



AGENDA: REGULAR SESSION

WEDNESDAY, APRIL 6, 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.

511 Washington Street, Suite 302, The Dalles, OR 97058

PUBLIC COMMENT: Individuals wishing to address the Commission on items not already listed on the Agenda may do so during the first half-hour and at other times throughout the meeting; please wait for the current speaker to conclude and raise your hand to be recognized by the Chair for direction. Speakers are required to give their name and address. Please limit comments 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 and interpreter, please contact the Commission Office at least 7 days in advance.

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| 9:00 a.m. | <p>CALL TO ORDER</p> <p>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.</p> <p>Corrections or Additions to the Agenda</p> <p>Discussion Items: Solutions Yes Agreement; CAFFA Grant Application; BOPTA Summary of Actions & Appointment; Transit Open House (Items of general Commission discussion, not otherwise listed on the Agenda)</p> <p>Consent Agenda: 3.16.2022 Regular Session Minutes (Items of a routine nature: minutes, documents, items previously discussed.)</p> <p>Public Comment at discretion of Chair</p> |
| 9:30 a.m. | Outdoor Mass Gathering Hearing – SOAK – Daniel Dougherty |
| 10:00 a.m. | Planning Commission Decision Appeal 921-18-000086-PLNG – Daniel Dougherty |
| 10:30 a.m. | NCPHD IGA Amendment – Shellie Campbell |
| 10:45 a.m. | Executive Session – Pursuant to ORS 192.660(2)(h) Conferring with Legal Counsel |
| | 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



WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION

APRIL 6, 2022

Room 302, Wasco County Courthouse

This meeting was also 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

ABSENT: Tyler Stone, Administrative Officer

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

Discussion Item – Solution Yes Agreement

Information Services Director Andrew Burke reviewed the memo (attached) and recommended moving forward with Solution YES for printer services.

Vice-Chair Kramer asked if this has been reviewed by legal. County Counsel Kristen Campbell responded that she has reviewed them and has requested one minor change to the terms, but otherwise sees no issues.

{{Commissioner Hege moved to approve the Solutions YES equipment Support Agreement contingent on final legal approval. Vice-Chair Kramer seconded the motion which passed unanimously.}}

Discussion Item – CAFFA Grant Application

County Assessor/Tax Collector Jill Amery reviewed the memo included in the Board Packet.

Commissioner Hege commented on the Great Resignation mentioned in the application. Ms. Amery explained that one of the challenges they face is a nationwide shortage of appraisers. In addition, she has lost staff to the great resignation.

Chair Schwartz noted that the Chief Appraiser is planning to retire in a couple years. Ms. Amery said that Chief Appraiser Melanie Brown has been with the

County for 39 years; we are going to use that knowledge and experience for now and begin succession planning immediately.

{{{Vice-Chair Kramer moved to approve the Form 8 Resolution required for submission of the 2022-2023 CAFFA Grant Application. Commissioner Hege seconded the motion which passed unanimously.}}}

Ms. Amery introduced Mike Bellamy who she explained came to us from Klickitat County with some experience in tax and assessment; he also brings some information systems skills. Mr. Bellamy has already studied for and passed his appraiser exam and has begun work in the Assessor's office.

Mr. Bellamy said he is glad to be here and looking forward to learning a new skill set.

Discussion Item – BOPTA Summary of Actions/BOPTA Appointment

Chief Deputy Chrissy Zaugg reviewed the memo and summary of actions included in the Board Packet. She reported that John Hutchison and Vicki Ellett have resigned their positions on the Wasco County Board of Property Tax Appeals; she thanked them for their service.

Commissioner Hege said that the BOPTA Board asked that he share their thanks to the Wasco County Clerk and Assessor Offices for the fine job they do to organize the hearings and provide support to the BOPTA Board.

Ms. Amery noted that this is the first year in staff's memory that there has been only one appeal.

County Clerk Lisa Gambée stated that Ms. Zaugg has done an excellent job of working with Ms. Amery to identify qualified applicants to serve on BOPTA. It is important to find people who have some understanding of valuation. Mr. Tarnasky comes from Columbia State Bank.

Vice-Chair Kramer said that he works with Mr. Tarnasky on the Loan Advisory Board; he is an outstanding member of that team.

Commissioner Hege commented that we have room for more Board members; having a robust Board is helpful in years where many appeals are filed.

{{{Vice-Chair Kramer moved to approve Order 22-010 appointing Anthony Tarnasky to the Wasco County Board of Property Tax Appeals. Commissioner Hege seconded the motion which passed unanimously.}}}

Discussion Item – Transit Open House

Ms. Clark explained that this item is on the agenda to call attention to the event and encourage people to visit the website and take the survey.

Vice-Chair Kramer commented that Ms. Drennan is doing a great job with the program. Chair Schwartz encouraged everyone to take the time to provide feedback through the website survey.

Consent Agenda – 2.16.2022 Regular Session Minutes

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

Commissioner Hege commended Ms. Clark on the thorough and comprehensive minutes which allowed him to more efficiently prepare for today's remand hearing.

Chair Schwartz opened the floor to public comment. There was none.

Commission Call

Vice-Chair Kramer said that last week he was in Washington D.C. with the Community Outreach Team; Monday through Thursday, they engaged in meetings with legislators and staff. They were able to meet with Senators Wyden and Merkley as well as Representative Bentz, spending about 17 minutes with each legislator and an additional 45-60 minutes with each legislator's staff. They also met with the Washington legislators Senators Cantwell and Murray and Representative Herrera-Beutler as a group. They had a good discussion with Senator Wyden around the SRS funding and proposed trust fund for those counties. They also discussed the challenges around the revolving loan fund. Because of the CARES Act people have been able to pay off their loans; that means the Loan Board may have to send money back to the federal government. In 3-5 years, we will be looking at cuts as a result of the money being sent out now. Talking with the League of Cities, they are also concerned about that as is Congressman Bentz. They also talked about the 1115 waiver which will impact NORCOR and congressionally directed spending for the Port of The Dalles land acquisition. The team consisted of Commissioner Kramer, Port of The Dalles Executive Director Andrea Klaas, Port Commissioner/President Greg Weast, City Councilman Tim McGlothlin and CGCC President Dr. Marta Cronin. They will get together next week to debrief and talk about ideas to put a plan together that will utilize the information within our community.

Commissioner Hege commented on how important these relationships with our

legislators can be for our citizens.

Agenda Item – OMG Hearing: SOAK (Burning Man Festival)

Chair Schwartz opened the hearing at 9:00 a.m. to consider Planning File Number: 921-22-000194-PLNG: A request for an Outdoor Mass Gathering permit for a music and art festival entitled “SOAK 2022,” May 25th-30th, 2022.

Attendance is capped at 1,900 including staff and volunteers. She explained that the hearing is open to public testimony and outlined the process.

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

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

Senior Planner Daniel Dougherty stated that the date of this event is May 26-30, 2022. The maximum attendance is 1,900, including staff and volunteers. The event will be held on the Justesen Ranch in the White River Canyon in Tygh Valley. The only thing that is new from previous years is the addition of Tax Lot 401. He said he wanted to correct the record; the notice was published in The Gorge News, not The Dalles Chronicle.

Mr. Dougherty reviewed the presentation included in the Board Packet, explaining that no land use criteria are analyzed; this is not a land use decision. The scope of the review is basically the health and safety issues. He reviewed the site map:



Mr. Dougherty reviewed the process requirements for a Mass Gathering:

ORS 433.735(2)

“Outdoor mass gathering,” unless otherwise defined by county ordinance, means an actual or reasonably anticipated assembly of more than 3,000 persons which continues or can reasonably be expected to continue for more than 24 hours and not more than 120 hours, excluding hours required for ingress to and egress from a gathering that is located on lands zoned for exclusive farm use that are 60 miles or farther from the nearest interstate highway.

WCLUDO, Section 3.212.M

An outdoor gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period.

Statutory Requirements for Notice (ORS 433.750)

- **Notice of the application shall be sent to:**
 - The county sheriff
 - The county health officer
 - The chief of the fire district with jurisdiction

- **The county governing body shall hold a public hearing**
 - Notice of time and place shall be published 10 days before in a “newspaper of general circulation”.
 - Newspaper Publication: March 16, 2022
 - Notice mailed on March 10, 2022.

Mr. Dougherty reported that on February 24, 2022, staff sent unofficial notice to the Wasco County Sheriff, Wasco County Public Works Department, North Central Public Health District and Tygh Valley, Juniper Flat and Wamic Rural Fire Districts. Notice was also sent to the Oregon State Fire Marshall, Oregon Department of Forestry and owners within 750 feet of the subject tax lots. Notice of this hearing was published in March 16, 2022.

Mr. Dougherty explained the standards addressed for an OMG permit. ORS

43.750(1) states that unless a county decides that a land use permit is required, the governing body of a county in which an outdoor mass gathering is to take place shall issue a permit upon application [when] if the organizer demonstrates compliance with or the ability to comply with the health and safety rules governing outdoor mass gatherings to be regulated according to the anticipated crowd and adopted by the Oregon Health Authority.

There are two questions when considering the issuance of an OMG permit:

1. Does the proposal meet the “Outdoor Mass Gathering” definition?
Staff has determined that the scope of the request does fall within the Wasco County’s definition of an Outdoor Mass Gathering.
2. Does the request demonstrate compliance with or the ability to comply with the applicable health and safety rules?

To answer question 2, we need to review the rules applied as follows:

Oregon Administrative Rule (OAR) 330 Division 39

- OAR 333-039-0015 (Water Supply)
- OAR 333-039-0020 (Drainage)
- OAR 333-039-0025 (Sewerage Facilities)
- OAR 333-039-0030 (Refuse Storage and Disposal)
- OAR 333-039-0035 (Food and Sanitary Food Service)
- OAR 333-039-0040 (Emergency Medical Facilities)
- OAR 333-039-0045 (Fire Protection)
- OAR 333-039-0050 (Security Personnel)
- OAR 333-039-0055 (Traffic)

Staff has analyzed the plan and reviewed comments from the aforementioned agencies and technical experts to determine the applicant’s compliance or ability to comply with the standards. Based on the plan and technical review, the applicant has demonstrated the ability to comply with all required standards. Staff recommends approval of the application for an Outdoor Mass Gathering, subject to the conditions contained in the Order dated April 6, 2022.

Commissioner Hege asked if there is something happening on the lot that has been added this year. Mr. Dougherty said that there is nothing in the plan indicating that the lot will be in use for the OMG.

Vice-Chair Kramer complimented the organizers on a well-planned event.

Sheriff Magill said due to COVID, it has been 2 years since the event has taken place. There have really been no issues outside of 1 or 2 noise complaints. Everything is in place for safety, medical and emergency response. They need to be aware that it will be fire season and there may be additional fire restrictions. He asked that they pay attention to the noise which is really just a matter of educating attendees. He said he also recommends approval of the permit.

Fire Chief LaPlante said his concern is fire; he asked who has the final say on whether or not they will have a fire on any given day.

Commissioner Hege said they have had that question before; in past years it was clear that a protocol is in place to determine that.

Jeannie Rodriguez, SOAK Producer, said that they have worked closely with the Tygh Valley Fire District and the District makes that final call.

Chair Schwartz asked about the use for Lot 401. Ms. Rodriguez replied that she is not sure how that lot was included as everything is staying the same as for previous events.

Vice-Chair Kramer stated that we will be watching the fire season very closely; we have already had fires in the south end of the county. We will be working with our local fire departments and if the Board is recommended to institute a ban, we will likely follow those recommendations.

Chair Schwartz asked if there is a protocol in the application. Mr. Dougherty replied affirmatively, adding that the organizers have been doing this for years and are very familiar with the issues around burning.

Tacy Brotherton, SOAK Producer, said she has worked on this event since 2018. On site, they invite Tygh Valley Fire to bring their fire truck. In addition, the organizers bring in a 2,000 gallon water truck and surround the burn with hoses. The last folks on the list for a final thumbs up is Tygh Valley Fire. They are also

looking at bringing in other local fire departments.

Ryan Cromitz, SOAK Producer, said he is also on the Board of the non-profit. He agreed that they are well aware of the weather and how dry it has been. He said they are prepared to say it is too dangerous; they do not want to set anything on fire.

Chair Schwartz said she has never attended one of these events and wonders why there is a burning man. Ms. Rodriguez said they have a team that spends hours building the structure. It is a symbol of letting go; the experience is different for everyone.

Commissioner Hege said sometimes it is good for the Commissioners to go for a tour to see what it is all about. This event has been well-organized and professional. He said he has not been, but it is a good idea to go see what it is to be able to answer questions with first-hand experience.

Ms. Rodriguez said they would welcome the entire Board for a tour. She said it is a volunteer event; they believe in it.

Chair Schwartz opened the floor to public testimony.

Lisa Gambee of Tygh Valley said that the event has been done well in the past with minimal impact. She stated that there has been a significant increase in the local population since the last event. She asked that the organizers caution attendees that there is a lot more traffic than there has been during prior events.

Mr. Cromitz said that they took the 2018 noise complaint very seriously and have added to their sound policy and procedures to keep that from happening.

{{Vice-Chair Kramer moved to approve the application for an Outdoor Mas Gathering as proposed in Planning File #921-21-000194-PLNG, and accept the findings and conditions contained in the Summary and Staff Report. Commissioner Hege seconded the motion which passed unanimously.}}

Agenda Item – Planning Commission Decision Appeal Hearing

Chair Schwartz opened the hearing at 10:00 a.m. to continue the Quasi-Judicial Remand Hearing on agenda item 921-18-000086-PLNG, a request for approval for the following:

1. Comprehensive Plan Map Amendment: Change a legal parcel designated “Forestry” to “Forest Farm”;
2. Exception to Statewide Planning Goal 4 – Forest Lands; and
3. Zone Change: Change a legal parcel zoned Forest (F-2) Zone to Forest-Farm (F-F 10) Zone (Non-Resource) (remove from resource zone protections).

As a reminder, the evidence record is closed.

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

Chair Schwartz asked if any commissioner wished to report any ex parte contacts. There were none.

Mr. Dougherty explained that he would be providing a brief analysis of the Valley Science and Engineering Report which he will be referring to as the “Valley Science Soils Report.” In addition, he will briefly discuss the applicable rules that are the central focus of this remand hearing – OAR 660-004-0025 & OAR 660-004-0028.

Mr. Dougherty reviewed the three principal conclusions of the Valley Science Soils Report and staff’s analysis:

1. The “Wilson – Order 1 Soil Survey” (survey submitted conducted by Gary Kitzrow and submitted with the applicant’s remand request) makes findings that the Site (subject parcel) qualifies as non-resource land.

Staff Analysis:

- *The “Valley Science Soils Report” provides that “Valley was unable to confirm the report’s [“Wilson – Order 1 Soil Survey”] findings that the Site qualifies as non-resource land.” (Valley Science Soils Report, Page 1). Staff reviewed the “Wilson – Order 1 Soil Survey” and specifically the Summary and Conclusions section, and found no reference where a conclusion is made that the subject parcel “qualifies as non-resource land.”*
- *Although a soil assessment may be a decisive factor which results in a*

change of the allowable uses for a property, staff cannot confirm that the terms “Resource Land” and “Non-Resource Land” are commonly used nomenclature regarding findings and conclusions within Order 1 Soil Surveys. It is clear to staff; however, that the “Wilson – Order 1 Soil Survey” specifically addresses the soil class, soil type (mapping unit), suitability, and the percentage of soil types and classes discovered on the subject parcel, and does not posit “that the Site qualifies as non-resource land.”

2. The soil data, the findings and the conclusions presented within the “Wilson – Order 1 Soil Survey” are inaccurate (either based on purported inconsistent or incorrect scientific methodology and/or purported data misinterpretation);

Staff Analysis:

- Both the “Valley Science Soils Report” and the “Wilson – Order 1 Soil Survey” were drafted by DLCD approved professional soil classifiers.
 - The “Valley Science Soils Report” was drafted by Soils Scientists Brian T. Rabe, Certified Professional Soil Scientist (CPSS), WWS, and Michael S. Sowers, CCA-WR, CPSS.
 - The “Wilson – Order 1 Soil Survey” was drafted by Gary Kitzrow, M.S., Certified Professional Soil Classifier (CPSC), Certified Professional Soil Scientist (CPSS), Principal Soil Taxonomist.
- The “Valley Science Soils Report” lists five purported inconsistencies within the “Wilson – Order 1 Soil Survey”, but provides that the “primary issue” that leads “Valley” “to conclude that the Site does not qualify as non-resource land is based on the fact that the field data noted for several of the test pits [identified within the “Wilson – Order 1 Soil Survey”] do not support a designation as LCC VII or VIII.” (Valley Science Soils Report, Page 2).
- As noted within the memorandum, Staff does not possess the technical expertise to properly analyze or make a determination or a recommendation on the accuracy of the “Valley Science Soils Report’s” reasoning or its contradictory findings and conclusions to the “Wilson – Order 1 Soil Survey”.

3. Because of the inaccurate data within the “Wilson – Order 1 Soil Survey”, the Site does not satisfy the criteria in OAR 660-033-0030(5)(c)(A) for conversion to a non-resource plan designation and zone.

Staff Analysis:

- To address the third conclusion, Staff reviewed OAR 660-033-0030(5)(a), (5)(b), (5)(c)(A), and OAR 660-033-045.
- Chapter 660 Division 33 Agricultural Land, Section 0030 “Identifying Agricultural Land” subsections (5)(a)(b) and 5(c)(A), allows a party to utilize more detailed soil data than what is provided for in the Natural Resources Conservation Service’s Order 3 Soil Survey. Requires that a DLCD approved professional soil classifier be utilized and that the soil assessment be reviewed for completeness by DLCD, and requires that OAR-660-033-00030 and OAR-660-033-0045 apply to change of land use designation requests.
- An Order 1 Soil Survey may be used in lieu of the NRCS’s Order 3 Survey, but the soil scientist and soil assessment must be reviewed for completeness by DLCD per the requirements listed in OAR-660-033-0045.
- Essentially, OAR 660-033-0045, provides: (1) the definition of what a “professional soil classifier” is; (2) the requirements of a “soils assessment” request; and (3) the submission and the review process by DLCD.
- In order for the “Wilson – Order 1 Soil Survey” to be released to Wasco County, it had to be: (1) reviewed by DLCD for completeness and consistency with reporting requirements; and (2) determined by DLCD to be soundly and scientifically based and to meet reporting requirements.
- To date, staff has not received any information from DLCD that might indicate that the “Wilson – Order 1 Soil Survey” fails to meet any of the aforementioned requirements.
- Given these facts, staff finds that the “Wilson – Order 1 Soil Survey”,

which has followed explicit procedure and was vetted for completeness by DLCD, carries significant weight regarding explicit findings and conclusions of soil class, soil type, suitability, and the percentage of soil types and classes discovered on the subject parcel. However, as aforementioned, staff does not possess the technical expertise to properly analyze or make a determination or recommendation on the accuracy of the “Valley Science Soils Report’s” reasoning or its contradictory findings and conclusions to the “Wilson – Order 1 Soil Survey.”

Mr. Dougherty reviewed the applicable rules for the underlying remand request. The applicant seeks a goal 4 exception to change his parcel from a Resource land use designation (Forestry) to a Non-resource land use designation (Forest Farm), and a zone change from Forest F-2 (80) zone to the Forest-Farm (F-F (10) zone.

The scope of the hearing is limited to the Two Oregon Administrative Rules that allow for goal exceptions:

Concerning OAR 660-004-0025 “Exception Requirements for Land Physically Developed to Other Uses”: In order to approve an exception under the “land physically developed” exception, the County is “required to determine that the property is “physically developed to the extent that it is no longer available” for forestry uses.” (See *Dooley et al v. Wasco County*, (LUBA Opinion No. 2019-065, Page 18), ORS 197.732(2)(a)).

Mr. Dougherty said this is what he calls the impossibility standard. It’s a binary standard (1 or 0, Yes or No) It’s a demanding standard because it requires the applicant demonstrate that the physical development (and only the physical development) on the subject parcel has made resource use no longer available (or impossible).

Concerning OAR 660-004-0028 “Exception Requirements for Land Irrevocably Committed to Other Uses”: The Land Use Board of Appeals (LUBA) has provided that the “impracticable” standard “is a demanding one.” The focal point of analysis of an “irrevocably committed” exception is the relationship between the “exception area” and adjacent lands; however, the analysis must also consider the activities and availability for resource use on the subject parcel. Most importantly, a request for an “irrevocably committed” exception must provide facts that illustrate “how” uses on adjacent lands and the subject

parcel render resource use on the “exception area” impracticable.

This test is much more nuanced (and grey). Mr. Dougherty reminded the Board that soil data on the subject parcel is only one piece of a broader test where the primary focus must be placed on the relationship between the subject parcel and adjacent lands, with a secondary focus on the subject parcel. It’s also vital to understand that the “impracticability” standard is a demanding standard to meet. In this case a variety of facts were reviewed.

Commissioner Hege said there is a tremendous amount of information to absorb, consider and conclude on.

Chair Schwartz suggested that they take each of the two items separately; noting that the Planning Commission was clear that the first item was not a pathway for approval of this request.

Commissioner Hege said that the Planning Commission was not unanimous. Vice-Chair Kramer stated that the Planning Commission was unanimous on the first issue and were split on the second issue. Mr. Dougherty confirmed that there are two items each of which will require a separate motion.

{{{Based on findings of fact and conclusion of law, Chair Schwartz moved to deny this request for a Zone Change, Goal Exception and Comprehensive Plan Amendment under OAR 660-004-0025 Exception Requirements for Land Physically Developed to Other Uses. Commissioner Hege seconded the motion.

DISCUSSION

Commissioner Hege asked if denying on this item does not mean the Board cannot allow an exception on the other item. Mr. Dougherty responded that each is separate and the decision on this item does not have an impact on the decision for the other item.

Land Use Attorney for Wasco County Chris Crean said that he would advise modifying the motion language to remove the word “deny.” He suggested that the motion say “finds that the application does not meet the standard.”

{{{Chair Schwartz moved to amend her motion by removing “deny” and

adding the language proposed by Mr. Crean. Commissioner Hege seconded the motion which passed unanimously.}}

Chair Schwartz called for a vote on the amended motion: Based upon the findings of fact and conclusions of law, Chair Schwartz moved to rule that the request for a zone change, goal exception, and comprehensive plan amendment under OAR 660-004-0025 Exception Requirements for Land Physically Developed to Other Uses does not meet the standards described in said OAR 660-004-0025. The motion passed unanimously.}}

Commissioner Hege said when he looks at this in its entirety; one element strikes him as raising a question. If you look at our zoning in this area, wherever you have resource lands you usually have buffers. Looking at the main transportation corridor it is rural residential. This is the only place where there is no buffer - why is that? We clearly need residential areas in our county.

Commissioner Hege went on to say that the thing that strikes him in resource lands is we are looking for land that can produce product of value to some extent. We talked about the parcel does not have great soils - pretty much all of the soil on this property is not great, if you read the definitions. He said he thinks the one thing that is lost when looking at soils is that there are other components to growing, such as water. It is fairly poor for wildlife suitability but it seems as though it might be better for wildlife than other uses. He said he has watched it for a while and it is really not suitable for resource.

Commissioner Hege went on to say that for exceptions to Rules 3&4 - farm uses, forest products/practices – and the connections between OAR and ORS; Mr. Dougherty has done a great job. Resource use is impractical. He said it is fairly frustrating to him to have a scientist from the same short list refute findings. From a decision standpoint, the first report is from a scientist who was actually on site, took samples and did the testing. That gives the second report less credence. Also comparing to adjacent lands, there is impracticability.

Commissioner Hege said that one thing that Planning Commission discussed was concern about opening the flood gates and setting precedence. Commissioner Hege noted that Mr. Summerfield pointed out that the sheer magnitude of resources that have gone into this suggests that it is too expensive to worry about a large number of applications.

Commissioner Hege stated that the appellants have some points - this potentially has the prospect of adding 2-3 more residences to this site. Fire, water, etc. are concerns; but 2-3 residences is a slim risk. A larger subdivision of 20-30 would be more concerning.

Commissioner Hege said that in OAR 660-004-0028, it talks about irrevocably committed must render resource use impracticable - not impossible, just not practical. He said he thinks the soil suitability makes it impracticable. He said it is also important to note that precipitation is a key element for growing and the natural precipitation in this area is challenging at best and is becoming worse with climate change. Natural precipitation does not allow these to be farmed. There are no water rights on this property and no Ag is available in this area. There is a letter about haying but the production level is limited and the land size does not make it viable.

Commissioner Hege concluded by saying that he understands all sides; this is a tenuous thing that could go either way – however, this is the only parcel on the road that does not have a buffer. He said he believes that it meets the standard for the exception. For the County, he said he does not think there is a lot of impact.

Vice-Chair Kramer said he cannot add much to Commissioner Hege's comments. He said that broadly speaking, out state land use is outdated and needs to be reviewed and revised. We are growing and we will need places to live. Commissioner Hege stated it well and staff has done a great job. It is disappointing that this issue has become neighbor vs neighbor. It is also disappointing that there is another player who has been referenced but is not at the table – Ken Thomas. The attitude that “I can but you can't” is also discouraging.

Chair Schwartz said she appreciates the broad view, but her review is limited to the scope of the remand. She said she feels like the soil surveys are inconclusive with a narrow margin of error, but she accepts the first survey as approved by DLCD and it contains objective data. She stated that it is pretty clear that there is a lot of adjacent land that is residential as well as some that is resource. She stated that the evidence stacks up in favor of a rezone. Staff did a great job of putting out objective and subjective information. At the end of the day, she has taken the information and tried to determine what a reasonable person would do. It is not a black and white decision, but she weighs heavier on the objective data;

both sides made good comments.

Commissioner Hege said he would agree this has been a tough one. He said he appreciates all parties and the energy and time everyone has put in. The Board is doing the best it can.

{{{Concerning OAR 660-004-0028 Exception Requirements for Land Irrevocably Committed to Other Uses, based upon findings of fact and conclusions of law set forth throughout the report, Commissioner Hege moved to approve this request for a Zone Change, Goal Exception, and Comprehensive Plan Amendment under OAR 660-004-0028 Exception Requirements for Land Irrevocably Committed to Other Uses. Vice-Chair Kramer seconded the motion which passed unanimously.}}}

Chair Schwartz closed the hearing at 10:54 a.m.

Chair Schwartz called a recess at 10:54 a.m.

The Session resumed at 11:03 a.m.

Agenda Item – NCPHD IGA Amendment

North Central Public Health District Executive Director Shellie Campbell explained that in December, 2021, Gilliam County gave formal notice of separating from the North Central Public Health District. That separation will occur July 1, 2022. This amendment will remove Gilliam County from the IGA, making it just between Sherman and Wasco Counties. This will give the NCPHD Board time to discuss further changes that may be appropriate.

Vice-Chair Kramer asked if County Counsel is comfortable with the amendment. Ms. Kristen Campbell replied that she is.

Commissioner Hege asked if there is an implication for NCPHD going into the next fiscal year. Ms. S. Campbell replied that there is funding they will not receive after the separation and there will be some program elements that will be removed. However, funding through the modernization of public health program will offset the losses.

Chair Schwartz asked if Sherman County has approved the amendment. Ms. S. Campbell responded that it has not yet gone before their Board.

{{Commissioner Hege moved to approve Amendment 1 to the North Central Public Health District Intergovernmental Agreement. Vice-Chair Kramer seconded the motion which passed unanimously.}}

Agenda Item – Executive Session Pursuant to ORS 192.660(2)(h)

At 11:15 a.m. Chair Schwartz recessed from the Regular Session to open an Executive Session pursuant to ORS 192.660(2)(h) to confer with legal counsel. She instructed members of the press to not report on any discussions held in Executive Session except the purpose of the session as described above.

The Regular Session resumed at 11:57 a.m.

Commission Call

Vice Chair Kramer added to his earlier D.C. report saying that they had also had discussions about mental health, the Navigation Center, the Resolution Center and the hospital.

Chair Schwartz said that she attended the lunch with Margie Anderson from Congressman Bentz' staff where they talked about low income housing and mental health issues.

Chair Schwartz adjourned the session at 11:59 a.m.

Summary of Actions

MOTIONS

- **To approve the Solutions YES equipment Support Agreement.**
- **To approve the Form 8 Resolution required for submission of the 2022-2023 CAFFA Grant Application.**
- **To approve Order 22-010 appointing Anthony Tarnasky to the Wasco County Board of Property Tax Appeals**
- **To approve the Consent Agenda – 3.16.2022 Regular Session Minutes.**
- **To approve Amendment 1 to the North Central Public Health District Intergovernmental Agreement.**
- **To rule that the request for a zone change, goal exception, and comprehensive plan amendment under OAR 660-004-0025 Exception Requirements for Lan Physically Developed to Other Uses does not meet the standards described in said OAR 660-004-0025**
- **To approve this request for a Zone Change, Goal Exception, and**

**Comprehensive Plan Amendment under OAR 660-004-0028 Exception
Requirements for Land Irrevocably Committed to Other Uses.
(Remand Hearing for 921-18-000086)**

Wasco County
Board of Commissioners



Kathleen B. Schwartz, Commission Chair



Steven D. Kramer, Vice-Chair



Scott C. Hege, County Commissioner



DISCUSSION LIST

[SOLUTIONS YES AGREEMENT](#) – Andrew Burke

[CAFFA GRANT](#) – Jill Amery

[BOPTA SUMMARY & APPOINTMENT](#) – Chrissy Zaugg



DISCUSSION ITEM

Solutions Yes Agreement

[STAFF MEMO](#)

[SOLUTIONS YES EQUIPMENT SUPPORT AGREEMENT](#)

[EQUIPMENT SUPPORT TERMS & CONDITIONS](#)

[SCHEDULE A – EQUIPMENT LISTING](#)

[NON-APPROPRIATION RIDER](#)

[MOTION LANGUAGE](#)



INFORMATION SERVICES

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Pioneering pathways to prosperity.

Overview

Wasco County Information Systems is reviewing the existing multi-function printer fleet (large copier / scanner / faxing) machines that provide core printing, copying, and faxing services to departments. Each of these large machines work off an equipment lease that lasts 5 years. Within this lease, maintenance, customer support, and supplies are provided by the vendor. Historically, services have been provided by Ricoh; however, technical issues, customer support concerns, print costs, and machine capabilities have caused us to take a closer look at a competing vendor, SolutionsYes.

Additionally, as leases expire and departments are looking to upgrade their primary copy machines, requests for color and other functionalities are becoming more prevalent. Several departments have been using the copiers from SolutionsYes for a couple years for testing purposes, and based on discussions, IS has had with end users, more prefer to use the SolutionsYes machines versus the Ricoh's. Additionally, WC IS has received fewer complaints where the SolutionsYes machines have been installed. The SolutionsYes customer representative has also regularly stopped by the office to ensure all machines are operating as expected; whereas, limited customer service has been experienced by Ricoh and in some cases support has not resolved issues.

Costs

Each vendor's machines cost very similarly in terms of hardware and capabilities. Pricing for this project has largely focused on copy costs. The costs for both companies are shown below:

- **Ricoh** (uses a flat per copy cost for color and black & white)
 - Black & White, Per Copy, \$0.005
 - Color, Per Copy, \$0.0275
- **SolutionsYes** (uses flat cost for black & white and a scale for color copy costs)
 - Black & White, Per Copy, \$0.0045
 - Spot Color, Per Copy, \$0.025
 - Business Color, Per Copy, \$0.035
 - Full Color, Per Copy, \$0.045

Ricoh uses flat rates, which means if a color print job is performed, each copy will cost one price, no matter how much color appears on the page. SolutionsYes uses a scaled approach to color where partial color prints are cheaper to perform than that of a page with more color. Essentially, this means printing letterhead with a color logo on Ricoh would cost 2.75 cents per page, while SolutionsYes may be as little as 2.5 cents per page (this adds up when printing thousands of copies monthly).



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Analysis shows costs are very comparable between the two vendors with no differences between hardware and negligible differences between copy costs. SolutionsYes has the potential to be cheaper or slightly more expensive, depending on usage (i.e., more B&W or more Color). IS was able to negotiate down average hardware costs between vendors to range between \$105 and \$145 based on machine functionality between departments. SolutionsYes and Ricoh matched each other's prices at around ~\$2100 monthly for all machines (~\$25,200 annually). Exhibit 1 provides a use case example of copy costs for a single department in a given month. The 6000 average monthly volume is a real volume experienced by a county department.

Conclusion

In Summary, IS is looking to move forward in signing a 5-year lease agreement with SolutionsYes to upgrade our existing 16 multi-function printer fleet based on the following:

- Potential cost savings as outlined in the use case Exhibit
- End user feedback between Ricoh and SolutionsYes machines
- Reduction of technical issues experienced by the IS department

All costs are currently budgeted in the IS, Equipment - Copiers budget. This work represents a potentially small savings in total costs between hardware and copy jobs and is more about a quality-of-life improvement for departments in their printing capabilities and customer support from an IS and end user perspective.



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Exhibit 1: Breakdown of Cost Per Print Scenario in Department

| Average Monthly Volume (AMV) | 6,067 | | |
|-------------------------------|---|--------|---------|
| | % of AMV | Cost | Total |
| Ricoh | | | |
| B&W | 73% | 0.005 | \$22.14 |
| Color | 27% | 0.0275 | \$45.05 |
| Ricoh Total: | | | \$67.19 |
| | | | |
| SolutionsYes | (%'s based on current installed machines and averages provided by SolutionsYes) | | |
| B&W | 73% | 0.0045 | \$19.93 |
| Color | | | |
| Spot | 20% | 0.025 | \$30.71 |
| Business | 4% | 0.035 | \$8.60 |
| Graphic | 3% | 0.045 | \$7.37 |
| SolutionsYes Total | | | \$66.62 |
| | | | |
| | | | |
| 5 Year Cost Difference | | | |
| Ricoh | \$4,031.52 | | |
| SolutionsYes | \$3,996.94 | lower | |
| | \$34.58 | | |



8300 SW Hunziker st
 Portland, OR 97223
 (503) 597-0YES
 FAX: (503) 213-1235

EQUIPMENT SUPPORT AGREEMENT

CONTRACT # _____

| | |
|------------------------------|---------------------|
| CUSTOMER BILL TO: | |
| Wasco, County of | |
| 511 Washington St, Suite 101 | |
| The Dalles, OR 97058 | |
| | |
| Contact Name | Phone Number |
| Andrew Burke | |
| IT Contact | Phone Number |
| | |

| |
|-------------------------------------|
| CUSTOMER EQUIPMENT LOCATION: |
| Wasco, County of |
| 511 Washington St, Suite 101 |
| The Dalles, OR 97058 |
| |
| |

| |
|--|
| AGREEMENT START DATE: _____ Upon Install |
|--|

Your Solutions YES maintenance agreement covers all parts, labor, travel and supplies (except paper and staples) unless specifically stated below

| SID # | Equipment | Serial Number | Start Meter | Image Allowance | Base Charge | Overage Chg (per image) |
|-------|-----------------------|-----------------------|-------------|-----------------------|-------------|-------------------------|
| | <i>See Schedule A</i> | | | 0 | \$ - | |
| SID # | Tiered Color | Color Levels | Start Meter | Color Image Allowance | Color Base | Overage Chg (per image) |
| | <i>Color Level 1</i> | <i>Spot Color</i> | | 0 | \$ - | |
| | <i>Color Level 2</i> | <i>Business Color</i> | | 0 | \$ - | |
| | <i>Color Level 3</i> | <i>Graphic Color</i> | | 0 | \$ - | |

Additional Equipment on Schedule A

Preferred Method of Meter Collection: FM Audit Phone Fax E-Mail

Meter Collection Contact Name: _____

| | | |
|---------|-------|----------------|
| | | |
| Phone # | Fax # | E-Mail Address |

Agreement Term 36 Months 60 Months Other _____

Base Billing Cycle Monthly Quarterly Annually

Overage Billing Cycle Monthly Quarterly Annually

Comments: Service includes all parts, labor, toner and staples. All rates are fixed for term of lease.

CUSTOMER ACCEPTANCE:

| | | |
|-----------|----------------------|------|
| | | |
| Signature | Printed Name & Title | Date |

SOLUTIONS YES ACCEPTANCE

| | | |
|-----------|----------------------|------|
| | | |
| Signature | Printed Name & Title | Date |

Terms & Conditions

EQUIPMENT SUPPORT AGREEMENT ("ESA"): Solutions YES, LLC agrees to perform maintenance and make inspections, adjustments and repairs, and replace defective parts without additional charge to Customer, provided such calls are made during normal business hours. Solutions YES, LLC will furnish supplies, to be delivered at acceptable intervals and quantities in accordance with manufacturer's suggested yields. This ESA does not include paper, labels, staples, or transparencies. Solutions YES, LLC agrees to train customer in the use of the equipment at reasonable times. Title to all supplies furnished in connection with the ESA, including consumable parts such as drums, remains in Solutions YES, LLC until said supplies are consumed to the extent that they may not be further utilized in the copy making process. Toner consumption shall be within 10% of the manufacturer's suggested yields. A charge for toner consumption exceeding 10% of manufacturer's suggested yields will be charged at current retail price. In the event of customer default or cancellation, supplies and consumable parts shall be returned to Solutions YES, LLC on demand. Beyond the initial set-up and installation, any network or connectivity related service call, i.e. unable to print/scan or requests for additional desktops set up to print or scan, are considered chargeable calls at the current Solutions YES, LLC networking labor rates, unless it is determined to be a hardware related issue.

EXCESSIVE DAMAGE: Damage to the equipment or its parts arising out of misuse, abuse, negligence or causes beyond the control of Solutions YES, LLC are not covered. Solutions YES, LLC may terminate this agreement in the event the equipment is modified, damaged, altered or serviced by personnel other than those employed by Solutions YES, LLC, or if parts, accessories, components or supplies not authorized by Solutions YES, LLC are fitted to or used in the equipment.

EXCESS COPIES: Under the "ESA", the "Base Charge" is calculated on anticipated customer usage as stated in "Image Allowance" on the face of the Equipment Support Agreement. Image allowance copies are accumulated from the initial meter read. Should the allowance be exceeded prior to the expiration of any applicable billing cycle, customer agrees to pay the current excess copy charge for each copy in excess of the stated allowance. Invoices for excess copies will be tendered according to the "Overage Billing Cycle" and/or at the end of the initial term and shall be due and payable within 15 days. For agreements billed annually, upon exceeding the image allowance, customer may request that a new agreement be executed with the initial date of the term to coincide with the date that original image allowance is exceeded. Customer's option in this regard shall be void if all previously tendered invoices have not been paid.

BUSINESS HOURS FOR SERVICE: Support services shall be provided hereunder only during Solutions YES, LLC's normal business hours, which shall consist of 8:00a.m. to 5:00p.m., Monday through Friday, exclusive of Solutions YES' holidays and are subject to change by Solution YES. At customer's request, Solutions YES, LLC may render support service outside of normal business hours, subject to availability of personnel, at established Solutions YES, LLC rates then in effect.

AVAILABILITY OF SUPPLIES: Customer support engineers do not carry or deliver consumable supplies (toner, etc.). It is customer's responsibility to have the necessary supplies available for customer support engineer's use.

RECONDITIONING: When a shop reconditioning is necessary, or the manufacturer's life expectancy of the equipment has been exceeded, and normal repairs and parts replacement cannot keep a unit in satisfactory operating condition, Solutions YES, LLC may refuse to renew this agreement, and/or refuse to continue providing support under this agreement, furnishing support only on a Per Call basis at Solutions YES, LLC's current rates.

CANCELLATION OF SERVICE: Cancellation at the conclusion of the initial term or any renewal term may be accomplished by either party by providing written notice of such cancellation no later than thirty (30) days prior to the expiration of the term then in effect. In addition, Solutions YES, LLC may cancel this agreement, in whole or in part, at any time upon seven (7) days written notice, or without notice in the thirty (30) days prior to renewal date. If customer at any time is in breach of any term or condition contained herein, Solutions YES, LLC may apply any refund due to the satisfaction of any past due invoices for any other products or services. Should this agreement be cancelled by customer, Solutions YES, LLC will not issue any refund.

LATE CHARGES; INTEREST; SUSPENSION OF SERVICE: Customer agrees to pay all invoices tendered for services performed and/or parts installed on equipment when services are performed, according to invoice payment terms. If any payment due to Solutions YES, LLC hereunder is more than 10 days past due, customer agrees to pay a late charge equal to ten (10%), to cover Solutions YES, LLC's administrative costs occasioned by said late payment. Customer agrees that amounts not timely paid shall bear interest at the rate of 1.5% monthly (18% per annum) or at the maximum rate allowed by law, whichever is less. Without waiver of any other rights hereunder, Solutions YES, LLC shall have the right to discontinue service in the event customer becomes delinquent in payment.

DAMAGES: In the event Customer is in default of an obligation under this agreement, and remains in default for seven (7) days after notice thereof, Solutions YES, LLC may cancel this agreement and collect damages according to the following formula. In such an event, Customer promises to pay Solutions YES, LLC the following amounts as liquidated damages (and not as a penalty): (a) During the first six months of the initial term, six times the average monthly charge; (b) At any time thereafter, amount owed at three times the monthly charge.

RENEWAL: Unless otherwise terminated as set forth herein, this agreement shall be automatically renewed upon expiration of the initial term for successive renewal terms, at Solutions YES, LLC maintenance rates in effect at the time of application renewal. Annual increases may be incurred during the term of the contract.

INSTALLATION: Certain equipment must be installed according to specific requirements in terms of space, electric, and environmental conditions. Installation requirements are defined in the equipment operator manual. Customer shall ensure that the equipment is placed in an area that conforms to these requirements.

DISCLAIMER: Solutions YES, LLC expressly disclaims any duty as insurer of the equipment and customer shall pay for all costs of repair and parts or replacement of the equipment made necessary by, but not limited to, loss or damage through accident, abuse, misuse, theft, fire, water, casualty, natural forces or any other negligent act of customer or customer's agent and/or service performed by non-Solutions YES, LLC personnel. Solutions YES, LLC will not assume any liability for any conditions arising from electrical circuitry external to the equipment and equipment line cord, nor is any external electrical work covered under this agreement.

CUSTOMER CHANGES: Any Customer changes, alterations, or attachments may require a change in the charges set forth herein. Solutions YES, LLC also reserves the right to terminate this agreement in the event it has been determined such changes, alterations, or attachments make it impractical for Solutions YES, LLC to continue to service the equipment.

ATTORNEY'S FEES; COSTS: In the event customer defaults under this Equipment Support Agreement, or if any other dispute arises hereunder requiring Solutions YES, LLC to refer said matter to an attorney and/or to initiate, or defend, any court action in any way related to this agreement, customer agrees to pay Solutions YES, LLC reasonable attorney's fees and all costs resulting from such actions.

WAIVER OF JURY TRIAL: Customer hereby waives trial by jury as to any and all issues out of, or in any way related to this ESA.

NO WAIVER: Customer acknowledges and agrees that any delay or failure to enforce the rights hereunder by Solutions YES, LLC, does not constitute a waiver of such rights by Solutions YES, LLC or in any way prevent Solutions YES, LLC from enforcing such rights, or any other rights hereunder, at a later time.

ENTIRE AGREEMENT: This ESA constitutes the entire agreement between Customer and Solutions YES, LLC related to the service and maintenance of the equipment, and any and all prior negotiations, agreements (oral or written), or understandings are hereby superseded.

NO MODIFICATIONS OF TERMS: Customer expressly acknowledges and agrees that these terms and conditions may not be varied, modified, or changed except by written agreement executed by a corporate officer of Solutions YES, LLC. No sales or service personnel, including but not limited to managers or supervisors, has any authority to override this provision.

NOTICE: Any notice or other communication given or required in connection with this Equipment Support Agreement, shall be in writing, and shall be given by certified or registered mail, postage prepaid, return receipt requested. If sent to Solutions YES, LLC said notice shall be sent to Solutions YES, LLC, Attn: CFO, 8300 SW Hunziker St., Portland, OR 97223, or such other address Solutions YES, LLC may hereafter designate in writing. If to Customer, the notice shall be sent to Customer at the address specified in the reverse side hereof, or such address which may be specified, by customer, in writing to Solutions YES, LLC.

Customer Initials



8300 SW Hunziker st
 Portland, OR 97223
 (503) 597-0YES
 FAX: (503) 213-1235

**EQUIPMENT SUPPORT AGREEMENT
 SCHEDULE "A" FOR:**

CUSTOMER NAME: Wasco, County of

CONTRACT # _____

Base Billing Cycle Monthly Quarterly Annually

Overage Billing Cycle Monthly Quarterly Annually

| SID | EQUIPMENT | SERIAL NUMBER | LOCATION / DEPARTMENT | IMAGES INCLUDED | | OVERAGE RATE | | BASE CHARGE | START METER |
|-----|-----------|---------------|---|-----------------|-------|--------------|----------------|-------------|-------------|
| | | | | B/W | COLOR | B/W | COLOR | | |
| | TA4054ci | | A&T Office 511 Washington St, Ste 208 The Dalles OR 97058 | | | 0.00450 | .025,.035,.045 | | |
| | TA4004i | | NCPHD Office 419 E. 7th St, The Dalles OR 97058 | | | 0.00450 | | | |
| | TA4004i | | Clerks Office 511 Washington St, Ste 201 The Dalles OR 97058 | | | 0.00450 | | | |
| | TA4004i | | Back Office 511 Washington St, Ste 101 The Dalles OR 97058 | | | 0.00450 | | | |
| | TA4004i | | 511 Washington St, Ste 207 The Dalles OR 97058 | | | 0.00450 | | | |
| | TA4004i | | Public Works 2705 E. 2nd St The Dalles OR 97058 | | | 0.00450 | | | |
| | TA4004i | | Employee & Admin Services 511 Washington St Ste 101 The Dalles OR 97058 | | | 0.00450 | | | |
| | TA4004i | | DA's Office 511 Washington St, Ste 304 The Dalles OR 97058 | | | 0.00450 | | | |
| | TA4004i | | Wasco County Commissioners 511 Washington St, Ste 302 The Dalles OR 97058 | | | 0.00450 | | | |
| | TA4054ci | | Wasco Sherman County Health 419 E. 7th St The Dalles OR 97058 | | | 0.00450 | .025,.035,.045 | | |
| | TA4004i | | Sheriff's Office 511 Washington St, Ste 102 The Dalles OR 97058 | | | 0.00450 | | | |
| | TA4004i | | Youth Services 202 E. 5th St The Dalles OR 97058 | | | 0.00450 | | | |
| | TA4004i | | Public Health 419 E. 7th St The Dalles OR 97058 | | | 0.00450 | | | |
| | | | | | | | | | |
| | | | | | | | | | |

Customer Initial: _____

CONFIDENTIAL



NON APPROPRIATION RIDER

This Non-Appropriation Rider to the Lease Agreement No.1807246 dated November 29, 2021 (the "Agreement"), is by and between **Solutions Yes LLC** ("Solutions") and Wasco, County of ("Customer"). Capitalized terms used herein without definition shall be defined as provided in the Agreement.

Notwithstanding anything contained in the Agreement to the contrary,

1. Customer presently intends to continue the Agreement for its entire term and to pay all payments relating thereto and shall do all things lawfully within its power to obtain and maintain funds from which the payments owing thereunder may be made. To the extent permitted by law, the person or entity in charge of preparing Customer's budget will include in the budget request for each fiscal year during the term of the Agreement the payments to become due in such fiscal year, and will use all reasonable and lawful means available to secure the appropriation of money for such fiscal year sufficient to pay all payments coming due therein. The parties acknowledge that appropriation for payments is a governmental function which Customer cannot contractually commit itself in advance to perform and the Agreement does not constitute such a commitment. However, Customer reasonably believes that moneys in an amount sufficient to make all payments can and will lawfully be appropriated and made available to permit Customer's continued use of the Equipment in the performance of its essential functions during the term of the Agreement.

2. If Customer's governing body fails to appropriate sufficient moneys in any fiscal year for payments due under the Agreement and if other funds are not available for such payments, then a "Non-Appropriation" shall be deemed to have occurred. If a Non-Appropriation occurs, then: (i) Customer shall give Solutions immediate notice of such Non-Appropriation and provide written evidence of such failure by Customer's governing body at least sixty (60) days prior to the end of the then current fiscal year or if Non-Appropriation has not occurred by that date, immediately upon such Non-Appropriation; (ii) no later than the last day of the fiscal year for which appropriations were made for the payments due under the Agreement (the "Return Date"), Customer shall return to Solutions all, but not less than all, of the Software covered by the Agreement, at Customer's sole expense, in accordance with the terms hereof; and (iii) the Agreement shall terminate on the Return Date without penalty or expense to Customer and Customer shall not be obligated to pay the payments beyond such fiscal year, provided, that Customer shall pay all payments due under the Agreement for which moneys shall have been appropriated or are otherwise available, provided further, that Customer shall pay month-to-month rent at the rate set forth in the Agreement for each month or part thereof that Customer fails to return the Equipment as required herein.

