and timing of all new uses within core habitat
- rehabilitation and enhancement actions
- a 3-year monitoring plan for federal or state listed species

Id.

Fences

Pursuant to NSA-LUDO § 14.600(C), new fences in deer and elk winter range are allowed only where necessary to control livestock or pets, or to exclude wildlife from specific areas, such as gardens. Fenced areas must be the minimum necessary to meet the needs of the project applicant. **If the proposed fence is in deer and elk winter range, the top wire must be no more than 42 inches high**, the distance between the two top wires must be at least 10 inches apart, the bottom wire must be at least 16 inches above the ground and must consist of smooth wire, stays or braces must be placed between fence posts to create a more rigid fence, and woven wire may not be used as fencing material. Applicants must demonstrate a specific need for any variance from these rules.

Sensitive Plant Species

NSA-LUDO § 14.600(D) contains the standards for projects in the GMA that may affect sensitive plant resources. The first step is for the County to determine whether the project is proposed within 1,000 feet of a sensitive plant species. This includes the following plant species:

- species endemic to the Columbia River Gorge and vicinity
- species listed as endangered or threatened by federal or state authorities, including the Oregon Natural Heritage Program

NSA-LUDO §§ 1.200 (definition of “sensitive plant species”), 14.600(D)(1)(a).

If the proposed project is within 1,000 feet of such a species, the next step is for the applicant to prepare a more detailed site plan map at a scale of at least one inch equals 100 feet (1:1,200).

NSA-LUDO § 14.600(D)(4)(a). The County must transmit the more detailed map to the Oregon Natural Heritage Program, which will review the application to determine if the project could affect sensitive plants. ONHP must identify the precise location of the affected plants and must delineate a 200-foot buffer zone to protect these plants. NSA-LUDO § 14.600(D)(4)(c)(2). Buffer zones must be maintained in an undisturbed, natural condition.

Cultural Resource Protection

Pursuant to the Oregon Supreme Court ruling in Friends of the Columbia Gorge v. Columbia River Gorge Comm’n, 346 Or 366, 213 P3d 1164 (2009), County land use decisions must protect against cumulative adverse effects to cultural resources. Pursuant to this ruling, the County must review whether the proposed development would contribute to cumulative adverse impacts to cultural resources. This includes evaluation of past, present and likely future actions.

Individually insignificant but cumulatively significant actions must be evaluated and cumulative adverse impacts must be avoided.

NSA-LUDO § 14.500 contains the standards for protection of cultural resources in the General Management Area. If a use is proposed within 500 feet of a known cultural resource, the Gorge Commission is responsible for preparing a cultural resource reconnaissance survey and report. NSA-LUDO § 14.500(B)(3). For any other small-scale use, a reconnaissance survey need not be prepared if the area has a low probability of containing cultural resources, as determined by the Columbia River Gorge Commission and United States Forest Service. Reconnaissance surveys and reports must comply with the standards found at NSA-LUDO § 14.500(C).

Significant Cultural Resources

If a cultural resource is identified, it must be evaluated for significance. NSA-LUDO § 14.500(D)(2). If the resource is determined to be significant, the County must determine whether the project is likely to adversely affect the resource. NSA-LUDO § 14.500(D)(4). If the County concludes that the project would have an adverse effect on a significant cultural resource, then a mitigation plan must be prepared and reviewed pursuant to section 14.500(F).

Conditions of Approval

All conditions of approval must be entered into the deeds of the affected parcels and registered with the county.

Conclusion

Thank you for this opportunity to comment.

Sincerely,



Steven D. McCoy
Staff Attorney



Will S <wills@co.wasco.or.us>

Applicant: Adrian Lopez File Number: 921-19-000193-PLNG

McCabe, Edward M.D., Ph.D <EMcCabe@mednet.ucla.edu>
To: "wills@co.wasco.or.us" <wills@co.wasco.or.us>
Cc: "McCabe, Linda Ph.D" <LMcCabe@mednet.ucla.edu>

Tue, Jul 7, 2020 at 12:46 PM

Dear Mr. Smith,

We are extremely pleased to support the Application of Adrian Lopez for development of the lot that is part of the Rocky Prairie subdivision. A corner of the lot abuts Quartz Drive across from our property at 953 Quartz Drive.

We have reviewed the material you sent to us by USPS, as well as the on-line information.

The two buildings planned for this property are of a scale consistent with other buildings on Rocky Prairie. We do not see any information that is concerning to us as neighbors to this property development.

Thank you.

Linda and Edward McCabe

953 Quartz Drive

July 7, 2020

Sent from [Mail](#) for Windows 10

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Oregon

Kate Brown, Governor

Department of Forestry

Central Oregon District
The Dalles Unit
3701 West 13th
The Dalles, OR 97058
PHONE: 541-296-4626
FAX: 541-298-4993
www.ODFcentraloregon.com



"STEWARDSHIP IN FORESTRY"

7/2/2020

Wasco County Planning and Development
2705 East 2nd Street
The Dalles Or 97058

Attn: Will Smith

Re: Lopez 921-19-000193 PLNG

Catastrophic wildfires threaten and destroy many homes in Oregon and in other states each year. The Oregon Department of Forestry (ODF) has a responsibility to its landowners to protect their forest lands from wildfire. Since ODF does not provide structure protection it is incumbent on the local fire district (in this case, Mosier Fire District) to provide that protection. However, ODF is still responsible for the forest and range land surrounding those structures.

This proposed development is located within the Oregon Department of Forestry Fire Protection District, hence, this property receives wildland fire protection services by ODF, as does surrounding properties.

ODF continues to be concerned about the impact of putting additional structures and the associated human activities within the wildland urban interface. Simply stated, people start fires, no matter the good intentions of the landowner or guests to the property. Many activities that result from living in the forest/range zone have the potential to cause fires. Because of these concerns we have worked closely with the planning department to provide consistent and appropriate siting standards for structures.

I'd like to emphasize that structures, and human activity associated with those structures in the wildland urban interface, create additional fire start risk as well as additional complexity in fire suppression activities and evacuations. As such, ODF wants to reiterate the importance of fire prevention and risk mitigation. If approved, ODF would expect the planning department to consistently apply the wildfire siting standards adopted by the county as they currently exist.

I would like to also iterate the importance of the defensible space standards around the building site that contribute to higher likelihood of a structure being saved while reducing risk to firefighting personnel in the event of a wildland fire moving through the area, regardless of how the fire started. We place emphasis on primary and secondary fuel breaks, construction materials, and not siting structures on slopes greater than 40%.

We also want to see Road Standards with emphasis on road width, vertical clearance, turnarounds and turn outs, and road grades.

Flammable vegetation will continue to grow in and around these structures over time. However, if the proposal is granted, the long term maintenance of defensible space is an issue that is not addressed in the current planning department standards, and may only be addressed through ongoing maintenance of defensible space surrounding all structures by the landowner.

It is ODF's hope that through proper wildfire siting standards and continued maintenance of defensible space, landowners will be able to provide a safe and risk free environment for themselves, their neighbors and the firefighters who protect their property.

Finally, if applicant intends to clear any brush or vegetation by using power equipment during the months of May through October, they will need to file an eNotification for a 'Permit to Operate Power Driven Machinery' with the Oregon Department of Forestry. Information for this free electronic permit can be found at: <https://www.oregon.gov/odf/working/pages/ENotification.aspx>.

Thank you for the opportunity to comment.

Regards,
/s/ Kristin Dodd
Unit Forester
Central Oregon District – The Dalles Unit



Brent Bybee <brentb@co.wasco.or.us>

Notice of Land Use Action - Lopez

Scott Williams <scottw@co.wasco.or.us>

Thu, May 20, 2021 at 12:38 PM

To: Brent Bybee <brentb@co.wasco.or.us>

Cc: Cindy Miller <millerc@nwasco.k12.or.us>, Mike Renault <mike.renault@mosierfire.com>, Jeff Davis <jeffd@wascoelectric.com>, EVANS Daniel <Daniel.Evans@state.or.us>, BROWN Jevra <jevra.brown@state.or.us>, Lane Magill <lanem@co.wasco.or.us>

no issues for law enforcement

[Quoted text hidden]

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Scott Williams | *Chief Deputy*
SHERIFF'S OFFICE

scottw@co.wasco.or.us | www.co.wasco.or.us

541-506-2593 | Fax 541-506-2581

511 Washington Street suite 102 | The Dalles, OR 97058



Will S <wills@co.wasco.or.us>

Notice of Land Use Action - Lopez

Lane Magill <lanem@co.wasco.or.us>

Thu, Jul 2, 2020 at 9:37 AM

To: Will S <wills@co.wasco.or.us>

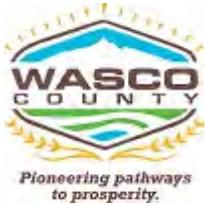
Cc: Cindy Miller <millerc@nwasco.k12.or.us>, Mike Renault <mike.renault@mosierfire.com>, Jeff Davis <jeffd@wascoelectric.com>, EVANS Daniel <Daniel.Evans@state.or.us>, BROWN Jevra <jevra.brown@state.or.us>, Scott Williams <scottw@co.wasco.or.us>

I don't see any issues with this application.

Lane

[Quoted text hidden]

--



**Lane Magill | Wasco County Sheriff
SHERIFF'S OFFICE**

lanem@co.wasco.or.us | www.co.wasco.or.us

541-506-2592 | Fax 541-506-2581

511 Washington St. Suite 102 | The Dalles, OR 97058



Will S <wills@co.wasco.or.us>

Notice of Land Use Action

Lane Magill <lanem@co.wasco.or.us>

Thu, Sep 17, 2020 at 11:29 AM

To: Will S <wills@co.wasco.or.us>

Cc: Cindy Miller <millerc@nwasco.k12.or.us>, Mike Renault <mike.renault@mosierfire.com>, Jeff Davis <jeffd@wascoelectric.com>, EVANS Daniel <Daniel.Evans@state.or.us>, BROWN Jevra <jevra.brown@state.or.us>, Scott Williams <scottw@co.wasco.or.us>

I don't see any issues with this.

I do have a question. Most of the applications we see have a physical address and this one didn't. I know there was Section information but I don't have any access to that type of information.

Thanks
Lane

On Thu, Sep 17, 2020 at 10:19 AM Will S <wills@co.wasco.or.us> wrote:

[Quoted text hidden]

--



Lane Magill | Wasco County Sheriff
SHERIFF'S OFFICE

lanem@co.wasco.or.us | www.co.wasco.or.us
541-506-2592 | Fax 541-506-2581
511 Washington St. Suite 102 | The Dalles, OR 97058



Will S <wills@co.wasco.or.us>

Cultural notice for 921-19-000193-PLNG

Kristen Tiede <KristenTiede@ctuir.org>

Thu, Oct 8, 2020 at 7:41 AM

To: Will S <wills@co.wasco.or.us>

Cc: "Donnermeyer, Christopher J -FS" <christopher.donnermeyer@usda.gov>

Good morning Mr. Smith,

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program (CRPP) has reviewed the application for the dwelling, barn, and fence (921-19-000193-PLNG). The CRPP concurs with the condition of requiring an archaeological monitor be present for the construction of the fence.

Thank you,

Kristen Tiede

Archaeologist

Cultural Resources Protection Program

Confederated Tribes of the Umatilla Indian Reservation

46411 Timine Way, Pendleton, OR 97801

Direct Line/Fax: (541) 429-7206

Main Office: (541) 276-3447

KristenTiede@ctuir.org



From: Will S [mailto:wills@co.wasco.or.us]

Sent: Wednesday, October 7, 2020 4:30 PM

Subject: Cultural notice for 921-19-000193-PLNG

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The opinions expressed by the author are his or her own and are not necessarily those of the Confederated Tribes of the Umatilla Indian Reservation. The information, contents and attachments in this email are Confidential and Private.



Brent Bybee <brentb@co.wasco.or.us>

Notice of Land Use Action - Lopez

Kristen Tiede <KristenTiede@ctuir.org>

Thu, Jun 3, 2021 at 8:26 AM

To: Brent Bybee <brentb@co.wasco.or.us>, Jensi Smith <jensis@co.wasco.or.us>

Cc: "Donnermeyer, Christopher -FS" <christopher.donnermeyer@usda.gov>

Good morning,

As the CRPP recommended previously on this project, a cultural resources monitor should be present for the fence construction if it is near the previously recorded archaeological site. Please let me know if there are any questions or concerns.

Thank you,

Kristen Tiede

Archaeologist

Cultural Resources Protection Program

Confederated Tribes of the Umatilla Indian Reservation

46411 Timine Way, Pendleton, OR 97801

Direct Line/Fax: (541) 429-7206

Main Office: (541) 276-3447

KristenTiede@ctuir.org



From: Jensi Smith [mailto:jensis@co.wasco.or.us]

Sent: Thursday, May 20, 2021 5:30 AM

To: Nicole Bailey <nicoleba@ncphd.org>; Jaime Solars <jaimes@co.wasco.or.us>; Jesus Elias <Jesuse@ncphd.org>; Shellie Campbell <shelliec@ncphd.org>; Building Codes <buildingcodes@co.wasco.or.us>; Jill Amery <jilla@co.wasco.or.us>; Adam Fourcade <adamf@co.wasco.or.us>; Melanie Brown <melanieb@co.wasco.or.us>; Marci Beebe <marcib@co.wasco.or.us>; Brandon Jones <brandonj@co.wasco.or.us>; Sheridan McClellan <sheridanm@co.wasco.or.us>; Arthur Smith <arthurs@co.wasco.or.us>; Kara Davis <karad@co.wasco.or.us>; WOOD Robert L * WRD <Robert.L.Wood@oregon.gov>; ykahn@fhco.org; Heidi.M.Hartman@dsl.state.or.us;
 Board of County Commissioners Agenda Packet BOCC 1 - 323

BROWN Jevra * DSL <jevra.brown@dsl.state.or.us>; clara.taylor@dsl.state.or.us; shilah.olson@or.nacdnet.net; Candres@osp.state.or.us; Sue Vrilakas <sue.vrilakas@pdx.edu>; jeremy.l.thompson@state.or.us; Andrew.R.Meyers@state.or.us; rod.a.french@state.or.us; DODD Kristin * ODF <Kristin.dodd@oregon.gov>; kristen.stallman@odot.state.or.us; jthomps9999@yahoo.com; steve@gorgefriends.org; Stephanie Krell <stephaniek@co.wasco.or.us>; Tyler Stone <tylers@co.wasco.or.us>; rshoal@fs.fed.us; sacallaghan@fs.fed.us; permits@friends.org; kfitzz77 <kfitzz77@gmail.com>; Gatz, Casey -FS <cgatz@fs.fed.us>; Donnermeyer, Christopher J -FS <cjdonnermeyer@fs.fed.us>; Connie Acker <connie.acker@gorgecommission.org>; rowapplications@bpa.gov; MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>; ODOTR4PLANMGR@odot.state.or.us; Patrick.M.Cimmiyotti@odot.state.or.us; DEHART Brad <bradley.k.dehart@odot.state.or.us>; PETERS Scott <scott.peters@odot.state.or.us>; Jacob Powell <jacob.powell@oregonstate.edu>; nakiaw@nezperce.org; pat b <keithb@nezperce.org>; robert.brunoe@ctwsbnr.org; THPO@ctwsbnr.org; Patty Perry <PattyPerry@ctuir.org>; Kristen Tiede <KristenTiede@ctuir.org>; Sheila Dooley <sdooley3300@yahoo.com>; casey_barney@yakama.com; Angie Brewer <angieb@co.wasco.or.us>; Brent Bybee <brentb@co.wasco.or.us>

Subject: Notice of Land Use Action - Lopez

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[Quoted text hidden]

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

From: Kristen Tiede <KristenTiede@ctuir.org>
 To: Will S <wills@co.wasco.or.us>
 Cc: "Donnermeyer, Christopher J -FS" <christopher.donnermeyer@usda.gov>
 Bcc:
 Date: Thu, 8 Oct 2020 14:41:05 +0000
 Subject: RE: Cultural notice for 921-19-000193-PLNG

Good morning Mr. Smith,

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program (CRPP) has reviewed the application for the dwelling, barn, and fence (921-19-000193-PLNG). The CRPP concurs with the condition of requiring an archaeological monitor be present for the construction of the fence.

Thank you,

Kristen Tiede

Archaeologist

Cultural Resources Protection Program

Confederated Tribes of the Umatilla Indian Reservation

46411 Timíne Way, Pendleton, OR 97801

Direct Line/Fax: (541) 429-7206

Main Office: (541) 276-3447

KristenTiede@ctuir.org



From: Will S [mailto:wills@co.wasco.or.us]
Sent: Wednesday, October 7, 2020 4:30 PM
Subject: Cultural notice for 921-19-000193-PLNG

EXTERNAL EMAIL: Please use caution when clicking links or opening attachments.

Good afternoon,

This application involves locating a fence in the vicinity of a confirmed cultural resource and I wanted to ensure we received your input in the process. A previous application for a horse boarding facility proposed a fence around the property and they hired an archaeologist to conduct a study (see attached, no new study was required for this application due to the work performed in 2018, but a new notification for your review is required.) That application ended up being withdrawn, but staff had proposed a condition to require an archaeologist to be on site when the fence was built. The current application is for a dwelling, barn, and fence (for 5 cows, 15 goats/sheep, and chickens). The dwelling and the barn are not in the impacted area. We would propose the same condition for this application regarding the placement of the fence. This cultural notice has a 30 day review period, ending November 6, but if you have comments or concerns, or if you have none and find it acceptable, please let me know as soon as possible. Thank you!

Attachments:
Cultural Notice (including location and site plan maps)

2018 Survey

2018 USFS Response

Regards,

--



Will Smith, AICP | Senior Planner

PLANNING DEPARTMENT

wills@co.wasco.or.us | www.co.wasco.or.us

541-506-2560 | Fax 541-506-2561

2705 East Second Street | The Dalles, OR 97058

NOTE: DUE TO COVID-19 CONCERNS THE PLANNING DEPARTMENT IS CURRENTLY RESTRICTING FACE TO FACE ASSISTANCE. WE ARE ACCEPTING APPLICATIONS BY MAIL AND INQUIRIES BY PHONE OR EMAIL UNTIL FURTHER NOTICE.

This correspondence does not constitute a Land Use Decision per ORS 197.015.

It is informational only and a matter of public record.

Planning for the Future. Wasco County 2040.

[Get involved](#)

The opinions expressed by the author are his or her own and are not necessarily those of the Confederated Tribes of the Umatilla Indian Reservation. The information, contents and attachments in this email are Confidential and Private.

 **RE: Cultural notice for 921-19-000193-PLNG.eml**
54K



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#*
WN2019-0125

Responsible Jurisdiction

Staff Contact	Jurisdiction Type	Municipality
William Smith	County	Wasco
Local case file #	County	
921-18-000017-PLNG	Wasco	

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
02N	11E	11		2200

Street Address
1139 Huskey Rd
Address Line 2

City
Mosier

Postal / Zip Code
97040

State / Province / Region
OR

Country
Wasco

Latitude
45.669989

Longitude
-121.406104

Wetland/Waterway/Other Water Features

- There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.
- The National Wetlands Inventory shows wetland, waterway or other water features on the property

Your Activity

- It appears that the proposed project **may** impact wetlands and **may** require a State permit.

Applicable Oregon Removal-Fill Permit Requirement(s)

A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

Closing Information

Additional Comments

There is a National Wetland Inventory-mapped channel on the east side of the parcel. The proposed project appears to have impacts of <50 cubic yards associated with fence post installation around and through this channel. A state permit is not required for projects with <50 cy of removal or fill activities. No permit will be required for the DSL if impacts are below 50 cy or removal or fill..

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

A Federal permit may be required by The Army Corps of Engineers: (503)808-4373

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

4/3/2019

Response by:

Daniel Evans

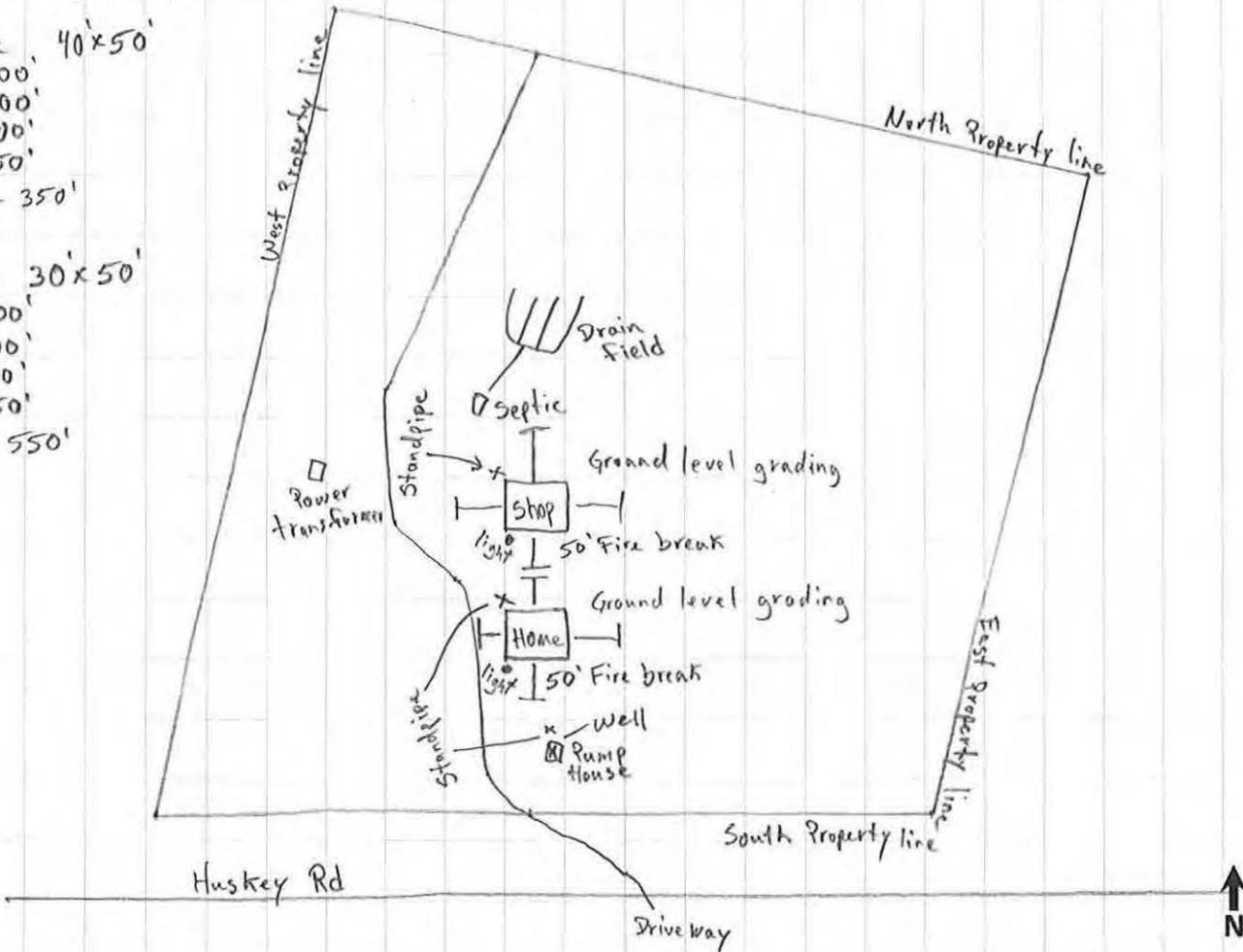
Response Phone:

503-986-5271

Property line setbacks

Home 40'x50'
 North - 700'
 South - 300'
 East - 400'
 West - 550'
 Huskey Rd - 350'

Shop 30'x50'
 North - 500'
 South - 500'
 East - 400'
 West - 550'
 Huskey Rd - 550'



SITE PLAN CHECKLIST

SITE PLANS MUST SHOW THE FOLLOWING:

- Property boundary & development area dimensions
- Setback distances from proposed structures to all:
 - Property lines
 - Roadways
 - Waterways
- Existing structures (location & size)
- Proposed structures (location & size)
- Septic tanks and drain fields (ALL existing and proposed)
- Existing & proposed services including wells, electricity, etc.
- Driveway & access to public/private roads
- Significant land forms & slopes

Fire Safety Information

- Indicate driveway width, length, and grade. Long drives should provided turnouts every 400'.
- Location of a standpipe (water spigot) at least 50' from each building that includes plumbing.
- Indicate 50' fire break surrounding new buildings.

NATIONAL SCENIC AREA APPLICATIONS MUST ALSO SHOW THE FOLLOWING:

- Location & depth of proposed grading, filling, ditching and excavating
- Outside lighting fixtures
- All proposed signs
- Location & height of outdoor storage & screening devices

Landscaping Plan

- Location, height and species of existing & proposed individual trees & vegetation. Indicate if any are proposed to be removed.
- Location of irrigation systems

SITE PLAN MAP

Map, Tax Lot #: _____
 Applicant: Adrian Lopez
 File #: _____

SCALE: (select one)

- 1:50
- 1:100
- 1:200

DISCLAIMER: The Planning Department may require additional site plan elements depending on development specifics.



SITE PLAN CHECKLIST

SITE PLANS MUST SHOW THE FOLLOWING:

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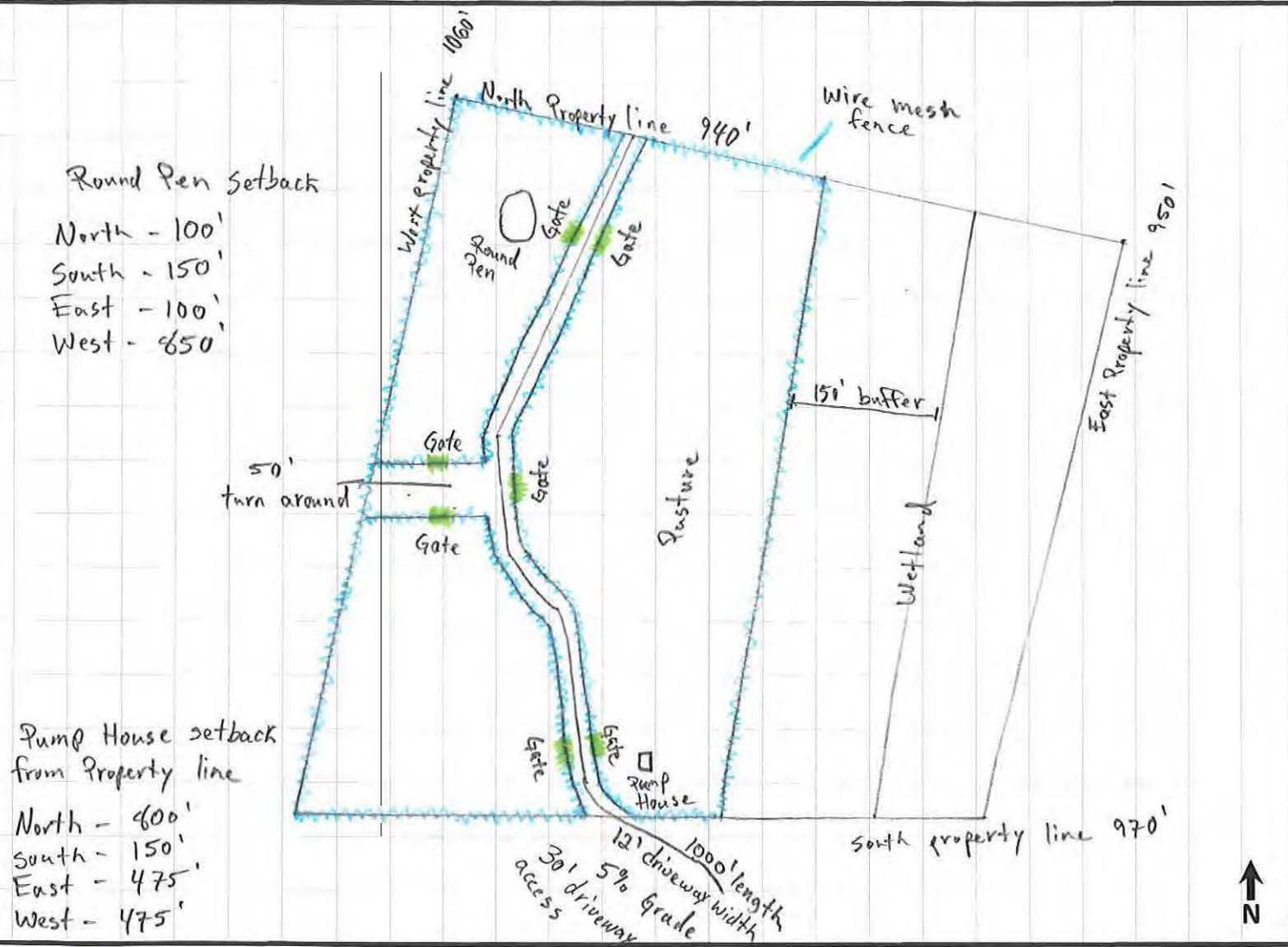
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SITE PLAN MAP

Map, Tax Lot #: _____
 Applicant: Adrian Lopez
 File #: _____

SCALE: (select one)

1:50		<input checked="" type="checkbox"/>
1:100		<input type="checkbox"/>
1:200		<input type="checkbox"/>



Trees

● Oak trees

● Pine/Fir trees
most are over
50' tall

All trees will
remain for
screening



SITE PLAN CHECKLIST

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SITE PLAN MAP

Map, Tax Lot #: _____

Applicant: Adrian Lopez

File #: _____

SCALE: (select one)

1:50

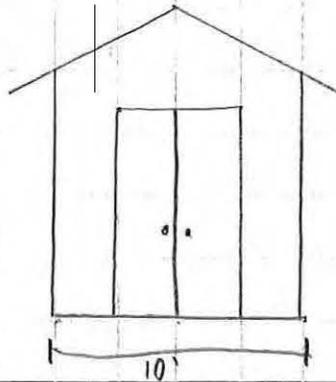
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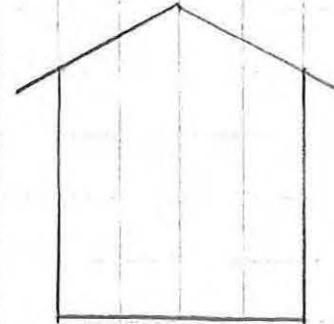


Pump House

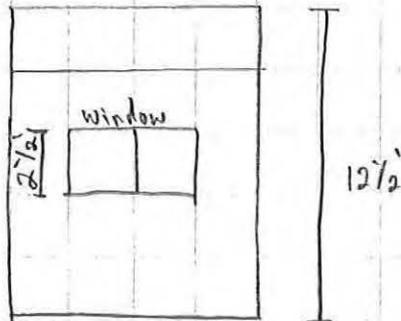
Front View



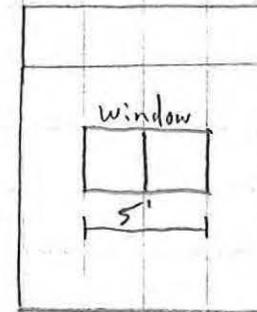
Rear View



Side View 1



Side View 2



ELEVATION DRAWING

Natural Grade Finished Grade Dimensions (L x W x H)

Elevation drawings must be drawn to scale. Use additional pages if necessary. See back for more information.

- Each grid equals 5' x 5' at a scale of 1"=10', or
- Each grid equals 2.5' x 2.5' at a scale of 1"=5'



Same color and material as Home



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June 3, 2021

PUBLIC NOTICE OF ADMINISTRATIVE ACTION

Notice is hereby given that an Administrative Decision will be made by the Wasco County Planning Director pertaining to the following request. You are entitled to comment for or against the proposal. Comments must address review criteria and may be submitted to the Wasco County Planning Department, 2705 East Second Street, The Dalles, OR 97058.

This notice is in response to comments received regarding an incorrect version of the application on our website. The correct application is now on the website for review, and staff is allowing for another 15 day comment period.

COMMENTS DUE: June 18, 2021

FILE NUMBER: 921-19-000193-PLNG

**AMMENDED
REQUEST:**

Scenic Area Review of a 1,889 Square Foot (SF) (50'L x 40'W x 24'H), two story single family dwelling, a 1,500 SF (50'L x 30'W x 24'H) accessory structure for a shop and storage, and retroactive approval of an unlawfully placed well to be housed in a proposed 100 SF (10'L x 10'W x 12.5'H) pump house. The request includes a 4' H wire fence on the eastern portion of the property, 150' away from the identified wetland. The request also includes raising 12 goats on the property, and rotating them to different portions of the property on an annual basis. A 50' diameter portable round pen will also be utilized.

APPLICANT/OWNER: Adrian Lopez, 1150 Huskey Road, Mosier, OR 97040

LOCATION: The subject property is located approximately .5 miles south of the City of Mosier, OR, 879 feet to the southwest of Quartz Drive, along Huskey Rd; More specifically described as:

<u>Tax Lot:</u>	<u>Account #:</u>	<u>Acres:</u>
2N 11E 11 2200	327	20.58

ZONING: (GMA)A-2(80), General Management Area in the Small Scale Agriculture Zone

REVIEW AUTHORITY: Section 2.050(A) of the Wasco County National Scenic Area Land Use and Development Ordinance (NSA LUDO).

REVIEW CRITERIA: Chapter 2, Chapter 3, Chapter 5, Chapter 11 and Chapter 14 of the NSA LUDO

AVAILABLE INFORMATION: More information regarding this application is available on the Wasco

County Planning Department website at <http://co.wasco.or.us/planning/actions.html>. The table is sorted alphabetically by the name of the application. The information will be available until the end of the appeal period.

Copies of all review criteria and evidence relied upon by the applicant are available for free review or may be purchased at \$0.25 per page at the Wasco County Planning Department.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: Oregon Revised Statutes, Chapter 215, requires that if you receive this notice, it must promptly be forwarded to the purchaser.

COMMENTS:

1. *Written comments are due by 4:00 pm on June 18, 2021.*
2. This form is for your convenience if you wish to comment. Comments may also be submitted via email to brentb@co.wasco.or.us. If you wish to comment, please provide sufficient detail to allow the Director to respond to the issue(s).
3. Comments received are a matter of public record and are made available to the applicant. Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Board based on that issue.

Date: _____ Name: _____

Address: _____

DECISION PROCESS:

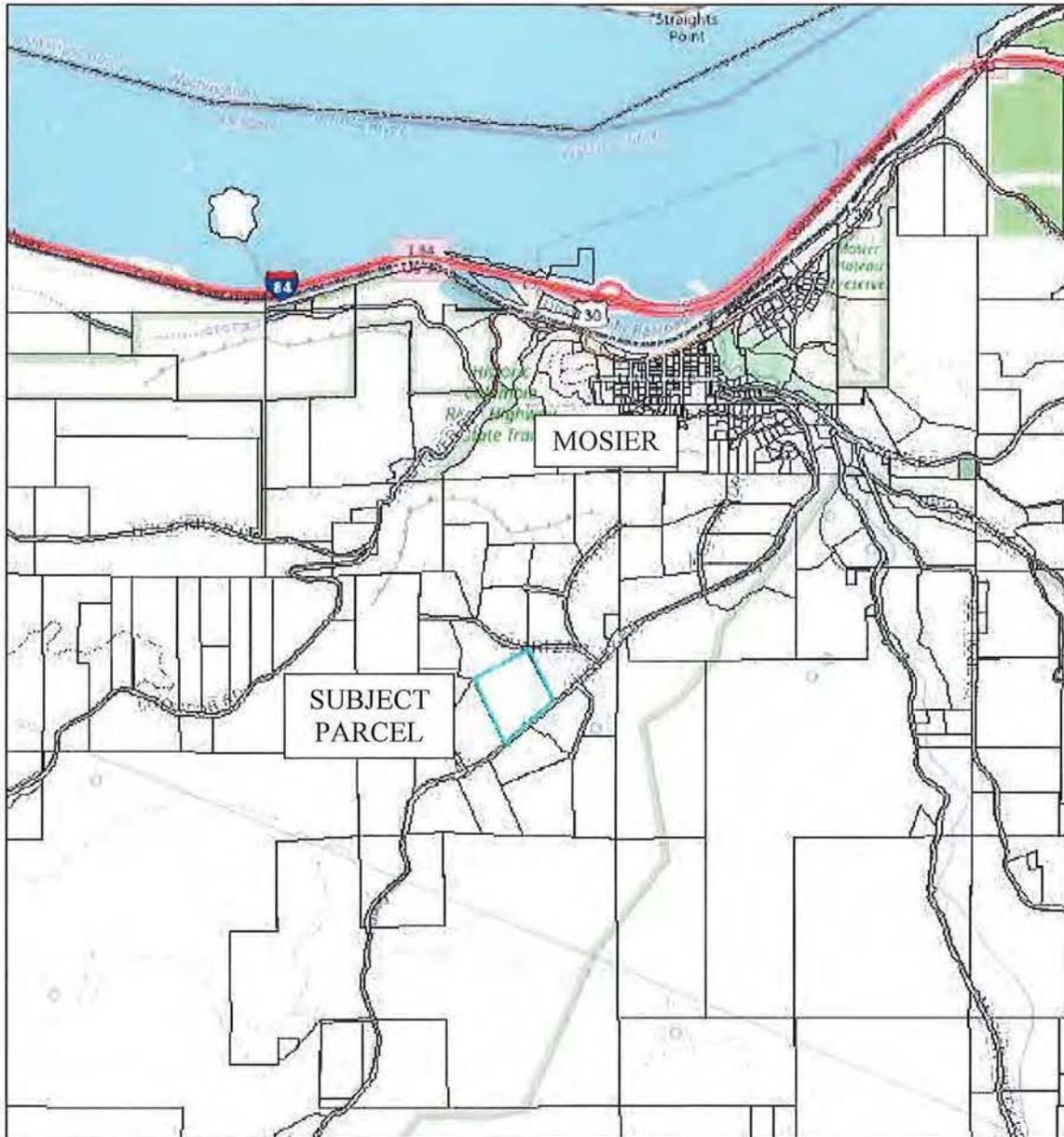
1. An application is received and reviewed for completeness.
2. When deemed complete, the Public Notice of Administrative Action is mailed to affected public agencies, interested parties, and property owners within 200 or 500 feet of the subject property. Timely comments are weighed against the NSA LUDO criteria in a staff report.
3. A decision is reached by the Director based on findings in the staff report.
4. Parties of Record (affected agencies, property owners within 200 or 500 feet of the subject parcel, plus those other parties who comment) will receive a Notice of Decision.
5. Aggrieved parties may appeal a decision of the Director within 15 days of the decision date.



Brent Bybee, Associate Planner

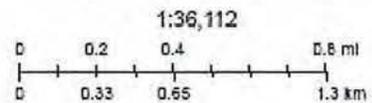
MAPS Vicinity

Wasco County Planning Dept



6/25/2020, 10:03:28 AM

- Taxlots
- City
- Railroad
- Public Access
- Roads**
- State
- Private
- Road Labels
- County
- Wasco County Boundary Line



© OpenStreetMap (and) contributors, CC-BY-SA, Wasco County GIS, DOGAMI, State of Oregon, Wasco County GIS, Lane County, Assessor, Wasco County GIS

Wasco County Planning
This Map is for Informational Purposes Only

MAPS
Site Plan

Property line setbacks

Home 40'x50'

North - 700'
South - 300'
East - 400'
West - 550'
Huskey Rd - 350'

Shop 30'x50'

North - 500'
South - 500'
East - 400'
West - 550'
Huskey Rd - 550'

The site plan map shows a property bounded by Huskey Rd to the south and West/East Property Lines. It features a 'Home' and a 'Shop' with 50' fire breaks between them. A 'Septic' tank and 'Drain Field' are located near the shop. A 'Standpipe' and 'Power Transformer' are also shown. A 'Well' and 'Pump House' are located near the home. 'Ground level grading' is indicated for both buildings. A 'Drive Way' leads from Huskey Rd to the property. A north arrow is present in the bottom right of the map area.

