



## AGENDA: REGULAR SESSION

WEDNESDAY, DECEMBER 19, 2018

WASCO COUNTY BOARD OF COMMISSIONERS

WASCO COUNTY COURTHOUSE, RM #302, 511 WASHINGTON ST, 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 an interpreter, please contact the Commission Office at least 7 days in advance.

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

9:00 a.m.	<b>CALL TO ORDER</b> 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. <b>Corrections or Additions to the Agenda</b> <u><a href="#">Discussion Items</a></u> (Items of general Commission discussion, not otherwise listed on the Agenda) <u><a href="#">ORMAP Agreement</a></u> ; <u><a href="#">Maupin Library Letter of Support</a></u> ; <u><a href="#">Election of Chair/Vice-Chair</a></u> <u><a href="#">Consent Agenda</a></u> (Items of a routine nature: minutes, documents, items previously discussed.) <u><a href="#">12.5.2018 Regular Session Minutes</a></u>
9:30 a.m.	<u><a href="#">Wasco County Periodic Review: Goals 2,3,6 &amp; 9 – Public Hearing</a></u> – Kelly Howsley-Glover
10:00 a.m.	<u><a href="#">Annual Watershed Report</a></u> – Pat Davis/Abbie Forrest
10:30 a.m.	<u><a href="#">Bakeoven Solar Project</a></u> – Angie Brewer
10:40 a.m.	<u><a href="#">Building Codes Discussion</a></u> – Angie Brewer
	<b>BREAK</b>
6:00 p.m.	<u><a href="#">SOAK Outdoor Mass Gathering Public Hearing</a></u> to be held at the Tygh Valley Community Center 57594 Tygh Valley Road, Tygh Valley, OR
	<b>COMMISSION CALL</b>
	<b>NEW/OLD BUSINESS</b>
	<b>ADJOURN</b>

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



**WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
DECEMBER 19, 2018**

**PRESENT:** Steve Kramer, Chair  
Scott Hege, Vice-Chair  
Rod Runyon, County Commissioner

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

At 9:00 a.m. Chair Kramer opened the Regular Session with the Pledge of Allegiance. He said he wanted to take a moment to recognize the contributions made over the past 8 years by outgoing Commissioner Rod Runyon. He presented Commissioner Runyon with an appreciation award on behalf of Wasco County and its citizens.

**Public Comment – Apprenticeships**

Terry Casey from International Union of Operating Engineers Local 701 said that they are asking that the County use apprentices for construction projects in order to provide access to trade careers for local students who do not want to pursue college but want a career.

**Public Comment – Columbia Basin Nursing Facility**

Commissioner Runyon announced that Columbia Basin Nursing Home was recently recognized by US News and World Report as one of the highest performing nursing homes in the country. He noted that the Board of the facility, along with staff, strives to provide the best possible care at the lowest cost to their residents.

**Introduction**

Chair Kramer introduced Caleb Lindquist as a new reporter from The Dalles Chronicle. Mr. Lindquist said that this is his first journalism position; he went to school in Illinois.

**Discussion Item – ORMAP Agreement**

Survey and Engineering Technician Ivan Donahue stated that the ORMAP program is designed to remap all tax lots in the county to bring the tax lot maps into better alignment with their location in the real world – to within one foot of their actual location on the ground. He said that this is the sixth grant for which we have applied and been awarded the full amount requested. He stated that the project as a whole will take another seven years to complete.

Mr. Donahue went on to say that much of the grant funding will go to Lane County to convert the data points gathered here into a map. This particular grant cycle will be to map the Tygh Valley area and collect data points for Wamic, Pine Hollow and the Rock Creek Reservoir.

Vice-Chair Hege noted that there is a substantial swath of land designated as exception area; he asked what that is. Mr. Donahue replied that it is the national forest and Warm Springs Reservation. County Surveyor Brad Cross explained that there are no tax lots in those areas to survey therefore no data points to be gathered and mapped. Vice-Chair Hege asked if the boundaries for those areas are accurate. Mr. Cross replied that they are relatively accurate.

Vice-Chair Hege asked if the completed mapping is currently available on the County's GIS map program. Mr. Donahue replied that it is. He said that it takes about a year from the time we submit the data to get the map. Mr. Cross added that the process has been accelerated as in the beginning it took about 18 months.

**{{{Commissioner Runyon moved to approve Department of Revenue ORMAP Intergovernmental Agreement #3745-18. Vice-Chair Hege seconded the motion which passed unanimously.}}}**

**Discussion List – Maupin Letter of Support**

Maupin Mayor Lynn Ewing said that they are continuing to work on funding for the Maupin Library project. He said that they are applying for a Ford Family Foundation Grant and would like a letter of support from the County. He said that 10 years ago the City of Maupin began looking at how to improve the library and raised over \$100,000 through private donations; they have been seeking grants to support the project which will include city hall and a community center.

**{{{Commissioner Runyon moved to approve the letter of support for the**

**Maupin Library Project Ford Family Foundation grant application with any changes deemed appropriate by the Maupin City Mayor. Vice-Chair Hege seconded the motion which passed unanimously.}}**

Mayor Ewing announced that they have a new Library Advisory Committee. He explained that they did not receive the Collins Award in large part because the only citizens with input on the decisions regarding the project were Maupin residents. The foundation wanted to see broader participation from all the areas being served by the library. He stated that the newly-formed committee will be made up of citizens in and out of Maupin and will advise the Council on decisions associated with the project.

**Discussion List – Election of Chair and Vice-Chair for 2019**

**{{{Commissioner Runyon moved to have Chair Kramer serve a second year as Chair. Vice-Chair Kramer Hege seconded the motion which passed with two votes and one abstention by Chair Kramer.}}}**

**{{{Chair Kramer moved to have Vice-Chair Hege continue through our informal 2-year process to serve as Vice-Chair. Commissioner Runyon seconded the motion which passed with two votes and an abstention by Vice-Chair Hege.}}}**

Commissioner Runyon commented that when he proposed having a Vice-Chair it was intended to create a smooth process when the Chair is unable to attend a meeting; it is not intended as a line of succession.

**Consent Agenda – 12.5.2018 Regular Session Minutes**

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

**Continuation of Public Comment - Union Apprentice Program**

Vice-Chair Hege asked Mr. Casey to expand on his earlier comments, asking if he is involved with the planned skills center at Columbia Gorge Community College. Mr. Casey said that he does outreach to schools to show the kids a way into a career in the trades. He said that he is working with the college but they are a little different as they take your money to teach you how to do something. He stated that the union program is a little different - it is for those who cannot afford to go to college. He said that they want to bring in kids to an earn-as-you-learn opportunity



– they get benefits and a pension. He explained that the goal is to have local construction projects use accredited apprentices to provide those opportunities. The kids train on real equipment and the program is supported by many partners.

Vice-Chair Hege asked how a young person can engage in the program. Mr. Casey replied that they can contact him directly. He added that he is working to get into the middle and elementary schools where he can take kids on field trips to see the training centers and be inspired to think about the trades as a career avenue.

Mr. Stone asked if there is a pathway during the summer break to get some real work experience as they move through this. Mr. Casey replied that there are but it is complicated by state licensing requirements to run heavy equipment; some of the other trades do not have that restriction.

<b>Agenda Item – Wasco County Periodic Review: Goals 2, 3, 6 &amp; 9</b>
--

At 9:30 a.m. Chair Kramer opened a public hearing for 921-18-000098, 921-18-000099, 921-18-000100 and 921-18-000108 review of a recommendation made by the Wasco County Planning Commissioner for a legislative hearing to consider approving amendments to the Wasco County Comprehensive Plan, Wasco County 2040. Proposed are amendments to Chapter 6, 9, 2 and 3, respectively. Amendments also include the adoption of a new format for the plan. These amendments relate to work tasks #5, 6, 7 and 8 of Wasco County's Periodic Review to update the Comprehensive Plan. The proposed amendments will have a widespread affect, on many properties and zones, and is therefore a legislative amendment.

Chair Kramer explained the procedure to be followed during the hearing and asked the following questions:

Does any Commission member wish to disqualify themselves for any personal or financial interest in this matter? There were none.

Does any member of the audience wish to challenge the right of any Commission member to hear this matter? There were none.

Is there any member of the audience who wishes to question the jurisdiction of this body to act on behalf of Wasco County in this matter? There were none.

Long-Range Planner Kelly Howsley-Glover reviewed the presentation and staff report included in the Board Packet, saying that the overarching goal in this process is to create transparency and a better understanding of the rules. In all cases, they are trying to bring the plan in alignment with current circumstance and current state regulations.

Dr. Howsley-Glover went on to say that they have taken the public comment and applied that to their work. For instance, there is a big concern around water quality and quantity but little interest in additional water conservation rules/regulations. What the public expressed was a need for more education – the plan will now include language to support a public education component in conjunction with partner agencies. Language has also been added to address the trend toward home-based businesses.

Vice-Chair Hege asked if the historical contention regarding the parcel size for agricultural lands has been addressed. Dr. Howsley-Glover replied that it will be covered in the next round of public outreach and plan revisions; parcel size will be the “hot” topic for 2019 and will be addressed in the plan and eventually in the Land Use and Development Ordinance.

Commissioner Runyon said that he wants to reiterate that in cases where we are more restrictive than the state we should make a careful examination to determine if that is necessary – we should not be more restrictive than the state. Dr. Howsley-Glover replied that a consultant team compared and contrasted to identify areas where we are out of sync with the state; staff has also done some evaluations with that in mind which provides a good framework for these conversations.

Chair Kramer opened the floor to public comment – there was none.

Vice-Chair Hege read the title of the proposed ordinance into the record: In the matter of the Wasco County Planning Commission’s request to approve proposed periodic review legislative amendments to update the Land Use and Development Ordinance related to Land Planning Goals 2, 3, 6 and 9 in Chapters 2, 3, 6 and 9 of Wasco County 2040, the Comprehensive Plan (File Numbers 921-18-000098, 921-18-000099, 921-18-000100, 921-18-000108) Ordinance 19-001

Chair Kramer announced that the second hearing to consider passage of Ordinance 19-001 will be held in Room 302 of the Wasco County Courthouse at

9:30 a.m. on January 16, 2019.

Chair Kramer closed the hearing at 9:54 a.m.

**Agenda Item – Watershed Council Coordinating Board Annual Report**

Pat Davis, Chair of the Wasco County Watershed Coordinating Council, said that he and Wasco County Soil and Water Conservation District Watershed Coordinator Abbie Forrest are here to update the Board of Commissioners regarding watershed council activities over the last year. He explained that the Coordinating Board was formed to alleviate redundant paperwork and coordinate efforts throughout the county. He said that the two co-chairs for each watershed council sit on the Coordinating Board which meets monthly.

Mr. Davis and Ms. Forrest reviewed the report included in the Board Packet. Vice-Chair Hege asked how the new regulations for well control are working for the Mosier water problems. Ms. Forrest replied that the regulations in that area aren't working well and didn't help with this situation.

Vice-Chair Hege asked about the USDA loan for the project. Mr. Davis replied that it will cover about 25% of the cost. He said that not all of the wells have been examined as they are looking at them on a voluntary basis; the community is hesitant to invite people to look at their wells when there are no funds set aside to fix problems that are uncovered upon inspection. He said that he believes the Oregon Water Resource Department will eventually take authority to do that. He added that once the aquifers increase, it could solve the issues that currently exist with those wells. Ms. Forrest added that the wells they are working on now are the worst offenders. She said the problem is that the ORWD was not working hand in hand with the well contractors – they have to work together to prevent future problems.

Mr. Davis and Ms. Forrest continued their review of the report and thanked the Board for their support during the catastrophic summer fire season.

**Agenda Item – Bakeoven Solar Project**

Planning Director Angie Brewer stated that a public notice has been sent regarding this project application. Commissioner Runyon asked what the timeline is for the project. Ms. Brewer directed the Board's attention to the handout (attached) and said that it is a slow process – at least multi-year – but it isn't certain

until they see the whole packet.

Vice-Chair Hege asked what the County's role is in this process. Ms. Brewer responded that the owners have to comply with regulations and will need feedback from staff; Planning can help them add things to make sure they meet our needs and requirements for a smoother process.

Vice-Chair Hege asked if the State does all the work on this with our input. Ms. Brewer replied that the State solicits feedback from us and our technical assistance to let them know if the owners are in compliance.

Vice-Chair Hege asked about the maps included in the Board Packet saying that it doesn't seem like they will be blanketing all the acres with panels. Ms. Brewer concurred; there is some flexibility and talk of future expansion which would require further review.

Ms. Brewer asked the Board for specific comments to be submitted to the state; the submission deadline is January 11, 2019. Vice-Chair Hege said that he is generally supportive; Chair Kramer said that he wants to keep fire concerns at the forefront.

**\*\*\*The Board was in consensus to have staff move forward with the letter of intent for the Bakeoven Solar Project application.\*\*\***

#### Agenda Item – Building Codes

Ms. Brewer reviewed her report (attached). Mr. Stone said that his guess as to why the state recently decreed to not allow dual discipline inspections stems from union issues and it will be resolved through negotiations. He added that if we have the program it may not apply to us as we will not be party to the state's union contract. Human Resources Director Nichole Biechler stated that she spoke to an official at the state this morning and it is a union classification concern – their structural engineers are paid at a lower wage than the electrical and plumbing inspectors; right now it is a budgetary issue for the state.

Mr. Stone pointed out that the state has a deeper staffing pool that we can have. Ms. Brewer noted that since we cannot know what our staffing needs will be, she has built one for each specialty plus a building official and support staff. She added that there will also be additional work being done by existing County staff; the local State office has staffing out of their other offices – we have no tabulation for that.

Commissioner Runyon explained that the reason for the expansion of the building is that we had to move others into already occupied spaces in order to make room for Building Codes, adding that remodels do not happen overnight. Ms. Brewer agreed, saying that we would have to have temporary spaces while the remodel took place. Commissioner Runyon noted that it is not clear, if we take the program, whether we would have to open the doors on January 1<sup>st</sup>. Mr. Stone commented that he thinks the State will support a transition period. Ms. Brewer pointed out that they did so when Hood River took the program.

Ms. Brewer went on to say that our salary numbers look different than the State's or MCCOG's; if we pay less, then we will have a more difficult time recruiting. She pointed out that the State is struggling to hire and has significant vacancies on their staff. Mr. Stone stated that he still has questions about the salary calculations – it needs more work. He said that we will not hire at the rates shown in this report.

Vice-Chair Hege asked why the HR Answer numbers are not more in line with the market rate. Mr. Stone replied that it definitely needs more work to clear up the inequities. He stated that his concern is that the potential salaries will be over a half a million dollars a year and there are three years in the data where the fees did not cover those salaries. Vice-Chair Hege pointed out that the average over six years would have been enough. He said that he understands that it is not something we can count on but he is more concerned about the staffing numbers – operating with ten to eleven staff is not viable.

Mr. Stone agreed that the staffing piece is the biggest concern; we will have to beef up the Planning staff in order to be able to manage this – that is a general fund cost. He cautioned that we could get five or ten years down the road and have to ask for major rate increases.

Ron Hageman of Hageman Builders said that he has not heard anything about plan reviews; he reported long turn-around times which significantly slows his work and could potentially put construction companies out of business. Vice-Chair Hege asked what his preference would be for management of the program. Mr. Hageman responded that he would like the County to take the program. He complained that this has been a topic of discussion for three years and a decision is past due – this has to get fixed.

WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
DECEMBER 19, 2018  
PAGE 9

Commissioner Runyon observed that this is a core service of the State; if we take it over, we still have to follow their rules.

David Bustos of Bustos Construction reported that it took three months to get a permit for one house which pushed them into paying overtime in order to complete construction before bad weather set in. He noted that the program under MCCOG ran well with just five people.

Ron Nelson of Oregon Equipment said that he appreciates the County trying to be fiscally responsible. He said the industry representatives in the room are trying to do things right but when people get frustrated with the system, they go forward without permits. He pointed out that when workers get laid off, they go to Portland for work and do not come back – they need to work.

Vice-Chair Hege asked Mr. Nelson if he wants the County to take the program or to put more pressure on the State for better service. Mr. Nelson replied that he thinks we would be better off to create a plan and take over the program. Vice-Chair Hege commented that he thinks we will have more autonomy but he wants to make sure we staff the program appropriately to give good service without bankrupting the program.

County Clerk Lisa Gambie stated that she and her husband have been remodeling a house; one of the things that was great about the state program was that cross-inspections could be done. She said that it is a concern that the State is requiring separate inspectors.

A representative of MBR Construction asked if there are resources left from MCCOG that could be used. Chair Kramer replied that there is \$4 million slated for building codes but it will have to be divided among the four partner counties. He said that Wasco County has tried to come up with equitable percentages so that we can move forward but information has surfaced indicating that Sherman County may contest any division of the funds.

Ms. Brewer said that one solution could be to include the partner counties in Building Codes. The MBR representative asked if the partner counties could pay into the administrative costs. Chair Kramer responded that we tried that but the other counties refused. Vice-Chair Hege observed that there are differences of opinion and some are more open to working with us. He said that he is hopeful that

we can come to an agreement. He pointed out that while the other counties have a need for these services, it is not as great as our need.

Wayne Lease asked if MCCOG has completed their final dissolution. Chair Kramer replied that they have not but it really has no impact on this discussion.

Commissioner-Elect Kathy Schwartz noted that there will be new commissioners taking seats in the partner counties which will afford an opportunity to go back to the table for discussion.

Vice-Chair Hege said that if there are 6-7 full-time employees it is about \$700,000 per year and gives us some flexibility. He said that the \$4 million could help get it off the ground but it seems critical that all four counties work together – it will fall apart if there is contention. He pointed out that if it does not work, we can always give it back to the State. He stated that while it is complicated, it is not rocket science. He said that it is impacting businesses in our community and there is nothing he sees from the State that is encouraging. He concluded by saying that an office in the Dalles has always been the goal but we have never run this program – the construction community should expect some bumps along the way.

**{{{Commissioner Runyon moved that Wasco County accept the Building Codes program to be run by Wasco County and for staff to negotiate an acceptable transition period. Vice-Chair Hege seconded the motion which passed unanimously.}}}**

Prevention Coordinator Debby Jones came forward to recognize Commissioner Runyon's years of service to the youth of Wasco County and his continued support of the Youth Think programs. She presented him with a certificate of appreciation and said she looks forward to continuing to work with him in his role as City Councilman.

Chair Kramer recessed the session at 11:49 a.m.

<b>Agenda Item – SOAK Outdoor Mass Gathering Permit Application</b>
---

At 6:00 p.m., Chair Kramer opened the public hearing for 921-18-000183-PLNG: a request for an Outdoor Mass Gathering permit for a music and art festival entitled "SOAK 2019" May 23-27, 2019. He explained the process for the hearing and asked the following questions:

- Do any Commissioners wish to disqualify themselves for any personal or financial interest in this matter? There were none.
- Does any member of the audience wish to challenge the right of any Commissioner to hear this matter? There were none.
- Is there any member of the audience who wishes to question the jurisdiction of this body to act on behalf of Wasco County in this matter? There were none.
- Do any Commissioners need to disclose *ex-parte* contacts? There were none

Chair Kramer noted that Vice-Chair Hege could not attend this evening's hearing.

Senior Planner Will Smith reviewed the report included in the Board Packet saying that the applicant has met or demonstrated the ability to meet all the requirements of the permit. He stated that staff recommends approval with stated findings and conditions.

Chair Kramer asked the applicant to present any further information.

Representatives of Precipitation Northwest, event organizers, said they are pleased to return for a fifth year and have developed a stable relationship with the Justesens who own the event site. They reported that they have made some policy adjustments to bring down the noise level of the event and contacted locals for feedback which has been positive.

Commissioner Runyon asked about the garbage and trash collection for the event. The organizers responded that they have a leave-no-trace policy – attendees pack it in and pack it out. They stated that they have stopped having a dumpster on site as it is never used; once the event is completed there is a team that does a line sweep of the site picking up items as small as sequins.

Commissioner Runyon asked about arrangements for medical needs. The organizers replied that they have hired a team with certified medics – 6 on duty around the clock – as well as a physician's assistant. In addition, there is medically trained staff roaming the area throughout the event.

Commissioner Runyon asked about fire prevention/suppression measures. The



organizers stated that they have a good relationship with the Tygh Valley Volunteer Fire Department which is on site for all burns and gives the greenlight for any ignitions. In addition there is trained staff on-site throughout the event, as well as a high pressure water truck.

Commissioner Runyon asked if there have been any other changes. The organizers responded that they determined that the exodus process was too long; it has been adjusted for a smoother process.

Chair Kramer opened the floor to anyone wishing to speak in favor of the permit. There were none.

Chair Kramer opened the floor to anyone wishing to speak in opposition of the permit. There were none.

Chair Kramer closed the floor to public testimony and opened deliberations, reading the options included in the staff report.

**{{{Commissioner Runyon moved to approve Order 18-099 approving an Outdoor Mass Gathering as proposed in file number 921-18-000183-PLNG, and accept the findings and conditions contained in the Summary and Staff Report dated December 19, 2019. Chair Kramer seconded the motion which passed unanimously.}}}**

Chair Kramer closed the hearing and Board Session at 6:18 p.m.

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

**MOTIONS**

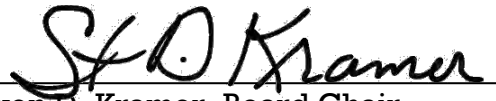
- **To accept the Building Codes program to be run by Wasco County and for staff to negotiate an acceptable transition period.**
- **To approve the letter of support for the Maupin Library Project Ford Family Foundation grant application with any changes deemed appropriate by the Maupin City Mayor.**
- **To have Chair Kramer serve a second year as Chair.**
- **To have Vice-Chair Hege continue through our informal 2-year process to serve as Vice-Chair.**
- **To approve the Consent Agenda – 12.5.2019 Regular Session Minutes.**

- **That Wasco County accept the Building Codes program to be run by Wasco County and for staff to negotiate an acceptable transition period.**
- **To approve Order 18-099 approving an Outdoor Mass Gathering as proposed in file number 921-18-000183-PLNG, and accept the findings and conditions contained in the Summary and Staff Report dated December 19, 2019.**

**CONSENSUS**

- **To have staff move forward with the letter of intent for the Bakeoven Solar Project application.**

Wasco County  
Board of Commissioners

  
\_\_\_\_\_  
Steven D. Kramer, Board Chair

  
\_\_\_\_\_  
Scott C. Hege, Vice-Chair

\_\_\_\_\_  
Did not attend session  
Kathleen B. Schwartz, County Commissioner



## DISCUSSION LIST

---

[ORMAP AGREEMENT](#) – Ivan Donahue

---

[MAUPIN LIBRARY LETTER OF SUPPORT](#) – Kathy White

---

[ELECTION OF CHAIR/VICE-CHAIR FOR 2019](#)

---



## DISCUSSION ITEM

### ORMAP Agreement

---

[DEPARTMENT OF REVENUE ORMAP IGA CONTRACT #3745-18](#)

---

[MOTION LANGUAGE](#)

---

**DEPARTMENT OF REVENUE  
ORMAP INTERGOVERNMENTAL AGREEMENT  
CONTRACT #3745-18**

This Agreement is entered into by and between the State of Oregon, acting by and through the Department of Revenue ("Department") and Wasco County ("County").

WHEREAS, under ORS 306.135 the Department is charged with developing a base map system to facilitate and improve the administration of the ad valorem property tax system;

WHEREAS, pursuant to ORS 190.110, the Department may cooperate, by agreement or otherwise, with a unit of local government in performing the duties imposed upon it by ORS 306.135.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Department and the County agree to the following:

**I. EFFECTIVE DATE OF AGREEMENT; AWARD; PROJECT COMPLETION**

- A. Effective Date of Agreement. This Agreement shall become effective on the date this Agreement has been signed by every party and all required approvals have been obtained.
- B. Award. The Department shall provide funds in the amount of **\$80,460.00** (the "Award") to the County to fund all or part of the activities set forth in Exhibit A ("Proposal") which is attached hereto and by this reference made a part hereof. The part of the activities set forth in the Proposal which is funded by the Award shall be called the "Project". All of the activities set forth in the Proposal, whether funded by the Department or by other sources, shall be referred to as the "Total Project". (If there are no other funders beside the Department for the activities described in the Proposal, the Total Project is the same as the Project.) The Department shall not be obligated to provide to the County, and the County shall not use the Award other than for costs for the Project.
- C. Project Completion. County agrees to complete the Total Project in accordance with the terms and specifications of the Proposal by **December 31, 2019** ("Project Completion Date"). Final billing for the Project shall be submitted to the Department on or before **January 31, 2020**.

**II. DISBURSEMENTS.**

- A. Disbursement of Funds by the Department. Subject to Section IV, upon receipt of the County's request for disbursement, the Department shall disburse the

Award to the County on a cost reimbursement basis. The Department may, in its sole discretion, impose a minimum or maximum dollar amount for each disbursement request or limit the frequency of disbursement requests.

- B. Overpayment. In the event that the aggregate amount of the Department's disbursements hereunder exceeds the costs of the County for the Project, the County agrees to refund to the Department the amount paid in excess of such costs within thirty (30) days of final billing by the County or the Project Completion Date, whichever is earlier.
- C. Disallowed Costs. The County agrees that payment(s) under this Agreement shall be subject to offset or reduction for amounts previously paid hereunder which are found by the Department not to constitute allowable costs under this Agreement. If such disallowed amount exceeds the payment(s); the County shall immediately upon demand pay the Department the amount of such excess.
- D. Cost Savings. Any cost savings realized on the Total Project shall be prorated between the funding sources based on the percentage of their respective cash contributions as set forth in the Proposal. In no event shall the Department pay for more than its pro rata share of the County's actual out-of-pocket cost of the Total Project.
- E. No Duplicate Payment. The County shall not be compensated for, or receive any other duplicate, overlapping or multiple payments for the same work performed under this Agreement from any agency of the State of Oregon or the United States of America or any other party.

### III. REPRESENTATIONS AND WARRANTIES

County represents and warrants to the Department that (1) it has the power and authority to enter into and perform this Agreement, (2) this Agreement, when executed and delivered, shall be a valid and binding obligation of County enforceable in accordance with its terms, (3) the Total Project shall be performed in a good and workmanlike manner and in accordance with the highest professional standards, (4) those persons performing work on the Total Project shall, at all times during the term of this Agreement, be qualified, professionally competent and duly licensed to perform work on the Total Project, and (5) Exhibit A presents a good faith estimate of the costs of the Total Project and the Project and accurately states the amount of other funds, whether in cash or through binding commitment(s), available for payment of the costs of the Total Project.