3. The Agreement shall be deemed executory only to the extent of monies appropriated and available for the purpose of the Agreement, and no liability on account thereof shall be incurred by the Customer beyond the amount of such monies. The Agreement is not a general obligation of the Customer. Neither the full faith and credit nor the taxing power of the Customer are pledged to the payment of any amount due or to become due under the Agreement. It is understood that neither the Agreement nor any representation by any public employee or officer creates any legal or moral obligation to appropriate or make monies available for the purpose of the Agreement.

4. The Customer and Solutions agree that by the execution thereof, if the Agreement is a Rental Agreement, Cost Per Image Rental Agreement or a Fair Market Value Lease Agreement, the Customer acquires no ownership interest in the Equipment whether vested or contingent. The Customer's interest in the Equipment is limited to that of a Lessee and the Lessor retains all rights as the owner therein. Any provisions indicating to the contrary in this Rider are for precautionary purposes only.

IN WITNESS WHEREOF, each of the parties hereto has caused this Rider to be executed as of the 29 day of November 2021.

Solutions Yes LLC
(Solutions)

_____ (Customer)

By _____

By _____

Name/Title _____

Name/Title _____



MOTION

SUBJECT: Solutions Yes Agreement

I move to approve the Solutions YES equipment Support Agreement.



DISCUSSION ITEM

CAFFA Grant Application

[STAFF MEMO](#)

[2022-2023 CAFFA GRANT APPLICATION](#)

[MOTION LANGUAGE](#)



MEMORANDUM

SUBJECT: CAFFA Grant (County Assessment Function Funding Assistance Grant)

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JILL AMERY

DATE: 3/29/2022

BACKGROUND INFORMATION:

The County Assessment Function Funding Assistance Program is an annual funding program through the Oregon Department of Revenue that provides financial assistance to Counties to carry out their statutory duties to administer the property tax program.

CAFFA History

In the 1980's Counties could not maintain Real Market Values, maintain minimum service levels and the then mandated six year appraisal cycle could not be maintained. The property tax system was in jeopardy of disintegration. House Bill 2338 was enacted, creating the CAFFA grant in 1989 to provide additional funding for approved A & T programs by increasing delinquent interest and recording fees.

Statistics show we reached a peak in refinancing in Q1 2021. The Department of Revenue is forecasting a slight decline in refinancing activity over the next several quarters as interest rates start to increase. Overall the funding sources available for distribution to counties continues to decline providing less financial support for administering the functions of A & T, while costs to administer the program continue to increase.

Functional areas of approved A & T expenditures are as follows:

- Assessment administration
- Assessment valuation
- Clerk/Board of Property Tax Appeals
- Tax collection and distribution
- Cartography and GIS Administration
- A & T data processing

The request before you is our Fiscal Year 2022-23 funding request. Total cost to administer the Assessment & Tax Program is \$1,263,664. The grant funds are requested and allocated on a state wide pro rata basis but have been reimbursed in the neighborhood of 15%, resulting in an estimated amount of \$189,550 +/- to come back to Wasco County.



Form 1 Grant Application Staffing

2022-2023

| | Column 1 Approved FTE current year (2021-22) | Column 2 Budgeted FTE coming year (2022-23) | Column 3 Change (Column 2 less Column 1) |
|--|---|--|---|
| County <u>WASCO</u> | | | |
| A. Assessment administration | | | |
| Assessor, deputy, etc. | 0.60 | 0.60 | 0.00 |
| Assmt. support staff, deed clerks and data entry staff | 1.50 | 1.50 | 0.00 |
| Total assessment administration staff | 2.10 | 2.10 | 0.00 |
| B. Valuation and appraisal staff | | | |
| Chief appraisers/appraiser supervisor | 0.95 | 1.00 | 0.05 |
| Lead appraisers | 0.00 | 0.00 | 0.00 |
| Residential appraisers | 2.45 | 2.50 | 0.05 |
| Commercial/industrial appraisers | 0.30 | 0.20 | (0.10) |
| Farm/forest/rural appraisers..... | 0.40 | 0.35 | (0.05) |
| Manufactured structure/floating structure appraisers | 0.15 | 0.15 | 0.00 |
| Personal property appraisers..... | 0.40 | 0.40 | 0.00 |
| Personal property clerks..... | 0.00 | 0.00 | 0.00 |
| Sales data analyst..... | 0.15 | 0.30 | 0.15 |
| Data gatherers and appraisal techs..... | 0.00 | 0.00 | 0.00 |
| Total valuation and appraisal staff | 4.80 | 4.90 | 0.10 |
| C. Board of Property Tax Appeals (BoPTA) | 0.13 | 0.13 | 0.00 |
| D. Tax collection and distribution administration | | | |
| Administration, deputy, etc..... | 0.50 | 0.45 | (0.05) |
| Support and collection | 2.02 | 2.07 | 0.05 |
| Tax distribution | 0.48 | 0.48 | 0.00 |
| Foreclosure and garnishment..... | 0.10 | 0.10 | 0.00 |
| Total tax collection and distribution | 3.10 | 3.10 | 0.00 |
| E. Cartography and GIS administration | | | |
| Cartographic/GIS supervisor..... | 0.50 | 0.50 | 0.00 |
| Leadcartographers | 0.00 | 0.00 | 0.00 |
| Cartographers..... | 0.00 | 0.00 | 0.00 |
| GIS specialists..... | 0.00 | 0.00 | 0.00 |
| Total cartographic and GIS staff | 0.50 | 0.50 | 0.00 |
| F. Dedicated IT services for A&T | 0.50 | 0.60 | 0.10 |
| G. Total assessment and taxation staffing | 11.13 | 11.33 | 0.20 |



Form 2 Explanation of Staffing Issues

2022-2023

County WASCO

In this section, explain any difference between approved staffing for the current year and staffing for the budgeted year. Explain why any funded positions were unfilled for the current year. Use this form to describe the intended use of nonpermanent workers (temporary help, project temporaries, and contractors) by A&T function, along with their cost. Note any special or unique aspects regarding who accomplishes the work and how they accomplish it related to Forms 4, 5, and 6. For example, if you use staff to perform personal property functions, other than those reported on Form 1, Section B, note that here and include the FTE.

We continue to feel the pinch of a shortage of experienced appraisers to fully staff our office. Most of our appraiser hires have little to no appraisal experience and Wasco County is investing resources to train these employees while performing the work.

The vast principles of mass appraisal takes time and training to become proficient. In smaller counties such as Wasco, the appraiser is required to be competent in more than one principal. It is a time consuming path that takes years to acquire appraisal knowledge and experience.

We were finally able to promote an internal appraiser to our chief appraiser position in 2021. We continue our search for the position to succession plan as the current incumbent will retire in the next two years.

Wasco County continues to think outside the box and look for ways to work more collaboratively in accomplishing the appraisal work. Building a competent appraisal team will not be something we will be able to solve in the short term. Solutions and intensive investment will take time. The team continues to work toward our goals, learning and acquiring the needed knowledge along the way. The learning environment creates good opportunities for additional professional development as well as succession planning for the future.

Form 5 note; tax collection is a combined roll and function with assessment functions. We are a dual role office.



Form 3 General Comments

2022-2023

County WASCO

Use this form to describe any issue in your budget that needs further clarification. Examples include significant changes on Form 7, purchase of a new data processing system, salary increases, new car purchases, personnel services, costs for mapping, etc. You can also use this form to document any miscellaneous comments about this grant application.

Wasco County as a whole suffered from the great resignation during the second year of the Pandemic as much of our nation did. Wasco County implemented a 5% salary bump the fall of 2021 to narrow the salary gap and compete on a better scale for both retention and attraction of our employees. In a continued effort to be competitive, Wasco County is recommending a 6.5% market adjustment for the fiscal year 2022-23.

The emphasis on technology during the Pandemic has helped us look at accomplishing work in a new way. With the continual staff shortage in appraisal, technology is assisting us to some extent in accomplishing our goals. We continue to focus on expanding our technological tools and optimize digital field work, desktop appraisal possibilities and are looking to implement aerial imagery with Eagleview in the coming fiscal year.

We are continuing our conversations for the A & T software upgrade purchase. Our prior goal of purchase was diverted due to loss of A & T staff, loss of IT staff and the Pandemic. In the meantime we continue playing catch up after decades of no reappraisal and the implementation of new tools that assist with efficiencies.

Currently, we contract our A & T support and database services to an outside contractor. We have not had the staff FTE or expertise to support our A & T systems. IT has added an FTE and is rebuilding a deeper knowledge base team that is starting to provide some limited services to A & T. As our new IT staff continues to learn, we are bringing more knowledge to our internal staff that can provide support in a new way that we have not been able to manage in the past.

Though we remain short staffed on the appraisal team. The team continues to work through the long list of priorities. We are committed to providing quality data to our customers in new and innovative ways with a focus on quality of service to our customers.



Form 4 Valuation and Appraisal Resources

2022-2023

| County <u>WASCO</u> | Number of accounts by activity | | Number of FTE by activity | |
|--|-----------------------------------|------------------------|------------------------------|------------------------|
| | Actual (2021-22) | Estimated (2022-23) | Actual (2021-22) | Estimated (2022-23) |
| Activities | | | | |
| 1. Real property exceptions, special assessments and exemptions | | | | |
| New construction..... | 899 | 900 | 1.50 | 1.75 |
| Zone changes..... | 0 | 0 | 0.00 | 0.00 |
| Subdivisions, segregations, and consolidations .. | 138 | 100 | 0.15 | 0.15 |
| Omitted properties | 0 | 0 | 0.00 | 0.05 |
| Special assessment qualification and disqualification | 7 | 10 | 0.25 | 0.20 |
| Exemptions..... | 2 | 8 | 0.10 | 0.10 |
| Subtotal..... | 1,046 | 1,018 | 2.00 | 2.25 |
| 2. Appeals and assessor review | | | | |
| Assessor review and stipulations | 8 | 20 | 0.10 | 0.10 |
| BOPTA | 1 | 12 | 0.10 | 0.10 |
| Department of Revenue..... | 0 | 0 | 0.00 | 0.00 |
| Magistrate Division of the Oregon Tax Court..... | 0 | 2 | 0.05 | 0.05 |
| Regular Division of the Oregon Tax Court | 0 | 0 | 0.00 | 0.00 |
| Subtotal..... | 9 | 34 | 0.25 | 0.25 |
| 3. Real property valuation | | | | |
| Physical reappraisal..... | 1,000 | 1,000 | 0.10 | 0.80 |
| Recalculation only—no appraisal review..... | 16,150 | 16,150 | 1.15 | 0.50 |
| Subtotal..... | 17,150 | 17,150 | 1.25 | 1.30 |
| 4. Business personal property (returns mailed) | 1,500 | 1,550 | 0.10 | 0.10 |
| 5. Ratio | | | 0.30 | 0.30 |
| 6. Continuing education | | | 0.30 | 0.20 |
| 7. Other valuation—appraisal activity | | | 0.60 | 0.50 |
| 8. Total valuation and appraisal staff (FTE) | | | 4.80 | 4.90 |



Form 5 Tax Collection and Distribution Work Activity

2022-2023

County WASCO

| Number of accounts by activity | |
|-----------------------------------|------------------------|
| Actual (2021-22) | Estimated (2022-23) |

| | | |
|---|-----|---|
| 1. Number of accounts requiring roll corrections | | |
| Business personal property | 2 | 8 |
| Personal property manufactured structures | 3 | 5 |
| Real property | 55 | 55 |
| 2. Number of accounts requiring a refund | | |
| Business personal property | 5 | 10 |
| Personal property manufactured structures | 5 | 10 |
| Real property | 109 | 130 |
| 3. Number of delinquent tax notices sent | | |
| Business personal property | 16 | 35 |
| Personal property manufactured structures | 86 | 140 |
| Real property | 871 | 1,100 |
| 4. Number of foreclosure accounts processed | | |
| Real property only | 60 | 80 |
| 5. Number of accounts issued redemption notices | | |
| Real property only | 30 | 15 |
| 6. Number of warrants | 130 | 150 |
| 7. Number of garnishments | 0 | 0 |
| 8. Number of seizures | 1 | 1 |
| 9. Number of bankruptcies | 21 | 35 |
| 10. Number of accounts with an address change processed | 774 | 1,000 |
| 11. How many second trimester statements do you mail? | 760 | |
| 12. How many third trimester statements do you mail? | 0 | |
| 13. Does the county contract for lock box service? | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 14. Does the county use in-house remittance processing? | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 15. Is tax collecting combined with another county function? | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

If yes, describe that function on Form 2.



Form 6
Assessment and Administrative
Support and Cartography
Work Activity

2022-2023

County WASCO

| Assessment and administrative support work activity | | |
|--|----------------------------|------------------------|
| | <u>Numbers by activity</u> | |
| | Actual (2021-22) | Estimated (2022-23) |
| 1. Number of deeds worked | <u>2,466</u> | <u>2,600</u> |

| Cartography work activity | | |
|--|----------------------------|------------------------|
| | <u>Numbers by activity</u> | |
| | Actual (2021-22) | Estimated (2022-23) |
| 1. Number of new tax lots..... | <u>59</u> | <u>50</u> |
| 2. Number of lot line adjustments | <u>2</u> | <u>6</u> |
| 3. Number of consolidations | <u>2</u> | <u>5</u> |
| 4. Number of new maps | <u>37</u> | <u>25</u> |
| 5. Number of tax code boundary changes | <u>0</u> | <u>0</u> |



Form 7 Summary of Expenses

2022-2023

County WASCO

| | A. Assessment Administration | B. Valuation | C. BOPTA | D. Tax Collection & Distribution | E. Cartography* | F. Dedicated IT services for A&T | Totals |
|--|------------------------------------|-----------------|-------------|--|--------------------|--|-----------|
| Current operating expenses | | | | | | | |
| 1. Personnel services | 189,857 | 363,177 | 18,205 | 223,630 | 49,283 | 69,664 | 913,816 |
| 2. Materials and services | 5,306 | 17,345 | 1,357 | 38,436 | 10,000 | 146,108 | 218,552 |
| 3. Transportation | 500 | 2,000 | 0 | 500 | 0 | 0 | 3,000 |
| 4. Total current operating expenses (Total direct expenses) | 195,663 | 382,522 | 19,562 | 262,566 | 59,283 | 215,772 | 1,135,368 |

* Include approved grant funding for ORMAP

Indirect expenses

| | |
|--|-----------|
| 5. Total direct expenses (line 4) | 1,135,368 |
| 6. If you use the 5 percent method to calculate your indirect expenses, enter 0.05 in this box. | 0.05 |
| Total indirect expenses (line 5 multiplied by line 6) | 56,768 |
| 6A. If you use a percent amount approved by a federal granting agency to calculate your indirect expenses, enter that percentage in this box..... | 0.00000 |
| Total indirect expenses (line 6A multiplied by the direct expense amount for the category/categories that your certificate allows) | 0 |
| 7. Total indirect expenses | 56,768 |

Capital outlay

| | Assessment Administration | Valuation | BOPTA | Tax Collection & Distribution | Cartography | Data Processing Support (IT, AT) | Total capital outlay without regard to limitation |
|---|------------------------------|-----------|-------|----------------------------------|-------------|-------------------------------------|--|
| 8. Enter the actual capital outlay without regard to limitation. | 0 | 250,000 | 0 | 0 | 0 | 0 | 250,000 |
| 9. Total direct and indirect expenses (sum of lines 4 and 7) | | | | | | | 1,192,136 |
| 10. Direct and indirect expenses multiplied by 0.06 | | | | | | | 71,528 |
| 11. The greater of line 10 or \$50,000..... | | | | | | | 71,528 |
| 12. Capital outlay (the lesser of line 8 or line 11) | | | | | | | 71,528 |
| 13. Total expenditures for CAFFA consideration (sum of lines 4, 7, and 12)..... | | | | | | | 1,263,664 |

Form 8

Grant Application Resolution

WASCO _____ County is applying to the Department of Revenue to participate in the County Assessment Function Funding Assessment Program.

This state grant provides funding for counties to help them come into compliance or remain in compliance with ORS 308.232, 308.234, Chapters 309, 310, 311, 312, and other laws requiring equity and uniformity in the system of property taxation.

WASCO _____ County has undertaken a self-assessment of its compliance with the laws and rules that govern the Oregon property tax system. The County is generally in compliance with ORS 308.232, 308.234, Chapters 309, 310, 311, 312, and all requiring equity and uniformity in the system of property taxation.

WASCO _____ County agrees to appropriate budgeted dollars based on 100 percent of the expenditures certified in the grant application. The total expenditure amount for consideration in the grant is \$1,263,664. If 100 percent isn't appropriated, no grant shall be made to the county for each quarter in which the county is out of compliance.

The County designates the following individual as the contact for this grant application.

| | | |
|------------|----------------|----------------------|
| JILL AMERY | (541) 506-2510 | jilla@co.wasco.or.us |
| _____ | _____ | _____ |
| Name | Phone | Email |

County Approval

By selecting the "I Accept" checkbox, you are signing this Resolution electronically and certifying the Resolution has been approved by the board. You agree your electronic signature is the legal equivalent of your manual signature.

I Accept

| | | |
|--------------------------|----------------------------------|-----------|
| _____ | BOARD OF COUNTY COMMISSION CHAIR | _____ |
| Chair/Judge or Appointee | Title | Sign Date |

Department of Assessment & Taxation 2022-23

Assessor/Tax Collector
Jill Amery

Melanie Brown
Chief Appraiser

Brandon Jones
Property Appraiser II

Mike Bellamy
Property Appraiser I

Vacant
Property Appraiser

Martha Ramos
Property Appraiser I
Personal Property

Shannon Hansell
A & T Manager

Brenna LaVigne
Office Specialist
Deed Clerk

Julie Stephens
Office Specialist
Tax Clerk

Shawna Nagamatsu
Office Specialist
Tax Clerk

FTE = 9.3 Equivalent

Assessment & Tax Duties

Wasco County Clerk

Lisa Gabee 0.02 fte
Wasco Co Clerk

Chrissy Zaugg 0.11 fte
Chief Clerk Deputy/BOPTA
Clerk

County Treasurer/ Finance

Elijah Preston 0.15 fte
Treasurer

John Hay 0.65 fte
Office Specialist/Treasury

Information Services Cartography

Andrew Burke 0.30 fte
IS Director

Tyco Granville 0.40 fte
GIS Coordinator

Jamie Rathmell 0.10 fte
GIS Analyst

John 0.10 fte

Jenn 0.10 fte
Information Service Tech

Dennis 0.10 fte
Database

FTE = 1.93



MOTION

SUBJECT: CAFFA Application

I move to approve the Form 8 Resolution required for submission of the 2022-2023 CAFFA Grant Application.



DISCUSSION ITEM

BOPTA Summary & Appointment

[STAFF SUMMARY OF ACTIONS](#)

[AJ TARNASKY APPLICATION](#)

[ORDER 22-010 APPOINTING AJ TARNASKY TO BOPTA](#)

[MOTION LANGUAGE](#)

County: **WASCO**
 County Contact: **Chrissy Zaugg**

Tax Year: **2021**

Date Submitted:
 Date Filed:

Summary of Actions County Board of Property Tax Appeals

1. Appeals of property value

| | (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) |
|--------------|----------|-----------|------------------|----------|--------------------|------------------|-----------------|---------------|-------------------|------------------|
| | Total | Total | Total Accts | Net | Number of Net | Number of Net | Number of Net | Number of Net | Total AV | Total AV |
| | Accounts | Accounts | Stipulated Under | Accounts | Accounts Sustained | Accounts Reduced | Accounts Raised | Accounts | of Net Accounts | of Net Accounts |
| | Appealed | Withdrawn | ORS 308.242 | Appealed | AV | AV | AV | Dismissed | Before Adjustment | After Adjustment |
| Total | <u>2</u> | <u>1</u> | <u>0</u> | <u>1</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> |

2. Appeals of value involving unit of property

| | (1) | |
|--------------|-------------------|----------|
| | Net | |
| | Units of Property | |
| | Considered | Decided |
| Total | <u>0</u> | <u>0</u> |

3. Total Number of Late Filing Penalty Appeals Heard

| | |
|--------------|----------|
| Total | <u>0</u> |
|--------------|----------|

INFORMATION AND QUALIFICATION FORM

BOARD OF PROPERTY TAX APPEALS POOL

VOLUNTEER POSITIONS
REPRESENTATIVE FROM
WASCO COUNTY, OREGON

BACKGROUND

The Board of Property Tax Appeals consists of three non office-holding residents of Wasco County. The Board of Property Tax Appeals is responsible for hearing taxpayer appeals for reduction of the real market or assessed value of property. The term of each member begins on the date of appointment and ends on June 30, or when a successor is appointed. Members assigned to a Board receive a stipend of \$75 per day when the Board meets and must complete online training prior to the hearings process.

APPLICATION

Provide personal qualifications for the specific volunteer position.
Supplementary information may be attached. Do not provide confidential information.

POSITION DESCRIPTION: Board of Property Tax Appeals Pool Member

Name: Anthony Tarnasky
Address: [redacted] ; The Dalles, OR 97058
Phone (home) [redacted] Phone (work) [redacted]
E-mail [redacted]
Signature: [Signature]
Date: 2.22.2022

Number of years as a Wasco County resident: 15

Your objectives/goals? Desired contributions and accomplishments?
Perform my civic duty. Sense of fulfillment.
Learn about process. Promote investment in
Wasco County

Education (school, college, training, apprenticeships, degrees, etc.)
See attached Resume Date(s): _____
Date(s): _____

_____ Date(s): _____

_____ Date(s): _____

Experience (work, volunteering, leadership roles, achievements etc.)

See attached Resume Date(s): _____

_____ Date(s): _____

_____ Date(s): _____

_____ Date(s): _____

General Comments (vocational/professional licenses, awards, recognition, etc.)

See attached Resume Date(s): _____

_____ Date(s): _____

_____ Date(s): _____

_____ Date(s): _____

Why do you want to serve on the Board of Property Tax Appeals

See objectives/goals

Do you have any conflicts of interest? Non-Office holding residents of the County cannot be:

- Members of the governing body
- Members of the governing body of a school district
- Members of the governing body of a taxing district
- An employee of the County, including all elected officials
- An employee of a taxing district of the county

N/A

Would you feel comfortable in your discussion with other Board Members in speaking out in front of the petitioner and assessor representative even though your comments might not favor one side or the other?

Yes

Are you able to take criticism leveled at "you" even though it means County Assessor and/or government in general?

Yes

How familiar are you with the real estate market in Wasco County?

Very Deal with residential, commercial & agricultural real estate daily.

Briefly explain your understanding of Measures 5 & 50 and the Oregon Property Tax System:

Measure 5 capped local property tax levels and effectively moved school funding to State. Measure 50 (along with 47) resulted in the 3% cap to RMV Does not include new const. or additions.

What experience have you had reading maps?

Significant. Deal with lot descriptions, aerial maps, topo maps, etc.

What experience have you had reading appraisals?

Have read 100's of all types including residential, commercial & agricultural.

Are there comments you wish to make that would help us in making our decision regarding recommendation of you as a member of the pool of the Board of Property Tax Appeals?

Not really. I think ~~my~~ my experience would be valuable to the board.

Send completed form to:

Wasco County Planning Department
2705 East 2nd Street
The Dalles OR 97058
(541) 506-2560
fax (541) 506-2561

Anthony J. Tarnasky

Permanent Address

2412 W 15th St.
The Dalles, OR 97058
Home: (509)540-2217

Work Address

316 E 3rd St.
The Dalles, OR 97058
Work: (541)506-0133

Work: atarnasky@columbiabank.com

Personal: neobeaver99@gmail.com

EDUCATION

Oregon State University, Corvallis Oregon

Bachelor of Science in Business Administration, March [REDACTED]
Option: Financial Management Minor: Political Science

WORK

EXPERIENCE

SVP/Commercial Banking Team Lead, Columbia Bank, April '16 – Pres.

- Team Lead over regional commercial banking team with staff located in The Gorge and Central Oregon.
- Educate lenders in proper structuring and analysis of credit.
- Use guarantees or government programs for financing when appropriate.
- Prepare region's budget within confines mandated by Columba Bank Sr. Management and Board of Directors.
- Work directly with Credit Administration.
- Lead lenders in sales efforts.
- Work with borrowers to achieve financial goals.
- Start – Up Lending.
- Agricultural lending and finance.
- Currently manage approximately \$125 million in credit facilities within region.
- Collection of problem loan accounts.
- Well versed in bankruptcy and collection law.
- Ensure compliance with government regulation within my region.
- Achieved annual growth of 10-15%+ region wide while maintaining past dues at less than .5% of portfolio
- No losses in portfolio.
- Implemented use of SWAP program in region and achieved top three in bankwide premium generation while operating in one of the smallest regions.
- Increased fee income 300% since taking over the portfolio.
- 2017 recipient of Columba Bank Difference Maker award.

EVP/Chief Credit Officer, Community Bank, Aug. '07 – April '16.

- Senior Manager in charge of all lending functions of the bank. Included commercial, agriculture, real estate, mortgage, and consumer lending
- Report directly to President
- Created government guaranteed lending department
- Created participation loan department
- Primary Credit Manager for \$250MM loan portfolio.
- Aided in ALLL analysis with CFO and handled impairment analysis for implementation of FASB 114.
- Oversee entire credit function of Bank.
- Primary Executive over Commercial Lending, Mortgage Origination, and Consumer Lending.
- Managed OREO portfolio
- Member of ALCO
- Chairman of Loan Committee
- Oversee and implement loan policy
- Communicates directly with examiners during FDIC Safety and Soundness Exams and provides data as needed.

- Portfolio Management including CRE Stress Testing.
- Implemented SWAP loan program for interest rate risk management.
- Budgeting
- Evaluation of potential M & A targets.
- Handled oversight of all special credits work.
- Reported to the board on migration analysis, concentrations, credit quality, production, etc.
- ESOP and 401k Trustee
- Worked with outside credit review in order to maintain independence.
- Implemented centralized small business and consumer lending group.
- Basic knowledge of investment portfolio.
- Good understanding of call report data and capital analysis.
- Had up to 10 direct employee reports and 30+ indirect reports

SVP/Credit Administrator, Columbia River Bank, 1997–2007

- Oversaw credit approval staff, special credits staff, and loan trading desk
- Report directly to Chief Credit Officer
- Approved loans up to \$10 million and prepare loans up to \$25 million for approval through committee
- Manage loan participations with other banks
- Manage various derivative products including SWAPS, Caps, and Floors
- Member of CRA committee
- ALCO committee attendee
- Work with Auditing Agencies on asset quality analysis
- Train junior lenders in structure and analysis
- Maintain financial analysis software and train in the use of it
- Familiar with all types of commercial and consumer lending
- Familiar with government programs including SBA and FSA
- Held various positions including commercial lender, credit approval officer, and special credits officer
- Implemented automated consumer lending group including software evaluation.
- Had 5 direct employee reports and 10+ indirect reports.
- Over the 10 years with CRB, had several titles, from Loan Officer to Sr. Credit Administrator

Asst. Manager & Loan Representative, U.S. Bank, April 1996– Dec. 1997

- Worked with customers to determine what products best served their needs
- Utilized good cross-selling skills
- Processed consumer loans (equity, auto, personal, lines of credit, etc.)
- Processed small commercial loans
- Trained and supervised departments work force
- Worked with underwriting in questionable decisions on loans for other sales consultants
- Had 35+ direct employee reports.

ADDITIONAL EDUCATION

- Attended various classes on cash flow analysis and credit structuring
- Completed Western Agricultural Credit School – May, 2000
- Attended training to produce loans guaranteed by the Farm Service Agency
- Attended training to produce loans guaranteed by the Small Business Admin.
- Pacific Coast Banking School Graduate – 2006

OTHER

- Prior Dufur City Councilman
- Prior Member of The Eastern Washington Autism Spectrum Association (Relocated)
- Member of BPOE #358.

- Prior Loan Committee Member for Network for Oregon Affordable Housing (Relocated)
- Board Member for Loan Committee for Mid-Columbia Economic Development District.
- Member of Fraternal Order of Eagles



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE APPOINTMENT OF ANTHONY TARNASKY TO THE WASCO COUNTY BOARD OF PROPERTY TAX APPEALS CHAIR PERSONS POOL AND NONOFFICE HOLDING POOL

ORDER #22-010

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

IT APPEARING TO THE BOARD: That under ORS 309.067(1)(b) the Board of Commissioners shall appoint non-office holding members to serve on the Board of Property Tax Appeals; and

IT FURTHER APPEARING TO THE BOARD: That Anthony Tarnasky is willing and is qualified to be appointed to the Wasco County Board of Property Tax Appeals.

NOW, THEREFORE, IT IS HEREBY ORDERED: That Anthony Tarnasky be and is hereby appointed to the Wasco County Board of Property Tax Appeals in accordance with ORS 309.067(1)(b) for a period beginning April 6, 2022, through June 30, 2023.

DATED this 6TH day of April, 2022.

APPROVED AS TO FORM

Wasco County Board of Commissioners

Kristen Campbell, County Counsel

Kathleen B. Schwartz, Chair

Steven D. Kramer, Vice-Chair

Scott C. Hege, County Commissioner



MOTION

SUBJECT: BOPTA Appointment

I move to approve the Order 22-010 appointing Anthony Tarnasky to the Wasco County Board of Property Tax Appeals.



CONSENT AGENDA

[MINUTES: 3.16.2022 REGULAR SESSION](#)



WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
MARCH 16, 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.

Additions to the agenda:

- An additional Grant Application has been added to the 3:00 p.m. agenda item
- Recognition of contributions made by Sherry Holliday, County Commissioner
- BOPTA Update

Discussion Item – Seufert Tower Lease

County Sheriff Lane Magill explained that this is the main base radio station for the Sheriff's Office and the Fire Department. The original lease was from 1998 and is out of date. There have been changes to the ownership of the property and the legal language needed to be revised. County Counsel had a conflict; therefore, the lease has been reviewed by our Conflict Counsel. It was also sent to the Fulton family's representative and they have approved the lease. The site is on the upgrade list to be addressed in the next couple of years. The lease is reviewable on an annual basis.

{{Vice-Chair Kramer move to approve the Seufert Hill Communications Site Lease between Gard & Maxine Fulton, LLC and the Wasco County Sheriff's Office. Commissioner Hege seconded the motion which passed unanimously.}}

Discussion Item – USFS Forest Patrol Agreement Modification

Sheriff Magill explained that every year we have been allocated \$18,000 to patrol the Mt. Hood National Forest; a Special Deputy is hired for that work. The U.S. Forest Service is short staffed locally and has allocated \$36,000 for this year. That will add more hours and help offset our expenses.

{{{Commissioner Hege moved to approve USFS Grant Agreement 18-LE-11060600-005 Modification 006. Vice-Chair Kramer seconded the motion which passed unanimously.}}}

Discussion Item – NCPHD Budget Committee Appointment

Chair Schwartz, who also serves as Chair for the North Central Public Health District Board, explained that she reached out to former County Commissioner Scott McKay to recruit him for this position. He has been approved by the NCPHD Board; he is very qualified and has been a good liaison.

{{{Commissioner Hege moved to approve Order 22-009 appointing Scott McKay to the North Central Public Health District Budget Committee. Vice-Chair Kramer seconded the motion which passed unanimously.}}}

Discussion Item – AOC Committee Representative

Vice-Chair Kramer explained that this is a subcommittee of the Association of Oregon Counties' Natural Resource Committee. He said he has acted as our representative to that subcommittee and is happy to continue in that role if it is the will of the Board. He said we will need to send in a letter notifying AOC of our designation in order to comply with the Committee's bylaws.

{{{Commissioner Hege moved to appoint Commissioner Steven D. Kramer to represent Wasco County on the AOC Federal Land Management Subcommittee. Chair Schwartz seconded the motion which passed with the following vote: Chair Schwartz "Yay;" Commissioner Hege "Yay;" Vice-Chair Kramer "Abstain."}}}

Public Comment – Proposed Navigation Center

Shelly Anslinger of The Dalles said she has questions regarding the Navigation Center that she would like the Board to consider prior to approving funding.

- She noted that the Center is intended to serve the region but it appears that all of the funding is coming from Wasco County – will any other entities in the region be contributing?

- She asked who will pay to sustain the facility once it has been built.
- She asked if the Center will be built in phases or all at once.
- She said the use of the building is confusing and asked if there is a definite plan.
- She observed that they will not be serving community meals from the Center but it has a commercial kitchen in the plan – why?
- She noted that the pallet shelters seem to work where they are but are in the plan to be moved to the Center property – why?

Ms. Anslinger concluded by saying that she does not feel like the location, near car dealerships and a farm store, is a good place if they want to access services, shops and transportation as stated in their plan.

Bob Schultens of The Dalles said he does not have a problem with the concept of the Navigation Center but has issues with the location and the transparency of the process. He noted that Mid-Columbia Community Action Council (MCCAC) has asked the County for money. He said that in the past the property was within an Enterprise Zone (EZ) to encourage economic development. That changed in November without notifying the community. He said they should have polled the community. They looked at other locations. If they are going to put it in a business area, they should talk to the businesses. He pointed out that there are 3 hotels in that area and the Navigation Center will be the first thing visitors see which will discourage repeat visits.

Commissioner Hege asked about Mr. Schultens' comment regarding the EZ. Mr. Schultens said that he is not sure, but the property used to be a benefit to be a businesses in that area. It was posted in the newspaper, but most people do not get their information from the newspaper any more. If the Board is going to put money toward a project, they should know what is happening. At the City zoom meeting, they would not let the opposition speak until they realized they had allowed supporters to speak. He said this is already a high-crime area; his business has had people coming through the lot breaking off side-view mirrors on the cars. The City Police tell them they cannot do much more than take a report. He said they have had 62 issues brought to the police without much response. This Center will create more problems. The Hospice program in the area has had problems with trees being burned. He said he wants to know the plan for better protection. There are people living close to this property and they have children. He said this is the first community organization they have spoken to about this issue.

Rod Peterson of Peterson's Mobile Village in The Dalles said he has 90 units and his residents are very concerned about this. It is a family park and he has a lot of concerns – the kids play in a field right across the street from the proposed location for the Navigation Center.

Chair Schwartz explained that there is a hearing scheduled for 9:30 a.m.; she said that people are welcome to return at the end of the day to continue public comment. She estimated that they would be able to start that between 3:00 and 3:15 p.m.

**Agenda Item – Planning Commission Decision Appeal
921-18-000086-PLNG**

At 9:31 a.m. Chair Schwartz opened the hearing on agenda item 921-18-000086-PLNG. This is an application for approval of the following:

1. Comprehensive Plan Map Amendment: Change a legal parcel designated "Forestry" to "Forest Farm";
2. Exception to Statewide Planning Goal 4 – Forest Lands; and
3. Zone Change: Change a legal parcel zoned Forest (F-2) Zone to Forest-Farm (F-F 10) Zone (Non-Resource) (remove from resource zone protections).

The property is located along and south of Sevenmile Hill Road, southeast of its intersection with Richard Road, approximately 4.3 miles northwest of The Dalles, Oregon. The property is more specifically described as Lot 2 North 12 East Section 22; Tax Lot 4400.

This is a quasi-judicial application and therefore the decision must be based on the relevant criteria. Those criteria include: Oregon Revised Statute (ORS) 197.732; Oregon Administrative Rules (OAR) Chapter 660, Division 4, Sections 0025, and 0028; Planning Goal 2, Part II Exceptions, (OAR 660-015-0000(2)); and Planning Goal 4, Forest Lands (OAR 660-015-0000(4)). The application also must comply with applicable provisions in the Wasco County Comprehensive Plan. Those standards are described in the staff report. Generally, unless otherwise noted, if an application is found to be consistent with the LUDO it is considered consistent with the Comprehensive Plan

She described the procedure as follows:

1. Disclosing any ex parte contact, bias or conflicts of interest.

2. Describe the Rules of Evidence.
3. Planning department staff will present their report
4. Opportunity for the applicant to speak
5. Those who wish to speak in favor of the proposal
6. Those who wish to speak in opposition of the proposal
7. Applicant rebuttal
8. Questions by Commissioners of staff, applicant, proponent, or opponent
9. Close the hearing and record and begin deliberation. Only Commissioners, or staff if questioned, may contribute to this discussion.

She asked if any of the Board members had an actual or potential conflict of interest. There were none

She asked if any of the Board members have a bias or ex parte contacts to disclose. There were none.

She asked if any Board members had conducted a site visit. Commissioner Hege replied that he has seen the property many times. Vice-Chair Kramer said he has driven by and seen maps.

Chair Schwartz explained the Rules of Evidence as follows:

- Please do not present irrelevant, immaterial, or unduly repetitious testimony or evidence.
- Evidence should be of a quality that a reasonable person would rely on it in the conduct of their daily affairs.
- Testimony and evidence must be directed toward the criteria applicable described in the staff report or other criteria you believe applies to the application.
- Failure to raise an issue with in sufficient detail to allow us the ability to respond to it may prohibit you from raising it to the Land Use Board of Appeals.

She added that the failure to raise constitutional or other issues relating to proposed conditions of approval, again in sufficient detail to allow us to respond to the issue, may prohibit you from raising the issue in circuit court.

Chair Schwartz asked staff to present their report.

Senior Planner Daniel Dougherty noted that information has been submitted since March 3rd, that information is not in the Board Packet. Information was submitted by the appellant on March 15th and has been added to the record. Mr Wilson also submitted two additional pieces of information on March 15th, the first is a letter from U.S. Forest Service Unit Forester Kristin Dodd regarding best management practices; the second is a citation concerning the national resource conservation services soil rating system. Mr. Sargetakis, attorney for the Sheila Dooley and Jill Barker, also submitted written comment yesterday. In addition, Sheila Dooley submitted additional materials including a report issued by Valley Science & Engineering that provided review, summary and conclusions that seem to refute Mr. Wilson's submitted soil survey which was conducted by Gary Kitzrow. Because Sheila Dooley's comments and soil report were submitted at 11:30 p.m., staff has not been able to complete more than a cursory review of those materials. All submissions have been added to the record.

Additionally, one of the two managing soil scientists for Valley Science & Engineering sent email communication to staff prior to staff's receipt of Ms. Dooley's submission. Mr. Dougherty read the text of the email exchange into the record:

From Valley Science and Engineering's Brian Rabe (3.14.2022):

"Good Afternoon, Daniel- I want to confirm that a request to change the zoning from F280 to FF10 requires the property to predominately consist of Class 7 and Class 8 soils. Please confirm and advise. Thank you."

Daniel Dougherty's response on March 15, 2022:

"Good Morning, Soil classification is definitely one factor; but it is not necessarily the only factor that is considered for a Goal Exception, change of land use and zone designation."

Reply from Mr. Rabe on March 15, 2022:

"Thank you. My understanding is that LCC is one of the 'go/no go' criteria for a change from resource zone to non-resource throughout this state, i.e. predominately Class 7 and Class 8 east of the Cascades. That is what I am asking to confirm."

Mr. Dougherty stated that staff has not been able to perform the actual research necessary to respond to that question.

Mr. Dougherty continued by reviewing his slide presentation, saying that the presentation would include an overview of the request and area involved, a history and scope of the remand hearing, applicable rules and questions from the Board (the complete slide presentation is included in the Board Packet):

Mr. Dougherty explained that the request is as follows:

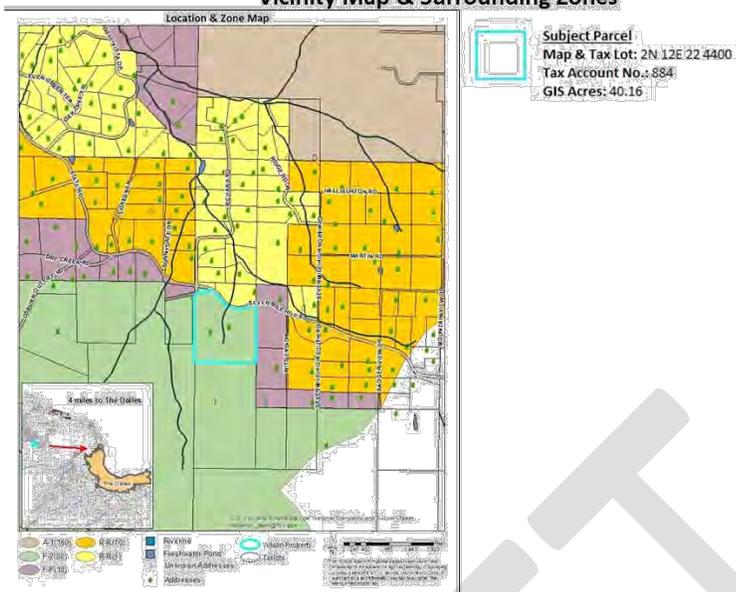
- Comprehensive Plan Map Amendment: Change a legal parcel designated “Forestry” to “Forest Farm”;
- Exception to Statewide Planning Goal 4 – Forest Lands; and
- Zone Change: Change a legal parcel zoned Forest (F-2) Zone to Forest-Farm (F-F 10) Zone (Non-Resource) (remove from resource zone protections)

The scope of the Remand Hearing is: Staff findings and the Planning Commission’s recommendations made were limited to OAR 660-004-0025 and OAR 660-004-0028.

As illustrated on the map below, the subject parcel for this request is located at Township 2 North, Range 12 East, Section 22, Tax Lot 4400. The subject parcel and parcels to the south and southwest are within the Forestry land use designation & Forest (F-2) Zone (minimum 80 acres).

Parcels to the north, northwest, and east are within the Residential land use designation & are within Rural Residential Zones R-R (5) & R-R (10) (minimum acreage 5 & 10 acres). Lands also fall into the Forest-Farm land use designation within the Forest-Farm [F-F(10)] Zone (minimum acreage 10 acres). The purpose of the forest-farm zone is to permit low-density residential development in suitable locations while reducing potential conflicts with agriculture uses, forestry uses and open space. Essentially a buffer zone between residential & resource uses.

Vicinity Map & Surrounding Zones



The 2018 Oregon Statewide Imagery Program image provides a fairly updated view of vegetation growth on the subject parcel. Scattered tree and shrub vegetation exists on the northwest portion of the property, but generally, tree growth is isolated in the east, south, and southwest portions of the property.

Subject Parcel Vegetation



The image below was submitted with the applicant's remand request packet.

Existing tree growth and areas without or lacking significant tree vegetation are self-evident. Of note, the Bonneville Power Administration (BPA Line) easement area that runs northwest to southeast is clearly visible in this image.



Mr. Dougherty explained the timeline for the Remand Hearing as follows:

- Initial application submitted on May 23, 2018
- WC-Planning Commission Hearing on April 2, 2019 (Recommended Approval)
- WC-Board of Commission Hearing on June 5, 2019 (Approved)
- Appealed to the Land Use Board of Appeals (LUBA)
 - Decision Remanded on January 14, 2020
- Request for Remand Hearing received on June 13, 2021
- Planning Commission Hearing on December 7, 2021
 - OAR 660-004-0025 (Recommend Denial)
 - OAR 660-004-0028 (tie (3-3) vote, Recommend Denial per WC-PC Bylaws)

The Land Use Board of Appeals (LUBA 2019-065) addressed four “Assignments of Error” that challenged Wasco County’s record evidence finding and conclusions that approved Mr. Wilson’s goal exception request under OAR 660-004-0025, Exception Requirements for Land Physically Developed to Other Uses, and OAR 660-004-0028, Exception Requirements for Land Irrevocably Committed to Other Uses. LUBA agreed with the appellants on all of the Assignments of Error and the decision was remanded.

Mr. Dougherty explained the facts and analysis pertaining to OAR 660-004-0025 as follows:

OAR 660-004-0025 subsection (1) provides:

- (1) A local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal. Other rules may also apply, as described in OAR 660-004-0000(1).*
- (2) Whether land has been physically developed with uses not allowed by an applicable goal will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the justification for the exception. (The complete rule can be found in Attachment C Page 12). Specifically, the rule requires:*
 - a. Specific area(s) be shown on a map or described and keyed to the appropriate findings of fact;
 - b. Identify the extent and location of the existing physical development
 - c. Uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception.

Exception requirements for land physically developed to other uses: Applicant must demonstrate that because the parcel is so physically developed, resource use is precluded.

Situation at the Site of Exception:

- Specific area(s) must be shown on a map or described and keyed to findings;
- Identify the extent and location of the existing physical development;
 - Structures, roads, sewer and water facilities, and utility facilities
- Allowed uses cannot be used to justify physically developed exception

The applicant submitted the following site map illustrating the built environment and approximated fire buffer areas for roads, structures, and power lines. It is important to remember that roads & access drives cannot be used to justify a physically developed exception. The Applicant estimates that 32.81% of the subject parcel is physically developed; however, there was no land use criteria provided demonstrating how the applicant calculated the fire fuel break areas.



OAR 660-004-0025 Applicant Site Map

Applicant Estimates

- Power Lines / 15' from center line
- Structures / 50' (fire fuel break)
- Seven Mile Hill Road / 50' buffer
- Driveway Easement / 50' buffer

Total = 571,187 ft²

Total

32.81% of total area

(See Attachment D Exhibit 4)

Staff analyzed the required fire safety criteria and provided the fire buffer zone area calculation methodology and estimates in the staff report. Staff utilized Chapter 10 Fire Safety Standards to calculate fire buffer zone areas for existing structures and access drives. Specifically, Sections 10.120 & 10.140, which require 50' fire fuel break areas for structures & 10' fire fuel break areas for private access drives.

Staff analysis did not address the unconfirmed 50' fire and maintenance buffer areas that the applicant calculated for the "driveway easements" or "7 Mile Hill Road". However; Staff confirmed the "public road maintenance area" with the

Wasco County Public Works Director Arthur Smith.

Director Smith provided the following comment on November 15, 2021: “We do not have a fire break rule. The county is obligated to prevent obstruction of a publicly dedicated road, but there is no language about fire protection. We try to keep a clear zone of 4-6 feet on each side of the county road. This is more for vehicular safety than fire protection. We have the right to remove trees, bushes and other vegetation if we deem it is necessary for safety or if the tree represents a road hazard.” (See SR Page 24 for complete quote).

Staff also confirmed by phone with Wasco Electric Cooperative regarding the 15 foot from the center line maintenance easement for power lines.

Given the available data and using the criteria in Chapter 10, Staff estimates that approximately 18% of the subject parcel is physically developed and no longer available for resource uses.

Staff’s approximations were based on best available information and applicable land use criteria (see map below). The estimates do not necessarily reflect absolute accuracy, and should not be considered to unconditionally negate the applicant’s submitted calculations for physical development.

Staff Information & Estimates

- *Chapter 10 Fire Safety Standards*
 - *Section 10.120 - Defensible Space – Clearing and Maintaining a Fire Fuel Break*
 - *50 foot fire fuel break around structures*
 - *Section 10.140 - Access Standards - Providing safe access to and escape from your home*
 - *A fire fuel break extending 10 feet either side of the center line of the driveway is required*
- Public Road Maintenance Area (4-6’ on each side of county road)
- Power Line Maintenance Easement Area (15’ from centerline)



OAR 660-004-0025

Staff Estimates

- Actual Development = 14,620 SF
 - Structural Fire Break = 113,500 SF
 - Access Drive Fire Break = 67,740 SF
 - Power Line Easement = 112,800 SF
 - Public Road Maintenance = 6,690 SF
- Total = 315,350 SF

Total

18% Physically Developed

Staff Facts and Analysis pertaining to OAR 660-004-0025 are as follows:

- Given the available data and using the criteria in Chapter 10, Staff estimates that approximately 18% of the subject parcel is physically developed and no longer available for resource uses.
- Staff's approximations were based on best available information and applicable land use criteria. The estimates do not necessarily reflect absolute accuracy, and should not be considered to unconditionally negate the applicant's submitted calculations for physical development.

Staff Findings and Planning Commission Recommendation pertaining to OAR 660-004-0025 are as follows:

- *Sandgren v. Clackamas County*, facts must demonstrate the property is physically developed to such an extent that all resource uses are precluded.
- *Dooley et al v. Wasco County*, impracticability of Goal 4 uses caused by existing physical development is not the standard for a physically developed exception request.

PLANNING COMMISSION RECOMMENDATION: Pertaining to OAR 660-004-0025, the Planning Commission concluded that the parcel does not meet the required standards of OAR 660-004-0025, and recommended that the Wasco County Board of Commissioners deny the request based on the physically developed exception.