SITE PLAN CHECKLIST

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- Driveway & access to public/private roads
- Significant land forms & slopes

Fire Safety Information

- Indicate driveway width, length, and grade. Long drives should provided turnouts every 400'.
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- Location of irrigation systems

DISCLAIMER: The Planning Department may require additional site plan elements depending on development specifics.

SITE PLAN MAP

Map, Tax Lot #: _____

Applicant: Adrian Lopez

File #: _____

SCALE: (select one)

1:50

1:100

1:200

MAPS
Additional Farm Management Plan maps

Round Pen Setback

North - 100'
 South - 150'
 East - 100'
 West - 650'

Pump House setback from Property line

North - 600'
 South - 150'
 East - 475'
 West - 475'

Map details include: West property line 1060', North Property line 940', East Property line 950', South property line 970', Round Pen, Pump House, Pasture, Wetland, 15' buffer, 50' turn around, 1000' length driveway with 30' 5% grade access, and Wire mesh fence.

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Applicant: Adrian Lopez

File #: _____

SCALE: (select one)

1:50

1:100

1:200



PLANNING DEPARTMENT

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FILE NUMBER: _____

FEE: _____

LAND USE APPLICATION COVERPAGE

Date Received: 12/31 Planner Initials: AL Date Complete: _____ Planner Initials: _____

APPLICANT INFORMATION

Name: Adrian Lopez
Address: 1150 Huskey Rd, Mosier Oregon
City/State/Zip: _____
97040

OWNER INFORMATION

Name: Adrian Lopez
Address: 1150 Huskey Rd
City/State/Zip: Mosier Oregon 97040

Phone: 541-490-0088
Email: adrianlopez5@yahoo

Phone: 541-490-0088
Email: adrianlopez5@yahoo

PROPERTY INFORMATION

Township/Range/Section/Tax Lot(s)	Acct #	Acres	Zoning
<u>2N 11E 11 2000</u>	<u>327</u>	<u>20.59</u>	<u>(GMA) A-2(80)</u>

Property address (or location): 1139 Huskey Rd, Mosier Oregon 97040

Zoning Designation: _____ Environmental Protection District: _____

Proposed Use: Residential Permitted Subject to Section: _____

Water source: Well Sewage disposal method: Septic

Are there wetlands/waterways on your property? NO YES (description) Riverine eastern portion of property

Name of road providing access: Huskey Rd

Current use of property: Lot Use of surrounding properties: Residential

Do you own neighboring property? NO YES (description) _____

DETAILED PROJECT DESCRIPTION (proposed use, structures, dimensions, etc.): 40'x50' Residential home on a 21 acre lot. 40'x50' Pole barn for storage/workshop 24' height.

Additional description/maps/pictures attached

LEGAL PARCEL STATUS

Partition, Subdivision, OR

Most Recent Pre-9/4/1974 Deed #: _____ Date Filed: _____

Current Deed #: _____ Date Filed: _____

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

SIGNATURES

Applicant(s): [Signature] Date: 12-31-19

Erika Gonzalez Date: 12-31-19

X Property Owner(s): [Signature] Date: 12-31-19

Erika Gonzalez Date: 12-31-19

_____ Date: _____

PLEASE NOTE: Before this application will be processed, you **must** supply all requested information and forms, and address **all listed or referenced criteria**. Pursuant to ORS 215.428, this office will review the application for completeness and notify Applicant of any deficiencies within 30 days of submission. By signing this form, the property owner or property owner's agent is granting permission for Planning Staff to conduct site inspections on the property.

ALL LAND USE APPLICATIONS MUST INCLUDE:

- Application Fee – Cash or Check (credit cards now accepted with additional fee)
- Site Plan
- Elevation Drawing
- Fire Safety Self-Certification
- Other applicable information/application(s):

APPLICATIONS FOR PROPERTIES IN THE NATIONAL SCENIC AREA MUST ALSO INCLUDE:

- Scenic Area Application/Expedited Review
- Color and Material Samples
- Landscaping Plan
- Grading Plan
- Other applicable information/application(s):

SHADED AREA TO BE COMPLETED BY PLANNING DEPARTMENT

Legal Parcel NO YES
Deed/Land Use Action: _____

Previous Map and Tax Lot: _____

Past Land Use Actions: If yes, list file #(s) _____ NO YES

Subject to previous conditions? NO YES

Assessor Property Class: _____

Zoning: _____

Environmental Protection Districts – List applicable EPDs:

- EPD # _____
- EPD # _____
- EPD # _____
- EPD # _____

Water Resources

Are there bodies of water or wetlands (seasonal or permanent) on property or adjacent properties? NO YES

Describe (include setback distances): _____

- Fish bearing Non fish bearing Seasonal Creek
- Irrigation ditch Wetland Pond/Lake Not identified

(Note: Check buffers. Different zones have different setback requirements that may require a more extensive permitting process.)

Access:

County or ODOT approach permit on file? NO YES, # _____

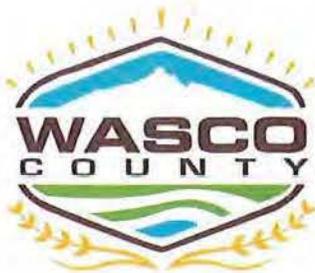
Address:

Address exists and has been verified to be correct? NO YES
Address needs to be assigned after approval? NO YES

Fire District: _____

Fees (List Review Type and Cost): _____

Google Building in the Seaside Area
US Forest Service



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FILE NUMBER: PLASAR-

FEE: _____

NATIONAL SCENIC AREA APPLICATION

Date Received: _____ Planner Initials: _____ Date Complete: _____ Planner Initials: _____

Please describe your proposed development in the National Scenic Area below. Attach additional narrative if necessary.

	LENGTH	WIDTH	HEIGHT	SQ. FT.	MATERIAL, COLOR, NAME & VENDOR (Samples Must Be Submitted)
EXISTING Development					
Dwelling					
Garage					
Other (shed, road etc...)					
PROPOSED Improvements					
Dwelling	50'	40'		1889	
Main/Body					Fiber Cement, Sherwin Williams Hardi lap siding Thunder Gray SW7645
Trim					Fiber cement Sherwin Williams Hardi lap trim Forestwood SW7790
Roof(Fire Resistant)					Owens Corning Roofing
Doors					Asphalt shingles - Grey
Windows (frame, sill & sash)					Fiberglass 6 panel Vinyl thermal pane windows Hardi trim
Window Reflectivity Specs					low Reflectivity Glass
Other Building(s) Shop	40	50	16	2000	
Main/Body					Fiber Cement Hardi lap siding
Trim					Fiber cement Hardi lap siding
Roof(Fire Resistant)					Asphalt shingles Owens Corning Roofing Grey
Doors					Fiberglass
Windows (frame, sill & sash)					Vinyl thermal pane windows Hardi trim
Window Reflectivity Specs					low Reflectivity Glass
Decks					
Fences/Gates					
Driveway					20' concrete at of House Garage
Exterior Lighting & Hooding					Can lights Motion sensor flood on entry lights on garage and back door

ADDITIONAL INFORMATION

Your proposed development will be reviewed according to the following criteria. It is important that your proposed design takes them into consideration. Please consult [*Building in the Scenic Area - Scenic Resources Implementation Handbook*](#) for additional guidance regarding the siting and design of your proposed development.

KEY VIEWING AREAS

Check which Key Viewing Areas can be seen from the development site:

- Interstate 84, including rest stops
- Washington State Route 14
- Historic Columbia River Highway
- Columbia River
- Rowena Plateau and Tom McCall Point
- Washington State Route 142 (Lyle and Klickitat River road)
- Old Washington State Route 14 (County Road 1230)

Is property within ¼ mile of Interstate 84 or Historic Columbia River Highway (30)? NO YES

If YES, indicate setbacks to the paved edge of the Scenic Travel Corridors _____

Is any structure on property 50 years old or older? NO YES, year built: _____

Is proposed development site adjacent to agricultural uses? NO YES, type (grazing, orchards, grain, other): _____

Please describe the operational characteristics of non-residential uses/structures, including hours of operation, number of average daily trips, number of commercial events per year, etc. (attach additional pages if necessary):

MAINTAIN TOPOGRAPHY

- The proposed development has been designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.

COMPATIBILITY

- The proposed development is compatible with the general scale (height, dimensions and overall mass) of existing nearby development.

SKYLINE

- The proposed development does not break the skyline as seen from any Key Viewing Areas.

VISUAL SUBORDINANCE

- The proposed development is sited to achieve visual subordination from Key Viewing Areas by utilizing existing topography and existing vegetation. Please explain (attach additional pages if necessary):
- _____
- _____
- _____

APPLICATION REQUIREMENTS

In addition to the items listed on the Land Use Application and Site Plan forms, the following information must be included with all applications for development in the National Scenic Area.

MATERIAL SAMPLES

All samples of exterior colors and materials have been included with the application.

- If visible from Key Viewing Areas:** Dark earth-tone colors found at the specific site or in the surrounding landscape and either non-reflective or minimally reflective (non-metal with low-reflectivity glass); OR
- If not visible from Key Viewing Areas:** Earth-tone colors found at the specific site.

GRADING PLAN

All applications for structural development, except for trails in the SMA, involving more than 100 cubic yards of grading and with slopes greater than 10 percent shall include a grading plan. All proposed structural development involving more than 200 cubic yards of grading on sites visible from Key Viewing Areas shall include a grading plan.

A grading plan is required

NO YES

If yes, a grading plan meeting the requirements below is included with the application:

- A map of the site, prepared at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with contour intervals of at least 5 feet, including:
 - (1) Natural and finished grades.
 - (2) Location of all areas to be graded, with cut banks and fill slopes delineated.
 - (3) Estimated dimensions of graded areas.
- A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:
 - (1) Its purpose.
 - (2) An estimate of the total volume of material to be moved.
 - (3) The height of all cut banks and fill slopes.
 - (4) Provisions to be used for compactions, drainage, and stabilization of graded areas. (Preparation of this information by a licensed engineer or engineering geologist is recommended.)
 - (5) A description of all plant materials used to revegetate exposed slopes and banks, including the species, number, size, and location of plants, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings.
 - (6) A description of any other interim or permanent erosion control measures to be used.

COMPLETENESS

I have read and understand the following:

If an application is deemed incomplete within 30 days of receipt, a letter shall be sent to the Applicant notifying him of exactly what information is missing. Applicant shall have 30 days from the date the incomplete letter is sent to submit the missing information. If the missing information is not submitted within this time frame, the application shall be deemed complete for the purposes of the review on 31st day after receipt of the application.

Due to the missing information, Wasco County will be unable to adequately review the proposal to determine if it is consistent with all applicable criteria, and landowners within the required notification area, affected agencies and other interested parties will be unable to appropriately comment on the proposal. **As a result, the proposal will be denied.** Pursuant to Wasco County National Scenic Area Land Use & Development Ordinance 2.120(D), Applicant will not be able to submit a similar application for a minimum of one year unless the denial is reversed by a higher authority.

STRUCTURAL

8' or 9' ceiling height (per plan)
 Vaulted ceilings (per plan)
 24" foundation wall
 Engineered wood I – Joist floor system
 Vapor barrier in crawl space
 Tongue and groove sub-floor glued and nailed
 2"x 6" exterior stud walls – Garage (per plan)
 2"x 4" interior stud walls
 Kiln dried framing lumber
 Engineered Truss system
 6/12 Roof pitch for enhanced curb appeal
 Architectural comp roofing

EXTERIOR

Exterior paint, three color scheme
 Siding caulked and painted
 50 year LP® Smart Side (limited warranty)
 LP® Smart Trim all external windows
 House wrap to prevent water intrusion
 Vinyl thermal pane windows
 Vinyl thermal pane sliding glass door (per plan)
 Fiberglass 6 panel front door
 LP® paint grade shake panels at front gables
 Two exterior outlets (per plan)
 Two exterior hose bibs (per plan)
 Schlage brushed nickel exterior door knobs
 and deadbolts

Light fixtures at garage and back door
 Can lights at front entry (per plan)
 Covered front porch/entry (plan specific)
 Front porch, concrete (plan specific)

INTERIOR

Interior painting, walls, ceilings,
 trim and doors
 Recessed lighting in common spaces
 Sheet rocked and fire taped garage
 Rounded drywall corners
 Staggered upper cabinets in kitchen with
 crown molding
 Solid wood doors, face frame and drawer
 faces on cabinets
 Tile entry (plan specific)
 GE® appliances, range, dishwasher and
 micro/hood in white
 Stair skirting on two story homes
 200 AMP electrical service
 Zoned electrical heating
 1 phone and 2 cable outlets
 Insulation meets or exceeds building codes
 Orange peel texture on walls throughout home
 Knock down ceiling texture in common areas
 and bedrooms
 Archways (per plan)
 Plant shelves (plan specific)

2" colonial base and case trim
 Window sills in formal areas
 3 panel hollow core interior doors
 Wood shelving throughout home
 Merillat® Birch cabinets
 Moen® faucets
 50 gallon hot water tank gas or electric
 Ice maker plumbing connection
 Brushed nickel light fixture package
 Wilsonart® laminate counter tops
 6" tile backsplash at all counter surfaces
 Mannington® vinyl flooring at kitchen,
 bath and utility
 Quality Shaw® carpet
 Garbage disposal
 Micro/hood vented to outside

INTANGIBLES

Professional knowledgeable sales staff
 Multiple award winning home plans
 Customization available
 Professional back office administration staff
 Many preferred lender relationships
 Professional construction management
 New Home Orientation Walkthrough
 Exceptional value
 Robust IT systems and internal processes

We invite you to compare these Simplicity Home inclusive features. You will find the industry standard is to charge extra for many of these items. Not with us, just one more of the many Simplicity Advantages.

SIMPLICITY MISSION

With integrity we strive to build value driven, high quality homes. Our team centric professionals are dedicated to providing an unparalleled customer experience.



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FIRE SAFETY STANDARDS SELF CERTIFICATION FORM

This checklist certifies that Applicant/Owner has reviewed, understands, and commits to maintain compliance with Wasco County Fire Safety Standards. The information contained in this form shall be recorded with the Wasco County Clerk.

Fire standards are listed in their entirety, with illustrations, in **Chapter 10** of the Wasco County Land Use & Development Ordinance (WC LUDO) and **Chapter 11** of the Wasco County National Scenic Area Land Use & Development Ordinance (NSA LUDO). Please confirm compliance by marking the appropriate box and providing written comment if necessary. If compliance with applicable standards cannot be certified by Applicant, please contact the Planning Department to request a modification to Fire Safety Standards.

File Number: _____

PROJECT DESCRIPTION: Residential home on a 21 acre lot.

APPLICANT INFORMATION

Name: Adrian Lopez
 Address: 1150 Huskey Rd
 City/State/Zip: Mosier Oregon 97040
 Phone: 541-490-0088
 Email: adrianlopez5@yahoo

OWNER INFORMATION

Name: Adrian Lopez
 Address: 1150 Huskey Rd
 City/State/Zip: Mosier Oregon 97040
 Phone: 541-490-0088
 Email: adrianlopez5@yahoo

PROPERTY INFORMATION

Township/Range/Section/Tax Lot(s)	Acct #	Acres	Zoning
<u>2N 11E 11 2200</u>	<u>327</u>	<u>20.59</u>	<u>(6MA) A-2(80)</u>

Property address (or location): 1139 Huskey Rd, Mosier Oregon 97040

SITING 10.110/11.110 – Please show approximate areas of steep slopes and proposed building locations relative to the slopes on the site plan. Information shall be sufficient to demonstrate the following:

NOTE: Select either B(1) or B(2).

A. You have identified site(s) for your building(s) that are not steeper than 40%.

Yes – Comment _____ No, See Attached Fire Safety Plan

B(1). If your property is located in a Resource (A-1, F-1 or F-2) or Large Lot Residential Zone please show, on the site plan, that you have identified site(s) for your building(s) that are at least 50 feet back from the top of any slopes steeper than 30%;

Yes – Comment No slope over 30% _____ No, See Attached Fire Safety Plan

B(2). If your property is located in a Resource or Large Lot Residential Zone please show you have identified site(s) for your building(s) that are at least 30 feet back from the top of any slopes steeper than 30% on the site plan and certify that you will be implementing the structural techniques for increasing fire resistance discussed in **10.110(B)(2)/11.110(B)(2)** of the ordinance.

Yes – Comment _____ No, See Attached Fire Safety Plan

DEFENSIBLE SPACE 10.120/11.120 – Please show building location(s) including a boundary for the 50 foot fire fuel break boundary on the site plan. Information shall be sufficient to demonstrate the following:

NOTE: Select either A or B.

A. You have identified site(s) for the proposed building(s) that allow for a full 50 foot fire fuel break either on the parcel or by easement over the necessary portion of an adjoining parcel;

Yes – Comment _____ No, See Attached Fire Safety Plan

B. Your property is located in an exception area or smaller lot residential zone and building(s) are located to accommodate a 30 foot fire fuel break where a full 50 foot fire fuel break cannot be provided for.

Yes – Comment _____ No, See Attached Fire Safety Plan

CONSTRUCTION STANDARDS 10.130/11.130 – Please provide the following information about construction details you will implement to increase the fire resistance of your proposed building(s):

A(1). Fire resistant roofing will be installed to the manufacturers' specifications. Please confirm the type of roofing and that the rating of the roof material by Underwriter's Laboratory Classification system is Class A, B, or its equivalent.

Yes – Comment _____

A(2). Please verify that all spark arrestors will be installed to cap all chimneys and stove pipes. (The spark arrestors must meet NFPA standards)

Yes – Comment _____

B(1). Please verify the following for all decks:

Decks will be kept clear of fire wood, flammable building material, dry leaves and needles, and other flammable chemicals.

Yes – Comment _____

Decks less than three feet above ground will be screened with noncombustible corrosion resistant mesh screening material with openings ¼" or less in size.

Yes – Comment _____

When required by standard **10.110(B)(2)/11.110(B)(2)** decks will be built of fire resistant material.

Yes – Comment _____

All flammables will be removed from the area immediately surrounding the structure to be stored 20' from the structure or enclosed in a separate structure during fire season.

Yes – Comment _____

B(2). Please confirm that all openings into and under the exterior of the building including vents and louvers, will be screened with noncombustible corrosion resistant mesh screening material with openings of ¼" or less.

Yes – Comment _____

B(3). Please acknowledge that you will limb up all trees overhanging the building to 8' above the ground, as required by fire fuel break requirements, that vegetation will be trimmed back 10 feet away from any chimney or stove pipe, and that trees overhanging the building will be maintained free of all dead material.

Yes – Comment _____

B(4). Please verify that the utilities will:

Be kept clear along their route if your private utility service lines are not underground

Yes – Comment _____

Have a single point of access to the building if service is not provided underground.

Yes – Comment _____

Include a clearly marked main power disconnect switch at the pole or off grid power source for all electrical service to new buildings and structures. This has been located on the site plan.

Yes – Comment _____

B(5). Please confirm that a stand pipe will be provided 50 feet from the dwelling and any structure served by a plumbed water system. This has been located on the site plan.

Yes – Comment _____

ACCESS 10.140/11.140 – Please confirm that access onto and through your property meets the following standards (Note: please show route, width, and alignment of access drives on the site plan):

A(1). New or improved driveways will be built and maintained to all weather design standards.
(2-3" of ¾ minus over 6-8" of pitrun base rock OR capable of supporting 75,000 lbs GVW)

Yes – Comment _____ No, See Attached Fire Safety Plan

A(2). Minimum widths – 12' to 16', depending on number and severity of curves – will be maintained.

Yes – Comment _____ No, See Attached Fire Safety Plan

B(1). Corners will meet the minimum curve radius (20' or 48') required for large vehicles.

Yes – Comment _____ No, See Attached Fire Safety Plan

B(2). Average grade or slope will be 10% or less. Short sections, 100' or less, may reach 12%.

Yes – Comment _____ No, See Attached Fire Safety Plan

B(3). Turnouts 40' long by 20' wide will be provided at least every 400'.

Yes – Comment _____ No, See Attached Fire Safety Plan

C(1). Minimum clearance of 13' vertical and 14' horizontal will be maintained for emergency vehicles.

Yes – Comment _____ No, See Attached Fire Safety Plan

C(2). Fire fuel break extending 10' both sides of driveway center line will be maintained.

Yes – Comment _____ No, See Attached Fire Safety Plan

D. Driveways longer than 150' will end with a 95' diameter turnaround (or 120' hammerhead).

Yes – Comment _____ No, See Attached Fire Safety Plan

E. Bridges and culverts will support 75,000 lbs gross vehicle weight.

Yes – Comment _____ No, See Attached Fire Safety Plan

F. Gates will provide minimum clearance width of 14' and will be operable by emergency responders in accordance with access standards.

Yes – Comment _____

G. Legible signs will be installed to identify parking limitations, fire lanes, on site water source, electrical service shut off, and any necessary posted weight limits. Signs will be maintained in accordance with requirements.

Yes – Comment _____

H. Roads leading to the property will allow emergency response at a reasonable rate of speed with little risk of damage to equipment or roads themselves;

Yes – Comment _____ No, See Attached Fire Safety Plan

OR..... The following improvements to public and private roads have been determined to be necessary:

All necessary improvements will be made and maintained to ensure basic access to the property.

Yes – Comment _____ No, See Attached Fire Safety Plan

ON-SITE WATER 10.150/11.150 – On site water requirements will be met in the following way:

NOTE: Select either A or B. Previous requirements to install NFPA sprinkler systems have been found to conflict with State Building Codes.

A. The proposed dwelling is 3,500 SF or smaller and will be located within a fire protection district.

Yes – Comment _____ No, See Attached Fire Safety Plan

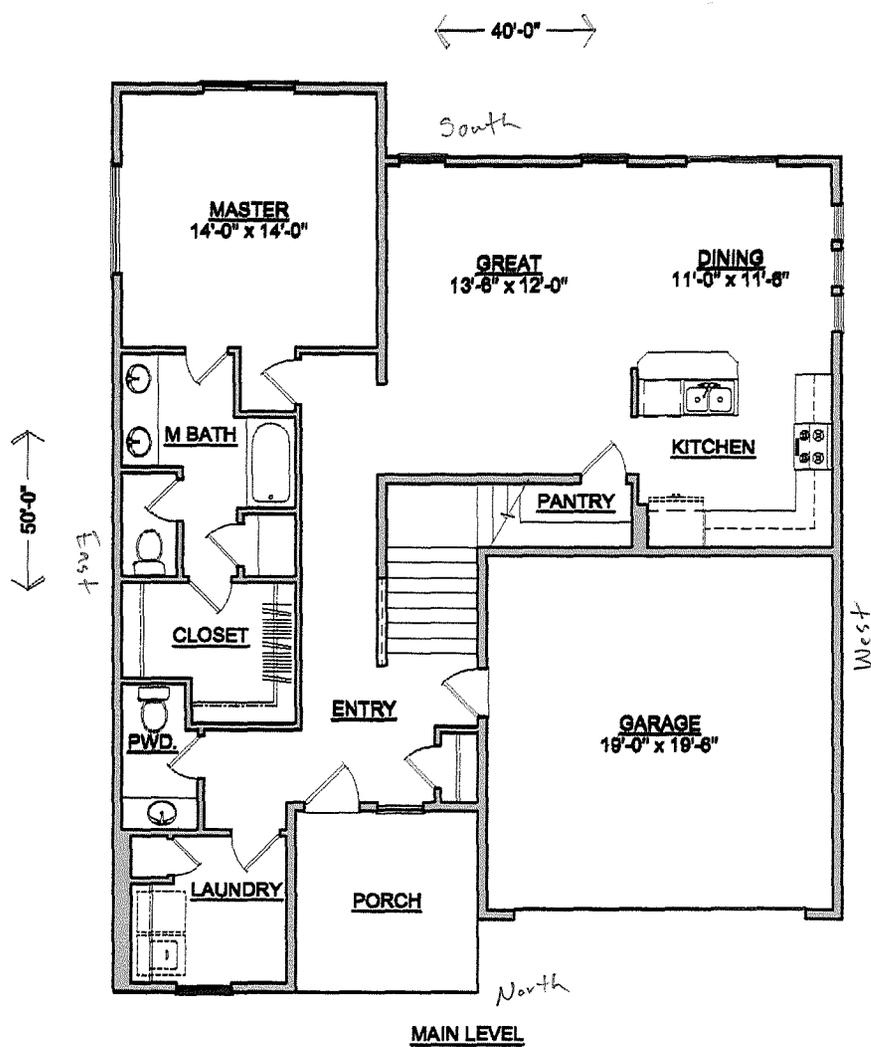
B. The proposed dwelling is 3,500 SF or smaller, will be located outside a fire protection district, and will provide at least 4,000 gallons of water on site for fire protection.

Yes – Comment _____ No, See Attached Fire Safety Plan

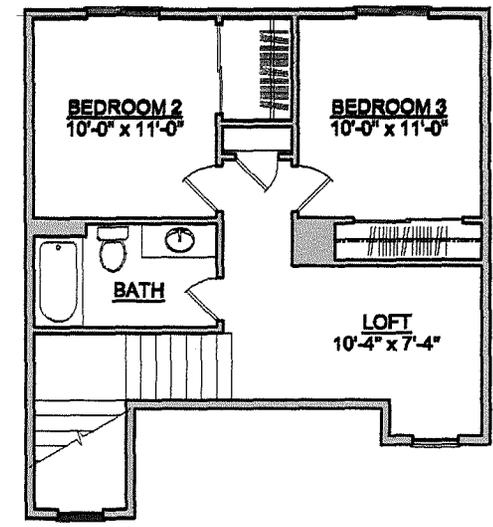
I/we acknowledge receipt of the full **WC LUDO Chapter 10/NSA LUDO Chapter 11 – Fire Safety Standards** text and illustrations applicable to the land use or building permit request at the time of application. I/we have reviewed and certify that the standards have been reviewed and understood. I/we further certify that all responses to the above questions and improvement designs and locations shown on the site plan are true and accurate, and that all planned future compliance will be achieved within one year and maintained in perpetuity.

X  _____ 12-31-19
Owner Signature Date

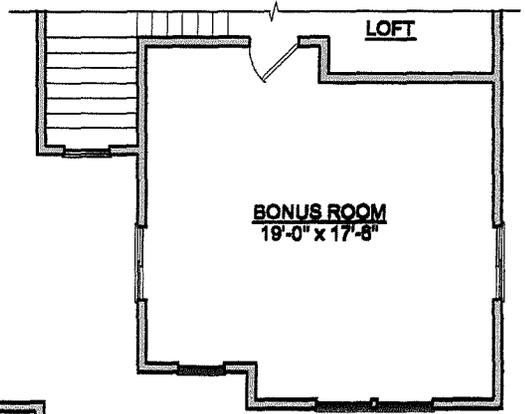
X  _____ 12-31-19
Owner Signature Date



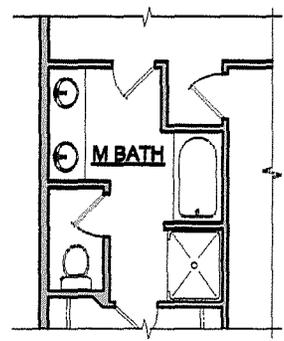
MAIN LEVEL



UPPER LEVEL

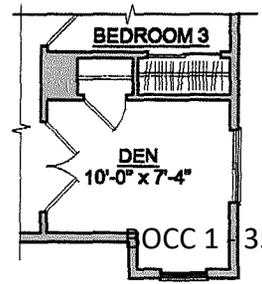
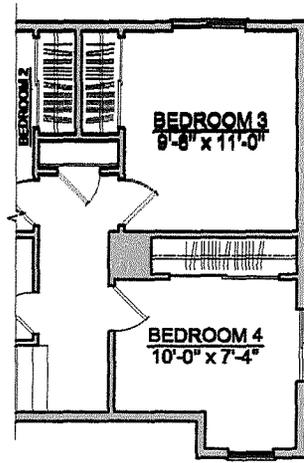


OPTIONAL BONUS ROOM



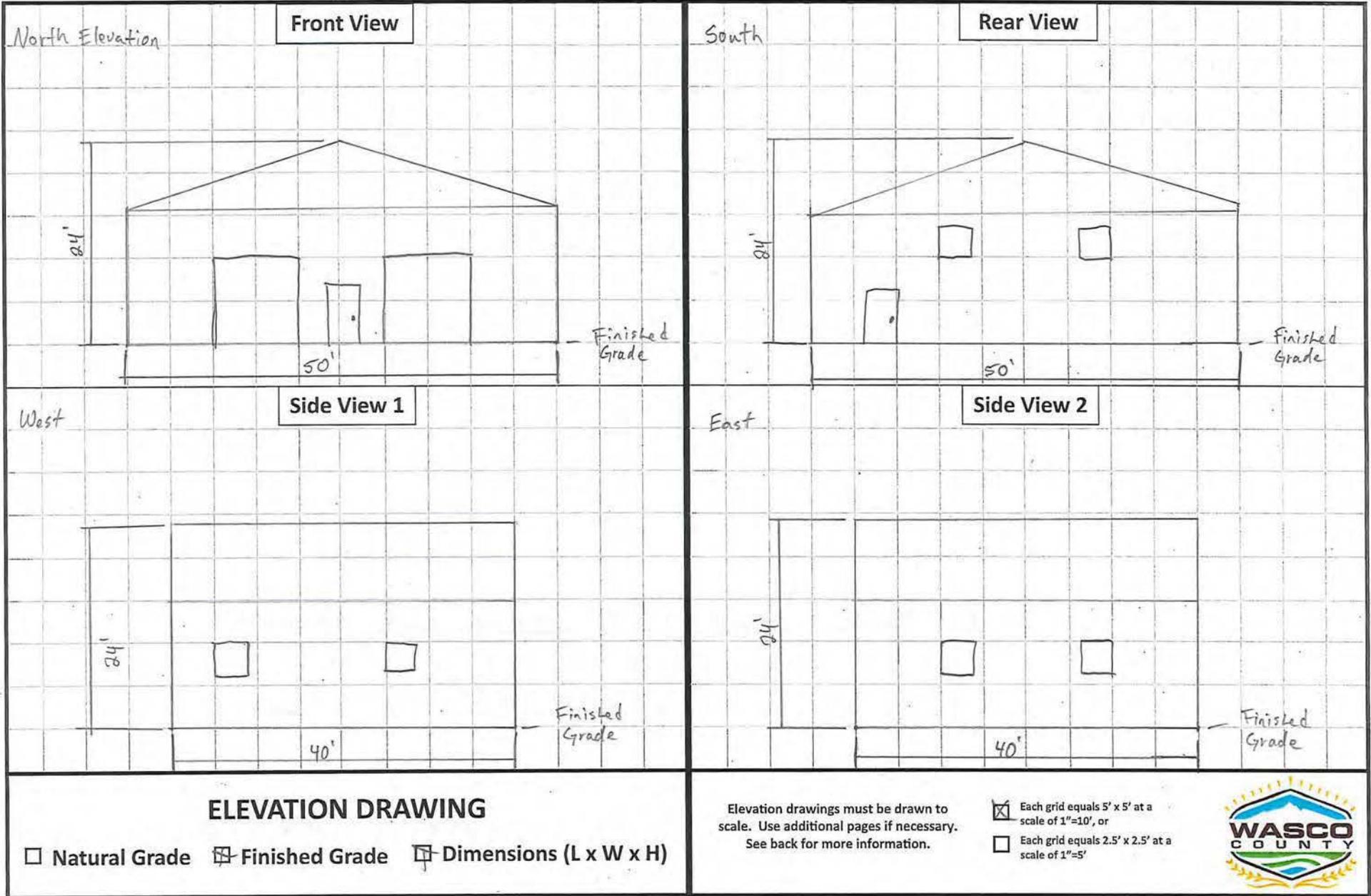
OPTIONAL MASTER BATH

Parkland



OPTIONAL DEN

Shop

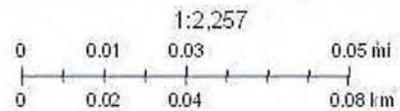


ArcGIS Web Map



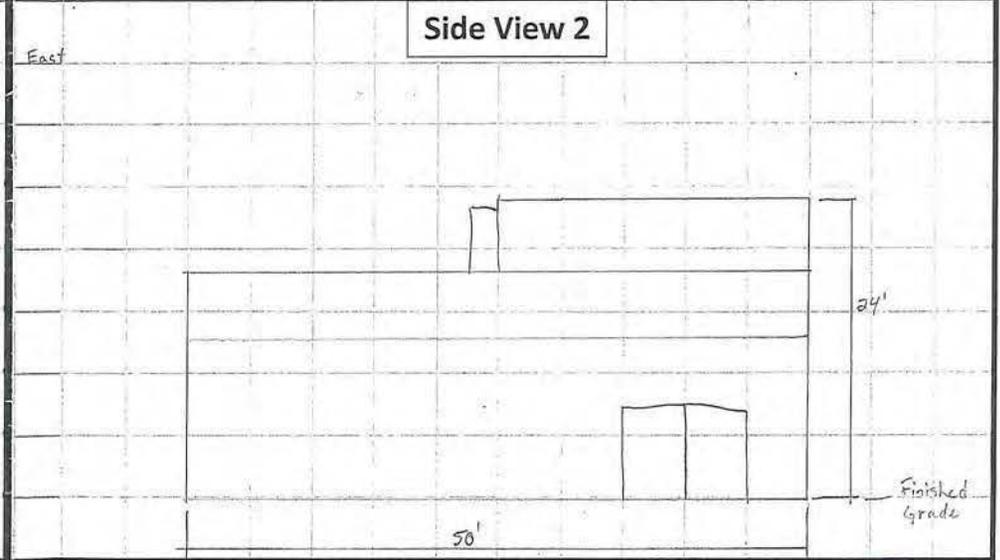
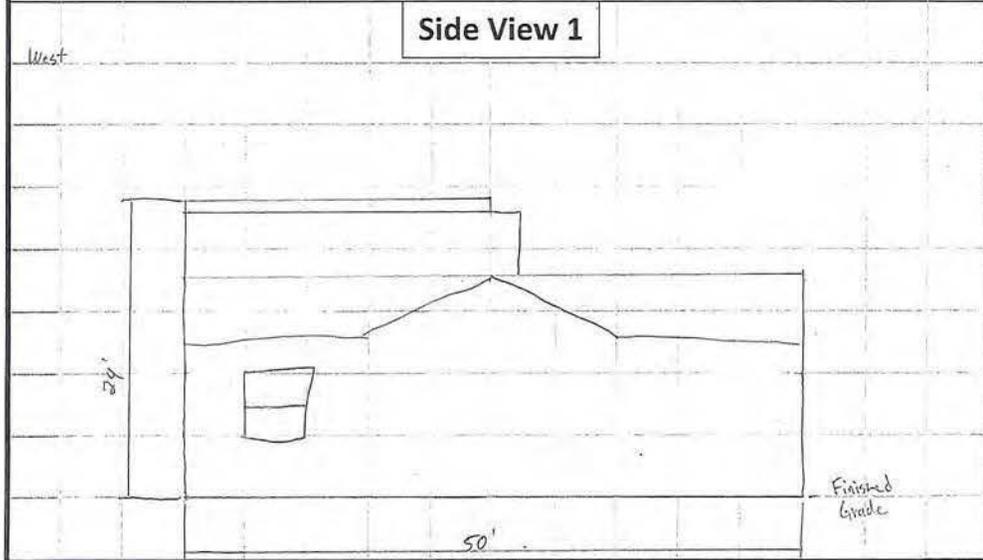
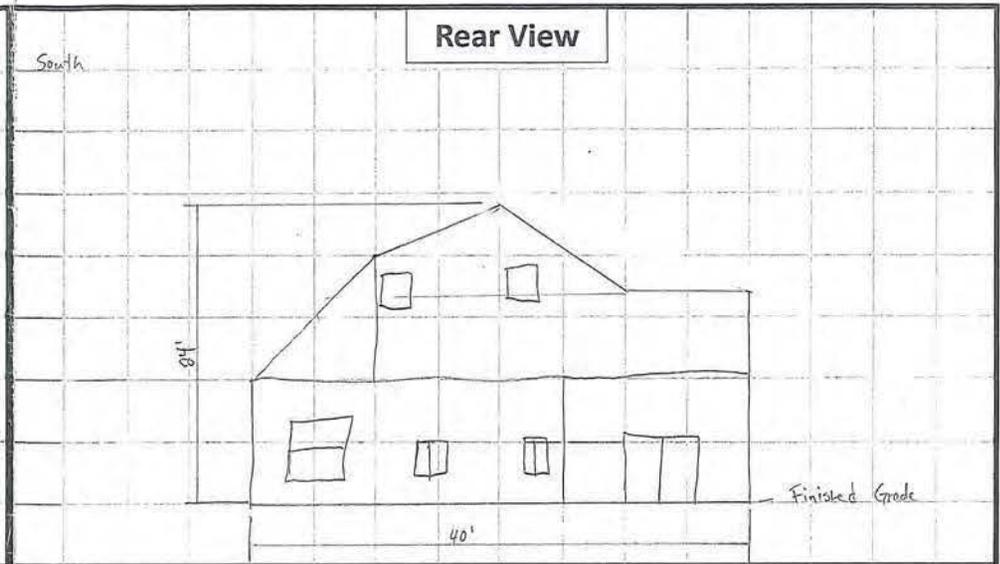
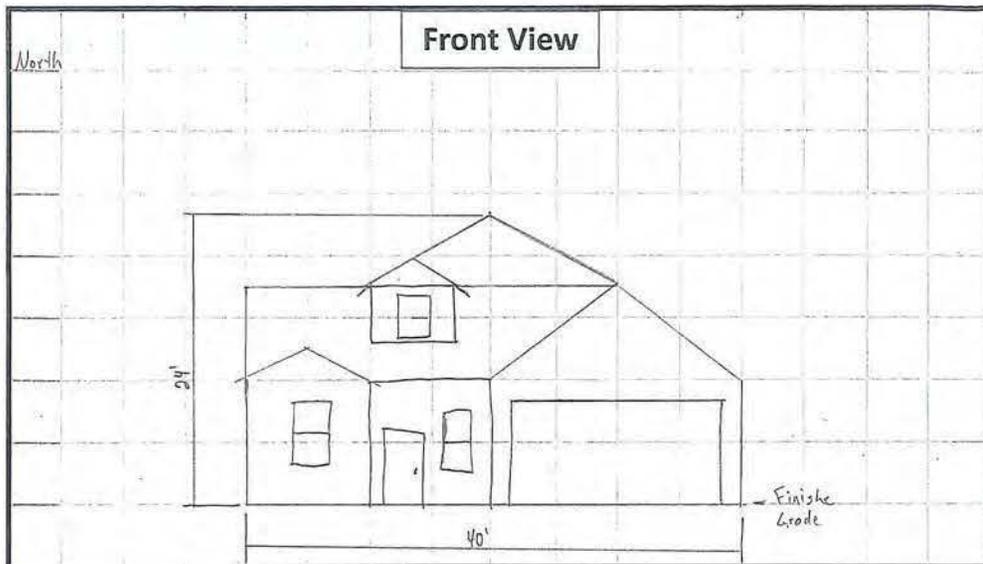
10/31/2019, 12:25:30 PM

- | | | |
|--------------|--------------------|---------------------|
| Taxlots | City | Legal Status |
| Railroad | Public Access | UNKNOWN |
| Roads | Private | YES |
| State | Road Labels | POTENTIAL |
| County | | PENDING |



NRCS, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Wasco County GIS, Lane County, Assessor, Wasco County GIS

Wasco County Planning
This Map is for Informational Purposes Only.