### IV. CONDITIONS TO DISBURSEMENT

- A. Conditions Precedent to Disbursement. The Department shall not be obligated to disburse any funds hereunder for Project costs unless (1) there exists no event of default or default which with notice or lapse of time or both will become an event of default hereunder, and (2) the Department has received from the County (i) a request for disbursement signed by a duly authorized representative of the County (which shall, among other things, state that the County has or will have sufficient funds to complete the Total Project by the Project Completion Date), (ii) an itemized invoice and (iii) such other documentation as the Department may require, all in form and substance satisfactory to the Department; further, the Department shall only be obligated to disburse Award funds to the extent that the portion of the Award represented by the aggregate amount of all disbursements made through the date of the disbursement request (including the amount of the disbursement request) does not exceed the percentage of the Project completed through the date of the disbursement request, as determined by the Department.
- B. Conditions Precedent to Final Disbursement. The Department shall not be obligated to make final disbursement hereunder until a final payment request and such documentation as may be required by the Department, all in form and substance satisfactory to the Department, shall be submitted by the County to the Department. Final payment will be made to the County within forty-five (45) days of approval by the Department.

## V. COVENANTS

- A. Assignment. If the County hires a contractor(s) to do all or part of the Project, the County shall remain liable for compliance with the terms and conditions of this Agreement and shall not in any way be relieved of any of its obligations under this Agreement. The County shall be responsible for all cost overruns.
- B. Payments. To the extent required by state and federal law, the County agrees to:
1. Make payment promptly as due to all contractors, subcontractors, vendors and other persons supplying labor and/or materials for the Project; and
  2. All employers, including County, that employ subject workers, as defined in ORS 656.027, shall comply with ORS 656.017 and shall provide workers' compensation insurance coverage for those workers, unless they meet the requirement for an exemption under ORS 656.126(2). County shall require and ensure that each of its subcontractors complies with these requirements.

- C. Liabilities. County shall perform its obligations under this Agreement as an independent contractor. Each party shall be responsible exclusively with respect to its employees, for providing for employment-related benefits and deductions that are required by law, including but not limited to federal and state income tax deductions, workers' compensation coverage, and contributions to the Public Employees Retirement System.

Each party shall be responsible, to the extent required by law (including the Oregon Tort Claims Act, ORS 30.260-30.300), only for the acts, omissions or negligence of its own officers, employees or agents.

- D. Compliance with Applicable Law. The County shall comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to this Agreement. The Department's performance under this Agreement is conditioned upon the County's compliance with the provisions of ORS 279B.220, 279B.235, 279B.230 and 279B.270, as amended from time to time, which are incorporated by reference herein. The parties shall, to the maximum extent economically feasible in the performance of this Agreement, use recycled paper (as defined in ORS 279A.010(ee)), recycled PETE products (as defined in ORS 279A.010(ff)), and other recycled products (as "recycled product" is defined in ORS 279A.010(gg))
- E. Records Maintenance. The County shall maintain all fiscal records relating to this Agreement in accordance with generally accepted accounting principles and the Oregon Local Budget Law, ORS 294.305 to 294.565.. In addition, the County shall maintain any other records pertinent to this Agreement in such a manner as to clearly document the County's performance. The County's accounting procedures shall provide for an accurate and timely recording of receipt of funds by source, of expenditures made from such funds, and of unexpended balances. Controls shall be established which are adequate to ensure that all expenditures reimbursed under this Agreement are for allowable purposes and that documentation is readily available to verify that such charges are accurate.
- F. Access. The County acknowledges and agrees that the Department and the Oregon Secretary of State's Office and the federal government and their duly authorized representatives shall have access to such fiscal records and other books, documents, papers, plans and writings of the County that are pertinent to this Agreement to perform examinations and audits and make copies, excerpts and transcripts. The County shall retain and keep accessible all such fiscal records, books, documents, papers, plans and writings for a minimum of five (5) years, or such longer period as may be required by applicable law, following final payment under this Agreement, or until the conclusion of any audit, controversy, or litigation arising out of or related to this Agreement, whichever date is later.



- G. Project Ownership. The Department acknowledges and agrees that the Project is the exclusive property of the County. The County acknowledges and agrees that the Department is not responsible or liable in any manner for the completion or maintenance of the Project or Total Project.

## VI. TERMINATION; REMEDIES

- A. Termination for Convenience. Either party may terminate this Agreement at any time upon thirty (30) days prior written notice to the other party; provided, however, that the County shall, within thirty (30) days of such termination, reimburse the Department for all funds disbursed by the Department hereunder to the extent that the amount of funds disbursed exceeds the amount of the Award multiplied by the percentage of the Project completed to the satisfaction of the Department; provided further that until the County has fully reimbursed the Department for such funds, the County shall comply with the terms of this Agreement.
- B. Termination Because of Non-Appropriation or Project Ineligibility.
1. The Department, at any time upon prior written notice to the County, may terminate this Agreement if the Department fails to receive funding or appropriations, limitations, or other expenditure authority at levels sufficient to allow Agency, in the exercise of its reasonable administrative discretion, to pay for the allowable costs of the Project to be funded hereunder or any state law, regulation or guideline is modified, changed or interpreted in such a way that the Total Project, or any portion of the Total Project, is no longer eligible for Award funds.
  2. In the event insufficient funds are appropriated by the County for its share of the costs of the Total Project and the County has no other lawfully available funds, then the County may terminate this Agreement at the end of its current fiscal year, with no further liability to the Department. The County shall deliver to the Department written notice of such termination within thirty (30) days of its determination of such shortfall.
- C. Termination for Default. The Department may, at any time upon thirty (30) days prior written notice to the County, terminate this Agreement if:
1. The design and implementation of the Total Project is not pursued with due diligence; or
  2. The cadastral portions of the Total Project do not conform to the Department of Revenue Oregon Cadastral Map System; or

3. The County fails to receive funding for portions of the Total Project from outside sources as described in its Proposal; or
  4. The County, without the prior written approval of the Department, uses the funds provided by the Department hereunder in a way other than the Project described in the Proposal.
  5. The County violates any other provision of this Agreement.
- D. Rights and Remedies. The County shall, within thirty (30) days of its receipt of the notice described in Section VI.C above, reimburse the Department for all funds disbursed hereunder to the extent that the funds disbursed exceed the amount of the Award multiplied by the percentage of the Project completed to the satisfaction of the Department as of the date of County's receipt of the notice described in Section VI.C above. Further, the Department shall have any and all rights and remedies available at law or in equity.

## VII. GENERAL PROVISIONS

- A. Force Majeure. Neither the Department nor the County shall be held responsible for delay or failure to perform when such delay or failure is due to fire, flood, epidemic, strike, public carrier, act of God, act of a public enemy or a public authority or a cause which cannot be reasonably foreseen or provided against.
- B. Persons Not to Benefit. No member of or delegate to Congress, resident commissioner, officer, agent or employee of the United States of America, member of the Oregon Legislative Assembly, elected official of the State of Oregon, or official, agent, or employee of the State of Oregon, or elected member, officer, agent, or employee of any political subdivision, municipality or municipal corporation of the State of Oregon shall derive any unfair knowledge or financial benefit from this Agreement that is not offered to others in a competitive process.
- C. No Third Party Beneficiaries. The Department and County are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.
- D. Successors and Assigns. The provisions of this Agreement shall be binding upon and shall inure to the benefit of the Department and County and their respective successors and assigns; provided however that the County may not

assign this Agreement or any interest therein without the prior written consent of the Department, which consent may be withheld for any reason.

- E. Severability. The Department and the County agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provisions held to be invalid.
- F. Notice. Except as otherwise expressly provided in this Agreement, any communications between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, facsimile, or mailing the same, postage prepaid, to the Department or the County at the address or number set forth on the signature page of this Agreement, or to such other addresses or numbers as either party may hereafter indicate pursuant to this Section. Any communication or notice so addressed and mailed shall be deemed to be given five (5) days after mailing. Any communication or notice delivered by facsimile shall be deemed to be given when receipt of the transmission is generated by the transmitting machine. Any communication or notice by personal delivery shall be deemed to be given when actually delivered.
- G. Counterparts. This Agreement may be executed in several counterparts, all of which when taken together shall constitute one agreement binding all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of the Agreement so executed shall constitute an original.
- H. Governing Law; Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively, "Claim") between the Department and/or other agency or department of the State of Oregon and the County that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon; provided, however, if a Claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event shall this Section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether it is sovereign immunity, governmental immunity, immunity based on the Eleventh Amendment to the Constitution of the United States or otherwise, from any Claim or from the jurisdiction of any court. COUNTY, BY EXECUTION OF THIS CONTRACT, HEREBY CONSENTS TO THE IN PERSONAM JURISDICTION OF SAID COURTS.
- I. Merger Clause; Amendment; Waiver. THIS AGREEMENT CONSTITUTES THE ENTIRE AGREEMENT BETWEEN THE DEPARTMENT AND THE COUNTY ON THE SUBJECT MATTER HEREOF. NO MODIFICATION OR

CHANGE OF TERMS OF THIS AGREEMENT SHALL BIND EITHER PARTY UNLESS IN WRITING AND SIGNED BY BOTH THE DEPARTMENT AND THE COUNTY, AND NO CONSENT OR WAIVER SHALL BE EFFECTIVE UNLESS IN WRITING AND SIGNED BY THE PARTY AGAINST WHOM SUCH CONSENT OR WAIVER IS BEING ENFORCED. SUCH WAIVER, CONSENT, MODIFICATION OR CHANGE, IF MADE, SHALL BE EFFECTIVE ONLY IN THE SPECIFIC INSTANCE AND FOR THE SPECIFIC PURPOSE GIVEN. THERE ARE NO UNDERSTANDINGS, AGREEMENTS, OR REPRESENTATIONS, ORAL OR WRITTEN, NOT SPECIFIED HEREIN REGARDING THIS AGREEMENT. THE DELAY OR FAILURE OF THE DEPARTMENT TO ENFORCE ANY PROVISION OF THIS AGREEMENT SHALL NOT CONSTITUTE A WAIVER BY THE DEPARTMENT OF THAT PROVISION OR ANY OTHER PROVISION. THE COUNTY, BY THE SIGNATURE BELOW OF ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES THAT IT HAS READ THIS AGREEMENT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS.

DEPARTMENT:

State of Oregon, acting by and through its  
Department of Revenue  
Authorized Agency Signature

By: \_\_\_\_\_

Joshua Hardage, Contracts & Procurement Manager

Date: \_\_\_\_\_

COUNTY:

Wasco County

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax No: \_\_\_\_\_

# EXHIBIT A

AWARD LETTER  
COUNTY GRANT PROPOSAL



# Oregon

Kate Brown, Governor

Department of Revenue  
Property Tax Division  
955 Center St NE  
PO Box 14380  
Salem, OR 97309-5075  
[www.oregon.gov/dor](http://www.oregon.gov/dor)

November 20, 2018

Ivan Donahue  
Survey & Engineer Technician  
2705 E 2nd St.  
The Dalles, OR 97058

Dear Mr. Donahue

I am pleased to inform you that the Department of Revenue has approved your request for funding through the ORMAP program. You will soon receive a contract to formalize the ORMAP grant agreement with the Department of Revenue. The agreement will be effective from January 1, 2019 through December 31, 2019.

Listed below are the deliverables as outlined in your grant request. In order to expedite the payment process for you, please use the "ORMAP Invoice" form, you can download a copy from the ORMAP site. Please state the correct contract number on the chart and complete the information requested for each task or deliverable.

Contract Number:		
Task	Deliverable	Award Amount
1	204 Control Points	\$23,460.00
2	1,500 Taxlots	\$57,000.00
Total		\$80,460.00

If you have questions, please contact the ORMAP Coordinator, Philip McClellan (503-586-8128).

Best wishes for a successful project.

With regards,

Bram N. Ekstrand  
Property Tax Assistance and Oversight Section Manager  
Oregon Department of Revenue

cc: Wasco County Assessor  
DOR Finance Department  
File

# ORMAP Grant Application

<b>Section I. County and Grant Information</b>			
<b>A. County:</b> Wasco		<b>B. Funding Cycle:</b> Fall 2018	
<b>C. Project will help meet ORMAP Goal(s):</b> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 X 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/>		<b>D. Fund Request:</b> \$80,460	
<b>Section II. Summary of Project</b>			<b>Department Assessment</b>
<b>A. Brief Overview of the Request</b>			<input checked="" type="checkbox"/> Pass <input type="checkbox"/> Fail
Wasco County is seeking \$80,460 to remap 1500 taxlot polygons and capture 204 control points to continue the conversion of Wasco County tax maps to meet ORMAP technical specifications. This is the 6 <sup>th</sup> phase of a multi-year project.			
<b>Scope and Deliverables</b>			
<i>Check</i>	<i>Deliverables</i>	<i>Brief description of the deliverables</i>	
X	Tax Lot Conversion	1500 polygons in 4S 13E & 1N 13E Sections 2-11	
X	Tax Map Conversion	Index maps in 4S 13E & 1N 13E Sections 2-11 containing 1500 polygons	
X	Control Points	204 control points collected by the Surveyor in preparation for County remapping of 4S 12E township and 4S 11E Section 14	
<input type="checkbox"/>	Development		
<input type="checkbox"/>	Other Assistance		
<input type="checkbox"/>	Other Deliverable		
<input type="checkbox"/>	Hardware/Software		
<b>B. Projected Project Completion Date (projects should not exceed one year)</b>			
December 31, 2019			
<b>C. Total Costs of Project (add lines as necessary)</b>			
Deliverable	Number of Items	Cost per Item	Total Cost
Control Points	204	\$115	\$23,460
Tax lot remapping	1500	\$38	\$57,000
<b>D. Partnerships and Contributions (add lines as necessary)</b>			
Partner	Contribution		
Wasco County Surveyor	GPS equipment, computers, vehicle with gear		
Wasco County Assessor & GIS staff, map research and review	\$6000		
Total Match	\$6000		
<b>A. Assessor's Signature &amp; Date:</b>			
<b>F. Fiscal Coordinator – Name &amp; Contact Number:</b>			
Tyler Stone, County Administrator 541-506-2520			
<b>G. Project Coordinator – Name &amp; Title:</b>			
Ivan Donahue Survey & Engineer Technician			

<b>E-mail address:</b>	<a href="mailto:ivand@co.wasco.or.us">ivand@co.wasco.or.us</a>
<b>Phone Number:</b>	541-506-2656
<b>Mailing Address:</b>	2705 E 2 <sup>nd</sup> St. The Dalles, OR 97058

### **Section III. Detail Project Information –Answer all questions**

#### **A. Overview**

**1. Describe what the project is trying to accomplish.**

This project will remap 1500 polygons (using control points captured in the Spring 2017 & Fall 2017 grants) and collect an additional 204 control points in preparation for continuing the remapping in follow-on grants. At the completion of the entire project all Wasco County taxlots will meet ORMAP technical specifications consistent with Goal 6.

**2. What part(s) of the county does this project cover (Township, Range, and Sections, if applicable)?**

Remapping of 4S 13E & 1N 13E Sections 2-11 that had control points gathered in the Spring 2017 & Fall 2017 grant cycles.

Capture of 204 control points in 4S 12E Township and 4S 11E Section 14 (51 index maps and 1,117 polygons).

**3. What is the status/outcome of all previously funded ORMAP projects? (Please include funding cycles and a “status map” of your county.)**

Spring 2016: 100% Complete

Fall 2016: 100% Complete

Spring 2017: 100% Complete

Fall 2017: Expected completion date December 2018

Spring 2018: Expected completion date June 2019

See attached Wasco County ORMAP Status Map Fall 2018

**4. Describe, in detail, your technical approach to the project (such as, mapping methodology).**

A. Review existing documents

B. The Surveyor will research control points in the office.

C. The technicians will find corners in the field and collect coordinates for control points, working under the direct supervision of the surveyor, to sub- foot accuracy using real-time GPS. The county maintains survey grade GPS equipment. Providing this equipment to the project is an additional cost match

**5. Describe the project deliverables.**

Tax Maps containing 1500 polygons meeting ORMAP technical specifications and Oregon Department of Revenue cartographic specifications.

204 Control points with Sub-Foot Accuracy. GPS data file will contain similar to the following information for each point: Northing, Easting, Reference Survey Number, Observation Date, Observation Id, Township, Range, Section, Corner (< 1’ accuracy, ddd – mm - 000 coordinate format, WGS84)

**6. Who will be doing the work (county staff, contractor, or DOR staff)? Please define their roles.**

- Wasco County Surveyor will collect the control points.
- Lane County Information Services will perform the tax lot remapping.
- Wasco County GIS and Assessor staff will provide assistance with locating general location of preferred points and QC on final products.



7. **How will the county cartographer integrate the deliverables into the County's maintenance plan?**  
Lane County Information Services maintains the tax lot maps for Wasco County. This project will have no impact on maintenance.
8. **Provide a project timeline with milestones or completion dates.**  
Control point collection and remapping of tax lots will begin in January 2019 with completion in December 2019.
9. **Does this project have any partnerships? If yes, please identify them.**  
No.
10. **Describe any innovations utilized by this project.**  
The results of this project are intended to utilize the ESRI Parcel Fabric technology to improve relative and positional accuracy of data maintained in the ORMAP ESRI data schema format. The new GPS points will be conveyed to BLM for possible input and update of calculated CadNSDI data.
11. **Detail Costs (who is paying for what).**  
Wasco County Assessor & GIS Staff - \$6000 (Wasco County)  
Wasco County Surveyor - \$23,460 (Grant)  
Lane County remapping - \$57,000 (Grant)

## **B. Quality Control**

1. **Who will be responsible for quality control (QC)?**  
Wasco County Surveyor
2. **Will county cartography staff review the deliverables?**  
No. Deliverables will be reviewed by Lane County Information Services
3. **Will there be a review by Department of Revenue's cartography staff?**  
If requested
4. **Describe QC procedures.**  
Survey control points will meet County survey specifications for mapping. County staff will review each map provided by Lane County information services by visually inspecting the map. The new product will be compared to previous maps and inconsistencies will be investigated.

## **C. Project Detail**

1. **Is this project an "edge matching project"? If so, how much of the county boundary will be completed?**  
No.
2. **Is this project part of an ongoing or multi-phased remapping project?**  
Yes. This is the 6<sup>th</sup> phase of a planned multi-year project.
3. **What percentage of the county tax lots and tax maps meet the ORMAP technical specifications?**

	Total Countywide	Meet Tech Specs	Percent Complete
<b>Tax Lots</b>	<b>16,446</b>	<b>3,375</b>	<b>20.5%</b>
<b>Tax Maps</b>	<b>665</b>	<b>96</b>	<b>14.4%</b>

There is no documentation listing which index maps meet ORMAP technical specifications. Review by the Department of Revenue and Lane County Information Services staff state many of the maps are

“fairly close.” Therefore, the percent complete above is worst-case; other taxlots/index maps may meet technical specifications, there is just no way to tell.

**4. Upon completion of this project will your county meet goal 6 (100% of tax maps meeting technical specification)?**

No. This is the sixth part of a planned multiyear project.

**5. Is this project part of a multi-county effort? If so, please explain.**

No.

**6. Will the project cost be affected if it is not fully funding this cycle?**

Possibly if labor costs increase so will the amounts requested in follow-on grants.

**D. Data Availability**

**1. Does the county have a data sharing agreement with the State?**

Yes

GIS Framework Data License –signed 2005

GIS Cadastral Data Sharing License Agreement v1.3 – signed 2009

Wasco County GIS Cadastral Data Sharing License Agreement v3.0 – signed 2016

Wasco County GIS Cadastral Data Sharing License Agreement v3.0 (2017) – signed 2017

**2. Identify any data restrictions or licensing issues.**

There are no data restrictions or licenses required. Data is shared with other public agencies and funding partners at no cost and sold to all other parties.

**E. Background Information**

**Any other information that you feel may help support the project.**

This project continues Wasco County on the path to having all of its tax lots meet ORMAP specifications. It is forecast to take approximately 7 years depending on funding from ORMAP and our in-house capacity (see below).

The outline of our plan is to have the surveyors get one funding cycle "ahead" of Lane County information services in their collection of control points. Then any issues with the collection of additional control points will not hold up Lane County Information Services. In addition, the surveyors will have some capacity if there are a few additional points that need to be captured to help the current cycle of remapping.

The collection of the control points for this grant will complete township 4S 12E and 4S 11E Section 14 for Rock Creek Reservoir area to be remapped.

The Surveyor plans to collect all control points with urban accuracy (sub foot) regardless of their location in the county. Positional accuracy of less than that makes the final product of little value for the surveying community.

**F. Other Issues - Please identify.**

None.

## G. Racial and Ethnic Impact Statement

### RACIAL AND ETHNIC IMPACT STATEMENT

**This form is used for informational purposes only and must be included with the grant application.**

Chapter 600 of the 2013 Oregon Laws require applicants to include with each grant application a racial and ethnic impact statement. The statement provides information as to the disproportionate or unique impact the proposed policies or programs may have on minority persons<sup>1</sup> in the State of Oregon if the grant is awarded to a corporation or other legal entity other than natural persons.

1. ☐ The proposed grant project policies or programs could have a disproportionate or unique positive impact on the following minority persons:

Indicate all that apply:

☐ Women  
☐ Persons with Disabilities  
☐ African-Americans  
☐ Hispanics  
☐ Asians or Pacific Islanders  
☐ American Indians  
☐ Alaskan Natives

2. ☐ The proposed grant project policies or programs could have a disproportionate or unique negative impact on the following minority persons:

Indicate all that apply:

☐ Women  
☐ Persons with Disabilities  
☐ African-Americans  
☐ Hispanics  
☐ Asians or Pacific Islanders  
☐ American Indians  
☐ Alaskan Natives

3. ☒ The proposed grant project policies or programs will have no disproportionate or unique impact on minority persons.

If you checked numbers 1 or 2 above, on a separate sheet of paper, provide the rationale for the existence of policies or programs having a disproportionate or unique impact on minority persons in this state. Further provide evidence of consultation with representative(s) of the affected minority persons.

I HEREBY CERTIFY on this \_\_\_\_\_ day of September, 2018, the information contained on this form and any attachment is complete and accurate to the best of my knowledge.

Signature: \_\_\_\_\_

Printed Name: Nichole Biechler Title: Wasco County Human Resources Manager

<sup>1</sup>"Minority persons" are defined in SB 463 (2013 Regular Session) as women, persons with disabilities (as defined in ORS 174.107), African-Americans, Hispanics, Asians or Pacific Islanders, American Indians and Alaskan Natives.

**Submit completed forms to:**

Mail	Contact Information
ORMAP Project Coordinator Oregon Department of Revenue Property Tax Division 955 Center St. NE Salem OR 97301-2555	Tel: 503-586-8128 Fax: 503-945-8737 <a href="mailto:or.map@state.or.us">or.map@state.or.us</a>



# Wasco County ORMAP Status Map Fall 2018

**Legend**

Control Fall 2018

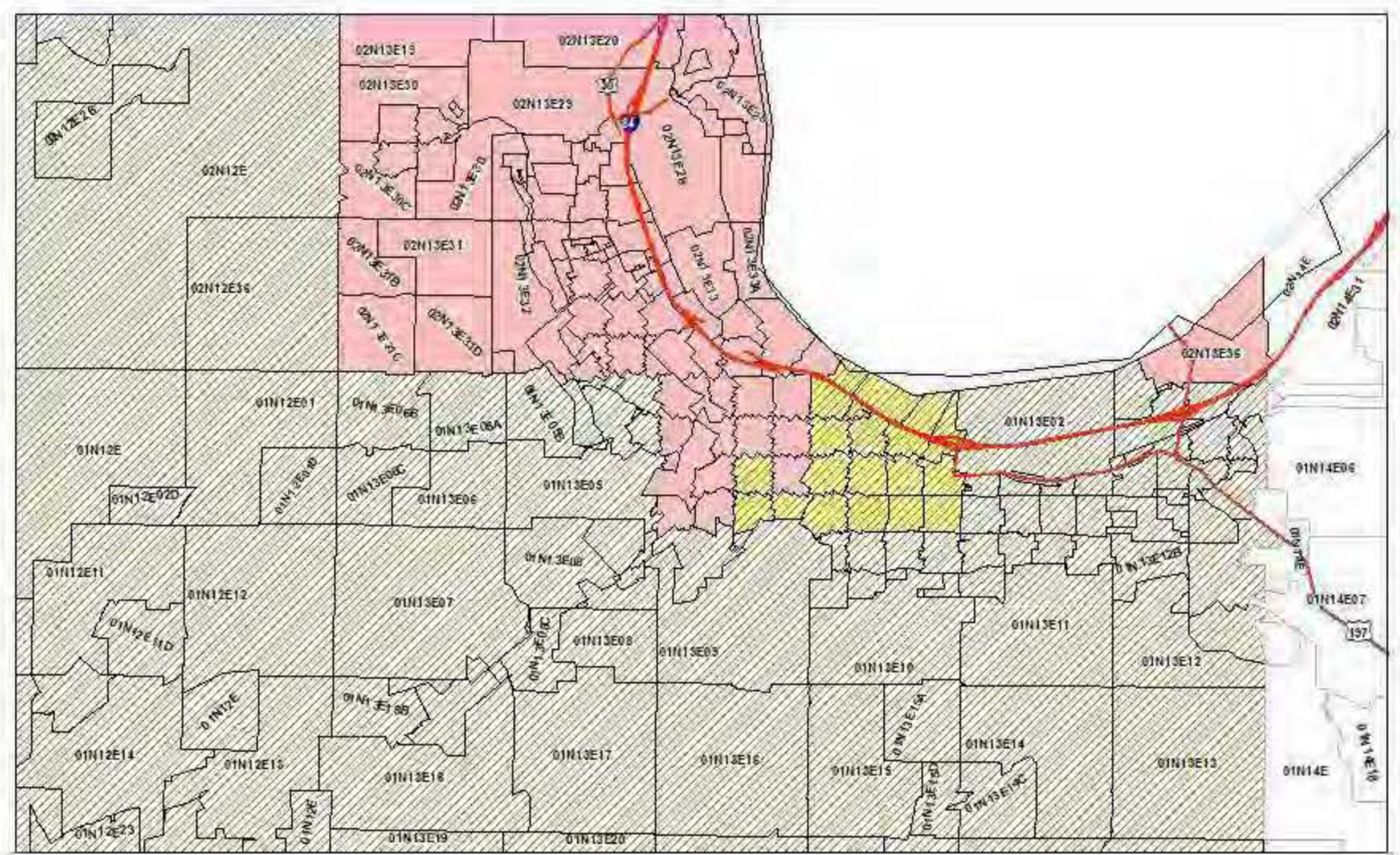
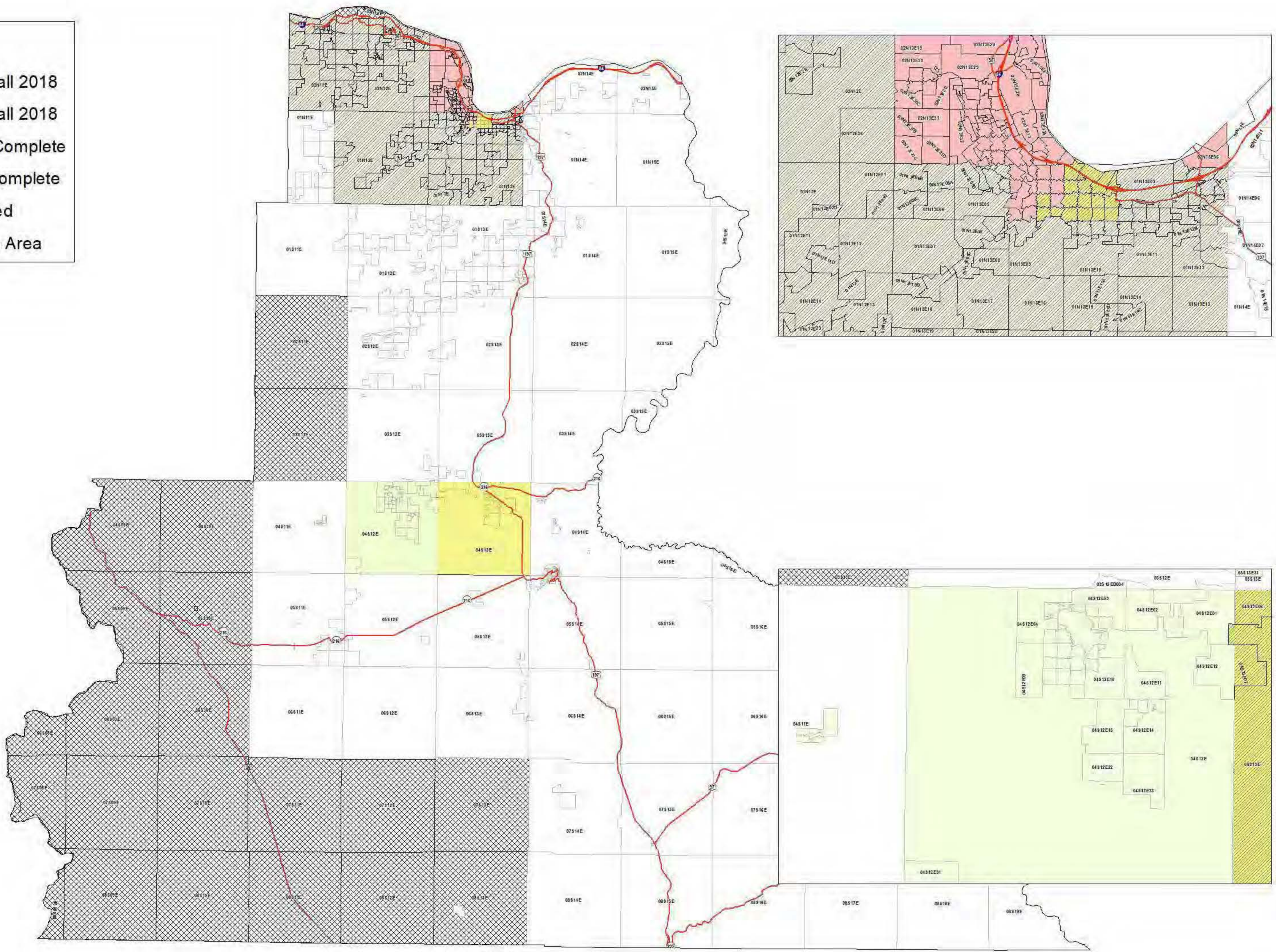
Remap Fall 2018

Re-map Complete

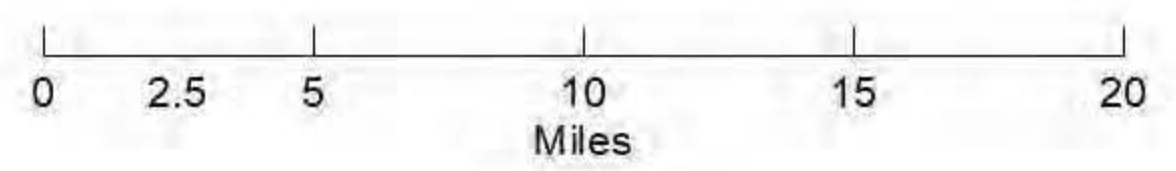
Control Complete

Not Started

Exception Area



Date: 3/20/2018



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.