Mr. Dougherty explained the facts and analysis pertaining to OAR 660-004-0028 as follows:

Exception Requirements for Land Irrevocably Committed to Other Uses Subsection 1 provides

(1) *A local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable:*

- Impracticable is the standard not “Impossible”; however, as
- Provided for in *1000 Friends of Oregon v. Yamhill County*, the impracticable standard is a demanding one.
- Impracticability of allowed resource use is demonstrated through the relationship between the exception area (subject parcel) and the lands adjacent to it.
- • Among other criteria within the rule, subsections (2)(a), (2)(b), and (2)(c), require that information about the subject parcel, adjacent parcels and their relationship with each other be submitted and analyzed.

However, Mr. Dougherty explained that the focal point of analysis is the relationship between the subject parcel and adjacent uses.

For analysis based on OAR 660-004-0028(2)(a), Mr. Dougherty began with the analysis of the characteristics of the exception area; the analysis was divided into:

- Physical Development & Fire Buffer & Maintenance Area Estimates; and then the
- Undeveloped Areas & Soils of the subject parcel (exception area).

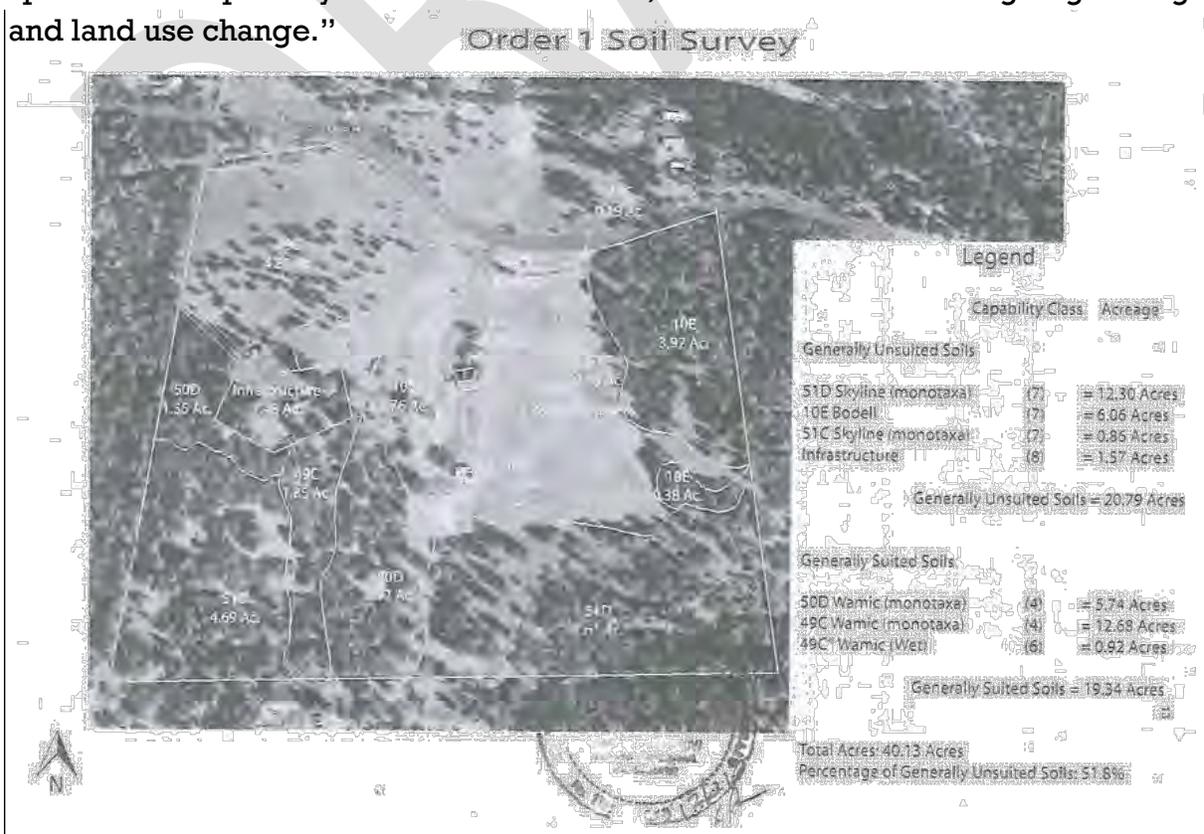
Mr. Dougherty reminded the Board that he previously had talked about the physical development of the parcel. Approximately 18% of the subject parcel is physically developed and no longer available for resource uses (see map below).

Regarding the undeveloped areas and soils (see Survey Map below), Mr. Dougherty stated that:

Remand materials contained an Order 1 Soil Survey that was conducted on the subject parcel. This survey is titled **“Wilson – Order 1 Soil Survey”** in the Staff Report.

- Order 1 (or first order) surveys are made of very detailed information about soils, generally in small areas such as the subject parcel. Order 1 soil surveys are more specific to a given area than Order 3 soil surveys.
- The previous application utilized soil data derived from the 1982 Order 3 United States Department of Agriculture (USDA) “Soil Survey of Wasco County, Oregon, Northern Part”.

Regarding the difference between Order 1 & 3 Soil Surveys, Mr. Kitzrow provided additional comment on March 3, 2022, stating that “An Order 3 map is very broad and non-specific in make-up by definition. The current USDA Soil Survey for the study-acres was completed at an *Order 3 level*. The associated USDA soil maps were published at a scale of 1: 24,000. Order 3 soil surveys are general, non-site-specific soil inventories designed to be used by ranchers, farmers and timber operators and oftentimes in Wasco County yield soil maps showing two or more non-specific soil mapping units (51D Wamic-Skyline Complex is a good example). The intent of these surveys was *NOT* to provide site specific soil capability information for small, finite land bases undergoing zoning and land use change.”



The Oregon Department of Land Conservation and Development (DLCD) Farm Forest Specialist Hilary Foote, found the soil survey to be complete and consistent with reporting requirements for agricultural soils capability.

The Order 1 Survey was conducted by Soils Scientist Gary Kitzrow, M.S., Certified Professional Soil Classifier (CPSC), Certified Professional Soil Scientist (CPSS) (License # 1741), Principal Soil Taxonomist. There is no indication that the information provided within the soil report is incomplete or inaccurate. Staff deems the facts, findings, and conclusions within the “Wilson – Order 1 Soil Survey”, to be complete, consistent, and accurate.

Specifically, the “Wilson – Order 1 Soil Survey” provided soil testing analysis for 23 specific areas on the subject parcel, where findings found that the USDA Order 3 survey appears to over represent Wamic soil mapping units “given the confirmed diverse and wide range of landforms and geomorphic surfaces in this specific region.”



Undeveloped Areas & Soils

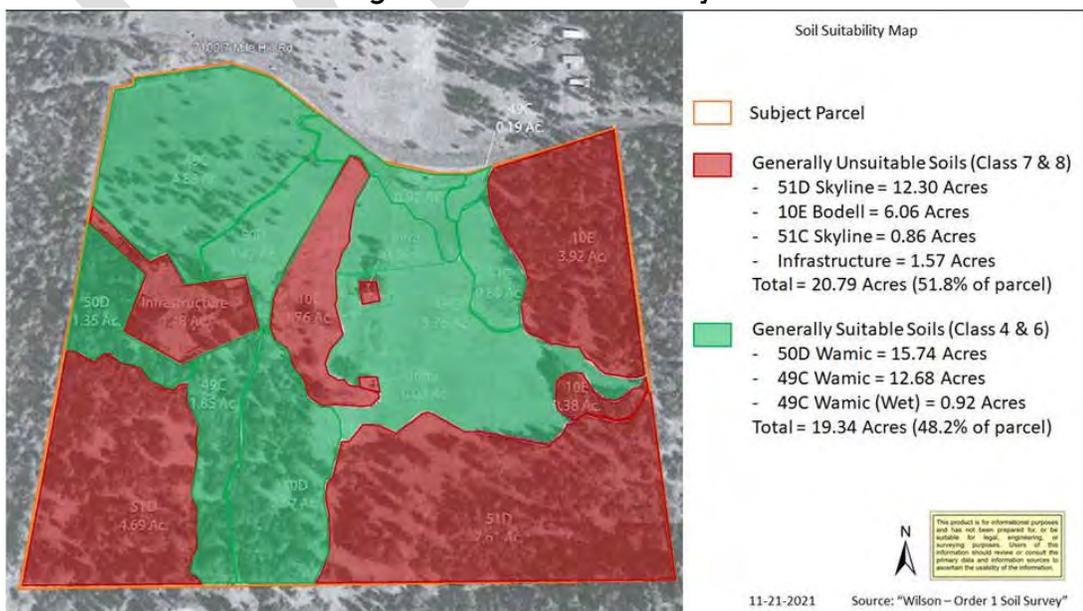
“Wilson – Order 1 Soil Survey”

- Found to be complete and consistent according to DLCD Farm Forest Specialist
- Conducted by Soils Scientist Gary Kitzrow, M.S., Certified Professional Soil Classifier (CPSC), Certified Professional Soil Scientist (CPSS) (License # 1741), Principal Soil Taxonomist.
- Survey contains detailed soil testing analysis for 23 study areas on subject parcel

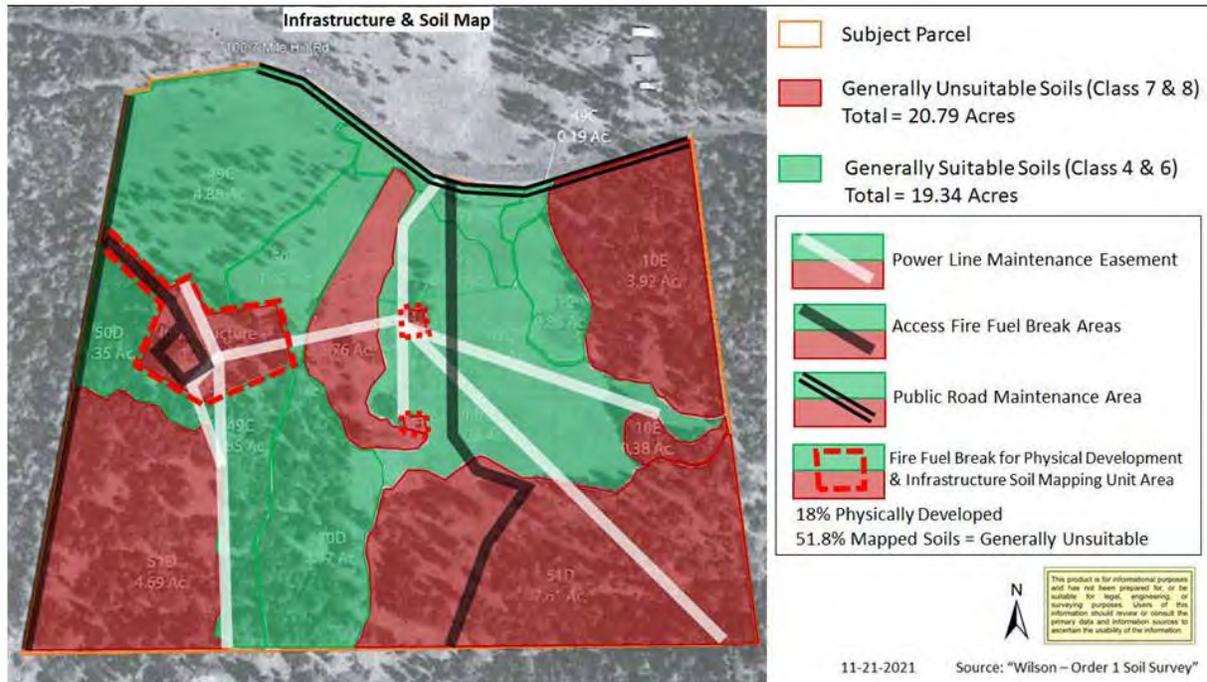
Staff colorized the soil suitability map to better illustrate the survey’s mapped soil units and suitability. The Order 1 Survey’s conclusion provided that:

- A preponderance of the subject parcel (51.8% / 20.79 Ac.) is made up of the shallow, generally unsuited Class 7 Skyline, Bodell soil units and Class 8 Infrastructure.

- In order to illustrate specific details about soils, staff utilized The “Soil Survey Single Phase Interpretation Sheets in Oregon” or better known as the “Green Sheets”, and obtained comment from Mr. Kitzrow.
- On November 26, 2021, Mr. Kitzrow provided the following comments concerning the Skyline soil mapping unit: “The green sheets DO NOT tabulate the Forestry site index tables because Skyline is a Non-Commercial Forest Soil. As a former USDA-NRCS Soil Scientist here in Oregon and as a degreed forester as well, when employed as a USDA scientist, we left the "Green Pages" blank when there was no commercial timber producing potential OR no trees within the correct age-class or dominance-class to measure and assign a valid site index or mensuration estimate (cu-ft/ac/yr). Skyline has never been cited as a commercial forest soil and predictably, no proper trees are available to measure as well. Since this soil (Skyline) is the dominant soil on this subject parcel, a preponderance of the legal lot of record is not a commercial timber site. This follows suit for agriculture as well which is demonstrated in the Capability Class assignment.”
- The parcel also contains (48.2% / 19.34 Ac.) of Class 4 and 6 Wamic units. As provided in the “Green Sheets”, these soil mapping units are generally suitable and have the capability to provide:
 - Winter Wheat (35 bushels/acre) and Grass Hay (1.5 tons/acre) listed;
 - Ponderosa Pine (20-49 cubic feet per acre potential yield category);
 - No Windbreaks;
 - Fair or Poor rating for Wildlife Suitability



The following map visually represents the estimated physical development layered on top of the soil suitability map.



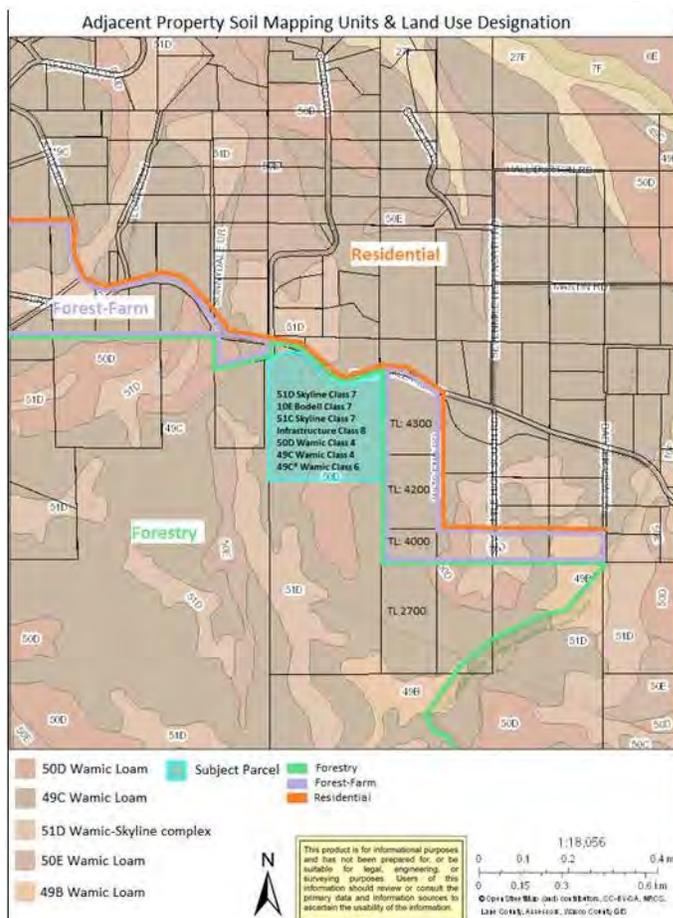
Mr. Dougherty said that moving to subsection (b) of OAR 660-004-0028(2) which addresses the characteristics of the adjacent lands, staff analysis included soil analysis and general land use history, zoning and use of adjacent lands.

Regarding the adjacent property soil analysis:

- This soil data is derived from a 1982 published Order 3 USDA "Soil Survey of Wasco County, Oregon, Northern Part"
- As shown, the soil mapping units as illustrated actually reflect Mr. Kitzrow's commentary concerning the prevalence of the Wamic Mapping Units throughout the area.
- Importantly, the map also demonstrates that what the Land Designation is for a property does not necessarily equate to a drastic difference in the Soil Mapping Unit. For example, the Order 3 Map provides that four distinct tax lots (3 of which are within the Forest-Farm Zone and 1 within the Forest (F-2) Zone) all primarily contain the same 49C Wamic soil mapping unit.
- In comparing the Order 3 and Order 1 surveys, Mr. Kitzrow's March 3, 2022, comments provide that "Indeed, Wamic soils are very dominant in this region as a whole. Nonetheless, given the natural variability of

landforms and geomorphic surfaces within the subject property, it makes perfect sense that our Order I Soil Survey for this property would be able to and in fact has delineated out several different and contrasting soil mapping units.”

- Mr. Kitzrow continues, “The poorer capability (Class 7) soils Skyline and Bodell are prominent soils within the subject property. Because there are trees present on these two soils is NOT the governing factor to determine *Soil Capability Class*.” Mr. Kitzrow also provides “In short, the NRCS map scale is too broad, (1 :24,000) (Order III) covers too much area with too little data in the area of Mr. Wilson's property and adjacent properties.”



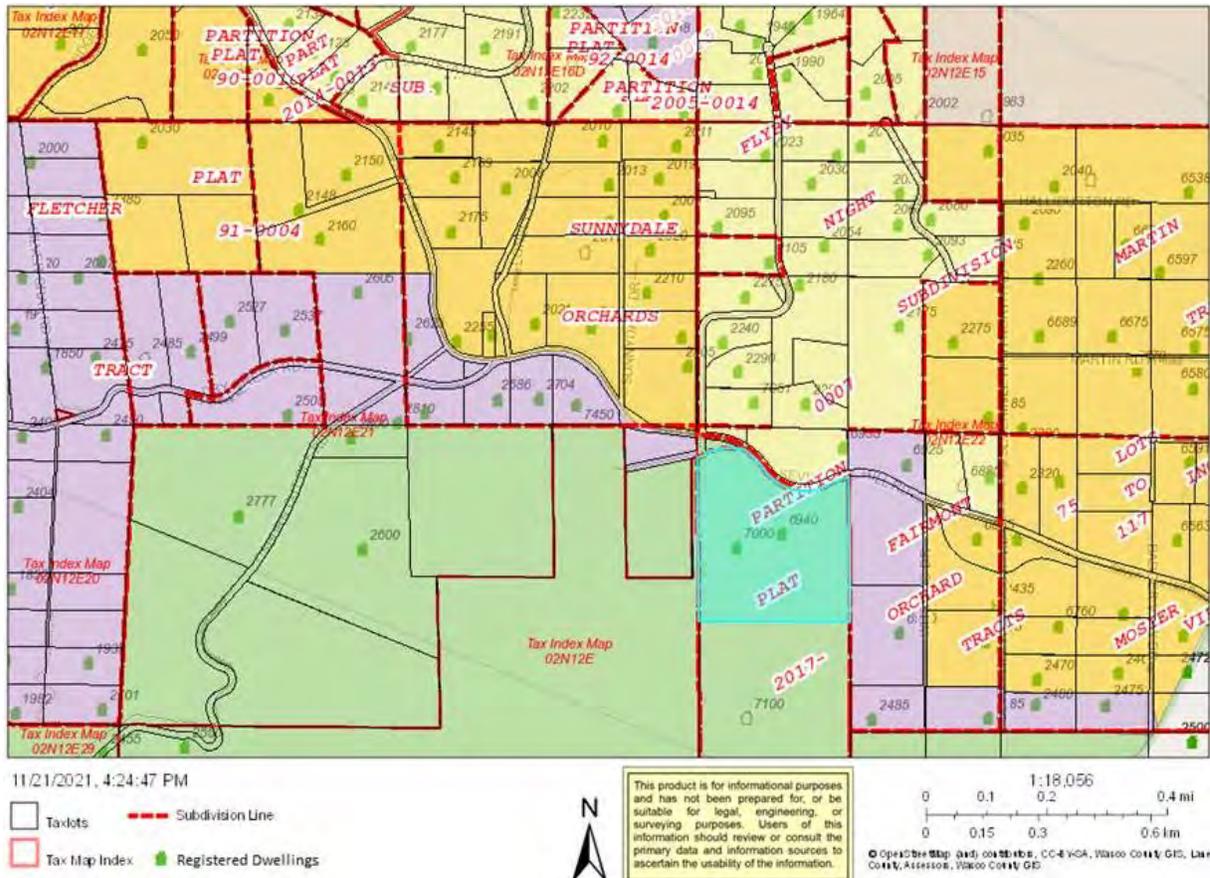
OAR 660-004-0028(2)(b)
Adjacent Property Soils

- 1982 USDA Order 3 Survey
- Primarily Wamic Mapping Units
 - 50D, 49C, 51D, 50E, 49B = Wamic
- Land Designation ≠ Drastic Difference in Soil Mapping Unit per the Order 3 Survey

Mr. Dougherty said that the map below indicates, the lands to the north, east, and west of the proposed exception area have been primarily divided into smaller units of land relative to rural development (10 acres or less). A large majority of these parcels were created before the area was subject to state or county-wide zoning regulations. Of the four subdivisions in the area, three were platted between (1908-1912), and the fourth in 1979.

The primary use in these areas is Residential use however, there does exist small scale farming and forestry uses. (If you have a ten-acre residential parcel, you might also conduct some form of farming or forestry)

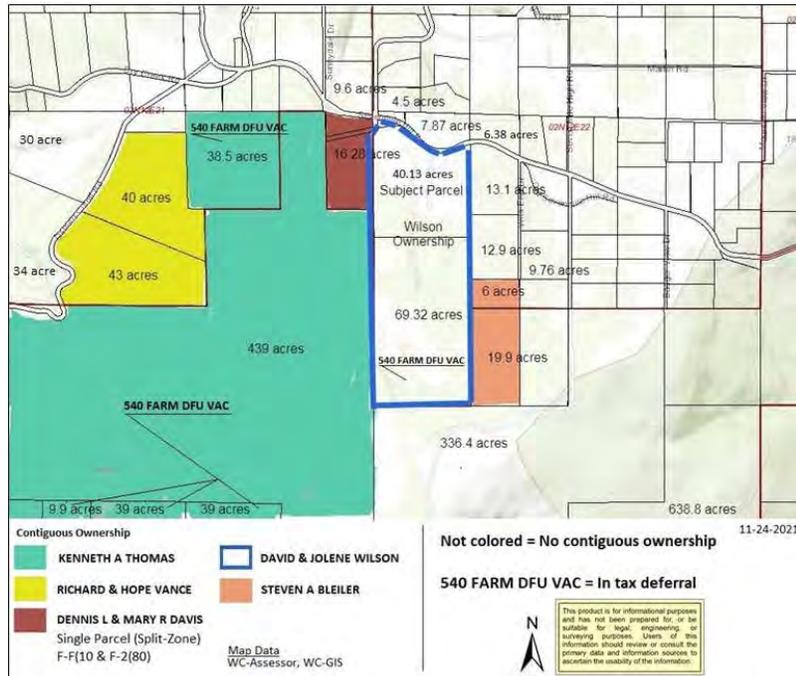
Currently, lands within the Forest-Farm (F-F 10) Zone (Non-Resource) require a Conditional Use Permit for non-forest or farm related residential development.



Regarding the map below, lands to the south, and generally towards the southwest, and southeast were, according to past and present staff research, created by deed prior to state & county-wide zoning regulations. A caveat is that because these lands were not created cleanly through a duly recorded subdivision plat, historical research can be difficult.

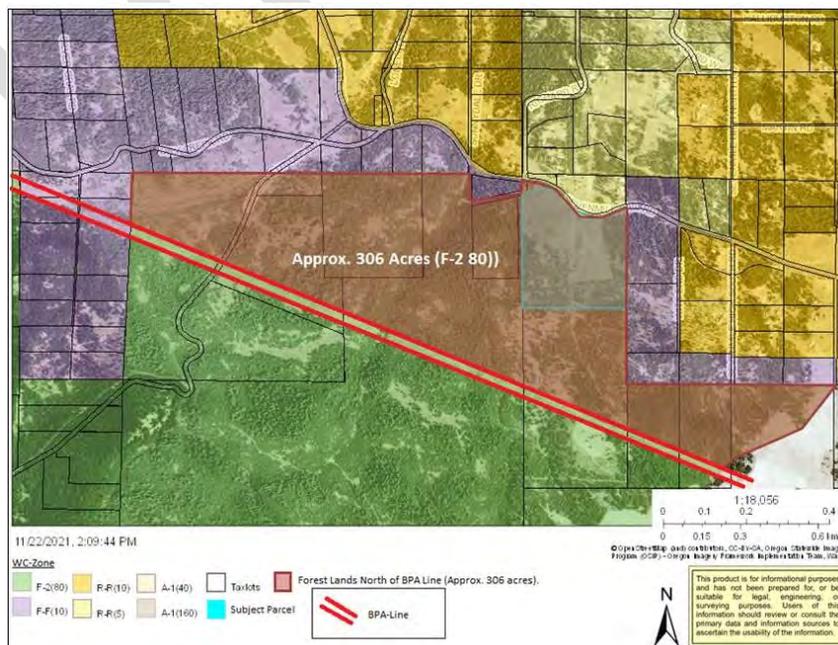
However, research indicates that that the current 439 acre adjacent southwest parcel owned by Kenneth Thomas and the 40 acre and 43 acre parcels owned by Richard & Hope Vance were all three reduced in size through a series of two partitions occurring in 1984 and 1985 (MIP-84-118 & MIP-85-103). Further west, the 30 acre and 34 acre parcels were also reduced in size through a partition (MIP-86-103). Essentially, these forest lands were not created by deed and left

alone. The parcel sizes have been altered where land use law allowed. The map also illustrates common land ownership of property in the area, and also indicates those parcels in forest-farm tax deferral, as provided by the WC-Assessor's Office. The subject parcel is not within tax deferral.



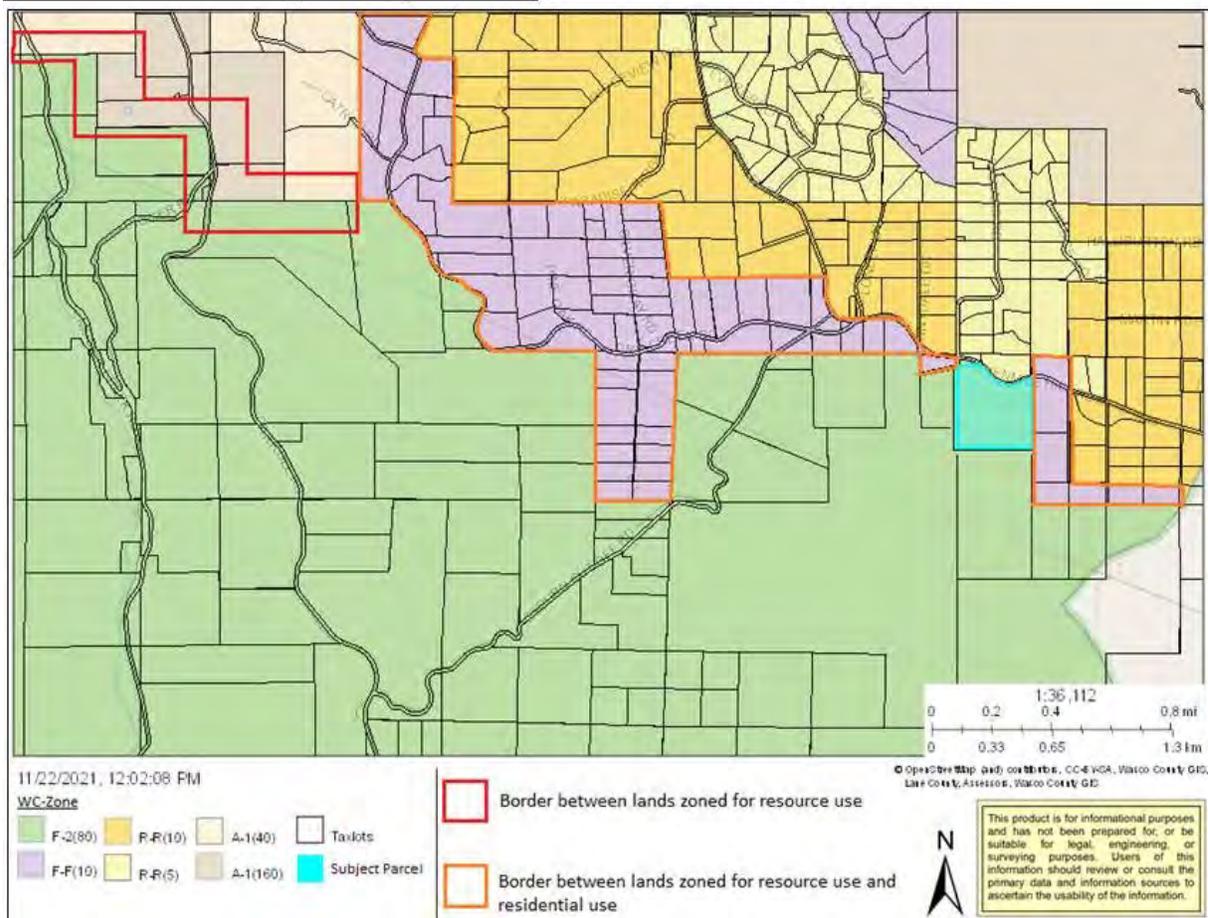
The following map illustrates the approximate 150 foot Bonneville Power Administration Transmission Line Easement that runs northwest-southeast. Staff estimates that approximately 306 acres of forest lands are located north of the line in this area.

Excluding the adjacent south 69-acre parcel owned by the applicant, the south region is primarily undeveloped, and managed in some way shape or form for forestry uses.

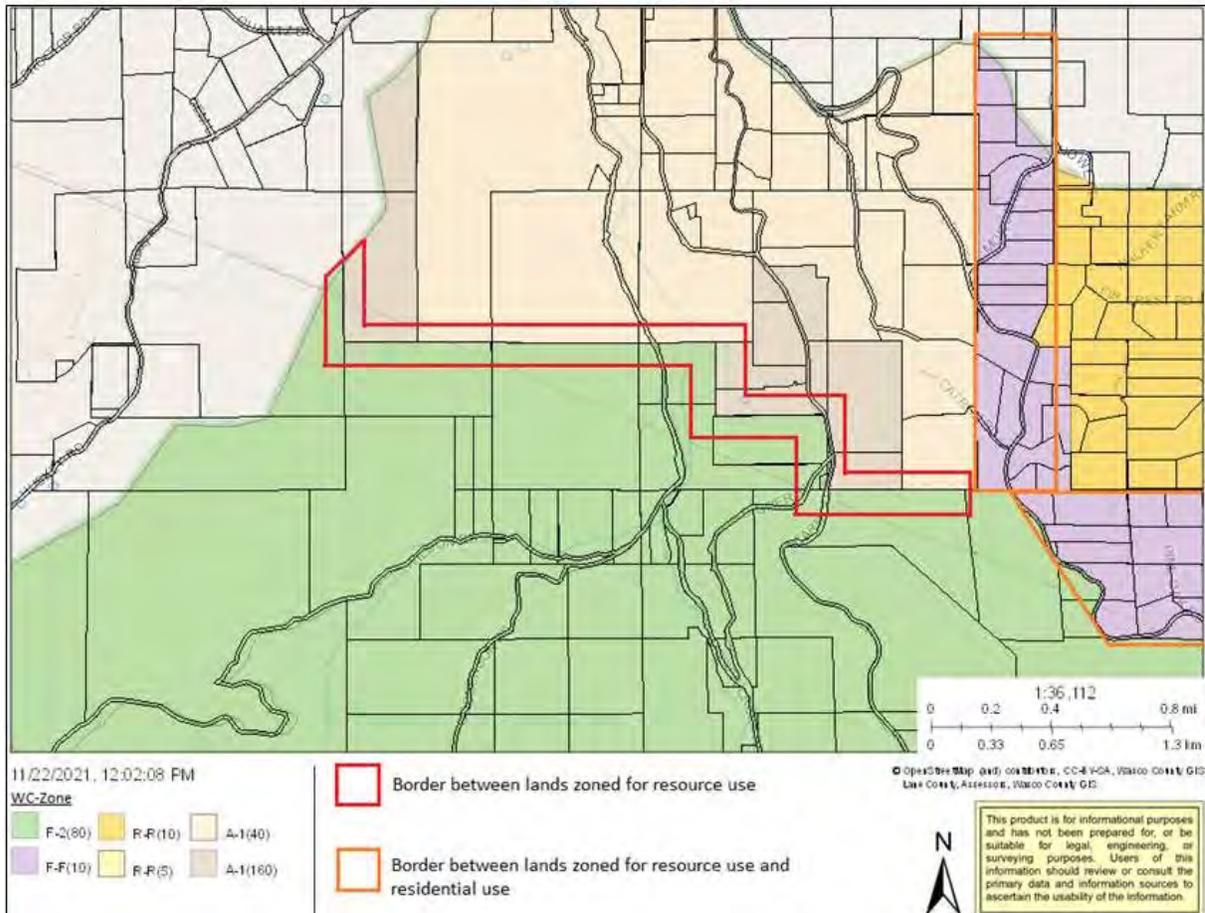


The maps below illustrate the general zoning pattern of the area.

The zoning map provides that lands within the Forest-Farm (F-F 10) Zone (Non-Resource - purple area) in the Seven Mile Hill Road area are a clear demarcation between properties that are within resource zones and those within residential zones. There are no residential zoned lands (yellow & orange) directly abutting resource zoned lands (green), except the subject parcel and a small parcel owned by Wasco County.



Additionally, you can see that there is no buffer zone separating resource zoned lands in this area of Wasco County.



Mr. Dougherty said, moving to subsection (c), we will talk about the relationship between the exception area and the lands adjacent to it by analyzing the soils, general land use history, zoning and use.

The “Wilson – Order 1 Soil Survey’s”, findings and conclusions regarding the subject parcel’s soils differ greatly from those soils mapped in the 1982 USDA Order 3 Soil Survey, which diminishes the relationship between the subject parcel’s soil mapping units and those mapped on adjacent lands.

Regarding the subject parcel’s size, its historical and current use, and its development, the property’s existing relationship is more in line with those adjacent residentially zoned lands to the north, northwest, and east, as opposed to the larger resource lands to the south, southwest, and west.

As provided earlier, the subject parcel’s resource designation & zoning does not fall in line with the land use designation and zoning pattern of the area.

Lastly, considering the “Generally Unsuitable Soil” locations and physical

development on the property in relation to “Generally Suitable Soil” locations, the subject parcel’s relationship between “active” forestry uses occurring on neighboring south, southwest, and west properties and the subject parcel’s “potential” forestry uses are seriously diminished.

OAR 660-004-0028(3) asks applicants to use the aforementioned information and relationship analysis to demonstrate that (a) *Farm use*; (b) *Propagation or harvesting of a forest product*; and (c) *Forest operations or forest practices are impracticable*.

(3) *“Whether uses or activities allowed by an applicable goal are impracticable as that term is used in ORS 197.732(2)(b), in goal 2, Part II(b), and in this rule shall be determined through consideration of factors set forth in this rule. Compliance with this rule shall constitute compliance with the requirements of Goal 2, Part II. It is the purpose of this rule to permit irrevocably committed exceptions where justified so as to provide flexibility in the application of broad resource protection goals. It shall not be required that local governments demonstrate that every use allowed by the applicable goal is ‘impossible.’ For exceptions to Goals 3 or 4, local governments are required to demonstrate that only the following uses or activities are impracticable;*

(a) Farm use as defined in ORS 215.203;

(b) Propagation or harvesting of a forest product as specified in OAR 660-033-0120;

(c) Forest operations or forest practices as specified in OAR 660-006-0025(2)(a).”

Mr. Dougherty explained that resource use is impracticable due to a combination of reasons:

- Diminished overall soil capacity
- Mapping of “generally unsuitable soils” as compared to adjacent lands
- Questions concerning soil mapping accuracy of adjacent lands
- Existing development and non-farm/forest residential use
- Surrounding residential uses – north, northwest and east
- Not in line with land designation and zoning map
- Risk of potential conflict of uses

When examined individually, each one of the aforementioned issues and potential conflicts may not necessarily be in and of itself able to justify an exception under this section; however, the issues and conflicts should be viewed as a whole. What are those issues & conflicts?

The diminished soil capacity of the subject parcel; the mapping of “generally

unsuitable” soils as compared to adjacent lands; the question of the Order 3 soil mapping accuracy on adjacent lands; the existing physical development and non-farm/forest residential use of the subject parcel; the surrounding residential uses, the fact that the subject parcel is one of only two resource lands in the Sevenmile Hill area that directly abuts residentially zoned property; and the risk of conflicts between resource uses and residential uses.

Mr. Dougherty pointed out that demonstrating through objective evidence existing conflicts between resource uses and residential uses for this particular parcel is somewhat of a catch-22. In order to document and illustrate actual/on-going resource & residential use conflicts requires an active forest-farm use on the parcel. This would allow the applicant/owner to document those on-going conflicts, but at the same time, an active forest-farm use on the parcel defeats or at the very least significantly diminishes the ability to also demonstrate that resource use is either impossible or “impracticable” on the parcel. So essentially, illustrating resource & residential use conflicts for this parcel whether they’re “occasional” conflicts or “substantial” conflicts is hypothetical, unless of course the applicant begins a resource use as defined by state law and administrative rule. In this case, the applicant has provided that the parcel does not have a history of forest uses and no significant farm uses.

OAR 660-004-0028(6)(c)(A) states as follows:

OAR 660-004-0028(6)

(6) Findings of fact for a committed exception shall address the following factors:

(c) Parcel size and ownership patterns of the exception area and adjacent lands:

(A) Consideration of parcel size and ownership patterns under subsection (6)(c) of this rule shall include an analysis of how the existing development pattern came about and whether findings against the Goals were made at the time of partitioning or subdivision. Past land divisions made without application of the Goals do not in themselves demonstrate irrevocable commitment of the exception area. Only if development (e.g., physical improvements such as roads and underground facilities on the resulting parcels) or other factors make unsuitable their resource use or the resource use of nearby lands can the parcels be considered to be irrevocably committed. Resource and nonresource parcels created pursuant to the applicable goals shall not be used to justify a committed exception. For example, the presence of several parcels created for nonfarm dwellings or an intensive agricultural operation under the provisions of an exclusive farm use zone cannot be used to justify a committed exception for land adjoining those parcels.”

Mr. Dougherty provided a brief summary, saying OAR 660-004-0028(6)(c)(A) and

(B) which require the consideration of parcel size and ownership patterns. Specifically, subsection (c)(A) requires an analysis of how the existing development pattern came about and whether findings against the Goals were made at the time of partitioning or subdivision. As provided earlier, parcels to the north, northwest, and east were created by subdivision prior to state and county-wide zoning laws. Parcels to the south, southwest, and southeast appear to have been created by deed prior to zoning laws and subsequently partitioned into smaller units of land in the early 1980s. It is important to note that those units of land in the south are still larger in size than those lots created by subdivision to the north.

OAR 660-004-0028(6)(c)(B) states as follows:

OAR 660-004-0028(6)

(6) Findings of fact for a committed exception shall address the following factors:

(c) Parcel size and ownership patterns of the exception area and adjacent lands:

(B) Existing parcel sizes and contiguous ownerships shall be considered together in relation to the land's actual use. For example, several contiguous undeveloped parcels (including parcels separated only by a road or highway) under one ownership shall be considered as one farm or forest operation. The mere fact that small parcels exist does not in itself constitute irrevocable commitment. Small parcels in separate ownerships are more likely to be irrevocably committed if the parcels are developed, clustered in a large group or clustered around a road designed to serve these parcels. Small parcels in separate ownership are not likely to be irrevocably committed if they stand alone amidst larger farm or forest operations, or are buffered from such operations.

Mr. Dougherty explained that Subsection (c)(B) requires the consideration of contiguous ownerships of land in relation to the land's actual use. In this case, the applicant owns the south adjacent 69 acre parcel which is also within the Forest (F-2) Zone. Unlike the subject parcel, the south parcel is farmed for profit, is in forest-farm tax deferral, and per the Order 3 Soil Survey, contains a majority of Wamic soil mapping units that are shown to be conducive for forest and farm uses. The subject parcel on the other hand, is not actively employed for farm use, is not in tax deferral, and contains a majority of generally unsuitable soils.

For OAR 660-004-0028 the Staff Findings and Planning Commission Recommendations are as follows:

Staff Findings

- 1000 Friends of Oregon v. Yamhill County, the impracticable standard is a demanding one.
- OAR 660-006-0028(1) and DLCD v. Curry County (Pigeon Point), The focal point of analysis of an “irrevocably committed” exception is the relationship between the “exception area” and adjacent lands.

- **PLANNING COMMISSION RECCOMENDATION:** Pertaining to OAR 660-004-0028, the Planning Commission voted a tie (3-3) vote. The Wasco County Planning Commission Bylaws Section I Subsection P, provides that “In cases of a tie vote, the decision shall be deemed a denial of the motion before the Commission.” Accordingly, the Planning Commission recommends that the Wasco County Board of Commissioners deny the request based on the irrevocably committed exception.

Mr. Dougherty asked if the Board had any questions.

Vice-Chair Kramer asked if the information the Board received this morning is duplicated or are there other findings the Board may need to review. Mr. Dougherty replied that it is new information; both soil reports were conducted by certified scientists. Mr. Rabe reviewed Mr. Kitzrow’s report and refuted the findings.

Vice-Chair Kramer commented that it is irresponsible to submit data so late – 11:30 the night before the hearing. This has been going on for some time and that information should have been submitted earlier. Mr. Dougherty stated that he has not had time to thoroughly review the data to be able to answer the Commissioner’s question with any confidence.

Commissioner Hege asked if the new evidence is admissible and how we are to determine accuracy. Mr. Dougherty replied that the information has been added to the record but staff has not had the necessary time to review the data.

Commissioner Hege asked if the new information is germane to making a decision. Mr. Dougherty responded that while soil classification is one factor, it is not the only factor.

Commissioner Hege stated that they have general data and then 24 samples from

the applicant which have been analyzed with a clear conclusion; now someone else is saying that it is all wrong. Mr. Dougherty answered that he has had very limited time to review the 3-page report; from his understanding, the report somewhat refutes the percentage of Class 7 soil as compared to Mr. Kitzrow's analysis. Commissioner Hege said that it is science; it is hard to understand how it could change. The original analysis indicates that it is not usable.

Chair Schwartz asked if the Board might take a few minutes to read the documents. Commissioner Hege pointed out that the Board can read it but it will just generate more questions and there is not time for that here. He asked how the Board is to determine the viability of information with two certified scientists saying different things.

County Land Use Attorney Chris Crean said that in terms of process, the Board's decision is based on the entire record and the Board is still getting documents and will hear testimony. The Board can close the record and come back to deliberate at which time the Board can ask questions of staff. If both submissions are credible, the Board has support for either decision – the question is which one provides better evidence for the decision.

Chair Schwartz asked if a letter from Kristin Dodd was mentioned. Vice-Chair Kramer replied that there was one this morning but there are already comments from her in the record.

Chair Schwartz asked what green sheets are. Mr. Dougherty replied that they are soil survey information sheets – they are printed on green paper.

Chair Schwartz asked what is meant by "impracticability is demanding." Mr. Dougherty answered that it means it is a high standard to meet.

Chair Schwartz asked what is meant by the "forest use south of the property is diminished relationship." Mr. Dougherty explained that under the statute, we have to examine the relationship between the adjacent properties and the subject parcel; based on that, the relationship is diminished. Commissioner Hege observed that means it is not germane. Mr. Dougherty concurred.

Commissioner Hege said that there was also mention of oak habitat; he asked if the zone change is made, will there be adequate protection measures. Mr. Dougherty responded that any application would have sensitive wildlife zoning applied to those applications.

Commissioner Hege noted that Mr. Hunt, someone who worked the open space of the property, has said it was not worth the time and diesel to bale that field. That is an indication that it is not usable for farm use. He asked if that is a reasonable piece of evidence. Mr. Dougherty stated that it is.

Commissioner Hege said that the definition of the soil classifications seem to be conflicting. Class 4 has very severe limitations for plants and management and that was the best soil on the parcel. There seems to be some opinion that Class 4 is good. Mr. Dougherty explained that you can have Class 4 that is Wamic soil; we then use the green sheets to determine what it is capable of. Severely diminished does not mean it is impossible. We use the green sheets to get a more in depth analysis of what the soil is capable of.

Commissioner Hege observed that with the 24 samples taken, most were Class 7 or higher. He said that the ability to be productive on this land has something to do with the soil, but there are also water issues. That is a factor in determining the viability of the land. Mr. Dougherty responded that that was not included in the applications submission, but it is a factor to consider. He went on to say that Class 7 is not in the green sheets; that is why staff reached out to Mr. Kitzrow for more detailed information. They are not included in the green sheets due to their poor quality.

Commissioner Hege pointed out that the purpose of the forest zone is to protect it for commercial forestry activities. He asked how we define commercial forestry activities that are suitable or desirable. Mr. Dougherty said that it includes both small and large scale forestry; however, LUBA responded that it is not necessarily a requirement. Mr. Crean confirmed that it not whether it is commercial but whether smaller operations should be considered.

Commissioner Hege asked where we draw the line. Mr. Crean replied that is why we consider surrounding properties and what is possible if this parcel were to be combined with adjacent parcels.

Commissioner Hege stated that he thinks the Board should hear testimony and close the record.

Chair Schwartz asked if soil changes over time. Mr. Dougherty answered that he is not an expert.

Chair Schwartz asked to hear from the applicant.

Mr. Wilson's attorney Bill Summerfield said that he believes it is incredibly disrespectful to have information dropped on the Board the morning of the hearing. Staff nor the applicant have time to analyze or respond. It happened at the Planning Commission hearing and again here. He said it is inappropriate to use a hired gun for the soil study process; there are 5 scientists approved by DLCD. Mr. Kitzrow is one of those 5 and did the study. He said that questions posed by the Board indicate that the Board may not know about soils; the soils are not the only consideration. We are overly focused on soils and not focused enough on the residential properties adjacent to the subject parcel – that is the most important criteria before the Board. At the Planning Commission level, staff recommended approval – we should be asking why.

Mr. Summerfield went on to say that “impracticable” and “demanding” are frustrating tests. There are not a lot of objective criteria to use; we can look at the maps and data and ask if this is a parcel I would use for forestry or farm use. One of the factors staff pointed out is that you have to be actively engaged in use. The record includes some information about the use of a wood chipper on the property - that tells you a lot about how it fits with its surroundings. The physically developed standard is impossible to meet but relevant - if 18% is used that is 7 acres if 30 % is used, it is 13 acres that is unusable.

Mr. Summerfield continued, saying when reviewing the Kitzrow study you will see that he dug 24 holes, sifted and analyzed the soil - that is what scientists do. The second review is a paper review - they did not gather and analyze soil. It was commissioned to poke holes and doesn't refute anything. The soil breaks out to about 50% of suitable and unsuitable soil. It is only 1 factor. What LUBA told us, was that we have to have better findings - staff has done that with much more detailed findings. This is the only property that touches farm and forest and residential and breaks the purple line. You need that purple zone as a buffer between production and residential.

Mr. Summerfield said that the Planning Commission worried about opening the flood gates. He pointed out that the applicant has been years in this process. Each property is unique. This is the very unique property. The totality of the circumstances, you are chopping off a fair section as removed from resource. The majority of soils are not resource use. The fact that there is a tree growing is not evidence of suitability. Most important is the relationship - it fits much better as a residential. As staff pointed out, this zone change will not automatically mean home sites. Permits are needed for each and every home site. Each will require a conditional use permit. He concluded by saying that staff has done a bang up job.

Commissioner Hege asked Mr. Summerfield about the certification of the report. Mr. Summerfield explained that you are required to hire one of the 5 approved scientists and they must follow a subscribed method and submit their findings. The DLCD reviews to see if the report meets the requirements. The scientist must certify the truthfulness of the survey.

Chair Schwartz asked if the second report was certified. Mr. Summerfield said that from his very brief read of the document, it has not been certified – it is an opinion letter.

Mr. Wilson said that regarding the certified analyst, the information he gathered goes to DLCD with a \$650 fee to have them review it. There is a group that does this all the time and they review and certify his work. The applicant then can sign a release for the County to have the information. He said that he had no idea how this would go; nothing grows on most of the property. He said he took a risk to have the study done; if it had gone the other way, we would not be here pursuing this. It is expensive to pursue. However, the soils came back as unusable. He said that some of his biggest concerns are that for 10 or more years, he has heard nothing about the timber to the south of the property. For the appellant to keep saying there is management forest by Ken Thomas is just not true. This area is where the climate changes into eastern Oregon climate. There is no forestry to the south of the subject property.

Mr. Wilson said that he is not trying to embarrass anyone, but he does not think the Planning Commission read all the information; the questions they asked indicated that they did not understand. He said that this is important to him and they should have taken the time to read and review the information.