ELEVATION DRAWING

Proposed Home

- Natural Grade
- Finished Grade
- Dimensions (L x W x H)

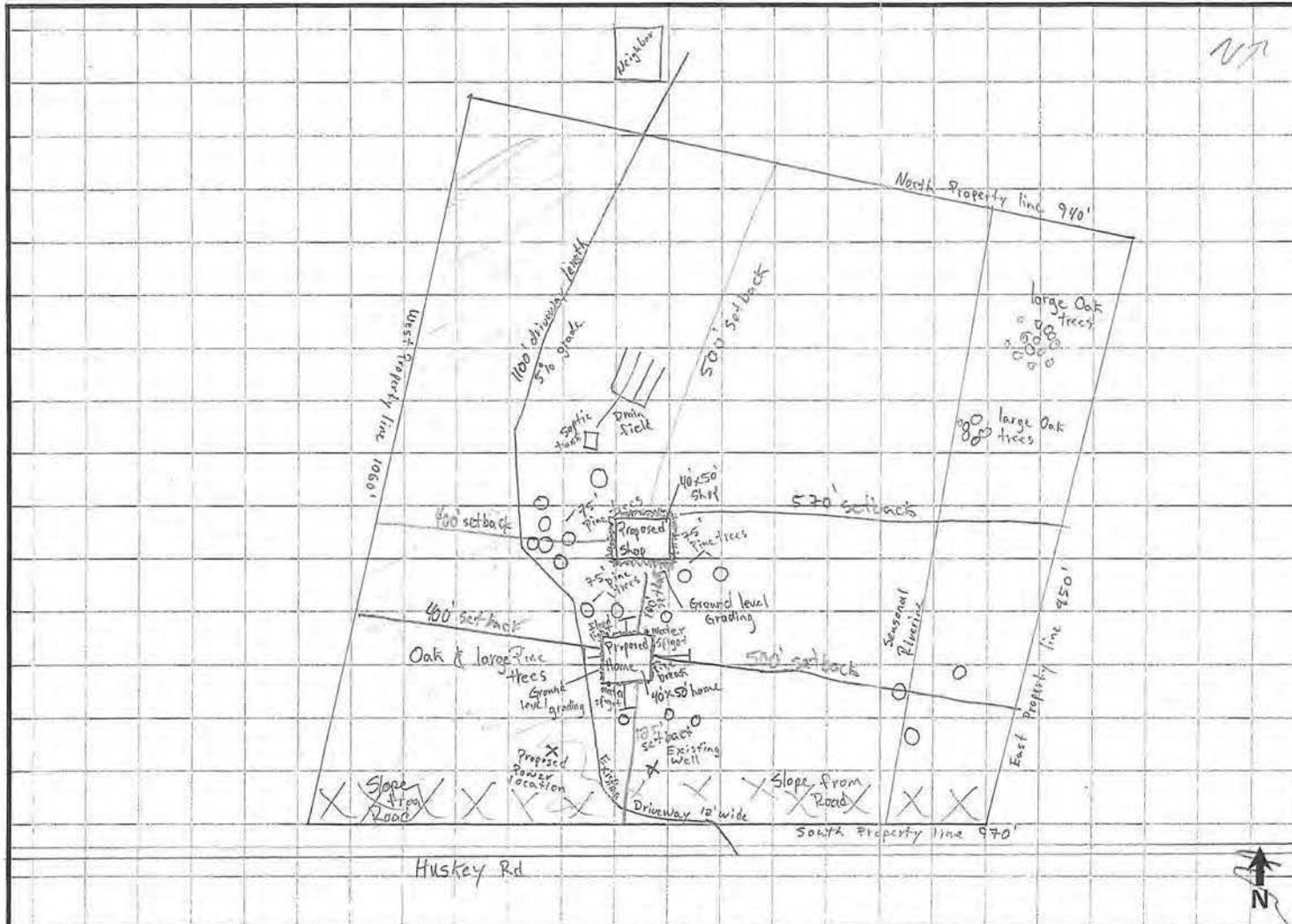
Board of County Commissioners Agenda Packet

January 19, 2022

Elevation drawings must be drawn to scale. Use additional pages if necessary. See back for more information.

- Each grid equals 5' x 5' at a scale of 1"=10', or
- Each grid equals 2.5' x 2.5' at a scale of 1"=5'





X SITE PLAN CHECKLIST

SITE PLANS MUST SHOW THE FOLLOWING:

- Property boundary & development area dimensions
- Setback distances from proposed structures to all:
 - Property lines
 - Roadways
 - Waterways
- Existing structures (location & size)
- Proposed structures (location & size)
- Septic tanks and drain fields
- Existing & proposed services including wells, electricity, etc.
- Driveway & access to public/private roads
- Significant land forms & slopes

Fire Safety Information

- Indicate driveway width, length, and grade. Long drives should provided turnouts every 400'.
- Location of a standpipe (water spigot) at least 50' from each building that includes plumbing.
- Indicate 50' fire break surrounding new buildings.

X NATIONAL SCENIC AREA APPLICATIONS MUST ALSO SHOW THE FOLLOWING:

- Location & depth of proposed grading, filling, ditching and excavating
- Outside lighting fixtures
- All proposed signs
- Location & height of outdoor storage & screening devices

Landscaping Plan

- Location, height and species of existing & proposed individual trees & vegetation. Indicate if any are proposed to be removed.
- Location of irrigation systems



SITE PLAN MAP

Map, Tax Lot #: 2N 11E 11 2200

Applicant: Adrian Lopez

File #: _____

SCALE: (select one)

1:50

1:100

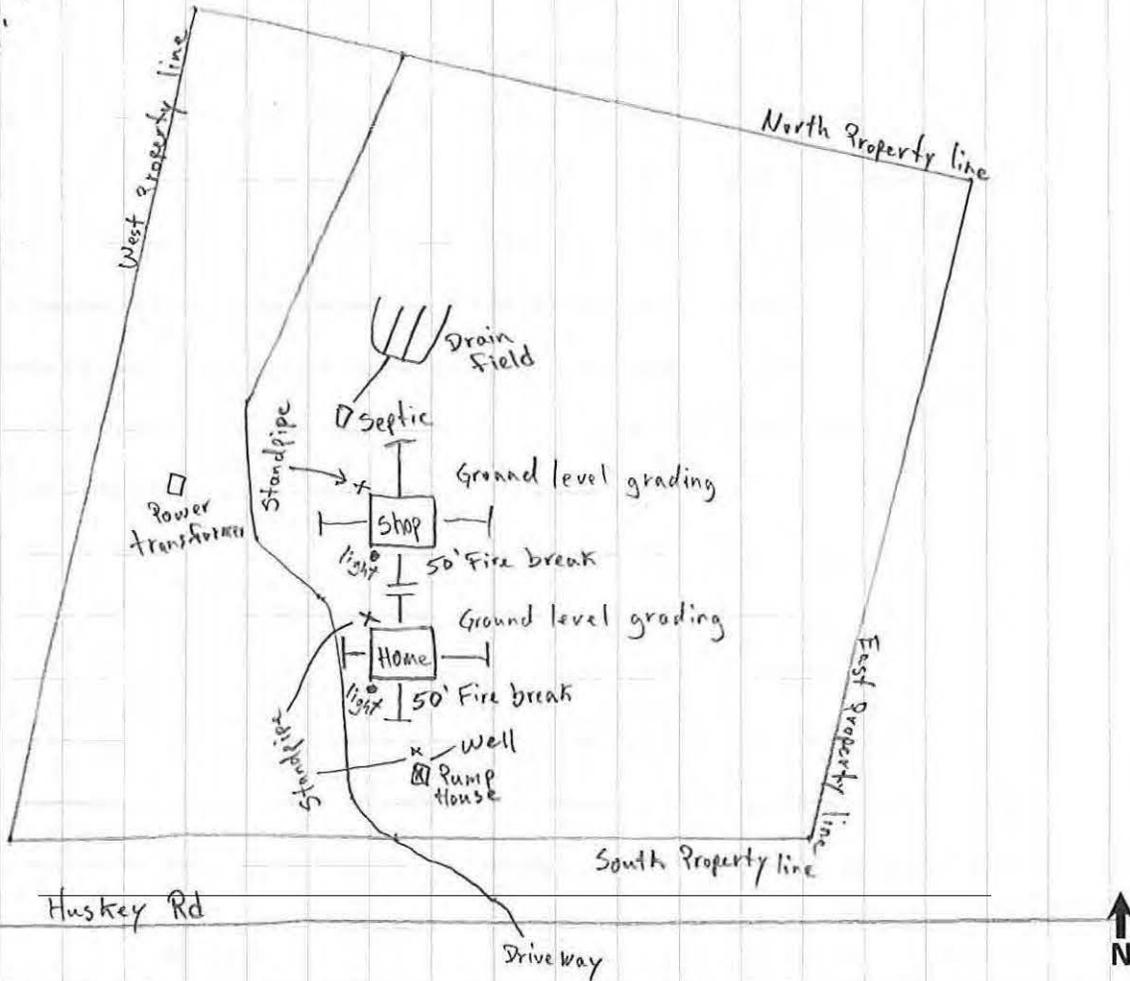
1:200

DISCLAIMER: The Planning Department may require additional site plan elements depending on development specifics.

Property line setbacks

Home 40'x50'
 North - 700'
 South - 300'
 East - 400'
 West - 550'
 Huskey Rd - 350'

Shop 30'x50'
 North - 500'
 South - 500'
 East - 400'
 West - 550'
 Huskey Rd - 550'



SITE PLAN CHECKLIST

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SITE PLAN MAP

Map, Tax Lot #: _____
 Applicant: Adrian Lopez
 File #: _____



SCALE: (select one)

- 1:50
- 1:100
- 1:200

DISCLAIMER: The Planning Department may require additional site plan elements depending on development specifics.

SITE PLAN CHECKLIST

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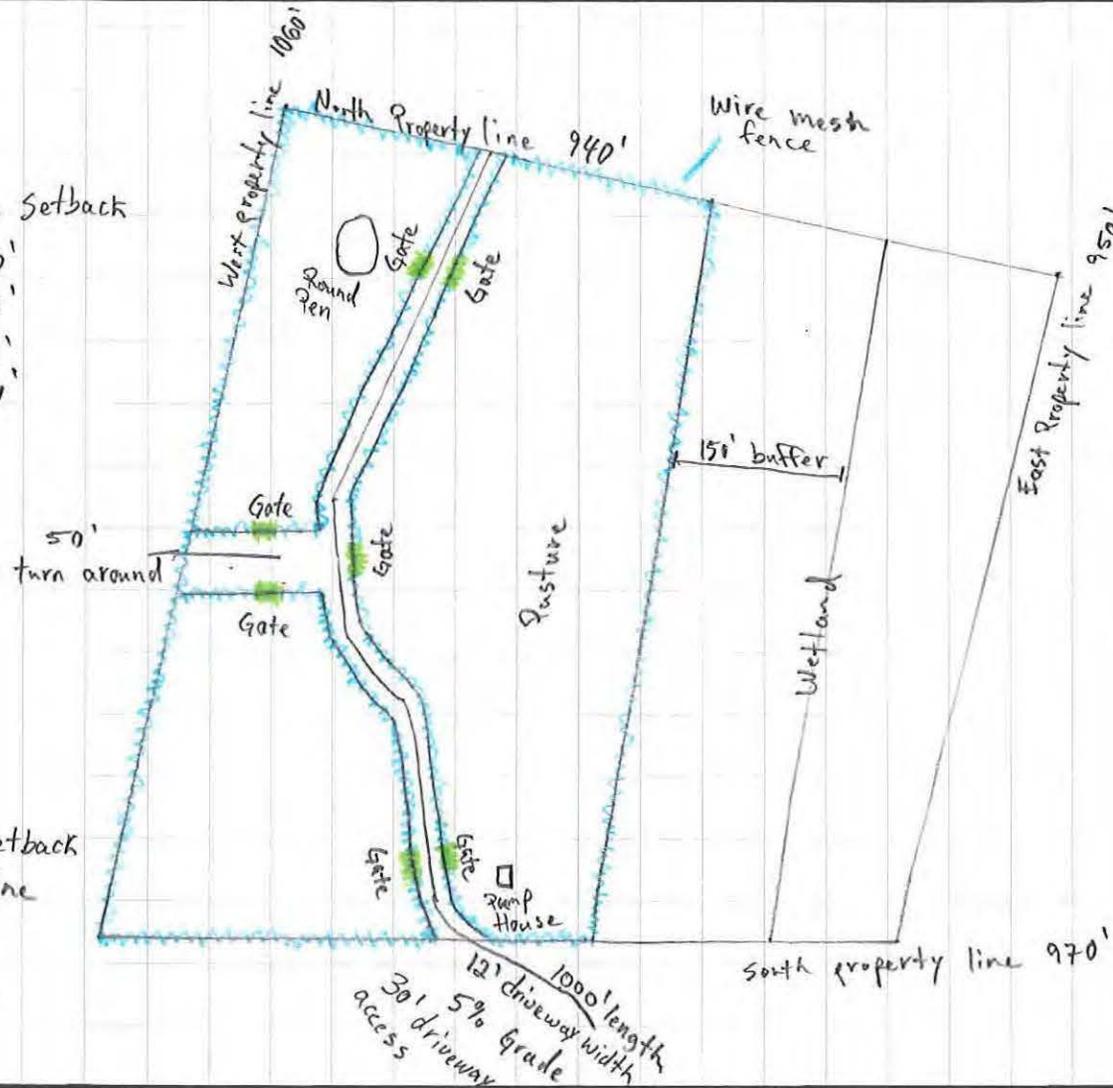
NATIONAL SCENIC AREA APPLICATIONS MUST ALSO SHOW THE FOLLOWING:

- Location & depth of proposed grading, filling, ditching and excavating
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Landscaping Plan

- Location, height and species of existing & proposed individual trees & vegetation. Indicate if any are proposed to be removed.
- Location of irrigation systems

DISCLAIMER: The Planning Department may require additional site plan elements depending on development specifics.



Round Pen Setback

North - 100'
 South - 150'
 East - 100'
 West - 650'

Pump House setback from Property line

North - 600'
 South - 150'
 East - 475'
 West - 475'

SITE PLAN MAP

Map, Tax Lot #: _____
 Applicant: Adrian Lopez
 File #: _____

SCALE: (select one)

1:50

1:100

1:200



Trees

● Oak trees

● Pine/Fir trees
most are over
50' tall

All trees will
remain for
screening



SITE PLAN CHECKLIST

SITE PLANS MUST SHOW THE FOLLOWING:

- Property boundary & development area dimensions
- Setback distances from proposed structures to all:
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 - Roadways
 - Waterways
- Existing structures (location & size)
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- Location of irrigation systems

DISCLAIMER: The Planning Department may require additional site plan elements depending on development specifics.

SITE PLAN MAP

Map, Tax Lot #: _____

Applicant: Adrian Lopez

File #: _____

SCALE: (select one)

1:50

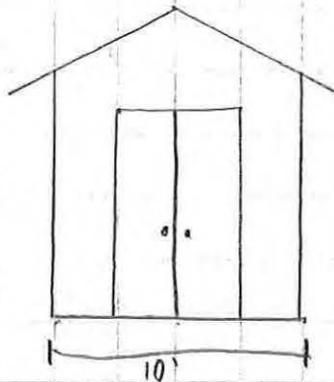
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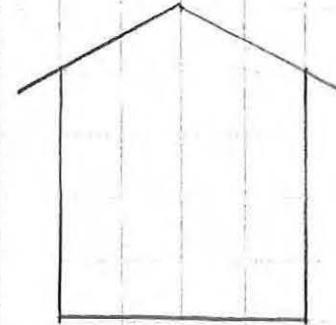


Pump House

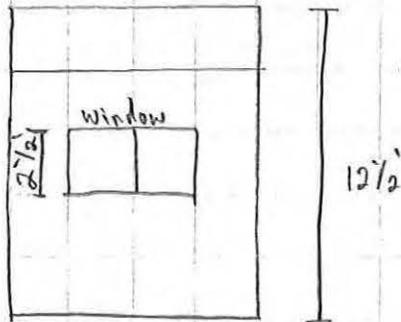
Front View



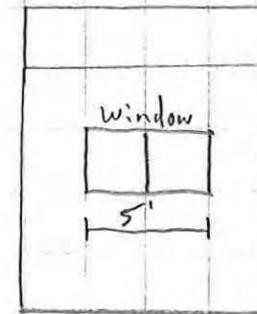
Rear View



Side View 1



Side View 2



ELEVATION DRAWING

Natural Grade Finished Grade Dimensions (L x W x H)

Elevation drawings must be drawn to scale. Use additional pages if necessary. See back for more information.

- Each grid equals 5' x 5' at a scale of 1"=10', or
- Each grid equals 2.5' x 2.5' at a scale of 1"=5'

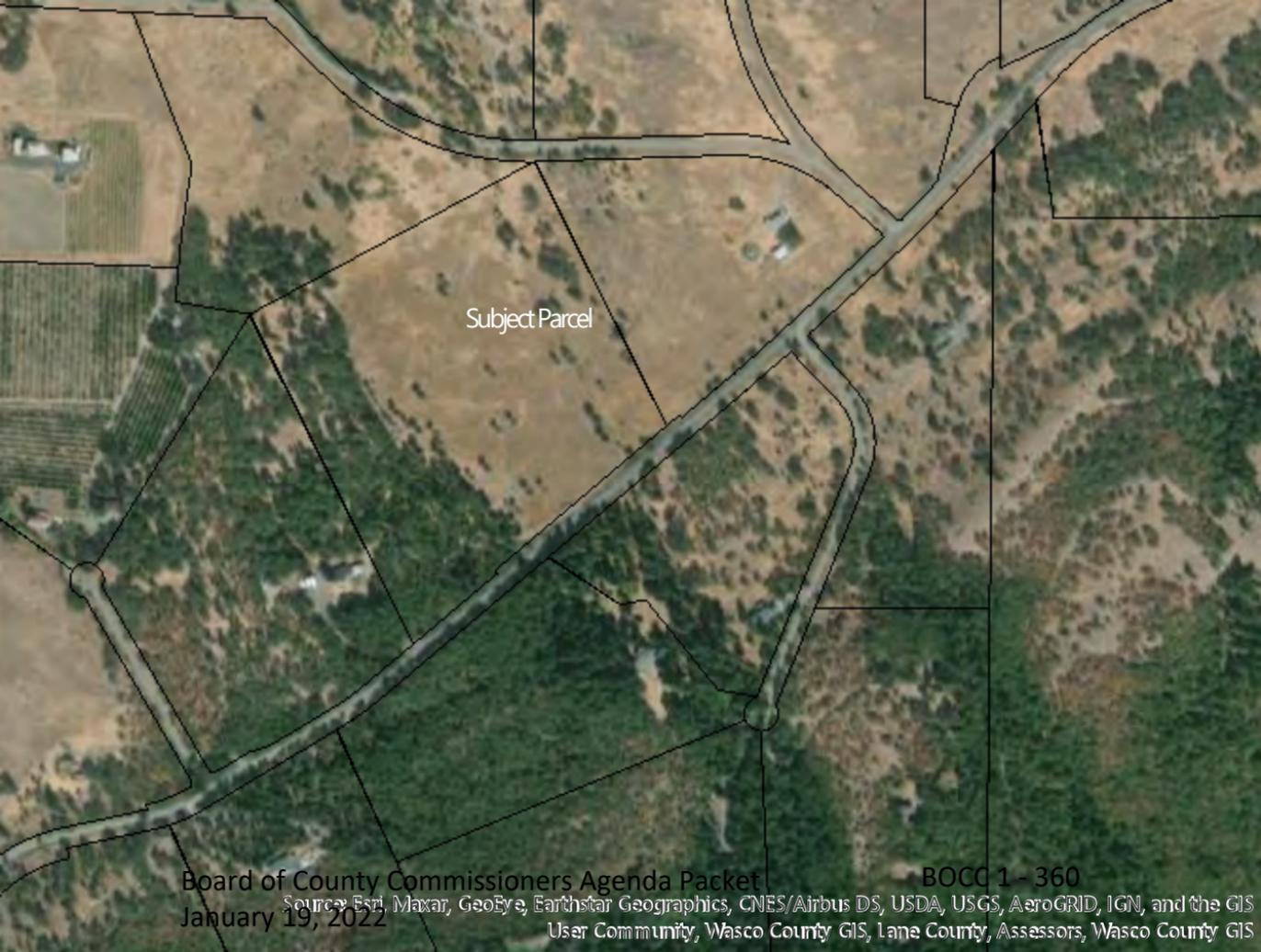


Same color and material as Home

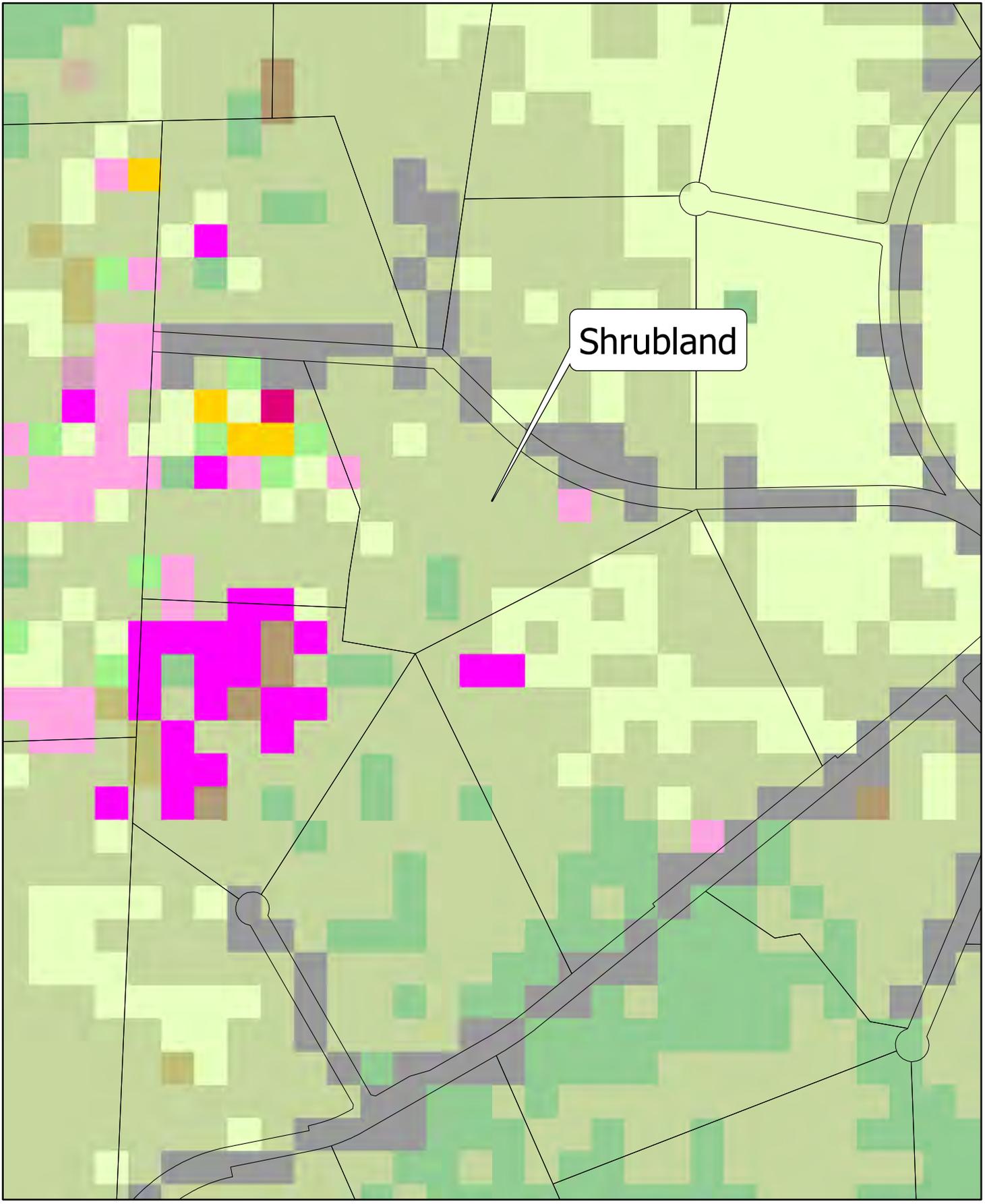
Farm Management Plan

The proposed farm will be breeding meat goats for profit and will be ran by myself. I plan on starting my own heard so that will take years to develop and breed a full heard of around 12 females and one stud, maybe around 4 years or so. Beginning with a few females and a male, I will breed and keep the offspring with the traits I want. The remanding animals will be sold at an auction or to a private party once a year. Goats are well known to eat most plants including poison oak, there is a good possibility they will also be rented to people once the full heard is established.

On the property there is a 50' round pen that will be used to load the animals into the trailer to be moved/sold. The pen made of 12 corral panels hooked together and is not permanent. It has been painted a non reflective dark green that has been approved. A proposed 30'x50' shop will be used to store a tractor, implements, animal feed, and supplies. The proposed fencing indicated on the site plan is split into pens that I will use to move the heard to graze when necessary. The stud is separated from the females when they are not in heat so it is required to have him in a different area. In Oregon the general guidelines for goats to acres ratio is 3-5 head to acre, depending on bred.



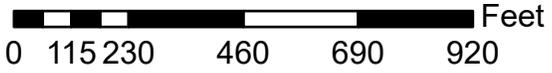
Subject Parcel



Shrubland

2N 11E 11 1600

Taxlots



This product is for informational purposes and has not been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



Kelly Howsley - Glover <kellyg@co.wasco.or.us>

Goat farm, dwelling, agricultural structures and fencing in the NSA

THOMPSON Jeremy L * ODFW <Jeremy.L.THOMPSON@odfw.oregon.gov>

Thu, Sep 9, 2021 at 9:36 AM

To: Kelly Howsley - Glover <kellyg@co.wasco.or.us>

Cc: Jeremy Thompson <jeremy.l.thompson@state.or.us>, MEYERS Andrew R * ODFW <Andrew.R.MEYERS@odfw.oregon.gov>

Kelly,

ODFW still does not have a concern regarding this proposal. We support the fencing of sensitive areas, such as a wetland area. While strand wire fencing is more hospitable to deer movement, in this scenario woven wire will not have an impact on the deer or elk, as there are no known migratory corridors within the area, and the proposed development is in an area already impacted by human presence, especially considering that within 1500 meters to the west is a large block of commercial orchards, and 1500 meters to the north lies the city of Mosier.

Impacts to the oak habitat were addressed through limiting the removal of trees on this property. The understory component within the area proposed for development is already impacted due to the previous land uses and adjacent human development.

Let me know if you need any further clarification.

Jeremy Thompson

District Wildlife Biologist

Mid-Columbia District, ODFW

3701 W. 13th. St.

The Dalles, OR 97058

541-967-6794 office

541-980-8524 cell

541-298-4993 fax



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AGENDA ITEM

District Meetings

[4H & EXTENSION SERVICE DISTRICT BOARD PACKET](#)

[LIBRARY SERVICE DISTRICT BOARD PACKET](#)



AGENDA ITEM

2021 Audit

[AUDIT LETTER](#)

[AUDIT REPORT](#)



PAULY, ROGERS AND Co., P.C.
12700 SW 72nd Ave. ♦ Tigard, OR 97223
(503) 620-2632 ♦ (503) 684-7523 FAX
www.paulyrogersandcocpas.com

January 25, 2022

To the Board of Commissioners
Wasco County

We have audited the basic financial statements of the governmental activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of Wasco County for the year ended June 30, 2021. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, as well as certain information related to the planned scope and timing of our audit. Professional standards also require that we communicate to you the following information related to our audit.

Purpose of the Audit

Our audit was conducted using sampling, inquiries and analytical work to opine on the fair presentation of the basic financial statements and compliance with:

- generally accepted accounting principles and auditing standards
- the Oregon Municipal Audit Law and the related administrative rules
- federal, state and other agency rules and regulations related to expenditures of federal awards

Our Responsibility under U.S. Generally Accepted Auditing Standards and the Uniform Guidance

As stated in our engagement letter, our responsibility, as described by professional standards, is to express opinions about whether the basic financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit of the basic financial statements does not relieve you or management of your responsibilities.

In planning and performing our audit, we considered internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinions on the financial statements and not to provide assurance on the internal control over financial reporting. We also considered internal control over compliance with requirements that could have a direct and material effect on a major federal program in order to determine our auditing procedures for the purpose of expressing our opinion on compliance and to test and report on internal control over compliance in accordance with the Uniform Guidance.

As part of obtaining reasonable assurance about whether the basic financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grants, noncompliance with which could have a direct and material effect on the determination of the basic financial statement amounts. However, providing an opinion on compliance with those provisions is not an objective of our audit. Also in accordance with the Uniform Guidance, we examined, on a test basis, evidence about compliance with the types of compliance requirements described in the OMB's Compliance Supplement applicable to each of the major federal programs for the purpose of expressing an opinion on compliance with those requirements. While our audit provided a reasonable basis for our opinion, it does not provide a legal determination on compliance with those requirements.

Our responsibility for the supplementary information accompanying the basic financial statements, as described by professional standards, is to evaluate the presentation of the supplementary information in relation to the basic financial statements as a whole and to report on whether the supplementary information is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Planned Scope and Timing of the Audit

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the basic financial statements; therefore, our audit involved judgment about the number of transactions examined and the areas to be tested.

Our audit included obtaining an understanding of the County and its environment, including internal control, sufficient to assess the risks of material misstatement of the basic financial statements and to design the nature, timing, and extent of further audit procedures. Material misstatements may result from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the County or to acts by management or employees acting on behalf of the County. We also communicated any internal control related matters that are required to be communicated under professional standards.

Results of Audit

1. Audit opinion letter - an unmodified opinion on the basic financial statements has been issued. This means we have given a “clean” opinion with no reservations.
2. State minimum standards – We found no exceptions or issues requiring comment.
3. Management letter – No separate management letter was issued.
4. Federal Awards - We found no issues of non-compliance and no questioned costs. We have responsibility to review these programs and give our opinion on the schedule of expenditures of federal awards, the internal control system, compliance with laws and regulations, and general and specific requirements mandated by the various grants.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used are described in Note 1 to the basic financial statements. No new accounting policies were adopted and the application of existing policies was not changed during 2021. We noted no transactions entered into during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the basic financial statements in the proper period.

Accounting estimates are an integral part of the basic financial statements prepared by management and are based on management’s knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the basic financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate(s) affecting the basic financial statements were Management’s estimate of OPEB and Pension related liabilities, Accounts Receivable collectability and Capital Asset Depreciation. We evaluated the key factors and assumptions used to develop these estimates in determining that they are reasonable in relation to the basic financial statements taken as a whole.

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Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The disclosures in the basic financial statements are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no difficulties in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements or determined that their effects are immaterial. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, taken as a whole. There were immaterial uncorrected misstatements noted during the audit which were discussed with management.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the basic financial statements or the auditors' report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the basic financial statements or a determination of the type of auditors' opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards with management each year prior to our retention as the auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Required Supplementary Information

We applied certain limited procedures to the required supplementary information that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the required supplementary information and do not express an opinion or provide any assurance on it.

Supplementary Information

With respect to the supplementary information accompanying the basic financial statements, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the basic financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the basic financial statements or to the basic financial statements themselves.

Other Information

With respect to the other information accompanying the basic financial statements, we read the information to identify if any material inconsistencies or misstatement of facts existed with the audited basic financial statements. Our results noted no material inconsistencies or misstatement of facts.

Other Matters – Future Accounting and Auditing Issues

In order to keep you aware of new auditing standards issued by the American Institute of Certified Public Accountants and accounting statements issued by the Governmental Accounting Standards Board (GASB), we have prepared the following summary of the more significant upcoming issues:

GASB 87 – LEASES

This Statement is effective for fiscal years beginning after December 15, 2020. The primary objective of this Statement is to better meet the information needs of financial statement users by improving accounting and financial reporting for leases by governments. This Statement increases the usefulness of governments' financial statements by requiring recognition of certain lease assets and liabilities for leases that previously were classified as operating leases and recognized as inflows of resources or outflows of resources based on the payment provisions of the contract. It establishes a single model for lease accounting based on the foundational principle that leases are financings of the right to use an underlying asset. Under this Statement, a lessee is required to recognize a lease liability and an intangible right-to-use lease asset, and a lessor is required to recognize a lease receivable and a deferred inflow of resources, thereby enhancing the relevance and consistency of information about governments' leasing activities.

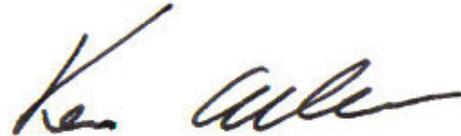
GASB 89 – ACCOUNTING FOR INTEREST COST INCURRED BEFORE THE END OF A CONSTRUCTION PERIOD

This Statement is effective for fiscal years beginning after December 15, 2020. The objectives of this Statement are to enhance the relevance and comparability of information about capital assets and the cost of borrowing for a reporting period and to simplify accounting for interest cost incurred before the end of a construction period. This Statement establishes accounting requirements for interest cost incurred before the end of a construction period. Such interest cost includes all interest that previously was accounted for in accordance with the requirements of paragraphs 5-22 of Statement No. 62, Codification of Accounting and Financial Reporting Guidance Contained in Pre-November 30, 2009 FASB and AICPA Pronouncements, which are superseded by this Statement. This Statement requires that interest cost incurred before the end of a construction period be recognized as an expense in the period in which the cost is incurred for financial statements prepared using the economic resources measurement focus. As a result, interest cost incurred before the end of a construction period will not be included in the historical cost of a capital asset reported in a business-type activity or enterprise fund. This Statement also reiterates that in financial statements prepared using the current financial resources measurement focus, interest cost incurred before the end of a

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construction period should be recognized as an expenditure on a basis consistent with governmental fund accounting principles.

This information is intended solely for the use of the Board of Commissioners and management and is not intended to be and should not be used by anyone other than these specified parties.

A handwritten signature in black ink, appearing to read "Kenny Allen". The signature is fluid and cursive, with a large initial "K" and a long, sweeping underline.

Kenny Allen, CPA
PAULY, ROGERS AND CO., P.C.

WASCO COUNTY, OREGON

FINANCIAL REPORT

FOR THE YEAR ENDED JUNE 30, 2021



12700 SW 72nd Ave.
Tigard, OR 97223

Wasco County, Oregon
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For the Year Ended June 30, 2021

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Wasco County, Oregon
Elected Officials and Agent of Record
For the year ended June 30, 2021

WASCO COUNTY BOARD OF COMMISSIONERS

Commissioner	Scott Hege The Dalles, Oregon 97058
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Commissioner	Kathy Schwartz The Dalles, Oregon 97058
--------------	--

Commissioner	Steve Kramer Dufur, Oregon 97058
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OTHER ELECTED OFFICIALS:

Treasurer	Elijah Preston The Dalles, Oregon 97058
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Clerk	Lisa Gambie The Dalles, Oregon 97058
-------	---

Sheriff	Lane Magill The Dalles, Oregon 97058
---------	---

District Attorney	Matthew Ellis The Dalles, Oregon 97058
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Assessor	Jill Amery The Dalles, Oregon 97058
----------	--

OTHER:

Insurance Agent of Record	Breanna Wimber The Stratton Agency 318 W 2 nd St The Dalles, Oregon 97058
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PAULY, ROGERS AND CO., P.C.
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www.paulyrogersandcocpas.com

January 25, 2022

To the Board of Commissioners
Wasco County

INDEPENDENT AUDITORS' REPORT

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of Wasco County as of and for the year ended June 30, 2021, and the related notes to the financial statements, which collectively comprise the basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement. The financial statements of the Wasco County Library Service District and the Wasco County 4H and Extension Service District (component units) were not audited in accordance with Government Auditing Standards.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of Wasco County, as of June 30, 2021, and the respective changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and the required supplementary information, as listed in the table of contents, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

The budgetary comparison schedules presented as Required Supplementary Information, as listed in the table of contents, have been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and in our opinion are fairly stated in all material respects in relation to the basic financial statements taken as a whole.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the basic financial statements. The supplementary and other information, as listed in the table of contents is presented for purposes of additional analysis and is not a required part of the basic financial statements. The schedule of expenditures of federal expenditures is presented for purposes of additional analysis as required by Title 2 U.S. Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and is not a required part of the basic financial statements.

The supplementary information, as listed in the table of contents and the schedule of expenditures of federal expenditures are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the supplementary information, as listed in the table of contents and the schedule of federal expenditures, is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

The listing of board members containing their term expiration dates, located before the table of contents, and the other information, as listed in the table of contents, have not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on them.

Reports on Other Legal and Regulatory Requirements

In accordance with *Government Auditing Standards*, we have also issued our report dated January 25, 2022 on our consideration of the internal control over financial reporting and on our tests of compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering internal control over financial reporting and compliance.

In accordance with Minimum Standards for Audits of Oregon Municipal Corporations, we have issued our report dated January 25, 2022, on our consideration of compliance with certain provisions of laws and regulations, including the provisions of Oregon Revised Statutes as specified in Oregon Administrative Rules. The purpose of that report is to describe the scope of our testing of compliance and the results of that testing and not to provide an opinion on compliance.

A handwritten signature in black ink, appearing to read "Ken Allen". The signature is fluid and cursive, with a large initial "K" and "A".

Kenneth Allen, CPA
PAULY, ROGERS AND CO., P.C.

Wasco County, Oregon
MANAGEMENT'S DISCUSSION AND ANALYSIS
For the Year Ended June 30, 2021

This discussion and analysis is intended to be an easily readable analysis of Wasco County's financial activities based on currently known facts, decisions or conditions. This analysis focuses on current year activities and should be read in conjunction with the financial statements in the audit.

REPORT LAYOUT

This discussion and analysis is intended to serve an introduction to Wasco County's basic financial statements. The County's basic financial statements are comprised of three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the basic financial statements. This report also contains other supplementary information in addition to the basic financial statements themselves. The first several statements are highly condensed and present a government-wide view of the County's finances including the Statement of Net Position and the Statement of Activities.

Government-Wide Financial Statements

Statement of Net Position: The focus of the Statement of Net Position is to present the difference between Assets, Liabilities and Deferred Inflows/Outflows divided into three components: net investment in capital assets, restricted and unrestricted. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the County is improving or deteriorating.