## MOTION

**SUBJECT: ORMAP AGREEMENT**

---

I move to approve Department of Revenue ORMAP Intergovernmental Agreement Contract #3745-18.



## DISCUSSION ITEM

### Maupin Library Letter of Support

---

[WESTBY ASSOCIATES MEMO](#)

---

[LETTER OF SUPPORT](#)

---



MEMO

TO: The Wasco County Board of Commissioners

FROM: Ingrid Dankmeyer, Westby Associates, Inc., [ingrid@westbyassociates.com](mailto:ingrid@westbyassociates.com)

DATE: December 7, 2018

RE: Letter of Support for the South Wasco County Library Capital Campaign Foundation Request

On behalf of the City of Maupin, I am requesting a letter of support for a grant request to The Ford Family Foundation to be signed by the Commissioners. The City of Maupin We are requesting \$250,000 in support of the South Wasco County Library capital campaign. Our proposal can include a letter of support and we would like to request that the Wasco County Commissioners provide a letter confirming local leadership's support of this effort, as you did for our request to The Collins Foundation.

The City of Maupin in requesting support for the construction of our new library. As you know, the existing library in Maupin has been serving South Wasco for over 50 years. The community has been involved in planning, design and fundraising for a new, modern, state-of-the-art technology-equipped library since 2010. We have raised \$130,000 locally, secured \$600,000 from the 2018 Oregon Legislature, and \$200,000 from an Anonymous Foundation. We currently have secured 65% of our \$1.58M campaign goal.

The Ford Family Foundation is a private, non-profit foundation located in Roseburg, Oregon that primarily serves rural communities in Oregon and Siskiyou County, Calif. They define "rural" as communities under 35,000 in population not adjacent to or part of a metropolitan area. Ford Family Foundation has a particular interest in community spaces that encourage residents to come together. Our library/civic center project will include a community meeting room that will be open to the public.

Please let me or Mayor Lynn Ewing know if you have any questions about this request. I am attaching a sample letter for your consideration. I understand that this will be discussed at the December 19 Board session. If approved, please forward an electronic copy of the signed letter to me so that I can upload it along with our proposal documents.

Thank you!





**BOARD OF COUNTY COMMISSIONERS**

511 Washington St, Ste. 101 • The Dalles, OR 97058  
p: [541] 506-2520 • f: [541] 506-2551 • [www.co.wasco.or.us](http://www.co.wasco.or.us)

***Pioneering pathways to prosperity.***

Anne Kubisch, President  
The Ford Family Foundation  
1600 NW Stewart Parkway  
Roseburg, OR 97471-1957

December 19, 2018

Dear Ms. Kubisch,

We are writing to express our support for The Ford Family Foundation's consideration of a capital construction request from the City of Maupin for a new library in South Wasco County. Maupin is an important center for services in remote, rural Southern Wasco County. The Southern Wasco County Library District serves 2,555 patrons in a service area of over 600,000 acres.

The population of this portion of Wasco County has been steadily growing, and local leaders have been working hard to leverage local and state funds to improve the technology, community assets, and health care available in this region. The new library is a critical piece of this effort. While the citizens in our area voted to approve a permanent taxing district to support the ongoing operation of libraries in Wasco County, those funds cannot be used for capital support. The existing cinder block library building is the smallest in the state and is inefficient and unable to support all of the valuable cultural and educational programs that would benefit our citizens.

The new library will be co-located with a new Maupin City Hall; a shared meeting space and outdoor area will allow for community gatherings and events. Up-to-date technology and computer workstations will allow our rural citizens to be connected to the larger world. We urge The Ford Family Foundation to give this request for capital support full consideration on behalf of the citizens of Southern Wasco County.

Sincerely,

Wasco County  
Board of Commissioners

---

Steven D. Kramer, Chair

---

Scott C. Hege, Vice-Chair

---

Rod L. Runyon, County Commissioner



## DISCUSSION ITEM

### Annual Election of Chair/Vice-Chair

---

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

---



## CONSENT AGENDA

---

[MINUTES: 12.5.2018.2018 REGULAR SESSION](#)

---



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
DECEMBER 5, 2018

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

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

At 9:00 a.m. Chair Kramer opened the Regular Session with the Pledge of Allegiance. Additions to the Discussion List: ODVA Grant Application and Amendment #6 to the Mid-Columbia Center for Living Construction Project Grant Agreement.

Chair Kramer called for a moment of silence in honor of the funeral of 41<sup>st</sup> President of the United States George Herbert Walker Bush.

Discussion List – Oregon Investment Board Appointment

**{{{Commissioner Runyon moved to approve the letter recommending the appointment of Jorge Barragon to the Oregon Investment Board. Chair Kramer seconded the motion which passed unanimously.}}}**

Discussion List – Kroger Lease

Mr. Stone stated that Fred Meyer will be doing an extensive remodel of their store in The Dalles and has asked to utilize the County's 10<sup>th</sup> Street lot to stage materials and a job trailer; the lease amount is \$2,500 per month. He said that it will be on the sand shed side of the lot where there is a lot of vacant space.

Vice-Chair Hege commented that we use the sand shed as does the City of The Dalles. Mr. Stone confirmed, adding that we also use it for gravel and an annual recycling day.

Public Works Director Arthur Smith stated that the area we are leasing to Fred

Meyer still allows us full access. He said that we did stockpile some rock there and will probably move that to the Public Works lot.

Commissioner Runyon pointed out that it is the same area we allowed the wildfire crews to use.

Vice-Chair Hege added that we have also allowed sports teams to camp there during tournaments. He noted that North Wasco Parks and Rec stores some items there. Mr. Stone responded that they have one shed and should not be impacted by the arrangement.

**{{Vice-Chair Hege moved to approve the Temporary Storage Lease Agreement between Wasco County and Fred Meyer Stores, Inc. Commissioner Runyon seconded the motion which passed unanimously.}}**

#### **Discussion Item – Range Land Fire Protection Association**

Chair Kramer explained that this is a group in southern Wasco County working together to prevent and prepare to fight wildfires in their community. He said that they do not need our approval to move forward but are asking for our support in their efforts to raise funds.

Vice-Chair Hege asked the difference between an Association and a District. Chair Kramer replied that citizens can opt to join the Association and pay dues or not; a taxing District levies taxes on all residents of the District. He said that they have Board and a small base of members – they hope to increase their membership for sustainability. They are basically taxing themselves.

**\*\*\*The Board was in consensus to sign a letter of support for the Bakeoven-Shaniko Range Land Fire Protection Association.\*\*\***

#### **Discussion Item – ODVA Grant Application**

Mr. Stone explained that this is our annual application for funds. He said that we submitted the application earlier this year but due to the limitations of the application in reporting resources, there was some confusion regarding the historical base funding for our VSO program. He said that he has worked with the State and our Finance Director to clarify funding streams and this application reflects those clarifications.

Commissioner Runyon commended Mr. Stone and Mr. Middleton for the good work they did in getting this straightened out. He stated that Wasco County's

veterans program is a shining star in the State of Oregon.

**\*\*\*The Board was in consensus to sign the revised ODVA grant application.\*\*\***

**Discussion Item – MCCFL Grant Agreement Amendment**

Ms. White explained that this is an amendment to the Grant Agreement supporting the construction of a mental health clinic on behalf of Mid-Columbia Center for Living. She stated that the amendment is to extend the timeline for project completion; although construction is moving along, delays in the run-up to construction have put the project behind.

**{{Vice-Chair Hege moved to approve Amendment #6 to the IFA Project Number C15007 Agreement to extend the completion date for the MCCFL Construction Project. Commissioner Runyon seconded the motion which passed unanimously.}}**

**Discussion Item – Finance Report**

Mr. Middleton reviewed the report included in the Board Packet. Some discussion ensued regarding what fiscal year taxes were being reported for October. Mr. Middleton explained that although the taxes collected for September and October are for FY2017/2018 tax bills, they are reported as 2018/2019 revenue.

Vice-Chair Hege asked if the road fund will increase incrementally due to the passage of the transportation bill. Public Works Director Arthur Smith replied that it will but it depends on the amount of fuel tax collected; it is too early to trend it, but the amount coming in is not unexpected.

Mr. Middleton pointed out that the 911 fund is no longer at a deficit; receipt of the quarterly phone tax pushed them into the positive.

Vice-Chair Hege asked what the expectation is for the lottery distribution that will support the Fair. Mr. Middleton said he believes it will come in January. Commissioner Runyon asked if there is a separate line for Hunt Park. Mr. Middleton replied that there is but there are some things that cross over when events use both sides of the facility.

Mr. Stone asked if we have started to move the money from the loan to the MCCFL project. Mr. Middleton said there are some process issues being

resolved as to which funds are used first.

Vice-Chair Hege asked how that process is going. Mr. Stone replied that it is mostly handled in the Finance Department and at MCEDD and we are really not involved in the construction portion as MCCFL has a project manager to handle that. Ms. White added that the Finance Department has taken a good deal of the work load from her desk and has been doing a wonderful job.

Vice-Chair Hege asked if staff time is being submitted for reimbursement. Mr. Middleton responded that it is.

The Board expressed their appreciation for the thorough report and the work done to keep the Board informed.

#### **Agenda Item – Ambulance Service Area (ASA) Plan**

Emergency Manager Juston Huffman reported that the ASA Plan update is progressing; the review committee is in place and also acts as the steering committee for the updates. He said that the revised plan will go to the State for review but he wants to obtain feedback from the Board before sending it on.

Mr. Huffman said that many of the updates are corrections of typographical or grammatical errors. However, there are some that are more significant. He said that there are some issues between Mid-Columbia Fire and Rescue and Mid-Columbia Medical Center regarding transfer transports; they are trying to work that out between them. He said the issue is that MCMC may need a Portland transfer that MCFR is not able to provide. Per their ASA contract, MCFR is supposed to find a backup provider and they are not always successful.

Commissioner-Elect Kathy Schwartz said that a lot of it has to do with a lack of resources for a non-emergency transfer. Sometimes MCMC is trying to move a patient quickly so that they do not lose a bed in Portland – it is not an emergency, but they risk losing the bed at the facility to which the patient is being transferred.

Mr. Stone said that in his opinion the reality is that we have a contract and they need to be providing the services including the backup. He said that the plan and agreements are the method we have to manage that district. He added that he has heard from both MCMC and MCFR and this is really the place to conduct that conversation and meet those needs – we need to be the intermediary to

make sure that it happens.

Vice-Chair Hege asked if the contracts require any proof of backup. Mr. Huffman replied that there are mutual aid contracts. He stated that we have a complaint-driven system so unless MCMC contacts him, he is not aware of the level of the issue. He added that going forward there will be schedules for reporting.

Mr. Huffman continued by saying that they added a section for Mass Gatherings largely lifted from the Planning Department's plan for such events. In addition, they have dropped the requirement for annual application – there is virtually no competition in our county; should an outside vendor come in and want to apply, we can then open a full application process.

Mr. Huffman concluded by saying that there is nothing to approve or sign today, he is just looking for feedback. Commissioner Runyon said that he agrees that if nothing changes, there is no need for the annual application process.

#### Agenda Item – Emergency Operations Plan (EOP)

Mr. Huffman explained that we do not publish the EOP for security reasons; however, there has been no change over last year. We are required to provide a letter of promulgation each year and he is asking that the Board sign that for this year.

**\*\*\*The Board was in consensus to sign the Emergency Operations Plan Letter of Promulgation.\*\*\***

#### Agenda Item – Columbia Gorge Community College Project

CGCC Manager of Marketing and Community Outreach Dan Spatz stated that he has previously presented general information regarding the skill center and on-campus housing project for the College. He said that he is here to follow-up on that information and ask the Board to authorize Mr. Stone to work with staff at the College and City of The Dalles for an investment which will provide the assurance to the State that the funding is secure so they can proceed with a bond sale.

Mr. Spatz explained that some of the programs planned for the skill center are welding, aerial systems, robotics and automation, construction trades, diesel mechanics, cable technician and fiber optic installation, HVAC, fire sciences and paramedicine. He said that they want to launch as much of that as they can now



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
DECEMBER 5, 2018  
PAGE 6

so they are ready for expansion when the center is complete. He noted that some programs cannot be started without the facility which will be 23,000 square feet at a cost of \$7.3 million.

Mr. Spatz went on to say that the on-campus housing facility will be more than 22,000 square feet with an expected occupancy of 40 from the existing student population, 15 new students, 6 MCFR units, 5 international students and a small number of elder hostel/road scholar occupants. He said the estimates are conservative and they should be able to achieve occupancy in the first few years.

Mr. Spatz stated that an IGA would detail how this would work and potentially offer some return on the investment. He said that at the staff level, they hope to draft an IGA and bring it to the City, County and College early in January. Mr. Stone agreed that it would be the next step.

Commissioner Runyon asked when the drop-dead date would be. Mr. Spatz replied that it has been moved from January 31, 2019 to February 19, 2019; he added he would like to meet the first deadline rather than pushing it out to February. He noted that state bonds are issued in April and May.

Commissioner Runyon said that from his perspective, the purpose of the enterprise zone funds is to be able to have large chunks of money with which to accomplish major projects – such as we did with the Discovery Center and airport. He said this project is another good example and it would be nice if it could generate some revenue that could put money back in and sustain the program. He went on to say that he does not want to see the County in the same position it was with the old armory. He noted that there was some talk about putting aside reserves along the way; he would want the first bond paid in full before taking out a second bond.

Vice-Chair Hege asked if the City has expressed an opinion. City of The Dalles Mayor Steve Lawrence said that the City Council has discussed it and is supporting it pending the County's decision.

Vice-Chair Hege stated that he hopes to see us use the last Google project enterprise zone as the source of the funds at the highest rate of payback possible so that it is not a long-term obligation. He said that it is a good project and has his support. He observed that vocational training has been lost in many ways and we need to create those opportunities. He said that this is important and staff can

work out the details.

Mr. Stone said that he thinks the three entities can begin working out caveats at the Board's direction so that the state funds can be secured with assurances of the additional funding. He said that once the state funds are secured we will have time to resolve the remaining details. He said that the direction he hears today is that the Board wants to move forward with this.

**{{{Commissioner Runyon moved to direct staff to move forward in conjunction with the City of The Dalles for funding of the Skill Center/On-Campus Housing project at the Columbia Gorge Community College. Vice-Chair Hege seconded the motion which passed unanimously.}}}**

#### **Agenda Item – Search and Rescue Funds**

Chief Deputy Scott Williams reviewed the memo included in the Board Packet. He noted that historically these funds could not be used to purchase equipment but recent legislative changes have made that possible. He assured the Board that the Search and Rescue Team has been diligent in using funds responsibly.

Chief Deputy Williams went on to say that the Search and Rescue team applies for grants and engages in fund-raising activities. Commissioner Runyon asked how long the County's base funding for Search and Rescue has been static. Chief Deputy Williams replied that it has been at \$6,000 for as long as he has been here; he added that the County funds are basically for the actual searches and there is not a need at this time to increase the basic funding.

Mr. Stone commented that when the Title III funds were allocated in 2012 it was because Title III was likely to end and the County wanted to build a reserve against the possibility of an expensive large-scale search and rescue. He said that he sees the need for the equipment but wants to make sure that funds are available for searches. Chief Deputy Williams replied that the state shares in the costs for searches and the additional equipment will reduce the cost of future searches. He added that Hood River County Sheriff English, President of the Sheriff's Association, believes there will be another payment coming. Vice-Chair Hege pointed out that if this purchase is authorized, there will still be \$250,000 left. He said that it is obvious that equipment is needed, we just want to make sure the funds are used efficiently.

**{{{Vice-Chair Hege moved to authorize the expenditure of up to \$59,397 for**

**the purchase of 2 ATVs and a Trailer for the Search and Rescue program.  
Commissioner Runyon seconded the motion which passed unanimously.}}**

Chair Kramer recessed the session at 10:32 a.m.

The Session reconvened at 10:37 a.m.

#### Agenda Item – Building Codes Discussion

Mr. Stone said that since the last Board Session, the Board met in a joint work session with the City of The Dalles City Council and they were supportive of the County maintaining the program. He said that nothing else has really changed since that meeting – if the program is run by the State, we cannot be confident that they will maintain a local office and they are not making any guarantees. He went on to say that he has corresponded with Building Codes Division Administrator Mark Long and asked for a determination of the allocation of reserves and what methodology will be used to make that determination; they will be working on that. He said that brings us back to a decision on whether to keep the program or give it to the State.

Mr. Stone said that he has asked the partner counties if they would want to contract back with us; Sherman County has indicated that they would – the other counties have not responded. He said that his recommendation remains that if it is solely a financial consideration, the program should go back to the State – we do not have the experience, staff or location for the program and it will have a major impact on the County. However, this is not just a financial or operational decision as we are talking about the State impacting our local contractors, residents and economic development if the offices move out of our county.

Commissioner Runyon said that the meeting with the City was productive and informative. He said that if we go into this full bore, the only reserves we are talking about are those allocated to Wasco County, which should be the largest portion of the reserves. Mr. Stone said that the state determination of those allocations is important so that everyone understands the hand they are being dealt. Vice-Chair Hege asked if there is any idea of when we might have that number. Mr. Stone said he anticipates a number or at least the methodology fairly soon. He said that he believes it is clear that the line starts when MCCOG said that the reserves were depleted or nearly so; from that point forward, you can look at the projects for the revenue and its origin. He stated that the State will have those records.

WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
DECEMBER 5, 2018  
PAGE 9

Vice-Chair Hege said that it is difficult to make a decision without that information. He stated that he does not want to take on the expense of starting up a program without the resources needed to do that. He said that if the reserves are only enough to get the program started, then it is not enough as there needs to be a reserve fund that will sustain the program through low-construction periods. He said that he is not even sure the amount in the reserves is a firm number. Mr. Middleton said that the amount in the LGIP is \$3.9 million and is gaining interest.

Mr. Stone said that he agrees we need the funds to start it up and have adequate reserves but if we have to have the program up and running in four weeks, the decision needs to be made now. Vice-Chair Hege responded that the State needs to understand that we have to have time to do this responsibly. Mr. Stone stated that he has asked them to work with us and he thinks they are mostly in support of that, but the reserve funds process will be the sticking point as it will involve three or four other counties. Commissioner Hege observed that if they move with us, there will not be a problem. He said that if we are pressured to do it in four weeks, we cannot do it.

Commissioner Runyon pointed out that the building they are using now is not adequate for all the staff that is using it; we certainly cannot have it redesigned in a short space of time. Mr. Stone agreed saying that the remodel is a larger long-term project. He said that he would be proposing that we take on the existing staff from the State; we would need a building official which is hard to find but there is some interest. Vice-Chair Hege reported that Hood River is also seeking a Building Official.

Mr. Stone said that he will notify the State that there will be no decision without the allocation of funds.

Further discussion ensued regarding the County's approach to the program. Planning Director Angie Brewer will be coming to a future session to provide an overview. Commissioner Runyon added that we will need help from the State for the first few months.

Wayne Lease, Electrical Contractor, stated that of the 132 building codes programs in Oregon, only 2 are run by the State and offer services at a lower cost. He added that there are five programs run by private service providers. He said that if it is run correctly, this is where he would want it. He encouraged the

Board to write a new operation plan rather than adopting the MCCOG model. He pointed out that this is a fire and life safety program.

Vice-Chair Hege said that one of the compelling reasons for the State to run the program is their depth of staffing. He said that if we take the program, we will need to have discussions with our neighbors for coverage and smoothing out workloads. Mr. Stone responded that we will definitely pursue that. He noted that there is already a mutual aid agreement between Young Life and Jefferson County for their inspections.

#### Agenda Item – Executive Session

Chair Kramer opened an Executive Session at 11:11 a.m. pursuant to ORS 192.660(2)(h) to confer with legal counsel regarding litigation. He asked that the room be cleared except for necessary staff and press; he directed the press that they are not to report on anything said in Executive Session beyond the general topic as stated.

The Board returned to the regular session at 11:26 a.m.

#### Consent Agenda – 2.8.2018, 5.2.2018, 10.31.2018 & 11.7.2018 Minutes

Commissioner Runyon noted a missing word in the February 8, 2018 minutes – in the motion regarding the Scenic Area the word “area” is missing.

**{{Vice-Chair Hege moved to approve the Consent Agenda with corrections to the February 8, 2018 minutes. Chair Kramer seconded the motion which passed unanimously.}}**

Chair Kramer recessed the session to 5:30 p.m. when a Town Hall will take place at the Mosier Senior Center in Mosier, Oregon.

#### Mosier Town Hall

Vice-Chair Hege opened the Town Hall at 5:32 p.m. He announced that Chair Kramer could not attend as he is at a Fire Association meeting in the southern part of the county.

Mosier City Manager Colleen Coleman asked how the County can help address housing needs. Commissioner Runyon said that he has worked toward more low-income housing and that The Dalles has done an analysis of their rental property market. He said that rents are high compared to median income and the cost of

land in The Dalles is as high as Portland property. These factors make it hard to attract developers as they do not see any significant return on their investment. Although the State wants 30,000 units built throughout the state, it will be the market that determines where and how many are actually constructed.

A citizen asked what the consequences would be of raising the minimum wage – would that close the gap? Commissioner Runyon replied that it may not as the cost of goods would also rise. He noted that Washington State is moving in that direction but it does not always work out.

Vice-Chair Hege said that it is a complex issue. There had been \$2 million set aside for low-interest loans to construct low-income housing but there was very little interest in applying for those funds.

Further discussion ensued regarding the various possibilities for housing in the Gorge especially in the rural areas.

A citizen asked what the Board is doing to make sure property taxes are disbursed properly. Commissioner Runyon commented that the best person to talk to would be the County Tax Assessor. He stated that taxes are distributed according to formulas prescribed by state laws. Vice-Chair Hege added that each taxing district has their own taxing rate; the County collects for all and then distributes the funds accordingly. He noted that each jurisdiction controls how their funds are used.

Vice-Chair Hege went on to say that the County has certain core services it is required to provide such as law enforcement, road maintenance, mental health, public health and planning. Commissioner Runyon added that we contract out for some of those services such as animal control and mental health. It is often a cost savings to contract out for those services.

A citizen commented that it seems that the county roads have not gotten consistent maintenance. Vice-Chair Hege said that gravel county roads should be being graded twice a year and encouraged the citizen to contact the County Public Works department if that is not happening. He explained that there are 106 miles of public roads in Wasco County that are not part of the county road system. He reported that the 2017 transportation bill will increase funding for roads. He noted that due to the significant decrease in timber receipt funding, county road staff has been cut almost in-half.

Vice-Chair Hege explained recent developments regarding the Building Codes program in Wasco County. He pointed out that it is a state function and he would prefer that they do it; they say they will not maintain a local office which is concerning. He stated that if the County keeps the program we can provide local oversight but the decision has not yet been made.

Mosier Mayor Arlene Burns asked if there are efforts to tighten the codes for environmental impact. Vice-Chair Hege replied that the state and federal governments set those standards. County Administrative Officer Tyler Stone added that the code's primary function is fire and life safety.

Ms. Coleman asked if Mosier could have its own building codes program. Vice-Chair Hege replied that it would probably not be cost-effective – even the County will struggle to maintain the program. Commissioner Runyon added that the staff for Building Codes is expensive and difficult to find.

Vice-Chair Hege reported that Union Pacific Railroad is suing the County and the issue is not progressing through mediation. He said that Burlington Northern Railroad is double-tracking in Washington and doing so without applying for a permit; the Gorge Commission is trying to stop the project.