Mr. Wilson went on to say that this will not bring on an onslaught of zone changes. This is an expensive process; he has already spent more than \$80,000 on the process. He said that Mr. Dougherty's report is thorough and he did a very good job as he did at the Planning Commission hearing. If you read and study it, you will understand.

Mr. Wilson stated that in the appellant's information, they claim that immediately behind the subject property is forest land but the map shows it is not so. He said that in his opinion, the documents submitted at midnight last night should just be thrown out. The second scientist did not gather and analyze any samples. Nor did he go through DLCD for review. He said he did not even know about it before today. The appellant did the same thing last time with the Planning Commission –

that is a pattern. You cannot do that in a court of law; it is not fair to anyone.

Mr. Wilson said that the existing homestead and barn are falling down. He said that he tried to block it up so it wouldn't fall but was not able to get a permit to do that. The homestead dates back to 1860 and is probably one of the first homes on 7 Mile. It deserves to be fixed. Then we could add two more homes to the property.

Chair Schwartz asked if anyone wished to speak in favor of the application.

David Rogers of 7 Mile Hill said that he read the majority of the paperwork – there is a lot of redundancy in the record. He said that he was a fertilizer and weed consultant and has been all over the hill. He said he knows the soils and is no stranger to crops and forest practices. He pointed out that people who build there may be better stewards of the land. We need places for people to live. He said it would take 100 years to grow a tree there; you would have to live to be as old as Noah. He said he has been on that property. He said that the laymen on the Planning Commission may not have been able to understand all of this – that is why we have LUBA and Commissioners; they are the guardians of our county. It is a complicated issue that is causing hard feelings among the residents. Any law can be interpreted in more than one way.

Roland Schmidt of State Road stated that this is a good use for this property. He has watched a few people attempt to farm it and they give up in a year. There is not much you can do with it as a resource land.

Chair Schwartz asked if anyone wished to speak in opposition of the application.

Attorney Mike Sargetakis, representing the appellants, said that he provided comments yesterday. He noted that the appellant did not get the soil report until last night. He said he would recommend keeping the record open to allow time for review and response. He pointed out that the areas that are moved have the better soil qualities. He stated that regarding the issue of profitability, there is an exceedingly low floor – it is measured by gross income. The historic use of the property for hay and the existence of ponderosa pine mean a profit can be made. He concluded by saying that if the County wants to spend more time on drafting findings, he can submit draft findings for their review.

Appellant Sheila Dooley of Mosier apologized for the late submissions. She pointed out that DLCD does not review the soil reports for accuracy; they review for completeness. LUBA addressed the issue of the forest land to the south.

Valley Science and engineering reviewed the soil survey; they were unable to confirm the report's findings that the site qualifies as non-resource land. Based on information from the report and the NRCS soil survey, Valley Science concluded that 11 of the soil sample sites represent soils that appear to be Class 6 or better instead of Class 7. Based on their review, the Class 6 or better soil represent better than 50% of the average; therefore, the site doesn't satisfy the criteria for conversion to a non-resource zone.

Ms. Dooley said that the previous NRCS soil survey found the soils to be more productive than average (all class 4) and suited to growing Ponderosa Pine and Oregon white oak. These trees as well as fir trees are growing on the areas not mowed and are visible in the photographs. These trees as well as fir trees are growing in areas of the property not mowed nor visible in the aerial or other photographs. The applicant's soil survey found a difference of less than an acre and a half between the suited and unsuited soils – this is out of 40 acres. They labeled over an acre and a half of infrastructure when there is actually only .2 acres of actual infrastructure if you include the 2 unusable buildings.

Ms. Dooley went on to say that the applicant's soil survey incorrectly labeled areas as infrastructure which is vacant land in treed areas. These are visible in photographs on pages 592 and 593. There are no Class 8 soils on the property, just areas of Class 4 soils that have been labeled Class 8 infrastructure. The mowed areas are mostly all Class 4 soils which is a suited soil.

Ms. Dooley commented that she was unable to locate some of the test hole numbers on the map due to the presence of so many trees; most of these in areas that supposedly can't grow trees. There are numerous pine, oak and fir trees present on the property – most of these are in areas classified as unsuitable Class 7. Areas not used to grow hay are similar in appearance to other Mosier forest zone properties; pine, oak and fir trees are often found growing together. Pine and oak trees have similar soil requirements according to the Soil and Water Conservation District. Ponderosa Pine is a suitable tree for reforestation and is a marketable species. According to ODF, it is a species quite often used in the Mosier area. The staff findings in the LUBA record states that the property contains merchantable timber. The OSU Extension stated that if healthy Ponderosa pine is present on the property that is a good indication that it will do well if planted.

Ms. Dooley continued by saying that the December 7th Planning Commission staff report stated that "The subject parcel has been removed from farm/forest tax

deferral. The property is part of a 109 acre tract which as all rated as suitable soil on the NRCS survey. This 109 acre tract is owned by the applicant; the adjoining 69 acre parcel is under farm deferral. In 2018, the applicant received retroactive approval of the 7,000 square foot agricultural exempt building in conjunction with his existing and future farm use described in his farm plan. At the Planning Commission hearing in January, 2018, his attorney stated that the applicant makes substantial income from farm production each year the property has been in deferral. The applicant stated he is planning to farm an additional 20 acres, waiting to plant more alfalfa, plowing additional land adjacent to his 6 acres of barley/oats and planning to expand the farm use and increase the number of cattle grazed.

Although the applicant is farming this 69 acre parcel, he has chosen to not actively farm the 40 acre subject parcel beyond growing grass/hay. Choosing to not actively farm this parcel, plant trees or let them come back naturally or not reinstate a tax deferral was most likely done to support the claim that the property should be rezoned. As the entire record, including the new evidence, does not demonstrate that the property is either physically developed to such an extent that it is no longer available for resource use of irrevocably committee to non-resource uses, the rezone request should be denied.

Phil Swaim of Mosier said he has been driving past this property since 1965. The previous owners in the 1960's and 1970's baled hay and raised cattle on the property.

Mr. Swaim said regarding the issue of buffer zones, the parcel only touches a buffer zone that is an RR10 on the north side of the property. All the other contacts with the parcel are FF10 zoned which is purple on the map. The conflict between zones that you have is a conflict – you will always have conflict between neighbors no matter what the zoning. He said that he has conflicts with his neighbors and all are in the FF10 zone. Saying you will protect the residential people from farming activities is kind of a moot point.

Mr. Swaim went on to say regarding commercial versus small scale timber production – for the last 10 years in this country, the majority of supply has come from small-scale wood lot owners. Most of the mills these days are sized for the smaller trees – there is a penalty for having larger diameter trees over 21 inches in diameter. Growing trees is a long-term project and not something where you get profitability every year or every 10 years. He said that he is sure that Ken Thomas, who probably owns 10,000 acres in Wasco County, doesn't make a

profit every year on his property. To say that there is not forest property directly south of the Bonneville Power line showing on the map, it is all there. It might not be a dark green but pictures produced by the applicant at the hearing in December showed a washed out photo to the southeast that is actually a hay field and grazing property. To the northeast is wheat land and barley. Driving up over 7 Mile, when you get over interface between resource zone and residential again at the top of 7 Mile you will get into the zones that are agricultural too – just a mile away from the subject property.

Mr. Swaim pointed out that DLCD has a disclaimer on their paperwork that says it is not certifying the accuracy of the soil study.

Mr. Swaim said that the applicant has put forth a new site plan that is radically different from the one in the LUBA record. Commenting on this application is made difficult as the facts and numbers keep changing. There are non-existent buffer requirements including a 50-foot road setback along 7-Mile Hill Road, although none is required as per Arthur Smith. The non-existent 50-foot buffer zone contains 60 plus pines of 2-40 feet in height.

In regards to the 30' wide easements for power lines, there is no such requirement for underground utilities. The only power lines of concern are those owned and maintained by Wasco Electric Coop. There are no required setbacks for buried lines but on page BOCC 1-49 there is a long list of buried lines with a 30' easement. The applicant has claimed a total of 10,024 feet of power lines. In reality there appears to be only 450 linear feet of overhead power lines shown on the new site plan.

The applicant has included a buffer of 50' each side from structures. The Wasco County LUDO does not prohibit trees within 50 feet of a structure. The 50-foot wide fire fuel break maintenance standards include having trees limbed up approximately 8 feet and removing brush from the area.

Mr. Swaim said that in the original report from 2018, when this all started, it listed the log house as 2,680 square feet including decks. In the new site plan the dimensions of the log house are shown as 80 x 100 feet or 8,000 square feet. They expand beyond that to take up nearly an acre to include a safety zone. He said he questions what he is supposed to respond to when there are changes from hearing to hearing.

Mr. Swaim said he has been driving past that property for over 55 years and

never seen any trailer sites of any permanency on the property to show that it was developed. There might have been some temporary camp trailers in there, but they are gone. He said that 2/3 of the 40 acre parcel is tree covered, 90% of the alleged bad soils on the south and east are tree covered. There are over 500 pine trees growing on 28 acres, many that are merchantable. The balance of the acreage, the mowed hay field, is of prime soil type that could grow about anything. Trees would naturally reseed if it was left unmowed, even with Douglas fir, as evidenced by a water course down the center of the property as shown by a willow tree growing there which requires a lot of water.

Mr. Swaim asked that the application be denied.

Appellant Jill Barker of Mosier said Regarding Wilson's remand application, the statement that there is a "literal moonscape nature of the adjoining properties south of the subject property" cannot be substantiated. That same land to the south and east has been productive forest, hay and grazing fields including that formerly owned by Grant Robbins since the 1970s. This is hardly a moonscape.

The new site plan map submitted in the Remand application has changed considerably from the original site plan submitted in the original 2019 LUBA record. There is much new infrastructure shown that does not exist, such as 3 trailer sites as well as additional driveways, powerlines and septic drain fields.

It appears that this nonexistent infrastructure has been included to add to buffer zones in an attempt to preclude forestry use.

The applicant appears to be adding this proposed physical development to make a "physically developed" case after the fact. LUBA ruled that the property was not physically developed based on the evidence. Is the applicant trying to show that it is more developed than it actually is, suggesting that it is "irrevocably committed" to non-resource use?

It is completely irresponsible to allow more residential development in a high fire risk, high wind area in an unprecedented drought condition with declining aquifers and wells. Oregon Department of Forestry has identified the area as one of particularly high fire risk. "Dwellings increase risk of fire, restrict control tactics, complicate the protection priorities and require additional coordination that results in increased cost." (BOCC 1-13)

The description of potential conflict between residential and forestry use is unfounded. There is no house on the tract to the west of the property and the

applicant's house is on the adjoining parcel to the south. Both properties are zoned F-2. To the north across the road there is a tree farm. The house on the property to the east is on the other side of that property and located south of the subject property. (Location & Zone Map, BOCC 1-33)

It was stated at the Planning Commission hearing by the applicant's attorney that the property was not in the Big Game Winter Range. As a correction, the GIS map shows this property as being in EPD 8: Sensitive Wildlife Habitat Overlay Zone, which is the Big Game Winter Range.

Not everyone realizes that growing trees is a long-term investment as it can take a 60 to 80 year cycle to grow a tree. We have over 300 acres of forest land in Mosier southwest of the subject property. Much of it is similar in appearance to the Wilson property with the same pine/oak habitat along with Douglas fir that the Mosier area is known for. We have replanted areas that have been grazed or mowed or let them grow back naturally with very favorable results.

The areas on the subject property that have been mowed are very suitable for growing trees (nearly all class 4 soils in the applicant's soil survey) and in the past produced hay each year. Ms. Barker said that in 1977, she assisted in the purchase of hay from that same field from the previous owner. The fact that the applicant is not using most of his property for forest purposes and has not replanted the open field with trees or let them grow back naturally does not make it any less valuable as forest land.

Ms. Barker said she finds it obviously refutable to claim that soils on the applicant's property that are presently growing many trees are supposedly nevertheless incapable of growing trees due to unsuitable soil classifications.

Some years ago, in the process of doing fire fuel reduction on the property, the mechanical grub hoeing of the understory removed many young seedling and sapling trees in those areas. In spite of this, there are still numerous trees in the alleged "unsuitable" soil areas as shown in aerial photographs.

As the property does not meet the criteria for either a physically developed or irrevocably committed exception, the application should be denied.

Chair Schwartz asked if the applicant had any rebuttal.

Mr. Summerfield said the Commissioner has read the definition of Class 4 soils – yes, they are resource soils but they are not the best resource soils. As to the

allegation that this is some long game with Mr. Wilson not farming the property as a way to get a zone change – the reason he is not farming the property is that it won't support the use. The best evidence of that is Mr. Hunt's letter. Regarding Mr. Sargetakis' letter about generating a gross profit, gross profit is not the test in Oregon. He said that anyone can make a gross profit; for instance, his neighbor sells eggs and that would be a gross profit. It is more nuanced than that with gross profit being just one factor. Other factors are also considered to determine if it makes sense for the property to produce income.

Mr. Summerfield went on to say that he had an opportunity to go through the soil review that was submitted this morning. There seems to be a fundamental misunderstanding in that review about what it means when the property is less than 50% productive soils – that is also not the test; it is one factor.

Mr. Summerfield said that the commenters want to comingle the 69 acre property that Mr. Wilson owns to the south with the subject property when it is convenient for them. He stated that staff did a very good job in analyzing that in the staff report. You do not comingle those properties in looking at this application. He said that there have been allegations about the site plan being changed; it was changed only to reflect reasonable buffer zones around each structure which makes sense. You can't grow resource product on top of structures or even right up next to it. That is the only change that occurred. Nobody is trying to pull the wool over anyone's eyes; we are just trying to depict for you what it would be like to try to use this property for resource.

Mr. Wilson noted that the site plan change was made in response to a request from LUBA. He said he did not make it up; Dave Roberts walked the property to verify the changes. He stated that he can take the Board to the property and show them the water and phone lines. On the east side of the property is shows manufactured homes with power – they were not camp trailers. The manufactured homes were not there legally but they were there for a number of years. They had power and a well and the folks thought they owned them until it was learned that they were illegal.

Mr. Wilson provided copies of a letter from Kristin Dodd (attached). He said that he received the letter 2 days ago and submitted it as part of the record. He pointed out that mowing is a good thing; he likes the property to look nice. He said there are some better soils. He stated that the trees are on the perimeter borders – oak and scattered pine. He reported that at least 60% of the pine has died. The trees across the road were planted 30 years ago and are now about the

size of Christmas trees – you are not going to make any money in your lifetime growing trees there. The lower pasture was like it is now over 100 years ago. If you look at the website you will learn what gross is. The willow tree by the old homestead is right over the old septic system – willows need a lot of water and it is the only one there. He said that the fir trees are small and he has never cut one down. They are not visible from 7 Mile Road. There are some young trees growing on the county road but he said he counted about 35 – not over 300 – and very few are taller than he is.

Commissioner Hege said that there has been a suggestion that we close the record; Mr. Sargetakis has suggested we keep it open. Mr. Crean said that the requirement to hold the record open only applies at the first evidentiary hearing which has already taken place. The Board can close the hearing today and schedule a future hearing to deliberate. If the Board keeps it open, they will need to have it all in and a time for rebuttal. The Board can continue the hearing, close the record or hold the record open for submissions.

Commissioner Hege asked for staff recommendation. Mr. Dougherty said he is in favor of making sure that the decision makers have the time they need to make a reasonable decision. Commissioner Hege stated that the Board already has so much information and this process has been going on for an extended period of time. He said his inclination is to close the record. Mr. Dougherty stated that he does not believe there is any more information the Board needs. Mr. Crean said he would tend to agree.

Vice-Chair Kramer said what they have heard today is repetitive and he is in favor of closing the record. Chair Schwartz agreed.

Chair Schwartz asked if it is legal to submit written testimony so late. Mr. Crean replied that it is; the Board accepted oral testimony today, written is equally permissible. Commissioner Hege said that it is normal but unfortunate.

Some discussion ensued regarding the date for deliberations.

{{{Vice-Chair Kramer moved to close the public record for the Planning Commission Appeal 921-18-000086-PLNG Hearing and continue the hearing to the April 6, 2022 Board session at the earliest time available on the agenda. Commissioner Hege seconded the motion which passed unanimously.}}}

Planning Director Kelly Howsley-Glover asked if it is the Board's desire to have

the staff update the staff report with additional analysis. Vice-Chair Kramer replied that he is fine with the information already presented. Commissioner Hege said that if the late information submitted needs to be analyzed and presented, that should be done but there is no need for a new staff report.

Chair Schwartz closed the hearing at 12:24 p.m.

Chair Schwartz called for a recess at 12:24 p.m.

The Session reconvened at 12:30 p.m.

Agenda Item – DLCD Technical Assistance Grant

Ms. Howsley-Glover explained that this grant is for Wasco County to provide resources to other counties as they go through the process of updating their Comprehensive Plans and LUDOs.

Commissioner Hege commented on how great it is for us to be able to take all we learned through our process and put it into a format for other counties. He asked if the \$8,000 is enough to support that work. Ms. Howsley-Glover replied that it is.

Commissioner Hege move to approve The Department of Land Conservation & Development 2021-2023 Technical Assistance Grant Agreement #TA-23-207. Vice-Chair Kramer seconded the motion which passed unanimously.}}

Agenda Item – Facility Use MOU

Ms. Howsley-Glover said she reached out to the Maupin City Manager to use space once a month so Planning could offer more accessible services to the south county residents. She said they will try it out for the summer and evaluate the program.

{{{Commissioner Hege move to approve the Memorandum of Understanding regarding licensed (No Charge) use of facility at Maupin Civic Center by Wasco County Planning Department Personnel. Vice-Chair Kramer seconded the motion which passed unanimously.}}}

Agenda Item – Wasco County Owned Land Sales

County Assessor/Tax Collector Jill Amery reviewed the memo included in the Board Packet saying that the auction is scheduled for May 24th. She added that

they have taken the condition of the properties when pricing the properties.

{{{Vice-Chair Kramer move to approve the sale of Tax Account Properties 17279, 17280 and 7311 as outlined in the Wasco County Sale of Tax Foreclosed and Surplus Real Property Policy. Commissioner Hege seconded the motion which passed unanimously.}}}

Agenda Item – Wasco County Office Printer Fleet

Information Systems Director Andrew Burke reviewed the memo included in the Board Packet saying that there are 16 units that need to be upgraded; some are out of their lease term while others are nearing the end of their lease term. He said he would recommend moving from Ricoh to Solutions Yes. He added that he did an analysis of the cost to purchase hardware and maintain it in-house which proved to be well above the cost of either service provider. He reported that we have had service issues with Ricoh and believes we will see an improvement in service with Solutions Yes. The total hardware cost is approximately \$25,000.

Commissioner Hege asked if we will be getting new hardware. Mr. Burke responded affirmatively saying that each lease will include maintenance and toner. He said that they offer Kyocera products.

Commissioner Hege asked if the print drivers will be updated. Mr. Burke replied that they will have a transition plan in place.

Commissioner Hege asked if not every printer will have color. Mr. Burke replied that it will depend on the department needs. The default will be black and white with the capacity to do color if needed.

*****The Board was in consensus for Information Services to move forward with a transition from Ricoh to Solutions Yes for printer leases and services.*****

Chair Schwartz called a recess at 12:42 p.m.

The Session reconvened at 2:00 p.m.

Agenda Item – Gorge Commission Update

Columbia River Gorge Commission Executive Director Krystyna Wolzniakowski reviewed the letter included in the packet. She reported that just last week the Commission reviewed the Scenic Area LUDO for Wasco County; it was passed unanimously and has been submitted to the Secretary of Agriculture and the

Forest Service; they have 90 days to concur. Once the Secretary concurs, the counties have 30 days before their ordinance is in effect.

Chair Schwartz stated that she listened to the Gorge Commission; it was quite a process with a lot of questions. When they got to Wasco County's, there were no questions – it was just passed unanimously.

Columbia River Gorge Commission Senior Planner Joanna Kaiserman thanked Ms. Howsley-Glover for the big lift accomplished with a short staff and tight turnaround. She said that the LUDO was thoroughly reviewed and there were no significant issues that would bring it out of compliance.

Columbia River Gorge Commission Chair Robin Grimwade echoed Ms. Kaiserman's sentiments expressing kudos to the Wasco County team and Ms. Howsley-Glover's letter that allowed them to get to the heart of the issue.

Ms. Wolniakowski said they are preparing a climate change action plan to support more adaptation or mitigation efforts either singly or in conjunction with others. The draft plan is 80 pages; they received good comments from the Commission and public comments which will be incorporated into the next draft. That draft will be released on April 1, 2022 for a 60 day review period. During that time, they will hold 2 open houses in April and 2 in May to answer questions and take comment. Once that data is incorporated, the plan will go back to the Commission in June or July for review and finalization. It will be a living document; as new research and opportunities emerge, it will change. She added that they heard testimony from Debbie Ferrer regarding a climate change task for being formed; she looks forward to working with that group as well.

Chair Grimwade said the public feedback is important to see what adjustments need to be made and then they would like to implement the plan as quickly as possible. It is a comprehensive document and is on par with other agency documents he has seen. We need to understand the impact on the financial sector as well as others.

Ms. Wolniakowski said that there is a lot of technology in this area. The Gorge is already suffering from a drought and the goal is to help sustain our region. They hope to provide an executive summary that will help people navigate the document. They have been working on the plan for a year and are eager to get all the comments they can to create a robust and relevant document.

Ms. Wolniakowski went on to say that one of the other aspects of their work is a

limitation in information management for the entire Gorge. Although they do have a GIS system, they sometimes have trouble getting the information. She stated that they received a grant to explore better systems and Ms. Howsley-Glover has been very helpful in sharing what they use for their permitting system. She said they would like to have information as good as that or even better so they can be a resource to the counties in the scenic area. They are currently interviewing County planning directors to gather information and ideas.

Commissioner Hege referred to the Climate Change Action Plan asking if there are economic factors included in that. Ms. Wolniakowski responded affirmatively saying that economic vitality is one of the indicators. She stated that a lot more information is needed; they need to look at indicators that are relevant to their work and sphere of influence.

Commissioner Hege asked how the conversation is going with the ongoing funding request to make our counties whole in implementing the Gorge Commission Management Plan. Ms. Wolniakowski replied that she reached out to DLCDC Community Services Division Manager Gordon Howard to ask about how to do that through the DLCDC. Now that former Wasco County Planning Director Angie Brewer is working there, she has also reached out to her. They will be talking about that and how the Gorge Commission can influence the process to get more resources for the counties.

Agenda Item – Point in Time Count

Mid-Columbia Community Action Council Executive Director Kenny LaPoint reviewed the presentation included in the Board Packet. He explained that this is a federally mandated count for persons experiencing homelessness. Every other year it is a full count which is what took place this year. He reviewed the numbers saying that the majority of the counting is done out in the community; numbers increased in all categories.

Commissioner Hege observed that these are some significant increases; he asked how our numbers compare to other counties, regions or states. Mr. LaPoint replied that increases are significant across our region. He added that he believes they did a better job on our count this year which means we got people who were here but not counted in previous counts. He said, looking at other rural communities across the state, we are on the higher end. There were just a few that had higher increases. He said that across our region, Wasco County had the

most significant increase. He stated that the longer someone experiences homelessness, the more likely they are to have mental health and/or substance abuse issues. We have more shelter beds available now. We are doing a better job of counting, so the next count will provide a better comparison.

Chair Schwartz thanked Mr. LaPoint for his presentation, saying that we hear a lot of anecdotal stories – it is good to have more reliable data.

Agenda Item – MCEDD: State Parks Grant Application

MCEDD Deputy Director of Economic Development Carrie Pipinch Said that one of the pieces that needs to happen for this grant application to move forward is to obtain a signed resolution from the Board of County Commissioners. This funding is to support the acquisition of a piece of the parcel owned by NORCOR and would cover \$1 million of the acquisition costs. The property is adjacent to the property the County will acquire from Google through the SIP agreement. Commissioner Hege asked how big the property is. Mr. Stone replied that it is 7 acres total.

Commissioner Hege said that it used to be its own parcel and NORCOR went through the process to include it. Mr. Stone commented that the other two acres are wetlands. The 5 acres is what NORCOR leveled.

Commissioner Hege commented that the appraised price is high. Ms. Pipinich said they will have to have it reappraised for the grant process.

Chair Schwartz noted that obtaining this grant to purchase the property will require us to use it as a park and recreation facility for 20 years. She asked if we have to accept the grant if things don't fall into place. Ms. Pipinich replied that we do not have to accept the grant. Chair Schwartz stated that this topic is on the agenda for NORCOR tomorrow.

{{{Commissioner Hege move to approve Resolution 22-001 authorizing Wasco County to apply for a local government grant from the Oregon Parks and Recreation Department for acquisition and to delegate authority to the County Administrative Officer to sign the application. Vice-Chair Kramer seconded the motion which passed unanimously.}}}

Agenda Item – MCEDD: EDC Strategic Action Plan

Ms. Pipinich reviewed the report included in the Board Packet saying that their Mission and Vision stayed basically the same; the Goal Areas shifted slightly but

are similar to the previous Goal Areas.

Commissioner Hege asked if Ms. Pipinich is involved in the vital sign indicators at the Gorge Commission to make sure that is front and center for them. Ms. Pipinich replied that she has participated in that over the years. She has not seen any updated information but MCEDD does participate in that process. Commissioner Hege said that he is concerned that it will get pulled into the Climate change discussion and he is not sure that is the appropriate place for that.

Ms. Pipinich continued to review the report. At her conclusion, Commissioner Hege asked how the conversation is going regarding the Child Care Center. Ms. Pipinich replied that they have broken into smaller work groups to bring back information to the larger group. Vice-Chair Kramer said it is important that we are ready to get some of the funding that is becoming available – a bill for \$100 million passed for child care.

Agenda Item – State Homeland Security Grant Applications

Emergency Management Manager Sheridan McClellan explained that he is seeking approval to submit two applications. He explained that there are two pots of money from the State – one is non-competitive and is allocated based on a formula; the other is allocated through a competitive grant process. He said that one application is for the non-competitive funds and the other for the competitive funds. The money would go to communications and a triage plan.

*****The Board was in consensus for both applications to move forward for submission.*****

Chair Schwartz asked if equipment will go into County buildings. Mr. McClellan replied that the equipment would go to the Courthouse, Public Works and other County buildings as well as to first responders. He said he would be back in the fall with grant agreements if we are awarded funding.

Mr. McClellan said that the Board received documents this morning for a FEMA grant he would like to submit on behalf of Wamic in order to purchase 3 generators. There is a 25% match requirement; however, Oregon just passed a general fund appropriation bill for \$20 million to provide the matching funds for these grants. For us to get that match, we have to submit a letter of intent; he is seeking approval to send that letter.

*****The Board was in consensus to send a letter of intent to submit for State funding to be used for FEMA grant matching funds.*****

Public Comment – Proposed Navigation Center

Aaron Carter of The Dalles said he attended the meeting for allocation of funds. This is not a county issue it is a city issue. It was a little frustrating to hear the Sheriff at Rotary campaigning money for a canine unit and now a large sum of money is being allocated for the Navigation Center. There are already issues in that area, and other counties will take advantage of this. He asked what it will do and what it will cost - it is a lot of money. He asked that the Board consider all of those questions as they make decisions.

Marilyn Arthur of The Dalles said that she and her husband have lived in The Dalles since 2016. They support the Mid-Columbia Community Action Council Navigation Center. For 6 years they have been involved in trying to help houselessness in various ways. She served on the The Dalles Housing Coalition helping to put on 3 Community Connect events for the homeless. From 2017 – 2020, they volunteered at the Warming Shelter and this year volunteered for the Point in Time Count. Through these involvements they have seen firsthand the houselessness issues including mental health and weather and the frustrations in addressing them. Now, under the direction of Kenny La Point, we have the Navigation Center giving us hope to solve these problems in a comprehensive way. She asked how she can look a freezing cold anxious woman in the eye during a Point in Time Count interview and not want something better for her? By helping her we help everyone resulting in a feeling of pride in our community. She thanked the Board for their support.

One Community Health Executive Director Max Janasik said that he is in support of the Navigation Center. He stated that has 190 patients that are houseless. In working with the team at MCCAC, they are impressed with the work Mr. LaPoint has been doing to help individuals to become independent and contributing members of the community. Mr. LaPoint is skilled at bringing in funding to support this work. The location is donated. He said he understands there are perspectives on the location but it is conveniently located for services and it is a tremendous cost savings. These folks don't want people camping on their property and we can be proactive in getting people off the streets.

One Community Health's Director of Preventative Health Gladys Rivera said she echos Mr. Janasik's comments. She said that the Navigation Center will bring

services together in one place. One Community Health will continue to provide basic and urgent care. She went on to say that housing and homelessness have been identified as top community priorities and this project addresses all of them in one location; it would be hard not to support it.

Ms. Rivera continued saying our region has great diversity with strong Latinx and Native communities. It is refreshing to see that the Navigation Center will also have a culturally specific focus through agencies like The Next door, Nch'I Wana Housing and the Oregon Human Development Corporation. MCCAC and its partners have proven success in addressing poverty, preventing houselessness and quickly reintegrating houseless community members back into permanent housing. She urged the Board to support the Navigation Center at its proposed location.

Ms. Anslinger stated again that the location of the Center is the concern, not the concept. She said that just because the property was donated, does not mean it is the right place. She said that she does not know what other properties were considered. She added that these people are in crisis mode; she is concerned that we are not going to be able to sustain professional staffing which is expensive.

Chair Schwartz asked if Ms. Anslinger asked if she had taken any of her questions to Mr. LaPoint. Ms. Anslinger said she would love to but has not been able to visit with him.

Chair Schwartz encouraged anyone with questions have a conversation with Mr. LaPoint.

Jamie Reineccius said he grew up in this area and has been here for 30 years; in that time he has seen a lot of programs come through. He stated that Mr. LaPoint has a lot of knowledge and we are relying on his abilities for this to be successful. This is a lot of money and there are other issues that need to be addressed – kids, the elderly and properties. We might be a beacon to draw people who need help and we cannot support that. He asked if this is the right solution and what is the long term plan for maintaining the program. There needs to be infrastructure in place to sustain it.

Some discussion ensued around a community discussion. Commissioner Hege said that there are good questions that could and should be answered. Chair Schwartz said it is important to have these conversations with Mr. LaPoint.

Mr. Schultens said there is depth here that is not coming to the surface. He said that they tried to meet with the Planning Commission and the City of The Dalles. He said they did meet with Mr. LaPoint and he gave them his plan. Then other items came up like incorporating low-income housing. We need to have the community involved in the decision making. There is also talk about the hospital being place in that area. There is also discussion about the ball fields moving. He said the community has questions that need to be answered prior to the County donating money to the project.

Mr. Reineccius said if we get the money we could do this rather than this is what it will do. Adding the low income housing is different than the center. It is a city issue, not county, and it will create a beacon. We have had vehicles stolen. It is concerning.

Aaron Carter stated that the Board should have the answers to the questions before donating money. This is not good vs bad or we do not want to help. It is the question of is this the most effective way to get the job done. There have been no promises or guarantees.

Chair Schwartz said she does not have a plan right now but will take all the comments to heart.

Commission Call

Vice-Chair Kramer reported that County Solutions met on March 8th and talked about veterans housing. He said he reached out to Health and Human Services and Veterans; they will meet again to see if they can move forward on a model for counties to add resources to AOC to provide for an outreach staff to help navigate these issues.

Chair Schwartz pointed out that MCCAC has a Veterans housing program. Vice-Chair Kramer said he would loop Mr. LaPoint into the conversation. They are housing 28 veterans in our community with wrap around services.

Vice-Chair Kramer went on to say that Mr. Blumenauer's wilderness plan is gaining steam; he will be following up on that with Hood River and Clackamas Counties.

Commissioner Hege reported that BOPTA has only one hearing this year which indicates that the Assessor is appropriately assessing and proactively resolving issues. He noted that John Hutchison is stepping down this year and they are

looking for new board members. The BOPTA Board wanted us to know how great our staff is – both in the Clerk’s and Assessor’s offices. They could not say enough good things. County Counsel is also invaluable to help with the legal issues. He said that the Board members do a great job.

Vice-Chair Kramer said that the Courthouse Task Force met and we are on the list and have been funded for our planning process to remodel the first floor of the Courthouse and elevators. This year, due to extra funding, all applying counties received funding. We will get \$705,000 in large part due to the fact that we have been setting side reserve funds to complete the project.

Chair Schwartz observed that March is Women’s History Month as established in 1987; she would like to take a moment to recognize a woman who made a difference in Wasco County as the first woman County Commissioner since the County was formed in 1854. Commissioner Holliday was also the first woman to Chair the Board of Commissioners; Chair Schwartz is the second. Commissioner Holliday passed away in 2019; there is a plaque on the 3rd floor of the County Courthouse memorializing her service. Vice-Chair Kramer thanked Chair Schwartz for the recognition, saying that Commissioner Holliday was a personal friend and he worked with her for 17 years in volunteer emergency services. Chair Schwartz commented that she was an employee of the County during the time Commissioner Holliday was on the Board.

Chair Schwartz adjourned the session at 3:41 p.m.

| |
|--------------------|
| Summary of Actions |
|--------------------|

MOTIONS

- **To approve the Seufert Hill Communications Site Lease between Gard & Maxine Fulton, LLC and the Wasco County Sheriff’s Office.**
- **To approve USFS Grant Agreement 18-LE-11060600-005 Modification 006.**
- **To approve Order 22-009 appointing Scott McKay to the North Central Public Health District Budget Committee.**
- **To appoint Commissioner Steven D. Kramer to represent Wasco County on the AOC Federal Land Management Subcommittee.**
- **To close the public record for the Planning Commission Appeal 921-18-000086-PLNG Hearing and continue the hearing to the April 6, 2022 Board session at the earliest time available on the agenda.**

- **To approve The Department of Land Conservation & Development 2021-2023 Technical Assistance Grant Agreement #TA-23-207.**
- **To approve the Memorandum of Understanding regarding licensed (No Charge) use of facility at Maupin Civic Center by Wasco County Planning Department Personnel.**
- **To approve the sale of Tax Account Properties 17279, 17280 and 7311 as outlined in the Wasco County Sale of Tax Foreclosed and Surplus Real Property Policy.**
- **To approve Resolution 22-001 authorizing Wasco County to apply for a local government grant from the Oregon Parks and Recreation Department for acquisition and to delegate authority to the County Administrative Officer to sign the application**

CONSENSUS

- **For Information Services to move forward with a transition from Ricoh to Solutions Yes for printer leases and services.**
- **To send a letter of intent to submit for State funding to be used for FEMA grant matching funds.**
- **To send a letter of intent to submit for State funding to be used for FEMA grant matching funds.**

Wasco County
Board of Commissioners

Kathleen B. Schwartz, Commission Chair

Steven D. Kramer, Vice-Chair

Scott C. Hege, County Commissioner



AGENDA ITEM

Outdoor Mass Gathering Hearing

[SUMMARY OF INFORMATION](#)

[COMMISSION OPTIONS & STAFF RECOMMENDATION](#)

[MAPS](#)

[STAFF REPORT](#)

[PUBLIC & AGENCY COMMENTS](#)

[APPLICATION 921-21-000194-PLNG](#)

[AGENCY COMMENTS](#)

[MOTION LANGUAGE](#)



PLANNING DEPARTMENT

2705 East Second Street • The Dalles, OR 97058
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WASCO COUNTY BOARD OF COUNTY COMMISSIONS AGENDA PACKET

FOR

Hearing Date: April 6, 2022
Hearing Time: 9:30 pm
Hearing Location: Electronically via Zoom
Meeting ID: 3957734524#

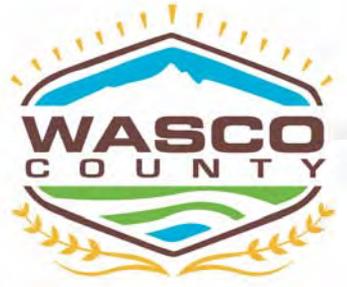
HEARING DETAILS: File# 921-19-000169-PLNG, a request by Harry Nedley from Precipitation Northwest, for an Outdoor Mass Gathering entitled SOAK 2020 (also known as Burning Man Portland). The event is proposed to be a music and arts festival of up to 1,900 people that would occur May 21-25, 2020, on the Justesen Ranch in Tygh Valley.



MEMORANDUM TABLE OF CONTENTS

Date: March 29, 2022
To: Wasco County Board of County Commissioners
From: Wasco County Planning Office
Subject: Submittal for Hearing dated April 6, 2022
Re: File# 921-19-000169-PLNG, a request by Harry Nedley from Precipitation Northwest, for an Outdoor Mass Gathering entitled SOAK 2020 (also known as Burning Man Portland). The event is proposed to be a music and arts festival of up to 1,900 people that would occur May 21-25, 2020, on the Justesen Ranch in Tygh Valley.

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| Commission Options & Staff Recommendation | BOC 1 - 4 |
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| Public & Agency Comments - Attachment E | BOC 1 - 30 |
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SUMMARY OF INFORMATION

Prepared for Wasco County Board of Commissioners Hearing

HEARING DATE: April 6, 2022

FILE #: 921-21-000194-PLNG

PUBLISH DATE: March 16, 2022

REQUEST: Outdoor Mass Gathering permit for a music and art festival entitled "SOAK 2022," (also known as "Burning Man Portland") May 26-30, 2022. Estimated attendance is 1,900 including staff and volunteers.

RECOMMENDATION: Approval, with conditions

APPLICANT/OWNER INFORMATION:

Applicant: Molly Harpel, Precipitation Northwest, 866 N. Columbia Blvd. B 106, Portland, OR 97217

Owner: Fred Justesen and Jonnie Justesen, Justesen Ranch Recreation, 59720 Twin Lakes Road, Grass Valley, OR 97029.

PROPERTY INFORMATION:

Located in the White River Canyon, along Jake Davidson Grade Road, immediately south of Tygh Valley, Oregon. More specifically described as:

| <u>Existing Tax Lots</u> | <u>Acct#</u> | <u>Acres</u> |
|--------------------------|--------------|--------------|
| 4S 13E 10 800 | 10464 | 126.06 |
| 4S 13E 15 100 | 10445 | 67.29 |
| 4S 13E 0 2200 | 12314 | 163.62 |
| 4S 13E 10 401 | 16649 | 64.35 |

ATTACHMENTS:

Prepared by Daniel Dougherty, Senior Planner

- A. Summary of Information & Conditions
- B. Commission Options & Staff Recommendation
- C. Maps (vicinity map and site plan)
- D. Staff Report
- E. Public & Agency Comments

ATTACHMENT A – SUMMARY OF INFORMATION & CONDITIONS

The full staff report with all proposed findings of fact and conclusions of law is enclosed as **Attachment D** and was available at the Wasco County Planning Department for review one week prior to the April 6, 2022, public hearing. The full staff report is made a part of the record. This summary does not supersede or alter any of the findings or conclusions in the staff report, but summarizes the results of Staff's review and recommendation. The request and subsequent decision do not constitute land use decisions, as governed by Oregon law. All applicable standards are addressed in **Attachment D**.

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

- A. Applicant and property owners shall comply with the application as reviewed and approved by the staff report, which is available at the Wasco County Planning Department. This report details the restrictions on aspects of the proposed event including but not limited to location, dimensions and use. This decision does not constitute tacit approval for any other development or use.
- B. **Attendance:** Maximum attendees for SOAK 2022 shall be 1,900, including staff and volunteers necessary to operate the event safely and effectively.
- C. **Insurance:** Applicant shall submit proof of a Commercial General Liability Insurance policy of not less than \$1,000,000 specific to SOAK 2022, naming Wasco County, its officers, agents, volunteers, and employees as an additional insured for the duration of the event and event clean up.
- D. **Water Supply:** Applicant shall comply with OAR 333-039-0015 requiring that 12 gallons of water are available per person, per day of the event and 5 gallons of water are stored per person, per day of the event. Any testing and hauling of drinking water shall be consistent with the *2008 Drinking Water Hauling Guidelines* and is coordinated with the North Central Public Health District. To meet this requirement, the applicant has proposed meeting part of the 5 gallon/person/day requirement by requiring that event participants bring their own water (at least 2 gallons/person/day), supplying 15 20-gallon hand washing stations (to be serviced daily), and storing 200,000+ gallons approximately 1 mile away which will be provided by Tygh Valley Water through contract.
- E. **Water Quality:** All transport of water shall follow the standards contained within the *2008 Drinking Water Hauling Guidelines*. Documentation shall be provided by the applicant to demonstrate compliance with these guidelines, including the forms supplied by the State/North Central Public Health District to track chlorine levels of potable water when delivered. The chlorine that is being used to increase the chlorine levels needs to be an NSF certified product. There should a copy of that document available when the inspection takes place.
- F. **Gray Water:** No gray water is anticipated by the applicant. In coordination with the North Central Public Health District, the applicant shall develop a plan for unanticipated gray water storage needs.
- G. **Refuse Storage and Disposal:** The applicant anticipates minimal refuse storage and disposal needs. Given that the event spans a holiday weekend, the applicant shall provide a plan for unanticipated refuse storage and disposal that is consistent with OAR 333.039.0030.
- H. **Food and Sanitary Food Service:** No food vendors are proposed. If that changes, all food vendors shall comply with the applicable food and sanitary food service requirements listed in OAR 333-039-0035 and shall make themselves available for inspection during the event. Furthermore, only vendors with valid

licenses, as provided by the Oregon Health Authority, shall be contracted to prepare and provide food for the event.

- I. **Emergency Medical Facilities:** The applicant shall implement proposed emergency medical services outlined in the 2022 Letter of Intent from Adventure Medics. The applicant shall comply with any additional emergency medical services required or recommended by the local fire and emergency service providers having jurisdiction, as well as with North Central Public Health District requirements.
- J. **Fire Protection:** The applicant shall secure written statements from the local fire protection agency having jurisdiction that fire protection and fire safety access complies with state and local laws, ordinances and regulations, and is satisfactory with respect to anticipated crowds and location.
- K. **Security Personnel:**
 - 1. At least one Department of Public Safety Standards and Training (DPSST) certified supervisor must be on shift at all times.
 - 2. Within event staff, a single point of contact must be clearly identified for security and law enforcement. Contact information for this individual shall be provided to the Wasco County Sheriff Department prior to the event.
 - 3. Applicant shall coordinate radio frequencies to be used during the event with the Wasco County Sheriff Department to prevent disruption of local emergency service provider communications.
- L. **Traffic:**
 - 1. The Traffic Control Plan shall be implemented as submitted. If changes are proposed, they must be coordinated and approved by the Wasco County Public Works Department prior to the event.
 - 2. Each vehicle parking space shall have a minimum width of 10 feet and a minimum length of 20 feet, and parking shall be clearly marked. Parking shall be arranged to provide clear access to exits at all times.

ATTACHMENT B – COMMISSION OPTIONS & STAFF RECOMMENDATION

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

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

Board of County Commissioner Options:

1. **Approve** the application for an Outdoor Mass Gathering, and accept the proposed conditions and findings contained in the Staff Report.
2. **Approve** the application for an Outdoor Mass Gathering with amended findings and conditions.
3. **Deny** the application with amended findings that the request does not comply with the applicable health and safety regulations contained in ORS 433.735 to 433.770 and OAR 333 Division 39.
4. If additional information is needed, keep the evidence record open, and continue the hearing to a date and time certain to allow the submittal of additional information.
5. Close the evidence record, and continue the hearing to a date and time certain to allow the submittal of additional information.

Staff Recommendation:

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

ATTACHMENT C – MAPS

Site Plan

Applicant: Molly Harpel for Precipitation Northwest (SOAK LLC)
Owners: Jonnie L. Justesen, et. al.

Attachment G: SOAK*2020 Site Plan



ATTACHMENT D – STAFF REPORT

File Number: 921-21-000194-PLNG

Applicant: Molly Harpel, Precipitation Northwest

Property Owner: Jonnie L. and Fred A. Justesen

Request: Outdoor Mass Gathering permit for a music and art festival entitled “SOAK 2022,” (also known as “Burning Man Portland”) May 26-30, 2022. Estimated attendance is 1,900 including staff and volunteers.

Event Location: White River Canyon, along Jake Davidson Grade Road, immediately south of Tygh Valley, Oregon. More specifically described as:

| <u>Tax Lot#</u> | <u>Acct#</u> | <u>Acres</u> |
|-----------------|--------------|--------------|
| 4S 13E 10 800 | 10464 | 126.06 |
| 4S 13E 15 100 | 10445 | 67.29 |
| 4S 13E 0 2200 | 12314 | 163.62 |
| 4S 13E 10 401 | 16649 | 64.35 |

Zoning: Exclusive Farm Use (A-1) Zone, and Tygh Valley Residential (TV-R) Zone, Tygh Valley Medium Industrial (TV-M2) Zone

Procedure Type: Public Hearing, Wasco County Board of Commissioners

Staff Recommendation: **Approval**, with conditions

Hearing Date: April 6, 2022

Hearing Location: Wasco County Courthouse, Room 302
511 Washington St
The Dalles, OR 97058

Zoom Link: You can join the meeting at
<https://wascocounty-org.zoom.us/j/3957734524>
or call in to 1-253-215-8782 Meeting ID: 3957734524#

Prepared By: Daniel Dougherty, Senior Planner

Past Actions:

| 4S 13E 10 800 | |
|-----------------------|------------------------------------|
| 921-19-000169-PLNG | Soak 2020 Art Festival "Cancelled" |
| 921-18-000183-PLNG | Soak 2019 Art Festival |
| 921-PLAOMG-17-09-0003 | Soak Art Music Festival |
| 921-PLAOMG-16-12-0003 | Soak Art Music Festival |
| 921-PLAOMG-16-01-0001 | Soak Art Music Festival |
| 921-PLAOMG-14-12-0003 | Art Festival |
| 921-PLAARC-08-06-5066 | (PAR-07-122) Land division |
| 921-PLAARC-08-05-4307 | (PAR-07-101) Land division |

| 4S 13E 15 100 | |
|-----------------------|------------------------------------|
| 921-19-000169-PLNG | Soak 2020 Art Festival "Cancelled" |
| 921-18-000183-PLNG | Soak 2019 Art Festival |
| 921-PLAOMG-17-09-0003 | Soak Art Music Festival |
| 921-PLAOMG-16-12-0003 | Soak Art Music Festival |
| 921-PLAOMG-16-01-0001 | Soak Art Music Festival |
| 921-PLAOMG-14-12-0003 | Art Festival |
| 921-PLAARC-08-06-5066 | (PAR-07-122) Land division |
| 921-PLAARC-08-05-3997 | (MIN-05-117) Replacement dwelling |
| 921-PLAARC-04-3812 | (REP-95-106) Lot line adjustment |

| 4S 13E 0 2200 | |
|-----------------------|---|
| 921-19-000169-PLNG | Soak 2020 Art Festival "Cancelled" |
| 921-18-000183-PLNG | Soak 2019 Art Festival |
| 921-PLAOMG-17-09-0003 | Soak Art Music Festival |
| 921-PLAOMG-16-12-0003 | Soak Art Music Festival |
| 921-PLAOMG-16-01-0001 | Soak Art Music Festival |
| 921-PLAOMG-14-12-0003 | Art Festival |
| 921-PLAARC-08-05-3756 | PLAARC-08-05-3756 - (LOC-05-WR) Water right |

| 4S 13E 10 401 | |
|----------------------|---|
| PLAREP-11-02-0002 | Replat from 72.35 to 64.35 acres |
| PLAPAR-10-10-0008 | Partition an existing 77.31 acre property into 3 parcels being 4.08 acres, 3.64 acres and 69.59 acres |
| CUP-92-128-WAMF2-H | Mineral Extraction (Sand) |

I. APPLICABLE STANDARDS

A. Wasco County Land Use & Development Ordinance (WCLUDO)

Chapter 3 - Basic Provisions

Section 3.210.B.13. (Uses Permitted Without Review: Commercial Uses)

B. Oregon Revised Statute (ORS)

ORS 433.735 to 433.770 - Regulation of Outdoor Mass Gatherings

ORS 433.750 (Permit application; procedure for issuance of permit; fee)

ORS 433.755 (Additional information; liability of permit holder; casualty insurance; county as additional insured)

C. Oregon Administrative Rules (OAR)

OAR 333 Division 39 - Regulations Governing Health and Safety at Outdoor Mass Gatherings

OAR 333-039-0015 (Water Supply)

OAR 333-039-0020 (Drainage)

OAR 333-039-0025 (Sewerage Facilities)

OAR 333-039-0030 (Refuse Storage and Disposal)

OAR 333-039-0035 (Food and Sanitary Food Service)

OAR 333-039-0040 (Emergency Medical Facilities)

OAR 333-039-0045 (Fire Protection)

OAR 333-039-0050 (Security Personnel)

OAR 333-039-0055 (Traffic)

II. BACKGROUND

A. Legal Parcel: The proposed event will occur on multiple properties owned by Jonnie & Fred Justesen, collectively known as “the Justesen Ranch” in the White River canyon, immediately south of Tygh Valley. The properties include four tax lots: 4S 13E 10 800; 4S 13E 15 100; 4S 13E 0 (Sections 15, 16) 2200; and. 4S 13E 10 401.