Statement of Activities: The focus of the Statement of Activities is to present the major program costs and match major resources with each. To the extent a program's cost is not recovered by grants and direct charges, it is paid from general taxes and other resources. This Statement summarizes and simplifies the user's analysis to determine the extent to which programs are self-supporting and/or subsidized by general revenues.

The government wide financial statements include two service districts as discretely presented component units. Requests for copies of the separately issued financial statements for the service districts should be addressed to Wasco County, 511 Washington Street, Room 207, The Dalles, Oregon 97058.

Fund Financial Statements

Following the government-wide statements is a section containing fund financial statements. The County's major funds are presented in their own column and the remaining funds are combined into a column titled "Non-Major Governmental Funds". For each major fund, a Budgetary Comparison Statement is presented. Readers who wish to obtain information on non-major funds can find it in the Combining Schedules of Non-Major Funds and/or the Supplemental Information-Budgetary Comparison Schedules sections of this report.

Notes to the Financial Statements

The notes provide additional information that is essential to a full understanding of the financial data provided in the government-wide and fund financial statements.

Finally, completing the document is a series of other financial and statistical schedules, and the reports by the independent certified public accountants, as required by statute.

The MD&A is intended to explain the significant changes in financial position and differences in operations between the current and prior years.

COUNTY AS A WHOLE

GOVERNMENT-WIDE FINANCIAL STATEMENTS

This section discusses and analyzes significant difference between fiscal year 2021 and fiscal year 2020. A condensed version of the Primary Government Statement of Net Position at June 30, 2021 and 2020 follows:

TABLE 1
NET POSITION AS OF YEAR END

	June 30, 2021	June 30, 2020
ASSETS		
Cash and Investments	43,314,532	38,005,099
Other Assets	6,743,563	7,594,263
Capital Assets	17,429,973	17,475,746
TOTAL ASSETS	<u>67,488,068</u>	<u>63,075,108</u>
DEFERRED OUTFLOW OF RESOURCES		
Related to Pensions & OPEB	11,098,478	8,409,089
TOTAL DEFERRED OUTFLOW OF RESOURCES	<u>11,098,478</u>	<u>8,409,089</u>
LIABILITIES		
Other Liabilities	1,114,529	1,203,704
Long Term Liabilities	897,369	915,581
Net Pension Liabilities	12,056,898	12,470,271
TOTAL LIABILITIES	<u>14,068,796</u>	<u>14,589,556</u>
DEFERRED INFLOW OF RESOURCES		
Related to Pensions & OPEB	2,354,972	911,777
TOTAL DEFERRED INFLOW OF RESOURCES	<u>2,354,972</u>	<u>911,777</u>
NET POSITION		
Investing in Capital Assets Net of Related Debt	17,429,973	17,475,746
Restricted	10,666,113	10,885,434
Unrestricted	34,066,692	27,621,684
TOTAL NET POSITION	<u>62,162,778</u>	<u>55,982,864</u>

Governmental Activities

As noted earlier, net position may serve over time as a useful indicator of the County's financial position. The County's assets exceeded liabilities by \$62,162,778 at the close of fiscal year 2021.

A large portion of the County's net position reflects investment in capital assets (land, buildings, improvements, machinery and equipment, bridges and infrastructure), net of accumulated depreciation and the debt used to acquire the assets. Fixed Assets account for just under 26% of the total Net Assets of the County.

The total net position increased by \$6,179,914 or 11.0%.

- Cash and investments increased \$5,309,433 due to the ARPA funds awarded in June (\$2.55 million).
- Depreciable assets decreased \$45,773 due to depreciation being greater than additional capital costs.

TABLE 2
NET POSITION AS OF YEAR END

	June 30, 2021	June 30, 2020
Program revenues		
Charges for Services	11,030,436	11,984,268
Operating Grants and Contributions	8,390,232	3,266,076
Capital Grants and Contributions	-	358,054
General Revenues		
Taxes for General Purposed	10,296,406	10,018,908
Other Taxes	718,144	887,975
Interest	377,595	861,632
Miscellaneous	1,496,189	1,407,451
Transfers from Other Government	-	4,434,136
Gain (Loss) on Joint Venture	248,357	237,284
Gain (Loss) on Sale of Capital Assets	-	-
Total Program and General Revenues	<u>32,557,359</u>	<u>33,455,784</u>
Expense		
General Government	16,089,030	5,488,957
Public Safety	4,621,024	4,589,325
Highway and Streets	4,492,524	4,118,556
Health and Welfare	886,310	831,317
Culture and Recreation	288,557	334,010
Total Expense	<u>26,377,445</u>	<u>15,362,165</u>
Chang in Net Assets	6,179,914	18,093,619
Net Position, Beginning	55,982,864	37,889,245
Net Position, Ending	<u>\$ 62,162,778</u>	<u>\$ 55,982,864</u>

Governmental Activities

The ending net position is an increase of \$6,179,914 or 11.0%.

- Charges for Services decreased \$953,832 pr 8.0%.
 - ⊖ Overall revenues are down due to COVID closures
- COVID grant revenue caused Operating Grants and Contributions to grow by \$5,124,156 or 156.9%
- In FY20, \$4,434,136 was transferred into Wasco County for the funding of the Building Codes department – there is not a similar transfer in FY21.

BUDGETARY HIGHLIGHTS

The General Fund revenue exceeded the revised budget amount by \$2,198,056. This was primarily due to Intergovernmental revenue \$1,534,065 more than budgeted. \$1,869,176 was received for Corona Virus Relief funds not included in the budget.

The General Fund Departments controlled costs and managed to come in under budget by 14.3% (\$2,023,125). Expense budgets were executed to 86.6% total – all departments in the General Fund remained under budget to contribute to this result. Personnel costs in the General Fund contributed \$876,515 to this savings across all departments while Materials & Services added an additional \$375,430 in savings. The remainder of the savings - \$771,180 – is due to not incurring budgeted capital costs

primarily in Facilities projects not initiated.

General Fund revenues exceeded the budget projections by \$2,198,056 or 14%. \$1,534,065 of this is in the Intergovernmental and tied to COVID grants to assist with the recovery and response to the pandemic. Licenses, fees & permits exceeded the budgeted plan by \$507,222; \$210,879 due to the solid waste hose fee. The only area to be significantly under budget is the Investment earning as \$148,061 under budget – this is a 65.7% decrease.

The Public Works fund saw revenues down \$349,263 below budget due to lowered Intergovernmental funds (\$231,438 under budget) and decreased Charges for Services (\$76,919 under budget). This is due to the pandemic response. Additionally, investments earnings have decreased significantly by \$22,516

CAPITAL ASSETS AND DEBT ADMINISTRATION

As of June 30, 2021 the County had invested over \$34.0 million in capital assets, after depreciation the net value of the assets is \$17.4 million.

Table 3
CAPITAL ASSETS SUMMARY

	Beginning Balance	Additions	Deletions	Ending Balance
Land	\$ 1,370,320	\$ -	\$ -	\$ 1,370,320
<i>Depreciable Assets</i>				
Buildings	15,752,400	-	-	15,752,400
Furniture & Equipment	10,764,360	826,667	(165,978)	11,425,049
Infrastructure	5,433,139	-	-	5,433,139
	31,949,899	826,667	(165,978)	32,610,588
<i>Accumulated Depreciation</i>				
Buildings	4,529,670	271,701		4,801,371
Furniture & Equipment	8,645,061	215,731		8,860,792
Infrastructure	2,669,742	219,030		2,888,772
	15,844,473	706,462	-	16,550,935
Depreciable Assets - Net	16,105,426	120,205	(165,978)	16,059,653
Net Fixed Assets	\$ 17,475,746	\$ 120,205	\$ (165,978)	\$ 17,429,973

The net value of the fixed assets remained flat – actually decreasing \$45,773 or 0.3%

DEBT OUTSTANDING

At the close of the fiscal year, the only long term liabilities (debt) for the County consisted of Compensated Absences, OPEB obligation and the Net Pension Liability.

Table 3
CAPITAL ASSETS SUMMARY

	Beginning Balance	Additions	Deletions	Ending Balance	Due in One Year
Compensated Absences	\$ 155,423	\$ 145,112	\$(155,423)	\$ 145,112	\$ 145,112
OPEB Obligation	760,158	-	(7,901)	752,257	
Net Pension Liability	12,470,271	-	(413,373)	12,056,898	
Long Term Liabilities	<u>\$ 13,385,852</u>	<u>\$ 145,112</u>	<u>\$(576,697)</u>	<u>\$ 12,954,267</u>	<u>\$ 145,112</u>

ECONOMIC FACTORS

Wasco County's permanent rate is \$4.2523 per thousand. This absolute limitation on tax revenues and the County's dependence on property taxes do not allow it to keep pace with increased demands for services. Counties are highly susceptible to economic pressures given the large reliance on property taxes to fund County services. This creates a certain amount of financial uncertainty for Counties as we move through economic cycles. Budgeting in this type of an environment where such a large percent of a county's budget can be impacted by market conditions creates challenges for forecasting budgets into the future. Property taxes represent approximately 48.2% of total General Fund revenues. The County does monitor all of its resources and determines the need for program adjustments or fee increases accordingly.

The impact of COVID on the economics is still being felt. The county has been able to implement remote work for many staff members combined with being open to residents. The safety protocols put in place do put restrictions on the normal functioning of business. However, most departments have not been fiscally impacted directly. The exceptions being the Fair, RV Park and Museum as all three had been closed in FY20 but managed to reopen in FY21.

2021 – 2022 YEAR BUDGET

The budget for fiscal year 2022 has been compiled. The major guideline is to maintain the current service levels. Any additional service must be supported by a sustainable revenue source. Budgets also considered the impact of COVID where reasonably determinable.

FINANCIAL CONTACT

The County's financial statements are designed to be presented to users (citizens, taxpayers, customers, investors and creditors) with a general overview of the County's finances and to demonstrate the County's accountability. If you have questions about the report or need additional financial information, please contact the County's Finance Director at 511 Washington Street, Room 207, The Dalles Oregon 90758.

Wasco County, Oregon
Statement of Net Position
June 30, 2021
(all amounts are in dollars)

	Primary Governmental Activities	Component Units
Assets		
Cash and investments	\$ 43,314,532	\$ 2,584,126
Receivables, net of allowances for uncollectibles		
Property taxes	502,243	100,113
Other	2,829,196	-
Inventory	498,133	-
Prepays	317,956	-
Investment in joint venture	2,596,035	-
Capital assets:		
Non-depreciable capital assets	1,370,320	-
Depreciable capital assets, net of depreciation	16,059,653	-
Total assets	67,488,068	2,684,239
Deferred Outflows of Resources		
Deferred outflow of resources - pension	10,887,402	-
Deferred outflow of resources - OPEB	211,076	-
Total deferred outflows of resources	11,098,478	-
Liabilities		
Accounts payable	534,946	-
Accrued liabilities	579,583	-
Non-current liabilities		
Compensated absences	145,112	-
OPEB obligation	752,257	-
Net pension liability	12,056,898	-
Total liabilities	14,068,796	-
Deferred Inflows of Resources		
Deferred inflow of resources - pension	2,252,133	-
Deferred inflow of resources - OPEB	102,839	-
Total deferred inflows of resources	2,354,972	-
Net Position		
Net investment in capital assets	17,429,973	-
Restricted for:		
General government	41,813	-
Public safety	1,998,751	-
Highways and streets	7,981,891	-
Health and welfare	-	-
Culture and recreation	643,658	-
Unrestricted	34,066,692	2,684,239
Total net position	\$ 62,162,778	\$ 2,684,239

Wasco County, Oregon
Statement of Activities
For the year ended June 30, 2021
(all amounts are in dollars)

Functions/Programs	Program Revenues				Net (Expense) Revenue and Changes in Net Position	
	Expenses	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Total Governmental Activities	Component Units
Primary Government						
General government	\$ 16,089,030	\$ 3,713,091	\$ 8,390,232	\$ -	\$ (3,985,707)	\$ -
Public Safety	4,621,024	3,243,175	-	-	(1,377,849)	-
Highways and streets	4,492,524	3,810,777	-	-	(681,747)	-
Health and welfare	886,310	-	-	-	(886,310)	-
Culture and recreation	288,557	263,393	-	-	(25,164)	-
Total primary government	26,377,445	11,030,436	8,390,232	-	(6,956,777)	-
Component Unit						
Component units	\$ 2,101,434	\$ -	\$ -	\$ -		\$ (2,101,434)
General Revenues:						
Property taxes					10,296,406	2,172,503
Other taxes					718,144	-
Interest and investment earnings					377,595	21,103
Miscellaneous					1,496,189	121,055
Transfer from other government					-	-
Gain (loss) on joint venture					248,357	-
Total general revenues					13,136,691	2,314,661
Change in net position					6,179,914	213,227
Net position - beginning					55,982,864	2,471,012
Net position - ending					\$ 62,162,778	\$ 2,684,239

Wasco County, Oregon
Balance Sheet - Governmental Funds

June 30, 2021

(all amounts are in dollars)

	General	Public Works	Total Non-Major Governmental Funds	Total Governmental Funds
Assets				
Cash and investments	21,964,505	7,900,573	13,449,454	43,314,532
Receivables:				
Taxes	502,243	-	-	502,243
Other	2,295,593	280,098	253,505	2,829,196
Prepays	317,956	-	-	317,956
Inventories	-	498,133	-	498,133
Total assets	<u>25,080,297</u>	<u>8,678,804</u>	<u>13,702,959</u>	<u>47,462,060</u>
Liabilities				
Accounts payable	148,121	86,493	300,332	534,946
Accrued liabilities	369,517	112,287	97,779	579,583
Total Liabilities	<u>517,638</u>	<u>198,780</u>	<u>398,111</u>	<u>1,114,529</u>
Deferred inflows of resources:				
Unavailable revenue	2,421,502	-	-	2,421,502
Total deferred inflows of resources	<u>2,421,502</u>	<u>-</u>	<u>-</u>	<u>2,421,502</u>
Fund Balances				
Nonspendable	317,956	498,133	-	816,089
Restricted	-	7,981,891	4,351,257	12,333,148
Committed	9,308,192	-	5,097,599	14,405,791
Assigned	-	-	3,855,992	3,855,992
Unassigned	12,515,009	-	-	12,515,009
Total fund balances	<u>22,141,157</u>	<u>8,480,024</u>	<u>13,304,848</u>	<u>43,926,029</u>
Total liabilities, deferred inflows of resources and fund balances	<u>25,080,297</u>	<u>8,678,804</u>	<u>13,702,959</u>	<u>47,462,060</u>

Wasco County, Oregon
Reconciliation of the Balance Sheet of Governmental Funds
to the Statement of Net Position
June 30, 2021
(all amounts are in dollars)

Total fund balances - governmental funds	\$	43,926,029
<p>Amounts reported for governmental activities in the statement of net position are different because:</p>		
<p>Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the funds:</p>		
Capital assets	\$ 33,980,908	
Accumulated depreciation	<u>(16,550,935)</u>	17,429,973
<p>Investments in joint ventures are not financial resources and, therefore are not reported in the funds</p>		
		2,596,035
<p>Certain non-current assets and deferred outflows of resources recorded in the Statement of Net Position expended in the governmental funds:</p>		
Deferred outflows of resources - pension	10,887,402	
Deferred outflows of resources - OPEB	<u>211,076</u>	11,098,478
<p>Long-term liabilities are not due and payable in the current period and, therefore, are not reported in the funds:</p>		
Net pension liability	(12,056,898)	
Other post employment benefits payable	(752,257)	
Compensated absences payable	<u>(145,112)</u>	(12,954,267)
<p>Deferred inflows of resources on the Statement of Net Position represent amounts that were not available to fund current expenditures, and therefore are not reported in the governmental funds. However unavailable revenue in the governmental funds is considered available in the Statement of Activities:</p>		
Deferred inflows of resources - pension	(2,252,133)	
Deferred inflows of resources - OPEB	(102,839)	
Unavailable revenue	<u>2,421,502</u>	<u>66,530</u>
Total net position - governmental activities	\$	<u><u>62,162,778</u></u>

Wasco County, Oregon
Statement of Revenues, Expenditures and Changes in Fund Balance
Governmental Funds
For the year ended June 30, 2021
(all amounts are in dollars)

	General	Public Works	Total Non-Major Governmental Funds	Total Governmental Funds
Revenues				
Property taxes	\$ 10,296,406	-	\$ -	\$ 10,296,406
Licenses, fees and permits	2,409,702	17,974.00	1,225,931	3,653,607
Intergovernmental	6,769,032	3,362,347.00	2,744,842	12,876,221
Federal revenues	-	-	-	-
Charges for services	126,858	377,081.00	528,810	1,032,749
Fines and restitution	39,028	-	32,382	71,410
Investment earnings	220,680	59,422.00	97,493	377,595
Rents	203,134	-	-	203,134
Internal services	-	-	-	-
Grants and donations	-	-	2,301,691	2,301,691
Miscellaneous	1,270,990	18,136.00	201,630	1,490,756
Pass-through payments	5,435	-	-	5,435
Total revenues	21,341,265	3,834,960.00	7,132,779	32,309,004
Expenditures				
Current:				
Assessor	691,680	-	-	691,680
Clerk	354,501	-	9,305	363,806
Sheriff	2,289,275	-	2,837,162	5,126,437
Employee and administrative services	2,745,632	-	-	2,745,632
Administration	8,456,899	-	3,519,471	11,976,370
District attorney	627,553	-	36,727	664,280
Planning	750,772	-	362,189	1,112,961
Public works	48,551	4,400,304.00	22,018	4,470,873
Youth services	845,401	-	-	845,401
Total expenditures	16,810,264	4,400,304.00	6,786,872	27,997,440
Excess (deficiency) of revenues over (under) expenditures	4,531,001	(565,344.00)	345,907	4,311,564
Other Financing Sources (Uses)				
Transfer from other government	-	-	-	-
Transfers from other funds	2,873,333	-	244,645	3,117,978
Transfers to other funds	(2,639,645)	-	(478,333)	(3,117,978)
Gain/loss on the sale of fixed assets	30,577	-	-	30,577
Total other financing sources (uses)	264,265	-	(233,688)	30,577
Net change in fund balances	4,795,266	(565,344.00)	112,219	4,342,141
Fund balances - beginning	17,345,891	9,045,368.00	13,192,629	39,583,888
Fund balances - ending	\$ 22,141,157	8,480,024.00	\$ 13,304,848	\$ 43,926,029

Wasco County, Oregon
Reconciliation of the Statement of Revenues, Expenditures, and Changes
in Fund Balances of Governmental Funds to the Statement of Activities
For the year ended June 30, 2021
(all amounts are in dollars)

Net change in fund balances - governmental funds	\$	4,342,141
<p>Amounts reported for governmental activities in the statement of activities are different because:</p>		
<p>Governmental funds report capital outlays as expenditures. However, in the statement of activities, the cost of these assets is allocated over their estimated useful lives and reported as depreciation expense. This amount is the difference between capital outlays and depreciation in the current period.</p>		
Capital asset expenditures	\$	826,667
Gain/loss on disposal of capital assets		135,401
Current year depreciation expense		<u>(706,462)</u>
		255,606
<p>The County has an equity interest in a joint venture. The allocated gain or (loss) from this investment is not a current financial resource and therefore is not reported in the governmental funds.</p>		
		248,357
<p>Revenues in the funds that do not provide current financial resources are not reported as revenues in the Statement of Activities as follows:</p>		
Change in unavailable revenues		2,421,502
<p>Changes in deferred inflows of resources not available to fund current expenditures and therefore not reported in the governmental funds</p>		
Related to pensions and OPEBs		4,506,048
<p>Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.</p>		
Change in compensated absences		10,311
Change in other post employment benefits		(7,901)
Change in pension liability		<u>(5,596,150)</u>
		(5,593,740)
Change in net position - governmental activities	\$	<u>6,179,914</u>

Wasco County, Oregon
Statement of Fiduciary Net Position

June 30, 2021

(all amounts are in dollars)

	Private- Purpose Trust Funds	Custodial Funds
Assets		
Cash with treasurer	72,035	2,657,132
Taxes receivable		1,325,912
Accounts receivable		
Total assets	<u>72,035</u>	<u>3,983,044</u>
Liabilities		
Accounts payable	59	-
Due to other governments	-	2,414,677
Total Liabilities	<u>59</u>	<u>2,414,677</u>
Net Position	<u><u>71,976</u></u>	<u><u>1,568,367</u></u>

Wasco County, Oregon
Statement of Changes in Fiduciary Net Position
For the year ended June 30, 2021
(all amounts are in dollars)

	Private- Purpose Trust Funds	Custodial Funds
Additions:		
Investment earnings	556	13,649
Miscellaneous	5,875	29,696,460
Total Additions	6,431	29,710,109
Deductions		
Materials and services	9,948	29,295,531
Change in net position	(3,517)	414,578
Net position held - beginning	75,493	1,153,789
Net Position held - ending	71,976	1,568,367

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES:

The accounting policies of Wasco County, Oregon conform to the generally accepted accounting principles (GAAP) as applicable to governments. The following is a summary of the more significant policies:

A. REPORTING ENTITY:

Wasco County, Oregon is a non-home rule county governed by an elected Board of County Commissioners consisting of three County Commissioners, one of whom serves as County Chair. Other elected officials include the County Clerk, County Treasurer, County Sheriff, County Assessor and County District Attorney.

As required by GAAP, these financial statements present the County and its component units – legally separate entities for which the County is considered to be financially accountable. Financial accountability is defined by GASB 61, as appointment of a voting majority of the component unit’s board and either a) the ability to impose its will on the organization, or b) the possibility that the component unit will provide a financial benefit or impose a financial burden on the primary government.

Wasco County reports two component units. These are the Wasco County 4-H and Extension Service District and the Wasco County Library Service District. These Districts began operations July 1, 2008 and are included in the County’s statements as discretely presented component units. Each District has separate audited financial statements available upon request through Wasco County.

B. GOVERNMENT-WIDE AND FUND FINANCIAL STATEMENTS:

The statement of net position and the statement of activities display information about the primary government (the County) and its component unit. These statements include the financial activities of the overall government, except for fiduciary activities. Eliminations have been made to minimize the double-counting of internal activities. These statements distinguish between the governmental and business-type activities of the County. Governmental activities generally are financed through taxes, intergovernmental revenues and other non-exchange transactions. Business-type activities are financed in whole or in part by fees charged to external parties.

The statement of activities presents a comparison between direct expenses and program revenues for the different business-type activities of the County and for each function of the County's governmental activities. Direct expenses are those that are specifically associated with a program or function and, therefore, are clearly identifiable to a particular function. Program revenues include (a) fees, fines and charges paid by the recipients of goods or services offered by the programs and (b) grants and contributions that are restricted to meeting the operational or capital requirements of a particular program. Revenues that are not classified as program revenues, including all taxes, are presented as general revenues.

The fund financial statements provide information about the County's funds, including its fiduciary funds and blended component units. Separate statements for each fund category governmental, proprietary and fiduciary-are presented. The emphasis of fund financial statements is on major governmental and enterprise funds, each displayed in a separate column. All remaining governmental and enterprise funds are aggregated and reported as non-major funds.

C. MEASUREMENT FOCUS, BASIS OF ACCOUNTING AND FINANCIAL STATEMENT PREPARATION:

The government-wide, and fiduciary fund financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded at the time liabilities are incurred, regardless of when the related cash flows take place. Non exchange transactions, in which the County gives (or receives) value without directly receiving (or giving) equal value in exchange, include property taxes, grants, entitlements and donations. On an accrual basis, revenue from property taxes is recognized in the fiscal year for which the taxes are levied. Revenue from grants, entitlements and donations is recognized in the fiscal year in which all eligibility requirements have been satisfied.

Governmental funds are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Under this method, revenues are recognized when measurable and available. The County considers all revenues reported in the governmental funds to be available if the revenues are collected within sixty days after year-end. Property taxes, sales taxes, franchise taxes, licenses and interest are considered to be susceptible to accrual. Expenditures are recorded when the related fund liability is incurred, except for principal and interest on general long-term debt, claims and judgments, and compensated absences, which are recognized as expenditures to the extent they have matured. Capital asset acquisitions are reported as expenditures in governmental funds. Proceeds of general long-term debt and financing from capital leases are reported as other financing sources.

Property taxes, franchise taxes, licenses, and interest associated with the current period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Only the portion of special assessments receivable due within the current fiscal period is considered to be susceptible to accrual as revenue of the current period. All other revenue items are considered to be measurable and available only when cash is received by the County.

GASB 34 establishes criteria (percentage of the assets, liabilities, revenues or expenditure/expense of either fund category or the governmental and enterprise funds combined) for the determination of major funds. Nonmajor funds are combined in a single column in the fund financial statements. The County reports the following major governmental funds:

GENERAL FUND: This is the County's primary operating fund and is always considered a major fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

PUBLIC WORKS FUND: This fund accounts for revenues and expenditures used in constructing and maintaining County roads.

Additionally, the County reports the following fund types:

SPECIAL REVENUE FUNDS: These funds are primarily operating funds that account for revenue derived from specific taxes or other revenue sources, which are legally restricted to finance particular functions or activities. When a special revenue fund is not an operating fund, transfers are made from the special revenue fund to the operating funds authorized to make the expenditures.

CAPITAL PROJECTS FUNDS: Expenditures for major construction projects or equipment acquisitions are accounted for in the capital projects funds.

CUSTODIAL FUNDS: These funds account for assets held by the County in a custodial capacity. These funds consist of monies owed to component taxing districts.

D. ASSETS, LIABILITIES AND NET POSITION:

1. *Cash, Cash Equivalents, and Investments:* State statutes authorize the County to invest in obligations of the U.S. Treasury, certificates of deposit, U.S. government agency securities, instrumentalities of U.S. government-sponsored corporations, commercial paper, bankers' acceptances, repurchase agreements and the State of Oregon Treasurer's Local Government Investment Pool (LGIP). Additionally, Oregon Revised Statutes require that deposits be made with approved depository banks. Local Government Investment Pool balances are backed by the full faith and credit of the State of Oregon.

The County maintains a cash and investment pool for all of the County's funds. Monies within the cash and investment pool are identified by fund and by type. Interest earned on the cash and investment pool is allocated to the individual funds based on the individual fund's average cash balance for the period in which the interest was earned. The cash and investment pool possesses the general characteristics of a demand deposit account since the cash and investment pool has sufficient liquidity in that any fund may deposit or withdraw cash at any time without notice or penalty.

2. *Inventories and Prepaid Expenses:* Inventory-type items are considered to be an expenditure when purchased. Except for the Public Works Fund, the amount of inventory at year end was not considered significant and is not reported on the balance sheet. The Public Works Fund inventory is recorded at valued at cost using the first-in/first-out (FIFO) method.. Certain payments to vendors reflect costs applicable to future accounting periods and are reported as prepaid expenses.
3. *Fund Balance:* In the fund financial statements, Government Accounting Standards Board Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions* (GASB 54) defines the different type of fund balances a government entity must use for financial reporting purposes. GASB 54 requires the fund balance amounts be properly reported within one of the five fund balance components below:

Nonspendable – Includes amounts that cannot be spent because of either 1) not in spendable form or 2) legally or contractually required to be maintained intact.

Restricted – Consists of amounts that can only be spent for specific purpose stipulated by external resource providers, constitutional provisions or enabling legislation.

Committed – Consists of amounts that can only be used for the specific purposes determined by a formal action of the County's highest level of decision-making authority, which includes resolutions. Those committed amounts cannot be used for any other purpose unless the County removes or changes the specified use by taking the same type of action (resolution) it employed previously to commit the amounts.

Assigned – Consists of amounts intended to be used by the government for specific purposes but do not meet the criteria to be classified as restricted or committed. The authority for assigning fund balance is expressed by the Board of Commissioners, or their designee as established in the County’s Fund Balance Policy.

Unassigned – The residual classification of fund balance includes all spendable amounts that have not been restricted, committed or assigned.

When both restricted and unrestricted resources are available for use, it is the County’s policy to use restricted resources first, then unrestricted resources (committed, assigned and unassigned) as they are needed. When unrestricted resources (committed, assigned and unassigned) are available for use, it is the County’s policy to use committed resources first, then assigned and then unassigned as needed.

Below is a schedule of ending fund balances, based on the standards in GASB 54:

GASB 54 Schedule of ending fund balances

Fund Balances	General Fund	Public Works Fund	Non-Major Funds	Total All Funds
Total Nonspendable	317,956	498,133	-	816,089
Restricted:				
Public Works Fund	-	3,445,180	-	3,445,180
Road Reserve Fund	-	4,536,711	-	4,536,711
County Fair Fund	-	-	227,432	227,432
County School Fund	-	-	-	-
Land Corner Perservation Fund	-	-	123,325	123,325
Forest Health Fund	-	-	417,148	417,148
Law Laibrary Fund	-	-	132,915	132,915
Parks Fund	-	-	283,311	283,311
Community Corrections Fund	-	-	936,031	936,031
Court Facilities Fund	-	-	234,867	234,867
Clerk Records Fund	-	-	41,813	41,813
Economic Development Fund	-	-	1,638,390	1,638,390
911 Communications Fund	-	-	316,025	316,025
Total Restricted	-	7,981,891	4,351,257	12,333,148
Committed:				
Building Codes - General Fund	-	-	3,400,966	3,400,966
Buidling Codes - Electrical Fund	-	-	764,540	764,540
Household Hazardous Waste Fund	-	-	701,427	701,427
District Attorney Fund	-	-	3,631	3,631
Museum Fund	-	-	227,035	227,035
Kramer Field Fund	35,696	-	-	35,696
Equipment Reserve Fund	94,680	-	-	94,680
Facility Reserve Fund	3,434,256	-	-	3,434,256
General Operating Reserve Fund	5,743,560	-	-	5,743,560
Total Committed	9,308,192	-	5,097,599	14,405,791
Assigned:				
Capital Acquisition Fund	-	-	3,855,992	3,855,992
Total Assigned	-	-	3,855,992	3,855,992
Total Unassigned	12,515,009	-	-	12,515,009
Fund Balances	\$ 22,141,157	\$ 8,480,024	\$ 13,304,848	\$ 43,926,029

4. *Capital Assets:* Include property and equipment, infrastructure and land, and are reported in the government-wide financial statements. Capital assets (other than infrastructure) are defined by the County as assets with an initial individual cost of more than \$5,000 and an estimated useful life of more than one year. Infrastructure assets are defined by the County as assets with an initial, individual cost of more than \$50,000. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at acquisition value at the date of donation. The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend asset lives are not capitalized. Major outlays for capital assets and improvements are capitalized as projects are constructed.

Property, plant and equipment of the County, are depreciated using the straight-line method over the following estimated useful lives:

Equipment and Software	5 to 45 years
Buildings and Improvements	45 to 100 years
Infrastructure	25 to 100 years

5. *Compensated Absences:* Vacation time for employees who are members of bargaining units accumulates based on the number of years of service, ranging from 10 to 20 working days per year. Vacation pay is vested when earned.

Vacation time for employees who are not member of bargaining units is awarded based on the number of years of service, ranging from 12 to 28 working days per year. Vacation is awarded on a pro-rata basis each pay period. The liability for compensated absences reported in the government-wide consists of unpaid, accumulated annual and sick leave balances. The liability has been calculated using the vesting method, in which leave amounts for both employees who currently are eligible to receive termination payments and other employees who are expected to become eligible in the future to receive such payments upon termination are included.

Sick leave accumulates at the rate of twelve (12) days per year for full time employees. There is no limit on accumulation, and it is not compensable upon termination of employment.

6. *Investment in Joint Ventures:* Investment in joint ventures with other governments is reported at cost plus or minus the County's share of operating income or loss utilizing the equity method of accounting for investments.
7. *Long-Term Obligations:* In the government-wide financial statements, long-term debt and other long-term obligations are reported as liabilities in the Statement of Net Position. Bond premiums and discounts are deferred and amortized over the life of the bonds. Bonds payable are reported net of the applicable bond premium or discount. Bond issuance costs are treated as period costs in the year of issue and are shown as other financial uses. In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs during the current period. The face amount of debt issued is reported as debt service expenditures..
8. *Property tax revenues and receivables:* Property taxes are collected by the Wasco County Tax Collector and distributed to County Funds monthly. The fund financial statements reflect property taxes as revenue when collected by the Tax Collector and available to the County to pay current period expenditures. The government-wide financial statements reflect property taxes as revenue in the year levied.

Property taxes receivable at year end have been reported on the balance sheet. No allowance has been made for uncollectible taxes since past history has shown losses to be minimal. In the fund financial statements, taxes receivable considered not available for payment of current year expenditures have been offset as deferred inflows of resources – unavailable revenue.

Property taxes are levied on July 1st pursuant to Oregon Revised Statute 310.030. Taxes are payable in full on November 15th or are payable in installments the last of which is due on May 15th of the year following the year in which imposed. Taxes become delinquent on real property if not paid by May 15th. On January 1st and July 1st, tax liens attach to person and real property respectively to secure payment of all taxes, penalties and interest ultimately imposed. Personal property is subject

to summary seizure and the responsible taxpayer is subject to warrant service 30 days after the delinquency date. Foreclosure proceedings begin on real property after three years from the date taxes become delinquent.

9. *Deferred outflows/inflows of resources:* In addition to assets, the Statement of Net Position will sometimes report a separate section for deferred outflow of resources. This separate financial statement element represents a consumption of net position that applies to a future period and so will not be recognized as an outflow of resources (expense/expenditure) until then.

In addition to liabilities, the Statement of Net Position will sometime report a separate section for deferred inflows of resources. This separate financial statement element represents an acquisition of net position that applies to a future period and so will not be recognized as an inflow of resources (revenue) until that time.

10. *Pensions:* Substantially all of the District's employees are participants in the State of Oregon Public Employees Retirement System (PERS). For the purpose of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about fiduciary net position of PERS and additions to/deductions from PERS's fiduciary net position have been determined on the same basis as they are reported by PERS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

11. *Interfund Activity:*

Transfers – Transactions that constitute reimbursements to a fund for expenditures initially made from it that are properly applicable to another fund, are recorded as expenditures in the reimbursing fund and as reductions of expenditures in the fund that is reimbursed. Operating interfund transactions are reported as transfers. Nonrecurring or non-routine permanent transfers of equity are reported as residual equity transfers.

Receivables and Payables – Activity between funds that are representative of lending/borrowing arrangements outstanding at the end of the fiscal year are referred to as “due to/from other funds” (i.e., current portion of interfund loans).

12. *Use of Estimates:* the financial statements and related disclosures are prepared in conformity with accounting principles generally accepted in the United States. Management is required to make estimates and assumptions that affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities at the date of the financial statements, and revenues and expenses during the period reported. These estimates include assessing the collectability of accounts receivable, use and recoverability of inventory and the useful lives and impairment of tangible and intangible assets, among others. Estimates and assumptions are reviewed periodically and the effects of revisions are reflected in the financial statements in the period determined to be necessary. Actual results could differ from the estimates.
13. *Other Post-Employment Benefits (OPEB) Obligations:* The County's net OPEB obligation is recognized as a liability and the Annual Required Contribution (ARC) is expensed, as determined by the County's actuary, in the government-wide financial statements.
14. *Fair Value Inputs and Methodologies and Hierarchy:* Fair value is defined as the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market

participants at the measurement date. Observable inputs are developed based on market data obtained from sources independent of the reporting entity. Unobservable inputs are developed based on the best information available about the assumptions market participants would use in pricing the asset. The classification of securities within the fair value hierarchy is based up on the activity level in the market for the security type and the inputs used to determine their fair value, as follows:

- Level 1 – unadjusted price quotations in active markets/exchanges for identical assets or liabilities that each Fund has the ability to access
- Level 2 – other observable inputs (including, but not limited to, quoted prices for similar assets or liabilities in markets that are active, quoted prices for identical or similar assets or liabilities in markets that are not active, inputs other than quoted prices that are observable for the assets or liabilities (such as interest rates, yield curves, volatilities, loss severities, credit risks and default rates) or other market–corroborated inputs)
- Level 3 – unobservable inputs based on the best information available in the circumstances, to the extent observable inputs are not available (including each Fund’s own assumptions used in determining the fair value of investments)

15. *Net Position:* Net position is comprised of the various net earnings from operations, nonoperating revenues, expenses and contributions of capital. Net position is classified in the following three categories:

Net Investment in Capital Assets – consists of all capital assets, net of accumulated depreciation and reduced by any outstanding balances of any bonds or other borrowings that are attributable to the acquisition, construction, or improvement of those assets.

Restricted – consists of external constraints placed on asset use by creditors, grantors, contributors, or laws or regulations of other governments or constraints imposed by law through constitutional provisions or enabling legislation. A portion of Net Position is restricted for Debt Service and for System Development.

Unrestricted net position – consists of all other assets that are not included in the other categories previously mentioned.

Sometimes the County will fund outlays for a particular purpose from both restricted and unrestricted resources. In order to calculate the amounts to report as restricted net position and unrestricted net position in the government-wide financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. It is the County's policy to consider restricted net position to have been depleted before unrestricted net position is applied.

NOTE 2 – STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY:

A. BUDGETS AND BUDGETARY ACCOUNTING:

Budgets are prepared on the modified accrual basis for all funds. Except for the Fiduciary Fund, all of which are agency funds that account for "pass-through" transactions, the County adopts annual budgets for each of its funds, and sub-funds as determined appropriate, as required by state law. The resolution, authorizing appropriations for each fund, sets the level by which expenditures cannot lawfully exceed appropriations. The

levels of control established by the resolution are: personnel services, materials and services, debt service, capital outlay and transfers out. The County's published budget contains more specific detailed information for the above mentioned expenditure categories. Unexpected additional resources may be added to the budget through the use of a supplemental budget and appropriation resolution. Original and supplemental budgets may be modified by the use of appropriation transfers between the levels of control. Such transfers require approval of the Board of County Commissioners. Appropriations lapse at year-end.

The County adopted resolutions for appropriation transfers which adjusted the fiscal year 2020-2021 original Budget, as well as several appropriation transfers. Expenditures of the various funds were within authorized appropriations.

NOTE 3 – DETAILED NOTES ON ALL FUNDS:

A. CASH AND INVESTMENTS:

The County maintains a pool of cash and investments that are available for use by all funds. Each fund's portion of this pool is displayed on the financial statements as cash and investments. Interest earned on pooled cash and investments is allocated to participating funds based upon their combined cash and investment balances. Cash and Investments (recorded at cost) for the County, its discretely presented component units and fiduciary funds, are as follows:

Deposits with Financial Institutions	
Petty Cash	3,183
Demand Deposits	2,812,890
Investments	<u>45,811,752</u>
Total Cash and Investments	<u>48,627,825</u>

The County Investment of cash funds is regulated by Oregon Revised Statutes. Under these guidelines, cash funds may be invested in bank accounts, general obligation issues of the United States and its agencies, certain states and certain guaranteed investments issued by banks. During the year, the County purchased investment instruments, but did not participate in any repurchase of reverse repurchase agreements.