The Town Hall concluded and the session was adjourned at 6:30 p.m.

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

**MOTIONS**

- **To approve the letter recommending the appointment of Jorge Barragon to the Oregon Investment Board.**
- **To approve the Temporary Storage Lease Agreement between Wasco County and Fred Meyer Stores, Inc.**
- **To approve Amendment #6 to the IFA Project Number C15007 to extend the completion date for the MCCFL Construction Project.**
- **To direct staff to move forward in conjunction with the City of The Dalles for funding of the Skill Center/On-Campus Housing project at the Columbia Gorge Community College.**
- **To authorize the expenditure of up to \$59,397 for the purchase of 2 ATVs and a Trailer for the Search and Rescue program**
- **To approve the Consent Agenda with corrections to the February 8, 2018 minutes – 10.31.2018 Special Session Minutes, 11.7.2018**

**Regular Session Minutes, 2.8.2018 Work Session Minutes, 5.2.2018  
Regular Session Minutes.**

**CONSENSUS**

- **To sign a letter of support for the Bakeoven-Shaniko Range Land Fire Protection Association.**
- **To sign the revised ODVA grant application.**
- **To sign the Emergency Operations Plan Letter of Promulgation**

Wasco County  
Board of Commissioners

---

Steven D. Kramer, Board Chair

---

Scott C. Hege, Vice-Chair

---

Rod L. Runyon, County Commissioner





## AGENDA ITEM

### Wasco County Periodic Review Public Hearing

---

#### [TASK 5/CHAPTER 6](#)

---

##### [OVERVIEW](#)

---

##### [ANNOTATED DRAFT OF PROPOSED CHAPTER 6](#)

---

##### [CLEAN DRAFT OF PROPOSED CHAPTER 6](#)

---

#### [TASK 6/CHAPTER 9](#)

---

##### [OVERVIEW](#)

---

##### [ANNOTATED DRAFT OF PROPOSED CHAPTER 9](#)

---

##### [CLEAN DRAFT OF PROPOSED CHAPTER 9](#)

---

#### [TASK 7/CHAPTER 2](#)

---

##### [OVERVIEW](#)

---

##### [ANNOTATED DRAFT OF PROPOSED CHAPTER 9](#)

---

##### [CLEAN DRAFT OF PROPOSED CHAPTER 9](#)

---

#### [TASK 8/CHAPTER 3](#)

---

##### [OVERVIEW](#)

---

##### [ANNOTATED DRAFT OF PROPOSED CHAPTER 9](#)

---

##### [CLEAN DRAFT OF PROPOSED CHAPTER 9](#)

---

#### STAFF PRESENTATION

---

#### PROPOSED ORDINANCE

---



**PLANNING DEPARTMENT**

2705 East Second Street • The Dalles, OR 97058  
p: [541] 506-2560 • f: [541] 506-2561 • [www.co.wasco.or.us](http://www.co.wasco.or.us)

*Pioneering pathways to prosperity.*

---

**FILE #:** 921-18-000098 (5)

---

**REQUEST:** Legislative Request to Amend the Comprehensive Plan, Chapter 6  
**DECISION:**

---

**Attachments:**

- A. Wasco County Comprehensive Plan Periodic Review Work Task 5 Overview
- B. Annotated Draft of Proposed Chapters 6 of Wasco County 2040 (Comprehensive Plan) with notes
- C. Clean Draft of Proposed Chapter 6

**File Number:** 921-18-000098

**Request:** Amend the Wasco County Comprehensive Plan  
1. Change the format to align with Statewide Land Use Planning Goals  
2. Develop Goal 6 into Wasco County 2040 format (Chapter 6), make any general amendments reflecting current planning practice and amend policy to reflect public input on water conservation. This is related to Periodic Review work task 5.

**Prepared by:** Kelly Howsley Glover, Long Range Planner

**Prepared for:** Wasco County Planning Commission

**Applicant:** Wasco County Planning Department

**Staff Recommendation:** Recommend the Wasco County Planning Commission recommend adoption of the proposed amendments of the Wasco County Comprehensive Plan to the Wasco County Board of Commissioners.

**Planning Commission Hearing Date:** November 6, 2018

**BOCC Hearing Dates:** December 19<sup>th</sup> and January 16<sup>th</sup>.

**Procedure Type:** Legislative

**Attachments:** Attachment A: Wasco County Comprehensive Plan Periodic Review Work Task 5 Overview  
Attachment B: Annotated Draft of Proposed Chapter 6 of Wasco County 2040 (Comprehensive Plan) with notes  
Attachment C: Clean Draft of Proposed Chapter 6

## **I. APPLICABLE CRITERIA**

- A. Wasco County Comprehensive Plan Chapter 11: Revisions Process
  - 1. Section B: Form of Comprehensive Plan Amendment
  - 2. Section C: Who May Apply for a Plan revision
  - 3. Section D: Legislative Revisions
  - 4. Section H: General Criteria
  - 5. Section I: Transportation Planning Rule Compliance
  - 6. Section J: Procedure for the Amendment process
- B. Oregon Administrative Rules 660-025

## **II. SUBMITTED COMMENTS**

As of the Wasco County Planning Department has received no comments about the proposed revisions.

## **III. PUBLIC INVOLVEMENT**

In addition to the public hearings required by this legislative process to allow for public testimony and the ability to provide written comment, Wasco County has included the following additional measures to ensure the process is open to the public:

### **A. Newspaper Notifications**

#### Citizen Advisory Group Work Session October 9, 2018:

Public notice for a Citizen Advisory Group meeting was published in The Dalles Chronicle on September 23, 2018, more than 20 days prior to the October 9<sup>th</sup> work session.

#### Planning Commission Hearing #1:

Public notice for Planning Commission Hearing #1 was published in The Dalles Chronicle on October 14, 2018 more than 20 days prior to the November 6, 2018 hearing date.

#### BOCC Hearing #1:

Public notice for the Board of County Commissioner Hearing #1 was published in The Dalles Chronicle on December 9, 2018, more than 10 days prior to the December 19, 2018 hearing date.

#### BOCC Hearing #2:

Public notice for the Board of County Commissioner Hearing #2 will be published in The Dalles Chronicle on January 6, 2019, more than 10 days prior to the January 16, 2018 hearing date.

### **B. Information Available on Website**

The information regarding the proposed amendments was placed on the Wasco County Planning Department Website<sup>1</sup> on October 2, 2018.

---

<sup>1</sup> <http://co.wasco.or.us/departments/planning/index.php>

At the time of publication of this document, the following information was made available:

- A listing of hearing dates, times and locations.
- Drafts of the proposed amendments
- Staff report describing the process and proposed changes
- A way to submit comments and concerns

In addition, the Wasco County Comprehensive Plan website<sup>2</sup> has included several posts that have included the time and date of meetings and discussion of proposed topics. This website has 23 subscribers that receive notification of new content, and is also promoted on the Planning Department's social media channels.

**C. Notification to Partners**

An email notification of proposed amendments, progress on Periodic Review, and the legislative hearing was sent to the Periodic Review Assistance team and other Citizen Advisory Group identified stakeholders on September 28, 2018. The notification included links to the staff report, proposed amendments, and the opportunity to comment.

**D. Notification to Community Notification List**

During the Wasco County 2040 initial outreach phase, a public email notification list was assembled. Members of the public continue to have the opportunity to sign up for this list at any time on the project website<sup>3</sup> or in person at any of the public hearings, work sessions or other events. They can also request to be put on the list via email, telephone, or in the Planning Department Office. Currently this list includes 70 interested parties from the community.

An email notification of proposed amendments, progress on Periodic Review, and the legislative hearing was sent to this notification list on October 2, 2018. The notification included links to the staff report, proposed amendments, and information on how to provide comment.

**E. Other Public Outreach**

For work tasks 5-8, four community meetings in various parts of the County were held during May and June 2018 to solicit feedback about the work tasks. Staff and Citizen Advisory Group members talked to over thirty property owners, residents and business hearings during the meeting about how Wasco County 2040 could identify and utilize land use planning incentives to further support and propel our broader goals.

In addition to the public meetings, an online survey, social media content, and news media articles helped to promote engagement with the work tasks and solicit additional input. Any comments, survey results, or other feedback were compiled and analyzed by staff and used to inform the development of the new policy and implementation strategies.

## **IV. FINDINGS**

---

<sup>2</sup> [www.Wasco2040.com](http://www.Wasco2040.com)

<sup>3</sup> <https://wasco2040.com/contact/>

## **A. Wasco County Comprehensive Plan Criteria**

### **1. Chapter 11 - Revisions Process**

#### **a. Section B – Form of Comp Plan Amendment**

***Amendments to the Comprehensive Plan include many forms and can either be legislative or quasi-judicial.***

**FINDING:** The request is for a legislative text amendment to policies and the format for Goal 6 (Chapter 6) of the Comprehensive Plan, as part of a broader Periodic Review work plan. Amendments include reformatting and edits to existing policy and implementation, as well as the addition of some new content including historical perspective, overview, and findings and references.

#### **b. Section C – Who May Apply for a Plan revision**

***Amendments to the plan may be initiated by the Wasco County Governing Body***

**FINDING:** The Wasco County Board of Commissioners authorized the Wasco County Planning Department to pursue Voluntary Periodic Review (VPR) to update the Wasco County Comprehensive Plan. They sent a letter to the Land Conservation and Development Commission supporting VPR on September 29, 2016.

#### **c. Section D – Legislative Revisions**

***Legislative revisions include land use changes that have widespread and significant impact beyond the immediate area such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or much different ownership. The Planning Commission and County Governing Body shall evaluate the plan as often as necessary to meet changes in the social, economic, or environmental character of Wasco County.***

**FINDING:** The proposed text amendments to policies and format of the Comprehensive Plan are applicable to all properties governed by the Wasco County Comprehensive Plan and therefore the proposal is a legislative revision. The proposed amendments are part of a larger Periodic Review process approved by the Planning Commission, Board of County Commissioners, Department of Land Conservation and Development and the Land Conservation and Development Commission. To be accepted for periodic review, staff prepared extensive justification demonstrating the need for amendments to the Comprehensive Plan as a result of changes in the social, economic and environmental character of Wasco County.

#### **d. Section H – General Criteria**

***The following are general criteria which must be considered before approval of an amendment to the Comprehensive Plan is given:***

- 1). Compliance with the statewide land use goal as provided by Chapter 15 or further amended by the Land Conservation and Development Commission, where applicable.***

- 2). Substantial proof that such change shall not be detrimental to the spirit and intent of such goals.**
- 3). A mistake in the original comprehensive plan or change in the character of the neighborhood can be demonstrated.**
- 4). Factors which relate to the public need for healthful, safe and aesthetic surroundings and conditions.**
- 5). Proof of change in the inventories originally developed.**
- 6). Revisions shall be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change must be established.**

**FINDING:** Amendments being proposed to Goal 6 with this work task are intended to add new context, findings and references to existing policies and implementation.

In addition, changes proposed specifically are cleaning up redundant information, incorrect or out of date references and processes, and correction of language that is inconsistent with state law. New strategies are written to be more actionable by the Wasco County land use planning program, and include new references to partner agencies that work with air, land and water quality. Proposed revisions to Goal 6 are consistent with statewide land use Goal 6, and are intended to ensure compliance and consistency with state law and current conditions in Wasco County.

The proposed text amendments to policies and format of the Comprehensive Plan are intended to make the current and future planning program consistent with changes to Wasco County, state law, and regulation and make more transparent to staff and the public. Although there are several new, recommended strategies most are designed to make long standing policies more actionable or consistent with contemporary conditions. As such, proposed amendments are meant to be consistent with the spirit and intent of Goal 6.

Wasco County has changed since 1983. The proposed amendments in this report do not reflect the correction of mistakes in the previous Comprehensive Plan language. Instead, they are an update that reflects the passage of time and change in conditions. Many of the references related to Goal 6 are out of date, and documents are difficult to locate or no longer relevant to the land use planning program. Amendments, intend to offer current references and guidance for research into the future on issues related to environmental quality. As such, issues of public health and safety were also evaluated and included, as appropriate.

Work task 5 is part of a broader periodic review work plan and maps to Goal 6 within the statewide Land Use Planning Program. The goal does not have an inventory as part of the goal, policies or implementation strategies. References have been cited where relevant in the proposed Chapter text.

Proposed revisions are based on updates to state law, changes to external partner policy, plans or research, and the express intent of offering clear context to community members and Planning staff. The revisions are also based on significant public outreach and input. The additional implementation strategies were crafted using public input and evidence as relevant.

***e. Section I- Transportation Planning Rule Compliance***

- 1). Review of Applications for Effect on Transportation Facilities – A proposed zone change or land use regulation change, whether initiated by the County or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – “TPR”). “Significant” means the proposal would:***
- a). Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);***
  - b). Change standards implementing a functional classification system; or***
  - c). As measured at the end of the planning period identified in the adopted transportation system plan:***
    - i. Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;***
    - ii. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or***
    - iii. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or Comprehensive Plan.***

**FINDING:** Proposed revisions to Goal 6 do not have a direct or indirect impact on transportation facilities, the Transportation Systems Plan, or Transportation Planning rules.

***Oregon Administrative Rules 660-025-0130***

***Submission of Completed Work Task***

- 1). A local government must submit completed work tasks as provided in the approved work program or a submittal pursuant to OAR 660-025-0175 to the department along with the notice required in OAR-660-025-0140 and any form required by the department. A local government must submit to the department a list of persons who participated orally or in writing in the local proceedings leading to the adoption of the work task or who requested notice of the local government’s final decision on a work task.***

**FINDING:** A notice was sent to DLCD on September 28 2018, consistent with requirements, to inform them of the proposed November 6, 2018 hearing and subsequent hearings to adopt Chapters related to



Periodic Review work tasks 5-8. To date, staff has not received any written comment or request for notification from the public on Work Task 5. At such a time when comment is received, that will be attached to the staff report and submitted to DLCD.

At the CAG work session on October 9<sup>th</sup> and at the November 6<sup>th</sup> hearing, one member of the public testified generally in support of the amendments. Names of participants will be attached to the record.

**3). For a periodic review tasks to be complete, a submittal must be a final decision containing all required elements identified for that task in the work program. The department may accept a portion of a task or subtask as a complete submittal if the work program identified that portion of the task or subtasks as a separate item for adoption by the local government. All submittals required by section 1) of this rule are subject to the following requirements:**

- a). If the local record does not exceed 2,000 pages, a submittal must include the entire local record, including but not limited to adopted ordinances and orders, studies, inventories, findings, staff reports, correspondence, hearings minutes, written testimony and evidence, and any other items specifically listed in the work program.**
- b). If the local record exceeds 2,000 pages, a submittal must include adopted ordinances, resolutions, and orders; any amended comprehensive or regional framework plan provisions or land use regulations; findings, hearing minutes; materials from the record that the local government deems necessary to explain the submittal or cities in its findings; and a detailed index listing all items in the local record and indicating whether or not the item is included in the submittal. All items in the local record must be made available for public review during the period for submitting objections under OAR 660-025-0140. The director or commission may require a local government to submit any materials from the local record not included in the initial submittal;**
- c) A submittal of over 500 pages must include an index of all submitted materials. Each document must be separately indexed, in chronological order, with the last document on the top. Pages must be consecutively numbered at the bottom of the page.**

**FINDING:** The local record for Work Task 5 will not exceed 2,000 pages. Consistent with this requirement, submittal to DLCD will include the entire local record, including but not limited to the adopted ordinance and orders, studies, findings, staff reports, correspondence, hearing minutes, written testimony and evidence and any other relevant material.

A copy of the record, when complete, will also be available for inspection at the Planning Department.

## **Attachment A**

### **Chapter 6 Proposed Amendments**

**Documentation:** The following is a summarized overview of proposed amendments.

**State of the Comprehensive Plan:**

- A. **Purpose:** The main purpose of the Comprehensive Plan is to function as a visionary policy document with a 20 year horizon. The plan represents the desires of the citizens of Wasco County and provides generalized direction for development, preservation, the planning process, citizen involvement and numerous other elements related to land use planning. Due to frequent changes in circumstances, law, and the desires of the citizens of the county, the major components should be updated every five to ten years as needed. The land use and development ordinance includes the specific rules and regulations that are meant to implement this vision and amendments to it are required to be consistent with Comprehensive Plan language.
- B. **Prior Updates:** The Comprehensive Plan was acknowledged by the Land Conservation and Development Department in 1983. Major components of the document have not been updated since 1983, resulting in them now being out of date. Other portions have been updated but were done inconsistently and in some cases, the new language did not get inserted into the amended document. In several instances, updates to the ordinance are now out of compliance with the Comprehensive Plan because of the lack of comprehensive updates. A more comprehensive update was initiated in 2009, but ultimately not completed. Staff has used some of the past findings and information in drafting the proposed updates.
- C. **Format:** The Comprehensive Plan is currently organized in a way that puts unrelated information in the same chapter and separated related information into multiple chapters. This has created significant difficulty for staff and the public to find information and utilize as the plan was intended.
- D. **Reformatting:** After a careful case study of other Oregon county comprehensive plans, the Citizen Advisory Group held several work sessions in 2015 and 2016 to discuss, among other issues, reformatting the Comprehensive Plan for increased use, transparency and readability. Based on those work sessions, staff was directed to compile and organize information in a manner that better aligned the plan to the Statewide Land Use Planning Goals.
  - 1. **Oregon's Land Use Goals:** The vast majority of the Comprehensive Plan language is tied to one of the State of Oregon's Land Use Goals. Other than some introductory chapters, the entire Comprehensive Plan is being formatted so that each chapter corresponds to one of the applicable Land Use Goals. Each chapter will include all of the policies, findings, and inventories for the specific goal, in addition to any references and historical information.
  - 2. **Format of Goal Chapters:** Each Goal related chapter will be formatted according to the following conventions:

- a. Overview: A sentence to a paragraph on the outlining the purpose behind the Goal and Wasco County policies.
- b. Statement of Wasco County Goal and reference to Statewide Planning Goal
- c. Any cross-references to other Goals
- d. Policy Statements
- e. Implementation Statements for each policy
- f. Findings and reference section detailing any relevant findings and references.

## **Chapter by Chapter Overview of Proposed Substantive Amendments:**

### **A. Chapter 6- Goal 6 Air, Water and Land Resources Quality**

This new chapter maps to Goal 6 (Air, Water, and Land Resources Quality) and includes an overview of the natural environment, a brief overview of the goal's purpose in Wasco County, an excerpt of Oregon's Statewide Land Use Planning Goal 6, policies, implementation strategies for each policy, and a new findings and references section.

1. **Overview:** The overview briefly discusses environmental quality in Wasco County and includes a table which demonstrates the relationship between federal, state and local partners and the different resources.
2. **Supporting Agencies and Plans:** To ensure coordination with other agencies, departments and their corresponding plans, staff has created a short list of other, known plans that may have an impact on Wasco County goals, policies and regulations.
3. **Excerpt of Statewide Planning Goal:** Excerpt from the Oregon Administrative Rules on Goal 6 that outlines for staff and public the purpose of Goal 6.
4. **Wasco County's Goal:** This maps directly to the State's Goal 6, and is has not been modified from existing broad goal.
5. **Photo:** A staff photo of the Deschutes River was added.
6. **Cross Reference:** A list of other goals that relate to Goal 6 was included for easy reference.
7. **Policies:** The existing plan has four policies. The recommendation is to keep four policies but update them to more accurately reflect current policy and status.
  - a. Policy 1: Current language "Encourage land uses and land management practices which preserve both the quantity and quality of air, water and land resources."  
No change is recommended
    - (1) Implementation Strategy "a." No update is recommended at this time.
    - (2) Implementation Strategy "b." The former strategy was "*The adopted solid waste collection and disposal ordinance shall be enforced.*" In speaking to stakeholders, there was a recommendation to more clearly identify responsible authorities for

different aspects of solid waste disposal and other sanitary issues. The proposed amendment references public health's environmental quality department; *"New development must seek approval for sanitary systems from the local public health authority."*

- (3) Implementation Strategy "c." identifies the Code Compliance role in waste accumulation; *"Accumulation of materials and other nuisances posing a safety hazard may be enforced through the Code Compliance program."*
- (4) Implementation Strategy "d." references permitting procedures impacting water and water use: *"New development and uses, including agricultural activity, must obtain appropriate permits from the Oregon Water Resources Department for access to water and wells."*
- (5) Implementation Strategy "e." The strategy has been edited to clarify how setbacks are utilized in the Land Use and Development Ordinance (LUDO): *"Riparian vegetation on natural stream banks shall be preserved by the regulation of setback requirements."*
- (6) Implementation Strategy "f." has been added to clarify additional permitting or requirements from external agencies: *"Development near or impacting wetlands and waterways must obtain the appropriate permits from and comply with the requirements of partner agencies, including the Department of State Lands, Army Corp of Engineers, and Oregon Department of Fish and Wildlife."*
- (7) Implementation Strategy "g." references some of the analysis required by the LUDO during development permit review: *"The physical capacity of the land, water, and other resources to accommodate land uses shall be considered when planning for the location, type and density of rural development."*
- (8) Implementation Strategy "h." recommends the strategy to encourage low intensity recreational uses in sensitive areas: *"Low impact recreational uses may be allowed in areas with sensitive habitat or natural resources."*
- (9) Implementation Strategy "i." the recommended strategy is *"Residential alternative energy applications that reduce impact to land, water, and air quality will be encouraged through land use planning incentives."*
- (10) Implementation Strategy "j." Based on feedback during the 2018 roadshow, staff is recommending the strategy to focus on education for water conservation: *"Increase education and awareness about water conservation practices, in coordination with local, regional, state and federal partners."*
- (11) Implementation Strategy "k." In the previous strategies, there are vague references to the Environmental Protection Districts (EPDS). This strategy clearly references those most related to Goal 6: *"Environmental Protection Districts, including Flood*

and Geological Hazards, Natural Areas, Sensitive Wildlife Habitat, and Pond Turtle Sensitive Area Overlay, shall support and value the preservation of habitat, land and water.”

- b. Policy 2: states *“Maintain air quality compliance with state and federal standards.”* No changes are recommended to this policy.
  - (1) Implementation Strategy “a.” states *“Encourage a more detailed study of air quality in Wasco County by the Department of Environmental Quality.”* Because the DEQ regularly monitors air quality statewide and this statement is not actionable, staff is recommending a new strategy: *“Evaluate the impact of development applications on air quality by using the best available data, including the Department of Environmental Quality’s (DEQ) Nuisance Odor strategies, Oregon State Air Toxics Program, and DEQ’s Air Quality Status and Planning Map.”* This strategy emphasizes current references and resources staff and the public can use in decision making.
  - (2) Implementation Strategy “b.” states: *“New industries must comply with the air quality standards set forth by the Department of Environmental Quality.”* Recommendation is to abbreviate to DEQ as the acronym was introduced in the previous strategy.
  - (3) Implementation Strategy “c.” recommends staff development review analysis consider vehicle travel as potential impact: *“Consider impact of increased vehicle miles travelled, and vehicle type, as a potential impact of development.”*
  - (4) Implementation Strategy “d.” includes reference to wildfire mitigation as a strategy for addressing air quality: *“Mitigation efforts to prevent wildfire are encouraged to preserve air quality.”*
- c. Policy 3: Current policy is *“Maintain quantity and quality of water in compliance with state and federal standards.”* Staff is not currently recommending any modification to this policy. The following changes are proposed for the implementation strategies for Policy 3:
  - (1) Implementation Strategy “a.” is recommending a modification to the strategy to remove references to older, no longer relevant documents. The new strategy reads: *“Support best management practices for identified problems to maintain and improve land and water resource qualities.”*
  - (2) Implementation Strategy “b.” recommended the inclusion of water quality information in the Comprehensive Plan. However, with infrequent updates, staff is instead using the reference section to refer readers to more actively updates water quality references. The former “c.” will now be “b.”
  - (3) Implementation Strategy “c.” will now be the former “d.” strategy.

- (4) Implementation Strategy “d.” will now be the former “e.” Slight rewording is proposed: “The adequacy and quality of the ground water supplies shall be a major consideration of all development.”
  - (5) Implementation Strategy “f.” the former strategy references a no longer utilized plan. Staff is instead recommending a general strategy that supports water quality and quantity: *“Limit water dependent development in areas with known water deficiencies including areas adjacent to the watershed.”*
  - (6) Implementation Strategy “g.” is a new strategy that refers readers to external partners: *“Coordinate with state and federal agencies, including the Department of State Lands, the Army Corps of Engineers, and Oregon Water Resources Departments, on projects and applications as appropriate.”*
  - (7) Implementation Strategy “h.” reflects a policy for Goal 3: *“Promote the use of reservoirs, ponds and other water storage for fire suppression and agricultural needs.”*
- d. Policy 4: Current policy is *“Cooperate with managing agencies to solve recreation use management on the John Day and Deschutes River Scenic Waterways.”* Because both rivers have separate guiding plans and a variety of management strategies, staff is revising a new policy that more directly relates to the land use planning program: *“Consider the impact of noise on wildlife, residents and businesses as part of development analysis for conditional uses.”* The following changes are proposed for the implementation strategies for Policy 4:
- (1) Implementation Strategy “a.” No change is being recommended.
  - (2) Implementation Strategy “b.” is recommending a slight alteration to the text, to read: *“Consideration for the effects of noise on the surrounding environment, including residential densities, will be given when a new development of any kind is proposed.”*
  - (3) Implementation Strategy “c.” is suggesting strengthening the current strategy by revising as more appropriate to the land use planning program: *“Environmental Protection Districts that seek to protect habitat should be considered noise sensitive areas and only compatible uses should be permitted.”*
  - (4) Implementation Strategy “d.” no change is proposed.
8. **Findings and References:** To help provide some information about each of the policies, as well as some history, findings and references are provided at the end of the chapter. These references cite sources from text. Findings provide additional context for some of the policies and implementation strategies. The references list a variety of external plans and reports that are useful, not only in giving context to the policies, but also for research or reference for current planning.

**Goal 6**

**Air, Water, and Land**

---

**Resources Quality**

Goal6

Air, Water, and Land Resources Quality

Overview

Goal 6 of the statewide land use planning program requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater and air pollution. Wasco County has also used this goal to further support air, water and land quality and the impact of development on these resources.

Coordination with partner agencies and citizens is critical to protecting air, water and land resources. The policies in this chapter define the responsibility of the County to work in partnership with others to achieve the highest level of air, water and land resource quality.

Partner	Air	Water	Land
Bureau of Land Management		X	X
Oregon Department of Environmental Quality	X	X	
Oregon Department of State Lands		X	X
North Central Public Health			X
Oregon Water Resources Department		X	
US Department of Agriculture (Natural Resources Conservation Service)			X
Wasco County Soil and Water Conservation District		X	X
US Fish and Wildlife Service		X	X
OSU Extension Office		X	X

Table 6.1 Goal 6 Agency Partners

Key Facts:

Wasco County lies within three major drainages basins: the Hood, Deschutes River and John Day River Basins (Appendix with maps). Wasco County is bordered by three rivers, Columbia, Deschutes and the John Day. The White River, which source is near Mt. Hood, also runs west to southeast through Wasco County and feeds in to the Deschutes near Maupin. Many tributary streams and creeks feed into the rivers.