Section 1.090 of the Wasco County Land Use and Development Ordinance (LUDO)

(Legal) Parcel - 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.

- Tax Lots 4S 13E 10 800 and 4S 13E 15 100 were approved in their current configuration in Partition Plat PAR-07-122, recorded with the Wasco County Clerk on June 12, 2008.
- Tax Lot 4S 13E 16-15 2200 was approved in its current configuration in 1995 by Property Line Adjustment Plat PLA-95-108-WAA18-A, recorded with the Wasco County Clerk on November 7, 1995.
- Tax Lot 4S 13E 0 401 was approved in its current configuration in 2011 by Replat PLAREP-11-02-0002, recorded with the Wasco County Clerk on March 15, 2011.

The subject properties are consistent with the LUDO definitions of a legal parcel because they are parcels in existing, duly recorded land partitions. In addition to the recorded plats, deed documentation provided by the applicant confirms Fred and Jonnie Justesen are the owners of the subject parcels.

- B. Site Description:** As previously noted, portions of four properties owned by the Justesens will be used for the proposed event. In total, the tax lots include approximately 421 acres. Site plans provided by the applicant indicate most of the proposed event will occur near Jake Davidson Grade Road, and will primarily occur on a portion of the larger property (4S 13E 0 2200).

The subject property consists of variable terrain and slopes with some level areas near Jake Davidson Grade Road; gently rolling hills maintained as pasture between the road and basalt rock buttes to the south; and the shoreline of the White River to the north. Much of the property is bordered by a buffer of oak and pine trees. Existing improvements to the property include residential development and agriculture structures. A portion of the White River also crosses through the subject property. The photo below was taken by staff at the site and provides an example of the characteristic landscape of the event site:



- C. Surrounding Land Use:** The subject parcel is located in the White River canyon, south of Tygh Valley. Within the canyon, lands contain a mixed forest of oak and pine trees with some open pastures and grassy areas. Outside of the canyon, the landscape rises in elevation with steep basalt rock outcrops and large buttes. Orchard and haying farm activities are visible in aerial photographs to the north and south of the event site. Two large tracts of public land zoned Exclusive Farm Use are located directly north and west of the property. Private properties to the north and north east are zoned Tygh Valley Residential and Tygh Valley Medium Commercial/Industrial. Properties to the south are zoned Exclusive Farm Use, are privately owned, and appear to be active ranching lands.

Using Wasco County GIS 2018 Aerial Oregon State Imagery, an analysis of surrounding tax lots indicates that much of the community of Tygh Valley, including dozens of dwellings, is located within one mile of the proposed event. Most of the dwellings within one mile are located north of the event site, on the other side of a butte which provides intervening topography. The nearest dwellings are located on the subject parcel and on adjacent parcels also owned by Jonnie Justesen.

- D. Public Notice & Comments:** Per ORS 433.750(4), notice of the public hearing was published on March 16, 2022, in *The Dalles Chronicle*. Additionally, on March 10, 2022, staff mailed the hearing notice to all owners of property within 750' of the subject parcel, e-mailed partner agencies, and posted the application materials and hearing notice on the Planning Department website.

Agency Comments: The applicant was encouraged to work with agencies and departments directly to coordinate event and event application needs. Upon deeming the application complete, Staff notified partner agencies on February 24, 2022, and invited additional written comments. Multiple comments were received and are provided for within this Staff Report.

III. FINDINGS:

A. Wasco County Land Use and Development Ordinance (LUDO):

Chapter 3 contains Basic Provisions for each zone. Section 3.210, Exclusive Farm Use Zone, Section 3.210.B.13. allows outdoor gatherings as a commercial use permitted without review in the Exclusive Farm Use zone. It states:

“An outdoor gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period.”

ORS 433.735(1) generally defines outdoor mass gatherings as an assembly of more than 3,000 persons which continues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120 hours within any three-month period and which is held primarily in open spaces and not in any permanent structure. Additionally, the provision listed above includes the gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period in the Exclusive Farm Use zone. **NOTE:** A gathering described above is not subject to a land use decision or land use permitting. A Permit is required for an outdoor mass gathering. Permit Application, notice, and fee requirements are outlined in ORS 433.750-755, to protect health and safety.

FINDING: The LUDO text addressing outdoor mass gatherings is more expansive than the language found in ORS 433.735(1) because the statute allows counties to “otherwise define” outdoor mass gatherings. Wasco County expanded the definition of outdoor mass gathering in some zones to also include gatherings of “fewer than 3,000 persons” in the course of legislative updates to the LUDO which became effective on January 17, 2006. Consequently, an outdoor mass gathering permit became a pathway for anyone seeking authorization for a gathering of fewer than 3,000 people that is reasonably expected to continue for less than 120 hours. All such gatherings described above are subject to the outdoor mass gatherings regulations found in ORS 433.735 to 433.770.

The applicant is requesting approval for an outdoor mass gathering for an art and music festival entitled, “SOAK 2022,” May 26-30, 2022, on the Justesen Ranch located at 89720 Jake Davidson Road Tygh Valley, Oregon. The application form states that 1,900 people are anticipated to attend.

As proposed, the first day of set-up will be Monday, May 24, 2022. The event will begin May 26, 2022, and the box office will open to take tickets from participants. Participation in the event and arrival of additional participants will continue through May 30, 2022, with some exodus occurring throughout. The final clean up and final exodus will occur on May 31, 2022. Per the site plan and narrative submitted by the applicant, the event will be held primarily in open spaces and not in any permanent structures. The applicant proposes several temporary structures spread throughout the festival site including a box office, lounges/shade structures, and interactive art displays. Attendees will also be setting up temporary structures within their individual camps.

Based on proposed event characteristics, estimated number of attendees and schedule, staff finds that this event constitutes an Outdoor Mass Gathering as defined in LUDO Section 3.210.B.13 and ORS 433.735. Staff recommends a **condition** that attendance be capped at 1,900, including staff and volunteers necessary to operate the event safely and effectively, as described throughout this report to be consistent with the size of event that has been coordinated with public health and safety agencies. With this condition, staff finds the request complies with Section 3.210.

Applicable rules from ORS 433.750-755 are addressed in Section III.B below.

Staff finds that the request complies with the requirements of A.

B. ORS 433.735 to 433.770 Regulation of Outdoor Mass Gatherings

433.750 Permit application; procedure for issuance of permit; fee.

(1) The governing body of a county in which an outdoor mass gathering is to take place shall issue a permit upon application when the organizer demonstrates compliance with or the ability to comply with the health and safety rules governing outdoor mass gatherings to be regulated according to the anticipated crowd and adopted by the Oregon Health Authority

*(***)*.

FINDING: The Board of County Commissioners is the only body authorized to issue an outdoor mass gathering permit in Wasco County. Furthermore, the use of “shall” in ORS 433.750(1) seems to require issuance of the permit if the application demonstrates the ability to comply with the applicable health and safety rules. This interpretation is well-established in case law going back to 1982. It was *1000 Friends v. Wasco County* (LUBA 82-039), which found:

*The legislature's decision to limit jurisdiction in this manner reflects the narrow range of review criteria and limited discretion available to the county governing body under ORS Chapter 433. (***) Land use considerations have no bearing on the decision to grant or deny an outdoor mass gathering permit given the limited criteria to be applied to the permit request.*

Staff is not aware of any case law which explicitly prevents a county governing body from imposing reasonable conditions in conjunction with a permit approval. Staff recommends several conditions throughout this report to protect public health and safety. With the proposed conditions throughout this report, the request complies with ORS 433.750.

The referenced Oregon Health Authority rules (OAR 333 Division 39) are addressed beginning in Section III.C, below.

Staff finds that the request complies with ORS 433.750(1).

(2) Notice of the application shall be sent by the county governing body to the county sheriff or county chief law enforcement officer, the county health officer and the chief of the fire district in which the gathering is to be held.

FINDING: Staff notified the above partner agencies on February 24, 2022, of a complete application and invited additional written comments. Staff finds that the request complies with ORS 433.750(2).

(3) Each officer receiving notice of the application under subsection (2) of this section who wishes to comment on the application shall submit such comment in writing to the county governing body not later than the hearing date. The comment may include recommendations related to the official functions of the officer as to granting the permit and any recommended conditions that should be imposed.

FINDING: Good faith coordination between both the applicant and partner agencies has been ongoing in order to address applicable regulations. Partner agencies were invited to submit additional comments once the current application was deemed complete. Notice of the hearing was provided to partner agencies on February 24, 2022, and additional comments were invited. Comments received have been made part of the record and are addressed throughout this report. Staff finds that the request complies with ORS 433.750(3).

(4) The county governing body shall hold a public hearing on the issue of compliance with this section. Notice of the time and place of such hearing including a general explanation of the matter to be considered shall be published at least 10 calendar days before the hearing in a newspaper of general circulation in the county or, if there is none, it shall be posted in at least three public places in the county.

FINDING: A public hearing with the Wasco County Board of Commissioners was scheduled for April 6, 2022. Written notice of the hearing was published in The Dalles Chronicle newspaper on March 16, 2022, and mailed to adjacent property owners within 750 feet of the proposed event site on March 10 2022. The application materials and hearing notice were also posted on the Wasco County Planning Department website on March 10, 2022. Staff finds that the request complies with ORS 433.750(4).

433.755 Additional information required before permit issued; liability of permit holder; casualty insurance; county as additional insured.

(1) (***) *If the county governing body determines upon examination of the permit application that the outdoor mass gathering creates a potential for injury to persons or property, the county governing body may require organizers to obtain an insurance policy in an amount commensurate with the risk, but not exceeding \$1 million. The policy of casualty insurance shall provide coverage against liability for death, injury or disability of any human or for damage to property arising out of the outdoor mass gathering. The county shall be named as an additional insured under the policy.*

FINDING: Due to the nature of the event, and that containing 1,900 participants in one area where exhibits are being built and participants are engaged in the interactive art projects, staff concluded that the proposed gathering creates a potential for injury to persons or property. During past events, staff required the applicant to provide a Commercial General Liability Insurance policy of not less than \$1,000,000 specific to SOAK, LLC, and naming Wasco County, its officers, agents, volunteers, and employees as an additional insured within their application. A **condition** of approval is recommended requiring the applicant to provide proof of insurance, consistent with ORS 433.755(1). With the condition, staff finds the request complies with ORS 433.755(1).

C. Regulations Governing Health and Safety at Outdoor Mass Gatherings - Oregon Administrative Rules 333 Division 39 (as referenced in ORS 433.750(1)):

Oregon Administrative Rule 333-039-0015 - Water Supply

(1) *Required Amounts:*

- (a) *A minimum of 12 gallons per person per day shall be available for the anticipated assembly;*
- (b) *Storage facilities equal to one day's total water usage shall be provided, unless a greater or lesser amount, with a minimum of five gallons per person per day, is determined by the Division as sufficient or necessary, based on the availability and quantity of the reserve water supply and the required water demands for toilets, food vendors, camping areas and other facilities;*
- (c) *A Division approved well or water system may be used as a source of water, or in addition to Division approved outside sources, to meet all requirements;*
- (d) *An amount of water equal to one day's total usage shall be kept in reserve at all times.*

FINDING: The applicant stated in their submitted findings with the application that for previous festivals SOAK 2015 through 2019, zero gallons of contracted water brought onsite was used during the event. The applicant proposes that any water needs not met by the participants will be available through Tygh Valley Water. North Central Public Health District Environmental Health Specialist Supervisor Nicole Bailey provided the following comment on February 25, 2022:

Environmental Health Specialist Supervisor Nicole Bailey (February 25, 2022)

This does appear to be the same application as previous Soak events, and the written application addresses the OARs for mass gatherings in a one-to-one ratio which is helpful. I would like to inquire more information about the water supply plan. In the plan SOAK mentions that they have contracted with Tygh Valley Water District to provide access to their water supply as needed.

I would like to know more about the contract, specifically how the SOAK participants are allowed to access the water storage noted for replenishing their drinking water supply as needed.

The applicant provided the following response on March 7, 2022

SOAK Producers (March 7, 2022)

Hi Nicole, thanks for the question about the water supply plan. All of the participants are expected to bring their own water to the event, 2 gallons per person per day for each day they're at the event. Our Volunteer Hospitality team fills up water for our volunteers from the rec center on a daily basis, and besides that we have not ever had to use any of the water supply for participants. In an extreme event where emergency water is needed we have been assured that Tygh Valley Water can provide the 200,000+ gallons of water to the event site. Please let us know if you have any further questions about the water supply plan.

Based on maximum attendance of 1,900 people (including attendees and staff/volunteers), 22,800 gallons of water per day would need to be available (1,900 people x 12 gallons per day = 22,800 gallons per day). The Oregon Health Authority approves municipal water systems and enforces drinking water quality standards. Staff recommends a **condition** is included to ensure 12 gallons of water are available per person, per day of the event and any testing and hauling of drinking water consistent with the 2008 *Drinking Water Hauling Guidelines* and is coordinated with the North Central Public Health District.

Due to the large supply and availability of municipal water sources within close proximity to the event, Staff recommends a **condition** of approval requiring storage facilities be provided to meet the minimum requirement of 5 gallons/person/day. Maximum attendance (1,900 people) would require water storage facilities of 9,500 gallons. To meet this requirement, the applicant has proposed meeting part of the 5 gallon/person/day requirement by requiring event participants to bring their own water (at least 2 gallons/person/day), supplying fifteen 20-gallon hand washing stations (to be serviced daily), and 200,000+ gallons of stored nearly 1 mile away through contract with Tygh Valley Water.

The applicant has interpreted (d) to require the same as "readily available." Staff agrees that (d) does not explicitly require the reserve, equal to one day's total usage, to be kept on site. Assuming "one day's total usage" refers to 5 gallons/person/day (9,500 gallons), it is possible that the applicant can meet that requirement on site with the well water source, the 200,000+ gallons stored approximately 1 mile away, requiring participants to bring at least 2 gallons/person/day to enter the event and by providing the hand washing stations described above. Given this information, and the known availability of municipal water in the nearby area, Staff finds the reserve requirement of (d) is achieved. Staff finds the proposed source and supply method can provide the required volume, storage, and reserve of approved water for 1,900 people. Staff finds that the request complies with OAR 333-039-0015(1).

(2) *Bacteriological and Chemical Requirements:*

- (a) *All water provided shall give a negative result for the presence of coliform bacteria when subjected to standard laboratory test procedures for detecting the presence of coliform bacteria and shall be from sources and in containers approved by the Division;*
- (b) *Water provided shall not contain the following substances in excess of amounts listed. The organizer shall provide a laboratory analysis report as evidence of this: Substance Concentration in mg/1:*
 - (A) *Arsenic -- 0.1;*
 - (B) *Cadmium -- 1.0;*

- (C) Chloride -- 250.0;
- (D) Copper -- 1.0;
- (E) Cyanide -- 0.01;
- (F) Fluoride -- 1.7;
- (G) Iron -- 0.3;
- (H) Lead -- 0.05;
- (I) Selenium -- 0.01;
- (J) Nitrate (NO3) -- 45.0;
- (K) Total Dissolved Solids -- 500.0;
- (L) Zinc -- 5.0.

FINDING: The applicant states: "SOAK, working with Tygh Valley Water District, will ensure that the Drinking Water Hauling Guidelines designated by Oregon Health Services are followed." All transport and storage regulations outlined in the *2008 Drinking Water Hauling Guidelines* will be followed to ensure compliance with this requirement. This is consistent with the procedure at the 2019 SOAK. Staff finds that the request complies with OAR 333-039-0015(2).

- (3) *Construction, Maintenance, and Design:*
 - (a) *All parts of the water supply system shall be constructed of non-toxic materials;*
 - (b) *All water distribution lines and fittings shall be constructed of galvanized wrought iron, galvanized steel, copper, or NSF approved plastic pipe. All plastic pipe and fittings must bear the NSF seal;*
 - (c) *Pressure tanks and storage tanks shall be constructed of non-toxic materials. Tanks which have previously been used to contain toxic substances shall not be used;*
 - (d) *Prior to placing the water supply system into use, all portions of the system including storage tanks and distribution system shall be disinfected by adding a chlorine solution of not less than 50 mg/1 and retaining the mixture within all portions of the system for at least 24 hours. Following disinfection, the system is to be thoroughly flushed of the chlorine solution;*
 - (e) *Hydrants equipped with self-closing faucets shall be provided at a ratio of not less than one for every 250 persons or fraction thereof anticipated;*
 - (f) *Each faucet shall be mounted on a minimum 36 inch riser. The riser is to be securely fastened to a supporting structure equal in strength to a four inch by four inch timber which is securely anchored in the ground;*
 - (g) *Each faucet and riser shall be accompanied by a seepage pit located directly beneath the faucet which shall have a minimum inside diameter of 12 inches and a minimum depth of three feet and shall be backfilled with clean coarse rock;*
 - (h) *All water distribution lines shall be installed at a minimum depth of 12 inches in the soil and shall be covered;*
 - (i) *If camping and activity areas are separately designated, 60 percent of the total required faucets shall be located within the area designated for camping, and 40 percent of the total required faucets shall be located in the area designated for activities;*
 - (j) *A minimum of one faucet shall be located not more than 25 lineal feet from each food service facility and a minimum of one faucet shall be located not more than 25 lineal feet from any emergency medical facility;*
 - (k) *Garden hoses, flexible hoses, pipes, or similar devices shall not be connected to any faucet or any other portion of the water supply system for personal convenience or any other reason;*

- (l) A minimum pressure of 20 pounds per square inch shall be maintained at all times and at all points within the water distribution system.*

FINDING: This subsection requires that the water supply system be constructed in a certain manner with specific materials. SOAK does not utilize a water distribution system. Staff finds that OAR 333-039-0015(3) is not applicable to this request.

Oregon Administrative Rule 333-039-0020 – Drainage

- (1) The site selected for the outdoor mass gathering shall have good natural drainage. Areas which are swampy, or areas known to be susceptible to flash flooding are not acceptable.*
- (2) Roads at the outdoor mass gathering site shall be provided with culverts, tiles, and ditching wherever needed to protect such roads from erosion due to precipitation.*

FINDING: According to the applicant, the property was previously inspected for drainage by the North Central Public Health District and was deemed to be acceptable. The application materials state that the Justesen Ranch has employed best management practices to ensure proper erosion control from pedestrian and automobile traffic, farming and recreation impacts. Jake Davidson Grade Road is an existing and maintained road, and can provide access to the event.

Event participants are prohibited from dumping materials including gray water, waste, or human waste onto the property or into the White River. Violators will be ejected from the event. Participants must remove all waste, including gray water, when they exit the event. SOAK is a Leave No Trace event.

The selected event site provides sufficient drainage and roads will be provided with adequate protections from erosion due to precipitation. Staff finds that the request complies with OAR 333-039-0020.

Oregon Administrative Rule 333-039-0025 - Sewerage Facilities

- (1) Non-Water Carried Sewage Facilities...*

FINDING: No non-water carried sewage facilities (earth-pit privies) are proposed. One earth-pit toilet currently exists on the property, but will be closed to event participants. Staff finds that OAR 333-039-0025(1) is not applicable to this request.

- (2) If water carried subsurface sewage disposal facilities are provided, they shall be governed by OAR 333-041-0001 through 333-041-0040, and by this reference are incorporated herein and made a part hereof...*

FINDING: No subsurface water carried sewage disposal facilities are proposed. Instead, the applicant has contracted with Bishop Sanitation to provide onsite portable toilets. Staff finds that OAR 333-039-0025(2) is not applicable to this request.

- (3) Number and Location of Toilets and Privies:*
- (a) Seven privies or toilets or any combination thereof shall be provided for each 800 persons or fraction thereof anticipated;*

- (b) *If camping and planned activity areas are separately designated, sixty percent of the total required toilets or privies shall be located within the designated camping area and forty percent of the total required toilets or privies shall be located in the designated planned activity area. If areas are not designated, location and spacing of toilets and privies shall be in accordance with anticipated crowd clustering or grouping, or spaced uniformly throughout the entire mass gathering site;*
- (c) *All chemical toilets, if provided, shall be located so as to be easily and readily serviced by servicing vehicles.*

FINDING: Application materials provides the following:

“Based on a 1,900-person maximum capacity, SOAK will provide approximately one toilet per 50 people with 1 hand-washing station at each toilet bank, which exceeds the 7 toilets per 800 people (or one toilet per 114 people) required by code Subpart B, Section (a). 45 or more portable toilets with hand sanitizer in each unit will be set up in banks, and at least 1 portable 20-gallon hand-washing station will be provided per bank. An appropriate amount of units will be ADA-compliant, including one toilet stationed next to the Medical tent. Each portable toilet and handwashing station will be pumped at least once per day.” (Application, Page 4).

Bishop Sanitation has been contracted to provided sanitation services, and will provide the following:

“Bishop will meet or exceed the event requirements by providing at least (36) standard portable toilet units, (3) ADA compliant portable toilet units, (13) portable hand wash stations, and (4) four-station urinals... The units needed for this event may be scaled up or down dependent upon number of anticipated guests as well as the current Covid-19 protocols in place for Wasco County, Oregon.” (Application, Page 11).

Bishop Sanitation will provide 40 or more portable toilets (and urinals), including ADA accessible units. The applicant proposes one hand washing station next to each bank of toilets. Based on the maximum attendance of 1,900 (including staff/volunteers), this represents approximately 47.5 attendees per toilet, which exceeds the standard (7 toilets per 800 attendees or 114 attendees per toilet) listed above.

Per the submitted site plan, the applicant proposes toilets in proximity to camping areas and activity areas. With the exception of parking areas being located away from camping and activity areas, the event site is open and easily accessible. Staff finds that the quantity and location of the toilet facilities meets the standard, therefore the request complies with OAR 333-039-0025(3).

- (4) *Liquid Wastes not Containing Human Excreta:*
 - (a) *Facilities shall be provided for the disposal of all liquid wastes not containing human excreta such as, but not limited to, kitchen or cooking waste water, grease, dishwater, wash water, and bath water. These facilities shall be specifically identified by means of a sign which states "**Waste Water Disposal**";*
 - (b) *Such facilities shall consist of a seepage pit having a minimum depth of three feet and a lateral area of not less than 32 square feet. The pit shall be backfilled with clean, coarse rock and be protected by a one-fourth inch screen which is removable and will effectively trap food particles and prevent other wastes from entering the backfilled rock;*
 - (c) *All food particles and other waste material shall be removed from the facilities at least once every 24 hours or at more frequent intervals if necessary to prevent fly and insect attraction;*

- (d) *Such facilities shall be located or spaced so as to uniformly serve the participants of the outdoor mass gathering;*
- (e) *One facility shall be provided for each 3,000 persons or fraction thereof anticipated;*
- (f) *At least one facility shall be located not more than 50 lineal feet from each food service facility.*

FINDING: Application materials provide that food and liquor vendors are not allowed at the event, no shower facilities will be provided, and event participants are required to collect and remove all waste - including gray water - when they depart the event. Staff recommends a **condition** that a plan is developed in a manner consistent with this regulation to handle any unanticipated gray water storage needs. With that condition, staff finds that the request complies with OAR 333-039-0025(4).

Oregon Administrative Rule 333-039-0030 - Refuse Storage and Disposal

- (1) *All refuse and solid waste shall be stored in fly-tight containers constructed of impervious material.*
- (2) *Containers for refuse and solid waste storage shall be provided at a minimum ratio of one 30 gallon container for each 16 persons or fraction thereof anticipated or one cubic yard of container capacity for each 125 persons or fraction thereof anticipated.*
- (3) *All refuse and solid waste shall be removed from storage containers at least once every 24 hours and transported and disposed of in a manner which is authorized and complies with state and local laws, ordinances and regulations.*

FINDING: SOAK has never offered public refuse collection services. From 2015-2017, dumpsters were placed on the property but not offered publicly and neither was used. SOAK is a “Leave No Trace” event as described in the Burning Man 10 Principles, and each participant is responsible for packing out what they pack in. In 2018 & 2019, SOAK was not required to provide a dumpster.

A sweep of the property will occur before the event where all debris is bagged and removed. Another sweep will occur after the event is over to collect debris that might have been left behind by participants or prior events utilizing the land.

All participants must collect all of their refuse in fly-tight containers made of impervious material. They are also required to perform a detailed search of their camp and surrounding areas for debris, referred to as “matter out of place” (MOOP). Education materials are available to participants via the SOAK Survival Guide, SOAK website and SOAK Facebook event page, and during the event via face-to-face discussion with event staff and volunteers. Event attendees look after their own camps and don’t hesitate to educate other attendees as needed.

A **condition** of approval is included in the Notice of Decision requiring the applicant to provide a plan for unanticipated refuse storage and disposal that is consistent with OAR 330-039-0030.

With that condition, staff finds that the request complies with Oregon Administrative Rule 333-039-0030.

Oregon Administrative Rule 333-039-0035 - Food and Sanitary Food Service

- (1) *Food service facilities, if supplied, shall be located in clean surroundings and shall be maintained in a clean and sanitary condition.*
- (2) *Food service facilities, if supplied, shall be so constructed and arranged that food, drink, utensils, and equipment will not be exposed to rodents, insects, dust, dirt, or other contamination. If flies are present, screening shall be required.*
- (3) *The water supply for food service facilities shall be adequate in amount to serve the requirements of the facility and shall be safe for human consumption. Storage tanks or containers, when used, shall be of smooth, easily cleanable material, and shall be cleaned and sanitized each time they are refilled. Water shall not be dipped from a receptacle for drinking or culinary purposes.*
- (4) *Toilet or privy facilities which comply with these rules shall be available within the immediate area for use by the food service facility personnel.*
- (5) *Hand washing facilities shall be made available for the food service facility personnel. In lieu of a handwashing sink, there shall be provided a pan with soap and water for washing of hands, and a pan of water containing a bactericidal solution of 50 mg/1 of available chlorine or its equivalent for rinsing of hands. Sanitary paper towels shall be provided. The use of a common-type towel is prohibited. Utensil washing vats shall not be used for handwashing.*
- (6)
 - (a) *All multi-use utensils and all display cases or windows, counters, shelves, tables, refrigeration equipment, sinks, and other equipment used in connection with the operation of a food service facility shall be constructed as to be easily cleaned and shall be kept in good repair;*
 - (b) *Utensils containing or plated with cadmium or lead shall not be used, provided, however, that solder containing lead may be used for jointing;*
 - (c) *Food containers with seams which are not sealed flush with the surface shall not be re-used. Single service containers and utensils shall not be re-used.*
- (7)
 - (a) *Single service paper plates, cups, and plastic or wood knives, forks, and spoons are recommended but not required. If multiple use dishes, utensils, or equipment are used, they must be subjected to one of the following methods of bactericidal treatment after cleaning and washing:*
 - (A) *Immersion for at least two minutes in clean, hot water at a temperature of at least 170° Fahrenheit. If hot water is used, a dependable thermometer shall be available at all times and shall be used. The pouring of scalding water over washed utensils is not acceptable as a satisfactory bactericidal treatment;*
 - (B) *Immersion for at least two minutes in a lukewarm chlorine bath. This bath shall be made up at a strength of at least 100 mg/1 of available chlorine. The bath shall not be used after its strength has been reduced to 50 mg/1;*
 - (C) *Immersion for at least two minutes in an approved quaternary ammonium bath containing at least 25 mg/1 as determined by a suitable field test.*
 - (b) *In machine dishwashing, the hot water rinse shall be at least 170° Fahrenheit and shall be for a minimum of ten seconds;*
 - (c) *In hand dishwashing, a three compartment sink shall be required. The first compartment shall be used for washing with a soap or detergent solution. The second compartment*

shall be used for clear water rinse, and the third compartment shall be used for the bactericidal solution and sanitizing bath.

- (8) If ice cream or frozen desserts are dipped and served at the food service facility, all scoops and dippers shall be kept in running water dipper wells.*
- (9) (a) All refuse and solid waste shall be stored or collected in tightly covered, water impervious containers until removed from the food service facility. Such containers when emptied shall be washed to prevent them from attracting flies and rodents;*
(b) All dishwater and liquid wastes not containing human excreta shall be disposed of in accordance with OAR 333-039-0025(4)(a) to (f) of these rules.
- (10)(a) All readily perishable food shall be kept at or below 45° Fahrenheit except when being prepared or actually served. Readily perishable foods shall be stored in shallow containers under refrigeration until cooled below 45° Fahrenheit. When such foods have been cooled below 45° Fahrenheit, they may be stored in deep containers. Food shall not be served which has been stored, handled, or otherwise cared for in a manner not in compliance with these rules;*
(b) A dependable indicating thermometer shall be provided in each refrigerator;
(c) All ice shall be stored and handled in such a way as to prevent contamination. Ice scoops or tongs shall be used to place ice in glasses or cups. Ice shall be obtained only at sources which are licensed under ORS Chapter 624 or 627.
- (11) All food products, raw, cooked, canned, or otherwise, shall be wholesome and free of spoilage during storage, preparation, and serving. All milk and milk products shall come from a source which is licensed and approved by the Oregon State Department of Agriculture. Home canned or home processed foods shall not be stored, prepared, or served by the food service facility.*
- (12) Pre-cooked foods or meats must be kept at or below 45° Fahrenheit at all times and subjected to continuously applied heat which will sustain the internal temperature of the food item to not less than 140° until such time as it is served.*
- (13) Bottled soda or fruit drinks may be cooled in tanks with water and ice provided the tanks contain not less than 50 mg/1 available chlorine. The tops of the containers shall not be submerged. Milk and milk products shall be kept at or below 45° Fahrenheit in dry refrigeration.*
- (14) Canned soda or fruit drinks may be cooled in tanks of ice and water provided that the water contains not less than 50 mg/1 available chlorine.*
- (15) All persons within the food service facility shall wear clean outer garments and shall keep their hands clean at all times while engaged in preparing or serving food and drink, or washing and storing utensils and equipment.*
- (16) All persons while within a food service facility shall refrain from any personal action or conduct which would directly or indirectly harm the quality or wholesomeness of the food.*
- (17) No live animals or fowl shall be permitted within the confines of any food service facility.*

FINDING: Precipitation Northwest (SOAK) will re-sell packaged ice for food and medical safety purposes at this event, but vending of any other type is prohibited. The ice will be pre-packaged, delivered to the site, and stored in a refrigerated trailer provided by Gem Ice of The Dalles. A **condition** of approval is included in the Notice of Decision stating that no food vendors are proposed. If that changes, all food vendors shall comply with the applicable food and sanitary food service requirements listed in OAR 333-039-0035, and shall make themselves available for inspection during the event. Furthermore, only vendors with valid licenses, as provided by the Oregon Health Authority, shall be contracted to prepare and provide food for the event.

Staff finds that the request complies with OAR 333-039-0035.

Oregon Administrative Rule 333-039-0040 - Emergency Medical Facilities

- (1) There shall be present at the outdoor mass gathering site for emergency medical services, physicians and nurses in the following ratios:
 - (a) Daylight Hours -- At least one Oregon physician plus sufficient other physicians (licensed to practice medicine and surgery in any of the 50 states of the United States) to provide a ratio of one for each 10,000 persons attending or fraction thereof and one nurse for each 7,500 persons attending or fraction thereof;*
 - (b) Nighttime Hours - (1 a.m. to 7 a.m.) -- At least one Oregon physician plus sufficient other physicians (licensed to practice medicine and surgery in any of the 50 states of the United States) to provide a ratio of one for each 20,000 persons attending or fraction thereof and one nurse for each 15,000 persons attending or fraction thereof.**
- (2) Facilities shall be provided in which physicians can provide patient care and treatment. The facility shall be enclosed, protected from the elements, and shall have chairs, examining tables with stirrups, and locked cabinets for equipment and medicine. All necessary medicine and instruments for conducting minor surgery and examinations shall be available.*
- (3) Lighting within the emergency medical facilities shall be provided and shall be not less than 200 foot candles in areas where treatment and minor surgery are conducted.*
- (4) Attending physicians shall keep accurate records of patients and treatment, and shall notify the local health officer of all cases involving a communicable disease.*
- (5) Temporary holding facilities shall be provided for the sick and injured while awaiting transport to a hospital. The facility shall be enclosed, protected from the elements, and shall be furnished with one cot or bed for each 1,000 persons anticipated or fraction thereof.*

FINDING: SOAK will use the same emergency medical control plan as they did in 2019. SOAK has contracted with Adventure Medics for medical and crisis coverage during the event. Services will be available at a centrally located and clearly marked medical tent provided by Adventure Medics. Adventure Medics staff will be on duty at all times during the event augmented by volunteer medical staff whose primary purpose is to roam the event site to provide proactive response to real or impending medical issues. SOAK's contract with Adventure Medics will satisfy all of the requirements in OAR 333-039-0040. Staff finds that the request complies with OAR 333-039-0040(1)-(5).

(6) *Communication, either telephone or radio-telephone, shall be provided to summon aid or notify the nearest hospital, law enforcement, or fire protection agency, as required.*

FINDING: SOAK utilizes UHF radios for onsite communications, has telephone access, VOIP access, and access to Oregon Amateur Radio Output (Ham Radio). Staff finds that the request complies with OAR 333-039-0040(6).

(7) *Ambulances shall be provided at the outdoor mass gathering for emergency evacuation of sick and injured persons at a ratio of one ambulance for each 10,000 persons anticipated or fraction thereof.*

FINDING: The application submitted states that Adventure Medics and SOAK will coordinate with Life Flight Network to provide air ambulance services. The 2019 Landing Zone (LZ) will be used for the 2022 event. This site is located at the Tygh Valley Community Center at 57594 Tygh Valley Road, Tygh Valley, Oregon, 97063. The coordinates of the LZ will be provided to Life Flight in advance of the event. Life Flight Network has provided SOAK with a Letter of Intent included as Attachment D of the application submitted, and dated December 6, 2021, agreeing to provide services for the next SOAK festival from May 24-30, 2022. Basic life support transport services will be provided by local ambulance service providers. Local 911 emergency responders included in this plan include but are not limited to:

- South Wasco County Ambulance
- Tygh Valley Fire District
- Wamic Rural Fire Protection District
- Maupin Ambulance
- Dufur Ambulance
- Dufur Fire Department.

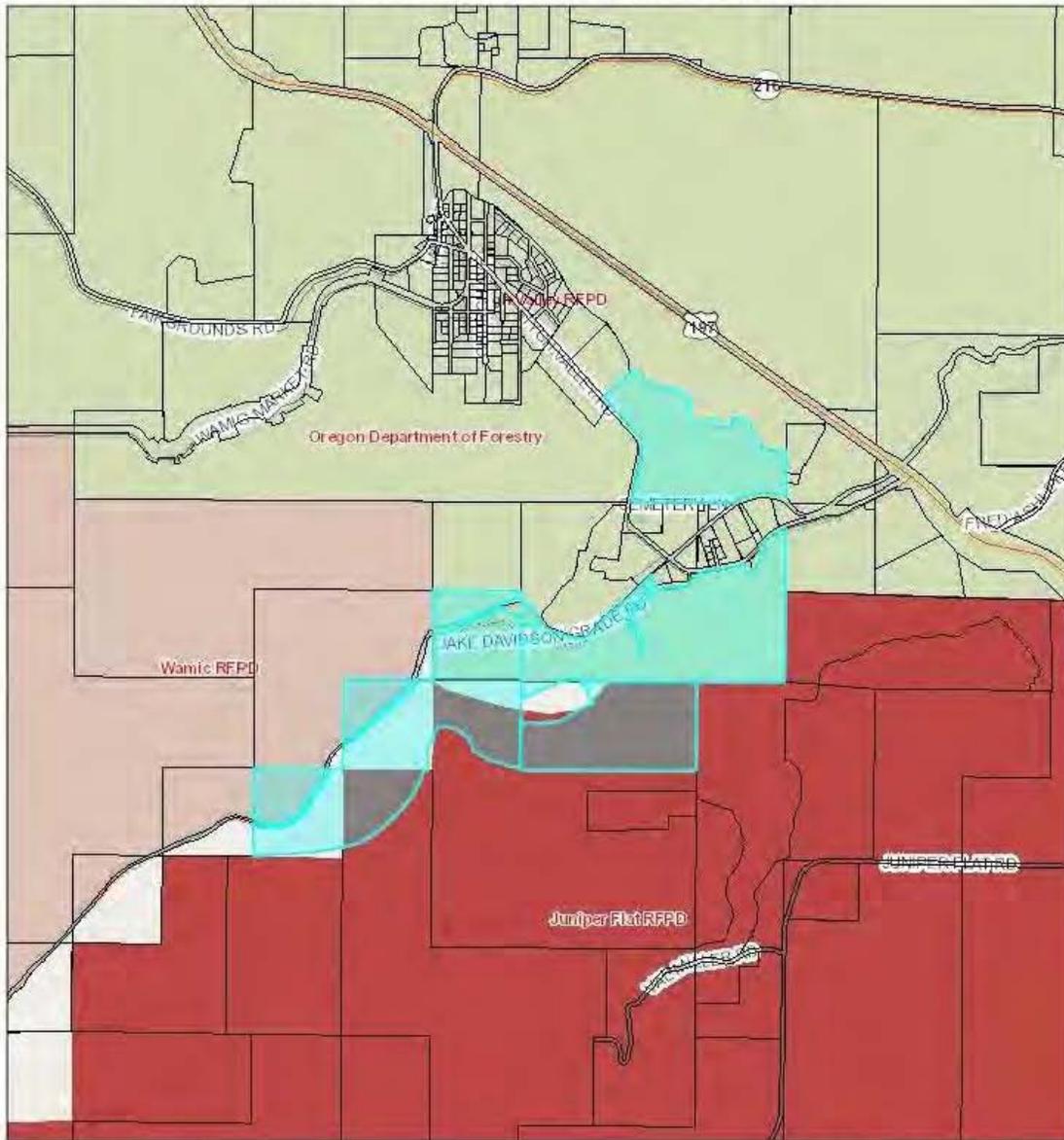
Staff recommends a **condition** of approval that the applicant confirms emergency medical facility needs and any public health requirements with the North Central Public Health District and local emergency medical service providers and ambulance services prior to the event. With that condition, staff finds that the request complies with OAR 333-039-0040(7).

Oregon Administrative Rule 333-039-0045 - Fire Protection

(1) *Each camping space shall be a minimum of 1,000 square feet or large enough to accommodate a parked camping vehicle, tent vehicle or tent, as the case may be, and to maintain at least 15 feet separation from any other camping vehicle, tent vehicle or tent, building, structure, or property line.*

FINDING: Tygh Valley Rural Fire Protection District and Wamic Rural Fire Protection District have jurisdiction on the northern portion of the property, while Juniper Flat Volunteer Rural Fire Protection District has jurisdiction on the southern portion of the property. (See below "Rural Fire Protection District Jurisdiction Map").

Rural Fire Protection District Jurisdiction Map

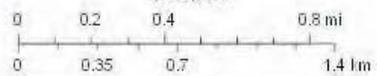


2/24/2022, 2:51:20 PM

Legend

- Subject Taxlot
- Taxlots
- Juniper Flat RFPD
- Wamic RFPD
- Tygh RFPD

1:36,112



© OpenStreetMap (and contributors), CC-BY-SA, Wascos County GIS, DOGAMI, State of Oregon, Wascos County GIS, Lane County, Assessor, Wascos County GE Wascos 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.



The application states that SOAK will work with these districts to determine safe roadway access and fire protection plans, including during scheduled ceremonial burns.

The event will not exceed the requested capacity of 1,900 participants and will allocate camping space to registered campers. Camp space is allocated depending on the number of planned participants and layout design of their camps. Many SOAK attendees camp in small groups with shared infrastructure.

The applicant has provided the following:

Total Space Calculations:

Total area suitable for camping= 43.3 acres (1,886,148 ft²)

Maximum attendance = 1900

Minimum space per person= 992 ft² (allowing: for 1984 two-person camps)

SOAK disallows "car camping", which is defined as sleeping in a vehicle not designed for camping. Passenger vehicles not explicitly approved for festival access will be parked in a separate parking area, adjacent to the festival Gate.

Based on the proposed calculations, staff finds that the request complies with OAR 333-039-0045(1).

(2) The organizer shall secure a written statement from the local fire protection agency having jurisdiction that fire protection complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and location of the outdoor mass gathering.

FINDING: Tygh Valley Rural Fire Protection District and Wamic Rural Fire Protection District have jurisdiction on the northern portion of the property, while Juniper Flat Volunteer Rural Fire Protection District has jurisdiction on the southern portion of the property. The application provides that SOAK will work with the Tygh Valley Rural Fire Protection District to determine safe roadway access and fire protection plans, including during scheduled ceremonial burns.

In addition to the requirements outlined in Criteria (1) and (2), SOAK utilizes the following tools to prevent or maintain small unplanned fire incidents, if they occur:

- 1 dedicated vehicle with 3 2.5 gallon pressurized water extinguishers and a 10-lb (UL 4A-80B:C) dry chemical extinguisher on board.
- 1 water truck (2000+ gal., 100+ psi, 125+ gpm)
- 15 five lb. Class ABC fire extinguishers placed throughout the event for use by participants or safety personnel.
- Staff a "volunteer fire safety team" which has been trained to use all on site equipment and will be available for any emergencies and onsite during scheduled ceremonial burns.

SOAK provides a Volunteer Fire Safety Team that has been trained to use all onsite equipment. The fire safety team is present for and oversees all scheduled burns, and is on standby for any unplanned events. In 15 years, SOAK has not had any fire-related incidents.

The Justesen Ranch offers three fully irrigated fields. The largest field is where SOAK stages its scheduled burns. The field is located south of Davidson Grade Road and is accessible by vehicle, including Emergency and Fire Equipment. This field offers the furthest travel distance from any dry crop

fields, and is the area with the fewest numbers of trees on the property. SOAK utilizes the same “burn scars” year after year to minimize the impact to the Justesen Ranch.

With a **condition** of approval to: (1) ensure the organizer secures a written statement from the local fire protection agencies with jurisdiction that the fire protection plan complies with all state and local laws, ordinances and regulations, and it satisfactory with respect to the anticipated number of participants and general location, and (2) implement the fire prevention recommendations made impacted agencies. Staff finds that the request complies with OAR 333-039-0045(2).

Oregon Administrative Rule 333-039-0050 - Security Personnel

- (1) The organizer shall maintain an accurate count of persons attending the outdoor mass gathering and shall provide adequate security arrangements to limit further admissions to the outdoor mass gathering when the anticipated numbers of persons have been admitted.*
- (2) The organizer shall secure a written statement from the chief law enforcement officer of the county in which the outdoor mass gathering is to take place that arrangements for security and the orderly flow of traffic to and from the outdoor mass gathering complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and location of the outdoor mass gathering.*

FINDING: The application states that SOAK maintains a staff of internally trained peer-security resources, all of whom are equipped with radios to call for assistance if needed. Peer-security staff work in greater numbers during peak event hours, but have a minimum number on shift at all times. (Please note: DPSST stands for Oregon Department of Public Safety Standards and Training.)

- Peer (Internal) Event Security, “Rangers”: (8-18 on shift at all times). Specialized internal agency trained in conflict resolution, event resource education, law enforcement interactions, and chemically or mentally altered crisis care.
- Peer (Internal) Event Security, “Gate & Parking”: (4-16 on shift at a time). Specialized internal agency trained in event admission security, ID checks and wristband application, vehicle inspections (for contraband) and trespassing escalation (to event management, DPSST Security, and Law Enforcement when needed).
- Peer (Internal) Event Security, “Medical” (2-4 on shift at a time). Volunteer medical staff who patrol the event site to assist contract Medical Services, trained in conflict resolution, and experienced in dealing with people in crisis.
- Peer (Internal) Event Security, “Event Management”: (3-4 on shift at all times). Event management staff all have prior experience working with Rangers and/or Gate groups.
- Unarmed DPSST Security Staff (6 on shift at all times). This includes 1 DPSST Security Supervisor who is the primary contact for local law enforcement.

The application states the current internal security ratio is between 1:40 and 1:85 at all times.

SOAK will have at least one DPSST Certified Security Supervisor on shift at all times, as a point of contact for Law Enforcement who can be reached 24 hours per day during the entire event. In the event that a Law Enforcement response is needed, SOAK event management and the DPSST Security Supervisor will meet law enforcement at the central Medical Operations Headquarter. This is the same security plan that was approved in 2019. Staff recommends a **condition** of approval that requires at least one DPSST supervisor to be on shift at all times and a clearly identified single point of contact for security and law

enforcement. This was required for Soak 2019, and is included this year to meet any potential needs the Wasco County Sheriff's Office requires. Staff finds that the request complies with security personnel rules of OAR 333-039-0050.

Oregon Administrative Rule 333-039-0055 - Traffic

- (1) The organizer shall provide easily accessible roads of all-weather construction at the outdoor mass gathering site.*
- (2) All roads shall be graded so as to be self-draining and shall be maintained in such condition that emergency and other required vehicles can move upon them unencumbered and can carry out their functions at all times.*
- (3) An ungraveled dirt road shall not be considered as being an all-weather road.*
- (4) No road or portion of any road constructed shall exceed a maximum grade of 12 percent.*
- (5) The organizer shall acquire approval from the local agency having jurisdiction for fire safety that the minimum width of all roads complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and locations of the outdoor mass gatherings.*

FINDING: The Wasco County Public Works Director Arthur Smith provided the following commentary on February 28, 2022:

Wasco County Public Works Director Arthur Smith (February 28, 2022)

My only comment would be about the "Traffic Control Plan". I see a map with red / blue arrows showing how the participants will enter and exit the site, but nothing about traffic control or signing on the county roads. I will need that type of information for me to sign off.

The applicant provided the following response on March 7, 2022

SOAK Producers (March 7, 2022)

Hi Arthur, we rent traffic control signs from the State of Oregon and place them at the South and North intersections of Tygh Valley Road and Hwy 197, ensuring the signs don't impair the vision of drivers on the road. We sign forms with the state of Oregon promising those signs will be placed in the proper manner. Please let us know if you need any further information about the Traffic Control Plan.

Further comment was provided by Wasco County Public Works Director Arthur Smith on March 8, 2022:

Wasco County Public Works Director Arthur Smith (March 8, 2022)

For traffic control, it sounds like you have the State highways covered. I am asking specifically about what other signage (if any) you plan on placing on the county roads - Tygh Valley Road and Jake Davidson Road.

The applicant provided the following response on March 13, 2022

SOAK Producers (March 13, 2022)

We have not previously placed signs on the county roads. We have never had any complaints from participants or the local community about any lack of signs leading from the state highway to the event, as we offer detailed directions to Justesen Ranch in our "survival guide" which is published and sent out to ticket holders every year.

There have been no changes to the existing roadways that would prevent SOAK from demonstrating compliance. SOAK is utilizing the same traffic management plan that was approved from 2015 to 2019 for the event.

The applicant will encourage traffic to use Highway 197 and turn at the southern intersection with Tygh Valley Road to discourage traffic through town and school zones.

MUTCD-approved signs will be placed at the north and south intersections of Tygh Valley Road/Highway 197. Signs will not impair the vision of drivers on the road.

Once on Tygh Valley Road, vehicles turn onto Davidson Grade Road and directed into the staging area on the event site property.

The event entrance will be clearly designated and well-lit at night, and will include multiple vehicle staging lanes to ensure no traffic backs up onto Davidson Grade Road or Tygh Valley Road.

SOAK has prepared a Traffic Control Plan (TCP) demonstrating vehicle ingress and egress before, during, and after the event. All roads have been previously graded by Wasco County and ODOT, and include Highway 197 (State of Oregon-maintained highway), Tygh Valley Road (County-maintained roadway), and Davidson Grade Road, a County-maintained roadway for 0.24 mile, after which it becomes a private road maintained by the Justesons.

Staff finds the request complies with OAR 333-039-0055.

- (6) The organizer shall provide and designate a suitable area at the outdoor mass gathering for parking of motor vehicles:*
 - (a) The total area provided for motor vehicle parking shall be based on the following ratio: 300 square feet for every four persons anticipated;*
 - (b) Each motor vehicle parking space shall have a minimum width of ten feet and a minimum length of twenty feet and shall be clearly marked with lime;*
 - (c) The motor vehicle parking spaces shall be arranged to eliminate blockage of parked vehicles and allow vehicles free access to exits at all times.*

FINDING: SOAK is required to provide a total of 142,500 square feet for parking to accommodate a maximum capacity of 1,900 people including staff and volunteers (or approximately 3.3 acres). Based on historic parking data at the event site, the applicant expects no more than 900 vehicles on site at peak hours. SOAK 2019 participants brought approximately 950 vehicles. Staff analyzed the parking area illustrated in Attachment F of the application, and the parking areas proposed is approximately 11.24 acres, which exceeds the 3.3 acres required. To ensure compliance, staff recommends a **condition** that each vehicle parking space shall have a minimum width of 10 feet and minimum length of 20 feet,

parking areas shall be clearly marked, and parking shall be arranged to provide clear access to exits at all time. Staff finds that the request complies with OAR 333-039-055(6).