DEPOSITS:

Custodial Credit Risk is the risk that, in the event of a bank failure, the County 's deposits may not be returned. The Federal Depository Insurance Corporation (FDIC) provides Insurance for the County's deposits with financial institutions up to \$250,000 each for the aggregate of all non-interest bearing accounts and the aggregate of all interest bearing accounts at each institution. Deposits in excess of FDIC coverage with institutions participating in the Oregon Public Funds Collateralization Program. Oregon Revised Statutes and County policy require depository institutions to maintain on deposit, with the collateral pool manager, securities having a value not less than 10% of their quarter-end public fund deposits if they are well capitalized, 25% of their quarter-end public fund deposits if they are adequately capitalized, or 110% of their quarter-end public fund deposits if they are undercapitalized or assigned to pledge 110% by the Office of the State Treasurer. As of June 30, 2021, the total bank balance per the bank statements was \$3,100,720. Of these deposits, \$250,000 was covered by federal depository insurance. The remainder, if any, is collateralized the Oregon Public Funds Collateralization Program (PFCP).

INVESTMENTS:

State statutes authorize investment primarily in general obligations of the U.S. Government and its agencies, certain bonded obligations of Oregon municipalities, bank repurchase agreements, bankers' acceptances, certain commercial papers and the State Treasurer's Investment Pool, among others. Investments are valued at fair value as required by GASB 72. The categorization of a value determined for investments is based on the pricing transparency of the investments and is not necessarily an indication of the risks associated with investing in those securities. Security pricing is provided by a third-party, and is reported monthly to the County by its custodian bank. US Government agencies fall into level 1 of the fair value hierarchy. Banker's acceptances and LGIP fall under level 2 of the fair value hierarchy.

<u>Investment Type</u>	<u>Maturity</u>	<u>Cost</u>
Local Government Investment Pool	1 Day	\$ 45,305,704
US Government Agency Securities	Less than 1 year	-
Corporate Bond	Under 3 year	506,048
		<u>\$ 45,811,752</u>

Investment Pool: Investments in the Local Government Investment Pool (LGIP) are included in the Oregon Short-Term Fund, which is an external investment pool that is not a 2a-7-like external investment pool, and is not registered with the U.S. Securities and Exchange Commission as an investment company. Fair value of the LGIP is calculated at the same value as the number of pool shares owned. The unit of account is each share held, and the value of the position would be the fair value of the pool's share price multiplied by the number of shares held. Investments in the Short-Term Fund are governed by ORS 294.135, Oregon Investment Council, and portfolio guidelines issued by the Oregon Short-Term Fund Board, which establish diversification percentages and specify the types and maturities of investments. The portfolio guidelines permit securities lending transactions as well as investments in repurchase agreements and reverse repurchase agreements. The fund appears to be in compliance with all portfolio guidelines at June 30, 2021. The LGIP seeks to exchange shares at \$1.00 per share; an investment in the LGIP is neither insured nor guaranteed by the FDIC or any other government agency. Although the LGIP seeks to maintain the value of share investments at \$1.00 per share, it is possible to lose money by investing in the pool.

We intend to measure these investments at book value since it approximates fair value. The pool is comprised of a variety of investments. These investments are characterized as a level 2 fair value measurement in the Oregon Short Term Fund's audited financial report. As of June 30, 2021, the fair value of the position in the LGIP is 100.40% of the value of the pool shares as reported in the Oregon Short Term Fund audited financial statements. Amounts in the State Treasurer's Local Government Investment Pool are not required to be collateralized. The County's position in the Pool at June 30, 2021 is stated at cost which approximates the fair value.

Custodial Credit Risk – Investments is the risk that, in the event of failure of the counterparty (e.g., broker dealer) to a transaction, a government will not be able to recover the value of its investment of collateral securities that are in the possession of another party. The County's investment policy provides that broker/dealers and financial institutions meet certain qualifications which are reviewed annually.

Credit Risk – Investments is the risk an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization. The State of Oregon Local Government Investments Pool is unrated. The minimum weighted average credit rating of the portfolio's rated investments shall be Aa/AA/AA.

Concentration of Credit Risk – Investments is the risk of loss attributed to the magnitude of an entity’s investment in a single issuer. The County diversifies the investment portfolio to avoid incurring unreasonable risks, both credit and interest rate risk, inherent in the over-investing in specific instruments, individual financial institutions or maturities.

Interest Rate Risk – Investments is the risk interest rates will increase after investments are purchased. The County mitigates this risk by matching investment maturities to expected cash outflows. Unless matched to a specific cash flow requirement, the County does not invest in securities maturing more than five years from the date of settlement. The maximum average maturity of the County’s portfolio cannot exceed 2.5 years at any time.

Foreign Currency Risk – Investment is the risk of loss caused by investing in foreign currencies. The County’s investment policy mitigates this risk by prohibiting investments not U.S. dollar denominated. Therefore, the County is not exposed to this risk.

Issue Type	Maximum % Holdings	Minimum Ratings Moody’s / S&P / Fitch
US Treasury Obligations	100%	None
US Agency Securities	100%	-
Per Agency (Senior Obligations Only)	33%	-
Oregon Short Term Fund	Maximum allowed per ORS 294.810	-
Bankers’ Acceptances	25% ⁽¹⁾	A1+/P1/F1+
Time Deposits/Savings Accounts/Certificates of Deposit ⁽²⁾	50%	-
Per Institution	25%	
Repurchase Agreements	5%	-
Corporate Debt (Total)	15% ⁽³⁾	-
Corporate Commercial Paper	15% ⁽³⁾	
Per Issuer	2.5% ⁽⁴⁾	A1/P1/F1
Corporate Bonds	10% ⁽³⁾	
Per Issuer	2.5% ⁽⁴⁾	Aa2/AA/AA
Municipal Debt (Total)	10%	-
Municipal Commercial Paper	10%	A1/P1/F
Municipal Bonds	10%	1

⁽¹⁾ 25% Maximum per ORS 294.035(D)

⁽²⁾ As authorized by ORS 294.035(3)(d)

⁽³⁾ 35% Maximum per ORS 294.035(D)

⁽⁴⁾ 5% Maximum per ORS 294.035(D)

B. CAPITAL ASSETS:

The following schedule shows the changes in the Capital Assets for the year ended June 30, 2021:

Capital Assets Summary

	Beginning Balance	Additions	Deletions	Ending Balance
Land	\$1,370,320			\$1,370,320
<i>Depreciable Assets</i>				
Buildings	\$15,752,400			\$15,752,400
Furniture & Equipment	\$10,764,359	\$826,667	(\$165,978)	\$11,425,048
Infrastructure	\$5,433,139			\$5,433,139
	<hr/>	<hr/>	<hr/>	<hr/>
	\$31,949,898	\$826,667	(\$165,978)	\$32,610,587
Accumulated Depreciation				
Buildings	\$4,529,670	\$271,701		\$4,801,372
Furniture & Equipment	\$8,645,061	\$215,731		\$8,860,792
Infrastructure	\$2,669,741	\$219,030		\$2,888,771
	<hr/>	<hr/>	<hr/>	<hr/>
	\$15,844,473	\$706,462	\$0	\$16,550,935
Depreciable Assets - Net	\$16,105,425	\$120,205	(\$165,978)	\$16,059,653
	<hr/>	<hr/>	<hr/>	<hr/>
Net Fixed Assets	\$17,475,746	\$120,205	(\$165,978)	\$17,429,973

Depreciation By Program for the year:

General Government	120,766
Public Safety	139,175
Highways & Streets	271,519
Health & Welfare	149,688
Culture & Recreation	25,313
Total	<hr/> <hr/> 706,462

C. INVESTMENT IN JOINT VENTURES:

The QualityLife Intergovernmental Agency (QLife) is jointly owned by the City of The Dalles and Wasco County, Oregon, each party owning 50 percent. QLife operates a fiber optic network to the residents and businesses in The Dalles, Wasco County and the new Maupin Project. The Maupin project started in the fiscal year ended June 30, 2016 and will be a separate operating network from the one that serves the City and Wasco County. Revenues earned by QLife are expended for the continued operations and maintenance of the network. Upon dissolution of QLife, the net position would be shared 50 percent each to the City and Wasco County. QLife is governed by a five-member board comprised of two appointees from the City, two appointees from Wasco County and a fifth member appointed by the other four. The County's net investment and its share of the operation results of QLife are reported in the County's governmental activities. Net position of the County's governmental fund increased \$248,357 for a net gain in fiscal year ended June 30, 2021. The County's investment in QLife of \$2,596,035 can be accounted for using the equity method. Complete financial statements for QLife can be obtained from Wasco County Finance Office, 511 Washington St, The Dalles, OR 97058.

D. LONG-TERM DEBT:

Changes in Long-Term Liabilities:

Long-term liability activity for the year ended June 30, 2021 was as follows:

	Balance 7/1/2020	Increase	Decrease	Balance 6/30/2021	Due in less than 1 year
Compensated Absences	155,423	145,112	(155,423)	145,112	145,112
OPEB Obligation	760,158		(7,901)	752,257	
Net Pension Liability	12,470,271	-	(413,373)	12,056,898	
Total Long-Term Liabilities	13,385,852	145,112	(576,697)	12,954,267	145,112

EMPLOYEE PENSION PLANS:

Plan Description – The Oregon Public Employees Retirement System (PERS) consists of a single cost-sharing multiple-employer defined benefit plan. All benefits of the system are established by the legislature pursuant to Oregon Revised Statute (ORS) Chapters 238 and 238A. Oregon PERS produces an independently audited Comprehensive Annual Financial Report which can be found at:

<http://www.oregon.gov/pers/documents/financials/CAFR/2020-CAFR.pdf>

If the link is expired please contact Oregon PERS for this information.

- a. *PERS Pension (Chapter 238)*. The ORS Chapter 238 Defined Benefit Plan is closed to new members hired on or after August 29, 2003.
 - i. *Pension Benefits*. The PERS retirement allowance is payable monthly for life. It may be selected from 13 retirement benefit options. These options include survivorship benefits and lump-sum refunds. The basic benefit is based on years of service and final average salary. A percentage (2.0 percent for police and fire employees, and 1.67 percent for general service employees) is multiplied by the number of years of service and the final average salary. Benefits may also be calculated under either a formula plus annuity (for members who were contributing before August 21, 1981) or a money match computation if a greater benefits results. A member is considered vested and will be eligible at minimum retirement age for a service retirement allowance if he or she has had a contribution in each of five calendar years or has reached at least 50 years of age before ceasing employment with a participating employer (age 45 for police and fire members). General service employees may retire after reaching age 55. Police and fire members are eligible after reaching age 50. Tier 1 general service employee benefits are reduced if retirement occurs prior to age 58 with fewer than 30 years of service. Police and fire member benefits are reduced if retirement occurs prior to age 55 with fewer than 25 years of service. Tier 2 members are eligible for full benefits at age 60. The ORS Chapter 238 Defined Benefit Pension Plan is closed to new members hired on or after August 29, 2003.
 - ii. *Death Benefits*. Upon the death of a non-retired member, the beneficiary receives a lump-sum refund of the member’s account balance (accumulated contributions and interest). In addition, the beneficiary will receive a lump-sum payment from employer funds equal to the account balance, provided on or more of the following contributions are met:
 - member was employed by PERS employer at the time of death,
 - member died within 120 days after termination of PERS covered employment,
 - member died as a result of injury sustained while employed in a PERS-covered job, or
 - member was on an official leave of absence from a PERS-covered job at the time of death.

- iii. *Disability Benefits.* A member with 10 or more years of creditable service who becomes disabled from other than duty-connected causes may receive a non-duty disability benefit. A disability resulting from a job-incurred injury or illness qualifies a member (including PERS judge members) for disability benefits regardless of the length of PERS-covered service. Upon qualifying for either a non-duty or duty disability, service time is computed to age 58 (55 for police and fire members) when determining the monthly benefit.
 - iv. *Benefit Changes After Retirement.* Members may choose to continue participation in a variable equities investment account after retiring and may experience annual benefit fluctuations due to changes in the market value equity investments. Under ORS 238.360 monthly benefits are adjusted annually through cost-of-living changes. The cap on the COLA will vary based on the amount of the annual benefit.
- b. *OPSRP Pension Program (OPSRP DB).* The ORS Chapter 238A Defined Benefit Pension Program provides benefits to members hired on or after August 29, 2003.
- i. *Pension Benefits.* This portion of OPSRP provides a life pension funded by employer contributions. Benefits are calculated with the following formula for members who attain normal retirement age:
Police and fire: 1.8 percent is multiplied by the number of years of service and the final average salary. Normal retirement age for police and fire members is age 60 or age 53 with 25 years of retirement credit. To be classified as a police and fire member, the individual must have been employed continuously as a police and fire member for at least five years immediately preceding retirement.

General service: 1.5 percent is multiplied by the number of years of service and the final average salary. Normal retirement age for general service members is age 65, or age 58 with 30 years of retirement credit.
- A member of the pension program becomes vested on the earliest of the following dates: the date the member completes 600 hours of service in each of five calendar years, the date the member reaches normal retirement age, and, if the pension program is terminated, the date on which termination becomes effective.
- ii. *Death Benefits.* Upon the death of a non-retired member, the spouse or other person who is constitutionally required to be treated in the same manner as the spouse, receives for life 50 percent of the pension that would otherwise have been paid to the deceased member.
 - iii. *Disability Benefits.* A member who has accrued 10 or more years of retirement credits before the member becomes disabled or a member who becomes disabled due to job-related injury shall receive a disability benefit of 45 percent of the member's salary determined as of the last full month of employment before the disability occurred.
 - iv. *Benefit Changes After Retirement.* Under ORS 238A.210 monthly benefits are adjusted annually through cost-of-living changes. The cap on the COLA will vary based on the amount of the annual benefit.

Contributions – PERS funding policy provides for monthly employer contributions at actuarially determined rates. These contributions, expressed as a percentage of covered payroll, are intended to accumulate sufficient assets to pay benefits when due. The funding policy applies to the PERS Defined Benefit Plan and the Other Postemployment Benefit Plans. Employer contribution rates during the period were based on the December 31, 2017 actuarial valuation, which became effective July 1, 2019. The state of Oregon and certain schools, community colleges, and political subdivision have made unfunded actuarial liability payments and their rates have been reduced. Employer contributions for the year ended June 30, 2021 were \$4,772,007,

excluding amounts to fund employer specific liabilities and including a lump sum payment establishing an account to pay down the County’s net pension liability. The breakdown of the payment is \$932,007 for normal yearly costs and \$3,840,000 for the account to pay down the liability (referred to as a “Side Account”). In addition approximately \$100,516 in employee contributions were paid or picked up by the County in fiscal 2021. At June 30, 2021, the County reported a net pension liability of \$12,056,898 for its proportionate share of the net pension liability. The pension liability was measured as of June 30, 2020, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation dated December 31, 2018. The County’s proportion of the net pension liability was based on a projection of the County’s long-term share of contributions to the pension plan relative to the projected contributions of all participating employers, actuarially determined. As of the measurement date of June 30, 2020 and 2019, the County’s proportion was .055 percent. Pension expense for the year ended June 30, 2021 was \$1,686,961.

The rates in effect for the year ended June 30, 2021 were:

- (1) Tier 1/Tier 2 – 19.77%
- (2) OPSRP general services – 11.94%
- (3) OPSRP police and fire – 16.57%
- (4) Rate Credit (starting in December) reduced all rates by 4.3%

	Deferred Outflow of Resources	Deferred Inflow of Resources
Differences between expected and actual experience	530,649	-
Changes of assumptions	647,056	22,671
Net difference between projected and actual earnings on investments	1,417,735	-
Changes in proportionate share	500,478	2,075,382
Differences between County contributions and proportionate share of system contributions	<u>3,019,477</u>	<u>154,080</u>
Subtotal	6,115,395	2,252,133
County contributions subsequent to measuring date	<u>4,772,007</u>	N/A
Deferred outflow (inflow) of resources	<u>10,887,402</u>	<u>2,252,133</u>

Deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

Year ending June 30,	Amount
2022	\$ 898,658
2023	1,135,286
2024	1,009,694
2025	739,408
2026	80,215
Thereafter	-
Total	<u>\$ 3,863,261</u>

All assumptions, methods and plan provisions used in these calculations are described in the Oregon PERS system-wide GASB 68 reporting summary dated March 12, 2021. Oregon PERS produces an independently audited ACFR which can be found at:

<https://www.oregon.gov/pers/EMP/Pages/GASB.aspx>

Actuarial Valuations: The employer contribution rates effective July 1, 2019 through June 30, 2021, were set using the entry age normal actuarial cost method. For the Tier One/Tier Two component of the PERS Defined Benefit Plan, this method produced an employer contribution rate consisting of (1) an amount for normal cost (estimated amount necessary to finance benefits earned by employees during the current service year), (2) an amount for the amortization unfunded actuarial accrued liabilities, which are being amortized over a fixed period with new unfunded actuarial liabilities being amortized over 20 years.

For the OPSRP Pension Program component of the PERS Defined Benefit Plan, this method produced an employer rate consisting of (a) an amount for normal cost (the estimated amount necessary to finance benefits earned by the employees during the current service year), (b) an actuarially determined amount for funding a disability benefit component, and (c) an amount for the amortization of unfunded actuarial accrued liabilities, which are being amortized over a fixed period with new unfunded actuarial accrued liabilities being amortized over 16 years.

Actuarial Methods and Assumptions:

Valuation Date	December 31, 2018 rolled forward to June 30, 2019
Experience Study Report	2018, Published December 31, 2019
Actuarial cost method	Entry Age Normal
Amortization method	Amortized as a level percentage of payroll as layered amortization bases over a closed period; Tier One/Tier Two UAL is amortized over 20 years and OPSRP pension UAL is amortized over 16 years
Asset valuation method	Market value of assets
Inflation rate	2.50 percent
Investment rate of return	7.20 percent
Projected salary increase	3.50 percent overall payroll growth
Cost of Living Adjustment	Blend of 2% COLA and graded COLA (1.25%/.15%) in accordance with Moro decision, blend based on service.
Mortality	Healthy retirees and beneficiaries: RP-2014 Healthy annuitant, sex-distinct, generational with Unisex, Social Security Data Scale, with collar adjustments and set-backs as described in the valuation. Active members: RP-2014 Employees, sex-distinct, generational with Unisex, Social Security Data Scale, with collar adjustments and set-backs as described in the valuation. Disabled retirees: RP-2014 Disabled retirees, sex-distinct, generational with Unisex, Social Security Data Scale.

Actuarial valuations of an ongoing plan involve estimates of value of reported amounts and assumptions about the probability of events far into the future. Actuarially determined amounts are subject to continual revision as actual results are compared to past expectations and new estimates are made about the future. Experience studies are performed as of December 31 of even numbered years. The method and assumptions shown are based on the 2018 Experience Study which is reviewed for the four-year period ending December 31, 2018.

Assumed Asset Allocation:

<u>Asset Class/Strategy</u>	<u>OIC Policy Range</u>		<u>OIC Target Allocation</u>	<u>Asset Class/Strategy</u>	<u>Actual Allocation³</u>
Debt Securities	15.0	- 25.0	% 20.0 %	Debt Securities	20.0 %
Public Equity	27.5	- 37.5	32.5	Public Equity	31.8
Real Estate	9.5	- 15.5	12.5	Real Estate	11.4
Private Equity	14.0	- 21.0	17.5	Private Equity	22.9
Alternatives Portfolio	7.5	- 17.5	15.0	Alternatives Portfolio	10.5
Opportunity Portfolio ¹	0.0	- 3.0	0.0	Opportunity Portfolio	2.1
Risk Parity ²	0.0	- 2.5	2.5	Risk Parity	1.3
Total			100.0 %	Total	100.0 %

¹Opportunity Portfolio is an investment strategy and it may be invested up to 3% of total plan net position.

²Risk Parity is a new investment strategy added to the asset allocation mix in 2019.

³Based on the actual investment value at 6/30/2020.

(Source: June 30, 2020 PERS ACFR; p. 102)

Long-Term Expected Rate of Return:

To develop an analytical basis for the selection of the long-term expected rate of return assumption, in May 2019 the PERS Board reviewed long-term assumptions developed by both Milliman's capital market assumptions team and the Oregon Investment Council's (OIC) investment advisors. The table below shows Milliman's assumptions for each of the asset classes in which the plan was invested at that time based on the OIC long-term target asset allocation. The OIC's description of each asset class was used to map the target allocation to the asset classes shown below. Each asset class assumption is based on a consistent set of underlying assumptions, and includes adjustment for the inflation assumption. These assumptions are not based on historical returns, but instead are based on a forward-looking capital market economic model.

Long-Term Expected Rate of Return ¹

Asset Class	Target Allocation	Annual Arithmetic Return ²	20-Year Annualized Geometric Mean	Annual Standard Deviation
Core Fixed Income	9.60 %	4.14 %	4.07 %	3.90 %
Short-Term Bonds	9.60	3.70	3.68	2.10
Bank/Leveraged Loans	3.60	5.40	5.19	6.85
High Yield Bonds	1.20	6.13	5.74	9.35
Large/Mid Cap US Equities	16.17	7.35	6.30	15.50
Small Cap US Equities	1.35	8.35	6.68	19.75
Micro Cap US Equities	1.35	8.86	6.79	22.10
Developed Foreign Equities	13.48	8.30	6.91	17.95
Emerging Market Equities	4.24	10.35	7.69	25.35
Non-US Small Cap Equities	1.93	8.81	7.25	19.10
Private Equity	17.50	11.95	8.33	30.00
Real Estate (Property)	10.00	6.19	5.55	12.00
Real Estate (REITS)	2.50	8.29	6.69	21.00
Hedge Fund of Funds - Diversified	1.50	4.28	4.06	6.90
Hedge Fund - Event-driven	0.38	5.89	5.59	8.10
Timber	1.13	6.36	5.61	13.00
Farmland	1.13	6.87	6.12	13.00
Infrastructure	2.25	7.51	6.67	13.85
Commodities	1.13	5.34	3.79	18.70
Assumed Inflation - Mean			2.50 %	1.65 %

¹ Based on the OIC Statement of Investment Objectives and Policy Framework for the Oregon Public Employees Retirement Fund, revised as of April 24, 2019.

² The arithmetic mean is a component that goes into calculating the geometric mean. Expected rates of return are presented using the geometric mean, which the Board uses in setting the discount rate.

(Source: June 30, 2020 PERS ACFR; p. 72-74)

Discount Rate: The discount rate used to measure the total pension liability was 7.20 percent for the Defined Benefit Pension Plan. The projection of cash flows used to determine the discount rate assumed that contributions from the plan members and those of the contributing employers are made at the contractually required rates, as actuarially determined. Based on those assumptions, the pension plan's fiduciary net position was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on pension plan investments for the Defined Benefit Pension Plan was applied to all periods of projected benefit payments to determine the total pension liability.

Sensitivity of the County's proportionate share of the net pension liability to changes in the discount rate – The following presents the County's proportionate share of the net pension liability calculated using the discount rate of 7.20 percent, as well as what the County's proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (6.20 percent) or 1-percentage-point higher (8.20 percent) than the current rate.

	1% Decrease (6.20%)	Discount Rate (7.20%)	1% Increase (8.20%)
County's proportionate share of the net pension liability (asset)	17,903,498	12,056,898	7,154,253

Changes Subsequent to the Measurement Date:

As described above, GASB 67 and GASB 68 require the Total Pension Liability to be determined based on the benefit terms in effect at the Measurement Date. Any changes to benefit terms that occurs after that date are reflected in amounts reported for the subsequent Measurement Date. However, Paragraph 80f of GASB 68 requires employers to briefly describe any changes between the Measurement Date and the employer's reporting date that are expected to have a significant effect on the employer's share of the collective Net Pension Liability, along with an estimate of the resulting change, if available.

There are no changes subsequent to the June 30, 2020 Measurement Date that meet this requirement and thus would require a brief description under the GASB standard.

Deferred Compensation Plan: A deferred compensation plan is available to employees wherein they may execute an individual agreement with the County for amounts earned by them to not be paid until a future date when certain circumstances are met. These circumstances are: termination by reason of death, disability, resignation, or retirement. Payment to the employee will be made over a period not to exceed 15 years. The deferred compensation plan is one which is authorized under IRC Section 457 and has been approved in its specifics by a private ruling from the Internal Revenue Service. The assets of the plan are held by the administrator for the sole benefit of the plan participants and are not considered assets or liabilities of the County.

OPSRP Individual Account Program (OPSRP IAP):

Plan Description: Employees of the County are provided with pensions through OPERS. All the benefits of OPERS are established by the Oregon legislature pursuant to Oregon Revised Statute (ORS) Chapters 238 and 238A. Chapter 238 Defined Benefit Pension Plan is closed to new members hired on or after August 29, 2003. Chapter 238A created the Oregon Public Service Retirement Plan (OPSRP), which consists of the Defined Benefit Pension Program and the Individual Account Program (IAP). Membership includes public employees hired on or after August 29, 2003. PERS members retain their existing defined benefit plan accounts, but member contributions are deposited into the member's IAP account. OPSRP is part of OPERS, and is administered by the OPERS Board.

Pension Benefits: Participants in OPERS defined benefit pension plans also participate in their defined contribution plan. An IAP member becomes vested on the date the employee account is established or on the date the rollover account was established. If the employer makes optional employer contributions for a member, the member becomes vested on the earliest of the following dates: the date the member completes 600 hours of service in each of five calendar years, the date the member reaches normal retirement age, the date the IAP is terminated, the date the active member becomes disabled, or the date the active member dies. Upon retirement, a member of the OPSRP IAP may receive the amounts in his or her employee account, rollover account, and vested employer account as a lump-sum payment or in equal installments over a 5-, 10-, 15-, 20-year period or an anticipated life span option. Each distribution option has a \$200 minimum distribution limit.

Death Benefits: Upon the death of a non-retired member, the beneficiary receives in a lump sum the member's account balance, rollover account balance, and vested employer optional contribution account balance. If a retired member dies before the installment payments are completed, the beneficiary may receive the remaining installment payments or choose a lump-sum payment.

Contributions: Employees of the County pay six (6) percent of their covered payroll. The County paid \$100,516 in contributions to member IAP accounts for the year ended June 30, 2021. The County did not make any optional contributions to member IAP accounts for the year ended June 30, 2021.

Additional disclosures related to Oregon PERS not applicable to specific employers are available online, or by contacting PERS at the following address: PO Box 23700, Tigard, OR 97281-3700.

E. OTHER POST-EMPLOYMENT BENEFITS:

Plan Description

As a member of Oregon Public Employees Retirement System (OPERS) the District contributes to the Retirement Health Insurance Account (RHIA) for each of its eligible employees. RHIA is a cost-sharing multiple-employer defined benefit other postemployment benefit plan administered by OPERS. RHIA pays a monthly contribution (currently \$60 per month) toward the cost of Medicare companion health insurance premiums of eligible retirees. Oregon Revised Statute (ORS) 238.420 established this trust fund. Authority to establish and amend the benefit provisions of RHIA reside with the Oregon Legislature. The Plan is closed to new entrants after January 1, 2004. OPERS issues a publicly available financial report that includes financial statements and required supplementary information. That report may be obtained by writing to Oregon Public Employees Retirement System, PO Box 23700, Tigard, OR 97281-3700.

Funding Policy

Because RHIA was created by enabling legislation (ORS 238.420), contribution requirements of the plan members and the participating employers were established and may be amended only by the Oregon Legislature. ORS requires that an amount equal to \$60 or the total monthly cost of Medicare companion health insurance premiums coverage, whichever is less, shall be paid from the Retirement Health Insurance Account established by the employer, and any monthly cost in excess of \$60 shall be paid by the eligible retired member in the manner provided in ORS 238.410. To be eligible to receive this monthly payment toward the premium cost the member must: (1) have eight years or more of qualifying service in PERS at the time of retirement or receive a disability allowance as if the member had eight years or more of creditable service in PERS; (2) receive both Medicare Parts A and B coverage; and (3) enroll in a PERS-sponsored health plan. A surviving spouse or dependent of a deceased PERS retiree who was eligible to receive the subsidy is eligible to receive the subsidy if he or she (1) is receiving a retirement benefit or allowance from PERS, or (2) was insured at the time the member died and the member retired before May 1, 1991.

Contributions

Participating public employers are contractually required to contribute to RHIA at a rate assessed each biennium by OPERS. For fiscal year 2020 the rate is 0.06% of annual covered payroll for Tier 1/Tier 2 employees and 0.00% for OPSRP employees. The OPERS sets the net-retiree healthcare rate based on the estimated OPEB expense of the employer, an amount actuarially determined in accordance with the parameters of GASB Statement 75 Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions. The OPEB expense represents the annual cost allocated to the current year (normal cost) and the amortization of any unfunded accrued liabilities of the plan (UAL cost). The unfunded accrued liabilities are amortized over a closed period equal to the average of the expected remaining lives of all employees that are

provided with OPEB through the OPEB plan (active employees and inactive employees). The County's contributions to RHIA were consistent with the net-retiree healthcare rate as charged by OPERS. Amounts paid for RHIA were included with the payments for the retirement plan. The County's participation in RHIA is immaterial to the financial statements.

Post-employment Health Insurance Subsidy

Plan Description

The County administers a single-employer defined benefit healthcare plan that covers both active and retired participants. The plan provides post-retirement healthcare benefits for eligible retirees and their dependents through the County's group health insurance plans. The County's post-retirement plan was established in accordance with Oregon Revised Statutes (ORS) 243.303 which states, in part, that for the purposes of establishing healthcare premiums, the calculated rate must be based on the cost of all plan members, including both active employees and retirees. Because claim costs are generally higher for retiree groups than for active members, the premium amount does not represent the full cost of coverage for retirees. The resulting additional cost, or implicit subsidy, is required to be valued under GASB Statement 75 related to Other Post-Employment Benefits (OPEB). Calculations are based on the OPEB benefits provided under the terms of the substantive plan in effect at the time of each valuation and on the pattern of sharing of costs between the employer and plan members to that point. Actuarial valuations for OPEB plans involve estimates of the value of reported amounts and assumptions about the probability of events far into the future, and actuarially determined amounts are subject to continual revision as results are compared to past expectations and new estimates are made about the future. Actuarial calculations of the OPEB plan reflect a long-term perspective. The valuation date was July 1, 2020 and the measurement date was June 30, 2020.

Funding Policy

The County has not established a trust fund to finance the cost of post-employment health care benefits related to implicit rate subsidies. Premiums are paid by retirees based on the rates established for active employees. Additional costs related to an implicit subsidy are paid by the County on a pay-as-you-go basis. There is no obligation on the part of the County to fund these benefits in advance.

Actuarial Methods and Assumptions

The County engaged an actuary to perform a valuation as of June 30, 2021 using the Entry Age Normal, level percent of salary Actuarial Cost Method. Mortality rates were based on the RP-2000 healthy white collar male and female mortality tables, set back one year for males. Mortality is projected on a generational basis using Scale BB for males and females. Demographic assumptions regarding retirement, mortality, and turnover are based on Oregon PERS valuation assumptions as of December 31, 2019. Election rate and lapse assumptions are based on experience implied by valuation data for this and other Oregon public employers.

**Changes in Total OPEB Liability
June 30, 2020 to June 30, 2021**

**Increase (Decrease)
Total OPEB Liability**

Balance as of June 30, 2020	\$ 760,158
Changes for the year:	
Service cost	54,702
Interest on total OPEB liability	27,619
Effect of changes to benefit terms	0
Effect of economic/demographic gains or losses	53,986
Effect of assumptions changes or inputs	(92,245)
Benefit payments	<u>(51,963)</u>
Balance as of June 30, 2021	\$ 752,257

Sensitivity of the Net OPEB Liability to Changes in the Discount Rate and Trend Rates

The following analysis presents the net OPB liability using a discount rate of 2.21% as well as what the County's net OPEB liability would be if it was calculated using a discount rate that is one percentage point lower (1.21%) or one percentage point higher (3.21%) than the current rate.

	1% Decrease	Current Discount Rate	1% Increase
Total OPEB Liability, 2021	806,141	752,257	701,166

	1% Decrease	Current Trend Rate	1% Increase
Total OPEB Liability, 2021	673,520	752,257	845,456

Deferred Outflows of Resources and Deferred Inflows of Resources Related to OPEB Benefits:

	<u>Deferred Outflow of Resources</u>	<u>Deferred Inflow of Resources</u>
Differences between expected and actual experience	(4,644)	47,635
Changes of assumptions	(98,195)	93,537
Benefit Payments	-	69,904
Total as of June 30, 2021	<u>(102,839)</u>	<u>211,076</u>

Amounts Reported as deferred outflows or inflows of resources related to pension will be recognized in pension expense as follows:

<u>Year ending June 30,</u>	<u>Amount</u>
2022	\$ 7,076
2023	7,076
2024	7,076
2025	7,076
2026	10,769
Thereafter	(740)
Total	\$ 38,333

F. INTERFUND TRANSFERS:

The following table reflects the interfund transfers completed during the year ended June 30, 2021.

<u>Fund#</u>	<u>Fund Name</u>	<u>GASB 54 Fund</u>	<u>Transfers In</u>	<u>Transfers Out</u>
101	GENERAL FUND	General Fund	400,000	2,639,645
203	FAIR	Non-Major Governmental Fund	29,000	-
208	SPECIAL ECONOMIC DEVELOPMENT	Non-Major Governmental Fund	-	405,000
211	MUSEUM	Non-Major Governmental Fund	22,500	-
220	911 COMMUNICATIONS	Non-Major Governmental Fund	193,145	73,333
324	911 EQUIPMENT RESERVE	General Fund	30,000	-
327	GENERAL OPERATING RESERVE	General Fund	2,443,333	-
Total All Transfers			3,117,978	3,117,978
Total General Fund			2,873,333	2,639,645
Total Non-Major Governmental Fund			244,645	478,333
			3,117,978	3,117,978

G. DEFERRED COMPENSATION

The County offers a deferred compensation plan created in accordance with the Internal Revenue Code Section 457. This plan, available to all full time employees, permits employees to defer a portion of their salary until future years. The deferred compensation is not available to employees until termination, retirement, death or unforeseen emergency. All amounts of compensation deferred under the plan are held in trust by the plan administrator for the sole benefit of the participants.

H. TAX ABATEMENTS

Wasco County has authorized tax-exempt status for three qualified firms within the County: Powder Pure, Hix The Dalles, and Design LLC. All properties are required to meet State and Federal funding requirements which include annual physical inspections and an annual audit of financial activity and programmatic compliance. The property tax exemption may be removed if the property is being used for any purpose other than the provisions of low income housing, or if the property is no longer eligible under the stated provisions of ORS 307.540 to 307.548. Section E of the renewal application requires the applicant to acknowledge compliance

with the requirements annually. For fiscal year ending June 30, 2021, the foregone property tax revenue for the all taxing districts in the County as a whole is \$33,848,639 while the County's share is \$7,369,352.

NOTE 4 – OTHER INFORMATION:

A. RISK MANAGEMENT

The County is exposed to various risks of loss related to torts, theft of, damage to and destruction of assets; errors and omissions; and natural disasters for which the County carries commercial insurance with nominal deductible levels. Losses over the past three years have not exceeded the insurance coverage.

Liabilities are reported when it is probable that a loss occurred and the amount of the loss can be reasonable estimated. Any liability for claims or judgements would be reported in the appropriate governmental fund.

The County has elected to finance the liability for unemployment compensation benefits to County employees by reimbursing the State of Oregon Employment Division for the County's actual costs for unemployment benefits.

B. JOINTLY GOVERNED ORGANIZATIONS

Wasco County, Oregon, in conjunction with Sherman County, Hood River County, and Gilliam County, has created a regional jail facility in Wasco County known as Northern Oregon Corrections (NORCOR). The board of NORCOR is composed of five members, one from each of the participating governments, along with one sheriff. Wasco County budgeted expenditures to NORCOR for the year ended June 30, 2021 totaled \$2,213,150 with actual expenditures being \$2,227,236. The difference between budget to actual is based on medical care usage. Financial information for this entity may be obtained from the Administrator, Northern Oregon Corrections, 201 Webber Road, The Dalles, OR 97058.

Wasco County, Oregon, in conjunction with Sherman County and Gilliam County, has created a public health department in Wasco County known as North Central Public Health District (NCPHD). The board of NCPHD is composed of nine members total, one from each of the participating governments along with two other members from each County. Wasco County budgeted expenditures to NCPHD for the year ended June 30, 2021 total \$440,157. Actual expenditures are the same as budgeted. Financial information for this district may be obtained from the Finance Manager, North Central Public Health District, 419 E 7th Street, The Dalles, OR 97058.

C. RELATED PARTIES

During the year, the County had the following related party transactions. Qlife revenues from clerk fees, computer, GIS and administrative services totaled \$60,557 and expenditures totaled \$16,560. At June 30, 2021 the County has a \$0, balance to the Agency for services received.

Required Supplementary Information

Wasco County, Oregon
Schedule of Changes in Other Post-Employment Benefits and Related Ratios
For the last four fiscal years

			Year Ended	
	Year Ended	Year Ended	June 30,	Year Ended
	June 30, 2021	June 30, 2020	2019	June 30, 2018
Total Other Post Employment Benefits Liability at June 30, Prior Year	760,158	700,278	586,655	606,828
<u>Changes for the year:</u>				
Service Cost	54,702	48,704	37,058	39,536
Interest	27,619	28,224	21,347	17,795
Changes in Benefit Terms	-	-	-	-
Differences between expected and actual experience	-	-	-	-
Effect of economic/demographic gains or losses	53,986	-	(7,179)	-
Changes in assumptions or other input	(92,245)	22,693	117,737	(33,198)
Employer Contributions	-	-	-	-
Benefit Payments	(51,963)	(39,741)	(55,340)	(44,306)
Net changes for the year	<u>-7,901</u>	<u>59,880</u>	<u>113,623</u>	<u>-20,173</u>
Total Other Post Employment Benefits Liability at June 30, Current Year	<u>752,257</u>	<u>760,158</u>	<u>700,278</u>	<u>586,655</u>
Fiduciary Net Position - Beginning	-	-	-	-
Contributions - Employer	51,963	39,741	55,340	44,306
Contributions - Employee	-	-	-	-
Net Investment Income	-	-	-	-
Benefit Payments	(51,963)	(39,741)	(55,340)	(44,306)
Administrative Expense	-	-	-	-
Net changes for the year	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Fiduciary Net Position - Ending	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Net Liability for Other Post Employment Benefits - End of Year	<u>752,257</u>	<u>760,158</u>	<u>700,278</u>	<u>586,655</u>
Fiduciary Net Position as a percentage of the total Single Employer Pension Liability	0%	0%	0%	0%
Covered Payroll	6,538,686	7,202,930	6,632,738	6,693,117
Net Single Employer Pension Plan as a Percentage of Covered Payroll	12%	11%	11%	9%

Required Supplementary Information

**Wasco County, Oregon
Schedule of the Proportionate Share of the Net Pension Liability
For the last eight fiscal years**

Year Ended June 30,	Proportion of the net pension liability (asset) (a)	Proportionate share of the net pension liability (asset) (b)	Covered payroll (c)	Proportionate share of the net pension liability (asset) as a percentage of its covered payroll (b/c)	Plan fiduciary net position as a percentage of the total pension liability
2021	0.05524747%	12,056,898	7,202,930	167.39%	75.80%
2020	0.07209247%	12,470,271	6,632,738	188.01%	80.20%
2019	0.06788966%	10,284,389	6,605,716	155.69%	82.10%
2018	0.06336891%	8,542,153	6,924,289	123.37%	83.10%
2017	0.06589545%	9,892,442	6,032,943	163.97%	80.50%
2016	0.06589548%	9,892,442	5,852,439	169.03%	91.90%
2015	0.07752839%	4,451,263	6,480,919	68.68%	103.60%
2014	0.09664647%	4,932,011	6,480,919	76.10%	91.97%

The amounts presented for each fiscal year were actuarially determined at December 31 and rolled forward to the measurement date.