The county, by in large, has expansive flows of Columbia River Basalt underneath soil surfaces. The depth of top soil varies throughout the land, and accounts for some more difficult farming conditions in certain areas of the county.

Elevations vary from 5,700 ft at Flag Point (west Wasco County) to 150 ft on the Columbia River.

Climate is transitional zone between western and eastern Oregon, with Cascade Mountain Range serving as a barrier to reduce rainfall. Growing seasons, water availability and soil types vary greatly across the vast County and account for the large variety in crops, landscape and development.

The county is approximately 2,382 square miles of land and 14 square miles of water. Of a total 1,532,019 acres in the county, 44,736 are in the National Scenic Area (NSA). The remaining non-NSA and reservation lands total 1,121,859.63 acres with the following breakdown of total acres per zone:

Total Agriculture lands	851,207.01
Total Forest Lands	257,741.60
Total Rural Residential	12,344.05
Total Industrial	233.86
Total Commercial	102.16



## **Statewide Planning Goal 6**

**To maintain and improve the quality of the air, water and land resources of the state.**

All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or environmental quality statutes, rules and standards.

Excerpt from  
OAR 660-015-0000(6)

## **Cross-Reference**

Additional policies related to this goal: Goal 2, Goal 3, Goal 4, Goal 5, Goal 7

## **Wasco County Goal 6**

## **Air, Water, and Land Resources Quality**

**To maintain and improve the quality of the air, water, and land resources of the County.**



## Policies

- 6.1.1** Encourage land uses and land management practices which preserve both the quantity and quality of air, water and land resources.

### Implementation for Policy 6.1.1:

- a. Recognizing that the soil resource base is vital to maintain productivity, encourage agricultural conservation and management practices which minimize the adverse effects of wind and water erosion.
- ~~b. The adopted solid waste collection and disposal ordinance shall be enforced.<sup>1</sup>~~
- ~~e.b. New development must seek approval for sanitary systems from the local public health authority.<sup>2</sup>~~
- c. Accumulation of materials and other nuisances posing a safety hazard may be enforced through the Code Compliance program<sup>3</sup>.
- d. New development and uses, including agricultural activity, must obtain appropriate permits from the Oregon Water Resources Department<sup>4</sup> for access to water and wells.
- e. Riparian vegetation on natural stream banks shall be preserved ~~by the placement of an Environmental Protection District overlay zone~~ or by the regulation of setback requirements.<sup>5</sup>
- f. Development near or impacting wetlands and waterways must obtain the appropriate permits from and comply with the requirements of partner agencies, including the Department of State Lands, Army Corps of Engineers, and Oregon Department of Fish and Wildlife.
- g. The physical capacity of the land, water, and other resources to accommodate land uses shall be considered when planning for the location, type and density of rural development.
- h. Low impact recreational uses may be allowed in areas with

<sup>1</sup> Per former County sanitarian, this ordinance not strictly enforced

<sup>2</sup> This references current standards for compliance

<sup>3</sup> References Code Compliance Nuisance Ordinance

<sup>4</sup> References new process for water/wells

<sup>5</sup> Per current practice

## 6.1 Policies

sensitive habitat or natural resources.

- i. Residential alternative energy applications that reduce impact to land, water, and air quality will be encouraged through land use planning incentives.
- j. Increase education and awareness about water conservation practices, in coordination with local, regional, state and federal partners.
- d.k. Environmental Protection Districts, including Flood and Geological Hazards, Natural Areas, Sensitive Wildlife Habitat, and Pond Turtle Sensitive Area Overlay, shall support and value the preservation of habitat, land and water.

**6.1.2** Maintain air quality compliance with state and federal standards.

**Implementation for Policy 6.1.2:**

- a. Evaluate the impact of development applications on air quality by using the best available data, including the Department of Environmental Quality's (DEQ) Nuisance Odor strategies, Oregon State Air Toxics Program, and DEQ's Air Quality Status and Planning Map.
- ~~a. Encourage a more detailed study of air quality in Wasco County by the Department of Environmental Quality.~~
- b. New industries must comply with the air quality standards set forth by the ~~Department of Environmental Quality~~ DEQ.
- ~~b.c. Consider impact of increased vehicle miles travelled, and~~  
vehicle type, as a potential impact of development.
- ~~c. Support effort to complete an air shed study in The Dalles and Dallesport area.~~
- d. Mitigation efforts to prevent wildfire are encouraged to preserve air quality.

**6.1.3** - Maintain quantity and quality of water in compliance with state and federal standards.

**Implementation for Policy 6.1.3:**

- a. Support best management practices for identified problems to maintain and improve land and water resource qualities, ~~as adopted in "Sediment Reduction Project—208 Non-Point Source Pollution Control Program," prepared by the State Soil~~

~~and Water Conservation Commission, August 1978.~~

~~b. Incorporate all future water quality information into the Wasco County Comprehensive Plan.~~

~~e.b.~~ Continue regulation of subsurface sewage disposal systems and other point source water pollution emissions.

~~d.c.~~ Evaporation ponds containing toxic chemicals should be sealed or lined, and monitored by the Department of Environmental Quality.

~~e.d.~~ The adequacy and quality of the ~~g~~Ground water supplies ~~and their quality~~ shall be a major consideration ~~in-of~~ all development.

~~f. The Dalles Watershed shall be managed by the "Comprehensive Management Plan for The Dalles Municipal Watershed," 1972.~~

~~g. The Dalles, Dufur and Antelope Watersheds shall be primarily managed for their domestic water supplies.~~

~~c. Encourage the reduction of siltation in the Columbia River drainage by whatever means are found to be reasonable and effective.~~

f. Limit water dependent development in areas with known water deficiencies including areas adjacent to the watershed.

g. Coordinate with state and federal agencies, including the Department of State Lands, the Army Corps of Engineers, and Oregon Water Resource Departments, on projects and applications as appropriate.

h. Promote the use of reservoirs, ponds and other water storage for fire suppression and agricultural needs.

**6.1.4** ~~Cooperate with managing agencies to solve recreation use management on the John Day and Deschutes River Scenic Waterways. Consider the impact of noise on wildlife, residents and businesses as part of development analysis for conditional uses.~~

#### **Implementation for Policy 6.1.4:**

**a.** Noise levels for all new industries must be kept within standards set by state and federal agencies.

**b.** Consideration for the effects of noise on the surrounding environment, including residential densities, will be given when a new development of any kind is proposed.

~~b.c.~~ Encourage development or uses with greater noise impact in less populated areas or areas with topographic buffers.

d. ~~Noise sensitive areas should be identified and only compatible uses permitted in their vicinity. Environmental Protection Districts that seek to protect habitat should be considered noise sensitive areas and only compatible uses should be permitted.~~

**Formatted:** Font: (Default) +Body (Calibri), 12 pt

e. When building new highways or making major improvements on existing highways, consideration shall be given to reducing the noise impact on surrounding land uses.

**Formatted:** Indent: Left: 0.25", No bullets or numbering

6.

# Goal 6

## Findings and References

**6.1.a** Best practices for agricultural activity are recommended by United States Department of Agriculture.

**6.1.b** New development with sanitary systems go through a permitting process with North Central Public Health in Wasco County.

**6.1.c** The Wasco County Land Use and Development Ordinance cites a 50 foot buffer between development and riparian areas, wetlands and waterways. Development impacting wetlands are also required to go through a permitting process with the Oregon Department of State Lands.

**6.1.d** Wasco County's Goal 2 has a policy to use incentives to encourage development activities like increasing energy self-sufficiency.

**6.1.e** During Wasco County 2040's visioning work, the majority of participants cited water quality and quantity concerns as one of the largest challenges facing Wasco County into the future. A series of public outreach methods, including public meetings, aimed at understanding whether the community preferred additional regulation, a separate water conservation plan, or other methods for conserving and preserving water quality and quantity. The overwhelming consensus was for a focus on education on water conservation methods, practices and potential and increased transparency of regulatory and other partners.

## References

Oregon Department of Land Conservation and Development. *Goal 6: Air, Water and Land Resources Quality*. Oregon's Statewide Planning Goals and Guidelines.

United States Department of Agriculture (2012). *Farming in the 21<sup>st</sup> Century: A Practical Approach to Improve Soil Health*.

United States Department of Agriculture (2018). *National Soil Survey Handbook*.

United States Department of Agriculture and Natural Resources Conservation Service (2018). *Oregon Basin Outlook Report*

United States Fish and Wildlife Service. [National Wetlands Inventory](#).

Columbia River Gorge Air Quality Project (2001). [Regional Air Quality Strategy for the Columbia River Gorge National Scenic Area](#)

Oregon Department of Environmental Quality (Multi Year) [Water Quality Integrated Report](#).

Oregon Water Resources Department. (2017) *Integrated Water Resources Strategy*

Mosier Watershed Council (2015). [Mosier Watershed Action Plan](#).

White River Watershed Council (2015). [White River Watershed Council Restoration Action Plan](#).

Fifteenmile Watershed Council (2015). [Fifteenmile Watershed Council Restoration Action Plan](#).

Bakeover/Buck Hollow Watershed Council (2015). [Bakeover/Buck Hollow Watershed Council restoration Action Plan](#).

The Dalles Watershed Council (2015). [The Dalles Watershed Council Restoration Action Plan](#).

Oregon Department of Fish and Wildlife (2007)

[White River Wildlife Area Management Plan.](#)

Bureau of Land Management (1994). [White River National Wild and Scenic River Management Plan.](#)

Oregon Department of Fish and Wildlife (2009). [Lower Deschutes Wildlife Area Management Plan.](#)

Oregon Department of State Lands (2012). [Oregon Wetland Monitoring and Assessment Strategy.](#)

Oregon Department of State Lands (2017). [Oregon Wetland Program Plan.](#)

Oregon Department of Environmental Quality. [Air Quality Index.](#)

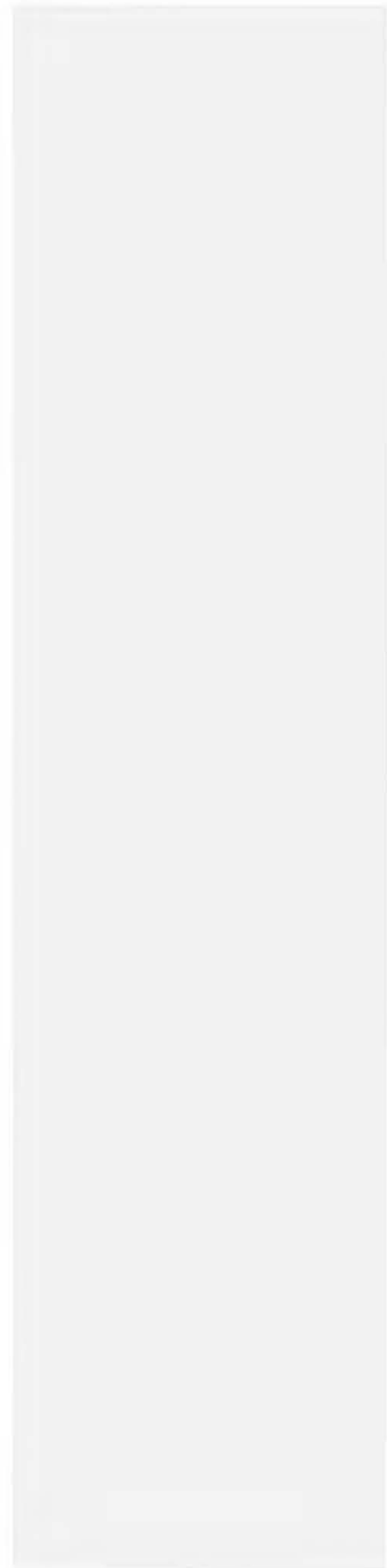
Oregon Department of Environmental Quality. [Open Burning Restrictions by County.](#)

Oregon Department of Environmental Quality (2014). [Nuisance Odor Report](#)

Oregon Department of Environmental Quality. [Cleaner Air Oregon](#) (Rulemaking underway 2018).

Oregon Health Authority (2014). [Wildfire Smoke and Your Health.](#)

## Goal 6





**Goal 6**

**Air, Water, and Land**

---

**Resources Quality**

# Goal6

## Air, Water, and Land Resources Quality

### Overview

Goal 6 of the statewide land use planning program requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater and air pollution. Wasco County has also used this goal to further support air, water and land quality and the impact of development on these resources.

Coordination with partner agencies and citizens is critical to protecting air, water and land resources. The policies in this chapter define the responsibility of the County to work in partnership with others to achieve the highest level of air, water and land resource quality.

Partner	Air	Water	Land
Bureau of Land Management		X	X
Oregon Department of Environmental Quality	X	X	
Oregon Department of State Lands		X	X
North Central Public Health			X
Oregon Water Resources Department		X	
US Department of Agriculture (Natural Resources Conservation Service)			X
Wasco County Soil and Water Conservation District		X	X
US Fish and Wildlife Service		X	X
OSU Extension Office		X	X

Table 6.1 Goal 6 Agency Partners

### Key Facts:

Wasco County lies within three major drainages basins: the Hood, Deschutes River and John Day River Basins (Appendix with maps). Wasco County is bordered by three rivers, Columbia, Deschutes and the John Day. The White River, which source is near Mt. Hood, also runs west to southeast through Wasco County and feeds in to the Deschutes near Maupin. Many tributary streams and creeks feed into the rivers.

The county, by in large, has expansive flows of Columbia River Basalt underneath soil surfaces. The depth of top soil varies throughout the land, and accounts for some more difficult farming conditions in certain areas of the county.

Elevations vary from 5,700 ft at Flag Point (west Wasco County) to 150 ft on the Columbia River.

Climate is transitional zone between western and eastern Oregon, with Cascade Mountain Range serving as a barrier to reduce rainfall. Growing seasons, water availability and soil types vary greatly across the vast County and account for the large variety in crops, landscape and development.

The county is approximately 2,382 square miles of land and 14 square miles of water. Of a total 1,532,019 acres in the county, 44,736 are in the National Scenic Area (NSA). The remaining non-NSA and reservation lands total 1,121,859.63 acres with the following breakdown of total acres per zone:

Total Agriculture lands	851,207.01
Total Forest Lands	257,741.60
Total Rural Residential	12,344.05
Total Industrial	233.86
Total Commercial	102.16

## **Statewide Planning Goal 6**

**To maintain and improve the quality of the air, water and land resources of the state.**

All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or environmental quality statutes, rules and standards.

Excerpt from  
OAR 660-015-0000(6)

## **Cross-Reference**

Additional policies related to this goal: Goal 2, Goal 3, Goal 4, Goal 5, Goal 7

## **Wasco County Goal 6**

## **Air, Water, and Land Resources Quality**

**To maintain and improve the quality of the air, water, and land resources of the County.**



## Policies

- 6.1.1** Encourage land uses and land management practices which preserve both the quantity and quality of air, water and land resources.

### Implementation for Policy 6.1.1:

- a. Recognizing that the soil resource base is vital to maintain productivity, encourage agricultural conservation and management practices which minimize the adverse effects of wind and water erosion.
- b. New development must seek approval for sanitary systems from the local public health authority.
- c. Accumulation of materials and other nuisances posing a safety hazard may be enforced through the Code Compliance program.
- d. New development and uses, including agricultural activity, must obtain appropriate permits from the Oregon Water Resources Department for access to water and wells.
- e. Riparian vegetation on natural stream banks shall be preserved by the regulation of setback requirements.
- f. Development near or impacting wetlands and waterways must obtain the appropriate permits from and comply with the requirements of partner agencies, including the Department of State Lands, Army Corps of Engineers, and Oregon Department of Fish and Wildlife.
- g. The physical capacity of the land, water, and other resources to accommodate land uses shall be considered when planning for the location, type and density of rural development.
- h. Low impact recreational uses may be allowed in areas with sensitive habitat or natural resources.
- i. Residential alternative energy applications that reduce impact to land, water, and air quality will be encouraged through land use planning incentives.
- j. Increase education and awareness about water conservation practices, in coordination with local, regional, state and federal partners.

# 6.1 Policies

- k. Environmental Protection Districts, including Flood and Geological Hazards, Natural Areas, Sensitive Wildlife Habitat, and Pond Turtle Sensitive Area Overlay, shall support and value the preservation of habitat, land and water.

**6.1.2** Maintain air quality compliance with state and federal standards.

**Implementation for Policy 6.1.2:**

- a. Evaluate the impact of development applications on air quality by using the best available data, including the Department of Environmental Quality's (DEQ) Nuisance Odor strategies, Oregon State Air Toxics Program, and DEQ's Air Quality Status and Planning Map.
- b. New industries must comply with the air quality standards set forth by the DEQ.
- c. Consider impact of increased vehicle miles travelled, and vehicle type, as a potential impact of development.
- d. Mitigation efforts to prevent wildfire are encouraged to preserve air quality.

**6.1.3** Maintain quantity and quality of water in compliance with state and federal standards.

**Implementation for Policy 6.1.3:**

- a. Support best management practices for identified problems to maintain and improve land and water resource qualities.
- b. Continue regulation of subsurface sewage disposal systems and other point source water pollution emissions.
- c. Evaporation ponds containing toxic chemicals should be sealed or lined, and monitored by the Department of Environmental Quality.
- d. The adequacy and quality of the ground water supplies shall be a major consideration of all development.
- e. Limit water dependent development in areas with known water deficiencies including areas adjacent to the watershed.
- f. Coordinate with state and federal agencies, including the Department of State Lands, the Army Corps of Engineers, and Oregon Water Resource Departments, on projects and applications as appropriate.

- g.** Promote the use of reservoirs, ponds and other water storage for fire suppression and agricultural needs.

**6.1.4** Consider the impact of noise on wildlife, residents and businesses as part of development analysis for conditional uses.

**Implementation for Policy 6.1.4:**

- a.** Noise levels for all new industries must be kept within standards set by state and federal agencies.
- b.** Consideration for the effects of noise on the surrounding environment, including residential densities, will be given when a new development of any kind is proposed.
- c.** Encourage development or uses with greater noise impact in less populated areas or areas with topographic buffers.
- d.** Environmental Protection Districts that seek to protect habitat should be considered noise sensitive areas and only compatible uses should be permitted.
- e.** When building new highways or making major improvements on existing highways, consideration shall be given to reducing the noise impact on surrounding land uses.

# Goal 6

## Findings and References

**6.1.a** Best practices for agricultural activity are recommended by United States Department of Agriculture.

**6.1.b** New development with sanitary systems go through a permitting process with North Central Public Health in Wasco County.

**6.1.c** The Wasco County Land Use and Development Ordinance cites a 50 foot buffer between development and riparian areas, wetlands and waterways. Development impacting wetlands are also required to go through a permitting process with the Oregon Department of State Lands.

**6.1.d** Wasco County's Goal 2 has a policy to use incentives to encourage development activities like increasing energy self-sufficiency.

**6.1.e** During Wasco County 2040's visioning work, the majority of participants cited water quality and quantity concerns as one of the largest challenges facing Wasco County into the future. A series of public outreach methods, including public meetings, aimed at understanding whether the community preferred additional regulation, a separate water conservation plan, or other methods for conserving and preserving water quality and quantity. The overwhelming consensus was for a focus on education on water conservation methods, practices and potential and increased transparency of regulatory and other partners.

## References

Anders, E, M. Borman and W. Krueger (1998). [\*The Ecological Provinces of Oregon\*](#). OSU.

Bakeover/Buck Hollow Watershed Council (2015). [\*Bakeover/ Buck Hollow Watershed Council restoration Action Plan\*](#).

Bureau of Land Management (1994). [\*White River National Wild and Scenic River Management Plan\*](#).

Columbia River Gorge Air Quality Project (2001). [\*Regional Air Quality Strategy for the Columbia River Gorge National Scenic Area\*](#).

The Dalles Watershed Council (2015). [\*The Dalles Watershed Council Restoration Action Plan\*](#).

Fifteenmile Watershed Council (2015). [\*Fifteenmile Watershed Council Restoration Action Plan\*](#).

Mosier Watershed Council (2015). [\*Mosier Watershed Action Plan\*](#).

Oregon Department of Environmental Quality (Multi Year) [\*Water Quality Integrated Report\*](#).

Oregon Department of Environmental Quality. [\*Air Quality Index\*](#).

Oregon Department of Environmental Quality. [\*Open Burning Restrictions by County\*](#).

Oregon Department of Environmental Quality (2014). [\*Nuisance Odor Report\*](#)

Oregon Department of Environmental Quality. [\*Cleaner Air Oregon\*](#) (Rulemaking underway 2018).

Oregon Department of Fish and Wildlife (2007) [\*White River Wildlife Area Management Plan\*](#).

Oregon Department of Fish and Wildlife (2009). [\*Lower Deschutes Wildlife Area Management Plan\*](#).

Oregon Department of Land Conservation and Development. *Goal 6: Air, Water and Land Resources Quality*. Oregon's Statewide Planning Goals and Guidelines.

Oregon Department of State Lands (2012). [Oregon Wetland Monitoring and Assessment Strategy](#).

Oregon Department of State Lands (2017). [Oregon Wetland Program Plan](#).

Oregon Health Authority (2014). [Wildfire Smoke and Your Health](#).

Oregon Water Resources Department. (2017)  
*Integrated Water Resources Strategy*

United States Department of Agriculture (2012).  
*Farming in the 21<sup>st</sup> Century: A Practical Approach to Improve Soil Health*.

United States Department of Agriculture (2018).  
*National Soil Survey Handbook*.

United States Department of Agriculture and Natural Resources Conservation Service (2018). *Oregon Basin Outlook Report*

United States Fish and Wildlife Service. [National Wetlands Inventory](#).

White River Watershed Council (2015). [White River Watershed Council Restoration Action Plan](#).





**PLANNING DEPARTMENT**

2705 East Second Street • The Dalles, OR 97058  
p: [541] 506-2560 • f: [541] 506-2561 • [www.co.wasco.or.us](http://www.co.wasco.or.us)

*Pioneering pathways to prosperity.*

---

**FILE #:** 921-18-000099 (6)

---

**REQUEST:** Legislative Request to Amend the Comprehensive Plan, Chapter 9  
**DECISION:**

---

**Attachments:**

- A. Wasco County Comprehensive Plan Periodic Review Work Task 6 Overview
- B. Annotated Draft of Proposed Chapters 9 of Wasco County 2040 (Comprehensive Plan) with notes
- C. Clean Draft of Proposed Chapter 9

**File Number:** 921-18-000099

**Request:** Amend the Wasco County Comprehensive Plan  
1. Change the format to align with Statewide Land Use Planning Goals  
2. Develop Goal 9 into Wasco County 2040 format (Chapter 9), make any general amendments reflecting current planning practice and amend policy to reflect public input economic development.

**Prepared by:** Kelly Howsley Glover, Long Range Planner

**Prepared for:** Wasco County Planning Commission

**Applicant:** Wasco County Planning Department

**Staff Recommendation:** Recommend the Wasco County Planning Commission recommend adoption of the proposed amendments of the Wasco County Comprehensive Plan to the Wasco County Board of Commissioners.

**Planning Commission Hearing Date:** November 6, 2018

**BOCC Hearing Dates:** December 19<sup>th</sup> and January 16<sup>th</sup>

**Procedure Type:** Legislative

**Attachments:** Attachment A: Wasco County Comprehensive Plan Periodic Review Work Task 6 Overview  
Attachment B: Annotated Draft of Proposed Chapter 9 of Wasco County 2040 (Comprehensive Plan) with notes  
Attachment C: Clean Draft of Proposed Chapter 9

## **I. APPLICABLE CRITERIA**

- A. Wasco County Comprehensive Plan Chapter 11: Revisions Process
  - 1. Section B: Form of Comprehensive Plan Amendment
  - 2. Section C: Who May Apply for a Plan revision
  - 3. Section D: Legislative Revisions
  - 4. Section H: General Criteria
  - 5. Section I: Transportation Planning Rule Compliance
  - 6. Section J: Procedure for the Amendment process
- B. Oregon Administrative Rules 660-025

## **II. SUBMITTED COMMENTS**

As of the Wasco County Planning Department has received no comments about the proposed revisions.

## **III. PUBLIC INVOLVEMENT**

In addition to the public hearings required by this legislative process to allow for public testimony and the ability to provide written comment, Wasco County has included the following additional measures to ensure the process is open to the public:

### **A. Newspaper Notifications**

#### Citizen Advisory Group Work Session October 9, 2018:

Public notice for a Citizen Advisory Group meeting was published in The Dalles Chronicle on September 23, 2018, more than 20 days prior to the October 9<sup>th</sup> work session.

#### Planning Commission Hearing #1:

Public notice for Planning Commission Hearing #1 was published in The Dalles Chronicle on October 14, 2018 more than 20 days prior to the November 6, 2018 hearing date.

#### BOCC Hearing #1:

Public notice for the Board of County Commissioner Hearing #1 was published in The Dalles Chronicle on December 9, 2018, more than 10 days prior to the December 19, 2018 hearing date.

#### BOCC Hearing #2:

Public notice for the Board of County Commissioner Hearing #2 will be published in The Dalles Chronicle on January 6, 2019, more than 20 days prior to the January 16, 2018 hearing date.

### **B. Information Available on Website**

The information regarding the proposed amendments was placed on the Wasco County Planning Department Website<sup>1</sup> on October 2, 2018.

---

<sup>1</sup> <http://co.wasco.or.us/departments/planning/index.php>

At the time of publication of this document, the following information was made available:

- A listing of hearing dates, times and locations.
- Drafts of the proposed amendments
- Staff report describing the process and proposed changes
- A way to submit comments and concerns

In addition, the Wasco County Comprehensive Plan website<sup>2</sup> has included several posts that have included the time and date of meetings and discussion of proposed topics. This website has 23 subscribers that receive notification of new content, and is also promoted on the Planning Department's social media channels.

**C. Notification to Partners**

An email notification of proposed amendments, progress on Periodic Review, and the legislative hearing was sent to the Periodic Review Assistance team and other Citizen Advisory Group identified stakeholders on September 28th, 2018. The notification included links to the staff report, proposed amendments, and the opportunity to comment.

**D. Notification to Community Notification List**

During the Wasco County 2040 initial outreach phase, a public email notification list was assembled. Members of the public continue to have the opportunity to sign up for this list at any time on the project website<sup>3</sup> or in person at any of the public hearings, work sessions or other events. They can also request to be put on the list via email, telephone, or in the Planning Department Office. Currently this list includes 70 interested parties from the community.

An email notification of proposed amendments, progress on Periodic Review, and the legislative hearing was sent to this notification list on October 2, 2018. The notification included links to the staff report, proposed amendments, and information on how to provide comment.

**E. Other Public Outreach**

For work tasks 5-8, four community meetings in various parts of the County were held during May and June 2018 to solicit feedback about the work tasks. Staff and Citizen Advisory Group members talked to over thirty property owners, residents and business hearings during the meeting about how Wasco County 2040 could identify and utilize land use planning incentives to further support and propel our broader goals.

In addition to the public meetings, an online survey, social media content, and news media articles helped to promote engagement with the work tasks and solicit additional input. Any comments, survey results, or other feedback were compiled and analyzed by staff and used to inform the development of the new policy and implementation strategies.