ATTACHMENT E – PUBLIC & AGENCY COMMENTS

See below Email Communication.



Daniel Dougherty <daniel@co.wasco.or.us>

SOAK 2022 Outdoor Mass Gathering: Comments Needed

26 messages

Daniel Dougherty <daniel@co.wasco.or.us>

Thu, Feb 24, 2022 at 3:09 PM

To: Nicole Bailey <nicoleba@ncphd.org>, Sheridan McClellan <sheridanm@co.wasco.or.us>, Lane Magill <lanem@co.wasco.or.us>, Arthur Smith <arthurs@co.wasco.or.us>, Scott Williams <scottw@co.wasco.or.us>, DODD Kristin * ODF <kristin.dodd@oregon.gov>, eugene@juniperflatrpd.com, wamic1@aol.com, mfelton@rconnects.com, stucarvb@hughes.net, tvrpd@gmail.com

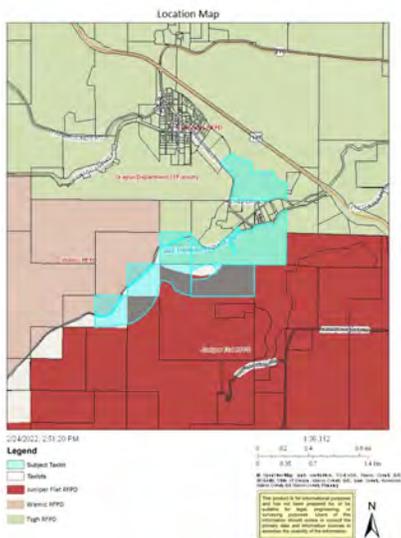
Good afternoon,

The producers of the Outdoor Mass Gathering "SOAK" have submitted their application and are gearing up for their May 26-30 event near Tygh Valley.

I've been able to schedule a public hearing before the BOCC on April 6. The application form is attached to this email (See page 12 for Table of Contents for your respective area of expertise), and I've created a basic location map for reference. Let me know if you need more information, questions or concerns, and I'll forward them on to the applicants. The application seems to be in order compared to past submissions that were approved, but the criteria isn't land use specific, so you folks are likely to see something I'm not aware of. I appreciate your assistance.

Affected Parcels

- 4S 13E 10 800
- 4S 13E 0 2200 (Sections 15 & 16)
- 4S 13E 10 401
- 4S 13E 15 100



Respectfully,

Daniel

Daniel Dougherty | Senior Planner
PLANNING DEPARTMENT

daniel@co.wasco.or.us | <http://www.co.wasco.or.us/departments/planning/index.php>

541-506-2560 | Fax 541-506-2561
2705 E Second Street | The Dalles, OR 97058



Office Notice about COVID-19

Welcome back! We have resumed in-person customer service. Office hours are Tuesday and Thursday, 10am to 4pm with a lunchtime closure. Appointments can be accommodated on Fridays. Masks are required in the office.

Email is still the best way to reach me! Please view our [website](#) for office hours and COVID-19 accommodations.

*This correspondence does not constitute a Land Use Decision per ORS 197.015.
It is informational only and a matter of public record.*

Mail Delivery Subsystem <mailer-daemon@googlemail.com>
To: daniel@co.wasco.or.us

Thu, Feb 24, 2022 at 3:10 PM



Address not found

Your message wasn't delivered to **mfelton@rconnects.com** because the address couldn't be found, or is unable to receive mail.

The response from the remote server was:

550 User [mfelton@rconnects.com] does not exist

Final-Recipient: rfc822; mfelton@rconnects.com
Action: failed
Status: 5.0.0
Remote-MTA: dns; mail.rconnects.com. (216.155.208.85, the server for the domain rconnects.com.)

Diagnostic-Code: smtp; 550 User [mfelton@rconnects.com] does not exist
Last-Attempt-Date: Thu, 24 Feb 2022 15:10:27 -0800 (PST)

----- Forwarded message -----

From: Daniel Dougherty <daniel@co.wasco.or.us>
To: Nicole Bailey <nicoleba@ncphd.org>, Sheridan McClellan <sheridanm@co.wasco.or.us>, Lane Magill <lanem@co.wasco.or.us>, Arthur Smith <arthurs@co.wasco.or.us>, Scott Williams <scottw@co.wasco.or.us>, "DODD Kristin * ODF" <kristin.dodd@oregon.gov>, eugene@juniperflatrfd.com, wamic1@aol.com, mfelton@rconnects.com, stucarb@hughes.net, tvrfd@gmail.com
Cc:
Bcc:
Date: Thu, 24 Feb 2022 15:09:50 -0800
Subject: SOAK 2022 Outdoor Mass Gathering: Comments Needed
----- Message truncated -----

Daniel Dougherty <daniel@co.wasco.or.us> Thu, Feb 24, 2022 at 3:13 PM
To: Nicole Bailey <nicoleba@ncphd.org>, Sheridan McClellan <sheridanm@co.wasco.or.us>, Lane Magill <lanem@co.wasco.or.us>, Arthur Smith <arthurs@co.wasco.or.us>, Scott Williams <scottw@co.wasco.or.us>, DODD Kristin * ODF <kristin.dodd@oregon.gov>, eugene@juniperflatrfd.com, wamic1@aol.com, mfelton@rconnects.com, stucarb@hughes.net, tvrfd@gmail.com

See attachment.
Sorry about that, Pdf didn't attach properly.
Respectfully,

Daniel
[Quoted text hidden]

APP_921-21-000194-PLNG_JUSTESEN-SOAK.pdf
4409K

Mail Delivery Subsystem <mailer-daemon@googlemail.com> Thu, Feb 24, 2022 at 3:14 PM
To: daniel@co.wasco.or.us

[Quoted text hidden]
Final-Recipient: rfc822; mfelton@rconnects.com
Action: failed
Status: 5.0.0
Remote-MTA: dns; mail.rconnects.com. (216.155.208.85, the server for the domain rconnects.com.)
Diagnostic-Code: smtp; 550 User [mfelton@rconnects.com] does not exist
Last-Attempt-Date: Thu, 24 Feb 2022 15:14:17 -0800 (PST)

----- Forwarded message -----

From: Daniel Dougherty <daniel@co.wasco.or.us>
To: Nicole Bailey <nicoleba@ncphd.org>, Sheridan McClellan <sheridanm@co.wasco.or.us>, Lane Magill <lanem@co.wasco.or.us>, Arthur Smith <arthurs@co.wasco.or.us>, Scott Williams <scottw@co.wasco.or.us>, "DODD Kristin * ODF" <kristin.dodd@oregon.gov>, eugene@juniperflatrfd.com, wamic1@aol.com, mfelton@rconnects.com, stucarb@hughes.net, tvrfd@gmail.com
Cc:
Bcc:
Date: Thu, 24 Feb 2022 15:13:38 -0800
Subject: Re: SOAK 2022 Outdoor Mass Gathering: Comments Needed
----- Message truncated -----

Lane Magill <lanem@co.wasco.or.us> Thu, Feb 24, 2022 at 4:08 PM
To: Daniel Dougherty <daniel@co.wasco.or.us>
Cc: Nicole Bailey <nicoleba@ncphd.org>, Sheridan McClellan <sheridanm@co.wasco.or.us>, Arthur Smith <arthurs@co.wasco.or.us>, Scott Williams <scottw@co.wasco.or.us>, DODD Kristin * ODF <kristin.dodd@oregon.gov>, Eugene Walters <eugene@juniperflatrfd.com>, "Wamic, John Goleman" <wamic1@aol.com>, mfelton@rconnects.com, "Carol von Borstel (stucarb@hughes.net)" <stucarb@hughes.net>, Tygh Valley Fire Dept <tvrfd@gmail.com>

I reviewed the information and it appears to be the same as the last event. I don't see anything about music/stages and if that is going to take place. If memory serves me correctly I think we had some noise complaints related to the site. I would like to have clarification if there will be any "live" events on the site and if so what those details are, (e.g. amplifiers, music, etc.). If this is the case we need to put some timelines on when the music is to be shut down and maybe move it up to BOC for those limits to be put in place, much like WTF in Dufur.

A couple other things and they really don't fall into our responsibility but I wanted to make sure the involved fire departments have the ability to shut down the "ceremonial" fires if our fire situation becomes serious. I'm anticipating we will have fire restrictions like last year but making sure the local fire departments have the ability to intervene is important.

I do not see any agreements with the local ASA's. While the event coordinators are providing medical services they need to understand who has certain responsibilities between ASA's. I would hate to see one of our volunteer agencies get stuck with a lawsuit by not having the proper documentation for the event.

Finally, I think we are good to go from the LE standpoint and making sure we still have one point of contact at the site. If there is a public meeting please let us know so we can attend.

Thanks
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

Daniel Dougherty <daniel@co.wasco.or.us> Thu, Feb 24, 2022 at 4:30 PM
To: SOAK Producers <producers@soakpdx.com>

Good afternoon,
I'll be forwarding you all comments received pertaining to your application. Please address (reply) to any comments, questions, or concerns the technical experts may have (fire, safety, sanitation).
Respectfully,

Daniel
[Quoted text hidden]

Nicole Bailey <nicoleba@ncphd.org> Fri, Feb 25, 2022 at 11:28 AM
To: Daniel Dougherty <daniel@co.wasco.or.us>
Cc: Sheridan McClellan <sheridanm@co.wasco.or.us>, Lane Magill <lanem@co.wasco.or.us>, Arthur Smith <arthurs@co.wasco.or.us>, Scott Williams <scottw@co.wasco.or.us>, DODD Kristin * ODF <kristin.dodd@oregon.gov>, Eugene Walters <eugene@juniperflatrfd.com>, wamic1@aol.com, mfelton@rconnects.com, stucarb@hughes.net, tvrfd@gmail.com

Daniel,
Thank you for reaching out for comments. This does appear to be the same application as previous Soak events, and the written application addresses the OARs for mass gatherings in a one-to-one ratio which is helpful. I would like to inquire more information about the water supply plan. In the plan SOAK mentions that they have contracted with Tygh Valley Water District to provide access to their water supply as needed. I would like to know more about the contract, specifically how the SOAK participants are allowed to access the water storage noted for replenishing their drinking water supply as needed.

Let me know! I would love an invite to the public meeting as well.
[Quoted text hidden]

Nicole Bailey
Environmental Health Specialist Supervisor
North Central Public Health District
Email: nicoleba@ncphd.org
Phone: 541-506-2753



Daniel Dougherty <daniel@co.wasco.or.us>
To: SOAK Producers <producers@soakpdx.com>

Fri, Feb 25, 2022 at 1:26 PM

Good afternoon,

I'll be forwarding you all comments received pertaining to your application. Please address (reply) to any comments, questions, or concerns the technical experts may have (fire, safety, sanitation).

Respectfully,

Daniel

----- Forwarded message -----

From: Nicole Bailey <nicoleba@ncphd.org>
Date: Fri, Feb 25, 2022 at 11:28 AM
Subject: Re: SOAK 2022 Outdoor Mass Gathering: Comments Needed
To: Daniel Dougherty <daniel@co.wasco.or.us>
[Quoted text hidden]
[Quoted text hidden]
[Quoted text hidden]

SOAK Producers <producers@soakpdx.com>
To: Daniel Dougherty <daniel@co.wasco.or.us>

Fri, Feb 25, 2022 at 1:29 PM

Hi Daniel,

I'll work on getting these questions answered this weekend and hopefully get back to you early next week. Thanks for sending.

Jeannie
[Quoted text hidden]
--

SOAK*2022 Producers
One Eye, Gold Dust, & Rye



DODD Kristin * ODF <Kristin.DODD@odf.oregon.gov>

Fri, Feb 25, 2022 at 4:04 PM

To: Lane Magill <lanem@co.wasco.or.us>, Daniel Dougherty <daniel@co.wasco.or.us>
Cc: BAILEY Nicole <nicoleba@ncphd.org>, Sheridan McClellan <sheridanm@co.wasco.or.us>, Arthur Smith <arthurs@co.wasco.or.us>, Scott Williams <scottw@co.wasco.or.us>, Eugene Walters <eugene@juniperfatrfd.com>, "Wamic, John Goleman" <wamic1@aol.com>, "mfelton@rconnects.com" <mfelton@rconnects.com>, "Carol von Borstel (stucarb@hughes.net)" <stucarb@hughes.net>, Tygh Valley Fire Dept <tvfrfd@gmail.com>

While this event is technically outside of the Oregon Department of Forestry's Fire District boundary, it does border our District. Given it is the jurisdiction of the rural fire districts, I will let them speak to their comfort level with this planned event.

That said, I do echo Lane's comments below (highlighted in yellow).

Thank you.

Kristin Dodd | Unit Forester

The Dalles Unit | Central Oregon District | Oregon Department of Forestry
3701 West 13th Street | The Dalles, OR 97058
Office: 541-296-4626 | Fax: 541-298-4993
Cell: 541-233-3285
www.odfcentraloregon.com



From: Lane Magill <lanem@co.wasco.or.us>

Sent: Thursday, February 24, 2022 4:09 PM

To: Daniel Dougherty <daniel@co.wasco.or.us>

Cc: BAILEY Nicole <nicoleba@ncphd.org>; Sheridan McClellan <sheridanm@co.wasco.or.us>; Arthur Smith <arthurs@co.wasco.or.us>; Scott Williams <scottw@co.wasco.or.us>; DODD Kristin * ODF <Kristin.DODD@odf.oregon.gov>; Eugene Walters <eugene@juniperfatrfd.com>; Wamic, John Goleman <wamic1@aol.com>; mfelton@rconnects.com; Carol von Borstel (stucarb@hughes.net) <stucarb@hughes.net>; Tygh Valley Fire Dept <tvfrfd@gmail.com>

Subject: Re: SOAK 2022 Outdoor Mass Gathering: Comments Needed

I reviewed the information and it appears to be the same as the last event. I don't see anything about music/stages and if that is going to take place. If memory serves me correctly I think we had some noise complaints related to the site. I would like to have clarification if there will be any "live" events on the site and if so what those details are, (e.g. amplifiers, music, etc.). If this is the case we need to put some timelines on when the music is to be shut down and maybe move it up to BOC for those limits to be put in place, much like WTF in Dufur.

A couple other things and they really don't fall into our responsibility but I wanted to make sure the involved fire departments have the ability to shut down the "ceremonial" fires if our fire situation becomes serious. I'm anticipating we will have fire restrictions like last year but making sure the local fire departments have the ability to intervene is important.

I do not see any agreements with the local ASA's. While the event coordinators are providing medical services they need to understand who has certain responsibilities between ASA's. I would hate to see one of our volunteer agencies get stuck with a lawsuit by not having the proper documentation for the event.

Finally, I think we are good to go from the LE standpoint and making sure we still have one point of contact at the site. If there is a public meeting please let us know so we can attend.

Thanks
Lane

On Thu, Feb 24, 2022 at 3:14 PM Daniel Dougherty <daniel@co.wasco.or.us> wrote:

See attachment.

Sorry about that, Pdf didn't attach properly.

Respectfully,

Daniel

On Thu, Feb 24, 2022 at 3:09 PM Daniel Dougherty <danield@co.wasco.or.us> wrote:

Good afternoon,

The producers of the Outdoor Mass Gathering "SOAK" have submitted their application and are gearing up for their May 26-30 event near Tygh Valley.

I've been able to schedule a public hearing before the BOCC on April 6. The application form is attached to this email (See page 12 for Table of Contents for your respective area of expertise), and I've created a basic location map for reference. Let me know if you need more information, questions or concerns, and I'll forward them on to the applicants. The application seems to be in order compared to past submissions that were approved, but the criteria isn't land use specific, so you folks are likely to see something I'm not aware of. I appreciate your assistance.

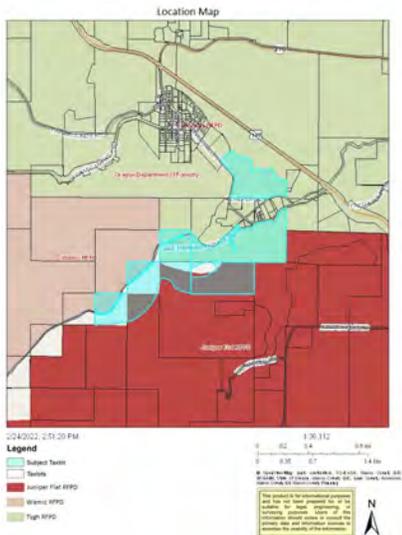
Affected Parcels

4S 13E 10 800

4S 13E 0 2200 (Sections 15 & 16)

4S 13E 10 401

4S 13E 15 100



[Quoted text hidden]

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us>
To: SOAK Producers <producers@soakpdx.com>

Fri, Feb 25, 2022 at 4:08 PM

Good afternoon,

I'll be forwarding you all comments received pertaining to your application. Please address (reply) to any comments, questions, or concerns the technical experts may have (fire, safety, sanitation).

Respectfully,

Daniel

[Quoted text hidden]

Arthur Smith <arthurs@co.wasco.or.us>
To: Daniel Dougherty <danield@co.wasco.or.us>
Cc: Nicole Bailey <ncoleba@ncphd.org>, Sheridan McClellan <sheridanm@co.wasco.or.us>, Lane Magill <lanem@co.wasco.or.us>, Scott Williams <scottw@co.wasco.or.us>, DODD Kristin * ODF <kristin.dodd@oregon.gov>, eugene@uniperflatrpd.com, wamic1@aol.com, mfelton@rconnects.com, stucarvb@hughes.net, tvrpd@gmail.com

Mon, Feb 28, 2022 at 8:41 AM

My only comment would be about the "Traffic Control Plan". I see a map with red / blue arrows showing how the participants will enter and exit the site, but nothing about traffic control or signing on the county roads. I will need that type of information for me to sign off.

Arthur

[Quoted text hidden]

--



Arthur Smith | Director
PUBLIC WORKS
arthurs@co.wasco.or.us | www.co.wasco.or.us
541-506-2645 | Fax 541-506-2641
2705 East 2nd Street | The Dalles, OR 97058

Daniel Dougherty <danield@co.wasco.or.us>
To: SOAK Producers <producers@soakpdx.com>

Wed, Mar 2, 2022 at 9:24 AM

Good morning,

I'll be forwarding you all comments received pertaining to your application. Please address (reply) to any comments, questions, or concerns the technical experts may have (fire, safety, sanitation).

Respectfully,

Daniel

----- Forwarded message -----

From: Arthur Smith <arthurs@co.wasco.or.us>
Date: Mon, Feb 28, 2022 at 8:41 AM
Subject: Re: SOAK 2022 Outdoor Mass Gathering: Comments Needed
To: Daniel Dougherty <daniel@co.wasco.or.us>
[Quoted text hidden]
[Quoted text hidden]
[Quoted text hidden]

SOAK Producers <producers@soakpdx.com>
To: Daniel Dougherty <daniel@co.wasco.or.us>

Mon, Mar 7, 2022 at 10:41 AM

Hi Daniel,

We've gone ahead and responded to each person below. Please continue forwarding any follow-up or any new questions that come along.

Hi Sheriff McGill. A number of camps bring their own sound systems to play amplified music at the event. The producers were made aware of one noise complaint from the closest neighbor in 2019, our first and only since we have been hosted by the Justesen's. In response to that complaint the Operations team has implemented periodic sound checks at night near the road to ensure that sound isn't making its way to any of the neighbors. These sound checks will be supplemental to our already strictly enforced event sound policy that requires limited sound after midnight in strategically designated areas and event-wide "quiet hours" 6-10am daily.

For your reference I've included our specific sound policy for you here:

SOAK has 3 sound zones:

- Zone 1: No sound above a conversational level allowed from midnight - 10 am.
- Zone 2: No sound above a conversational level allowed from 3 am - 10 am.
- Zone 3: Sub-bass must be turned off or significantly reduced at 3 am, no sound above a conversational level allowed anywhere from 6 am - 10 am.
- All camps in all zones must respect Quiet Hours

In regards to your question about our fire safety plans, we'd like to assure you that we work closely with Tygh Valley Fire Department leading up to and during the event to ensure that the controlled burns remain safe and in control. They are able to intervene at any time and for any reason to either call off the burn or put it out if they believe it necessary.

Hi Nicole, thanks for the question about the water supply plan. All of the participants are expected to bring their own water to the event, 2 gallons per person per day for each day they're at the event. Our Volunteer Hospitality team fills up water for our volunteers from the rec center on a daily basis, and besides that we have not ever had to use any of the water supply for participants. In an extreme event where emergency water is needed we have been assured that Tygh Valley Water can provide the 200,000+ gallons of water to the event site. Please let us know if you have any further questions about the water supply plan.

Hi Arthur, we rent traffic control signs from the State of Oregon and place them at the South and North intersections of Tygh Valley Road and Hwy 197, ensuring the signs don't impair the vision of drivers on the road. We sign forms with the state of Oregon promising those signs will be placed in the proper manner. Please let us know if you need any further information about the Traffic Control Plan.

Thanks,
SOAK Producers
[Quoted text hidden]
[Quoted text hidden]

Daniel Dougherty <daniel@co.wasco.or.us>
To: Lane Magill <lanem@co.wasco.or.us>, Nicole Bailey <nicoleba@ncphd.org>, Arthur Smith <arthurs@co.wasco.or.us>

Mon, Mar 7, 2022 at 4:33 PM

Good afternoon,

Pertaining to your individual comments, SOAK has sent their response (see forwarded email). Also, I haven't received fire (Tygh Valley, Wamic, or Juniper RFPD) commentary, I'll send out official notice on Thursday, but if any of you can help out with fire commentary, I'd appreciate it. SOAK provides that they've got a great working relationship with Tygh Valley RFPD, but I want to make sure a fire department doesn't have specific issues that should be addressed.

Thanks for your help.
[Quoted text hidden]

Lane Magill <lanem@co.wasco.or.us>
To: Daniel Dougherty <daniel@co.wasco.or.us>
Cc: Nicole Bailey <nicoleba@ncphd.org>, Arthur Smith <arthurs@co.wasco.or.us>

Mon, Mar 7, 2022 at 4:49 PM

Thanks. I will go with the noise/sound rules in place, however if this becomes an issue we will have to deal with it. If there is any documented noise complaints we will address it as it comes and then make recommendations for upcoming events.

As it relates to fires, please let me know who you reached out to and I'll send a follow up email to see if you can get a response.

Lane
[Quoted text hidden]
[Quoted text hidden]

Daniel Dougherty <daniel@co.wasco.or.us>
To: Lane Magill <lanem@co.wasco.or.us>
Cc: Nicole Bailey <nicoleba@ncphd.org>, Arthur Smith <arthurs@co.wasco.or.us>

Mon, Mar 7, 2022 at 5:06 PM

Sheriff Magill,

Thanks for the feedback. Regarding fire, the district maps show that Juniper, Tygh Valley, and Wamic RFPDs might have involvement. That said, any one of the three organizations taking a gander at the proposal and providing feedback would be greatly appreciated.

Contact information I have on file:

| | | | | | | |
|--------------------------------------|----------------|------------------|----------------|-------|-----|---------------------------|
| Fire District - Juniper Flat | Eugene Walters | 80501 HWY 216 | Maupin OR | 97037 | NOD | eugene@juniperflatrfd.com |
| Wamic Rural Fire Protection District | Larry Magill | 11 S County Road | Tygh Valley OR | 97063 | NOD | wamic1@aol.com |
| Fire District - Tygh Valley | David Colburn | PO Box 213 | Tygh Valley OR | 97063 | NOD | tvrfpd@gmail.com |

Respectfully,

Daniel
[Quoted text hidden]

Daniel Dougherty <daniel@co.wasco.or.us>
To: SOAK Producers <producers@soakpdx.com>

Mon, Mar 7, 2022 at 5:06 PM

Good evening,

I've got some feedback to your email from Sheriff Magill.
[Quoted text hidden]

Arthur Smith <arthurs@co.wasco.or.us>
To: Daniel Dougherty <daniel@co.wasco.or.us>, producers@soakpdx.com
Cc: Lane Magill <lanem@co.wasco.or.us>, Nicole Bailey <nicoleba@ncphd.org>

Tue, Mar 8, 2022 at 8:30 AM

For traffic control, it sounds like you have the State highways covered. I am asking specifically about what other signage (if any) you plan on placing on the county roads - Tygh Valley Road and Jake Davidson Road. Thanks

Arthur
[Quoted text hidden]

Lane Magill <lanem@co.wasco.or.us>
To: Daniel Dougherty <daniel@co.wasco.or.us>
Cc: Nicole Bailey <nicoleba@ncphd.org>, Arthur Smith <arthurs@co.wasco.or.us>

Tue, Mar 8, 2022 at 8:40 AM

Copy that. Please be advised Chief Colburn is no longer the TV Chief. I will try and find out who has replaced him.

Board of County Commissioners Agenda Packet

BOCC 1 - 35

April 6, 2022

Lane
[Quoted text hidden]

Daniel Dougherty <daniield@co.wasco.or.us>
To: SOAK Producers <producers@soakpdx.com>

Tue, Mar 8, 2022 at 9:09 AM

Good morning,

More comments from Public Works regarding County Roads.
[Quoted text hidden]

SOAK Producers <producers@soakpdx.com>

Sun, Mar 13, 2022 at 12:51 PM

To: Arthur Smith <arthurs@co.wasco.or.us>
Cc: Daniel Dougherty <daniield@co.wasco.or.us>, Lane Magill <lanem@co.wasco.or.us>, Nicole Bailey <nicoleba@ncphd.org>

Hi Arthur,
We have not previously placed signs on the county roads. We have never had any complaints from participants or the local community about any lack of signs leading from the state highway to the event, as we offer detailed directions to Justesen Ranch in our "survival guide" which is published and sent out to ticket holders every year.
Please let us know if you have any other questions or concerns about event signage.

Thank you,
SOAK Production Team
[Quoted text hidden]

Arthur Smith <arthurs@co.wasco.or.us>

Mon, Mar 14, 2022 at 7:10 AM

To: SOAK Producers <producers@soakpdx.com>
Cc: Daniel Dougherty <daniield@co.wasco.or.us>, Lane Magill <lanem@co.wasco.or.us>, Nicole Bailey <nicoleba@ncphd.org>

Thanks for the good information. I have no further questions or concerns with the TCP

Arthur
[Quoted text hidden]

Nicole Bailey <nicoleba@ncphd.org>

Mon, Mar 14, 2022 at 8:48 AM

To: Arthur Smith <arthurs@co.wasco.or.us>
Cc: SOAK Producers <producers@soakpdx.com>, Daniel Dougherty <daniield@co.wasco.or.us>, Lane Magill <lanem@co.wasco.or.us>

I also have no further questions, thank you!
[Quoted text hidden]

Please note: I will no longer be NCPHD's EH Supervisor as of March 25, 2022.
Please update your contact for NCPHD to jesuse@ncphd.org or 541-506-2629 until further notice.
[Quoted text hidden]

Daniel Dougherty <daniield@co.wasco.or.us>

Thu, Mar 17, 2022 at 3:59 PM

To: Jesus Elias <jesuse@ncphd.org>
Cc: Nicole Bailey <nicoleba@ncphd.org>

Hi Jesus,
You might already be aware of SOAK Outdoor Mass Gathering that is proposed for May, 2022. Nicole has already provided comments. I've included the application, a map, and my original email for reference. I'll coordinate the Staff Report and the Hearing before the WC-Board of Commissioners, but the underlying criteria is way outside of my expertise, so if you see anything that raises concern, please let me know, and I'll forward it to the producers. Thus far, Nicole's original request for information has been addressed. I've Ccd Nicole (Congratulations btw), so she can help out.

Original Email
The producers of the Outdoor Mass Gathering "SOAK" have submitted their application and are gearing up for their May 26-30 event near Tygh Valley.

I've been able to schedule a public hearing before the BOCC on April 6. The application form is attached to this email (See page 12 for Table of Contents for your respective area of expertise), and I've created a basic location map for reference. Let me know if you need more information, questions or concerns, and I'll forward them on to the applicants. The application seems to be in order compared to past submissions that were approved, but the criteria isn't land use specific, so you folks are likely to see something I'm not aware of. I appreciate your assistance.

Affected Parcels
4S 13E 10 800
4S 13E 0 2200 (Sections 15 & 16)
4S 13E 10 401
4S 13E 15 100



[Quoted text hidden]

APP_921-21-000194-PLNG_JUSTESEN-SOAK.pdf
4409K

Fri, Mar 18, 2022 at 9:00 AM

Jesus Elias <jesuse@ncphd.org>
To: Daniel Dougherty <daniield@co.wasco.or.us>
Cc: Nicole Bailey <nicoleba@ncphd.org>, Eric Grendel <ericg@ncphd.org>, Paula Grendel <paulag@ncphd.org>

Good morning Daniel,

Thank you for providing all the information for the proposed SOAK Outdoor Mass Gathering that is proposed for May, 2022. I have cc'ed our Environmental Health Specialists Eric and Paula Grendel.

Eric and Paula after reviewing the information below please let Daniel know if you see anything that raises concerns.

Thank you,

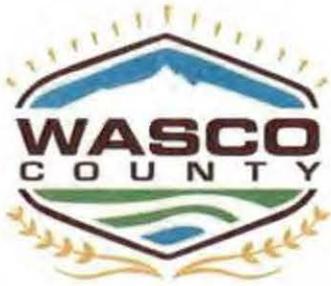
Jessie Elias
Environmental Health Program Technician
North Central Public Health District
[419 E 7th St, The Dalles OR 97058.](#)

EH Phone: 541-506-2603
Fax: 541-506-2601

www.ncphd.org
[facebook](#) | www.jumpinthegorge.org

[Quoted text hidden]

 **APP_921-21-000194-PLNG_JUSTESEN-SOAK.pdf**
4409K



PLANNING DEPARTMENT

2705 East Second Street • The Dalles, OR 97058
p: [541] 506-2560 • f: [541] 506-2561 • www.co.wasco.or.us

Pioneering pathways to prosperity.

FILE NUMBER: PLAOMG- 921-21-000194

FEE: \$ 2,500.⁰⁰

OUTDOOR MASS GATHERING

Date Received: _____ Planner Initials: _____ Date Complete: _____ Planner Initials: _____

APPLICANT/ORGANIZER CONTACT:

Name: Molly Harpel Name of Organization: Precipitation Northwest

Mailing Address: 866 N Columbia Blvd. B-106

City: Portland State: OR Zip: 97217

Email: molly@precipitationnw.org Phone: (512) 773-6567

PROPERTY INFORMATION:

| Township Range Section Tax Lot(s) | Tax ID | Acres | Owner |
|---|--------|-------|-------|
| Please see narrative for property information | | | |
| | | | |

Property Address/Location: 89720 Davidson Grade Rd, Tygh Valley, OR 97063

DESCRIPTION OF THE EVENT: (Indicate what will happen and when; attach additional sheets if necessary)

Please see Outdoor Mass Gathering Permit Narrative for full detail

Additional pages/maps/pictures attached

EVENT DETAILS: 1900 Dates and Times of Event: _____

Estimated Attendance: _____

May 26-30th, 2022

First Day of Set-Up: May 24th, 2022 Last Day of Tear-Down: May 31st, 2022

On-Site Contact: Jeannie Rodriguez 24 HR Phone #: 503-473-1630

Will sound amplification be used? YES NO If YES, explain:

Some attendees play music, but the event is not a music festival

Will alcohol be available during the event? YES NO If YES, explain (attach OLCC Permit):

Outdoor Mass Gathering Application

Page 1 of 3

SITE PLAN

A general site plan is required and MUST show the types, numbers and locations of the following:

- Existing Structures
- Water Supply
- Food Prep & Service Facilities
- Camping Areas
- Proposed Temporary Structures
- Toilets & Washing Facilities
- Parking, Ingress & Egress Surface
- First Aid/Medical Standby
- Streams/Bodies of Water
- Solid Waste Collection
- Surrounding Vegetation
- Other: _____

THE APPLICANT/PROPERTY OWNER SHALL CERTIFY THAT:

1. If the application is granted, Applicant will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
2. Applicant will comply with all health and safety rules governing outdoor mass gatherings as adopted by the Oregon Department of Human Services and implemented through Wasco County's Land Use and Development Ordinance (LUDO) and other applicable regulations.
3. Applicant declares under penalties of false swearing (ORS 162.075 and 162.085) that all the above information and statements, site plan, attachments and exhibits transmitted herewith are true; and the applicants so acknowledge that any permit issued on the basis of this application may be revoked if it is found that any such statements are false.
4. Applicant and Property Owner hereby grant permission for and consent to Wasco County, its officers, agents and employees, as well as public health and fire control officers to come upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application and/or monitoring the terms and conditions of the permit issued and any other applicable laws or ordinances.
5. Applicant and Property Owner have read the entire contents of the application, including the procedures and criteria, and understand the requirements for approving or denying the application.

SIGNATURE OF APPLICANT AND EACH OWNER OF THE SUBJECT PROPERTY

12/6/2021

Applicant/Organizer Signature: _____

Date: _____

Printed Name: Molly Harpel

Organization: Precipitation Northwest

Owner Signature: _____

12/9/2021

Date: _____

Printed Name: _____

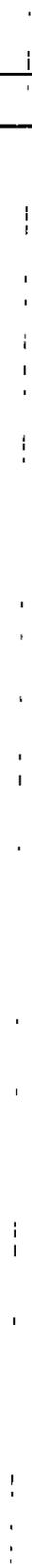
Fred Justesen

Owner Signature: _____ Date: _____

Printed Name: _____

Owner Signature: _____ Date: _____

Printed Name: _____



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

Still subject to previous conditions? NO YES

Zoning: _____

Environmental Protection Districts – List applicable EPDs:

- EPD # _____
- EPD # _____
- EPD # _____
- EPD # _____

Water Resources

Are there bodies of water on property or adjacent properties? NO YES

List: _____

- Fish bearing (100 ft buffer) Non fish bearing (50 ft) Not identified (25 ft)
- Irrigation ditch (50 ft buffer)

Access:

Property has a legal access from: _____

County or ODOT approach permit is required? NO YES

Address:

Address exists and has been verified to be correct? NO YES

Address needs to be assigned after approval? NO YES

~~Pre Application Conference Date & Time: _____~~

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, that JORNIE L. JUSTESSEN, hereinafter called the grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto FRED A. JUSTESSEN, hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, situated in the County of Wasco and State of Oregon, described as follows, to wit:

An undivided one-half interest in and to that certain real property described in Exhibit A attached hereto and made a part hereof as if fully set out herein.

SUBJECT TO AND EXCEPTING:

1. The rights of the public in and to the portions thereof included within the boundaries of roads and highways.
2. The usual reservations as contained in patents issued by the United States of America.
3. Public utility easements including, but not limited to:
 - (a) Easement and right-of-way as granted to Pacific Power and Light Company by deed recorded in Deed Book 87, Page 349, which affects the South Half of the southwest quarter of the Northeast quarter of Section 10. (Affects Parcel I)
 - (b) Telephone Line Right-of-Way Easement, Mountain Fir Lumber Co., Inc. to Telephone Utilities, Inc., recorded December 12, 1985, Wasco County, Oregon, Micro Film No. 85-2819. (Affects Parcels III & IV)
 - (c) Telephone Line Right-of-Way Easement, Mountain Fir Lumber Co., Inc. to Telephone Utilities of Eastern Oregon, Inc., recorded August 3, 1988, Wasco County, Oregon, Micro Film No. 88-2247. (Affects Parcels II, IV & V)
 - (d) Telephone Cable Right-of-Way Easement, Mountain Fir Lumber Co., Inc. to Deschutes Telephone Company, recorded April 26, 1973, Wasco County, Oregon, Micro Film No. 73-0893. (Affects Parcel IV)
 - (e) Telephone Line Right-of-Way Easement, Mountain Fir Lumber Co. Tygh Valley Division to Deschutes Telephone Co., recorded July 30, 1991, Wasco County, Oregon, Micro Film No. 91-2539. (Affects Parcel IV)
4. As disclosed by the tax roll, portions of the real property described in Exhibit A have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.

To Have and to hold the same unto the said grantee and grantee's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$93,750.00.

IN WITNESS WHEREOF, the grantor has executed this instrument this 20 day of November, 1991.

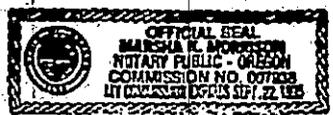
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LANS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEW TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPLICABLE USES.

[Signature]
Jornie L. Justesen

STATE OF OREGON
County of Wasco
November 20, 1991

Personally appeared the above named Jornie L. Justesen and acknowledged the foregoing instrument to be his voluntary act and deed.

[Signature]
Notary Public for Oregon
My Commission Expires 9-22-95



After recording return to:
DICK & DICK
601 Washington St
The Dalles, OR 97028

until a change is requested all tax statements shall be sent to the following address:

Fred A. Justesen
Grass Valley, OR 97029

314084 (4)

914084
Microfilm No. _____
FILED WASCO CTY.
THE DALLES, OR.
Nov 27 2 10 PM '91
K.A.H.
COUNTY CLERK
STATE OF OREGON
County of Wasco
I certify that this document was received and recorded in the _____ DEED _____ records.
Karlo H. LeBrien, County Clerk
by _____ Deputy
Return to _____
INDEXED

COMPARED

EXHIBIT A

PARCEL I - CODY PROPERTY

Tract II, Wasco County Partition Plat
Filed by Mountain Fir Lumber Co., Inc.
Recorded as File No. 91-0010, July 17, 1991
More Particularly Described as:

A tract of land in the North one-half of Section 10, Township 4 South, Range 13 East, Willamette Meridian, Wasco County, Oregon, being more particularly described as follows:

Commencing at the southwesterly corner of the Plat of Juniper Addition in Wasco County, Oregon, said point being 30 feet easterly when measured at right angles from the centerline of the Old Dalles-California Highway No. 197, now Wasco County Road No. 247, also known as Tygh Valley Road; thence North 32°52'13" East along the southerly line of said Plat of Juniper Addition 1.59 feet to a point being on the East side right-of-way of said Wasco County Road No. 247 on the tapered widening section of said road as deeded to Wasco County by instrument recorded Microfilm No. 78-0652, Microfilm Records for Wasco County, Oregon, said point further being 1,774.42 feet East and 169.56 feet South of the Northwest corner of said Section 10; thence along the line of the widened right-of-way of said County Road, South 48°22'08" East 84.98 feet to a point 40.00 feet easterly when measured at right angles from Engineer's Centerline Station as referred to in said conveying deed of widening of 38+50; thence continuing along said right-of-way 40.00 feet easterly of, when measured at right angles from and parallel with the centerline of said highway, South 42°39'30" East 346.08 feet to a 5/8" iron rod and true point of beginning of this description, said point being 2,072.46 feet East and 480.53 feet South of the Northwest corner of said Section 10; thence leaving said right-of-way North 44°46'14" East 746 feet, more or less, to the centerline of Tygh Creek; thence southeasterly and downstream along the centerline of Tygh Creek to its intersection with the East line of said Section 10; thence South along the East line of said Section 10 a distance of 800 feet, more or less, to the East one-quarter corner of said Section 10; thence westerly along said East-West centerline 2,280 feet, more or less, to an intersection with the easterly right-of-way line of said Old Dalles-California Highway No. 197, now Wasco County Road No. 247, said point being South 89°54' East 300 feet, more or less, from the Center one-quarter corner of said Section 10; thence northerly along the easterly right-of-way line of said highway and county road 2,575 feet, more or less, to the point of beginning of this description.

TOGETHER WITH the Right of Way Easement granted by Wasco County to Mountain Fir Lumber Co., Inc. dated February 13, 1974 and recorded July 17, 1991 as Micro Film No. 91-2384, Wasco County Records.

EXCEPTING therefrom the following described nonexclusive perpetual road easement which is reserved to the Grantor, its successors and assigns, which easement shall be appurtenant to Tract I, Wasco County Partition Plat, filed by Mountain Fir Lumber Co., Inc., recorded as File No. 91-0010, July 17, 1991, Wasco County Records:

A strip of land 30 feet wide lying 15 feet on either side of the following described centerline:

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Beginning at a point 2,072.46 feet East and 480.53 feet South of the Northwest corner of Section 10, Township 4 South, Range 13 East, Willamette Meridian, Wasco County, Oregon, thence North 44°46'14" East 12.64 feet to the true point of beginning of the centerline of this road easement; thence South 41°07'36" East 1,105.52 feet to a point; thence South 22°40'38" East 38.54 feet to the Easterly right-of-way line of the Old The Dalles-California Highway No. 197, now Wasco County Road No. 247, also known as Tygh Valley Road, and the termination of this road easement, EXCEPT any portion of the above-described road easement lying within the Old The Dalles-California Highway No. 197.

ALSO EXCEPTING therefrom that part conveyed to Wasco County by instrument recorded March 1, 1978 as Micro Film No. 78-0652, Wasco County Records.

ALSO EXCEPTING therefrom any part thereof lying Southerly of the most Northerly bank of the White River.

SUBJECT TO the rights of the Public in the roadway along the South boundary of the above described property.

PARCEL II - "FIVE ACRES SOUTH OF WHITE RIVER"

Beginning 802 feet North of the one-sixteenth section corner on the South boundary of the Southwest quarter of Section 10, in Township 4 South, Range 13 East of the Willamette Meridian. Running thence South 89° East a distance of 233 feet; thence South 60° East 449 feet; thence North 72° East 168 feet; thence North 31° East 100 feet, more or less, to the center of the channel of White River, thence following center of said channel, Northwesterly and upstream 968 feet to a point due North of the point of beginning; thence South 405 feet, more or less, to the point of beginning.

PARCEL III - "DUPLEX ACROSS WHITE RIVER"

Beginning at a point 22.14 chains North of the Southeast 1/16 corner of the West half of the Southeast quarter of Section 10, Township 4 South, Range 13 East of the Willamette Meridian; thence North 10.73 chains to center of White River; thence South 48° West 11.605 chains up White River; thence South 5° East 3.695 chains to center of road; thence North 85°11' East 8.345 chains to place of beginning, all in Section 10, Township 4 South, Range 13 East of the Willamette Meridian, SAVE AND EXCEPT that certain tract of land conveyed by Edwin S. Baxter and wife to Donald G. Iverson and wife, recorded in Book 113, Page 595, Deed Records of Wasco County, Oregon, as follows: Beginning at a point 1720 feet North of the Southeast 1/16 corner of the West half of the Southeast quarter of Section 10, Township 4 South, Range 13 East of the Willamette Meridian, said point being on the Northerly right-of-way line of The Dalles-California Highway; running thence North 450 feet to the center line of White River; thence South 48° West upstream along White River 500 feet to State Highway Bridge; thence Southeasterly along Northerly right of way line of The Dalles-California Highway 410 feet to point of beginning.

EXCEPTING Beginning at a point located North a distance of 1562.7 feet and East a distance of 15 feet, more or less, from the Southeast 1/16 section corner of the West half of the Southeast quarter of Section 10, Township 4 South, Range 13 East of the Willamette Meridian, in Wasco County, Oregon, which place of beginning is the Southeast corner of an existing fence on the Easterly and Southerly boundary of the property herein described; thence running West 111 feet, more or less, to the Easterly boundary of the Davidson Grade County Road No. 216, thence

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Northerly along said boundary to the Southerly boundary of the Old The Dalles-California Highway, thence Northeasterly along the Southerly boundary of the Old The Dalles-California Highway 106.2 feet, more or less, to a point 3.1 feet North of the existing fence line, as extended, along the Easterly side of the property herein described, thence South following the existing fence line 70.6 feet, more or less, to the Southeast corner of the existing fence line on the Easterly and Southerly boundary of the property herein described and the point of beginning.

ALSO EXCEPTING, beginning at a point 22.14 chains (1,461.24 feet) North of the Southeast 1/16 corner of the West half of the Southeast quarter of Section 10, Township 4 South, Range 13 East of the Willamette Meridian; thence running North 117 1/2 feet; thence West 91 feet; thence South 122 1/2 feet; thence East 96 feet to the place of beginning, subject to an easement to the Pacific Power and Light Co.

ALSO EXCEPTING that property described in Bargain and Sale Deed, Mountain Fir Lumber Company to Wasco County, recorded November 22, 1982, Micro Film No. 82-2458.

PARCEL IV - "MAYFIELD PROPERTY"

The Northeast quarter of the northwest quarter of Section 15, Township 4 South, Range 13 East of the Willamette Meridian;

ALSO, beginning at the Southwest corner of the Southeast quarter of the Southwest quarter of Section 10, Township 4 South, Range 13 East of the Willamette Meridian and running thence North along the West line of said subdivision a distance of 594 feet; thence South 57°18' East 93 feet; thence South 80°20' East 143 feet; thence South 87°31' East 231 feet; thence North 76°00' East 166 feet; thence North 72°00' East 168 feet; thence North 31°00' East 100 feet, to the center of the channel of White River; thence Northeasterly and downstream along said channel, 1596 feet; thence leaving said channel and running South 05°00' East 243.87 feet to the center of the County Road; thence North 85°11' East 452.1 feet; thence South 02°46' West 215.7 feet; thence East 107.25 feet to the East line of the Southwest quarter of the Southeast quarter of said Section 10; thence South 00°11' West 1237.5 feet to the Southeast corner of said Southwest quarter of Southeast quarter; thence South 89°58' West along the South lines of the Southwest quarter of the Southeast quarter and the Southeast quarter of the Southwest quarter of said Section 10, 2654 feet to the point of beginning.

EXCEPT the following described parcel which is reserved to the Grantor, its successors and assigns:

A tract of land in the Southwest one-quarter of Section 10 and the North one-half of the Northwest one-quarter of Section 15, Township 4 South, Range 13 East, Willamette Meridian, Wasco County, Oregon, being more particularly described as follows:

Beginning at the Southwest corner of the Southeast one-quarter of the Southwest one-quarter of said Section 10; thence North 00°09'45" West at right angles to the South line of said Section 10 a distance of 45.77 feet; thence North 89°50'15" East parallel with and 45.77 feet North of the South line of said Section 10 a distance of 1,108.90 feet; thence at right angles South 00°09'45" East 737.42 feet; thence at right angles parallel with the North line of said Section 15, South 89°50'15" West 1,108.90 feet; thence at right angles North 00°09'45" West 691.65 feet to the true point of beginning of this description.

EXHIBIT A

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FURTHER EXCEPTING the following described perpetual road easement which is reserved to the Grantor, its successors and assigns, which shall be appurtenant to the above described excepted parcel:

A strip of land 30 feet wide lying 15 feet on either side of the following described centerline:

Beginning at a point on the East line of the above described tract, said point being North 00°09'45" West 225.45 feet from the Southeast corner of said tract, said point further being 212.77 feet South 89°50'15" West and thence 466.20 feet South 00°09'45" East of the North one-quarter corner of said Section 15; thence North 69°53'19" East 158.73 feet; thence North 77°08'43" East 106.80 feet; thence North 66°38'12" East 146.06 feet; thence South 88°40'01" East 73.51 feet; thence North 87°42'14" East 29.70 feet; thence North 47°12'53" East 28.18 feet; thence North 19°04'28" East 22.95 feet; thence North 00°51'19" West 28.80 feet; thence North 02°54'28" West 30.95 feet; thence North 07°01'38" West 125.55 feet; thence North 07°50'57" West 109.32 feet; thence North 09°11'50" East 106.92 feet; thence North 26°58'19" East 56.66 feet; thence North 33°41'43" East 89.60 feet; thence North 37°40'22" East 194.39 feet to the terminus of said centerline, said point being the northerly vacated terminus of Davidson Grade, Wasco County Road No. 216; as said road was vacated by Order of Wasco County Court dated September 25, 1974, said point of terminus further being described as being 386.86 feet North and 486.16 feet East of the North one-quarter corner of Section 15, Township 4 South, Range 13 East, Willamette Meridian, and at the point of intersection to a private road leading to the Glenn and Arlene Full residence.

The foregoing road easement reserved to Grantor, its successors and assigns, shall be nonexclusive and may be used by the Grantees, their heirs and assigns, for access to this Parcel IV, provided, however, Grantor, its successors and assigns, reserve the right to maintain a locked gate to control access to this road easement.