This schedule is presented to illustrate the requirements to show information for 10 years. However, until a full 10-year trend has been compiled, information is presented only for the years for which the required supplementary information is available.

Required Supplementary Information (Continued)

**Wasco County, Oregon
Schedule of Contributions
For the last eight fiscal years**

Year ended June 30,	Statutorily required contribution	Contributions in relation to the statutorily required contribution	Contribution deficiency (excess)	Covered payroll	Contributions as a percent of covered payroll
	(a)	(b)	(a-b)	(c)	(b/c)
2021	\$ 932,007	\$ 932,007	\$ -	\$ 6,538,686	14.25%
2020	1,127,685	1,127,685	-	7,202,930	15.66%
2019	1,003,234	1,003,234	-	6,632,738	15.13%
2018	1,025,704	1,025,704	-	6,605,716	15.53%
2017	774,484	774,484	-	6,924,289	11.19%
2016	686,501	686,501	-	6,032,943	11.38%
2015	604,704	604,704	-	5,852,439	10.33%
2014	692,025	692,025	-	6,480,919	10.68%

The amounts presented for each fiscal year were actuarially determined at December 31 and rolled forward to the measurement date.

This schedule is presented to illustrate the requirements to show information for 10 years. However, until a full 10-year trend has been compiled, information is presented only for the years for which the required supplementary information is available.

Wasco County, Oregon
Schedule of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual - Budgetary Basis
101 General Fund
For the year ended June 30, 2020
(all amounts are in dollars)

	<u>Budgeted Amounts</u>		<u>Actual Amounts</u>	<u>Variance with Final Budget</u>
	<u>Original</u>	<u>Final</u>		
Revenues				
Property taxes	\$ 10,331,863	\$ 10,331,863	\$ 10,296,406	\$ (35,457)
Licenses, fees, and permits	1,902,480	1,902,480	2,409,702	507,222
Intergovernmental	2,524,833	2,524,833	4,058,898	1,534,065
Charges for services	133,209	133,209	126,858	(6,351)
Fines and forfeitures	35,000	35,000	39,028	4,028
Rents	199,779	199,779	203,134	3,355
Pass-through payments	2,000	2,000	5,435	3,435
Investment earnings	225,200	225,200	77,139	(148,061)
Miscellaneous	397,609	397,609	733,429	335,820
Total revenues	<u>15,751,973</u>	<u>15,751,973</u>	<u>17,950,029</u>	<u>2,198,056</u>
Expenditures				
Current by Department:				
Assessor	875,646	875,646	691,680	183,966
Clerk	362,861	362,861	354,501	8,360
Sheriff	2,553,361	2,553,361	2,289,275	264,086
Employee and administrative services	3,780,584	3,780,584	2,745,632	1,034,952
Administration	3,966,259	3,966,259	3,750,427	215,832
District attorney	744,169	744,169	627,553	116,616
Planning	864,432	864,432	750,772	113,660
Public works	58,347	58,347	48,551	9,796
Youth services	917,408	917,408	845,401	72,007
Contingencies	1,438,918	1,438,918	-	1,438,918
Total expenditures	<u>15,561,985</u>	<u>15,561,985</u>	<u>12,103,792</u>	<u>3,458,193</u>
Excess (deficiency) of revenues over (under) expenditures	<u>189,988</u>	<u>189,988</u>	<u>5,846,237</u>	<u>5,656,249</u>
Other Financing Sources (Uses)				
Sale of fixed assets	4,000	4,000	30,577	26,577
Transfers from other governments	-	-	-	-
Transfers from other funds	562,426	562,426	400,000	(162,426)
Transfers to other funds	(2,639,645)	(2,639,645)	(2,639,645)	-
Total other financing sources (uses)	<u>(2,073,219)</u>	<u>(2,073,219)</u>	<u>(2,209,068)</u>	<u>(135,849)</u>
Net change in fund balances	<u>(1,883,231)</u>	<u>(1,883,231)</u>	<u>3,637,169</u>	<u>5,520,400</u>
Fund balances - beginning	8,296,431	7,878,296	9,195,796	1,317,500
Fund balances - ending	<u>\$ 6,413,200</u>	<u>\$ 5,995,065</u>	<u>12,832,965</u>	<u>\$ 6,837,900</u>
Reconciliation to GAAP Fund Balance				
233 Kramer Field Fund			35,696	
324 911 Equipment Reserve Fund			94,680	
326 Facility Capital Reserve Fund			3,434,256	
327 General Operating Reserve Fund			<u>5,743,560</u>	
Total GAAP Fund Balance			<u>22,141,157</u>	

The notes to the financial statements are an integral part of this statement

Wasco County, Oregon
Schedule of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual - Budgetary Basis
202 Public Works
For the year ended June 30, 2021
(all amounts are in dollars)

	<u>Budgeted Amounts</u>		<u>Actual Amounts</u>	<u>Variance with Final Budget</u>
	<u>Original</u>	<u>Final</u>		
Revenues				
Licenses, fees and permits	\$ 12,000	\$ 12,000	\$ 17,974	\$ 5,974
Intergovernmental	3,593,785	3,593,785	3,362,347	(231,438)
Charges for services	454,000	454,000	377,081	(76,919)
Internal services	-	-	3,180	3,180
Investment earnings	45,000	45,000	22,484	(22,516)
Miscellaneous	42,500	42,500	14,956	(27,544)
Total revenues	<u>4,147,285</u>	<u>4,147,285</u>	<u>3,798,022</u>	<u>(349,263)</u>
Expenditures				
Current:				
Public Works	4,036,620	4,036,620	3,599,304	437,316
Contingencies	2,018,310	2,018,310	-	2,018,310
Total expenditures	<u>6,054,930</u>	<u>6,054,930</u>	<u>3,599,304</u>	<u>2,455,626</u>
Excess (deficiency) of revenues over (under) expenditures	<u>(1,907,645)</u>	<u>(1,907,645)</u>	<u>198,718</u>	<u>2,106,363</u>
Other Financing Sources (Uses)				
Transfers from other funds	-	-	-	-
Transfers to other funds	-	-	-	-
Total other financing sources (uses)	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Net change in fund balances	<u>(1,907,645)</u>	<u>(1,907,645)</u>	<u>198,718</u>	<u>2,106,363</u>
Fund balances, budgetary basis - beginning	<u>2,431,010</u>	<u>2,431,010</u>	<u>3,744,595</u>	<u>1,313,585</u>
Fund balances, budgetary basis - ending	<u>\$ 523,365</u>	<u>\$ 523,365</u>	<u>\$ 3,943,313</u>	<u>\$ 3,419,948</u>
Reconciliation to GAAP Fund Balance				
321 Road Reserve Fund			<u>4,536,711</u>	
Total GAAP Fund Balance			<u>\$ 8,480,024</u>	

The notes to the financial statements are an integral part of this statement

Wasco County, Oregon
Combining Balance Sheet
Non-Major Governmental Funds
June 30, 2021
(all amounts are in dollars)

	Special Revenue Funds	Capital Project Funds	Total Nonmajor Governmental Funds
Assets			
Cash and investments	9,578,782	3,870,672	13,449,454
Receivables	253,505	-	253,505
Total assets	9,832,287	3,870,672	13,702,959
Liabilities			
Accounts payable	285,652	14,680	300,332
Accrued liabilities	97,779	-	97,779
Total liabilities	383,431	14,680	398,111
Fund Balances			
Restricted	4,351,257	-	4,351,257
Committed	5,097,599	-	5,097,599
Assigned	-	3,855,992	3,855,992
Total fund balances	9,448,856	3,855,992	13,304,848
Total liabilities and fund balances	9,832,287	3,870,672	13,702,959

Wasco County, Oregon
Combining Schedule of Revenues, Expenditures and Changes in Fund Balances
Non-Major Governmental Funds
For the year ended June 30, 2021
(all amounts are in dollars)

	<u>Special Revenue Funds</u>	<u>Capital Project Funds</u>	<u>Total Nonmajor Funds</u>
Revenues			
Licenses, fees, and permits	\$ 1,225,931	\$ -	\$ 1,225,931
Intergovernmental	2,744,842	-	2,744,842
Charges for services	528,810	-	528,810
Fines and restitution	32,382	-	32,382
Grants and donations	2,301,691	-	2,301,691
Investment Earnings	68,581	28,912	97,493
Miscellaneous	201,630	-	201,630
Total Revenues	<u>7,103,867</u>	<u>28,912</u>	<u>7,132,779</u>
Expenditures			
Current by Department:			
Clerk	9,305	-	9,305
Sheriff	2,837,162	-	2,837,162
Administration	3,405,071	114,400	3,519,471
District attorney	36,727	-	36,727
Household hazardous waste	362,189	-	362,189
Public works	22,018	-	22,018
Youth services	-	-	-
Total expenditures	<u>6,672,472</u>	<u>114,400</u>	<u>6,786,872</u>
Excess (deficiency) of revenues over (under) expenditures	<u>431,395</u>	<u>(85,488)</u>	<u>345,907</u>
Other Financing Sources (Uses):			
Transfers from other governments	-	-	-
Transfers from other funds	244,645	-	244,645
Transfers to other funds	(478,333)	-	(478,333)
Total other financing sources (Uses)	<u>(233,688)</u>	<u>-</u>	<u>(233,688)</u>
Net change in fund balances	<u>197,707</u>	<u>(85,488)</u>	<u>112,219</u>
Fund balances - beginning	9,251,149	3,941,480	13,192,629
Fund balances - ending	<u>\$ 9,448,856</u>	<u>\$ 3,855,992</u>	<u>\$ 13,304,848</u>

SPECIAL REVENUE FUNDS
NONMAJOR GOVERNMENTAL FUNDS

** These funds do not meet the GASB 54 definition of Special Revenue Funds and are included in the General Fund in the GAAP-basis financial statements. They are budgeted as Special Revenue Funds under Oregon Budget Law.

BUILDING CODES - GENERAL FUND: Revenues and expenditures from the operation of the Building Codes function not related to Electrical Building Codes are recorded in this fund. The primary source of revenue is the issuance of building permits. Expenditures are primarily related to inspections and processing of permits.

BUILDING CODES - ELECTRICAL FUND: Revenues and expenditures from the operation of the Building Codes function related to Electrical Building Codes are recorded in this fund. The primary source of revenue is the issuance of electrical building permits. Expenditures are primarily related to inspections and processing of electrical permits.

COUNTY FAIR FUND: Revenues and expenditures from the operation of the County Fair are recorded in this fund. The primary source of revenue for the Fair is money earned from the annual County Fair operation. Revenues are also received from the State Video Lottery Commission. Expenditures are mainly for the fair and year-round maintenance of the fairgrounds.

COUNTY SCHOOL FUND: The County School Fund is used to account for the receipt of forest reserve rental revenues and distributions from the State of Oregon Common School Fund. By law, these funds are distributed to the school districts in Wasco County.

LAND CORNER PRESERVATION FUND: This fund accounts for revenues and expenditures for the surveying of all section corners in Wasco County. Revenues are mainly fees charged for recording and interest on investments.

FOREST HEALTH FUND: The County receives Federal Title III money to be used to maintain the health of forests within County boundaries. Revenues are from grants and interest on investments. Expenditures are for materials and services.

HOUSEHOLD HAZARDOUS WASTE FUND: Income is from the Oregon Department of Environmental Quality grants and surcharges on local garbage services. Monies are expended for the Sanitarian and the Public Health Business Manager to supervise the collection of fees and the contracting of services and building projects relating to the disposal of household hazardous waste.

LAW LIBRARY FUND: This fund is used to maintain a law library within the County. Revenues are mainly from filing fees and expenditures are for materials and services.

PARKS FUND: This fund receives RV and campsite fees to pay for a park manager and operations for Hunt Park.

COMMUNITY CORRECTIONS FUND: This fund accounts for revenues from state grants and fees from participants in the community corrections program. Expenditures are for operations of the program.

COURT FACILITIES SECURITY FUND: This fund accounts for revenues from assessments on court fines. Expenditures are for materials and services.

CLERK RECORDS FUND: Oregon law requires a separate fund to account for a recording fee. The revenue is used to acquire storage and create and maintain a retrieval system for County records.

SPECIAL ECONOMIC DEVELOPMENT PAYMENTS FUND: This fund accounts for Enterprise Zone Tax Abatement Agreement Project fees. Fees are then distributed for local services or infrastructure.

DISTRICT ATTORNEY FUND: This fund accounts for forfeiture proceeds. Victim and Drug Court donation balances in the General Fund are also transferred into this fund. Expenditures are for materials and services and capital expenditures. This fund is included in the General Fund in the GAAP-basis financial statements.

MUSEUM FUND: Revenues are mainly from donations and contributions from the City of The Dalles and Wasco County. Expenditures are for personnel services, materials and services, and capital expenditures.

911 COMMUNICATIONS FUND: The County administrates the 911 emergency center for all of the emergency services providers in Wasco County. Revenues are primarily from intergovernmental agreements and phone taxes. Expenditures are for 911 operations. This fund is included in the General Fund in the GAAP-basis financial statements.

** **KRAMER FIELD FUND:** This fund accounts for monies remaining after the construction of Kramer Field. Revenue is from interest earned on investments. Expenditures are for materials and services. This fund is included in the General Fund in the GAAP-basis financial statements.

Wasco County, Oregon
Combining Balance Sheet
Special Revenue Funds
June 30, 2021
(all amounts are in dollars)

	<u>Building Codes - General Fund</u>	<u>Building Codes - Electrical Fund</u>	<u>County Fair Fund</u>	<u>County School Fund</u>	<u>Land Corner Preservation Fund</u>	<u>Forest Health Fund</u>
Assets						
Cash and investments	\$ 3,502,463	\$ 778,731	\$ 252,139	\$ -	\$ 124,349	\$ 417,148
Receivables	-	553	4,165	-	-	-
Total assets	<u>\$ 3,502,463</u>	<u>\$ 779,284</u>	<u>\$ 256,304</u>	<u>\$ -</u>	<u>\$ 124,349</u>	<u>\$ 417,148</u>
Liabilities						
Accounts payable	\$ 87,121	\$ 9,002	\$ 26,711	\$ -	\$ 149	\$ -
Accrued liabilities	14,376	5,742	2,161	-	875	-
Total liabilities	<u>101,497</u>	<u>14,744</u>	<u>28,872</u>	<u>-</u>	<u>1,024</u>	<u>-</u>
Fund Balances						
Restricted	-	-	227,432	-	123,325	417,148
Committed	3,400,966	764,540	-	-	-	-
Total fund balances	<u>3,400,966</u>	<u>764,540</u>	<u>227,432</u>	<u>-</u>	<u>123,325</u>	<u>417,148</u>
Total liabilities and fund balances	<u>\$ 3,502,463</u>	<u>\$ 779,284</u>	<u>\$ 256,304</u>	<u>\$ -</u>	<u>\$ 124,349</u>	<u>\$ 417,148</u>

Wasco County, Oregon
Combining Balance Sheet
Special Revenue Funds
June 30, 2021
(all amounts are in dollars)

	<u>Household Hazardous Waste Fund</u>	<u>Law Library Fund</u>	<u>Parks Fund</u>	<u>Community Corrections Fund</u>	<u>Court Facilities Security Fund</u>	<u>Clerk Records Fund</u>
Assets						
Cash and investments	\$ 746,510	\$ 134,562	\$ 290,001	\$ 996,142	\$ 232,510	\$ 41,813
Receivables	39,249	-	15,511	-	2,357	-
Total assets	<u>\$ 785,759</u>	<u>\$ 134,562</u>	<u>\$ 305,512</u>	<u>\$ 996,142</u>	<u>\$ 234,867</u>	<u>\$ 41,813</u>
Liabilities						
Accounts payable	\$ 80,380	\$ 1,647	\$ 21,622	\$ 22,118	\$ -	\$ -
Accrued liabilities	3,952	-	579	37,993	-	-
Total liabilities	<u>84,332</u>	<u>1,647</u>	<u>22,201</u>	<u>60,111</u>	<u>-</u>	<u>-</u>
Fund Balances						
Restricted	-	132,915	283,311	936,031	234,867	41,813
Committed	<u>701,427</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total fund balances	<u>701,427</u>	<u>132,915</u>	<u>283,311</u>	<u>936,031</u>	<u>234,867</u>	<u>41,813</u>
Total liabilities and fund balances	<u>\$ 785,759</u>	<u>\$ 134,562</u>	<u>\$ 305,512</u>	<u>\$ 996,142</u>	<u>\$ 234,867</u>	<u>\$ 41,813</u>

Wasco County, Oregon
Combining Balance Sheet
Special Revenue Funds
June 30, 2021
(all amounts are in dollars)

	Special Economic Development	District Attorney	Museum Fund	911 Communications	Total
Assets					
Cash and investments	\$ 1,648,943	\$ 3,631	\$ 235,118	\$ 174,722	\$ 9,578,782
Receivables	-	-	-	191,670	253,505
Total assets	<u>\$ 1,648,943</u>	<u>\$ 3,631</u>	<u>\$ 235,118</u>	<u>\$ 366,392</u>	<u>\$ 9,832,287</u>
Liabilities					
Accounts payable	\$ 10,553	\$ -	\$ 6,597	\$ 19,752	\$ 285,652
Accrued liabilities	-	-	1,486	30,615	97,779
Total liabilities	<u>10,553</u>	<u>-</u>	<u>8,083</u>	<u>50,367</u>	<u>383,431</u>
Fund Balances					
Restricted	1,638,390	-	-	316,025	4,351,257
Committed	-	3,631	227,035	-	5,097,599
Total fund balances	<u>1,638,390</u>	<u>3,631</u>	<u>227,035</u>	<u>316,025</u>	<u>9,448,856</u>
Total liabilities and fund balances	<u>\$ 1,648,943</u>	<u>\$ 3,631</u>	<u>\$ 235,118</u>	<u>\$ 366,392</u>	<u>\$ 9,832,287</u>

Wasco County, Oregon
Combining Schedule of Revenues, Expenditures and Changes in Fund Balance
Special Revenue Funds
For the year ended June 30, 2021
(all amounts are in dollars)

	Building Codes - General Fund	Building Codes - Electrical Fund	County Fair Fund	County School Fund	Land Corner Preservation Fund	Forest Health Fund
Revenues						
Licenses, fees, and permits	\$ 436,710	\$ 86,926	\$ 72,505	\$ -	\$ 53,375	\$ -
Intergovernmental	-	-	53,167	249,110	-	39,834
Charges for services	-	-	-	-	-	-
Fines and restitution	-	-	-	-	-	-
Grants and contributions	-	-	-	-	-	-
Investment earnings	24,021	5,400	1,550	509	804	2,835
Miscellaneous	160,032	1,830	7,200	-	-	-
Total Revenues	620,763	94,156	134,422	249,619	54,179	42,669
Expenditures						
Current by Department:						
Assessor	-	-	-	-	-	-
Clerk	-	-	-	-	-	-
Sheriff	-	-	-	-	-	-
Employee and administrative services	-	-	-	-	-	-
Administration	664,557	197,640	99,130	249,965	-	-
District attorney	-	-	-	-	-	-
Household hazardous waste	-	-	-	-	-	-
Public works	-	-	-	-	22,018	-
Youth services	-	-	-	-	-	-
Interest	-	-	-	-	-	-
Total expenditures	664,557	197,640	99,130	249,965	22,018	-
Excess (deficiency) of revenues over (under) expenditures	(43,794)	(103,484)	35,292	(346)	32,161	42,669
Other Financing Sources (Uses):						
Transfers from other governments	-	-	-	-	-	-
Transfers from other funds	-	-	29,000	-	-	-
Transfers to other funds	-	-	-	-	-	-
Total other financing sources	-	-	29,000	-	-	-
(Uses)	-	-	29,000	-	-	-
Net change in fund balances	(43,794)	(103,484)	64,292	(346)	32,161	42,669
Fund balances - beginning	3,444,760	868,024	163,140	346	91,164	374,479
Fund balances - ending	\$ 3,400,966	\$ 764,540	\$ 227,432	\$ -	\$ 123,325	\$ 417,148

Wasco County, Oregon
Combining Schedule of Revenues, Expenditures and Changes in Fund Balance
Special Revenue Funds
For the year ended June 30, 2021
(all amounts are in dollars)

	Household Hazardous Waste Fund	Law Library Fund	Parks Fund	Community Corrections Fund	Court Facilities Security Fund	Clerk Records Fund
Revenues						
Licenses, fees, and permits	\$ 410,013	\$ 18,707	\$ 7,769	\$ 121,016	\$ -	\$ 10,074
Intergovernmental	-	-	68,685	1,824,973	-	-
Charges for services	12,200	-	-	-	-	-
Fines and restitution	-	-	-	-	32,382	-
Grants and contributions	-	-	-	-	-	-
Investment earnings	5,071	1,070	2,233	7,273	1,592	331
Miscellaneous	21,067	-	-	11,496	-	-
Total Revenues	448,351	19,777	78,687	1,964,758	33,974	10,405
Expenditures						
Current by Department:						
Assessor	-	-	-	-	-	-
Clerk	-	-	-	-	-	9,305
Sheriff	-	-	-	1,784,439	-	-
Employee and administrative services	-	-	-	-	-	-
Administration	-	-	81,476	-	-	-
District attorney	-	28,941	-	-	-	-
Household hazardous waste	362,189	-	-	-	-	-
Public works	-	-	-	-	-	-
Youth services	-	-	-	-	-	-
Interest	-	-	-	-	-	-
Total expenditures	362,189	28,941	81,476	1,784,439	-	9,305
Excess (deficiency) of revenues over (under) expenditures	86,162	(9,164)	(2,789)	180,319	33,974	1,100
Other Financing Sources (Uses):						
Transfers from other governments	-	-	-	-	-	-
Transfers from other funds	-	-	-	-	-	-
Transfers to other funds	-	-	-	-	-	-
Total other financing sources	-	-	-	-	-	-
(Uses)	-	-	-	-	-	-
Net change in fund balances	86,162	(9,164)	(2,789)	180,319	33,974	1,100
Fund balances - beginning	615,265	142,079	286,100	755,712	200,893	40,713
Fund balances - ending	\$ 701,427	\$ 132,915	\$ 283,311	\$ 936,031	\$ 234,867	\$ 41,813

Wasco County, Oregon
Combining Schedule of Revenues, Expenditures and Changes in Fund Balance
Special Revenue Funds
For the year ended June 30, 2021
(all amounts are in dollars)

	Special Economic Development	District Attorney	Museum Fund	911 Communications	Total
Revenues					
Licenses, fees, and permits	\$ -	\$ -	\$ 8,836	\$ -	\$ 1,225,931
Intergovernmental	-	-	35,000	474,073	2,744,842
Charges for services	-	-	-	516,610	528,810
Fines and restitution	-	-	-	-	32,382
Grants and contributions	2,283,744	517	17,430	-	2,301,691
Investment earnings	11,934	64	1,826	2,068	68,581
Miscellaneous	-	-	5	-	201,630
Total Revenues	<u>2,295,678</u>	<u>581</u>	<u>63,097</u>	<u>992,751</u>	<u>7,103,867</u>
Expenditures					
Current by Department:					
Assessor	-	-	-	-	-
Clerk	-	-	-	-	9,305
Sheriff	-	-	-	1,052,723	2,837,162
Employee and administrative services	-	-	-	-	-
Administration	2,013,960	-	98,343	-	3,405,071
District attorney	-	7,786	-	-	36,727
Household hazardous waste	-	-	-	-	362,189
Public works	-	-	-	-	22,018
Youth services	-	-	-	-	-
Interest	-	-	-	-	-
Total expenditures	<u>2,013,960</u>	<u>7,786</u>	<u>98,343</u>	<u>1,052,723</u>	<u>6,672,472</u>
Excess (deficiency) of revenues over (under) expenditures	<u>281,718</u>	<u>(7,205)</u>	<u>(35,246)</u>	<u>(59,972)</u>	<u>431,395</u>
Other Financing Sources (Uses):					
Transfers from other governments	-	-	-	-	-
Transfers from other funds	-	-	22,500	193,145	244,645
Transfers to other funds	(405,000)	-	-	(73,333)	(478,333)
Total other financing sources	<u>(405,000)</u>	<u>-</u>	<u>22,500</u>	<u>119,812</u>	<u>(233,688)</u>
(Uses)	<u>(405,000)</u>	<u>-</u>	<u>22,500</u>	<u>119,812</u>	<u>(233,688)</u>
Net change in fund balances	<u>(123,282)</u>	<u>(7,205)</u>	<u>(12,746)</u>	<u>59,840</u>	<u>197,707</u>
Fund balances - beginning	1,761,672	10,836	239,781	256,185	9,251,149
Fund balances - ending	<u>\$ 1,638,390</u>	<u>\$ 3,631</u>	<u>\$ 227,035</u>	<u>\$ 316,025</u>	<u>\$ 9,448,856</u>

Wasco County, Oregon
Schedule of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual - Budgetary Basis
150 Building Codes - General Fund
For the year ended June 30, 2021
(all amounts are in dollars)

	<u>Budgeted Amounts</u>		<u>Actual Amounts</u>	<u>Variance with Final Budget</u>
	<u>Original</u>	<u>Final</u>		
Revenues				
Licenses, fees, and permits	\$ 1,051,523	\$ 1,051,523	\$ 436,710	\$ (614,813)
Investment earnings	38,154	38,154	24,021	(14,133)
Miscellaneous	300,000	300,000	160,032	(139,968)
Total revenues	<u>1,389,677</u>	<u>1,389,677</u>	<u>620,763</u>	<u>(768,914)</u>
Expenditures				
Current:				
Administration	1,550,638	1,574,638	664,557	910,081
Contingencies	129,220	129,220	-	129,220
Total expenditures	<u>1,679,858</u>	<u>1,703,858</u>	<u>664,557</u>	<u>1,039,301</u>
Excess (deficiency) of revenues over (under) expenditures	<u>(290,181)</u>	<u>(314,181)</u>	<u>(43,794)</u>	<u>270,387</u>
Other Financing Sources (Uses)				
Transfers from other governments	-	-	-	-
Transfers from other funds	200,000	200,000	-	(200,000)
Transfers to other funds	<u>(200,000)</u>	<u>(200,000)</u>	<u>-</u>	<u>200,000</u>
Total other financing sources (uses)	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Net change in fund balances	<u>(290,181)</u>	<u>(314,181)</u>	<u>(43,794)</u>	<u>270,387</u>
Fund balances, budgetary basis - beginning	3,468,549	3,468,549	3,444,760	(23,789)
Fund balances, budgetary basis - ending	<u>\$ 3,178,368</u>	<u>\$ 3,154,368</u>	<u>\$ 3,400,966</u>	<u>\$ 246,598</u>

Wasco County, Oregon
Schedule of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual - Budgetary Basis
160 Building Codes - Electrical Fund
For the year ended June 30, 2021
(all amounts are in dollars)

	<u>Budgeted Amounts</u>		<u>Actual Amounts</u>	<u>Variance with Final Budget</u>
	<u>Original</u>	<u>Final</u>		
Revenues				
Licenses, fees, and permits	\$ 133,000	\$ 133,000	\$ 86,926	\$ (46,074)
Investment earnings	1,000	1,000	5,400	4,400
Miscellaneous	-	-	1,830	1,830
Total revenues	<u>134,000</u>	<u>134,000</u>	<u>94,156</u>	<u>(39,844)</u>
Expenditures				
Current:				
Administration	234,710	249,710	197,640	52,070
Contingencies	117,356	117,356	-	117,356
Total expenditures	<u>352,066</u>	<u>367,066</u>	<u>197,640</u>	<u>169,426</u>
Excess (deficiency) of revenues over (under) expenditures	<u>(218,066)</u>	<u>(233,066)</u>	<u>(103,484)</u>	<u>129,582</u>
Other Financing Sources (Uses)				
Transfers from other governments	-	-	-	-
Transfers from other funds	200,000	200,000	-	(200,000)
Transfers to other funds	<u>(200,000)</u>	<u>(200,000)</u>	<u>-</u>	<u>200,000</u>
Total other financing sources (uses)	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Net change in fund balances	<u>(218,066)</u>	<u>(233,066)</u>	<u>(103,484)</u>	<u>129,582</u>
Fund balances, budgetary basis - beginning	<u>790,162</u>	<u>790,162</u>	<u>868,024</u>	<u>77,862</u>
Fund balances, budgetary basis - ending	<u>\$ 572,096</u>	<u>\$ 557,096</u>	<u>\$ 764,540</u>	<u>\$ 207,444</u>

Wasco County, Oregon
Schedule of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual - Budgetary Basis
203 County Fair Fund
For the year ended June 30, 2021
(all amounts are in dollars)

	Budgeted Amounts		Actual Amounts	Variance with Final Budget
	Original	Final		
Revenues				
Licenses, fees, and permits	\$ 104,240	\$ 104,240	\$ 72,505	\$ (31,735)
Intergovernmental	53,167	53,167	53,167	-
Contributions and donations	18,000	18,000	-	(18,000)
Investment earnings	15,000	15,000	1,550	(13,450)
Miscellaneous	7,200	7,200	7,200	-
Total revenues	197,607	197,607	134,422	(63,185)
Expenditures				
Current:				
Administration	200,946	200,946	99,130	101,816
Contingencies	63,244	63,244	-	63,244
Total expenditures	264,190	264,190	99,130	165,060
Excess (deficiency) of revenues over (under) expenditures	(66,583)	(66,583)	35,292	101,875
Other Financing Sources (Uses)				
Transfers from other funds	29,000	29,000	29,000	-
Total other financing sources (uses)	29,000	29,000	29,000	-
Net change in fund balances	(37,583)	(37,583)	64,292	101,875
Fund balances, budgetary basis - beginning	131,648	131,648	163,140	31,492
Fund balances, budgetary basis - ending	\$ 94,065	\$ 94,065	\$ 227,432	\$ 133,367

Wasco County, Oregon
Schedule of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual - Budgetary Basis
204 County School Fund
For the year ended June 30, 2021
(all amounts are in dollars)

	Budgeted Amounts		Actual Amounts	Variance with Final Budget
	Original	Final		
Revenues				
Intergovernmental	\$ 424,040	\$ 424,040	\$ 249,110	\$ (174,930)
Investment earnings	200	200	509	309
Total revenues	424,240	424,240	249,619	(174,621)
Expenditures				
Current:				
Administration	424,440	424,440	249,965	174,475
Excess (deficiency) of revenues over (under) expenditures	(200)	(200)	(346)	(146)
Net change in fund balances	(200)	(200)	(346)	(146)
Fund balances, budgetary basis - beginning	200	200	346	146
Fund balances, budgetary basis - ending	\$ -	\$ -	\$ -	\$ -

Wasco County, Oregon
Schedule of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual - Budgetary Basis
205 Land Corner Preservation Fund
For the year ended June 30, 2021
(all amounts are in dollars)

	Budgeted Amounts		Actual Amounts	Variance with Final Budget
	Original	Final		
Revenues				
Licenses, fees, and permits	\$ 30,000	\$ 30,000	\$ 53,375	\$ 23,375
Investment earnings	900	900	804	(96)
Total revenues	30,900	30,900	54,179	23,279
Expenditures				
Current:				
Public Works	24,298	24,298	22,018	2,280
Contingency	39,940	39,940	-	39,940
Total expenditures	64,238	64,238	22,018	42,220
Excess (deficiency) of revenues over (under) expenditures	(33,338)	(33,338)	32,161	65,499
Other Financing Sources (Uses)				
Transfers to other funds	-	-	-	-
Total other financing sources (uses)	-	-	-	-
Net change in fund balances	(33,338)	(33,338)	32,161	65,499
Fund balances, budgetary basis - beginning	79,930	79,930	91,164	11,234
Fund balances, budgetary basis - ending	\$ 46,592	\$ 46,592	\$ 123,325	\$ 76,733

Wasco County, Oregon
Schedule of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual - Budgetary Basis
206 Forest Health Program Fund
For the year ended June 30, 2021
(all amounts are in dollars)

	Budgeted Amounts		Actual Amounts	Variance with Final Budget
	Original	Final		
Revenues				
Intergovernmental	\$ 40,267	\$ 40,267	\$ 39,834	\$ (433)
Investment earnings	2,700	2,700	2,835	135
Total revenues	42,967	42,967	42,669	(298)
Expenditures				
General government:				
Materials and services	50,000	50,000	-	50,000
Contingencies	204,658	204,658	-	204,658
Excess (deficiency) of revenues over (under) expenditures	(211,691)	(211,691)	42,669	254,360
Other Financing Sources (Uses)				
Transfers to other funds	(162,426)	(162,426)	-	162,426
Total other financing sources (uses)	(162,426)	(162,426)	-	162,426
Net change in fund balances	(374,117)	(374,117)	42,669	416,786
Fund balances - beginning	374,117	374,117	374,479	362
Fund balances - ending	\$ -	\$ -	\$ 417,148	\$ 417,148

Wasco County, Oregon
Schedule of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual - Budgetary Basis
207 Household Hazardous Waste Fund
For the year ended June 30, 2021
(all amounts are in dollars)

	Budgeted Amounts		Actual Amounts	Variance with Final Budget
	Original	Final		
Revenues				
Licenses, fees, and permits	\$ 420,000	\$ 420,000	\$ 410,013	\$ (9,987)
Charges for services	12,200	12,200	12,200	-
Miscellaneous	8,600	13,600	21,067	7,467
Investment earnings	9,000	9,000	5,071	(3,929)
Total revenues	449,800	454,800	448,351	(6,449)
Expenditures				
Current:				
Household hazardous waste	562,283	562,283	362,189	200,094
Contingencies	205,738	205,738	-	205,738
Total expenditures	768,021	768,021	362,189	405,832
Net change in fund balances	(318,221)	(313,221)	86,162	399,383
Fund balances - beginning	518,221	518,221	615,265	97,044
Fund balances - ending	\$ 200,000	\$ 205,000	\$ 701,427	\$ 496,427

Wasco County, Oregon
Schedule of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual - Budgetary Basis
209 Law Library Fund
For the year ended June 30, 2021
(all amounts are in dollars)

	Budgeted Amounts		Actual Amounts	Variance with Final Budget
	Original	Final		
Revenues				
Licenses, fees, and permits	\$ 30,000	\$ 30,000	\$ 18,707	\$ (11,293)
Investment earnings	1,570	1,570	1,070	(500)
Total revenues	31,570	31,570	19,777	(11,793)
Expenditures				
Current:				
District attorney	49,829	49,829	28,941	20,888
Contingencies	110,300	110,300	-	110,300
Total expenditures	160,129	160,129	28,941	131,188
Excess (deficiency) of revenues over (under) expenditures	(128,559)	(128,559)	(9,164)	119,395
Other Financing Sources (Uses)				
Transfers to other funds	-	-	-	-
Total other financing sources (uses)	-	-	-	-
Net change in fund balances	(128,559)	(128,559)	(9,164)	119,395
Fund balances, budgetary basis - beginning	142,625	142,625	142,079	(546)
Fund balances, budgetary basis - ending	\$ 14,066	\$ 14,066	\$ 132,915	\$ 118,849

Wasco County, Oregon
Schedule of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual - Budgetary Basis
223 Parks Fund
For the year ended June 30, 2021
(all amounts are in dollars)

	Budgeted Amounts		Actual Amounts	Variance with Final Budget
	Original	Final		
Revenues				
Licenses, fees and permits	\$ 27,500	\$ 27,500	\$ 7,769	\$ (19,731)
Intergovernmental	67,000	67,000	68,685	1,685
Miscellaneous	-	-	-	-
Investment income	4,800	4,800	2,233	(2,567)
Total revenues	99,300	99,300	78,687	(20,613)
Expenditures				
Current:				
Administration	149,758	149,758	81,476	68,282
Contingencies	116,965	116,965	-	116,965
Total expenditures	266,723	266,723	81,476	185,247
Net change in fund balances	(167,423)	(167,423)	(2,789)	164,634
Fund balances, budgetary basis - beginning	240,320	240,320	286,100	45,780
Fund balances, budgetary basis - ending	\$ 72,897	\$ 72,897	\$ 283,311	\$ 210,414

Wasco County, Oregon
Schedule of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual - Budgetary Basis
227 Community Corrections Fund
For the year ended June 30, 2021
(all amounts are in dollars)

	Budgeted Amounts		Actual Amounts	Variance with Final Budget
	Original	Final		
Revenues				
Licenses and permits	\$ 110,000	\$ 110,000	\$ 121,016	\$ 11,016
Intergovernmental	1,770,438	\$ 1,770,438	1,824,973	54,535
Reimbursements	-	-	11,496	11,496
Investment income	20,000	20,000	7,273	(12,727)
Total revenues	1,900,438	1,900,438	1,964,758	64,320
Expenditures				
Current:				
Sheriff	1,925,571	1,925,571	1,784,439	141,132
Contingencies	550,340	550,340	-	550,340
Total expenditures	2,475,911	2,475,911	1,784,439	691,472
Excess (deficiency) of revenues over (under) expenditures	(575,473)	(575,473)	180,319	755,792
Other Financing Sources (Uses)				
Transfers to other funds	-	-	-	-
Total other financing sources (uses)	-	-	-	-
Net change in fund balances	(575,473)	(575,473)	180,319	755,792
Fund balances, budgetary basis - beginning	695,799	695,799	755,712	59,913
Fund balances, budgetary basis - ending	\$ 120,326	\$ 120,326	\$ 936,031	\$ 815,705

Wasco County, Oregon
Schedule of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual - Budgetary Basis
229 Court Facilities Security Fund
For the year ended June 30, 2021
(all amounts are in dollars)

	Budgeted Amounts		Actual Amounts	Variance with Final Budget
	Original	Final		
Revenues				
Fines and restitution	\$ 30,000	\$ 30,000	\$ 32,382	\$ 2,382
Investment income	2,000	2,000	1,592	(408)
Total revenues	32,000	32,000	33,974	1,974
Expenditures				
Current:				
Administration	51,000	51,000	-	51,000
Contingencies	151,000	151,000	-	151,000
Total expenditures	202,000	202,000	-	202,000
Net change in fund balances	(170,000)	(170,000)	33,974	203,974
Fund balances, budgetary basis - beginning	170,000	170,000	200,893	30,893
Fund balances, budgetary basis - ending	\$ -	\$ -	\$ 234,867	\$ 234,867

Wasco County, Oregon
Schedule of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual - Budgetary Basis
237 Clerk Records Fund
For the year ended June 30, 2021
(all amounts are in dollars)