## **IV. FINDINGS**

---

<sup>2</sup> [www.Wasco2040.com](http://www.Wasco2040.com)

<sup>3</sup> <https://wasco2040.com/contact/>

## **A. Wasco County Comprehensive Plan Criteria**

### **1. Chapter 11 - Revisions Process**

#### **a. Section B – Form of Comp Plan Amendment**

***Amendments to the Comprehensive Plan include many forms and can either be legislative or quasi-judicial.***

**FINDING:** The request is for a legislative text amendment to policies and the format for Goal 9 (Chapter 9) of the Comprehensive Plan, as part of a broader Periodic Review work plan. Amendments include reformatting and edits to existing policy and implementation for both Goals, as well as the addition of some new content including historical perspective, overview, and findings and references.

Amendments include substantive additions or alterations that better reflect current conditions and future projections for Wasco County.

#### **b. Section C – Who May Apply for a Plan revision**

***Amendments to the plan may be initiated by the Wasco County Governing Body***

**FINDING:** The Wasco County Board of Commissioners authorized the Wasco County Planning Department to pursue Voluntary Periodic Review (VPR) to update the Wasco County Comprehensive Plan. They sent a letter to the Land Conservation and Development Commission supporting VPR on September 29, 2016.

#### **c. Section D – Legislative Revisions**

***Legislative revisions include land use changes that have widespread and significant impact beyond the immediate area such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or much different ownership. The Planning Commission and County Governing Body shall evaluate the plan as often as necessary to meet changes in the social, economic, or environmental character of Wasco County.***

**FINDING:** The proposed text amendments to policies and format of the Comprehensive Plan are applicable to all properties governed by the Wasco County Comprehensive Plan and therefore the proposal is a legislative revision. The proposed amendments are part of a larger Periodic Review process approved by the Planning Commission, Board of County Commissioners, Department of Land Conservation and Development and the Land Conservation and Development Commission. To be accepted for periodic review, staff prepared extensive justification demonstrating the need for amendments to the Comprehensive Plan as a result of changes in the social, economic and environmental character of Wasco County.

#### **d. Section H – General Criteria**

***The following are general criteria which must be considered before approval of an amendment to the Comprehensive Plan is given:***

- 1). Compliance with the statewide land use goal as provided by Chapter 15 or further amended by the Land Conservation and Development Commission, where applicable.**
- 2). Substantial proof that such change shall not be detrimental to the spirit and intent of such goals.**
- 3). A mistake in the original comprehensive plan or change in the character of the neighborhood can be demonstrated.**
- 4). Factors which relate to the public need for healthful, safe and aesthetic surroundings and conditions.**
- 5). Proof of change in the inventories originally developed.**
- 6). Revisions shall be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change must be established.**

**FINDING:** Amendments being proposed to Goal 9 with this work task are intended to add new context, findings and references to existing policies and implementation. The intent is to clarify or update policies and implementation with current status and future projections. This includes accurate references to external partners, clarifying language about activities like tourism and policies that support uses, like home occupation, allowed by state law. These new policies and implementation strategies have been written to be consistent with state law and the Statewide Land Use Planning Goals. As such, the new text is compliant with state law.

None of the proposed changes will substantially alter the Wasco County Planning program or its application of Goal 9. The proposed text amendments to policies and format of the Comprehensive Plan are intended to reflect current conditions and practices. The intent of the amendments is to make the policies and implementation methods consistent with state law and input received by property owners and community members during the 2017 visioning work and 2018 outreach efforts. As evidenced in the “substantive change summary” section of this staff report, many proposed amendments will remove references to the 1983 Wasco County planning structure or old processes and replace it with language that clearly references best practices. New substantive text was generated with significant public involvement and is intended to help the community reach its 20 year vision for Wasco County. As such, amendments will not be detrimental to the spirit or intent of the Statewide Land Use Planning Goals or program.

Wasco County has changed since 1983. The proposed amendments in this report do not reflect the correction of mistakes in the previous Comprehensive Plan language. Instead, they are an update that reflects the passage of time and change in conditions. This includes decoupling agricultural and forestry activity as economic development industries because of the significant changes to the forestry industry in Wasco County since 1983.

Work task 6 is part of a broader periodic review work plan and maps to Goal 9 within the statewide Land Use Planning Program. The goal does not have an inventory as part of the goal, policies or implementation strategies. References have been cited where relevant in the proposed Chapter text.

Revisions are based on census data, population forecasts, external plans and resources, and other data that provide details to Wasco County's economy. This data was presented online and at events to the public for their consideration in helping to guide staff and the Citizen Advisory Group in revising policy and implementation to meet the 20 year vision identified during visioning process. Proposed amendments are necessary, according to public and stakeholder input, in order to achieve the community wide vision.

***e. Section I- Transportation Planning Rule Compliance***

***1). Review of Applications for Effect on Transportation Facilities – A proposed zone change or land use regulation change, whether initiated by the County or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – “TPR”). “Significant” means the proposal would:***

- a). Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);***
- b). Change standards implementing a functional classification system; or***
- c). As measured at the end of the planning period identified in the adopted transportation system plan:***
  - i. Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;***
  - ii. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or***
  - iii. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or Comprehensive Plan.***

**FINDING:** Proposed revisions to Goal 9 do not have a direct or indirect impact on transportation facilities, the Transportation Systems Plan, or Transportation Planning rules.

***Oregon Administrative Rules 660-025-0130***

***Submission of Completed Work Task***

***1). A local government must submit completed work tasks as provided in the approved work program or a submittal pursuant to OAR 660-025-0175 to the department along with the notice required in OAR-660-025-0140 and any form required by the department. A local government must submit to***

***the department a list of persons who participated orally or in writing in the local proceedings leading to the adoption of the work task or who requested notice of the local government's final decision on a work task.***

**FINDING:** A notice was sent to DLCD on September 28 2018, consistent with requirements, to inform them of the proposed November 6, 2018 hearing and subsequent hearings to adopt Chapters related to Periodic Review work tasks 5-8. To date, staff has not received any written comment or request for notification from the public on Work Task 5. At such a time when comment is received, that will be attached to the staff report and submitted to DLCD.

At the CAG work session on October 9<sup>th</sup> and at the November 6<sup>th</sup> hearing, one member of the public testified generally in support of the amendments. Names of participants will be attached to the record.

***3). For a periodic review tasks to be complete, a submittal must be a final decision containing all required elements identified for that task in the work program. The department may accept a portion of a task or subtask as a complete submittal if the work program identified that portion of the task or subtasks as a separate item for adoption by the local government. All submittals required by section 1) of this rule are subject to the following requirements:***

- a). If the local record does not exceed 2,000 pages, a submittal must include the entire local record, including but not limited to adopted ordinances and orders, studies, inventories, findings, staff reports, correspondence, hearings minutes, written testimony and evidence, and any other items specifically listed in the work program.***
- b). If the local record exceeds 2,000 pages, a submittal must include adopted ordinances, resolutions, and orders; any amended comprehensive or regional framework plan provisions or land use regulations; findings, hearing minutes; materials from the record that the local government deems necessary to explain the submittal or cities in its findings; and a detailed index listing all items in the local record and indicating whether or not the item is included in the submittal. All items in the local record must be made available for public review during the period for submitting objections under OAR 660-025-0140. The director or commission may require a local government to submit any materials from the local record not included in the initial submittal;***
- c) A submittal of over 500 pages must include an index of all submitted materials. Each document must be separately indexed, in chronological order, with the last document on the top. Pages must be consecutively numbered at the bottom of the page.***

**FINDING:** The local record for Work Task 6 will not exceed 2,000 pages. Consistent with this requirement, submittal to DLCD will include the entire local record, including but not limited to the adopted ordinance and orders, studies, findings, staff reports, correspondence, hearing minutes, written testimony and evidence and any other relevant material.

A copy of the record, when complete, will also be available for inspection at the Planning Department.



## **Attachment A**

### **Chapter 9 Proposed Amendments**

**Documentation:** The following is a summarized overview of proposed amendments.

**State of the Comprehensive Plan:**

- A. **Purpose:** The main purpose of the Comprehensive Plan is to function as a visionary policy document with a 20 year horizon. The plan represents the desires of the citizens of Wasco County and provides generalized direction for development, preservation, the planning process, citizen involvement and numerous other elements related to land use planning. Due to frequent changes in circumstances, law, and the desires of the citizens of the county, the major components should be updated every five to ten years as needed. The land use and development ordinance includes the specific rules and regulations that are meant to implement this vision and amendments to it are required to be consistent with Comprehensive Plan language.
- B. **Prior Updates:** The Comprehensive Plan was acknowledged by the Land Conservation and Development Department in 1983. Major components of the document have not been updated since 1983, resulting in them now being out of date. Other portions have been updated but were done inconsistently and in some cases, the new language did not get inserted into the amended document. In several instances, updates to the ordinance are now out of compliance with the Comprehensive Plan because of the lack of comprehensive updates. A more comprehensive update was initiated in 2009, but ultimately not completed. Staff has used some of the past findings and information in drafting the proposed updates.
- C. **Format:** The Comprehensive Plan is currently organized in a way that puts unrelated information in the same chapter and separated related information into multiple chapters. This has created significant difficulty for staff and the public to find information and utilize as the plan was intended.
- D. **Reformatting:** After a careful case study of other Oregon county comprehensive plans, the Citizen Advisory Group held several work sessions in 2015 and 2016 to discuss, among other issues, reformatting the Comprehensive Plan for increased use, transparency and readability. Based on those work sessions, staff was directed to compile and organize information in a manner that better aligned the plan to the Statewide Land Use Planning Goals.
  - 1. **Oregon's Land Use Goals:** The vast majority of the Comprehensive Plan language is tied to one of the State of Oregon's Land Use Goals. Other than some introductory chapters, the entire Comprehensive Plan is being formatted so that each chapter corresponds to one of the applicable Land Use Goals. Each chapter will include all of the policies, findings, and inventories for the specific goal, in addition to any references and historical information.
  - 2. **Format of Goal Chapters:** Each Goal related chapter will be formatted according to the following conventions:

- a. Overview: A sentence to a paragraph on the outlining the purpose behind the Goal and Wasco County policies.
- b. Statement of Wasco County Goal and reference to Statewide Planning Goal
- c. Any cross-references to other Goals
- d. Policy Statements
- e. Implementation Statements for each policy
- f. Findings and reference section detailing any relevant findings and references.

## **Chapter Overview of Proposed Substantive Amendments:**

### **A. Chapter 9- Goal 9 Economic Development**

This new chapter maps to Goal 9 (Economic Development) and includes existing, historical information about economic development in Wasco County, a brief overview of Goal 9 in Wasco County, an excerpt of Oregon's Statewide Land Use Planning Goal 9, policies, implementation strategies for each policy, and a new findings and references section.

1. **Overview:** The overview briefly discusses Economic Development in Wasco County and includes an excerpt of the Oregon Revised Statutes which outlines the purpose of economic development as it relates to land use planning.
2. **Supporting Agencies and Plans:** To ensure coordination with other agencies, departments and their corresponding plans, staff has created a short list of other, known plans that may have an impact on Wasco County goals, policies and regulations.
3. **Excerpt of Statewide Planning Goal:** Excerpt from the Oregon Administrative Rules on Goal 9 that outlines for staff and public the purpose of Goal 9.
4. **Wasco County's Goal:** This maps directly to the State's Goal 9, and is has not been modified from existing broad goal.
5. **Photo:** A staff photo of orchards and vineyards has been inserted.
6. **Cross Reference:** A list of other goals that relate to Goal 9 was included for easy reference.
7. **Policies:** The existing plan has five policies. The recommendation is to keep these five policies but update them to more accurately reflect current policy and citizen input. Two additional policy and related implementation strategies are also proposed as a result of public input.
  - a. Policy 1: Current language "Maintain agriculture and forestry as a basis for the County's rural economy." Staff is recommending removing the words "and forestry" and placing forestry in a separate, additional policy. Forestry's significant change to the local economy since the original Comprehensive Plan requires new strategic policies and strategies. Agriculture, as the main industry in Wasco County, also deserves to have its own unique policy. The modified policy proposed is: "Maintain commercial agriculture

as the basis for the County's rural economy." The following changes are proposed for the implementation strategies for Policy 1:

- (1) Implementation Strategy "a." proposed to remove "and forest" in keeping with modified policy.
  - (2) Implementation Strategy "b." No change is proposed for "b."
  - (3) Implementation Strategy "c." The strategy is proposed to be edited to read:  
"Orchards, wheat, other small grain farms, and grazing lands shall be protected from non-agriculture uses and encourage to continue as a major portion of the economy."
  - (4) Implementation Strategy "d." This strategy will be removed, as both mills have closed.
  - (5) Implementation Strategy "d." (formerly "e") "and forest" will be removed, in keeping with the modified policy and the language slightly revised to read:  
"Industries that process agricultural products may be allowed as a conditional use in the Exclusive Farm zone."
  - (6) Implementation Strategy "e." New strategy supporting value added agriculture, identified by MCEDD as an economic development priority, has been included:  
*"Value added agriculture businesses and uses will be encouraged."*
- b. Proposed is to slightly reword policy 2 to read: "Encourage commercial and industrial development compatible with the County's agricultural based economy."
- (1) Implementation Strategy "a" Recommendation is to reword slightly for clarity to:  
"Support and encourage non-agricultural commercial and industrial development with the Urban Growth Boundaries of incorporated cities and rural service centers, to discourage conversion of productive orchard and other agricultural lands and provide more year-round employment opportunities near urban services."
  - (2) Implementation Strategy "b" is proposed to be slightly modified for clarity, to read:  
"Commercial activities in conjunction with farm use, including storage of agricultural goods, may be allowed as conditional uses in agricultural areas of the County, to diversify the economy."
  - (3) Implementation Strategy "c" The recommendation is to remove this strategy as it is not relevant to current issues.
- c. Policy 3: Current policy is *"Wasco County will support the expansion and increased productivity of existing industries and firms as a means to strengthen local and regional economic development."* Proposed amendment is to change the word firms to

businesses. The policy currently it does not have supporting implementation strategies. Three new strategies are proposed.

- (1) Implementation Strategy “a.” Proposed first strategy is *“Wasco County will support new industrial and commercial uses as appropriate to maintain existing uses.”*
  - (2) Implementation Strategy “b.” Proposed second strategy is *“Industrial and commercial uses in or near resources lands which are accessory to a resource uses shall be located a near as is practical to that resource use.”*
  - (3) Implementation Strategy “c.” Proposed third strategy is *“Consideration for impact to resources uses, infrastructure and public facilities and services shall be part of the review process for new industrial and commercial uses in Wasco County. This includes additional criteria and analysis required by EPDs.”*
- d. Policy 4: Currently, the policy reads: *“Wasco County will support the Mid-Columbia Economic Development District, the Wasco County Over all Economic development Plan (OEDP) and the Warm Springs Over all Economic Development Plan (OEDP).”* Because the final two mentioned plans no longer are current, staff is recommending the policy be simplified to: *“Wasco County will support the Mid-Columbia Economic Development District (MCEDD) through active participation and partnership.”* This policy currently has no implementation strategies. Staff is recommending the addition of three implementation points.
- (1) Implementation Strategy “a.” Proposed first strategy is *“Wasco County Planning Department will participate in the MCEDD Columbia Gorge Economic Development Strategy process by sending representatives to public meetings and ensure coordination with local land use planning regulations.”*
  - (2) Implementation Strategy “b.” Proposed second strategy is *“Coordinate to receive, distribute, and share best available information about economic development and other related data.”*
  - (3) Implementation Strategy “c.” Proposed third strategy is *“Collaborate on infrastructure, housing and other grant opportunities that strengthen Wasco County’s economy and livability.”*
- e. Policy 5: Current policy is *“Tourism in Wasco County will be supported and encouraged.”* Based on public input, staff is recommending the policy be amended to read *“Support and encourage tourism through preservation and enhancement of cultural, historical, natural and recreational resources.”* Staff is recommending, based on public input, the addition of two new implementation strategies.
- (1) Implementation Strategy “b” is proposed to be reworded to read: *“Historic and pre-historic sites should be preserved and maintained to support tourism in Wasco County.”*

- (2) Implementation Strategy “d.” Proposed fourth strategy is *“Agri-tourism will be supported through the adoption of rules to permit agri-tourism uses and activities in the Exclusive Farm Use Zone.”* This policy directly relates to outreach and analysis for Periodic Review work task 8.
  - (3) Implementation Strategy “e.” Proposed fifth strategy is *“The Wasco County Planning Department will work with local, regional and state transportation authorities to ensure appropriate access to tourism destinations.”*
  - (4) Implementation Strategy “f.” The proposed strategy is *“Wasco County Planning will participate in local, regional and statewide tourism public meetings to ensure coordination with local land use planning regulations and to convey opportunities.”*
  - (5) Implementation Strategy “g.” The proposed strategy is *“Wasco County will support public recreation providers in their efforts to offer public access and education.”*
- f. Policy 6: Staff is recommending that policy 1 be separated into separate policies about agriculture and forestry. The proposed fifth policy is *“Forest management will continue to be an economic development target for Wasco County.”* Staff is proposing three new implementation strategies that support forestry activity in management in Wasco County.
- (1) Implementation Strategy “a.” Proposed first implementation is *“Industries and uses consistent with Goal 4 and the Forest Practices Act will continue to be promoted through the management of Wasco County’s forest zones.”* This strategy makes it clear what the nexus is of governing plans/goals and how they are implemented through the Wasco County planning program.
  - (2) Implementation Strategy “b.” Proposed second strategy is *“Recreation activities compatible with outright permitted forest uses shall be encouraged in the forest zones.”* This strategy emphasizes recreational uses that are permitted in forest lands in Oregon, something that came out of public and stakeholder input.
  - (3) Implementation Strategy “c.” Proposed third strategy is *“Activities or uses that conflict with forest management, logging, recreation and other economic development uses shall be discouraged in the Wasco County forest zones.”* This goal underscores many of the policies in Goal 4 as currently written, as well as the rules guiding the Land Use and Development Ordinance related to forest lanes.
- g. Policy 7: As a result of input from stakeholders and the public, staff is suggesting the addition of a new policy related to home occupation. The proposed policy is *“Wasco County shall encourage home based businesses and provide standards that remove barriers and encourage neighborhood compatibility.”*

- (1) Implementation Strategy “a.” Proposed first strategy is “*Minor home occupations shall be outright permitted in Residential Zones.*”
  - (2) Implementation Strategy “b.” Proposed second strategy is “*Create educational materials for major home occupations that provide clear neighborhood compatibility standards, process requirements and other considerations to encourage successful permitting.*” The goal of this is to make the home business permitting process easier and more transparent for entrepreneurs.
8. **Findings and References:** To help provide some information about each of the policies, as well as some history, findings and references are provided at the end of the chapter. These references cite sources from text. Findings provide additional context for some of the policies and implementation strategies.

Attachment B

**Goal9**

# **Economic Development**

---

Formatted: Centered

# Goal9

## Economic Development

### Overview

Wasco County is a largely agricultural community. Outside of the National Scenic Area and incorporated communities, approximately 76% of land in Wasco County is zoned Exclusive Farm Use.

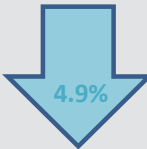
Wasco County’s crop production and livestock are diverse and include cherry and other fruit orchards, dryland wheat and other grains, and wine grapes. Livestock primarily consists of cattle and calves, with smaller numbers of hog, sheep and lamb, and alpaca farms.

Beyond farming and ranching, other important rural industry sectors include forestry and recreation and tourism.

The state and local land use planning program supports the development and retention of these industry clusters through preserving land for resource uses, limiting high density development that may conflict with resource uses, ensuring appropriate infrastructure and public facilities for development, and offer incentives for economic development.

### Economy Snapshot

Jobs by Industry	% Change in total jobs between 2015 and 2009	2015 Average Wage
Natural Resources	15.3%	\$20.83
Construction	-21.3%	\$45,899
Manufacturing	6.3%	\$34,749
Wholesale trade	-29.3%	\$30,547
Retail Trade	-14.6%	\$30,547
Transportation	-20.5%	\$30,547
Information	-23.1%	\$145,057
Finance	-10.7%	\$39,256
Professional, Scientific	-12.8%	\$41,615
Education, Healthcare	20.1%	\$44,997
Leisure, Hospitality	48%	\$16,531
Public Administration	-20.1%	\$21,756
Other Services	-8.9%	NA
Total	~1%	



Unemployment rate 2018, down from a highs in 2009 - 2011 during recession

2 <sup>nd</sup> in State	6 <sup>th</sup> in State
Total acres of farm land	Average size of farms

18.2%

**POVERTY**  
Between 2009 and 2013, 18.2% of Wasco County's population was in poverty, 2% above Oregon's rate, and 2.8% above the national rate.

**JOB PROJECTIONS**  
Projections for East Cascade region from 2014-2024 show job gains in service (hospitality and retail), health care and professional occupants.

Formatted: Centered

Formatted: Font: 16 pt, Italic



## **Statewide Planning Goal 9**

**To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.**

Comprehensive plans and policies shall contribute to a stable and healthy economy in all regions of the state.

Excerpt from  
OAR 660-015-0000(9)

## **Cross-Reference**

Additional policies related to  
this goal: Goal 3, Goal 5,  
Goal 6

## **Wasco County Goal 6**

## **Economic Development**

**To diversify and improve the economy of Wasco County.**



## Policies

- 9.1.1 Maintain commercial agriculture ~~and forestry~~<sup>1</sup> as the basis for the County's rural economy.

### Implementation for Policy 9.1.1:

- a. Subdividing and partitioning of productive agricultural ~~and forest~~ lands shall be discouraged.
- b. Exclusive Farm Use zoning shall be maintained to allow special farm use assessment as an incentive for continued agricultural use.
- c. Orchards, wheat, other small grain farms, and grazing lands shall be ~~continued-protected from non-agriculture uses and encouraged to continue~~ as a major portion of the economy.
- ~~d. Wasco County will encourage secondary wood processing plants in Maupin and Tygh Valley in order to provide more local basic employment.<sup>2</sup>~~
- e.d. Industries ~~that which~~ process agricultural ~~and forest~~ products ~~may will~~ be allowed, as a conditional use in the Exclusive Farm Use zone.
- ~~f.e. Value added agriculture businesses and uses are encouraged.~~
- f. ~~g.~~

- 9.1.2 ~~Encourage C~~commercial and industrial development compatible with the County's agricultural ~~and forestry~~-based economy. ~~will be encouraged.~~

### Implementation for Policy 9.1.2:

- a. ~~Wasco County will s~~Support ~~and encourage non-agricultural~~ commercial and industrial development within the Urban Growth Boundaries of incorporated cities ~~and rural service centers, which will help~~ to discourage conversion of productive orchard and other agricultural lands and provide more year-round employment opportunities ~~near urban services.~~

<sup>1</sup> Community input generally favored separating policies on agriculture and forestry in order to better define implementation goals and strategies for each sector, given the diversity among each industry.

<sup>2</sup> No longer relevant

## 9.1 Policies

Formatted: Indent: Left: 0.25", No bullets or numbering

b. Commercial activities in conjunction with farm use, including storage of agricultural goods, ~~may be are~~ allowed as conditional uses in agricultural areas of the County, to diversify the economy.

~~e. Because The Dalles Auction Yard provides a unique general service that is economically beneficial to the entire County; its present location shall be protected from incompatible land use intrusion.~~

~~d.c.~~ Encourage increased commercial activity in the communities of Pine Grove and Tygh Valley rural service centers.

~~e.d.~~ Allow limited industrial growth in areas designated near Pine Grove and Tygh Valley.

~~f.e.~~ Protection and utilization of valuable rock and aggregate sources should be carried out as specified in Goal #5, A-E; and #2, A-F.

**9.1.3** Wasco County will support the expansion and increased productivity of existing industries and ~~businesses~~ firms as a means to strengthen local and regional economic development.

**Implementation for Policy 9.1.3:**

a. Wasco County will support new industrial and commercial uses as appropriate to maintain existing uses.

b. Industrial and commercial uses in or near resource lands which are accessory to a resource use shall be located as near as is practical to that resource use.

~~a.c.~~ Consideration for impact to resource uses, infrastructure and public facilities and services shall be part of the review process for new industrial and commercial uses in Wasco County. This includes additional criteria and analysis required by EPDs.

Formatted: Font: (Default) +Body (Calibri), 12 pt

Formatted: Font: (Default) +Body (Calibri), 12 pt

**9.1.4** Wasco County will support the Mid-Columbia Economic Development District (MCEDD) through active participation and partnership, ~~the Wasco County Over-all Economic Development Plan (OEDP), and the Warm Springs Over-all Economic Development Plan (OEDP).~~

**Implementation for Policy 9.1.4:**

- a. Wasco County Planning Department will participate in the MCEDD Columbia Gorge Economic Development Strategy process by sending representatives to public meetings and ensure coordination with local land use planning regulations.
- b. Coordinate to receive, distribute, and share best available information about economic development and other related data.
- ~~a-c.~~ Collaborate on infrastructure, housing and other grant opportunities that strengthen Wasco County's economy and livability.

**9.1.5** Support and encourage t~~ourism in Wasco County~~will be supported and encouraged through preservation and enhancement of cultural, historical, natural and recreational resources-

**Implementation for Policy 9.1.5:**

- a. Wildlife habitat and scenic waterways should be maintained for their scenic value to residents and tourists Wasco County.
- b. Historic and pre-historic sites should be preserved and maintained to support~~promote~~ tourism in Wasco County.
- c. Additional parks, overnight camping areas, and other recreational areas should be provided when needed to encourage tourism in the County.
- d. Agri-tourism will be supported through the adoption of rules to permit agri-tourism uses and activities in the Exclusive Farm Use zones.
- e. The Wasco County Planning Department will work with local, regional and state transportation authorities to ensure appropriate access to tourism destinations.
- f. Wasco County Planning will participate in local, regional and statewide tourism public meetings to ensure coordination with local land use planning regulations; and to convey opportunities.
- g. Wasco County will support public recreation providers in their efforts to offer public access and education.

~~e-h.~~

~~9.1.6~~ Policy on forestry~~Forest management will continue to be an economic development target for Wasco County.~~

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold, Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Font: Bold

**Implementation for Policy 9.1.56:**

~~i. Wildlife habitat and scenic waterways should be maintained for their scenic value to residents and tourists Wasco County. Industries and uses consistent with Goal 4 and the Forest Practices Act will continue to be promoted through management of Wasco County's forest zones.~~

Formatted: Font: Bold

~~j. Recreation activities compatible with outright permitted forest uses shall be encouraged in the forest zones.~~

Formatted: Font: Bold

~~d. Activities or uses that conflict with forest management, logging, recreation and other economic development uses shall be discouraged in the Wasco County forest zones.~~

Formatted: Font: (Default) +Body (Calibri), 12 pt, Bold, Font color: Custom Color(RGB(35,31,32))

**9.1.6** Wasco County shall encourage home based businesses and provide standards that remove barriers and ensure neighborhood compatibility

Formatted: List Paragraph, Outline numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.25"

Formatted: Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.44" + Indent at: 0.94"

**Implementation for Policy 9.1.7:**

Formatted: Font: (Default) +Body (Calibri), 12 pt, Font color: Custom

**k. Minor home occupations** shall be **outright permitted in Residential Zones**<sup>3</sup>

Formatted: Normal, No bullets or numbering

**l. Create educational materials for major home occupations that provide clear neighborhood compatibility standards, process requirements and other considerations to encourage successful permitting.**

Formatted: Font: Not Bold

Formatted: List Paragraph, Outline numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.25"

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: (Default) +Body (Calibri), 12 pt, Bold

Formatted: Indent: Left: 0.82", Right: 0", Line spacing: single, No bullets or numbering, Tab stops: Not at 0.82" + 0.82"

Formatted: List Paragraph, Indent: Left: 0.25"

<sup>3</sup>As LUDO and state law permits

# Goal 9

## Findings and References

Formatted: Centered

**9.1.a** During Wasco County 2040, public consensus was that as a result of current conditions, agriculture and forestry should be separated into distinct policies to ensure comprehensive strategies and accurate goals.