PARCEL V - "CARPENTER COURT"

Beginning 594 feet North of the 1/16 Section corner on the South boundary of the Southwest quarter of Section 10, Township 4 South, Range 13, East of the Willamette Meridian; running thence South 57°18' East a distance of 93 feet; thence South 80°20' East 143 feet; thence South 87°31' East 231 feet; thence North 76° East 166 feet; to a Pine tree, 14 inches in diameter; thence North 60° West 436 feet; thence North 89° West 233 feet to the West line of the Southeast quarter of the Southwest quarter of Section 10; thence South 178 feet to the point of beginning, containing 3.55 acres more or less. SAVE AND EXCEPT the parcel heretofore conveyed to Carl H. Miller and Ellerraine Miller, his wife, as shown by deed recorded, Micro Film No. 66-0545, Wasco County, Oregon, Merch 15, 1966.

ALSO an easement 30 feet wide for a roadway; beginning at the Northwest corner of the above described tract and following the Northerly boundary of said tract to the Northeast corner thereof; and thence Easterly along the present used roadway to the County Road. This roadway to be used in common with others.

PARCEL VI - "GLENN T. FULL PROPERTY"

Northwest quarter of Northeast quarter of Section 15, Township 4 South, Range 13 East of the Willamette Meridian, in the County of

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EXHIBIT A

Wasco and State of Oregon; Also including vacated Davidson County Road, which was vacated by Order of the Wasco County Court dated September 25, 1974.

PARCEL VII - "PORTION OF MEYERS PROPERTY"

Beginning at a point 1,320.00 feet (80 rods) West and 1,237.50 feet (75 rods) North of the Section corner between Sections 10, 11, 14 and 15 in Township 4 South, Range 13 East of the Willamette Meridian; thence North 94.20 feet to a point; thence North 30°40'22" West 165.92 feet to a point; thence South 229.00 feet to a point; thence East 107.25 feet to the place of beginning; all in Wasco County, Oregon.

PARCEL VIII - "PECK PROPERTY"

The following described real property in Wasco County, Oregon:

The Southwest quarter of the Northeast quarter of Section 16, Township 4 South, Range 13 East of the Willamette Meridian, EXCEPT that portion lying South of the rimrock.

ALSO, the Southwest quarter of the Southwest quarter of Section 10; the Northwest quarter of the Northwest quarter of Section 15 lying North of the rimrock; the Northeast quarter of the Northeast quarter of Section 16 lying West of the rimrock, all in Township 4 South, Range 13 East of the Willamette Meridian, EXCEPTING THEREFROM that portion described in Deed, Paul Peck, et ux to Maria Peck, recorded December 1, 1969, Micro Film No. 69-2092, Wasco County, Oregon, TOGETHER WITH an easement thirty feet wide for a roadway beginning at the Southwest corner of that certain tract of land conveyed by Edwin B. Mayfield and wife to Neal W. Baker as recorded in Volume 113, Page 419, Deed Records of Wasco County, Oregon, and following the Southerly boundary line thereof to the Southeast corner thereof, and thence along the present used roadway Easterly to the County Road.

CERTIFICATES OF WATER RIGHT

TOGETHER WITH all of Grantor's right, title and interest in the following Certificates of Water Right relating to Parcels I, II, III, IV, V, VI and VIII. Grantor does not warrant the validity of these certificates of water right:

| DATED | RECORDED IN STATE RECORD OF WATER RIGHT CERTIFICATES | |
|--|--|-------|
| | VOLUME | PAGE |
| 1. April 30, 1979 Appurtenant to Parcel I. | 41 | 47965 |
| 2. April 30, 1979 Appurtenant to Parcel I | 41 | 47968 |
| 3. November 14, 1958 Appurtenant to Parcels II, III, IV & V | 17 | 24462 |
| 4. January 9, 1926 Appurtenant to Parcel VI. | 6 | 5768 |
| 5. January 6, 1960 Appurtenant to Parcel VIII | 18 | 26405 |
| 6. October 17, 1960 Appurtenant to Parcels II, III, IV, V, VII and other property. | 20 | 27866 |

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EXHIBIT A

SOAK*2022 Outdoor Mass Gathering Permit Narrative

DATES: May 26 - May 30, 2022

LOCATION: Justesen Ranch, 89720 Davidson Grade Rd, Tygh Valley

| | |
|--|------------------|
| Water Supply (OAR 333-039-0015) | 2 |
| Drainage (OAR 333-039-0020) | 3 |
| Sewerage Facilities (OAR 333-039-0025) | 3 |
| Refuse Storage & Disposal (OAR 333-039-0030) | 4 |
| Food & Sanitary Food Service (OAR 333-039-0035) | 5 |
| Emergency Medical Facilities (OAR 333-039-0040) | 5 |
| Fire Protection and Prevention (OAR 333-039-0045) | 6 |
| Security Personnel (OAR 333-039-0050) | 8 |
| Attachment A: Bishop Services Letter of Intent | 12 |
| Attachment B: Gem Ice Letter of Intent | 13 |
| Attachment C: Adventure Medics Letter of Intent | 14 |
| Attachment D: Life Flight Network Letter of Intent | 15 |
| Attachment E: Vanguard Security Letter of Intent | 17 |
| <u>Attachment F: SOAK*2022 Site Plan</u> | <u>18</u> |
| <u>Attachment G: SOAK*2022 Evacuation Map</u> | <u>19</u> |
| <u>Attachment H: SOAK*2022 Traffic Control Plan</u> | <u>20</u> |
| <u>Attachment I: Affected Tax Lots</u> | <u>21</u> |

| | |
|--|-----------|
| Water Supply (OAR 333-039-0015) | 2 |
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| Sewerage Facilities (OAR 333-039-0025) | 4 |
| Refuse Storage & Disposal (OAR 333-039-0030) | 5 |
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| Attachment A: Bishop Services Letter of Intent | 11 |
| Attachment B: Arctic Glacier Letter of Intent | 13 |
| Attachment C: Adventure Medics Letter of Intent | 14 |
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| Attachment F: SOAK*2022 Site Plan | 18 |
| Attachment G: SOAK*2022 Evacuation Map | 19 |
| Attachment H: SOAK*2022 Traffic Control Plan | 20 |
| Attachment I: Affected Tax Lots | 21 |

Precipitation Northwest (SOAK) provides the following information to demonstrate that SOAK will satisfy all applicable health and safety regulations governing outdoor mass gatherings (OMG).

Water Supply (OAR 333-039-0015)

(1) Required Amounts:

- (a) A minimum of 12 gallons per person per day shall be available for the festival.**

The requested 2022 maximum capacity is 1,900 people in total, over the course of the event. SOAK has contracted with Tygh Valley Water to provide access as needed to 200,000+ gallons stored approximately 1 mile from the event site. SOAK has also contracted with Bishop Sanitation to provide ~15 20-gallon hand washing stations to be serviced daily, stationed at each portable toilet bank, the medical station, and the ice vending station, for an additional ~300 gallons onsite. **See Attachment A, Bishop Services Letter of Intent.**

In addition, SOAK requires that each participant bring enough water for the duration of the event (i.e. 2 gallons per person per day) to meet the requirements, as stated in the Burning Man 10 Principles: (<http://burningman.org/culture/philosophical-center/10-principles/>)

Staff and participants used 0 gallons of the contracted water supply in 2015, 2016, 2017, 2018 and 2019. (*NA 2020 & 2021)

(b) Storage facilities equal to one day's total water usage shall be provided, unless a greater or lesser amount, with a minimum of five gallons per person per day, is determined by Wasco County as sufficient or necessary.

The County has previously found that the storage and access plan described in section OAR 330-339-0015(1)(a) could satisfy this rule.

(c) A Wasco County approved well or water system may be used as a source of water, or in addition to Wasco County approved outside source.

Tygh Valley Water is a County-approved water source and will provide the festival with water required under this rule.

(d) An amount of water equal to one day's total usage requirements shall be kept in reserve at all times.

The County has previously found that OAR 330-339-0015(1)(b) and (1)(d) work together to ensure that adequate water is available for the festival. The County has found that "in reserve at all times" means 'readily available for use' but does not require that the water be stored onsite. Because Tygh Valley Water can provide 200,000+ gallons on an on-call basis, the County may find that this rule is satisfied.

Subpart (2) Bacteriological and Chemical Requirements.

This subsection of the rule requires that all drinking water be subject to testing and meet certain substance concentrations. SOAK, working with Tygh Valley Water District, will ensure that the Drinking Water Hauling Guidelines designated by Oregon Health Services are followed.

Subpart (3) Construction, Maintenance, and Design.

This subsection of the rule requires that the water supply system be constructed in a certain manner and with certain materials. Because SOAK does not utilize a water distribution system, the County may find that this rule does not apply.

Drainage (OAR 333-039-0020)

Justesen Ranch has previously been inspected by North Central Public Health District (NCPHD) and deemed to have proper and adequate drainage. It has also been found that Justesen

Ranch has proper and adequate erosion control on site, including but not limited to protection from automotive and pedestrian traffic. Furthermore, Justesen Ranch has implemented and continues to implement best practices from its Agricultural and Recreation Management Plan.

Participants are prohibited from dumping materials including gray water, waste, or human waste onto the property surface or into the White River. If participants are found violating this rule, they will be ejected from the event. Participants must remove all waste, including gray water, when they exit the event. SOAK is a Leave No Trace event, as described in the Burning Man 10 Principles:

http://www.burningman.com/whatisburningman/about_burningman/principles.html

Sewerage Facilities (OAR 333-039-0025)

The only sections of this rule that apply to the Festival are subparts (3) and (4). SOAK is contracted with Bishop Sanitation for onsite sanitary facilities (e.g., portable toilets and handwashing stations); therefore, 333-039-0025(1) and (2) do not apply.

(3) Number and Location of Toilets and Privies

SOAK does not separately designate camping areas and planned activity areas; toilet placement will be in accordance with anticipated crowd concentration in each area of the site. Based on a 1,900-person maximum capacity, SOAK will provide approximately one toilet per 50 people with 1 hand-washing station at each toilet bank, which exceeds the 7 toilets per 800 people (or one toilet per 114 people) required by code Subpart B, Section (a). 45 or more portable toilets with hand sanitizer in each unit will be set up in banks, and at least 1 portable 20-gallon hand-washing station will be provided per bank. An appropriate amount of units will be ADA-compliant, including one toilet stationed next to the Medical tent. Each portable toilet and handwashing station will be pumped at least once per day.

SOAK does not provide greywater disposal services to participants. Participants must remove all waste, including gray water, when they exit the event. SOAK is a Leave No Trace event, as described in the Burning Man 10 Principles:

http://www.burningman.com/whatisburningman/about_burningman/principles.html

For these reasons, the County may find that Precipitation Northwest will meet the applicable requirements in OAR 330-039-0025.

(4) Liquid Wastes not Containing Human Excreta:

Food and liquor vendors are not allowed at the event, and SOAK does not provide shower facilities. SOAK does not provide greywater disposal services to participants. Participants must remove all waste, including gray water, when they exit the event.

Refuse Storage & Disposal (OAR 333-039-0030)

This rule imposes 3 requirements for storing and disposing of refuse and solid waste:

(1) All refuse and solid waste shall be stored in fly-tight containers constructed of impervious material.

(2) Containers for refuse and solid waste storage shall be provided at a minimum ratio of one 30 gallon container for each 16 persons or fraction thereof anticipated or one cubic yard of container capacity for each 125 persons or fraction thereof anticipated.

(3) All refuse and solid waste shall be removed from storage containers at least once every 24 hours and transported and disposed of in a manner which is authorized and complies with state and local laws, ordinances and regulations.

In its 15-year history SOAK has never offered public refuse collection services. Although we operated with a 30-yard dumpster in 2015 and a 10-yard dumpster in 2016 and 2017, neither was publicly offered and neither was used. In 2018, we were granted permission to not provide a dumpster. SOAK is a Leave No Trace event, as described in the Burning Man 10 Principles, and each participant is responsible for packing out what they pack in:

http://www.burningman.com/whatisburningman/about_burningman/principles.html

Event staff performs a sweep of the property before the event, bagging and removing existing debris in order to fulfill its role as stewards of the Justesen property. We will be repeating our pre-event site sweep for the 2022 event.

All participants are required to collect all of their own refuse in fly-tight containers made of impervious material. They are also required to perform a detailed search of their camp and surrounding areas for debris, referred to as "Matter Out of Place" (MOOP). Education about these participant responsibilities is performed before the event via the SOAK Survival Guide, SOAK website and SOAK Facebook event page, and during the event via face-to-face discussion with event staff and volunteers. Because the principle of Leave No Trace is highly valued, event attendees not only look after their own camps, but typically don't hesitate to educate other attendees as needed.

After the event is over, our all-volunteer Leave No Trace team of approximately 40 volunteers performs a line sweep of every accessible area of the event space. The team collects debris left behind by participants. Everything collected is bagged, sorted, and either disposed of or recycled in Portland, OR.

In the words of the landowners in 2015 and again in 2017, SOAK 'left the property cleaner than [we] found it'.

The dumpster contracted for SOAK*2015 did not require servicing and was entirely empty at pickup. The dumpster borrowed from Fred Justesen for SOAK*2016 and SOAK*2017 was not used by staff or participants.

Given the nature of the SOAK festival, its ongoing efforts to inform and educate participants, and demonstration of its adherence to Burning Man's Leave No Trace principle, we ask that the county find that requirement (1) is satisfied, and that requirements (2) and (3) be waived for SOAK*2022.

Food & Sanitary Food Service (OAR 333-039-0035)

Precipitation Northwest will resell packaged ice for food and medical safety purposes at this event; vending of any other type is prohibited. Ice will be pre-packaged and delivered to the site and stored in a refrigerated trailer provided by Gem Ice of The Dalles, OR. **See Attachment B, Gem Ice Letter of Intent.**

Emergency Medical Facilities (OAR 333-039-0040)

SOAK has again contracted with Adventure Medics for medical/crisis coverage during the event. These services will be available via a centrally located and clearly marked medical tent provided by Adventure Medics. Adventure Medics staff will be on duty at all times during the event, augmented by volunteer medical staff whose primary purpose is to roam the event site to provide proactive response to real or impending medical issues. SOAK's contract with Adventure Medics will satisfy all of the requirements set forth in OAR 330-039-0040(1)-(5). **See Attachment C, Adventure Medics Letter of Intent, which provides additional detail.**

Section (6) Communication, either telephone or radio-telephone, shall be provided to summon aid or notify the nearest hospital, law enforcement, or fire protection agency, as required.

SOAK utilizes UHF radios for onsite communications, and has telephone access, VOIP access, and access to Oregon Amateur Radio Output (Ham Radio).

Section (7) Ambulances shall be provided at the outdoor mass gathering for emergency evacuation of sick and injured persons at a ratio of one ambulance for each 10,000 persons anticipated or fraction thereof.

Adventure Medics and SOAK will coordinate with Life Flight Network to provide air ambulance services. We will be using the same Landing Zone (LZ) as last year, located at the Tygh Valley Community Center at 57594 Tygh Valley Rd, 97063. The coordinates will be provided to Life Flight in advance of the event. **See Attachment D, Life Flight Network Letter of Intent.**

Basic life support transport services will be provided by local ambulance service providers. Local 911 emergency responders involved in this plan include but are not limited to:

- South Wasco County Ambulance
- Tygh Valley Fire
- Wamic Fire
- Maupin Ambulance

- Dufur Ambulance
- Dufur Fire

Fire Protection and Prevention (OAR 333-039-0045)

(1) Each camping space shall be a minimum of 1,000 square feet or large enough to accommodate a parked camping vehicle, tent vehicle or tent, as the case may be, and to maintain at least 15 feet separation from any other camping vehicle, tent vehicle or tent, building, structure, or property line.

The authorities having jurisdiction are Tygh Valley VFD (north end) and Juniper Flats VFD (south end). SOAK will work with these districts to determine safe roadway access and fire prevention plans, including during scheduled ceremonial burns.

The event will not exceed the requested capacity of 1,900 participants and will allocate camping space to registered campers. Camp space is allocated depending on the number of planned participants and layout design of their camps. Given that many SOAK attendees camp in small groups with shared infrastructure, SOAK demonstrates compliance with subpart (1) using the 1,000 square feet per camping space requirement:

Total Space Calculations:

Total area suitable for camping = 43.3 acres (1,886,148 ft²)

Maximum attendance = 1900

Minimum space per person = 992 ft² (allowing for 1984 two-person camps)

SOAK disallows “car camping”, which is defined as sleeping in a vehicle not designed for camping. Passenger vehicles not explicitly approved for festival access will be parked in a separate parking area, adjacent to the festival Gate.

(2) The organizer shall secure a written statement from the local fire protection agency having jurisdiction that fire protection complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and location of the outdoor mass gathering.

The authorities having jurisdiction are Tygh Valley VFD. SOAK will work in conjunction with TWVFD to determine safe roadway access and fire prevention plans, including during scheduled ceremonial burns.

In addition to the requirements outlined in Sections (1) and (2), SOAK utilizes the following tools to prevent or maintain small unplanned fire incidents, if they occur:

- 1 dedicated vehicle with 3 2.5-gallon pressurized water extinguishers and a 10-lb (UL 4A-80B:C) dry chemical extinguisher on board
- 1 water truck (2000+ gal., 100+ psi, 125+ gpm)

- At least 15 5-lb Class ABC fire extinguishers placed throughout the event for use by participants or safety personnel.

SOAK provides a Volunteer Fire Safety Team that has been trained to use all onsite equipment. The fire safety team is present for and oversees all scheduled burns, and is on 24/7 standby for incidents.

In 15 years, SOAK has had zero incidents related to the scheduled burns.

The Justesen Ranch offers three fully irrigated fields. The largest of these fields is where SOAK stages its scheduled burns. The field is located just south of Davidson Grade Road and is accessible by vehicle, including Emergency and Fire Equipment. This field offers the furthest travel distance from any dry crop fields, and is the area with the fewest amount of trees on the property. SOAK utilize the same 'burn scars' year after year to minimize impact to the Justesen Ranch.

In 2018, SOAK increased its fire perimeter personnel and water trailer towing capacity. This capacity will be matched or increased in 2022.

Security Personnel (OAR 333-039-0050)

(1) The organizer shall maintain an accurate count of persons attending the outdoor mass gathering and shall provide adequate security arrangements to limit further admissions to the outdoor mass gathering when the anticipated number of persons have been admitted.

SOAK maintains a staff of internally trained peer-security resources, all of whom are equipped with radios to call for assistance if needed. Peer-security staff work in greater numbers during peak event hours, but have a minimum number on shift at all times:

- Peer (Internal) Event Security, "Rangers": *(8-18 on shift at all times)*. Specialized internal agency trained in conflict resolution, event resource education, law enforcement interactions, and chemically or mentally altered crisis care.
- Peer (Internal) Event Security, "Gate & Parking": *(4-16 on shift at a time)*. Specialized internal agency trained in event admission security, ID checks and wristband application, vehicle inspections (for contraband) and trespassing escalation (to event management, Department of Public Safety Standards & Training (DPSST) Certified Security, and Law Enforcement when needed).
- Peer (Internal) Event Security, "Medical": *(2-4 on shift at a time)*. Volunteer medical staff who patrol the event site to assist contract Medical Services, trained in conflict resolution, and experienced in dealing with people in crisis.

- Peer (Internal) Event Security, "Event Management": (3-4 on shift at all times). Event management staff all have prior experience working with Rangers and/or Gate groups.
- Unarmed DPSST Security Staff (6 on shift at all times). This includes 1 DPSST Security Supervisor who is the primary contact for local law enforcement.

TOTAL CURRENT INTERNAL SECURITY RATIO: between 1:40 and 1:85 at all times

SOAK will have at least one (1) DPSST Certified Security Supervisor on shift at all times, as a point of contact for Law Enforcement, who can be reached 24 hours per day during the entire event. In the event that a Law Enforcement response is needed, SOAK event management and the DPSST Security Supervisor will meet law enforcement at the central Medical / Operations HQ.

SOAK is utilizing the same security plan that was approved in 2019.

See Attachment E: Vanguard Security Letter of Intent

(2) The organizer shall secure a written statement from the chief law enforcement officer of the county in which the outdoor mass gathering is to take place that arrangements for security and the orderly flow of traffic to and from the outdoor mass gathering complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and location of the outdoor mass gathering.

SOAK is utilizing the same traffic management plan that was approved in 2016, 2017, 2018 and 2019.

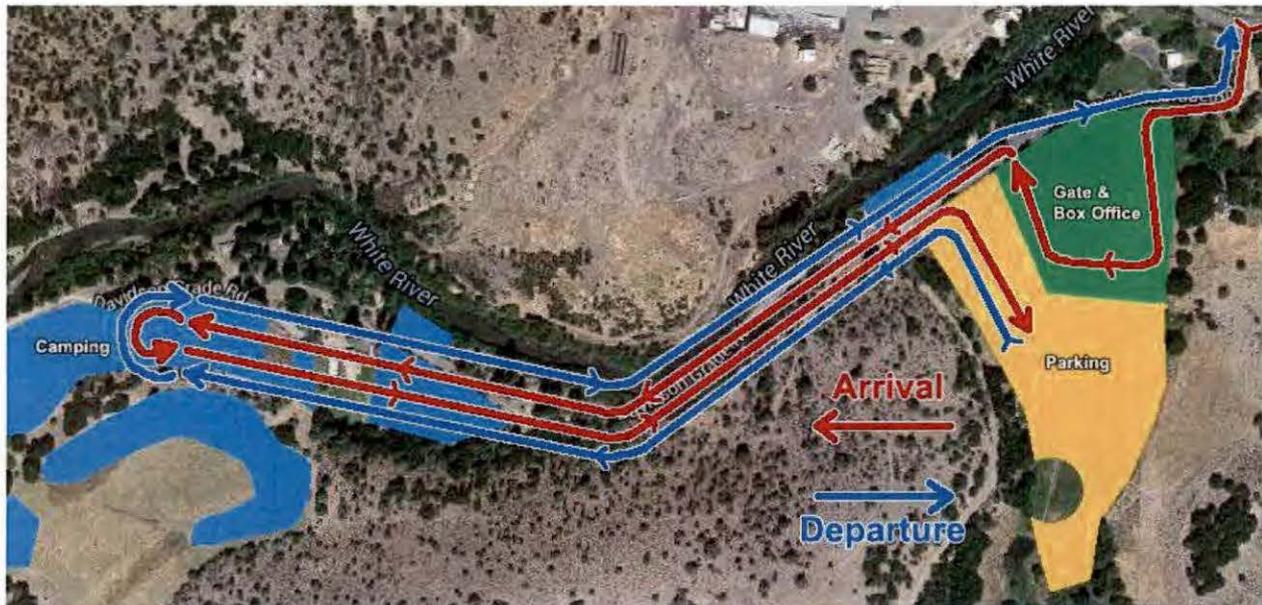
Traffic (OAR 333-039-0055)

This rule requires that SOAK satisfy 6 requirements. There have been no changes to the existing roadways that would prevent SOAK from demonstrating compliance. SOAK will use the same system as in 2015, 2016, 2017, 2018 and 2019:

1. We will encourage traffic to use OR-197 and turn at the southern intersection with Tygh Valley Road to discourage traffic through town and school zones.
2. MUTCD-approved signs placed at the south and north intersections of Tygh Valley Road and OR 197; signs will not impair the vision of drivers on the road.
3. Once on Tygh Valley Road, vehicles turn onto Davidson Grade Road and directed into the staging area on the event site property.
4. The event entrance will be clearly designated and well-lit at night, and will include multiple vehicle staging lanes to ensure no traffic backs up onto Davidson Grade Road or Tygh Valley Road.

In compliance with Sections (1), (2), (3), (4), and (5), SOAK has prepared a Traffic Control Plan demonstrating vehicle ingress and egress before, during and after the event. All roads have been previously graded by the municipality of Tygh Valley, OR and Wasco County, OR:

- US-197, a State of Oregon-maintained highway
- Tygh Valley Road, a Wasco County-maintained roadway
- Davidson Grade Road, a Tygh Valley, OR, maintained roadway for .24 miles, after which is becomes a private road maintained by deed holder & property owner Fred Justesen



(5) The organizer shall acquire approval from the local agency having jurisdiction for fire safety that the minimum width of all roads complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and locations of the outdoor mass gatherings.

In Section (6), SOAK is required to provide a total of 135,000 square feet for parking to accommodate a maximum capacity of 1900 people (or approx. 3.1 acres). Based on historical parking data at this event site, we expect no more than 900 vehicles on site at peak hours.

SOAK*2019 participants brought approximately 950 vehicles total.

Attachment A: Bishop Services Letter of Intent



Bishop Services, Inc.
Contract & Compliance Office
221 W. Main (P.O. Box 11)
Goldendale, WA 98620

24hr. 800.443.3473
Office: 509.773.4707
Fax: 509.773.5752
Website: bishopservices.com

bishopsanitation.com

November 9, 2021

SOAK, LLC
Portland Regional Burn event
producers@soakpdx.com

RE: SOAK Portland Regional Burn 2022

Bishop Sanitation, Inc. intends to provide equipment and event support services for SOAK 2022 to take place at the Justesen Ranch in Wasco County, Oregon from May 26-30, 2022.

Bishop will meet or exceed the event requirements by providing at least (36) standard portable toilet units, (3) ADA compliant portable toilet units, (13) portable hand wash stations, and (4) four-station urinals to service the anticipated 1500 attendees, May 19-26, 2020. The units needed for this event may be scaled up or down dependent upon number of anticipated guests as well as the current Covid-19 protocols in place for Wasco County, Oregon.

Additionally, each portable toilet and hand-wash unit will be serviced at least once per day.

(2) 300 Gallon grey water holding tanks will be supplied. These holding tanks will be serviced at least once per day by Bishop Sanitation, Inc. with the wastewater trucked off-site for disposal at a licensed facility. Additional holding tanks available upon request with five working days' notice.

We look forward to once again partnering with your organization. If you have any questions or comments, please contact Carrie House or myself at (509) 773-4707.

Sincerely,

Lisa Cunningham

Lisa Cunningham
Director of Business Development
lisa@bishopholdings.biz

Carrie House
Director of Contracts & Compliance
clysh@bishopservices.com

Attachment B: Gem Ice Letter of Intent

Greetings!

Arctic Glacier in The Dalles happily intends on providing you with our premium ice for your upcoming SOAK 2022 event. We thank you for reaching out to us for your event needs, and on behalf of Arctic Glacier, we look forward to doing business with you. Have a wonderful day!

Casey Hatfield

Distribution Manager



Office **5032899889**
Email **CHatfield@arcticglacier.com**
Website **arcticglacier.com**

Attachment C: Adventure Medics Letter of Intent



EXPERIENCED...PROFESSIONAL...RELIABLE

To Whom it may Concern,

This letter is to inform interested parties of our intent to provide medical services during SOAK Festival to take place on May 25-30th, 2022.

Adventure Medics is an ALS transporting agency based in Bend, OR. We cover events ranging from festivals, concerts, and ultramarathons to wildland fires throughout Oregon and the greater PNW. Our staffing includes EMTs, Paramedics, Nurses, and Emergency Room Physicians.

We are fully covered with liability, malpractice, and workmans comp insurance. Backed by a physician with standing orders like other ambulance agencies in the state.

For SOAK we will be providing a medical tent or trailer for both clinical and emergency use. Onsite will also be our "mini ambulance". This UTV has been converted to safely transport patients to meet with our on-site ambulance. Both the care unit and the mini ambulance are equipped above and beyond what is standard on an ALS ambulance.

Our ALS ambulance will also be on site to handle emergency transports to the hospital. Staffing will be on duty 24 hours a day and will include a minimum of 4-6 medical providers. If you have any questions on our capabilities or standards please do not hesitate to contact us.

Sincerely,

Claire Ruddenklau

Event EMS Manager

541-639-9993

events@advmedics.com

Attachment D: Life Flight Network Letter of Intent



22285 Yellow Gate Lane, Suite 102
Aurora, Oregon 97002
Office (503) 678-4364
Fax (503) 678-4369

December 6, 2021

Jeanie Rodriguez
Burning Man Portland/SOAK, LLC
555 SE 99th Avenue, Ste. 201
Portland, OR 97216

Dear Jeanie,

Life Flight Network is happy to provide our services for your event from May 24-30, 2022. Our understanding is that you need to have ALS transport services available in the case of a medical emergency that requires immediate transport to the closest most appropriate facility.

Our Services in the Region

Life Flight Network has multiple air medical bases in the region. Our closest aircraft is based in Dallesport, WA. The flight time for this helicopter to 89720 Davidson Grade Road, Tygh Valley, OR, is approximately 25 minutes. The second helicopter in the region is in Redmond, OR, and would have an approximate 35-minute flight time. The critical care crews on these aircraft consist of a nurse and a paramedic.

Patients are generally transported to the closest most appropriate facility. From Tygh Valley, we would most likely transport to The Dalles, Portland or Bend, depending upon the patient's unique circumstances.

Pricing

Burning Man Portland/SOAK, LLC will incur no charges for utilizing Life Flight Network during this event. We typically respond from our base location when requested. We bill the patient directly, a base fee plus a per loaded mile fee. We do have a membership program available for purchase that would result in no out of pocket expenses for a patient. If you would like to make this available for your participants, I can get you further details.

Availability

We cannot guarantee availability, especially when considering factors beyond our control (on another flight, weather, unpredictable maintenance, etc.). In the event both Dallesport and Redmond are busy or otherwise unavailable, we have additional resources in Aurora, La Grande, and Pendleton.

Please let me know if we can provide additional information. As we get closer, I'd like to discuss the specific logistics of utilizing Life Flight Network (how to contact us, how we will communicate once

we're in the air, and where we will land, and safety operations).

Thank you,

A handwritten signature in black ink, appearing to read 'M. Weimer', with a long horizontal line extending to the right.

Michael Weimer
Vice President
(208) 258-4323

Attachment E: Vanguard Security Letter of Intent



Letter of intent 12/06/2021 Re: SOAK 2022

We are providing security for the upcoming event SOAK, at the Justesen Ranch, 89720 Davidson Grade Rd, Tygh Valley, Oregon.

Wednesday, May 25th, beginning at 12noon through Monday, May 30th at 2pm, 2022. Security coverage on the event perimeter, gate, and patrols throughout.

My team and I have extensive experience in event and festival security. We thoroughly understand the unique challenges and concerns at all types of events and have been guarding this event at this same location for several years now and understand all dynamics specific to it.

This event's attendees are uniquely courteous and conscious to not affect the event site or surrounding area and population. In the past, many curious neighbors have come to visit this event as guests. I am very confident that, as it always has, this event will go smoothly.

Looking forward to SOAK 2022



Erik Hartmann
OREGON DPSST PSID#55208
DPSST Executive Manager
DPSST Armed & Unarmed Security
DPSST Security Instructor
Phone: (503) 272-1224
Email: erik@vg1.us

VANGUARD SECURITY

division of

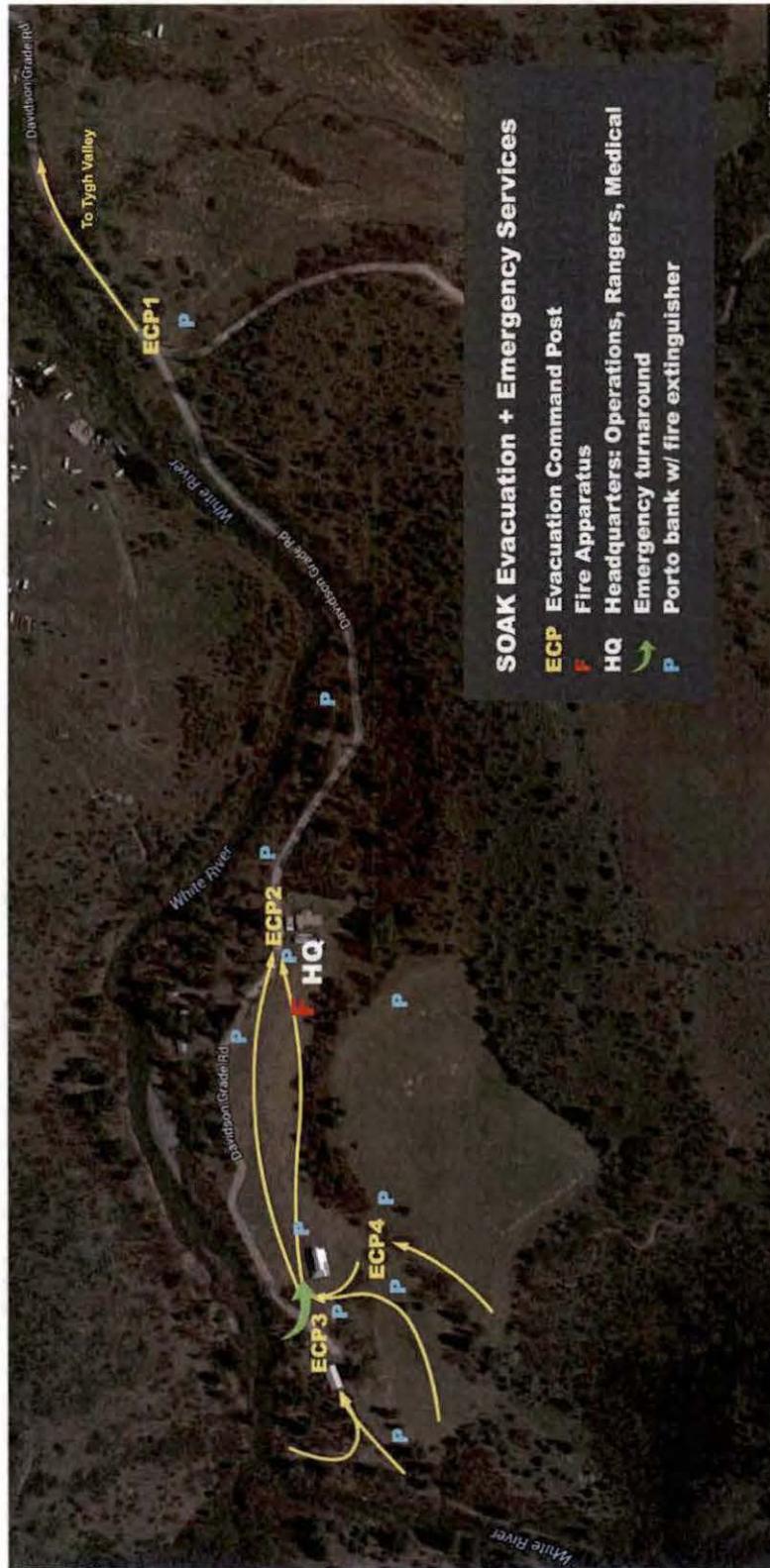
DISTRICT SECURITY, HEALTH & SAFETY

2000 NE 42nd Ave, #181, Portland, Oregon 97213 Phone: 503-272-1224 www.vg1.us

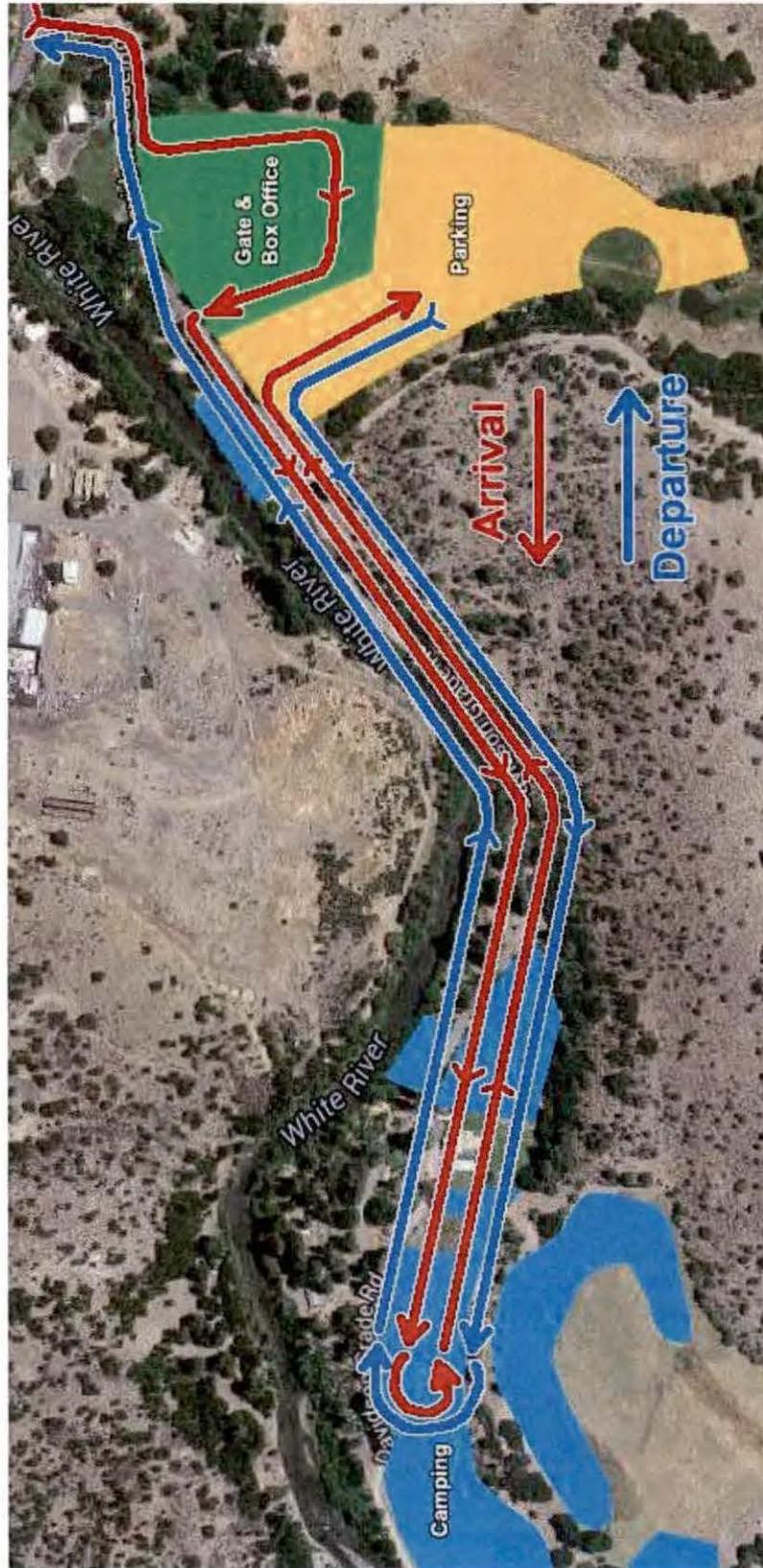
Attachment F: SOAK*2022 Site Plan



Attachment G: SOAK*2022 Evacuation Map



Attachment H: SOAK*2022 Traffic Control Plan



Attachment I: Affected Tax Lots

Primary address associated with tax lots:

89720 Davidson Grade Rd.
Tygh Valley, OR 97063

| Tax Lot | Township | Range | Section | Acres |
|---------|----------|-------|---------|--------|
| 800 | 4S | 13E | 10 | 126.06 |
| 2200 | 4S | 13E | 16-15 | 163.62 |
| 401 | 4S | 13E | 10 | 77.31 |
| 100 | 4S | 13E | 15 | 67.29 |



Daniel Dougherty <daniel@co.wasco.or.us>

SOAK 2022 Outdoor Mass Gathering: Comments Needed

26 messages

Daniel Dougherty <daniel@co.wasco.or.us>

Thu, Feb 24, 2022 at 3:09 PM

To: Nicole Bailey <nicoleba@ncphd.org>, Sheridan McClellan <sheridanm@co.wasco.or.us>, Lane Magill <lanem@co.wasco.or.us>, Arthur Smith <arthurs@co.wasco.or.us>, Scott Williams <scottw@co.wasco.or.us>, DODD Kristin * ODF <kristin.dodd@oregon.gov>, eugene@juniperfltrfpd.com, wamic1@aol.com, mfelton@rconnects.com, stucarvb@hughes.net, tvrpd@gmail.com

Good afternoon,

The producers of the Outdoor Mass Gathering "SOAK" have submitted their application and are gearing up for their May 26-30 event near Tygh Valley.

I've been able to schedule a public hearing before the BOCC on April 6. The application form is attached to this email (See page 12 for Table of Contents for your respective area of expertise), and I've created a basic location map for reference. Let me know if you need more information, questions or concerns, and I'll forward them on to the applicants. The application seems to be in order compared to past submissions that were approved, but the criteria isn't land use specific, so you folks are likely to see something I'm not aware of. I appreciate your assistance.

Affected Parcels

- 4S 13E 10 800
- 4S 13E 0 2200 (Sections 15 & 16)
- 4S 13E 10 401
- 4S 13E 15 100



Respectfully,

Daniel

Daniel Dougherty | Senior Planner
PLANNING DEPARTMENT

daniel@co.wasco.or.us | <http://www.co.wasco.or.us/departments/planning/index.php>

541-506-2560 | Fax 541-506-2561
2705 E Second Street | The Dalles, OR 97058

Office Notice about COVID-19

Welcome back! We have resumed in-person customer service. Office hours are Tuesday and Thursday, 10am to 4pm with a lunchtime closure. Appointments can be accommodated on Fridays. Masks are required in the office.

Email is still the best way to reach me! Please view our [website](#) for office hours and COVID-19 accommodations.

*This correspondence does not constitute a Land Use Decision per ORS 197.015.
It is informational only and a matter of public record.*



Mail Delivery Subsystem <mailer-daemon@googlemail.com>
To: daniel@co.wasco.or.us

Thu, Feb 24, 2022 at 3:10 PM



Address not found

Your message wasn't delivered to **mfelton@rconnects.com** because the address couldn't be found, or is unable to receive mail.

The response from the remote server was:

550 User [mfelton@rconnects.com] does not exist

Final-Recipient: rfc822; mfelton@rconnects.com
Action: failed
Status: 5.0.0
Remote-MTA: dns; mail.rconnects.com. (216.155.208.85, the server for the domain rconnects.com.)

Diagnostic-Code: smtp; 550 User [mfelton@rconnects.com] does not exist
Last-Attempt-Date: Thu, 24 Feb 2022 15:10:27 -0800 (PST)

----- Forwarded message -----

From: Daniel Dougherty <daniel@co.wasco.or.us>
To: Nicole Bailey <nicoleba@ncphd.org>, Sheridan McClellan <sheridanm@co.wasco.or.us>, Lane Magill <lanem@co.wasco.or.us>, Arthur Smith <arthurs@co.wasco.or.us>, Scott Williams <scottw@co.wasco.or.us>, "DODD Kristin * ODF" <kristin.dodd@oregon.gov>, eugene@juniperflatrfpd.com, wamic1@aol.com, mfelton@rconnects.com, stucarb@hughes.net, tvrfd@gmail.com
Cc:
Bcc:
Date: Thu, 24 Feb 2022 15:09:50 -0800
Subject: SOAK 2022 Outdoor Mass Gathering: Comments Needed
----- Message truncated -----

Daniel Dougherty <daniel@co.wasco.or.us> Thu, Feb 24, 2022 at 3:13 PM
To: Nicole Bailey <nicoleba@ncphd.org>, Sheridan McClellan <sheridanm@co.wasco.or.us>, Lane Magill <lanem@co.wasco.or.us>, Arthur Smith <arthurs@co.wasco.or.us>, Scott Williams <scottw@co.wasco.or.us>, DODD Kristin * ODF <kristin.dodd@oregon.gov>, eugene@juniperflatrfpd.com, wamic1@aol.com, mfelton@rconnects.com, stucarb@hughes.net, tvrfd@gmail.com

See attachment.
Sorry about that, Pdf didn't attach properly.
Respectfully,

Daniel
[Quoted text hidden]

 APP_921-21-000194-PLNG_JUSTESEN-SOAK.pdf
4409K

Mail Delivery Subsystem <mailer-daemon@googlemail.com> Thu, Feb 24, 2022 at 3:14 PM
To: daniel@co.wasco.or.us

[Quoted text hidden]

Final-Recipient: rfc822; mfelton@rconnects.com
Action: failed
Status: 5.0.0
Remote-MTA: dns; mail.rconnects.com. (216.155.208.85, the server for the domain rconnects.com.)
Diagnostic-Code: smtp; 550 User [mfelton@rconnects.com] does not exist
Last-Attempt-Date: Thu, 24 Feb 2022 15:14:17 -0800 (PST)

----- Forwarded message -----

From: Daniel Dougherty <daniel@co.wasco.or.us>
To: Nicole Bailey <nicoleba@ncphd.org>, Sheridan McClellan <sheridanm@co.wasco.or.us>, Lane Magill <lanem@co.wasco.or.us>, Arthur Smith <arthurs@co.wasco.or.us>, Scott Williams <scottw@co.wasco.or.us>, "DODD Kristin * ODF" <kristin.dodd@oregon.gov>, eugene@juniperflatrfpd.com, wamic1@aol.com, mfelton@rconnects.com, stucarb@hughes.net, tvrfd@gmail.com
Cc:
Bcc:
Date: Thu, 24 Feb 2022 15:13:38 -0800
Subject: Re: SOAK 2022 Outdoor Mass Gathering: Comments Needed
----- Message truncated -----

Lane Magill <lanem@co.wasco.or.us> Thu, Feb 24, 2022 at 4:08 PM
To: Daniel Dougherty <daniel@co.wasco.or.us>
Cc: Nicole Bailey <nicoleba@ncphd.org>, Sheridan McClellan <sheridanm@co.wasco.or.us>, Arthur Smith <arthurs@co.wasco.or.us>, Scott Williams <scottw@co.wasco.or.us>, DODD Kristin * ODF <kristin.dodd@oregon.gov>, Eugene Walters <eugene@juniperflatrfpd.com>, "Wamic, John Goleman" <wamic1@aol.com>, mfelton@rconnects.com, "Carol von Borstel (stucarb@hughes.net)" <stucarb@hughes.net>, Tygh Valley Fire Dept <tvrfd@gmail.com>

I reviewed the information and it appears to be the same as the last event. I don't see anything about music/stages and if that is going to take place. If memory serves me correctly I think we had some noise complaints related to the site. I would like to have clarification if there will be any "live" events on the site and if so what those details are, (e.g. amplifiers, music, etc.). If this is the case we need to put some timelines on when the music is to be shut down and maybe move it up to BOC for those limits to be put in place, much like WTF in Dufur.

A couple other things and they really don't fall into our responsibility but I wanted to make sure the involved fire departments have the ability to shut down the "ceremonial" fires if our fire situation becomes serious. I'm anticipating we will have fire restrictions like last year but making sure the local fire departments have the ability to intervene is important.

I do not see any agreements with the local ASA's. While the event coordinators are providing medical services they need to understand who has certain responsibilities between ASA's. I would hate to see one of our volunteer agencies get stuck with a lawsuit by not having the proper documentation for the event.

Finally, I think we are good to go from the LE standpoint and making sure we still have one point of contact at the site. If there is a public meeting please let us know so we can attend.

Thanks
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

Daniel Dougherty <daniel@co.wasco.or.us> Thu, Feb 24, 2022 at 4:30 PM
To: SOAK Producers <producers@soakpdx.com>

Good afternoon,
I'll be forwarding you all comments received pertaining to your application. Please address (reply) to any comments, questions, or concerns the technical experts may have (fire, safety, sanitation).
Respectfully,

Daniel
[Quoted text hidden]

Nicole Bailey <nicoleba@ncphd.org> Fri, Feb 25, 2022 at 11:28 AM
To: Daniel Dougherty <daniel@co.wasco.or.us>
Cc: Sheridan McClellan <sheridanm@co.wasco.or.us>, Lane Magill <lanem@co.wasco.or.us>, Arthur Smith <arthurs@co.wasco.or.us>, Scott Williams <scottw@co.wasco.or.us>, DODD Kristin * ODF <kristin.dodd@oregon.gov>, Eugene Walters <eugene@juniperflatrfpd.com>, wamic1@aol.com, mfelton@rconnects.com, stucarb@hughes.net, tvrfd@gmail.com

Daniel,
Thank you for reaching out for comments. This does appear to be the same application as previous Soak events, and the written application addresses the OARs for mass gatherings in a one-to-one ratio which is helpful. I would like to inquire more information about the water supply plan. In the plan SOAK mentions that they have contracted with Tygh Valley Water District to provide access to their water supply as needed. I would like to know more about the contract, specifically how the SOAK participants are allowed to access the water storage noted for replenishing their drinking water supply as needed.

Let me know! I would love an invite to the public meeting as well.
[Quoted text hidden]

Nicole Bailey
Environmental Health Specialist Supervisor
North Central Public Health District
Email: nicoleba@ncphd.org
Phone: 541-506-2753



Daniel Dougherty <daniel@co.wasco.or.us>
To: SOAK Producers <producers@soakpdx.com>

Fri, Feb 25, 2022 at 1:26 PM

Good afternoon,

I'll be forwarding you all comments received pertaining to your application. Please address (reply) to any comments, questions, or concerns the technical experts may have (fire, safety, sanitation).