	<u>Budgeted Amounts</u>		<u>Actual Amounts</u>	<u>Variance with Final Budget</u>
	<u>Original</u>	<u>Final</u>		
Revenues				
Fees	\$ 8,750	\$ 8,750	\$ 10,074	\$ 1,324
Investment income	600	600	331	(269)
Total revenues	<u>9,350</u>	<u>9,350</u>	<u>10,405</u>	<u>1,055</u>
Expenditures				
Current:				
County clerk	12,800	12,800	9,305	3,495
Contingencies	35,550	35,550	-	35,550
Total expenditures	<u>48,350</u>	<u>48,350</u>	<u>9,305</u>	<u>39,045</u>
Net change in fund balances	(39,000)	(39,000)	1,100	40,100
Fund balances, budgetary basis - beginning	39,000	39,000	40,713	1,713
Fund balances, budgetary basis - ending	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 41,813</u>	<u>\$ 41,813</u>

Wasco County, Oregon
Schedule of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual - Budgetary Basis
208 Special Economic Development Fund
For the year ended June 30, 2021
(all amounts are in dollars)

	Budgeted Amounts		Actual Amounts	Variance with Final Budget
	Original	Final		
Revenues				
Contributions and donations	\$ 3,357,363	\$ 3,357,363	\$ 2,283,744	\$ (1,073,619)
Intergovernmental	-	-	-	-
Investment income	6,000	6,000	11,934	5,934
Total revenues	3,363,363	3,363,363	2,295,678	(1,067,685)
Expenditures				
Current:				
Administration	3,617,754	3,617,754	2,013,960	1,603,794
Excess (deficiency) of revenues over (under) expenditures	(254,391)	(254,391)	281,718	536,109
Other Financing Sources (Uses)				
Transfers to other funds	(405,000)	(405,000)	(405,000)	-
Total other financing sources (uses)	(405,000)	(405,000)	(405,000)	-
Net change in fund balances	(659,391)	(659,391)	(123,282)	536,109
Fund balances, budgetary basis - beginning	659,391	659,391	1,761,672	1,102,281
Fund balances, budgetary basis - ending	\$ -	\$ -	\$ 1,638,390	\$ 1,638,390

Wasco County, Oregon
Schedule of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual - Budgetary Basis
210 District Attorney Fund
For the year ended June 30, 2021
(all amounts are in dollars)

	<u>Budgeted Amounts</u>		<u>Actual Amounts</u>	<u>Variance with Final Budget</u>
	<u>Original</u>	<u>Final</u>		
Revenues				
Donations and contributions	\$ 3,000	\$ 3,000	\$ 517	\$ (2,483)
Investment earnings	100	100	64	(36)
Total revenues	<u>3,100</u>	<u>3,100</u>	<u>581</u>	<u>(2,519)</u>
Expenditures				
Current:				
District attorney	12,100	12,100	7,786	4,314
Contingencies	-	-	-	-
Total expenditures	<u>12,100</u>	<u>12,100</u>	<u>7,786</u>	<u>4,314</u>
Excess (deficiency) of revenues over (under) expenditures	<u>(9,000)</u>	<u>(9,000)</u>	<u>(7,205)</u>	<u>1,795</u>
Other Financing Sources (Uses)				
Transfers to other funds	-	-	-	-
Total other financing sources (uses)	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Net change in fund balances	(9,000)	(9,000)	(7,205)	1,795
Fund balances, budgetary basis - beginning	9,000	9,000	10,836	1,836
Fund balances, budgetary basis - ending	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 3,631</u>	<u>\$ 3,631</u>

Wasco County, Oregon
Schedule of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual - Budgetary Basis
211 Museum Fund
For the year ended June 30, 2021
(all amounts are in dollars)

	Budgeted Amounts		Actual Amounts	Variance with Final Budget
	Original	Final		
Revenues				
Licenses, fees, and permits	\$ 23,200	\$ 23,200	\$ 8,836	\$ (14,364)
Intergovernmental	22,500	22,500	35,000	12,500
Donations	6,500	6,500	17,430	10,930
Miscellaneous	-	-	5	5
Investment earnings	4,992	4,992	1,826	(3,166)
Total revenues	57,192	57,192	63,097	5,905
Expenditures				
Current:				
Administration	109,024	100,024	98,343	1,681
Contingencies	178,209	187,209	-	187,209
Total expenditures	287,233	287,233	98,343	188,890
Excess (deficiency) of revenues over (under) expenditures	(230,041)	(230,041)	(35,246)	194,795
Other Financing Sources (Uses)				
Transfers from other funds	22,500	22,500	22,500	-
Net change in fund balances	(207,541)	(207,541)	(12,746)	194,795
Fund balances, budgetary basis - beginning	250,420	250,420	239,781	(10,639)
Fund balances, budgetary basis - ending	\$ 42,879	\$ 42,879	\$ 227,035	\$ 184,156

Wasco County, Oregon
Schedule of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual - Budgetary Basis
220 911 Communications Fund
For the year ended June 30, 2021
(all amounts are in dollars)

	Budgeted Amounts		Actual Amounts	Variance with Final Budget
	Original	Final		
Revenues				
Charges for services	\$ 604,081	\$ 604,081	\$ 516,610	\$ (87,471)
Intergovernmental	474,871	474,871	474,073	(798)
Miscellaneous	100	100	-	(100)
Investment income	3,000	3,000	2,068	(932)
Total revenues	1,082,052	1,082,052	992,751	(89,301)
Expenditures				
Current:				
Sheriff	1,274,215	1,274,215	1,052,723	221,492
Contingencies	144,170	144,170	-	144,170
Total expenditures	1,418,385	1,418,385	1,052,723	365,662
Excess (deficiency) of revenues over (under) expenditures	(336,333)	(336,333)	(59,972)	276,361
Other Financing Sources (Uses)				
Transfers from other funds	193,145	193,145	193,145	-
Transfers to other funds	(73,333)	(73,333)	(73,333)	-
Total other financing sources (uses)	119,812	119,812	119,812	-
Net change in fund balances	(216,521)	(216,521)	59,840	276,361
Fund balances, budgetary basis - beginning	216,521	216,521	256,185	39,664
Fund balances, budgetary basis - ending	\$ -	\$ -	\$ 316,025	\$ 316,025

Wasco County, Oregon
Schedule of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual - Budgetary Basis
233 Kramer Field Fund
For the year ended June 30, 2021
(all amounts are in dollars)

	<u>Budgeted Amounts</u>		<u>Actual Amounts</u>	<u>Variance with Final Budget</u>
	<u>Original</u>	<u>Final</u>		
Revenues				
Investment income	\$ 450	\$ 450	\$ 263	\$ (187)
Expenditures				
Current:				
Administration	35,750	35,750	-	35,750
Net change in fund balances	(35,300)	(35,300)	263	35,563
Fund balances, budgetary basis - beginning	35,300	35,300	35,433	133
Fund balances, budgetary basis - ending	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 35,696</u>	<u>\$ 35,696</u>

RESERVE FUNDS

The County has four reserve funds that are used for budgetary purposes only. These funds are combined with the General Fund or the Public Works Fund in the GAAP-basis financial statements.

ROAD RESERVE FUND: This fund is used to accumulate money for future road equipment purchases and construction projects. Resources are from interest on investments and transfers in. Expenditures are for materials and services and capital outlay. This fund is included with the Public Works Fund in the GAAP-basis financial statements.

911 EQUIPMENT RESERVE FUND: This fund accumulates money for the purchase of 911 equipment. Revenues are from interest on investments and transfers in. This fund is included in the General Fund in the GAAP-basis financial statements.

FACILITY CAPITAL RESERVE FUND: This fund accumulates money for capital expenditures required by County facilities. Resources are from interest on investments and transfers in. This fund is included in the General Fund in the GAAP-basis financial statements.

GENERAL OPERATING RESERVE FUND: This fund accumulates money to support operations as determined by the County Commissioners. Resources are from interest on investments and transfers in. This fund is included in the General Fund in GAAP-basis financial statements.

Wasco County, Oregon
Schedule of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual - Budgetary Basis
321 Road Reserve Fund
For the year ended June 30, 2021
(all amounts are in dollars)

	<u>Budgeted Amounts</u>		<u>Actual Amounts</u>	<u>Variance with Final Budget</u>
	<u>Original</u>	<u>Final</u>		
Revenues				
Investment income	\$ 58,060	\$ 58,060	\$ 36,938	\$ (21,122)
Expenditures				
Current:				
Public works	5,336,217	5,336,217	801,000	4,535,217
Excess (deficiency) of revenues over (under) expenditures	(5,278,157)	(5,278,157)	(764,062)	4,514,095
Other Financing Sources (Uses)				
Transfers from other funds	-	-	-	-
Total other financing sources (uses)	-	-	-	-
Net change in fund balances	(5,278,157)	(5,278,157)	(764,062)	4,514,095
Fund balances, budgetary basis - beginning	5,278,157	5,278,157	5,300,773	22,616
Fund balances, budgetary basis - ending	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 4,536,711</u>	<u>\$ 4,536,711</u>

Wasco County, Oregon
Schedule of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual - Budgetary Basis
324 911 Equipment Reserve Fund
For the year ended June 30, 2021
(all amounts are in dollars)

	<u>Budgeted Amounts</u>		<u>Actual Amounts</u>	<u>Variance with Final Budget</u>
	<u>Original</u>	<u>Final</u>		
Revenues				
Investment income	\$ 1,184	\$ 1,184	\$ 601	\$ (583)
Expenditures				
Current:				
Sheriff	60,000	60,000	-	60,000
Contingencies	35,172	35,172	-	35,172
Total expenditures	95,172	95,172	-	95,172
Excess (deficiency) of revenues over (under) expenditures	(93,988)	(93,988)	601	94,589
Other Financing Sources (Uses)				
Transfers from other funds	30,000	30,000	30,000	-
Transfers to other funds	-	-	-	-
Total other financing sources (uses)	30,000	30,000	30,000	-
Net change in fund balances	(63,988)	(63,988)	30,601	94,589
Fund balances, budgetary basis - beginning	63,988	63,988	64,079	91
Fund balances, budgetary basis - ending	\$ -	\$ -	\$ 94,680	\$ 94,680

Wasco County, Oregon
Schedule of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual - Budgetary Basis
326 Facility Capital Reserve Fund
For the year ended June 30, 2021
(all amounts are in dollars)

	Budgeted Amounts		Actual Amounts	Variance with Final Budget
	Original	Final		
Revenues				
Investment income	\$ 115,409	\$ 115,409	\$ 104,863	\$ (10,546)
Miscellaneous	-	-	537,561	537,561
Total revenues	115,409	115,409	642,424	527,015
Expenditures				
Current:				
Administration	3,027,294	3,027,294	-	3,027,294
Excess (deficiency) of revenues over (under) expenditures	(2,911,885)	(2,911,885)	642,424	3,554,309
Other Financing Sources (Uses)				
Interfund Loans			-	
Transfers to other funds	-	-	-	-
Transfers from other funds	602,000	602,000	-	(602,000)
Total other financing sources (uses)	602,000	602,000	-	(602,000)
Net change in fund balances	(2,309,885)	(2,309,885)	642,424	2,952,309
Fund balances, budgetary basis - beginning	2,309,885	2,309,885	2,791,832	481,947
Fund balances, budgetary basis - ending	\$ -	\$ -	\$ 3,434,256	\$ 3,434,256

Wasco County, Oregon
Schedule of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual - Budgetary Basis
327 General Operating Reserve Fund
For the year ended June 30, 2021
(all amounts are in dollars)

	Budgeted Amounts		Actual Amounts	Variance with Final Budget
	Original	Final		
Revenues				
Investment Income	\$ 57,637	\$ 57,637	\$ 37,814	\$ (19,823)
Intergovernmental	-	-	2,710,134	2,710,134
Miscellaneous	-	-	-	-
Total revenues	57,637	57,637	2,747,948	2,690,311
Expenditures				
Current:				
Administration	7,661,853	7,661,853	4,706,472	2,955,381
Contingencies	-	-	-	-
Total expenditures	7,661,853	7,661,853	4,706,472	2,955,381
Excess (deficiency) of revenues over (under) expenditures	(7,604,216)	(7,604,216)	(1,958,524)	5,645,692
Other Financing Sources (Uses)				
Transfers from other funds	2,443,333	2,443,333	2,443,333	-
Total other financing sources (uses)	2,443,333	2,443,333	2,443,333	-
Net change in fund balances	(5,160,883)	(5,160,883)	484,809	5,645,692
Fund balances, budgetary basis - beginning	5,160,883	5,160,883	5,258,751	97,868
Fund balances, budgetary basis - ending	\$ -	\$ -	\$ 5,743,560	\$ 5,743,560

Wasco County, Oregon
Combining Balance Sheet
Non-Major Capital Project Funds
June 30, 2021
(all amounts are in dollars)

	<u>Capital Acquisitions Fund</u>	<u>Total Capital Project Funds</u>
Assets		
Cash and investments	3,870,672	3,870,672
Receivables	-	-
Total assets	<u>3,870,672</u>	<u>3,870,672</u>
Liabilities		
Accounts payable	14,680	14,680
Accrued liabilities	-	-
Unearned revenue	-	-
Advances from other funds	-	-
Total liabilities	<u>14,680</u>	<u>14,680</u>
Fund Balances		
Restricted	-	-
Assigned	3,855,992	3,855,992
Total fund balances	<u>3,855,992</u>	<u>3,855,992</u>
Total liabilities and fund balances	<u>3,870,672</u>	<u>3,870,672</u>

Wasco County, Oregon
Combining Schedule of Revenues, Expenditures and Changes in Fund Balance
Non-Major Capital Project Funds
For the year ended June 30, 2021
(all amounts are in dollars)

	Capital Acquisitions Funds	Total Capital Project Funds
	<u> </u>	<u> </u>
Revenues		
Investment Earnings	\$ 28,912	\$ 28,912
Grants and donations	-	-
Contributions	-	-
Total Revenues	<u>28,912</u>	<u>28,912</u>
 Expenditures		
Current:		
Administration	<u>114,400</u>	<u>114,400</u>
Excess (deficiency) of revenues over (under) expenditures	<u>(85,488)</u>	<u>(85,488)</u>
 Other Financing Sources:		
Loan proceeds	-	-
Transfers from other funds	-	-
Total other financing sources (Uses)	<u>-</u>	<u>-</u>
Total :	<u>-</u>	<u>-</u>
Net change in fund balances	<u>(85,488)</u>	<u>(85,488)</u>
Fund balances - beginning	<u>3,941,480</u>	<u>3,941,480</u>
Fund balances - ending	<u><u>\$ 3,855,992</u></u>	<u><u>\$ 3,855,992</u></u>

CAPITAL PROJECT FUNDS
NONMAJOR GOVERNMENTAL FUNDS

CAPITAL ACQUISITIONS FUND: This fund accumulates money for future capital improvements. Resources are from interest on investments and transfers in.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG): This fund accounts for a federal grant to be used for construction of a building on behalf of the Mid-Columbia Center for Living. The project was closed out in FY20 and the FY21 budget only existed to close out if necessary. No transactions were necessary in FY21.

Wasco County, Oregon
Schedule of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual - Budgetary Basis
322 Capital Acquisitions Fund
For the year ended June 30, 2021
(all amounts are in dollars)

	<u>Budgeted Amounts</u>		<u>Actual Amounts</u>	<u>Variance with Final Budget</u>
	<u>Original</u>	<u>Final</u>		
Revenues				
Investment income	\$ 43,213	\$ 43,213	\$ 28,912	\$ (14,301)
Expenditures				
Current:				
Administration	3,971,646	3,971,646	114,400	3,857,246
Excess (deficiency) of revenues over (under) expenditures	(3,928,433)	(3,928,433)	(85,488)	3,842,945
Other Financing Sources (Uses)				
Transfers from other funds	-	-	-	-
Total other financing sources (uses)	-	-	-	-
Net change in fund balances	(3,928,433)	(3,928,433)	(85,488)	3,842,945
Fund balances, budgetary basis - beginning	3,928,433	3,928,433	3,941,480	13,047
Fund balances, budgetary basis - ending	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 3,855,992</u>	<u>\$ 3,855,992</u>

Wasco County, Oregon
Schedule of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual - Budgetary Basis
330 CDBG Grant Fund
For the year ended June 30, 2021
(all amounts are in dollars)

	Budgeted Amounts		Actual Amounts	Variance with Final Budget
	Original	Final		
Revenues				
Investment income	\$ -	\$ -	\$ -	\$ -
Grants	-	-	-	-
Contributions	-	-	-	-
Total revenues	-	-	-	-
Expenditures				
Current:				
Administration	-	-	-	-
Contingencies	-	-	-	-
Total expenditures	-	-	-	-
Excess (deficiency) of revenues over (under) expenditures	-	-	-	-
Other Financing Sources (Uses)				
Transfers from other funds	(602,000)	(602,000)	-	-
Loan proceeds	-	-	-	-
Total other financing sources (uses)	(602,000)	(602,000)	-	-
Net change in fund balances	(602,000)	(602,000)	-	-
Fund balances, budgetary basis - beginning	602,000	602,000	-	(602,000)
Fund balances, budgetary basis - ending	\$ -	\$ -	\$ -	\$ (602,000)

Schedule of Changes In Assets and Liabilities

Agency Funds

For the year ended June 30, 2021

(all amounts in dollars)

	Private Purpose Trust Funds	Custodial Funds
Assets		
Cash with treasurer	72,035	2,657,132
Taxes receivable		1,325,912
Total assets	<u>72,035</u>	<u>3,983,044</u>
Liabilities		
Accounts payable	59	
Due to other governments		2,414,677
Total liabilities	<u>59</u>	<u>2,414,677</u>
Net Position		
Restricted for:		
Individuals, organizations and other governments	<u>71,976</u>	<u>1,568,367</u>

**Schedule of Accountability of Elected Officials
For year ended June 30, 2020**

	<u>County Treasurer</u>	<u>County Clerk</u>	<u>County Sheriff</u>	<u>Assessor/Tax Collector</u>
Beginning Balance	40,337,103	200	200	150
Receipts	33,704,036	363,806	5,126,437	691,680
Disbursements	<u>(27,997,440)</u>	<u>(363,806)</u>	<u>(5,126,437)</u>	<u>(691,680)</u>
Ending Balance	<u><u>46,043,699</u></u>	<u><u>200</u></u>	<u><u>200</u></u>	<u><u>150</u></u>

Wasco County, Oregon
Schedule of Expenditure of Federal Awards
For the year ended June 30, 2021
(all amounts are in dollars)

FEDERAL GRANTOR/PASS-THROUGH GRANTOR/PROGRAM TITLE	FEDERAL CFDA NUMBER	PASSED THROUGH ENTITY'S IDENTIFYING NUMBER	PROGRAM OR AWARD AMOUNT RECEIVED	PROGRAM OR AWARD AMOUNT EXPENDED	PASSED THROUGH TO SUBRECIPIENTS
<u>U.S. DEPARTMENT OF AGRICULTURE:</u>					
<i>Passed through Oregon Department of Land Conservation & Development:</i>					
National Scenic Area Grant	10.670	000078	45,000	45,000	
<u>TOTAL U.S. DEPARTMENT OF AGRICULTURE</u>			<u>45,000</u>	<u>45,000</u>	
<u>U.S. DEPARTMENT OF DEFENSE:</u>					
<i>Passed through Oregon Department of Administrative Services:</i>					
Flood Control Leases	12.112	ORS 293.570	352	352	
<u>TOTAL U.S. DEPARTMENT OF DEFENSE</u>			<u>352</u>	<u>352</u>	
<u>U.S. DEPARTMENT OF THE TREASURY:</u>					
<i>Passed through Oregon Department of Administrative Services:</i>					
Coronavirus Aid, Relief and Economic Security Act Grant	21.019		2,408,874	2,357,631	1,122,278
American Rescue Plan	21.027		2,772,134	-	
<u>TOTAL U.S. DEPARTMENT OF THE INTERIOR</u>			<u>5,181,008</u>	<u>2,357,631</u>	<u>1,122,278</u>
<u>U.S. DEPARTMENT OF JUSTICE:</u>					
<i>Direct from Office of Justice Programs:</i>					
Bulletproof Vest Partnership Program	16.607		725	725	
<i>Passed through Oregon Department of Justice:</i>					
Crime Victim Assistance	16.575	DAVAP-00058	39,867	39,867	
<u>TOTAL U.S. DEPARTMENT OF JUSTICE</u>			<u>40,592</u>	<u>40,592</u>	
<u>U.S. DEPARTMENT OF TRANSPORTATION:</u>					
<i>Passed through Oregon Department of Transportation:</i>					
Enhanced Mobility of Seniors and Individuals with Disabilities	20.513	320241	87,279	87,279	87,279
<u>TOTAL U.S. DEPARTMENT OF TRANSPORTATION</u>			<u>87,279</u>	<u>87,279</u>	
<u>U.S. DEPARTMENT OF HOMELAND SECURITY:</u>					
<i>Passed through Oregon State Police:</i>					
Emergency Management Performance Grants	97.042	18-533	49,807	49,807	
<u>TOTAL U.S. DEPARTMENT OF HOMELAND SECURITY</u>			<u>49,807</u>	<u>49,807</u>	
<u>TOTAL FEDERAL AWARDS</u>			<u>5,404,038</u>	<u>2,580,661</u>	<u>1,122,278</u>

SECTION II – FINANCIAL STATEMENT FINDINGS

None

SECTION III – FEDERAL AWARD FINDINGS AND QUESTIONS COSTS:

None

NOTES TO THE SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS

1. BASIS OF PRESENTATION

The accompanying schedule of expenditures of federal awards includes federal grant activity under programs of the federal government. The information in this schedule is presented in accordance with the audit requirements of Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance). Because the schedule presents only a selected portion of the operations, it is not intended to and does not present the net position, changes in net position, or cash flows of the entity.

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Expenditures reported on the schedule are reported on the modified accrual basis of accounting. Such expenditures are recognized following the cost principles contained in the Uniform Guidance, wherein certain types of expenditures are not allowed or are limited as to reimbursement. Negative amounts shown on the schedule represent adjustments or credits made in the normal course of business to amounts reported as expenditures in prior years. The entity has elected to use the ten percent de minimus indirect cost rate as allowed under Uniform Guidance when allowed.



PAULY, ROGERS AND CO., P.C.
12700 SW 72nd Ave. ♦ Tigard, OR 97223
(503) 620-2632 ♦ (503) 684-7523 FAX
www.paulyrogersandcocpas.com

January 25, 2022

To the Board of Commissioners
Wasco County

Independent Auditors' Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With *Government Auditing Standards*

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, the financial statements of the governmental activities, the discretely presented component units, each major fund, and the aggregate remaining fund information of Wasco County as of and for the year ended June 30, 2021, and the related notes to the financial statements, which collectively comprise the basic financial statements, and have issued our report thereon dated January 25, 2022.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of internal control. Accordingly, we do not express an opinion on the effectiveness of internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the financial statements will not be prevented, or detected and corrected on a timely basis.

A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the financial statements are free from material misstatement, we performed tests of compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the internal control or on compliance. This report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

A handwritten signature in black ink, appearing to read "Ken Allen". The signature is fluid and cursive, with a large initial "K" and "A".

Kenneth Allen, CPA
PAULY, ROGERS AND CO., P.C.



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January 25, 2022

To the Board of Commissioners
Wasco County

Independent Auditors' Report on Compliance with Requirements Applicable to Each Major Program and on Internal Control over Compliance by the Uniform Guidance

Report on Compliance for Each Major Federal Program

We have audited Wasco County's compliance with the types of compliance requirements described in the *OMB Compliance Supplement* that could have a direct and material effect on each of the major federal programs for the year ended June 30, 2021. The major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

Management's Responsibility

Management is responsible for compliance with the requirements of laws, regulations, contracts, and grants applicable to its federal programs.

Auditors' Responsibility

Our responsibility is to express an opinion on compliance for each of the major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance). Those standards and the Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of compliance.

Opinion on Each Major Federal Program

In our opinion, Wasco County complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2021.

Report on Internal Control Over Compliance

Management is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of internal control over compliance.

A *deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.



Kenneth Allen, CPA
PAULY, ROGERS AND CO., P.C.

SECTION I – SUMMARY OF AUDITORS’ RESULTS

FINANCIAL STATEMENTS

Type of auditors’ report issued Unmodified

Internal control over financial reporting:

Material weakness(es) identified? yes no

Significant deficiency(s) identified that are not considered to be material weaknesses? yes none reported

Noncompliance material to financial statements noted? yes no

Any GAGAS audit findings disclosed that are required to be reported in accordance with section 515 (d)(2) of the Uniform Guidance? yes no

FEDERAL AWARDS

Internal control over major programs:

Material weakness(es) identified? yes no

Significant deficiency(s) identified that are not considered to be material weaknesses? yes none reported

Type of auditors’ report issued on compliance for major programs: Unmodified

Any audit findings disclosed that are required to be reported in accordance with section 200.516(a) of the Uniform Guidance? yes no

IDENTIFICATION OF MAJOR PROGRAMS

<u>CFDA NUMBER</u>	<u>NAME OF FEDERAL PROGRAM CLUSTER</u>
21.019	Coronavirus Relief Fund

Dollar threshold used to distinguish between type A and type B programs: \$750,000

Auditee qualified as low-risk auditee? No



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Independent Auditor's Report Required by Oregon State Regulations

We have audited the basic financial statements of Wasco County as of and for the year ended June 30, 2021, and have issued our report thereon dated January 25, 2022. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and Government Auditing Standards.

Compliance

As part of obtaining reasonable assurance about whether the Wasco County's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grants, including the provisions of Oregon Revised Statutes as specified in Oregon Administrative Rules 162-10-000 through 162-10-320 of the Minimum Standards for Audits of Oregon Municipal Corporations, noncompliance with which could have a direct and material effect on the determination of financial statements amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion.

We performed procedures to the extent we considered necessary to address the required comments and disclosures which included, but were not limited to the following:

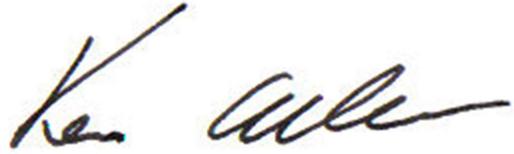
- Deposit of public funds with financial institutions (ORS Chapter 295)
- Indebtedness limitations, restrictions and repayment.
- Budgets legally required (ORS Chapter 294).
- Insurance and fidelity bonds in force or required by law.
- Programs funded from outside sources.
- Highway revenues used for public highways, roads, and streets.
- Authorized investment of surplus funds (ORS Chapter 294).
- Public contracts and purchasing (ORS Chapters 279A, 279B, 279C).

In connection with our testing nothing came to our attention that caused us to believe Wasco County was not in substantial compliance with certain provisions of laws, regulations, contracts, and grants, including the provisions of Oregon Revised Statutes as specified in Oregon Administrative Rules 162-10-000 through 162-10-320 of the Minimum Standards for Audits of Oregon Municipal Corporations.

OAR 162-10-0230 Internal Control

In planning and performing our audit, we considered the internal controls over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the internal controls over financial reporting.

This report is intended solely for the information and use of the Council, Audit Committee, management and the Oregon Secretary of State and is not intended to be and should not be used by anyone other than these parties.

A handwritten signature in black ink, appearing to read "Ken Allen". The signature is fluid and cursive, with the first name "Ken" and the last name "Allen" written in a similar style.

Kenneth Allen, CPA
PAULY, ROGERS AND CO., P.C.



AGENDA ITEM

Transit Grant Application

[STAFF MEMO](#)

MEMORANDUM

To: Wasco County Commission

From: Kate Drennan, Deputy Director of Transportation, MCEDD

Date: Jan 25, 2022

Re: Wasco County Application to ODOT 5310 Transit Funds

Request: Approve motion for Wasco County to apply to the 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Discretionary Grant Program in partnership with MCEDD.

Overview

MCEDD/ The Link Public Transit has long utilized the 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Discretionary Program to help fund deviated fixed routes serving seniors and people with disabilities, along with the general public. This grant makes up a significant portion of operating revenue to fund our drivers and dispatchers operating these routes. Traditionally MCEDD/ The Link has applied directly to, and received, these funds for our operation, however a new ODOT rules requires that grant is applied for and funded through a Special Transportation Fund recipient – e.g., Wasco County.

On January 18th, the Wasco County Public Transit Advisory Committee carried a motion recommending that Wasco County apply for this important source of funding with application support from MCEDD.

Grant Details:

Purpose: This solicitation supports projects for operations, mobility management, purchased service, and preventative maintenance for transportation providers serving seniors and individuals with disabilities in rural areas.

Eligible Projects: Eligible projects include operations, mobility management, purchased service, and preventative maintenance

Match Requirements:

Operating projects: local share 50 percent, federal share 50 percent

Other projects: local share 20 percent, federal share 80 percent

Timeline: Applications due February 14, 2022

Grant agreements executed July 1, 2022



AGENDA ITEM

Emergency Procurement

[STAFF MEMO](#)

[PHOTOGRAPHS](#)

[BID/PROPOSAL](#)

[MOTION LANGUAGE](#)



MEMORANDUM

SUBJECT: Wasco County Annex A Ramp

TO: BOARD OF COUNTY COMMISSIONERS

FROM: MATTHEW KLEBES, ADMINISTRATIVE SERVICES DIRECTOR

DATE: 1/26/22

BACKGROUND INFORMATION:

Last year, staff presented to the County Commissioners on a project to renovate the upstairs of Annex A in order to relocate all North Central Public Health Department (NCPHD) staff into one building. A component of this larger project was the replacement of a ramp on the South and West sides of the building that provides the only ADA access to the 2nd floor.

Staff worked with several companies to explore replacement options. One company was Upside Innovation who could provide a modular new ramp for nearly \$42,000. This does not include demolition and foundational work needed for the new ramp. Staff then worked with Adams Design and Construction to evaluate the ramp and after working with a sub-consultant specialist determined that the existing framework of the ramp is salvageable and the decking of the ramp is what requires replacement. A quote for this work was procured which came in at \$49,352.

Since that time, and in conjunction with recent winter weather, the ADA ramp has further deteriorated and pieces of concrete and metal are falling off the structure posing risk of injury to persons and property. See depictions from on or around January 26, 2022 on attached Exhibit A. Staff has since closed the ramp and constructed an alternative access point for NCPHD staff to use. Due to: 1)escalating deterioration and falling debris and imminent risk of larger general failure; 2) proximity of the ramp to building access; 3)proximity to the busy parking lot and road; and 4) the risk of individuals bypassing barricades and closures and traversing the ramp, staff is seeking authorization for an emergency procurement to hire Adams Design and Construction to perform the repairs and construction.

Adams Design and Construction has a good working relationship with Wasco County, has performed well under previous contracts, and working through CIS, is one of Wasco County's first contractors to contact to perform repair and restoration work in the event of an emergency, such as a water break etc. Adams Design and Construction is able to prioritize this project to commence work without delay. With this declaration, staff would finalize a contract incorporating the quote and scope of work attached below.





Wasco County
The Dalles OR 97058
Matt Klebes #541.993.7952

Date: 1/20/2022
Proposal #5483

We hereby submit specifications and estimate for:

Annex A

ADA Ramp:

- > Set up barricades and building protection information.
- > Set up scaffolding.
- > Cut concrete at bottom landing.
- > Jack hammer / demolish concrete ramp walking surface.
- > Remove pan decking, grind 'L' metal where needed.
- > Prime all raw metal with DTM primer.
- > Install galvanized grip strut (2"x12"x4', 5', 8'-3") approximately 11-ft.
- > Clean up and haul away all construction debris.

Note: Permits by others

Total Project Cost: \$49,352.00

Any alterations or deviations from work to be performed will involve extra cost of materials and labor above the sum mentioned in this contract which does not include the cost of any permits that may be involved, plumbing, or electrical unless specifically stated in the above proposal. All agreements must be in writing. Note: This proposal may be withdrawn by us if not accepted within 7 days.

Authorized by

TERMS

50% deposit via cash / check / credit card required at time of acceptance, 50% due at time of substantial completion.
Credit card payments are accepted and require 100% down and will incur a 3% processing fee.

Total Down \$ _____ Check # _____ Verification _____ / _____

ACCEPTANCE

You are hereby authorized to furnish all materials and labor required to complete the work mentioned in the above proposal, for which _____ agrees to pay the proposed amount, according to the terms above.

Accepted _____ Date _____

(541) 296-4242
PO Box 1985 • The Dalles, OR 97058
CC# 180249 • WA# ADAMSCL956JL



MOTION

SUBJECT: Emergency Procurement

I move to approve an emergency exemption under Section 20 (1) as authorized by ORS 279B.080 to replace the ramp at Annex A located at 419 E. 7th Street. I further move to authorize the Administrative Officer to execute a contract for said work pending review by County Counsel.



Planning Department



Wasco County Board of Commissioners
Public Hearing
February 2, 2022

Applicant/Owner: Adrian Lopez
Appellant: Joseph Czerniecki
(921-19-000193-PLNG)

Details of the Request & Background

Request :

- Scenic Area Review for a dwelling and structures to support the proposed farm use of raising approximately 13 goats.
 - New Single Family Dwelling (1,889 SF footprint)
 - Accessory Building (1,500 SF footprint)
 - Agriculture Structures (5,000' Wire Mesh Permanent Fencing)
 - Agriculture Implements (900' Movable Fencing & Movable Livestock Pen)
 - Well, Well House, Water Cistern, and a Driveway
- Administrative Approval w/Conditions Granted June 24, 2021
 - Appealed to Wasco County Planning Commission
- Planning Commission Approval w/Conditions Granted October 5, 2021
 - Appealed to Wasco County Board of Commissioners

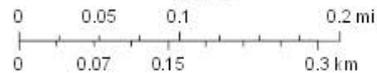
Vicinity Map



Map/Tax Lot: 2N 11E 11 2200
Tax I.D.: 327
GIS Acres: 52.49

10/4/2021, 5:12:01 PM

1:9,028



 (GMA) A-2(80)

 (GMA) F-3(80)

 Subject Parcel (2N 11E 11 2200)

© OpenStreetMap (and contributors), CC-BY-SA, Wasco County GIS, DOGAMI, State of Oregon, Wasco County GIS, Lane County, Assessors, Wasco County GE Wasco County Planning

This product is for informational purposes and has not been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



Site Plan #1

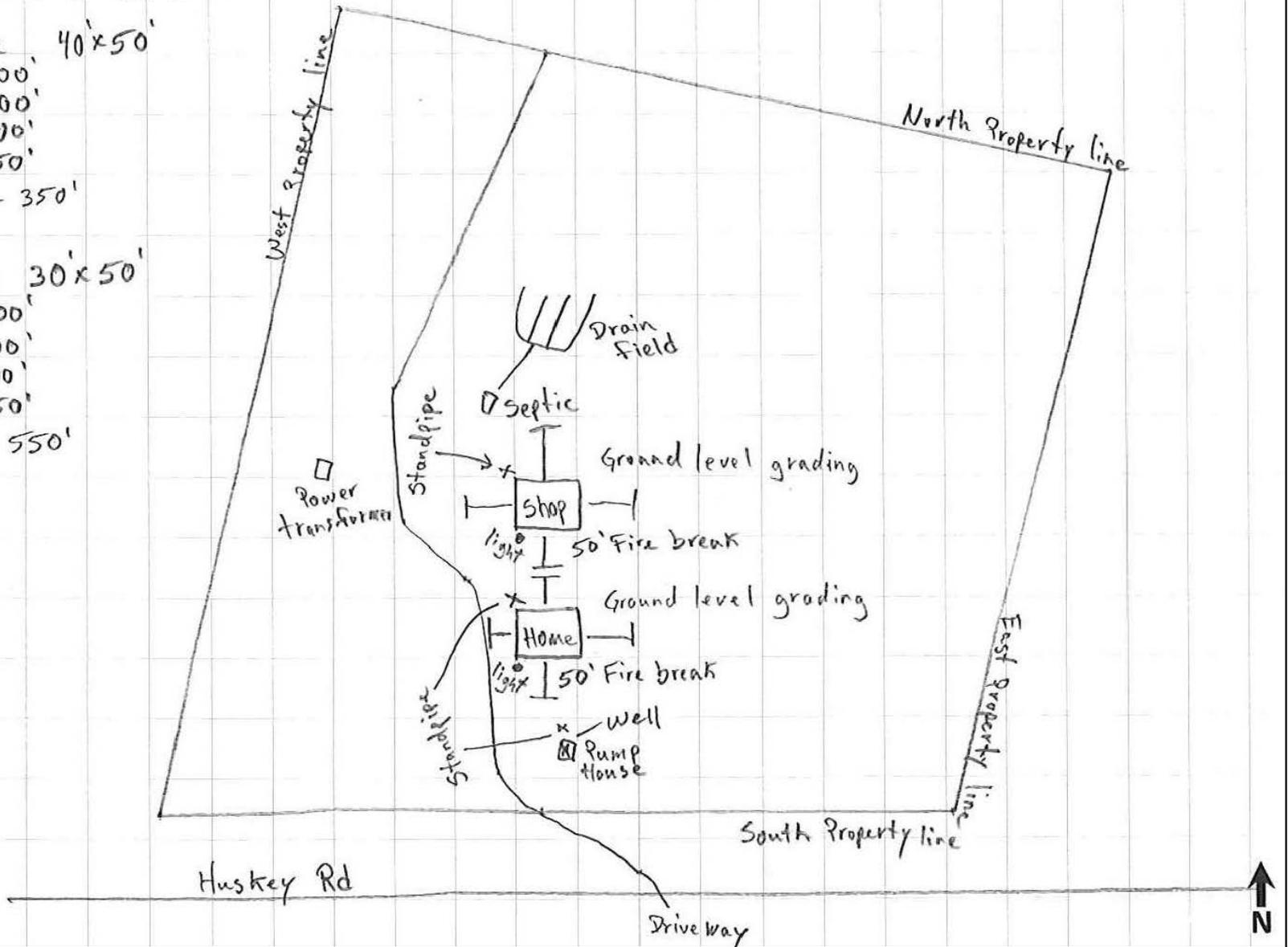


Site Plan #2

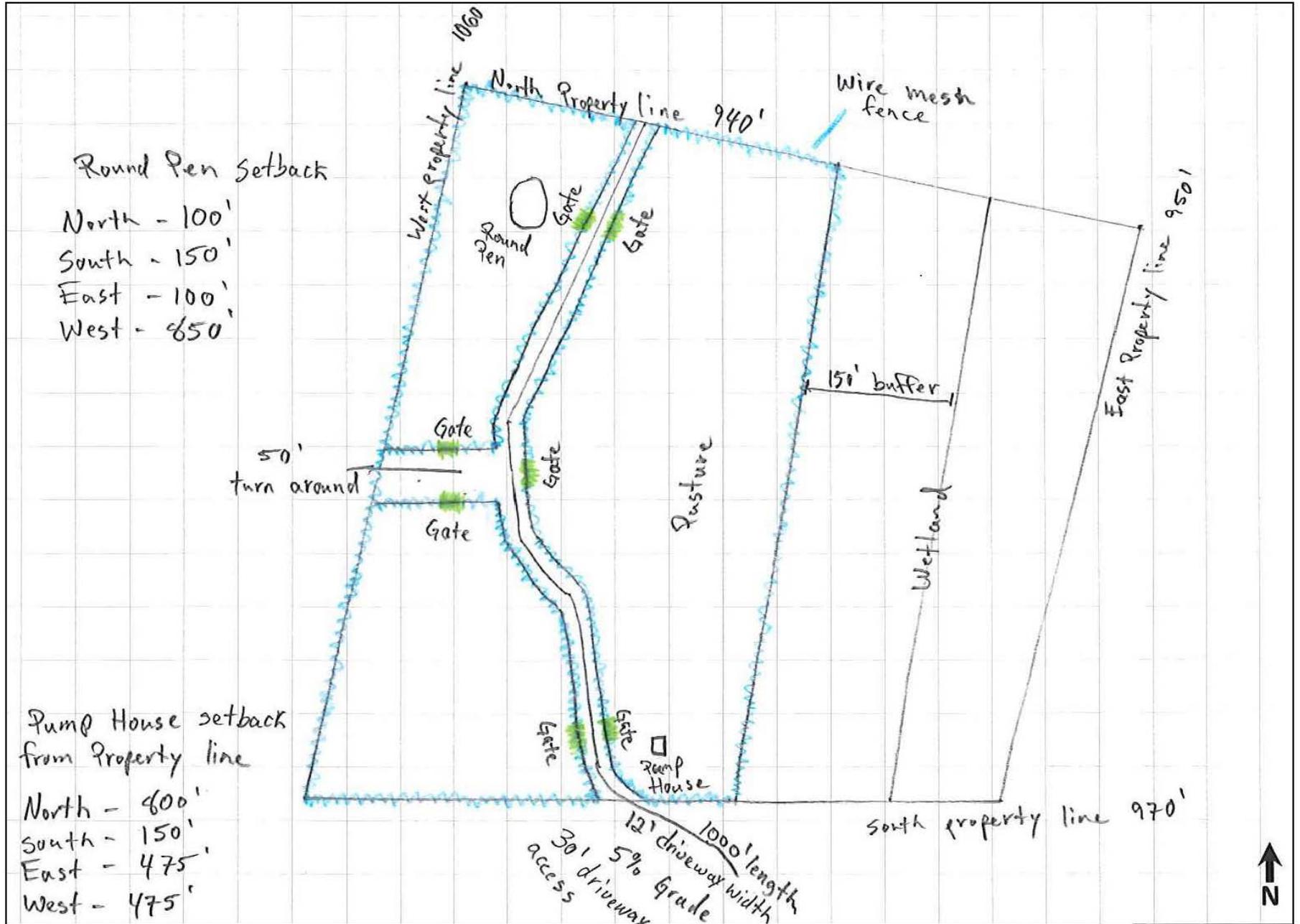
Property line setbacks

Home 40'x50'
North - 700'
South - 300'
East - 400'
West - 550'
Huskey Rd - 350'