**9.1.b** State law's minimum parcel size in Exclusive Farm Use provides protection to productive farm lands from non-farm use.

**9.1.c** MCEDD defines value added ag as manufacturing, like food processing or fermentation sciences, that enhances the value of an agricultural product through industrial production. This conforms with the USDA definition.

**9.1.d** Commercial activities in conjunction with farm use are defined and regulated by ORS 215.283.

**9.1.e** MCEDD is the regional economic development body that is responsible for a variety of economic development activities in Wasco County and five other regional counties.

**9.1.f** One of the recommendations from the public during Wasco County 2040 outreach was to expand the reach of tourism to cover a broad definition of tourism type activities that are significant to Wasco County's economy.

**9.1.g** Forest zones are regulated by OAR 660-06 and related ORS rules, as well as the Forest Practices Act. The purpose of Goal 4 is to conserve forest lands for future use. The Oregon Forest Practices Act sets standards for commercial forestry activities.

**9.1.h** Home businesses or working from home are increasingly popular and provide economically viable alternatives

for business start-ups. Stakeholders and public input encouraged Wasco County to make home occupation permitting more transparent.

## References

Oregon Department of Land Conservation and Development. *Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources*. Oregon's Statewide Planning Goals and Guidelines.

Mid Columbia Economic Development District. *Columbia Gorge Economic Development Strategy 2017-2022*. [http://www.mcedd.org/wp-content/uploads/2018/04/CEDS\\_2018update\\_FullDoc.pdf](http://www.mcedd.org/wp-content/uploads/2018/04/CEDS_2018update_FullDoc.pdf)

State of Oregon Employment Department. May 1, 2018. *Wasco County Economic Update*. <https://www.qualityinfo.org/documents/10182/79531/050118++Wasco+County+Economic+Update?version=1.0>

**Goal 9**

# **Economic Development**

---

# Goal9

## Economic Development

### Overview

Wasco County is a largely agricultural community. Outside of the National Scenic Area and incorporated communities, approximately 76% of land in Wasco County is zoned Exclusive Farm Use.

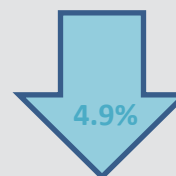
Wasco County's crop production and livestock are diverse and include cherry and other fruit orchards, dryland wheat and other grains, and wine grapes. Livestock primarily consists of cattle and calves, with smaller numbers of hog, sheep and lamb, and alpaca farms.

Beyond farming and ranching, other important rural industry sectors include forestry and recreation and tourism.

The state and local land use planning program supports the development and retention of these industry clusters through preserving land for resource uses, limiting high density development that may conflict with resource uses, ensuring appropriate infrastructure and public facilities for development, and offer incentives for economic development.

### Economy Snapshot

Jobs by Industry	% Change in total jobs between 2015 and 2009	2015 Average Wage
Natural Resources	15.3%	\$20.83
Construction	-21.3%	\$45,899
Manufacturing	6.3%	\$34,749
Wholesale trade	-29.3%	\$30,547
Retail Trade	-14.6%	\$30,547
Transportation	-20.5%	\$30,547
Information	-23.1%	\$145,057
Finance	-10.7%	\$39,256
Professional, Scientific	-12.8%	\$41,615
Education, Healthcare	20.1%	\$44,997
Leisure, Hospitality	48%	\$16,531
Public Administration	-20.1%	\$21,756
Other Services	-8.9%	NA
<b>Total</b>	<b>-1.1%</b>	



Unemployment rate 2018, down from a highs in 2009 - 2011 during recession

**2<sup>nd</sup> in State**

Total acres of farm land

**6<sup>th</sup> in State**

Average size of farms

**18.2%**

#### POVERTY

Between 2009 and 2013, 18.2% of Wasco County's population was in poverty, 2% above Oregon's rate, and 2.8% above the national rate.



#### JOB PROJECTIONS

Projections for East Cascade region from 2014-2024 show job gains in service (hospitality and retail), health care and professional occupants.



## **Statewide Planning Goal 9**

**To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.**

Comprehensive plans and policies shall contribute to a stable and healthy economy in all regions of the state.

Excerpt from  
OAR 660-015-0000(9)

## **Cross-Reference**

Additional policies related to this goal: Goal 3, Goal 5, Goal 6

## **Wasco County Goal 6**

## **Economic Development**

**To diversify and improve the economy of Wasco County.**



## Policies

- 9.1.1** Maintain commercial agriculture as the basis for the County's rural economy.

**Implementation for Policy 9.1.1:**

- a. Subdividing and partitioning of productive agricultural lands shall be discouraged.
- b. Exclusive Farm Use zoning shall be maintained to allow special farm use assessment as an incentive for continued agricultural use.
- c. Orchards, wheat, other small grain farms, and grazing lands shall be protected from non-agriculture uses and encouraged to continue as a major portion of the economy.
- d. Industries that process agricultural products maybe allowed as a conditional use in the Exclusive Farm Use zone.
- e. Value added agriculture businesses and uses are encouraged.

- 9.1.2** Encourage commercial and industrial development compatible with the County's agricultural based economy.

**Implementation for Policy 9.1.2:**

- a. Support and encourage non-agricultural commercial and industrial development within the Urban Growth Boundaries of incorporated cities and rural service centers, to discourage conversion of productive orchard and other agricultural lands and provide more year-round employment opportunities near urban services.
- b. Commercial activities in conjunction with farm use, including storage of agricultural goods, may be allowed as conditional uses in agricultural areas of the County, to diversify the economy.
- c. Encourage increased commercial activity in the communities of Pine Grove and Tygh Valley rural service centers
- d. Allow limited industrial growth in areas designated near Pine Grove and Tygh Valley.

# 9.1 Policies

- e. Protection and utilization of valuable rock and aggregate sources should be carried out as specified in Goal #5, A-E; and #2, A-F.

**9.1.3** Wasco County will support the expansion and increased productivity of existing industries and businesses as a means to strengthen local and regional economic development.

**Implementation for Policy 9.1.3:**

- a. Wasco County will support new industrial and commercial uses as appropriate to maintain existing uses.
- b. Industrial and commercial uses in or near resource lands which are accessory to a resource use shall be located as near as is practical to that resource use.
- c. Consideration for impact to resource uses, infrastructure and public facilities and services shall be part of the review process for new industrial and commercial uses in Wasco County. This includes additional criteria and analysis required by EPDs.

**9.1.4** Wasco County will support the Mid-Columbia Economic Development District (MCEDD) through active participation and partnership.

**Implementation for Policy 9.1.4:**

- a. Wasco County Planning Department will participate in the MCEDD Columbia Gorge Economic Development Strategy process by sending representatives to public meetings and ensure coordination with local land use planning regulations.
- b. Coordinate to receive, distribute, and share best available information about economic development and other related data.
- c. Collaborate on infrastructure, housing and other grant opportunities that strengthen Wasco County's economy and livability.

**9.1.5** Support and encourage tourism through preservation and enhancement of cultural, historical, natural and recreational resources

**Implementation for Policy 9.1.5:**

- a. Wildlife habitat and scenic waterways should be maintained for their scenic value to residents and tourists Wasco County.
- b. Historic and pre-historic sites should be preserved and maintained to support-tourism in Wasco County.
- c. Additional parks, overnight camping areas, and other recreational areas should be provided when needed to encourage tourism in the County.
- d. Agri-tourism will be supported through the adoption of rules to permit agri-tourism uses and activities in the Exclusive Farm Use zones.
- e. The Wasco County Planning Department will work with local, regional and state transportation authorities to ensure appropriate access to tourism destinations.
- f. Wasco County Planning will participate in local, regional and statewide tourism public meetings to ensure coordination with local land use planning regulations and to convey opportunities.
- g. Wasco County will support public recreation providers in their efforts to offer public access and education.

**9.1.6** Forest management will continue to be an economic development target for Wasco County.

**Implementation for Policy 9.1.6:**

- a. Industries and uses consistent with Goal 4 and the Forest Practices Act will continue to be promoted through management of Wasco County's forest zones.
- b. Recreation activities compatible with outright permitted forest uses shall be encouraged in the forest zones.
- c. Activities or uses that conflict with forest management, logging, recreation and other economic developments uses shall be discouraged in the Wasco County forest zones.

**9.1.7** Wasco County shall encourage home based businesses and provide standards that remove barriers and ensure neighborhood compatibility

**Implementation for Policy 9.1.7:**

- a. Minor home occupations shall be outright permitted in

Residential Zones.

- b.** Create educational materials for major home occupations that provide clear neighborhood compatibility standards, process requirements and other considerations to encourage successful permitting.

# Goal 9

## Findings and References

**9.1.a** During Wasco County 2040, public consensus was that as a result of current conditions, agriculture and forestry should be separated into distinct policies to ensure comprehensive strategies and accurate goals.

**9.1.b** State law's minimum parcel size in Exclusive Farm Use provides protection to productive farm lands from non-farm use.

**9.1.c** MCEDD defines value added ag as manufacturing, like food processing or fermentation sciences, that enhances the value of an agricultural product through industrial production. This conforms with the USDA definition.

**9.1.d** Commercial activities in conjunction with farm use are defined and regulated by ORS 215.283.

**9.1.e** MCEDD is the regional economic development body that is responsible for a variety of economic development activities in Wasco County and five other regional counties.

**9.1.f** One of the recommendations from the public during Wasco County 2040 outreach was to expand the reach of tourism to cover a broad definition of tourism type activities that are significant to Wasco County's economy.

**9.1.g** Forest zones are regulated by OAR 660-06 and related ORS rules, as well as the Forest Practices Act. The purpose of Goal 4 is to conserve forest lands for future use. The Oregon Forest Practices Act sets standards for commercial forestry activities.

**9.1.h** Home businesses or working from home are increasingly popular and provide economically viable alternatives

for business start-ups. Stakeholders and public input encouraged Wasco County to make home occupation permitting more transparent.

## References

Oregon Department of Land Conservation and Development. *Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources*. Oregon's Statewide Planning Goals and Guidelines.

Mid Columbia Economic Development District. *Columbia Gorge Economic Development Strategy 2017-2022*. [http://www.mcedd.org/wp-content/uploads/2018/04/CEDS\\_2018update\\_FullDoc.pdf](http://www.mcedd.org/wp-content/uploads/2018/04/CEDS_2018update_FullDoc.pdf)

State of Oregon Employment Department. May 1, 2018. *Wasco County Economic Update*. <https://www.qualityinfo.org/documents/10182/79531/050118++Wasco+County+Economic+Update?version=1>.



**PLANNING DEPARTMENT**

2705 East Second Street • The Dalles, OR 97058  
p: [541] 506-2560 • f: [541] 506-2561 • [www.co.wasco.or.us](http://www.co.wasco.or.us)

*Pioneering pathways to prosperity.*

---

**FILE #:** 921-18-000100 (7)

**DECISION DATE:**

---

**REQUEST:** Legislative Request to Amend the Comprehensive Plan, Chapter 2  
**DECISION:**

---

**Attachments:**

- A. Wasco County Comprehensive Plan Periodic Review Work Task 7
- B. Annotated Draft of Proposed Chapter 2 of Wasco County 2040 (Comprehensive Plan) with notes
- C. Clean Draft of Proposed Chapter 2

**File Number:** 921-18-000100

**Request:** Amend the Wasco County Comprehensive Plan  
1. Update Chapter 2 with incentive policy and implementation

**Prepared by:** Kelly Howsley Glover, Long Range Planner

**Prepared for:** Wasco County Planning Commission

**Applicant:** Wasco County Planning Department

**Staff Recommendation:** Recommend the Wasco County Planning Commission recommend adoption of the proposed amendments of the Wasco County Comprehensive Plan to the Wasco County Board of Commissioners.

**Planning Commission Hearing Date:** November 6, 2018

**Procedure Type:** Legislative

**Attachments:** Attachment A: Wasco County Comprehensive Plan Periodic Review Work Task 7 Overview  
Attachment B: Annotated Draft of Proposed Chapter 2 of Wasco County 2040 (Comprehensive Plan) with notes  
Attachment C: Clean Draft of Proposed Chapter 2



## **I. APPLICABLE CRITERIA**

### **A. Wasco County Comprehensive Plan Chapter 11: Revisions Process**

1. Section B: Form of Comprehensive Plan Amendment
2. Section C: Who May Apply for a Plan revision
3. Section D: Legislative Revisions
4. Section H: General Criteria
5. Section I: Transportation Planning Rule Compliance
6. Section J: Procedure for the Amendment process

### **B. Oregon Administrative Rules 660-025**

## **II. SUBMITTED COMMENTS**

As of the Wasco County Planning Department has received no comments about the proposed revisions.

## **III. PUBLIC INVOLVEMENT**

In addition to the public hearings required by this legislative process to allow for public testimony and the ability to provide written comment, Wasco County has included the following additional measures to ensure the process is open to the public:

### **A. Newspaper Notifications**

#### Citizen Advisory Group Work Session October 9, 2018:

Public notice for a Citizen Advisory Group meeting was published in The Dalles Chronicle on September 23, 2018, more than 20 days prior to the October 9<sup>th</sup> work session.

#### Planning Commission Hearing #1:

Public notice for Planning Commission Hearing #1 was published in The Dalles Chronicle on October 14, 2018 more than 20 days prior to the November 6, 2018 hearing date.

#### BOCC Hearing #1:

Public notice for the Board of County Commissioner Hearing #1 was published in The Dalles Chronicle on December 9, 2018, more than 10 days prior to the December 19, 2018 hearing date.

#### BOCC Hearing #2:

Public notice for the Board of County Commissioner Hearing #2 will be published in The Dalles Chronicle on January 6, 2019, more than 20 days prior to the January 16, 2018 hearing date.

### **B. Information Available on Website**

The information regarding the proposed amendments was placed on the Wasco County Planning Department Website<sup>1</sup> on October 2, 2018. If updates are made following each hearing,

---

<sup>1</sup> <http://co.wasco.or.us/departments/planning/index.php>

the webpage will be updated to reflect such changes. At the time of publication of this document, the following information was made available:

- A listing of hearing dates, times and locations.
- Drafts of the proposed amendments
- Staff report describing the process and proposed changes
- A way to submit comments and concerns

In addition, the Wasco County Comprehensive Plan website<sup>2</sup> has included several posts that have included the time and date of meetings and discussion of proposed topics. This website has 23 subscribers that receive notification of new content, and is also promoted on the Planning Department's social media channels.

**C. Notification to Partners**

An email notification of proposed amendments, progress on Periodic Review, and the legislative hearing was sent to the Periodic Review Assistance team and other Citizen Advisory Group identified stakeholders on September 28, 2018. The notification included links to the staff report, proposed amendments, and the opportunity to comment.

**D. Notification to Community Notification List**

During the Wasco County 2040 initial outreach phase, a public email notification list was assembled. Members of the public continue to have the opportunity to sign up for this list at any time on the project website<sup>3</sup> or in person at any of the public hearings, work sessions or other events. They can also request to be put on the list via email, telephone, or in the Planning Department Office. Currently this list includes 70 interested parties from the community.

An email notification of proposed amendments, progress on Periodic Review, and the legislative hearing was sent to this notification list on October 2, 2018. The notification included links to the staff report, proposed amendments, and information on how to provide comment.

**E. Other Public Outreach**

For work tasks 5-8, four community meetings in various parts of the County were held during May and June 2018 to solicit feedback about the work tasks. Staff and Citizen Advisory Group members talked to over thirty property owners, residents and business hearings during the meeting about how Wasco County 2040 could identify and utilize land use planning incentives to further support and propel our broader goals.

In addition to the public meetings, an online survey, social media content, and news media articles helped to promote engagement with the work tasks and solicit additional input. Any comments, survey results, or other feedback were compiled and analyzed by staff and used to inform the development of the new policy and implementation strategies.

## **IV. FINDINGS**

---

<sup>2</sup> [www.Wasco2040.com](http://www.Wasco2040.com)

<sup>3</sup> <https://wasco2040.com/contact/>

## **A. Wasco County Comprehensive Plan Criteria**

### **1. Chapter 11 - Revisions Process**

#### **a. Section B – Form of Comp Plan Amendment**

***Amendments to the Comprehensive Plan include many forms and can either be legislative or quasi-judicial.***

**FINDING:** The request is for a legislative text amendment to policies and strategies for Chapter 2 of the Comprehensive Plan, as part of a broader Periodic Review work plan. Amendments include the addition of new policies and implementation strategies related to outreach for work task 7. Work task 7 specifically proposed to “explore incentives and creative solutions for land use planning program” including options for achieving some community goals.

#### **b. Section C – Who May Apply for a Plan revision**

***Amendments to the plan may be initiated by the Wasco County Governing Body***

**FINDING:** The Wasco County Board of Commissioners authorized the Wasco County Planning Department to pursue Voluntary Periodic Review (VPR) to update the Wasco County Comprehensive Plan. They sent a letter to the Land Conservation and Development Commission supporting VPR on September 29, 2016.

#### **c. Section D – Legislative Revisions**

***Legislative revisions include land use changes that have widespread and significant impact beyond the immediate area such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or much different ownership. The Planning Commission and County Governing Body shall evaluate the plan as often as necessary to meet changes in the social, economic, or environmental character of Wasco County.***

**FINDING:** The proposed text amendments to policies and format of the Comprehensive Plan are applicable to all properties governed by the Wasco County Comprehensive Plan and therefore the proposal is a legislative revision. The proposed amendments are part of a larger Periodic Review process approved by the Planning Commission, Board of County Commissioners, Department of Land Conservation and Development and the Land Conservation and Development Commission. To be accepted for periodic review, staff prepared extensive justification demonstrating the need for amendments to the Comprehensive Plan as a result of changes in the social, economic and environmental character of Wasco County.

#### **d. Section H – General Criteria**

***The following are general criteria which must be considered before approval of an amendment to the Comprehensive Plan is given:***

- 1). Compliance with the statewide land use goal as provided by Chapter 15 or further amended by the Land Conservation and Development Commission, where applicable.**
- 2). Substantial proof that such change shall not be detrimental to the spirit and intent of such goals.**
- 3). A mistake in the original comprehensive plan or change in the character of the neighborhood can be demonstrated.**
- 4). Factors which relate to the public need for healthful, safe and aesthetic surroundings and conditions.**
- 5). Proof of change in the inventories originally developed.**
- 6). Revisions shall be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change must be established.**

**FINDING:** Proposed amendments to Goal 2 include a policy and three implementation strategies to support an incentive approach to land use planning consistent with the Statewide Planning Goals. Specifically, the proposed addition promotes incentive programs that increase knowledge base of community or offer incentives to development applications that meet other Wasco County 2040 goals. This supports the overall Goal 2 “(t)o maintain a transparent land use planning process in which decisions are based on factual information”.

The proposed amendments do not propose to change any of the existing adopted policies and implementation strategies for Goal 2. The addition of incentive programs will not materially alter the general policies and provisions of the land use planning rules or regulations, but instead work to support process improvements for how the program is administered. As such, no detriment to the spirit or the intent of rules can be identified.

No mistake in the original comprehensive plan has been identified which necessitates the proposed change. The work plan task 7 was identified through outreach with stakeholders and community members as a way to improve the transparency, accessibility and ease of process for the Wasco County land use planning program. Participants expressed overwhelming support to add in more incentives, rather than increasing regulation or rules, to achieve community goals. Leveraging incentives to help achieve policy is a new strategy for Wasco County, that has in the past relied on additional restrictions or criteria, above and beyond state law, to achieve community goals. Community members were engaged through a variety of outreach methods over several months in 2018 to formulate a strategy for incentives that best met the community vision. No specific preference, aside from education, was recommended by participants; however there was a general demand to provide opportunity to be flexible in the approach to incentives. The new policy and implementation for Goal 2 have been written to approximate recommendations from participants.

Many of the goals being evaluated during the Periodic Review are in interest of public health, safety and general satisfaction with environmental and development conditions of Wasco County, and the proposed policy is one mechanism by which to achieve some of these goals.

No inventories are involved in the proposed amendment to Chapter 2.

Many of the residents who obtain a land use development permit have limited experience with the land use planning program and many of the rules which regulate land use uses, property development standards and other considerations. Wasco County Current Planning staff already answers hundreds of calls, emails and counter visits each month to support customers in successfully applying for development. Because of the many criteria and conditions impacting each development application, however, there is not a one size approach to each case.

The Wasco County Land Use and Development Ordinance currently recommends a pre-application conference for conditional use permits. This involves a current planner reviewing a project proposal and preparing a staff report, in addition to holding an advisory meeting, to provide each customer with an analysis of possible issues, what is required to make a complete application, and other considerations. There is a fee attached to this work, by in large as a result of the staff time required to draft a report.

Policy 2.1.5 a is recommending an option for free or reduced cost pre application conferences for permit applications, less than a conditional use permit, that may require a scheduled meeting, but not necessarily a staff report. The purpose would be to guide the applicant in a more formalized way about considerations for possible issues and requirements for a complete application. The intent of this is to increase transparency of the land use planning program, improve efficiency of staff time and resources, and help ensure successful applications that meet or exceed goals of Wasco County 2040.

Policy implementation strategies 2.1.5 b and c promote flexibility for incentives to be used to achieve specific Wasco County 2040 goals. These strategies are meant to be complimentary to the existing rules and regulations that support both Wasco County and the State of Oregon land use planning goals.

***e. Section I- Transportation Planning Rule Compliance***

***1). Review of Applications for Effect on Transportation Facilities – A proposed zone change or land use regulation change, whether initiated by the County or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – “TPR”). “Significant” means the proposal would:***

- a). Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);***
- b). Change standards implementing a functional classification system; or***
- c). As measured at the end of the planning period identified in the adopted transportation system plan:***

- i. Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
- ii. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or*
- iii. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or Comprehensive Plan.*

**FINDING:** Proposed revisions to Goal 2 do not have a direct or indirect impact on transportation facilities, the Transportation Systems Plan, or Transportation Planning rules.

***Oregon Administrative Rules 660-025-0130***

***Submission of Completed Work Task***

- 1). A local government must submit completed work tasks as provided in the approved work program or a submittal pursuant to OAR 660-025-0175 to the department along with the notice required in OAR-660-025-0140 and any form required by the department. A local government must submit to the department a list of persons who participated orally or in writing in the local proceedings leading to the adoption of the work task or who requested notice of the local government's final decision on a work task.***

**FINDING:** A notice was sent to DLCD on September 28, 2018, consistent with requirements, to inform them of the proposed November 6, 2018 hearing and subsequent hearings to adopt amendments to Chapters 2 consistent with work task 7. To date, staff has not received any oral or written comment or request for notification from the public on the work tasks. At such a time when comment is received, that will be attached to the staff report and submitted to DLCD.

At the CAG work session on October 9<sup>th</sup> and at the November 6<sup>th</sup> hearing, one member of the public testified generally in support of the amendments. Names of participants will be attached to the record.

- 3). For a periodic review tasks to be complete, a submittal must be a final decision containing all required elements identified for that task in the work program. The department may accept a portion of a task or subtask as a complete submittal if the work program identified that portion of the task or subtasks as a separate item for adoption by the local government. All submittals required by section 1) of this rule are subject to the following requirements:***
  - a). If the local record does not exceed 2,000 pages, a submittal must include the entire local record, including but not limited to adopted ordinances and orders, studies, inventories, findings, staff reports, correspondence, hearings minutes, written testimony and evidence, and any other items specifically listed in the work program.***
  - b). If the local record exceeds 2,000 pages, a submittal must include adopted ordinances, resolutions, and orders; any amended comprehensive or regional framework plan provisions***

*or land use regulations; findings, hearing minutes; materials from the record that the local government deems necessary to explain the submittal or cities in its findings; and a detailed index listing all items in the local record and indicating whether or not the item is included in the submittal. All items in the local record must be made available for public review during the period for submitting objections under OAR 660-025-0140. The director or commission may require a local government to submit any materials from the local record not included in the initial submittal;*

- c) A submittal of over 500 pages must include an index of all submitted materials. Each document must be separately indexed, in chronological order, with the last document on the top. Pages must be consecutively numbered at the bottom of the page.*

**FINDING:** The local record for Work Task 7 will not exceed 2,000 pages. Consistent with this requirement, submittal to DLCD will include the entire local record, including but not limited to the adopted ordinance and orders, studies, findings, staff reports, correspondence, hearing minutes, written testimony and evidence and any other relevant material.

A copy of the record, when complete, will also be available for inspection at the Planning Department.

## **Attachment A**

### **Chapter 2 Proposed Amendments**

**Documentation:** The following is a summarized overview of proposed amendments.

#### **State of the Comprehensive Plan:**

- A. **Purpose:** The main purpose of the Comprehensive Plan is to function as a visionary policy document with a 20 year horizon. The plan represents the desires of the citizens of Wasco County and provides generalized direction for development, preservation, the planning process, citizen involvement and numerous other elements related to land use planning. Due to frequent changes in circumstances, law, and the desires of the citizens of the county, the major components should be updated every five to ten years as needed. The land use and development ordinance includes the specific rules and regulations that are meant to implement this vision and amendments to it are required to be consistent with Comprehensive Plan language.
- B. **Prior Updates:** The Comprehensive Plan was acknowledged by the Land Conservation and Development Department in 1983. Major components of the document have not been updated since 1983, resulting in them now being out of date. Other portions have been updated but were done inconsistently and in some cases, the new language did not get inserted into the amended document. In several instances, updates to the ordinance are now out of compliance with the Comprehensive Plan because of the lack of comprehensive updates. A more comprehensive update was initiated in 2009, but ultimately not completed. Staff has used some of the past findings and information in drafting the proposed updates.
- C. **Format:** The Comprehensive Plan is currently organized in a way that puts unrelated information in the same chapter and separated related information into multiple chapters. This has created significant difficulty for staff and the public to find information and utilize as the plan was intended.
- D. **Reformatting:** After a careful case study of other Oregon county comprehensive plans, the Citizen Advisory Group held several work sessions in 2015 and 2016 to discuss, among other issues, reformatting the Comprehensive Plan for increased use, transparency and readability. Based on those work sessions, staff was directed to compile and organize information in a manner that better aligned the plan to the Statewide Land Use Planning Goals.
  - 1. **Oregon's Land Use Goals:** The vast majority of the Comprehensive Plan language is tied to one of the State of Oregon's Land Use Goals. Other than some introductory chapters, the entire Comprehensive Plan is being formatted so that each chapter corresponds to one of the applicable Land Use Goals. Each chapter will include all of the policies, findings, and inventories for the specific goal, in addition to any references and historical information.