Respectfully,

Daniel

----- Forwarded message -----

From: Nicole Bailey <nicoleba@ncphd.org>
Date: Fri, Feb 25, 2022 at 11:28 AM
Subject: Re: SOAK 2022 Outdoor Mass Gathering: Comments Needed
To: Daniel Dougherty <daniel@co.wasco.or.us>
[Quoted text hidden]
[Quoted text hidden]
[Quoted text hidden]

SOAK Producers <producers@soakpdx.com>
To: Daniel Dougherty <daniel@co.wasco.or.us>

Fri, Feb 25, 2022 at 1:29 PM

Hi Daniel,

I'll work on getting these questions answered this weekend and hopefully get back to you early next week. Thanks for sending.

Jeannie
[Quoted text hidden]
--

SOAK*2022 Producers
One Eye, Gold Dust, & Rye



DODD Kristin * ODF <Kristin.DODD@odf.oregon.gov>
To: Lane Magill <lanem@co.wasco.or.us>, Daniel Dougherty <daniel@co.wasco.or.us>
Cc: BAILEY Nicole <nicoleba@ncphd.org>, Sheridan McClellan <sheridanm@co.wasco.or.us>, Arthur Smith <arthurs@co.wasco.or.us>, Scott Williams <scottw@co.wasco.or.us>, Eugene Walters <eugene@juniperfatrpd.com>, "Wamic, John Goleman" <wamic1@aol.com>, "mfelton@rconnects.com" <mfelton@rconnects.com>, "Carol von Borstel (stucarvb@hughes.net)" <stucarvb@hughes.net>, Tygh Valley Fire Dept <tvfrpd@gmail.com>

Fri, Feb 25, 2022 at 4:04 PM

While this event is technically outside of the Oregon Department of Forestry's Fire District boundary, it does border our District. Given it is the jurisdiction of the rural fire districts, I will let them speak to their comfort level with this planned event.

That said, I do echo Lane's comments below (highlighted in yellow).

Thank you.

Kristin Dodd | Unit Forester

The Dalles Unit | Central Oregon District | Oregon Department of Forestry
3701 West 13th Street | The Dalles, OR 97058
Office: 541-296-4626 | Fax: 541-298-4993
Cell: 541-233-3285
www.odfcentraloregon.com



From: Lane Magill <lanem@co.wasco.or.us>
Sent: Thursday, February 24, 2022 4:09 PM
To: Daniel Dougherty <daniel@co.wasco.or.us>
Cc: BAILEY Nicole <nicoleba@ncphd.org>; Sheridan McClellan <sheridanm@co.wasco.or.us>; Arthur Smith <arthurs@co.wasco.or.us>; Scott Williams <scottw@co.wasco.or.us>; DODD Kristin * ODF <Kristin.DODD@odf.oregon.gov>; Eugene Walters <eugene@juniperfatrpd.com>; Wamic, John Goleman <wamic1@aol.com>; mfelton@rconnects.com; Carol von Borstel (stucarvb@hughes.net) <stucarvb@hughes.net>; Tygh Valley Fire Dept <tvfrpd@gmail.com>
Subject: Re: SOAK 2022 Outdoor Mass Gathering: Comments Needed

I reviewed the information and it appears to be the same as the last event. I don't see anything about music/stages and if that is going to take place. If memory serves me correctly I think we had some noise complaints related to the site. I would like to have clarification if there will be any "live" events on the site and if so what those details are, (e.g. amplifiers, music, etc.). If this is the case we need to put some timelines on when the music is to be shut down and maybe move it up to BOC for those limits to be put in place, much like WTF in Dufur.

A couple other things and they really don't fall into our responsibility but I wanted to make sure the involved fire departments have the ability to shut down the "ceremonial" fires if our fire situation becomes serious. I'm anticipating we will have fire restrictions like last year but making sure the local fire departments have the ability to intervene is important.

I do not see any agreements with the local ASA's. While the event coordinators are providing medical services they need to understand who has certain responsibilities between ASA's. I would hate to see one of our volunteer agencies get stuck with a lawsuit by not having the proper documentation for the event.

Finally, I think we are good to go from the LE standpoint and making sure we still have one point of contact at the site. If there is a public meeting please let us know so we can attend.

Thanks
Lane

On Thu, Feb 24, 2022 at 3:14 PM Daniel Dougherty <daniel@co.wasco.or.us> wrote:

See attachment.

Sorry about that, Pdf didn't attach properly.

Respectfully,

Daniel

On Thu, Feb 24, 2022 at 3:09 PM Daniel Dougherty <danield@co.wasco.or.us> wrote:

Good afternoon,

The producers of the Outdoor Mass Gathering "SOAK" have submitted their application and are gearing up for their May 26-30 event near Tygh Valley.

I've been able to schedule a public hearing before the BOCC on April 6. The application form is attached to this email (See page 12 for Table of Contents for your respective area of expertise), and I've created a basic location map for reference. Let me know if you need more information, questions or concerns, and I'll forward them on to the applicants. The application seems to be in order compared to past submissions that were approved, but the criteria isn't land use specific, so you folks are likely to see something I'm not aware of. I appreciate your assistance.

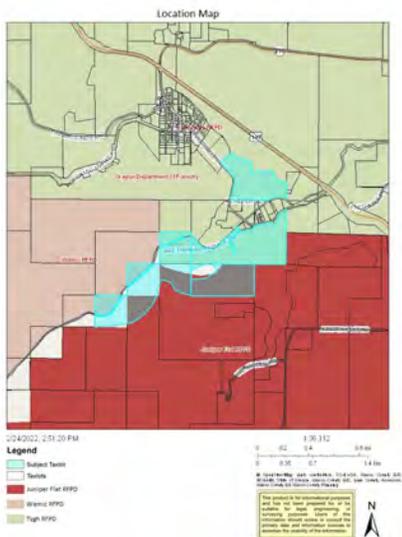
Affected Parcels

4S 13E 10 800

4S 13E 0 2200 (Sections 15 & 16)

4S 13E 10 401

4S 13E 15 100



[Quoted text hidden]

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us>
To: SOAK Producers <producers@soakpdx.com>

Fri, Feb 25, 2022 at 4:08 PM

Good afternoon,

I'll be forwarding you all comments received pertaining to your application. Please address (reply) to any comments, questions, or concerns the technical experts may have (fire, safety, sanitation).

Respectfully,

Daniel

[Quoted text hidden]

Arthur Smith <arthur@co.wasco.or.us>
To: Daniel Dougherty <danield@co.wasco.or.us>
Cc: Nicole Bailey <nicoleba@ncphd.org>, Sheridan McClellan <sheridanm@co.wasco.or.us>, Lane Magill <lanem@co.wasco.or.us>, Scott Williams <scottw@co.wasco.or.us>, DODD Kristin * ODF <kristin.dodd@oregon.gov>, eugene@juniperflatrfd.com, wamic1@aol.com, mfelton@rconnects.com, stucarvb@hughes.net, tvrpd@gmail.com

Mon, Feb 28, 2022 at 8:41 AM

My only comment would be about the "Traffic Control Plan". I see a map with red / blue arrows showing how the participants will enter and exit the site, but nothing about traffic control or signing on the county roads. I will need that type of information for me to sign off.

Arthur

[Quoted text hidden]

Arthur Smith | Director
PUBLIC WORKS
arthur@co.wasco.or.us | www.co.wasco.or.us
541-506-2645 | Fax 541-506-2641
2705 East 2nd Street | The Dalles, OR 97058

Daniel Dougherty <danield@co.wasco.or.us>
To: SOAK Producers <producers@soakpdx.com>

Wed, Mar 2, 2022 at 9:24 AM

Good morning,

I'll be forwarding you all comments received pertaining to your application. Please address (reply) to any comments, questions, or concerns the technical experts may have (fire, safety, sanitation).

Respectfully,

Daniel

----- Forwarded message -----

From: Arthur Smith <arthurs@co.wasco.or.us>
Date: Mon, Feb 28, 2022 at 8:41 AM
Subject: Re: SOAK 2022 Outdoor Mass Gathering: Comments Needed
To: Daniel Dougherty <daniel@co.wasco.or.us>
[Quoted text hidden]
[Quoted text hidden]
[Quoted text hidden]

SOAK Producers <producers@soakpdx.com>
To: Daniel Dougherty <daniel@co.wasco.or.us>

Mon, Mar 7, 2022 at 10:41 AM

Hi Daniel,

We've gone ahead and responded to each person below. Please continue forwarding any follow-up or any new questions that come along.

Hi Sheriff McGill. A number of camps bring their own sound systems to play amplified music at the event. The producers were made aware of one noise complaint from the closest neighbor in 2019, our first and only since we have been hosted by the Justesen's. In response to that complaint the Operations team has implemented periodic sound checks at night near the road to ensure that sound isn't making its way to any of the neighbors. These sound checks will be supplemental to our already strictly enforced event sound policy that requires limited sound after midnight in strategically designated areas and event-wide "quiet hours" 6-10am daily.

For your reference I've included our specific sound policy for you here:

SOAK has 3 sound zones:

- Zone 1: No sound above a conversational level allowed from midnight - 10 am.
- Zone 2: No sound above a conversational level allowed from 3 am - 10 am.
- Zone 3: Sub-bass must be turned off or significantly reduced at 3 am, no sound above a conversational level allowed anywhere from 6 am - 10 am.
- All camps in all zones must respect Quiet Hours

In regards to your question about our fire safety plans, we'd like to assure you that we work closely with Tygh Valley Fire Department leading up to and during the event to ensure that the controlled burns remain safe and in control. They are able to intervene at any time and for any reason to either call off the burn or put it out if they believe it necessary.

Hi Nicole, thanks for the question about the water supply plan. All of the participants are expected to bring their own water to the event, 2 gallons per person per day for each day they're at the event. Our Volunteer Hospitality team fills up water for our volunteers from the rec center on a daily basis, and besides that we have not ever had to use any of the water supply for participants. In an extreme event where emergency water is needed we have been assured that Tygh Valley Water can provide the 200,000+ gallons of water to the event site. Please let us know if you have any further questions about the water supply plan.

Hi Arthur, we rent traffic control signs from the State of Oregon and place them at the South and North intersections of Tygh Valley Road and Hwy 197, ensuring the signs don't impair the vision of drivers on the road. We sign forms with the state of Oregon promising those signs will be placed in the proper manner. Please let us know if you need any further information about the Traffic Control Plan.

Thanks,
SOAK Producers
[Quoted text hidden]
[Quoted text hidden]

Daniel Dougherty <daniel@co.wasco.or.us>
To: Lane Magill <lanem@co.wasco.or.us>, Nicole Bailey <nicoleba@ncphd.org>, Arthur Smith <arthurs@co.wasco.or.us>

Mon, Mar 7, 2022 at 4:33 PM

Good afternoon,

Pertaining to your individual comments, SOAK has sent their response (see forwarded email). Also, I haven't received fire (Tygh Valley, Wamic, or Juniper RFPD) commentary, I'll send out official notice on Thursday, but if any of you can help out with fire commentary, I'd appreciate it. SOAK provides that they've got a great working relationship with Tygh Valley RFPD, but I want to make sure a fire department doesn't have specific issues that should be addressed.

Thanks for your help.
[Quoted text hidden]

Lane Magill <lanem@co.wasco.or.us>
To: Daniel Dougherty <daniel@co.wasco.or.us>
Cc: Nicole Bailey <nicoleba@ncphd.org>, Arthur Smith <arthurs@co.wasco.or.us>

Mon, Mar 7, 2022 at 4:49 PM

Thanks. I will go with the noise/sound rules in place, however if this becomes an issue we will have to deal with it. If there is any documented noise complaints we will address it as it comes and then make recommendations for upcoming events.

As it relates to fires, please let me know who you reached out to and I'll send a follow up email to see if you can get a response.

Lane
[Quoted text hidden]
[Quoted text hidden]

Daniel Dougherty <daniel@co.wasco.or.us>
To: Lane Magill <lanem@co.wasco.or.us>
Cc: Nicole Bailey <nicoleba@ncphd.org>, Arthur Smith <arthurs@co.wasco.or.us>

Mon, Mar 7, 2022 at 5:06 PM

Sheriff Magill,

Thanks for the feedback. Regarding fire, the district maps show that Juniper, Tygh Valley, and Wamic RFPDs might have involvement. That said, any one of the three organizations taking a gander at the proposal and providing feedback would be greatly appreciated.

Contact information I have on file:

| | | | | | | |
|--------------------------------------|----------------|------------------|----------------|-------|-----|---------------------------|
| Fire District - Juniper Flat | Eugene Walters | 80501 HWY 216 | Maupin OR | 97037 | NOD | eugene@juniperflatrfd.com |
| Wamic Rural Fire Protection District | Larry Magill | 11 S County Road | Tygh Valley OR | 97063 | NOD | wamic1@aol.com |
| Fire District - Tygh Valley | David Colburn | PO Box 213 | Tygh Valley OR | 97063 | NOD | tvrfpd@gmail.com |

Respectfully,

Daniel
[Quoted text hidden]

Daniel Dougherty <daniel@co.wasco.or.us>
To: SOAK Producers <producers@soakpdx.com>

Mon, Mar 7, 2022 at 5:06 PM

Good evening,

I've got some feedback to your email from Sheriff Magill.
[Quoted text hidden]

Arthur Smith <arthurs@co.wasco.or.us>
To: Daniel Dougherty <daniel@co.wasco.or.us>, producers@soakpdx.com
Cc: Lane Magill <lanem@co.wasco.or.us>, Nicole Bailey <nicoleba@ncphd.org>

Tue, Mar 8, 2022 at 8:30 AM

For traffic control, it sounds like you have the State highways covered. I am asking specifically about what other signage (if any) you plan on placing on the county roads - Tygh Valley Road and Jake Davidson Road. Thanks

Arthur
[Quoted text hidden]

Lane Magill <lanem@co.wasco.or.us>
To: Daniel Dougherty <daniel@co.wasco.or.us>
Cc: Nicole Bailey <nicoleba@ncphd.org>, Arthur Smith <arthurs@co.wasco.or.us>

Tue, Mar 8, 2022 at 8:40 AM

Copy that. Please be advised Chief Colburn is no longer the TV Chief. I will try and find out who has replaced him.

Board of County Commissioners Agenda Packet

BOCC 1 - 73

April 6, 2022

Lane
[Quoted text hidden]

Daniel Dougherty <daniield@co.wasco.or.us>
To: SOAK Producers <producers@soakpdx.com>

Tue, Mar 8, 2022 at 9:09 AM

Good morning,

More comments from Public Works regarding County Roads.
[Quoted text hidden]

SOAK Producers <producers@soakpdx.com>

Sun, Mar 13, 2022 at 12:51 PM

To: Arthur Smith <arthurs@co.wasco.or.us>
Cc: Daniel Dougherty <daniield@co.wasco.or.us>, Lane Magill <lanem@co.wasco.or.us>, Nicole Bailey <nicoleba@ncphd.org>

Hi Arthur,
We have not previously placed signs on the county roads. We have never had any complaints from participants or the local community about any lack of signs leading from the state highway to the event, as we offer detailed directions to Justesen Ranch in our "survival guide" which is published and sent out to ticket holders every year.
Please let us know if you have any other questions or concerns about event signage.

Thank you,
SOAK Production Team
[Quoted text hidden]

Arthur Smith <arthurs@co.wasco.or.us>

Mon, Mar 14, 2022 at 7:10 AM

To: SOAK Producers <producers@soakpdx.com>
Cc: Daniel Dougherty <daniield@co.wasco.or.us>, Lane Magill <lanem@co.wasco.or.us>, Nicole Bailey <nicoleba@ncphd.org>

Thanks for the good information. I have no further questions or concerns with the TCP

Arthur
[Quoted text hidden]

Nicole Bailey <nicoleba@ncphd.org>

Mon, Mar 14, 2022 at 8:48 AM

To: Arthur Smith <arthurs@co.wasco.or.us>
Cc: SOAK Producers <producers@soakpdx.com>, Daniel Dougherty <daniield@co.wasco.or.us>, Lane Magill <lanem@co.wasco.or.us>

I also have no further questions, thank you!
[Quoted text hidden]

Please note: I will no longer be NCPHD's EH Supervisor as of March 25, 2022.
Please update your contact for NCPHD to jesuse@ncphd.org or 541-506-2629 until further notice.
[Quoted text hidden]

Daniel Dougherty <daniield@co.wasco.or.us>

Thu, Mar 17, 2022 at 3:59 PM

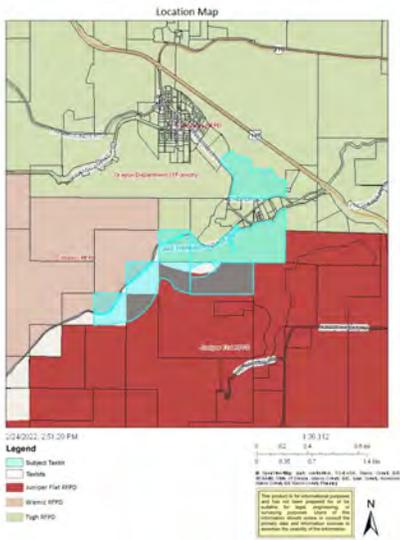
To: Jesus Elias <jesuse@ncphd.org>
Cc: Nicole Bailey <nicoleba@ncphd.org>

Hi Jesus,
You might already be aware of SOAK Outdoor Mass Gathering that is proposed for May, 2022. Nicole has already provided comments. I've included the application, a map, and my original email for reference. I'll coordinate the Staff Report and the Hearing before the WC-Board of Commissioners, but the underlying criteria is way outside of my expertise, so if you see anything that raises concern, please let me know, and I'll forward it to the producers. Thus far, Nicole's original request for information has been addressed. I've Ccd Nicole (Congratulations btw), so she can help out.

Original Email
The producers of the Outdoor Mass Gathering "SOAK" have submitted their application and are gearing up for their May 26-30 event near Tygh Valley.

I've been able to schedule a public hearing before the BOCC on April 6. The application form is attached to this email (See page 12 for Table of Contents for your respective area of expertise), and I've created a basic location map for reference. Let me know if you need more information, questions or concerns, and I'll forward them on to the applicants. The application seems to be in order compared to past submissions that were approved, but the criteria isn't land use specific, so you folks are likely to see something I'm not aware of. I appreciate your assistance.

Affected Parcels
4S 13E 10 800
4S 13E 0 2200 (Sections 15 & 16)
4S 13E 10 401
4S 13E 15 100



[Quoted text hidden]

APP_921-21-000194-PLNG_JUSTESEN-SOAK.pdf
4409K

Fri, Mar 18, 2022 at 9:00 AM

Jesus Elias <jesuse@ncphd.org>
To: Daniel Dougherty <daniield@co.wasco.or.us>
Cc: Nicole Bailey <nicoleba@ncphd.org>, Eric Grendel <ericg@ncphd.org>, Paula Grendel <paulag@ncphd.org>

Good morning Daniel,

Thank you for providing all the information for the proposed SOAK Outdoor Mass Gathering that is proposed for May, 2022. I have cc'ed our Environmental Health Specialists Eric and Paula Grendel.

Eric and Paula after reviewing the information below please let Daniel know if you see anything that raises concerns.

Thank you,

Jessie Elias
Environmental Health Program Technician
North Central Public Health District
[419 E 7th St, The Dalles OR 97058.](#)

EH Phone: 541-506-2603
Fax: 541-506-2601

www.ncphd.org
[facebook](#) | www.jumpinthegorge.org

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 **APP_921-21-000194-PLNG_JUSTESEN-SOAK.pdf**
4409K



AGENDA ITEM

Planning Commission Decision Appeal 921-18-000086-PLNG

[STAFF ANALYSIS](#)



CONTINUANCE OF HEARING MEMORANDUM

MEMORANDUM

SUBJECT: STAFF REVIEW & ANALYSIS OF VALLEY SCIENCE AND ENGINEERING REPORT

TO: WASCO COUNTY BOARD OF COMMISSIONERS

FROM: DANIEL DOUGHERTY, SENIOR PLANNER

DATE: 4/6/2022

Background

The Wasco County Board of Commissioners hearing pertaining to FILE #: 921-18-000086-PLNG, a request for:

Approval of:

1. Comprehensive Plan Map Amendment: Change a legal parcel designated "Forestry" to "Forest Farm";
2. Exception to Statewide Planning Goal 4 – Forest Lands; and
3. Zone Change: Change a legal parcel zoned Forest (F-2) Zone to Forest-Farm (F-F 10) Zone (Non Resource) (remove from resource zone protections),

was held on March 16, 2022, at 9:30am.

Additional evidence was submitted into the record by Sheila Dooley at 11:30pm on March 15, 2022, that provided a soil analysis report from "Valley Science and Engineering" (hereinafter called "Valley") titled:

"Review of Order 1 Soil Survey of Property Located adjacent to 7100 Seven Mile Hill Road, also known as T2N, R12E, Section 22, Tax Lot 4400 (40.10 acres), West of The Dalles in Wasco County, Oregon (Site)".

The Commissioners heard: (1) Staff's report; (2) the applicant's presentation; (3) public testimony; and (4) the applicant's rebuttal. In order to provide additional time for staff and the Commissioners to review the submitted soil analysis, the evidence record was closed and the hearing was continued to April 6, 2022.

Staff Review & Analysis

Staff reviewed the submitted Valley Science and Engineering report titled: "Review of Order 1 Soil Survey of Property Located adjacent to 7100 Seven Mile Hill Road, also known as T2N, R12E, Section 22, Tax Lot 4400 (40.10 acres), West of The Dalles in Wasco County, Oregon (Site)" (hereinafter called the "Valley Science Soils Report").

The “Valley Science Soils Report” was drafted and certified by Soils Scientists Brian T. Rabe, Certified Professional Soil Scientist (CPSS), WWS, and Michael S. Sowers, CCA-WR, CPSS. Mr. Rabe and Mr. Sowers are listed as Department of Land Conservation and Development (DLCD) approved Certified Professional Soil Scientists.

The review, summary, and conclusions provided in the “Valley Science Soils Report” is limited to the information presented in the “Order 1 Soil Survey” report that was submitted as part of the Applicant’s Remand Request (Titled “Wilson – Order 1 Soil Survey” within the Staff Report).

The “Wilson – Order 1 Soil Survey” was submitted to DLCD to challenge the Natural Resources Conservation Service (NRCS) Order 3 Soil Survey information. DLCD approved the soil survey for completeness. The “Wilson – Order 1 Soil Survey” was drafted and certified by Gary Kitzrow, M.S., Certified Professional Soil Classifier (CPSC), Certified Professional Soil Scientist (CPSS), Principal Soil Taxonomist. Additional information pertaining to the Agricultural Soils Assessment process can be found at: <https://www.oregon.gov/lcd/FF/Pages/Soils-Assessment.aspx>.

The “Valley Science Soils Report” provides that “Valley was unable to confirm the report’s [“Wilson – Order 1 Soil Survey”] findings that the Site qualifies as non-resource land.” (Valley Science Soils Report, Page 1). Staff reviewed the “Wilson – Order 1 Soil Survey” Summary and Conclusions section and could find no reference where a conclusion is made that the subject parcel “qualifies as non-resource land.”

The “Wilson – Order 1 Soil Survey” Summary and Conclusion provides the following:

“A slim majority, (preponderance) of this proposed lot is made up of the shallow, generally unsuited Class 7 Skyline, Bodell units and Class 8 Infrastructure. (irrigated and non-irrigated). The lithic, entic Bodell soil mapping units are shallow, very rocky with restrictive rooting capabilities and low water holding capacities. Skyline soils, which are very definable and modal, on this parcel similarly has shallowness due to a somewhat indurated paralithic contact beginning at less than 20 inches consistently. Conversely, Wamic soils are somewhat deeper, have thicker and more defined topsoils with more clay build-up (hence water holding capacity

This study area and legal lot of record is comprised of 51.8% (20.79 Ac.) of generally unsuited soils Capability Class 7 and Class 8 by Wasco county and DLCD definitions.” (See “Wilson – Order 1 Soil Survey”, Page 3).

Lands deemed suitable for designation for Forestry or Farm use are also referred to as “Resource Lands”, conversely, lands that for a variety of reasons, lands that can qualify for an exception to agricultural or forest land goals may be designated as “Non-Resource” Land.” The terms “Resource Land” and “Non-Resource Land” are generally used by the Planning community to broadly refer to lands designated for resource use (e.g., Forestry or Farm designated lands in Wasco County), and those lands that are not designated for resource use (e.g., Forest-Farm or Residential designated lands in Wasco County).

A general example of the term “Non-Resource Land” used by DLCD is: “Non-resource land can have great value to an area, despite the name: as habitat, as a buffer between commercial forest or farming activities and urbanized areas, as a place for limited rural residential development, or for its recreation value.” (See <https://www.oregon.gov/lcd/FF/pages/index.aspx>).

For more information regarding “Resource Land” and “Non-Resource Land” see the following DLCD webpages:

Farm & Forest Lands: <https://www.oregon.gov/lcd/FF/pages/index.aspx>.

Farmland Protection: <https://www.oregon.gov/lcd/FF/Pages/Farmland-Protection.aspx>.

Forestland Protection: <https://www.oregon.gov/lcd/FF/Pages/Forestland-Protection.aspx>.

Non-Resource Land: <https://www.oregon.gov/lcd/FF/Pages/Non-Resource-Land.aspx>.

Although a soil assessment may be a decisive factor which results in a change of the allowable uses for a property, staff cannot confirm that the terms “Resource Land” and “Non-Resource Land” are commonly used nomenclature regarding findings and conclusions within Order 1 Soil Surveys. It is clear to staff; however, that the “Wilson – Order 1 Soil Survey” specifically addresses the soil class, soil type (mapping unit), suitability, and the percentage of soil types and classes discovered on the subject parcel, and does not posit “that the Site qualifies as non-resource land.”

“Valley” admits that it did not conduct a site visit; however, the “Valley Science Soils Report” claims “several inconsistencies throughout the [“Wilson – Order 1 Soil Survey”] report that are apparent and do not require a site visit.” (Valley Science Soils Report, Page 1). The five purported inconsistencies identified in the “Valley Science Soils Report” include the following:

- “Reference to the wrong Section (23C) in several places that was carried forward through the review by DLCD.
- Numerical test pit locations shown on the sketch in the Order 1 Soil Survey report do not match the GPS coordinates provided in the report (Appendix C).
- GPS coordinates do not match the visible test pits in the most recent Google Earth image (July 24, 2021) taken after the assessment was performed (Appendix D) and do not match the relative locations shown on the previously mentioned sketch.
- Both the sketch of the test locations and the Order 1 soils map appear to have been presented on an oblique view of an aerial image and no scale is shown on either so it is not possible to accurately measure and confirm acreages within any of the delineations.
- The terms “generally suited” and “generally unsuited” are used throughout the report but those terms are specific to assessments for non-farm dwellings and are not applicable in non-resource applications.”

(Valley Science Soils Report, pp. 1-2).

Additionally, the “Valley Science Soils Report” provides that the “primary issue” that leads “Valley” “to conclude that the Site does not qualify as non-resource land is based on the fact that the field data noted for several of the test pits [identified within the “Wilson – Order 1 Soil Survey”] do not support a designation as LCC VII or VIII.” (Valley Science Soils Report, Page 2).

The “Valley Science Soils Report” then provides further explanation of its “primary issue”. The report discusses Land Capability Classification (soil class), available water capacity, soil type (Skyline, Wamic and Bodell), and an apparent requirement for laboratory testing of soil.

Finally, the “Valley Science Soils Report” concludes that “[b]ased on the observations in the Order 1 Soil Survey report and the available soil survey data from the NRCS Web Soil Survey...that 11 of the soil test pits represent soil that appear to be LCC VI or better instead of LCC VII. Based on Valley’s review, it is reasonable to conclude that the LCC VI or better soils represent greater than 50% of the acreage. Therefore, the Site does not satisfy the criteria in OAR 660-033-0030(5)(c)(A) for conversion to a non-resource plan designation and zone.” (Valley Science Soils Report, Page 3).

The essential conclusion suggests that the “Wilson – Order 1 Soil Survey’s” finding of LCC VII and VIII (soil classes) were made either through inconsistent or incorrect scientific methodology and/or purported data misinterpretation. Staff does not possess the technical expertise to properly analyze or make a determination or a recommendation on the accuracy of the “Valley Science Soils Report’s” reasoning or its contradictory findings and conclusions to the “Wilson – Order 1 Soil Survey”.

Staff finds that the “Valley Science Soils Report” makes three principal conclusions: (1) The “Wilson – Order 1 Soil Survey” makes findings that the Site qualifies as non-resource land; (2) the soil data, the findings and the conclusions presented within the “Wilson – Order 1 Soil Survey” are inaccurate (either based on purported inconsistent or incorrect scientific methodology and/or purported data misinterpretation); and (3) because of the inaccurate data within the “Wilson – Order 1 Soil Survey”, the Site does not satisfy the criteria in OAR 660-033-0030(5)(c)(A) for conversion to a non-resource plan designation and zone.

Staff discussed the first and second conclusions provided in the “Valley Science Soils Report”. In order to address the report’s third conclusion, OAR 660-033-0030(5)(a), (5)(b), (5)(c)(A), and OAR 660-033-045, must be briefly discussed.

Chapter 660 Division 33 Agricultural Land, Section 0030 “Identifying Agricultural Land”

Subsection (5)(a). More detailed data on soil capability than is contained in the USDA Natural Resources Conservation Service (NRCS) soil maps and soil surveys may be used to define agricultural land. However, the more detailed soils data shall be related to the NRCS land capability classification system.

Subsection (5)(b). If a person concludes that more detailed soils information than that contained in the Web Soil Survey operated by the NRCS, would assist a county to make a better determination of whether land qualifies as agricultural land, the person must request that the department arrange for an assessment of the capability of the land by a professional soil classifier who is chosen by the person, using the process described in OAR 660-033-0045.

Subsection (5)(c)(A) This section and OAR 660-033-0045 apply to: A change to the designation of a lot or parcel planned and zoned for exclusive farm use, forest use or mixed farm-forest use to a non-resource plan designation and zone on the basis that such land is not agricultural land;

(OAR 660-033-00030(5)(a)-(c)(A), See <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=176043.>)

Essentially, subsection (5)(a), allows a party to utilize more detailed soil data than what is provided for in the NRCS Order 3 Soil Survey information. However, subsection (5)(b), requires that a DLCD approved professional soil classifier be utilized and that the soil assessment be reviewed for completeness by DLCD as outlined in OAR 660-033-0045. Subsection (5)(c)(A), simply provides that OAR-033-00030 and OAR-660-033-0045 apply to change of land use designation requests.

In summary, OAR 660-033-0045 “Soils Assessments by Professional Soil Classifiers”, provides: (1) the definition of a “professional soil classifier”; (2) the requirements of a “soils assessment” request; and (3) the submission process to DLCD and the review process by DLCD of the “soils assessment”. The submission to and review process by DLCD includes the following:

(4) On completion of the soils assessment, the selected soils professional shall submit to the department:

(a) A Soils Assessment Submittal Form that includes the property owner’s and soils professional’s authorized signatures and a liability waiver for the department; and

(b) A soils assessment that is soundly and scientifically based and that meets reporting requirements as established by the department.

(5) The department shall deposit fees collected under this rule in the Soils Assessment Fund established under Oregon Laws 2010, chapter 44, section 2.

(6) The department shall review the soils assessment by:

(a) Performing completeness checks for consistency with reporting requirements for all submitted soils assessments; and

(b) Performing sample reviews and field checks for some submitted soils assessments, as follows:

(A) The department shall arrange for a person who meets the qualifications of 'professional soil classifier' in section (1) of this rule to conduct systematic sample reviews and field checks of soils assessments and make recommendations to the department as to whether they are soundly and scientifically based.

(B) Within 30 days of the receipt of a soils assessment subject to review under this subsection that the department determines to be complete pursuant to subsection (a) of this section, the department shall determine whether the soils assessment is soundly and scientifically based. Where soils assessments are determined not to be soundly and scientifically based, the department will provide an opportunity to the soils professional to correct any noted deficiencies. Where noted deficiencies are not corrected to the satisfaction of the department, the department will provide written notification of the noted deficiencies to the soils professional, property owner and person who requested the soils assessment.

(7)(a) A soils assessment produced under this rule is not a public record, as defined in ORS 192.410, unless the person requesting the assessment utilizes the assessment in a land use proceeding. If the person decides to utilize a soils assessment produced under this section in a land use proceeding, the person shall inform the department and consent to the release by the department of certified copies of all assessments produced under this section regarding the land to the local government conducting the land use proceeding. The department may not disclose a soils assessment prior to its utilization in a land use proceeding as described in this rule without written consent of the person paying the fee for the assessment and the property owner.

(b) On receipt of written consent, the department shall release to the local government all soils assessments produced under this rule as well as any department notifications provided under section (6) of this rule regarding land to which the land use proceeding applies.

(OAR 660-033-0045, See

<https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=176054.>)

In order for the "Wilson – Order 1 Soil Survey" to be released to Wasco County, it had to be: (1) reviewed by DLCD for completeness and consistency with reporting requirements; and (2) determined by DLCD to be soundly and scientifically based and to meet reporting requirements.

As provided in the Board's Packet in Attachment C Staff Report, pp. BOCC 1 – 50 through 1 –52, the "Wilson – Order 1 Soil Survey" was submitted in accordance with the requirements listed in OAR 660-033-0045. Staff found that no indication that the information provided within the "Wilson – Order 1 Soil Survey" was incomplete or inaccurate.

As aforementioned on page 4 of this report, staff does not possess the technical expertise to properly analyze or make a determination or recommendation on the accuracy of the “Valley Science Soils Report’s” reasoning or its contradictory findings and conclusions to the “Wilson – Order 1 Soil Survey”. To date, staff has not received any information from DLCDC that might indicate that the “Wilson – Order 1 Soil Survey” fails to meet any requirement outlined in OAR 660-033-0045.

Staff Conclusion

Given these facts, staff finds that the “Wilson – Order 1 Soil Survey”, which has followed explicit procedure and was vetted for completeness by DLCDC, carries significant weight regarding explicit findings and conclusions of soil class, soil type (mapping unit), suitability, and the percentage of soil types and classes discovered on the subject parcel. It is important to remember that soil classification is but one issue among many that might tip the scales which results in a change of the allowable uses for a property.

The underlying request seeks a Goal 4 Exception to change the designated use of the subject parcel from “Forestry” (Resource Land) to “Forest Farm” (Non-Resource Land). As provided in the Board’s Packet in Attachment A, the scope of this hearing is strictly limited to those criteria contested within OAR 660 - 004 - 0025 “Exception Requirements for Land Physically Developed to Other Uses” and OAR 660 - 004 - 0028 “Exception Requirements for Land Irrevocably Committed to Other Uses”.

Concerning OAR 660-004-0025 “Exception Requirements for Land Physically Developed to Other Uses”: In order to approve an exception under the “land physically developed” exception, the County is “required to determine that the property is “physically developed to the extent that it is no longer available” for forestry uses.” (See *Dooley et al v. Wasco County*, (LUBA Opinion No. 2019 - 065, Page 18), ORS 197.732(2)(a)).

Concerning OAR 660 - 004 - 0028 “Exception Requirements for Land Irrevocably Committed to Other Uses”: The Land Use Board of Appeals (LUBA) has provided that the “impracticable” standard “is a demanding one.” *1000 Friends of Oregon v. Yamhill County*, 27 Or LUBA 508 (1994). The focal point of analysis of an “irrevocably committed” exception is the relationship between the “exception area” and adjacent lands; however, the analysis must also consider the activities and availability for resource use on the subject parcel. *Department of Land Conservation & Development v. Curry County*, 151 Or. App. 7, 11 (Or. Ct. App. 1997). Most importantly, a request for an “irrevocably committed” exception must provide facts that illustrate “how” uses on adjacent lands and the subject parcel render resource use on the “exception area” impracticable.



AGENDA ITEM

NCPHD IGA Amendment

[AMENDMENT 1 TO THE NORTH CENTRAL PUBLIC HEALTH DISTRICT
INTERGOVERNMENTAL AGREEMENT](#)

[MOTION LANGUAGE](#)

AMENDMENT NO. 1
 TO THE NORTH CENTRAL PUBLIC HEALTH DISTRICT
 INTERGOVERNMENTAL AGREEMENT
 BETWEEN WASCO COUNTY AND SHERMAN COUNTY

THIS AMENDMENT NO. 1 (“Amendment”) is entered into this _____ day of _____, 2022, by and between the political subdivisions in Oregon of Wasco County and Sherman County (“Parties”), units of local government as defined by ORS 190.003.

WHEREAS, in 2009, Wasco, Sherman and Gilliam Counties entered into an intergovernmental agreement to establish a public health district to fulfill statutes pertaining to the responsibilities and duties of public health departments as outlined in ORS Chapter 431 while providing for a governance board that reflects the interests and unique geographic considerations of the participating public entities; and

WHEREAS, in 2013, Wasco, Sherman and Gilliam Counties entered into an intergovernmental agreement (“Agreement”) creating the North Central Public Health District (“District”), which succeeded the prior agency, to fulfill the public health responsibilities and duties outlined in ORS Chapter 431; and

WHEREAS, on December 16, 2021, pursuant to Section 9.3 of the Agreement, Gilliam County provided Wasco County and Sherman County notice of its intent to withdraw from the District.

NOW, THEREFORE, Wasco County and Sherman County agree as follows:

1. Generally, as of the later date of the signatures below the District is composed of two counties, Wasco County and Sherman County, and serves the population residing in Wasco County and Sherman County.
2. Within the Agreement,
 - a. Every reference to Gilliam County shall be removed such that each instance of Wasco County, Sherman County, and Gilliam County now reads “Wasco County and Sherman County”.
 - b. Every instance of “three-county” shall be changed to “two-county”.
3. Section 16. Notification of the Agreement is amended to strike the following text: “County Judge, Gilliam County, 221 S. Oregon St., Condon, OR 97823”.
4. Except as set forth herein, Wasco County and Sherman County ratify the remainder of the Agreement and affirm that no other changes are made hereby.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 1 to the Agreement.

| WASCO COUNTY BOARD OF COMMISSIONERS | SHERMAN COUNTY COURT |
|-------------------------------------|----------------------|
| By: | By: |
| Name (print): | Name (print): |
| Title: | Title: |
| Date: | Date: |



MOTION

SUBJECT: Amendment 1 to NCPHD IGA

I move to approve Amendment 1 to the North Central Public Health District Intergovernmental Agreement.



AGENDA ITEM

Executive Session

[PURSUANT TO ORS ORS 192.660\(2\)\(H\) LEGAL CONSULTATION](#)

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



Planning Department



Wasco County Board of Commissioners
Public Hearing
April 6, 2022

“SOAK 2022” Outdoor Mass Gathering

Applicant: Molly Harpel (Precipitation Northwest)
Owner: Jonnie L. and Fred A. Justesen

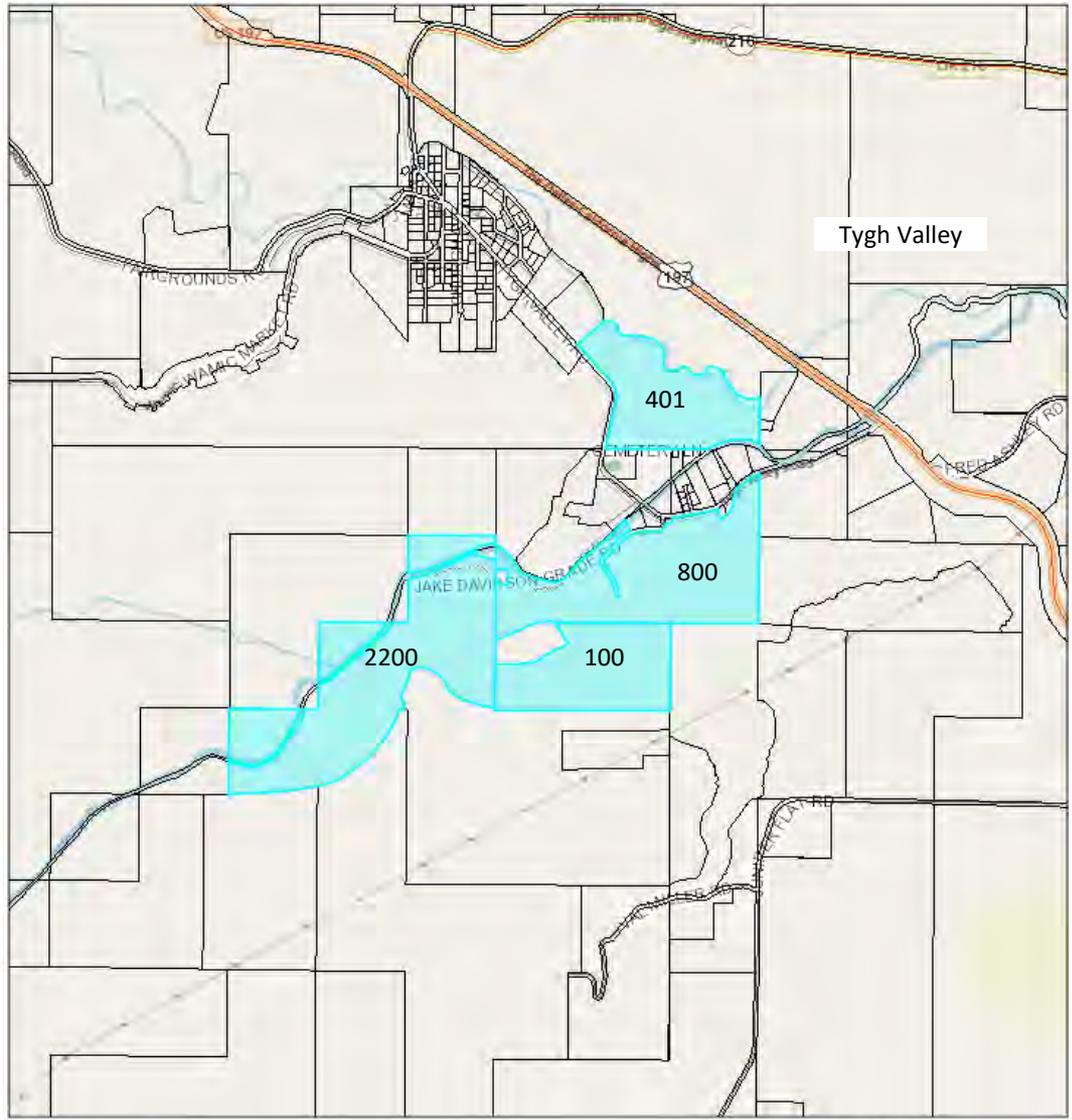
(921-21-000194-PLNG)

Request

- Outdoor Mass Gathering permit for a music and art festival entitled “SOAK 2022”
- Date of event: May 26-30, 2022.
- Maximum attendance: 1,900 including staff & volunteers
- Location: White River Canyon, Justesen Ranch, Tygh Valley

Vicinity Map

| Tax Lot# | Acct# | Acres |
|---------------|-------|--------|
| 4S 13E 10 800 | 10464 | 126.06 |
| 4S 13E 15 100 | 10445 | 67.29 |
| 4S 13E 0 2200 | 12314 | 163.62 |
| 4S 13E 10 401 | 16649 | 64.35 |



3/7/2022, 2:31:45 PM

Legend

- Subject Taxlot
- Taxlots

1:36,112

0 0.2 0.4 0.8 mi

0 0.35 0.7 1.4 km

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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



Process Requirements

ORS 433.735(2)

“Outdoor mass gathering,” unless otherwise defined by county ordinance, means an actual or reasonably anticipated assembly of more than 3,000 persons which continues or can reasonably be expected to continue for more than 24 hours and not more than 120 hours, excluding hours required for ingress to and egress from a gathering that is located on lands zoned for exclusive farm use that are 60 miles or farther from the nearest interstate highway.

WCLUDO, Section 3.212.M

An outdoor gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period.

Process Requirements

Statutory Requirements for Notice (ORS 433.750)

- **Notice of the application shall be sent to:**
 - The county sheriff
 - The county health officer
 - The chief of the fire district with jurisdiction
- **The county governing body shall hold a public hearing**
 - Notice of time and place shall be published 10 days before in a “newspaper of general circulation”.
 - Newspaper Publication: March 16, 2022
 - Notice mailed on March 10, 2022.

Standards Addressed

ORS 433.750(1) – *Updated 2019 Legislative Language*

Unless a county decides that a land use permit is required, the [governing body of a] county in which an outdoor mass gathering is to take place shall issue a permit upon application [when] *if* the organizer demonstrates compliance with or the ability to comply with the health and safety rules governing outdoor mass gatherings to be regulated according to the anticipated crowd and adopted by the Oregon Health Authority.

Key Questions

- 1) Does the proposal meet the “Outdoor Mass Gathering” definition?
- 1) Does the request demonstrate compliance with or the ability to comply with the applicable health and safety rules?

Standards Addressed

Oregon Administrative Rule (OAR) 330 Division 39

- OAR 333-039-0015 (Water Supply)
- OAR 333-039-0020 (Drainage)
- OAR 333-039-0025 (Sewerage Facilities)
- OAR 333-039-0030 (Refuse Storage and Disposal)
- OAR 333-039-0035 (Food and Sanitary Food Service)
- OAR 333-039-0040 (Emergency Medical Facilities)
- OAR 333-039-0045 (Fire Protection)
- OAR 333-039-0050 (Security Personnel)
- OAR 333-039-0055 (Traffic)

Staff Recommendation

Staff Recommends:

Approval of the application for an Outdoor Mass Gathering, subject to the conditions contained in the Order dated April 6, 2022.

Questions



Planning Department



Wasco County Board of Commissioners
Public Remand Hearing
April 6, 2022

Applicant/Owner: Dave Wilson
(921-18-000086-PLNG)

Agenda

- Review & Analysis of Valley Science & Engineering Report
- Scope of Hearing (Applicable Rules)
 - OAR 660-004-0025
 - OAR 660-004-0028
- Questions

Review & Analysis

The “Valley Science Soils Report” makes three principal conclusions:

1. The “Wilson – Order 1 Soil Survey” makes findings that the Site qualifies as non-resource land;
2. The soil data, the findings and the conclusions presented within the “Wilson – Order 1 Soil Survey” are inaccurate (either based on purported inconsistent or incorrect scientific methodology and/or purported data misinterpretation); and
3. Because of the inaccurate data within the “Wilson – Order 1 Soil Survey”, the Site does not satisfy the criteria in OAR 660-033-0030(5)(c)(A) for conversion to a non-resource plan designation and zone.

First Conclusion

The “Wilson – Order 1 Soil Survey” makes findings that the Site qualifies as non-resource land.

- No finding or conclusion made within the “Wilson – Order 1 Soil Survey” that the subject parcel qualifies as non-resource land.
- “Wilson – Order 1 Soil Survey” addresses soil class, soil type (mapping unit), suitability, and percentage of soil types and classes discovered on the subject parcel.

Second Conclusion

The soil data, the findings and the conclusions presented within the “Wilson – Order 1 Soil Survey” are inaccurate (either based on purported inconsistent or incorrect scientific methodology and/or purported data misinterpretation).

- Both the “Valley Science Soils Report” and the “Wilson – Order 1 Soil Survey” were drafted by DLCD approved professional soil classifiers.
- Staff does not possess the technical expertise to properly analyze or make a determination or a recommendation on the accuracy of the “Valley Science Soils Report” (findings & conclusions)

Third Conclusion

Because of the inaccurate data within the “Wilson – Order 1 Soil Survey”, the Site does not satisfy the criteria in OAR 660-033-0030(5)(c)(A) for conversion to a non-resource plan designation and zone.

- The “Wilson – Order 1 Soil Survey” was reviewed by DLCD for completeness and consistency, and determined to be soundly and scientifically based (Must be in line with OAR 660-033-0045).
- Staff finds that the “Wilson – Order 1 Soil Survey” carries significant weight regarding explicit findings and conclusions of soil class, soil type, suitability, and the percentage of soil types and classes discovered.

Scope of Hearing (Applicable Rules)

OAR 660-004-0025: “Exception Requirements for Land Physically Developed to Other Uses”

- Must determine that the property is physically developed to the extent that it is no longer available for forestry uses.

OAR 660-004-0028: “Exception Requirements for Land Irrevocably Committed to Other Uses”

- The "impracticable" standard "is a demanding one."
- The focal point of analysis of an "irrevocably committed" exception is the relationship between the "exception area" and adjacent lands.
- The analysis must also consider the activities and availability for resource use on the subject parcel.
- Must provide facts that illustrate "how" uses on adjacent lands and the subject parcel render resource use on the "exception area" impracticable.

Questions?