Shop 30'x50'
North - 500'
South - 500'
East - 400'
West - 550'
Huskey Rd - 550'

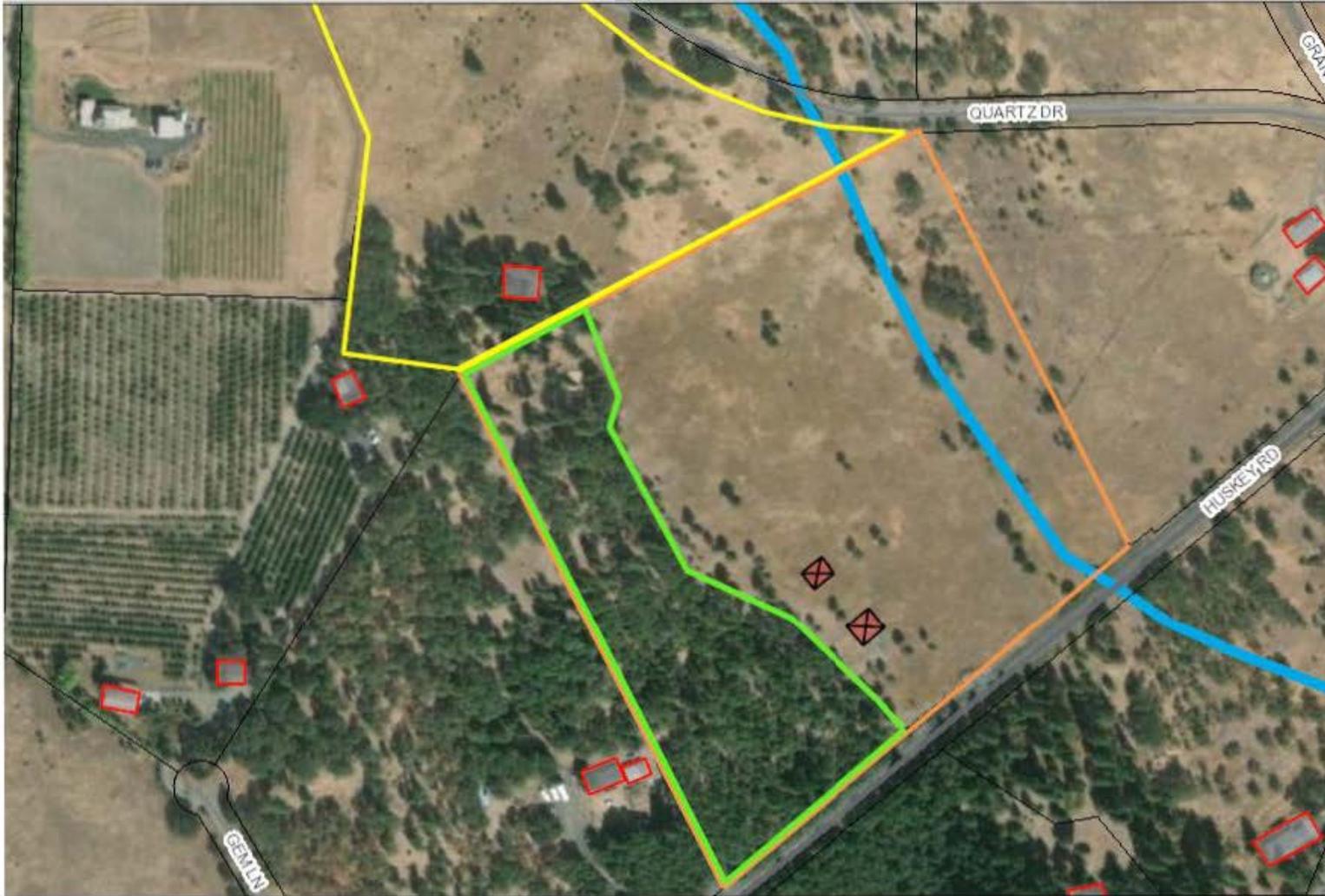


Site Plan #3



Site Plan #4

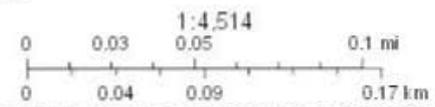




- Oak Forest
- Delineated "Riverine" Stream
- Subject Parcel (Adrian Lopez)
- North Adjacent Parcel (Joseph Czerniecki)

- X Proposed Development
- Existing Development

This product is for informational purposes and has not been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



SOURCES: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Wasco County GIS, Lane County Assessor, Wasco County GIS

Issues on Appeal

Appeal Grounds #1

“Appeal 1 - Request that the approval of 900' of moveable fence not be approved

- There is an absence of documentation of a development request for 900' of moveable electric fence therefore there should be no approval.*
- There is no land use ordinance that allows the approval of a development application that is not specifically requested.*
- The inclusion of additional elements in the approval that were not described in the development request does not allow involved parties to adequately participate in the process.”*

Staff Analysis #1

- NSA-LUDO Section 1.200 provides specific definitions for fencing:
 - *Fence (Protective) & Fence (Site-Obscuring)*
- NSA-LUDO has no standards for movable objects (moveable fencing)
 - *Agricultural Structure/Building*
- Moveable objects (900' of fencing) are permitted without review
 - Not substantive & No Notice of Administrative Action required

Staff Recommendation #1

Staff recommends the Wasco County Board of Commissioners dismiss this ground for appeal.

Issues on Appeal

Appeal Grounds #2

“Appeal 2 - The language of approval of 900’ of movable fence remove any reference “to protect the wetland”. It is already protected by the fixed wire woven fence described in the amended application.”

Staff Analysis #2

- Reference to and Additional Commentary concerning the moveable fencing
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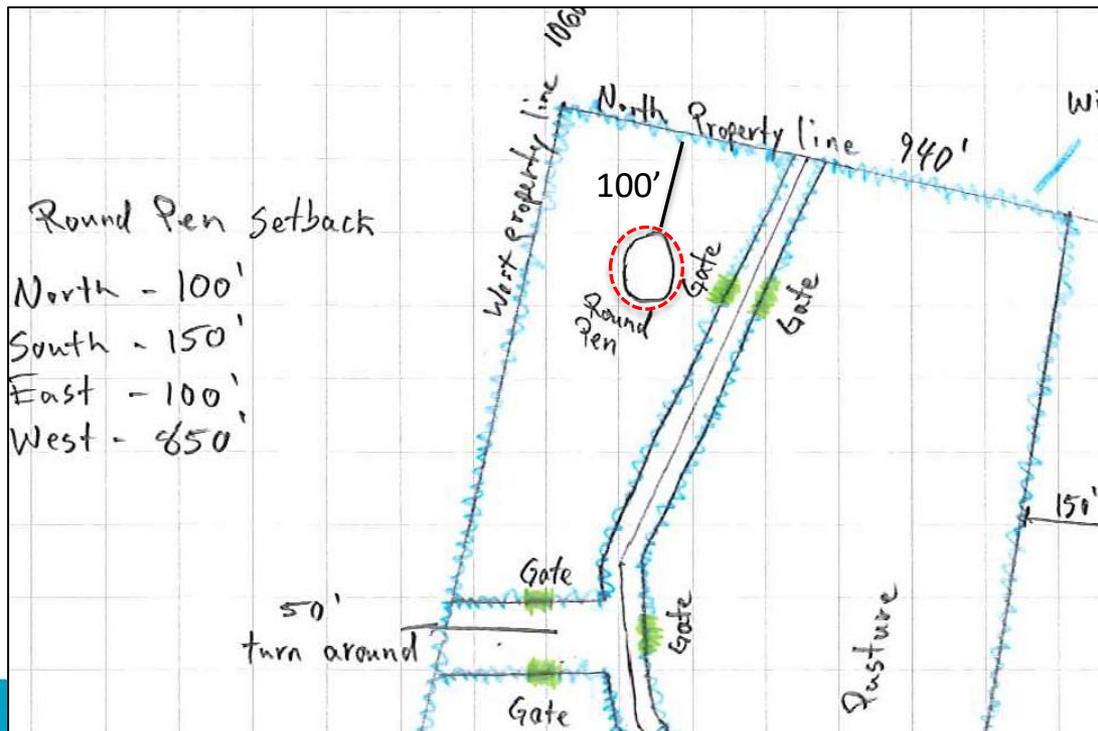
Issues on Appeal

Appeal Grounds #3

“Appeal 3 - The decision to include only a 100' setback requirement of the structures in the proposed development is incorrect it should be modified based upon a 250' setback based upon the suitability of my property for orchard activity, and the absence of a continuous vegetative parrier (Sic).”

Staff Analysis #3

- All reviewable structures meet agricultural setback criteria
- Non Reviewable Movable Livestock Pen is 100' from north adjacent Property Line



Issues on Appeal

- *Subsection 3.130.G.3: Agricultural Setbacks - In addition to the general setback standards listed in criterion 2 above, all new buildings to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use, shall comply with the following setback standards:*

Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
Orchards	250'	100'	75'
Row crops/ vegetables	300'	100'	75'
Livestock grazing, pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

- Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a minimum of eight (8) feet in height, and contoured at 3 to 1 slopes to look natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of fifteen (15) feet.*
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Meets the Setback whether the adjacent use is

Orchard: 100' w/vegetative screening

Row Crops: 100' w/vegetative screening

Livestock Grazing: 15' w/vegetative screening

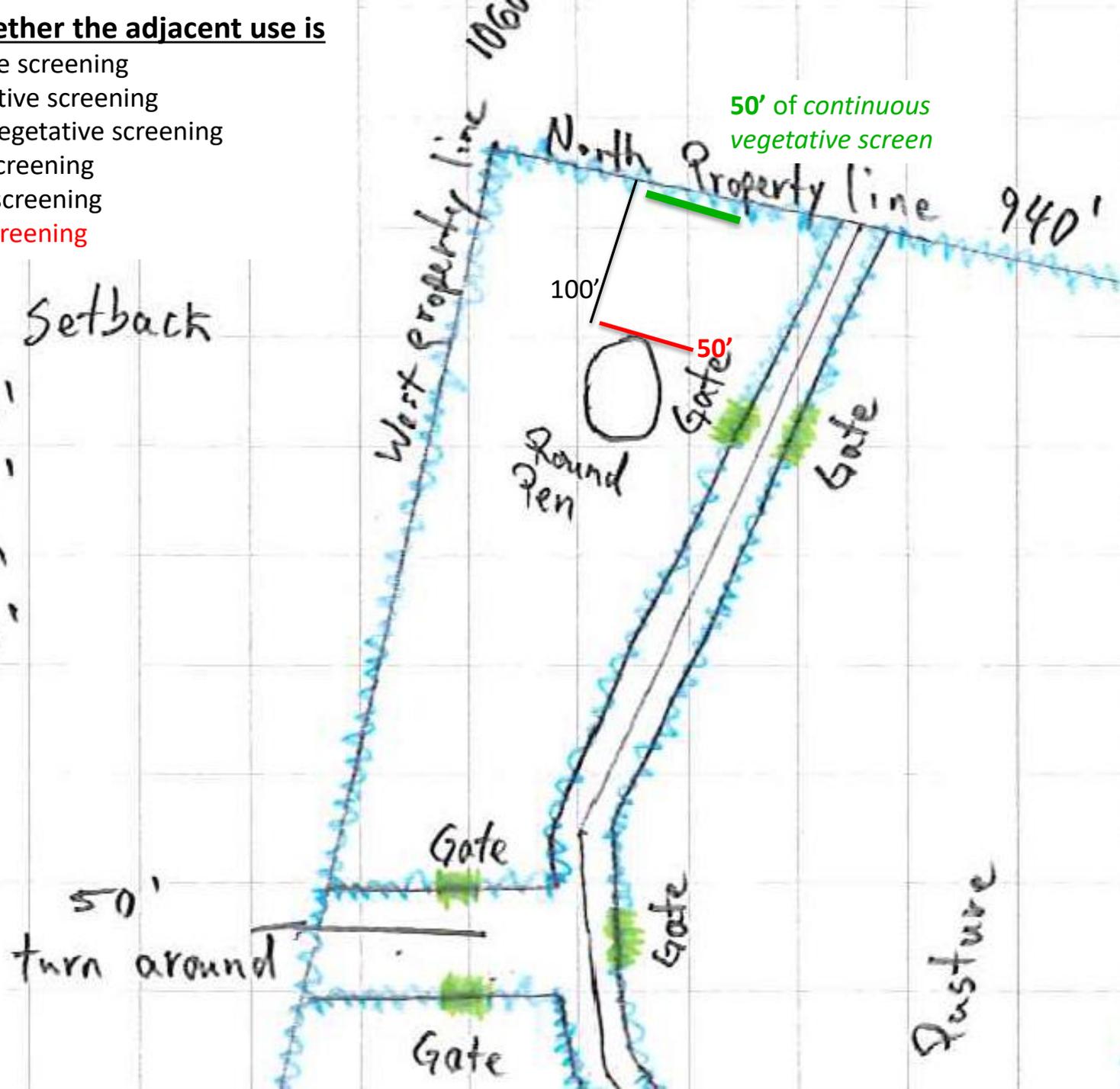
Grains: 75' w/vegetative screening

Berries: 50' w/vegetative screening

Other: 50' w/vegetative screening

Round Pen setback

- North - 100'
- South - 150'
- East - 100'
- West - 650'



Issues on Appeal

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Staff Analysis #3

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- Placement of livestock pen meets all Ag. setback standards with vegetative screen

Staff Recommendation #3

Staff recommends the Wasco County Board of Commissioners dismiss this ground for appeal.

Staff Recommendation

- Approve the request as submitted by the applicant with conditions of approval

Questions?



Planning Department



Wasco County Board of Commissioners
Public Hearing
February 2, 2022

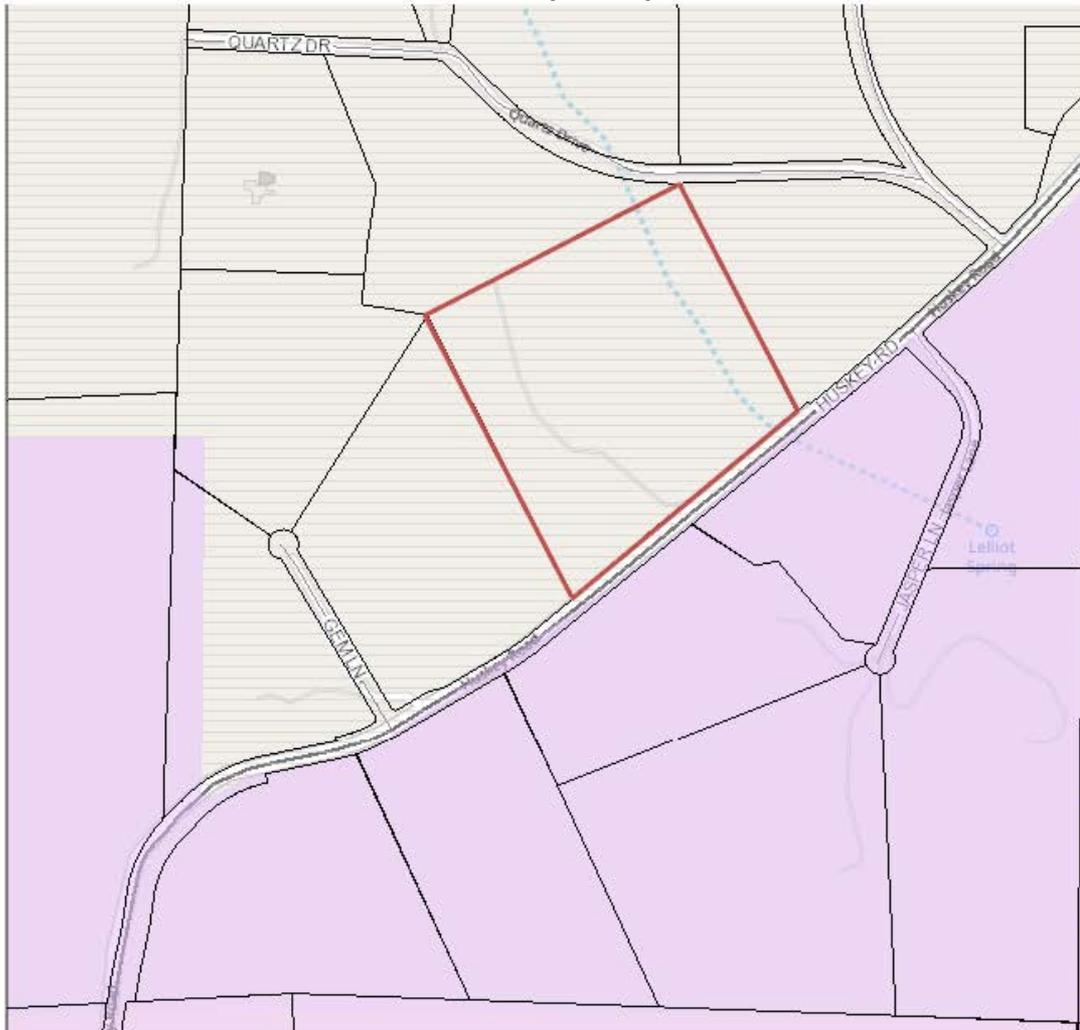
Applicant/Owner: Adrian Lopez
Appellant: Joseph Czerniecki
(921-19-000193-PLNG)

Details of the Request & Background

Request :

- Scenic Area Review for a dwelling and structures to support the proposed farm use of raising approximately 13 goats.
 - New Single Family Dwelling (1,889 SF footprint)
 - Accessory Building (1,500 SF footprint)
 - Agriculture Structures (5,000' Wire Mesh Permanent Fencing)
 - Agriculture Implements (900' Movable Fencing & Movable Livestock Pen)
 - Well, Well House, Water Cistern, and a Driveway
- Administrative Approval w/Conditions Granted June 24, 2021
 - Appealed to Wasco County Planning Commission
- Planning Commission Approval w/Conditions Granted October 5, 2021
 - Appealed to Wasco County Board of Commissioners

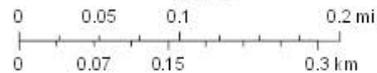
Vicinity Map



Map/Tax Lot: 2N 11E 11 2200
Tax I.D.: 327
GIS Acres: 52.49

10/4/2021, 5:12:01 PM

1:9,028



 (GMA) A-2(80)

 (GMA) F-3(80)

 Subject Parcel (2N 11E 11 2200)

© OpenStreetMap (and contributors), CC-BY-SA, Wasco County GIS, DOGAMI, State of Oregon, Wasco County GIS, Lane County, Assessors, Wasco County GE Wasco County Planning

This product is for informational purposes and has not been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



Site Plan #1

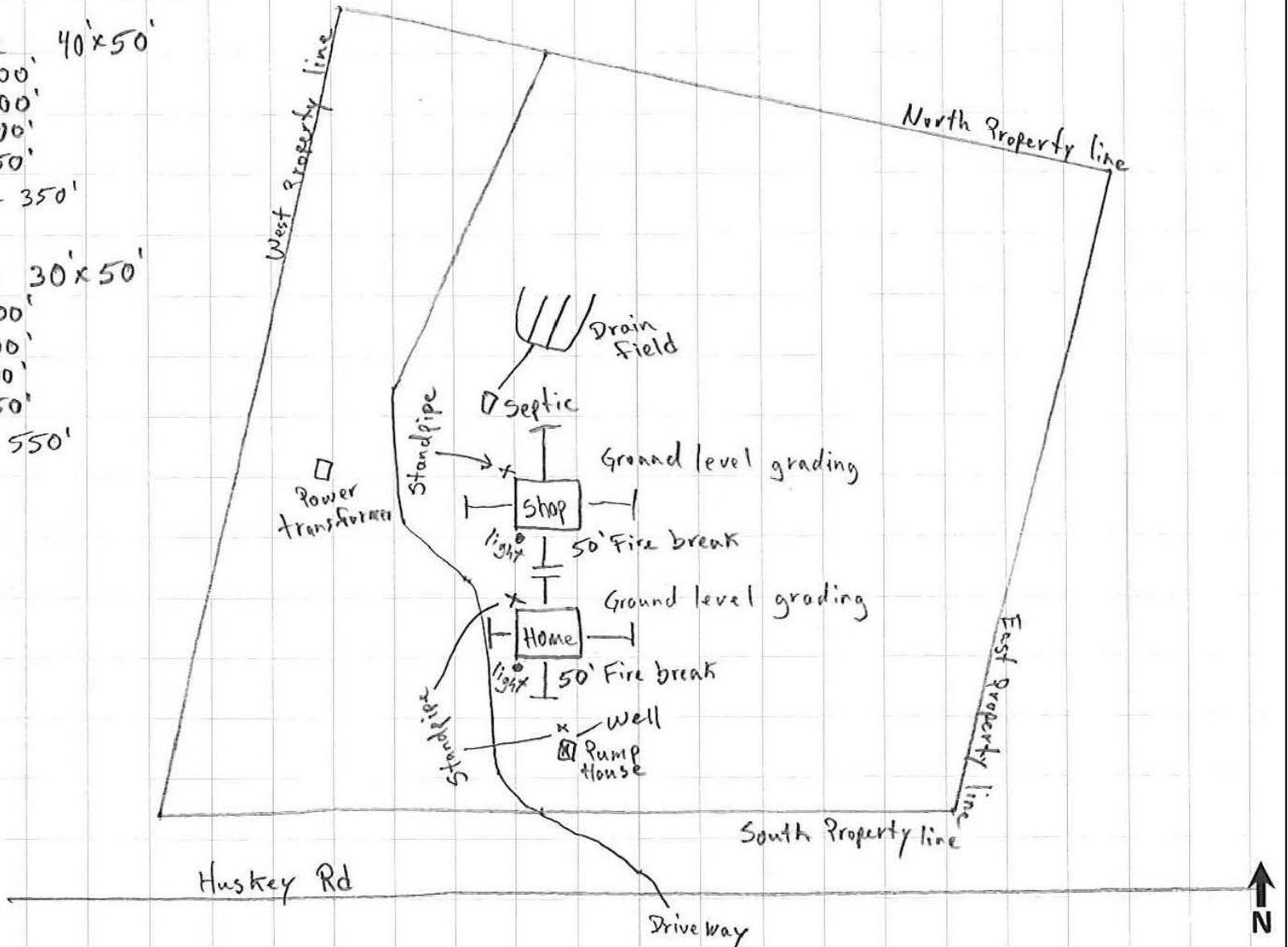


Site Plan #2

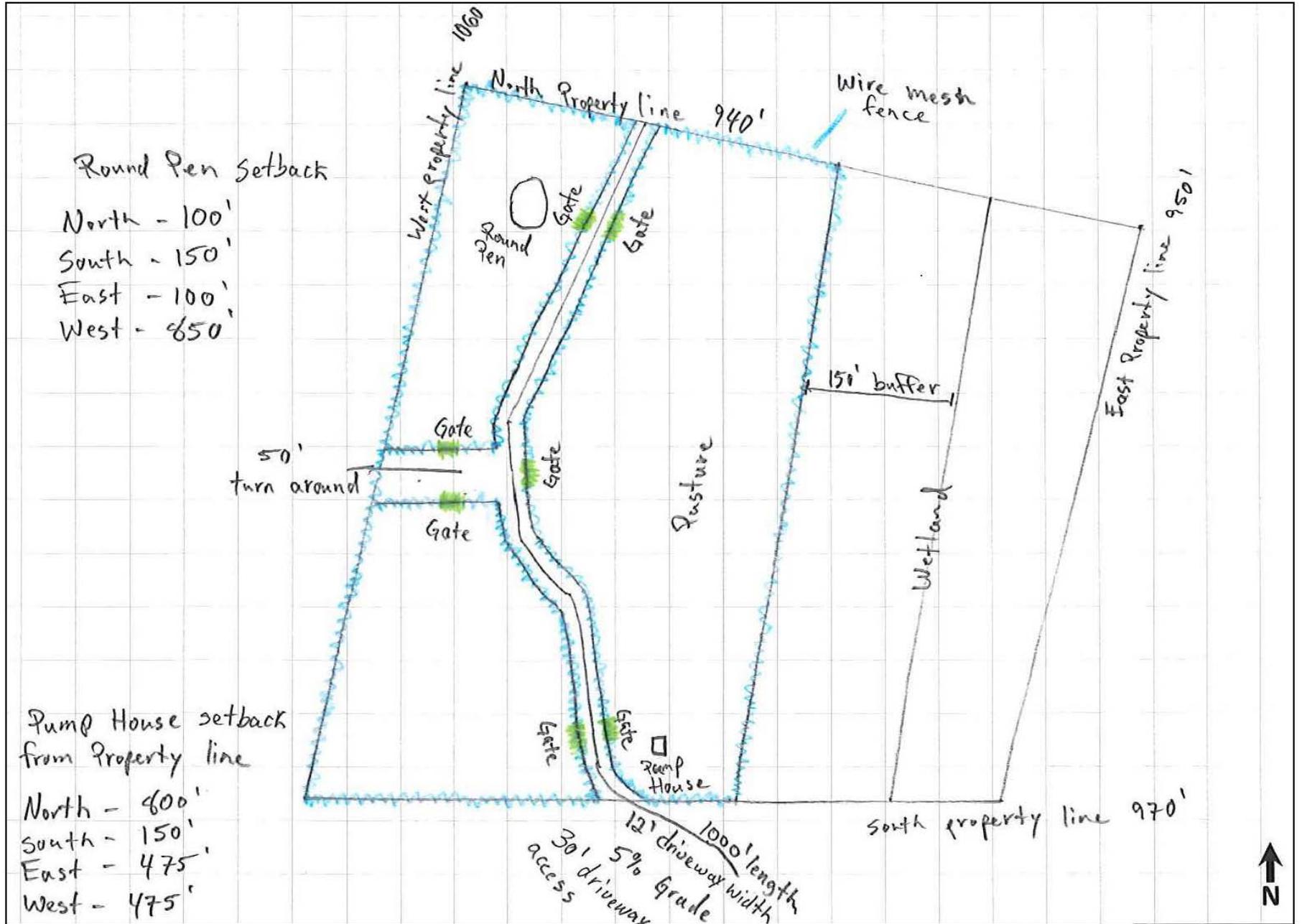
Property line setbacks

Home 40'x50'
North - 700'
South - 300'
East - 400'
West - 550'
Huskey Rd - 350'

Shop 30'x50'
North - 500'
South - 500'
East - 400'
West - 550'
Huskey Rd - 550'

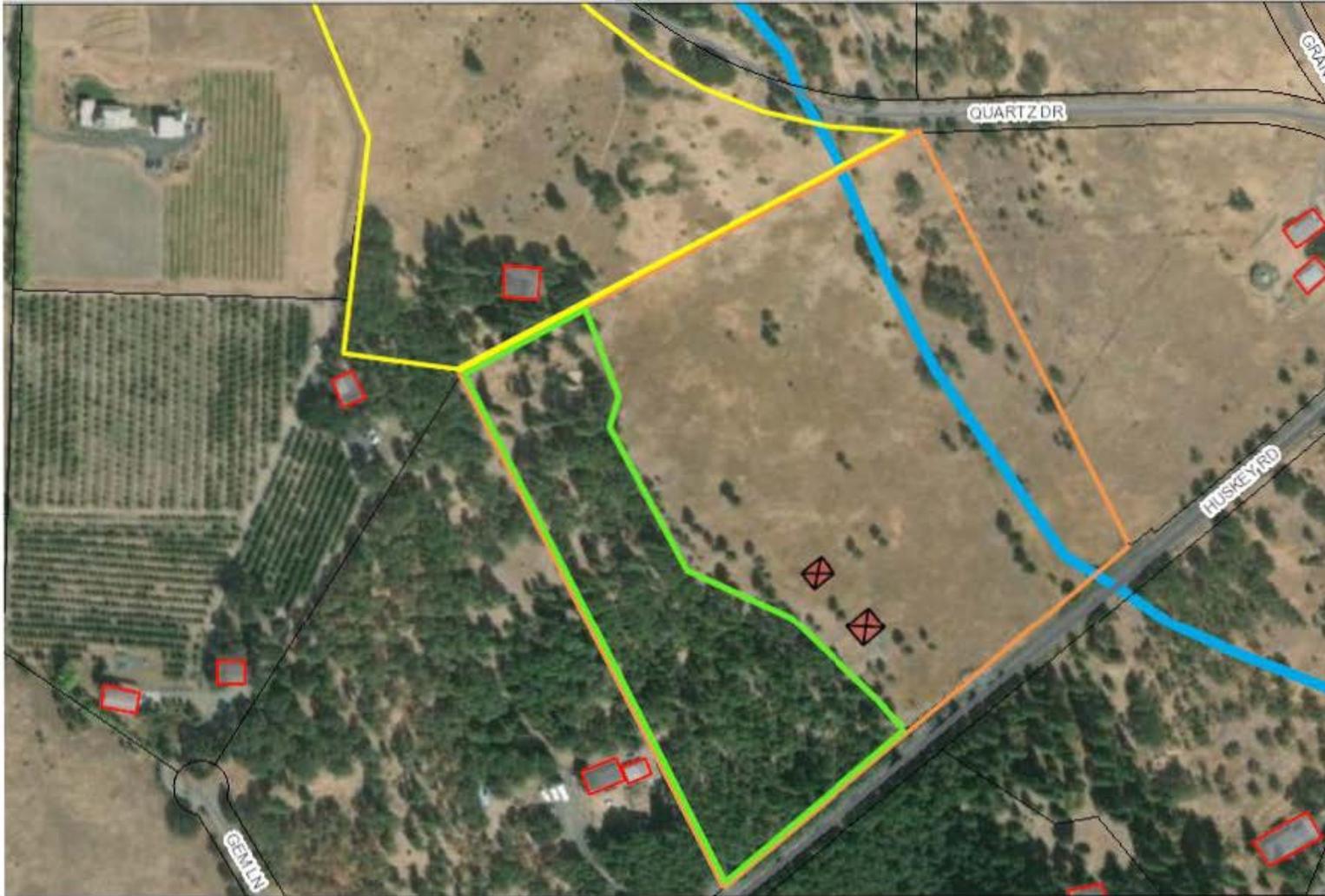


Site Plan #3



Site Plan #4

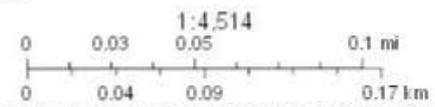




- Oak Forest
- Delineated "Riverine" Stream
- Subject Parcel (Adrian Lopez)
- North Adjacent Parcel (Joseph Czerniecki)

- X Proposed Development
- Existing Development

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SOURCES: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Wasco County GIS, Lane County Assessor, Wasco County GIS

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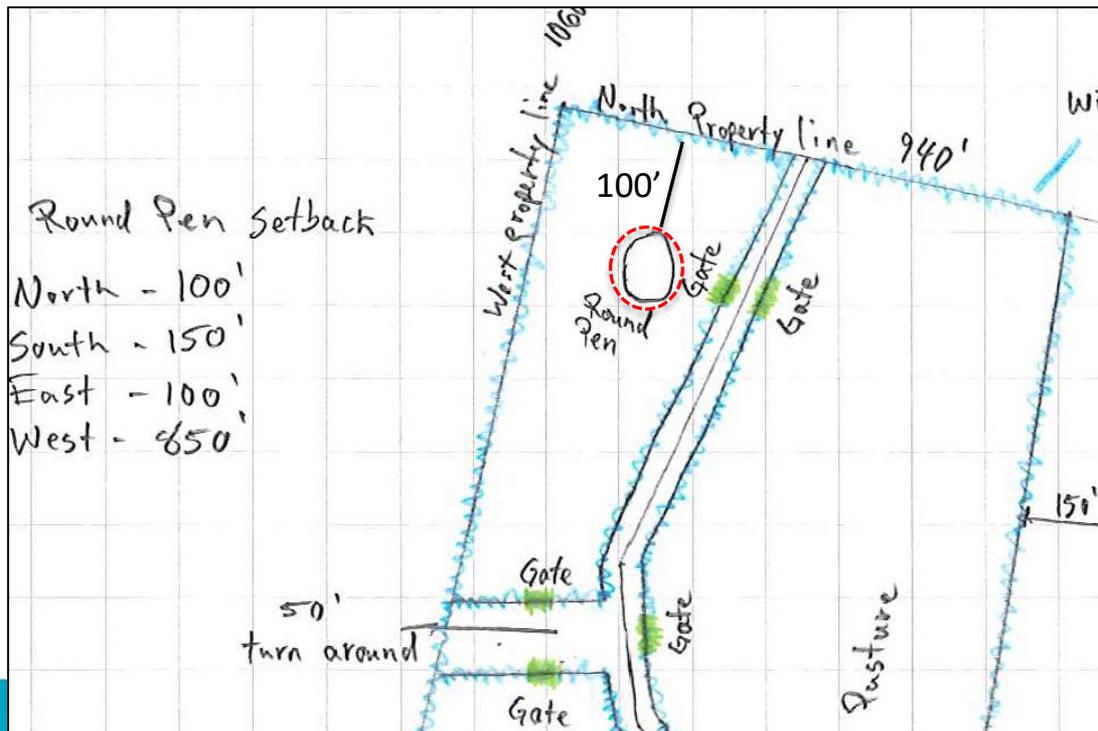
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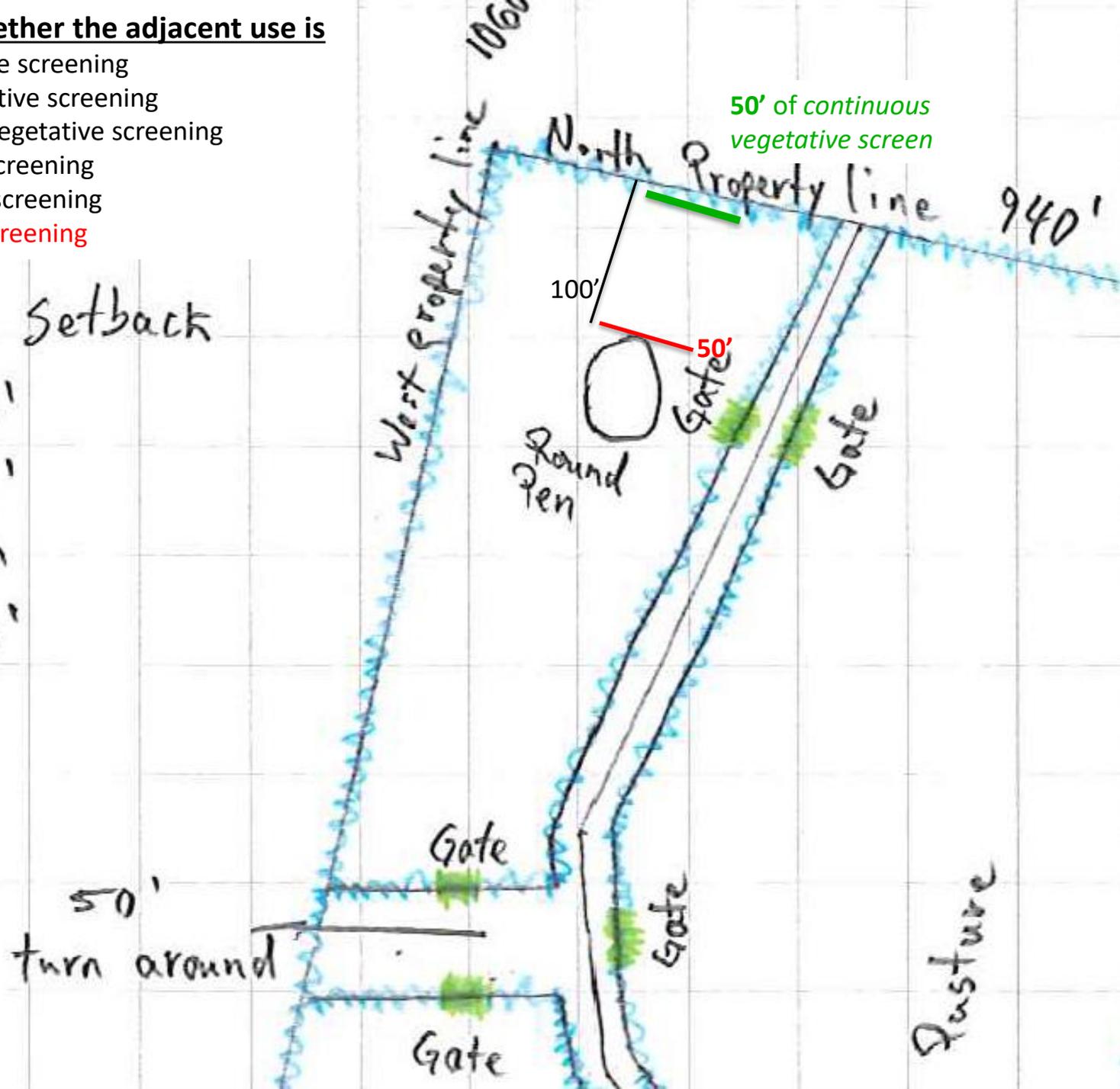
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