2. **Format of Goal Chapters:** Each Goal related chapter will be formatted according to the following conventions:
  - a. Overview: A sentence to a paragraph on the outlining the purpose behind the Goal and Wasco County policies.
  - b. Statement of Wasco County Goal and reference to Statewide Planning Goal
  - c. Any cross-references to other Goals
  - d. Policy Statements
  - e. Implementation Statements for each policy
  - f. Findings and reference section detailing any relevant findings and references.

#### **Chapter by Chapter Overview of Proposed Substantive Amendments:**

##### **A. Chapter 2- Goal 2 Land Use Planning**

Chapter 2/Goal 2 was modified in the beginning of 2018 and approved by DLCD in August 2018. Proposed amendments are to add an additional policy and related implementation strategies based on public input during outreach for work task 7.

1. **Policies:** Chapter 2/Goal 2 currently has 4 policies. The proposal is to add a fifth policy and corresponding implementation measures to develop incentives for land use planning actions and goals.
  - a. Policy 5: Proposed: *Offer incentives for land use planning actions that meet Wasco County 2040 goals and objectives.*
    - (1) Implementation Strategy "a.": *Free or low cost pre application conferences should be encouraged for complex projects that do not require a written report.*
    - (2) Implementation Strategy "b." *Develop incentive programs, including fee reductions and expedited permitting, for applications that meet specific goals. Examples could include: defensible space, resource protections, and/or energy conservation.*
    - (3) Implementation Strategy "c." *Where applicable, transfer development rights, density bonuses, and setback variances should be implemented to support development and growth consistent with other Wasco County 2040 goals.*
2. **Findings and References:** To support the additional policy, a new finding (2.1.f) was added that refers to the results of outreach for work task 7.

Attachment B

**Goal 2**

# **Land Use Planning**

---

## Goal 2

# Land Use Planning

---

### Overview

This chapter establishes the overall framework for the development and implementation of plans and policies for land use within the county. Statewide planning guidelines require each county to establish a land use planning process that is based on current issues, factual information and evaluation of alternatives. The policies in this chapter assure that the County's land use policies are current, fact-based, and responsive to change. They respond to the need for coordination between the cities and the county and provide for full public access to plan documents and the information upon which land use decisions are based.



## **Statewide Planning Goal 2**

**To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.**

City, county, state and federal agency and special district plans and actions related to land use shall be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS Chapter 268.

All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The required information shall be contained in the plan document or in supporting documents. The plans, supporting documents and implementation ordinances shall be filed in a public office or other place easily accessible to the public. The plans shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plans. Each plan and related implementation measure shall be coordinated with the plans of affected governmental units.

All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

Excerpt from OAR 660-015-0000(2)

### **Cross-Reference:**

Additional policies related to this goal: Goal 1

## **Wasco County Goal**

### **Land Use Planning**

**To maintain a transparent land use planning process in which decisions are based on factual information.**

# Land Use Planning

## Policies

- 2.1.1** Citizen involvement shall be an integral part of the planning process and shall be accomplished through the County’s Citizen Involvement Program.

**Implementation for Policy 2.1.1:**

- a. The Citizen Involvement Program shall be maintained and updated periodically by the Wasco County Planning Department.
- b. The Citizen Involvement Program shall abide by the policies as set forth in Goal 1, Citizen Involvement.
- c. Copies of the Comprehensive Plan will be available for review at the Wasco County Planning Department and on the Wasco County’s website.

- 2.1.2** Comprehensive plans and implementing ordinances shall be consistent with the statewide goals and guidelines as well as the needs and desires of citizens in the County.

**Implementation for Policy 2.1.2:**

- a. The Comprehensive Plan shall include all elements identified by the Land Conservation and Development Commission which are applicable to the County.
- b. Inventories and other forms of data used in the development of the Comprehensive Plan shall be the most factual and current data available, to the extent practicable.
- c. The Comprehensive Plan shall be coordinated with all other plans and programs affected by, or having effect on, land use within the County.
- d. All implementing ordinances applicable to the County shall be consistent with the Comprehensive Plan.

- 2.1.3** The Comprehensive Plan shall be reviewed periodically for necessary revisions to keep pace with changes in the physical, environmental, social and economic character of the County.

## 2.1 Policies

**Implementation for Policy 2.1.3:**

- a. County Planning staff shall conduct periodic reviews and evaluations of the Comprehensive Plan.
- b. Plan review and amendment shall take place whenever significant changes in the social, economic, physical, or environmental character of the County are evident.
- c. Plan review, evaluation, and amendment shall be carried out utilizing the revisions process as set forth in the Comprehensive Plan.

**2.1.4** Increase public awareness of the planning process and plan implementation.

**Implementation for Policy 2.1.4:**

- a. Federal, State, County and City agencies should cooperate to simplify, combine and expedite permit applications. Staff shall work with partner agencies and organizations to ensure timely coordination.
- b. Allow for local public input into the planning process through Goal 1 policies and implementation.
- c. Hearing notice procedures shall be included in the Wasco County Land Use and Development Ordinance.

**2.1.5** Offer incentives for land use planning actions that meet Wasco County 2040 goals and objectives.

**Implementation for Policy 2.1.5:**

- a. Free or low cost pre application conferences should be encouraged for complex projects that do not require a written report.
- b. Develop incentive programs, including fee reductions and expedited permitting, for applications that meet specific goals. Examples could include: defensible space, resource protections, and/or energy conservation.
- c. Where applicable, transfer development rights, density bonuses, and setback variances should be implemented to support development and growth consistent with -Wasco County 2040 goals.

## Findings and References

**2.1.a** Land use plans are required to be adopted by the governing body after public hearings and shall be reviewed and revised on a periodic cycle to take into account changing public policies and circumstances. OAR 660-015-0000(2)

**2.1.b** Comprehensive Plans are required to be filed in a public office or other location easily accessible to the public. OAR 660-015-0000(2)

**2.1.c** The County's Comprehensive Plan, all affected city plans, and agreements established between the County and the cities must all be consistent with one another. OAR 660-015-0000(2)

**2.1.d** All land use plans and implementation ordinances shall be adopted after public hearing and shall be reviewed, as needed, and revised on a periodic cycle to reflect changing public policies and circumstances. OAR 660-015-0000(2)

**2.1.e** Access to public records gives County citizens, staff, and public officials the ability to better understand the basis for policy direction and decisions.

**2.1.e2.1.f** During Periodic Review, staff and the CAG discussed with members of the public possible land use planning incentives. The general consensus favored reduced fees and more education/assistance.

## References

Oregon. Department of Land Conservation and Development.  
*Goal 2: Land Use Planning.*  
Oregon's Statewide Planning Goals and Guidelines.

Formatted: Font color: Auto

## Goal 2

# Land Use Planning

---



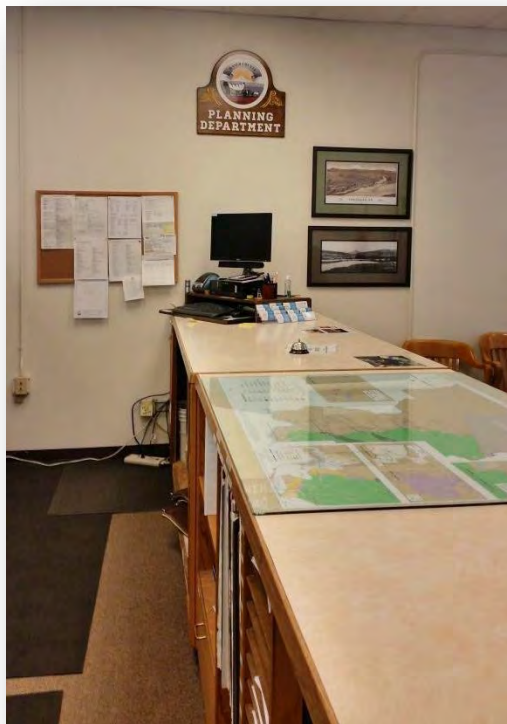
# Goal 2

## Land Use Planning

---

### Overview

This chapter establishes the overall framework for the development and implementation of plans and policies for land use within the county. Statewide planning guidelines require each county to establish a land use planning process that is based on current issues, factual information and evaluation of alternatives. The policies in this chapter assure that the County's land use policies are current, fact-based, and responsive to change. They respond to the need for coordination between the cities and the county and provide for full public access to plan documents and the information upon which land use decisions are based.



## **Statewide Planning Goal 2**

**To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.**

City, county, state and federal agency and special district plans and actions related to land use shall be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS Chapter 268.

All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The required information shall be contained in the plan document or in supporting documents. The plans, supporting documents and implementation ordinances shall be filed in a public office or other place easily accessible to the public. The plans shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plans. Each plan and related implementation measure shall be coordinated with the plans of affected governmental units.

All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

Excerpt from OAR 660-015-0000(2)

### **Cross-Reference:**

Additional policies related to this goal: Goal 1

## **Wasco County Goal**

### **Land Use Planning**

**To maintain a transparent land use planning process in which decisions are based on factual information.**

# Land Use Planning

## Policies

- 2.1.1** Citizen involvement shall be an integral part of the planning process and shall be accomplished through the County's Citizen Involvement Program.

### Implementation for Policy 2.1.1:

- a. The Citizen Involvement Program shall be maintained and updated periodically by the Wasco County Planning Department.
- b. The Citizen Involvement Program shall abide by the policies as set forth in Goal 1, Citizen Involvement.
- c. Copies of the Comprehensive Plan will be available for review at the Wasco County Planning Department and on the Wasco County's website.

- 2.1.2** Comprehensive plans and implementing ordinances shall be consistent with the statewide goals and guidelines as well as the needs and desires of citizens in the County.

### Implementation for Policy 2.1.2:

- a. The Comprehensive Plan shall include all elements identified by the Land Conservation and Development Commission which are applicable to the County.
- b. Inventories and other forms of data used in the development of the Comprehensive Plan shall be the most factual and current data available, to the extent practicable.
- c. The Comprehensive Plan shall be coordinated with all other plans and programs affected by, or having effect on, land use within the County.
- d. All implementing ordinances applicable to the County shall be consistent with the Comprehensive Plan.

- 2.1.3** The Comprehensive Plan shall be reviewed periodically for necessary revisions to keep pace with changes in the physical, environmental, social and economic character of the County.

## 2.1 Policies

**Implementation for Policy 2.1.3:**

- a. County Planning staff shall conduct periodic reviews and evaluations of the Comprehensive Plan.
- b. Plan review and amendment shall take place whenever significant changes in the social, economic, physical, or environmental character of the County are evident.
- c. Plan review, evaluation, and amendment shall be carried out utilizing the revisions process as set forth in the Comprehensive Plan.

**2.1.4** Increase public awareness of the planning process and plan implementation.

**Implementation for Policy 2.1.4:**

- a. Federal, State, County and City agencies should cooperate to simplify, combine and expedite permit applications. Staff shall work with partner agencies and organizations to ensure timely coordination.
- b. Allow for local public input into the planning process through Goal 1 policies and implementation.
- c. Hearing notice procedures shall be included in the Wasco County Land Use and Development Ordinance.

**2.1.5** Offer incentives for land use planning actions that meet Wasco County 2040 goals and objectives.

**Implementation for Policy 2.1.5:**

- a. Free or low cost pre application conferences should be encouraged for complex projects that do not require a written report.
- b. Develop incentive programs, including fee reductions and expedited permitting, for applications that meet specific goals. Examples could include: defensible space, resource protections, and/or energy conservation.
- c. Where applicable, transfer development rights, density bonuses, and setback variances should be implemented to support development, growth, and preservation of resources consistent with Wasco County 2040 goals.

## Findings and References

**2.1.a** Land use plans are required to be adopted by the governing body after public hearings and shall be reviewed and revised on a periodic cycle to take into account changing public policies and circumstances. OAR 660-015-0000(2)

**2.1.b** Comprehensive Plans are required to be filed in a public office or other location easily accessible to the public. OAR 660-015-0000(2)

**2.1.c** The County's Comprehensive Plan, all affected city plans, and agreements established between the County and the cities must all be consistent with one another. OAR 660-015-0000(2)

**2.1.d** All land use plans and implementation ordinances shall be adopted after public hearing and shall be reviewed, as needed, and revised on a periodic cycle to reflect changing public policies and circumstances. OAR 660-015-0000(2)

**2.1.e** Access to public records gives County citizens, staff, and public officials the ability to better understand the basis for policy direction and decisions.

**2.1.f** During Periodic Review, staff and the CAG discussed with members of the public possible land use planning incentives. The general consensus favored reduced fees and more education/assistance.

## References

Oregon. Department of Land Conservation and Development.  
*Goal 2: Land Use Planning.*  
Oregon's Statewide Planning Goals and Guidelines.



**PLANNING DEPARTMENT**

2705 East Second Street • The Dalles, OR 97058  
p: [541] 506-2560 • f: [541] 506-2561 • [www.co.wasco.or.us](http://www.co.wasco.or.us)

*Pioneering pathways to prosperity.*

---

**FILE #:** 921-18-000108 (8)

---

**REQUEST:** Legislative Request to Amend the Comprehensive Plan, Chapter 3  
**DECISION:**

---

**Attachments:**

- A. Wasco County Comprehensive Plan Periodic Review Work Task 8 Overview
- B. Annotated Draft of Proposed Chapter 3 of Wasco County 2040 (Comprehensive Plan) with notes
- C. Clean Draft of Proposed Chapter 3

**File Number:** 921-18-000108

**Request:** Amend the Wasco County Comprehensive Plan  
1. Change the format to align with Statewide Land Use Planning Goals  
2. Update Chapter 3 to add policy and implementation strategies consistent with results of outreach related to work task 8.

**Prepared by:** Kelly Howsley Glover, Long Range Planner

**Prepared for:** Wasco County Planning Commission

**Applicant:** Wasco County Planning Department

**Staff Recommendation:** Recommend the Wasco County Planning Commission recommend adoption of the proposed amendments of the Wasco County Comprehensive Plan to the Wasco County Board of Commissioners.

**Planning Commission  
Hearing Date:** November 6, 2018

**Procedure Type:** Legislative

**Attachments:** Attachment A: Wasco County Comprehensive Plan Periodic Review  
Work Task 8 Overview  
Attachment B: Annotated Draft of Proposed Chapter 3 of Wasco County  
2040 (Comprehensive Plan) with notes  
Attachment C: Clean Draft of Proposed Chapter 3

## **I. APPLICABLE CRITERIA**

- A. Wasco County Comprehensive Plan Chapter 11: Revisions Process
  - 1. Section B: Form of Comprehensive Plan Amendment
  - 2. Section C: Who May Apply for a Plan revision
  - 3. Section D: Legislative Revisions
  - 4. Section H: General Criteria
  - 5. Section I: Transportation Planning Rule Compliance
  - 6. Section J: Procedure for the Amendment process

- B. Oregon Administrative Rules 660-025

## **II. SUBMITTED COMMENTS**

As of the Wasco County Planning Department has received no comments about the proposed revisions.

## **III. PUBLIC INVOLVEMENT**

In addition to the public hearings required by this legislative process to allow for public testimony and the ability to provide written comment, Wasco County has included the following additional measures to ensure the process is open to the public:

### **A. Newspaper Notifications**

#### Citizen Advisory Group Work Session October 9, 2018:

Public notice for a Citizen Advisory Group meeting was published in The Dalles Chronicle on September 23, 2018, more than 20 days prior to the October 9<sup>th</sup> work session.

#### Planning Commission Hearing #1:

Public notice for Planning Commission Hearing #1 was published in The Dalles Chronicle on October 14, 2018 more than 20 days prior to the November 6, 2018 hearing date.

#### BOCC Hearing #1:

Public notice for the Board of County Commissioner Hearing #1 was published in The Dalles Chronicle on December 9, 2018, more than 10 days prior to the December 19, 2018 hearing date.

#### BOCC Hearing #2:

Public notice for the Board of County Commissioner Hearing #2 will be published in The Dalles Chronicle on January 6, 2019, more than 20 days prior to the January 16, 2018 hearing date.

### **B. Information Available on Website**

The information regarding the proposed amendments was placed on the Wasco County Planning Department Website<sup>1</sup> on October 2, 2018. If updates are made following each hearing,

---

<sup>1</sup> <http://co.wasco.or.us/departments/planning/index.php>



the webpage will be updated to reflect such changes. At the time of publication of this document, the following information was made available:

- A listing of hearing dates, times and locations.
- Drafts of the proposed amendments
- Staff report describing the process and proposed changes
- A way to submit comments and concerns

In addition, the Wasco County Comprehensive Plan website<sup>2</sup> has included several posts that have included the time and date of meetings and discussion of proposed topics. This website has 23 subscribers that receive notification of new content, and is also promoted on the Planning Department's social media channels.

#### **C. Notification to Partners**

An email notification of proposed amendments, progress on Periodic Review, and the legislative hearing was sent to the Periodic Review Assistance team and other Citizen Advisory Group identified stakeholders on September 28, 2018. The notification included links to the staff report, proposed amendments, and the opportunity to comment.

#### **D. Notification to Community Notification List**

During the Wasco County 2040 initial outreach phase, a public email notification list was assembled. Members of the public continue to have the opportunity to sign up for this list at any time on the project website<sup>3</sup> or in person at any of the public hearings, work sessions or other events. They can also request to be put on the list via email, telephone, or in the Planning Department Office. Currently this list includes 70 interested parties from the community.

An email notification of proposed amendments, progress on Periodic Review, and the legislative hearing was sent to this notification list on October 2, 2018. The notification included links to the staff report, proposed amendments, and information on how to provide comment.

#### **E. Other Public Outreach**

For work tasks 5-8, four community meetings in various parts of the County were held during May and June 2018 to solicit feedback about the work tasks. Staff and Citizen Advisory Group members talked to over thirty property owners, residents and business hearings during the meeting about how Wasco County 2040 could identify and utilize land use planning incentives to further support and propel our broader goals.

In addition to the public meetings, an online survey, social media content, and news media articles helped to promote engagement with the work tasks and solicit additional input. Any comments, survey results, or other feedback were compiled and analyzed by staff and used to inform the development of the new policy and implementation strategies.

## **IV. FINDINGS**

---

<sup>2</sup> [www.Wasco2040.com](http://www.Wasco2040.com)

<sup>3</sup> <https://wasco2040.com/contact/>

## **A. Wasco County Comprehensive Plan Criteria**

### **1. Chapter 11 - Revisions Process**

#### **a. Section B – Form of Comp Plan Amendment**

***Amendments to the Comprehensive Plan include many forms and can either be legislative or quasi-judicial.***

**FINDING:** The request is for a legislative text addition of policies and implementation for Goal 3 (Chapter 3) of the Comprehensive Plan, as part of a broader Periodic Review work plan. The additional policy and implementation strategies are related to agri-tourism and consistent with work task 8 of the Periodic Review work plan.

#### **b. Section C – Who May Apply for a Plan revision**

***Amendments to the plan may be initiated by the Wasco County Governing Body***

**FINDING:** The Wasco County Board of Commissioners authorized the Wasco County Planning Department to pursue Voluntary Periodic Review (VPR) to update the Wasco County Comprehensive Plan. They sent a letter to the Land Conservation and Development Commission supporting VPR on September 29, 2016.

#### **c. Section D – Legislative Revisions**

***Legislative revisions include land use changes that have widespread and significant impact beyond the immediate area such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or much different ownership. The Planning Commission and County Governing Body shall evaluate the plan as often as necessary to meet changes in the social, economic, or environmental character of Wasco County.***

**FINDING:** The proposed text amendments to policies and format of the Comprehensive Plan are applicable to all properties governed by the Wasco County Comprehensive Plan and therefore the proposal is a legislative revision. The proposed amendments are part of a larger Periodic Review process approved by the Planning Commission, Board of County Commissioners, Department of Land Conservation and Development and the Land Conservation and Development Commission. To be accepted for periodic review, staff prepared extensive justification demonstrating the need for amendments to the Comprehensive Plan as a result of changes in the social, economic and environmental character of Wasco County.

#### **d. Section H – General Criteria**

***The following are general criteria which must be considered before approval of an amendment to the Comprehensive Plan is given:***

- 1). Compliance with the statewide land use goal as provided by Chapter 15 or further amended by the Land Conservation and Development Commission, where applicable.***

- 2). Substantial proof that such change shall not be detrimental to the spirit and intent of such goals.**
- 3). A mistake in the original comprehensive plan or change in the character of the neighborhood can be demonstrated.**
- 4). Factors which relate to the public need for healthful, safe and aesthetic surroundings and conditions.**
- 5). Proof of change in the inventories originally developed.**
- 6). Revisions shall be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change must be established.**

**FINDING:** Proposed amendments to Goal 3 include a policy and three implementation strategies to add agri-tourism provisions to the Land Use and Development Ordinance and also guide general practice related to agri-tourism. These proposed amendments are the result of public involvement, that demonstrated consensus for allowing all available agri-tourism activities and uses in the Exclusive Farm Use zones as defined by state law. Therefore, the proposed amendments are consistent with state law.

3.1.5 c. implementation recommends the evaluation and revision of agri-tourism regulations if they are found to be, in the future, inconsistent with pieces of Wasco County 2040 or detrimental to the spirit and intent of the land use planning program. Based on public input, research, and available data, there are no foreseen adverse impacts to allowing for agri-tourism activities and uses as consistent with state law.

No mistake in the original comprehensive plan has been identified which necessitates the proposed change. The work plan task 8 was identified through outreach with stakeholders and community members to allow for agri-tourism activities and uses, as permitted by updates to state law, that may be beneficial to Wasco County residents, business and property owners. The public was advised of various possible versions of the agri-tourism allowances that could be adopted by Wasco County, and the consensus was to allow for all possible activities and uses allowed by state law.

Many of the goals being evaluated during the Periodic Review are in interest of public health, safety and general satisfaction with environmental and development conditions of Wasco County, and the proposed policy is one mechanism by which to achieve some of these goals.

No inventories are involved in the proposed amendment to Chapter 3.

The public was presented information and data to help inform discussion and deliberation on adding agri-tourism provisions to Wasco County 2040 and the Land Use and Development Ordinance. The consensus was there is significant need for allowing agricultural operators the opportunity to diversify their income streams and bring new interest and visitors to Wasco County. Possible land use conflicts and adverse impacts were discussed with the public to provide clear context for the impact of new regulations. Overarching sentiment was that if the state has permitted the agri-tourism uses and

activities in Exclusive Farm Use zones, than the impacts have already been vetted or are insignificant to the broader Wasco County community.

***e. Section I- Transportation Planning Rule Compliance***

***1). Review of Applications for Effect on Transportation Facilities – A proposed zone change or land use regulation change, whether initiated by the County or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – “TPR”). “Significant” means the proposal would:***

- a). Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);***
- b). Change standards implementing a functional classification system; or***
- c). As measured at the end of the planning period identified in the adopted transportation system plan:***
  - i. Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;***
  - ii. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or***
  - iii. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or Comprehensive Plan.***

**FINDING:** Proposed revisions to Goal 3 do not have a direct or indirect impact on transportation facilities, the Transportation Systems Plan, or Transportation Planning rules.

***Oregon Administrative Rules 660-025-0130***

***Submission of Completed Work Task***

***1). A local government must submit completed work tasks as provided in the approved work program or a submittal pursuant to OAR 660-025-0175 to the department along with the notice required in OAR-660-025-0140 and any form required by the department. A local government must submit to the department a list of persons who participated orally or in writing in the local proceedings leading to the adoption of the work task or who requested notice of the local government’s final decision on a work task.***

**FINDING:** A notice was sent to DLCD on September 28 2018, consistent with requirements, to inform them of the proposed November 6, 2018 hearing and subsequent hearings to adopt Chapters related to Periodic Review work tasks 5-8. To date, staff has not received any oral or written comment or request

for notification from the public on Work Task 8. At such a time when comment is received, that will be attached to the staff report and submitted to DLCD.

At the CAG work session on October 9<sup>th</sup> and at the November 6<sup>th</sup> hearing, one member of the public testified generally in support of the amendments. Names of participants will be attached to the record.

**3). For a periodic review tasks to be complete, a submittal must be a final decision containing all required elements identified for that task in the work program. The department may accept a portion of a task or subtask as a complete submittal if the work program identified that portion of the task or subtasks as a separate item for adoption by the local government. All submittals required by section 1) of this rule are subject to the following requirements:**

- a). If the local record does not exceed 2,000 pages, a submittal must include the entire local record, including but not limited to adopted ordinances and orders, studies, inventories, findings, staff reports, correspondence, hearings minutes, written testimony and evidence, and any other items specifically listed in the work program.**
- b). If the local record exceeds 2,000 pages, a submittal must include adopted ordinances, resolutions, and orders; any amended comprehensive or regional framework plan provisions or land use regulations; findings, hearing minutes; materials from the record that the local government deems necessary to explain the submittal or cities in its findings; and a detailed index listing all items in the local record and indicating whether or not the item is included in the submittal. All items in the local record must be made available for public review during the period for submitting objections under OAR 660-025-0140. The director or commission may require a local government to submit any materials from the local record not included in the initial submittal;**
- c) A submittal of over 500 pages must include an index of all submitted materials. Each document must be separately indexed, in chronological order, with the last document on the top. Pages must be consecutively numbered at the bottom of the page.**

**FINDING:** The local record for Work Task 8 will not exceed 2,000 pages. Consistent with this requirement, submittal to DLCD will include the entire local record, including but not limited to the adopted ordinance and orders, studies, findings, staff reports, correspondence, hearing minutes, written testimony and evidence and any other relevant material.

A copy of the record, when complete, will also be available for inspection at the Planning Department.

## **Attachment A**

### **Chapter 3 Proposed Amendments**

**Documentation:** The following is a summarized overview of proposed amendments.

**State of the Comprehensive Plan:**

- A. **Purpose:** The main purpose of the Comprehensive Plan is to function as a visionary policy document with a 20 year horizon. The plan represents the desires of the citizens of Wasco County and provides generalized direction for development, preservation, the planning process, citizen involvement and numerous other elements related to land use planning. Due to frequent changes in circumstances, law, and the desires of the citizens of the county, the major components should be updated every five to ten years as needed. The land use and development ordinance includes the specific rules and regulations that are meant to implement this vision and amendments to it are required to be consistent with Comprehensive Plan language.
- B. **Prior Updates:** The Comprehensive Plan was acknowledged by the Land Conservation and Development Department in 1983. Major components of the document have not been updated since 1983, resulting in them now being out of date. Other portions have been updated but were done inconsistently and in some cases, the new language did not get inserted into the amended document. In several instances, updates to the ordinance are now out of compliance with the Comprehensive Plan because of the lack of comprehensive updates. A more comprehensive update was initiated in 2009, but ultimately not completed. Staff has used some of the past findings and information in drafting the proposed updates.
- C. **Format:** The Comprehensive Plan is currently organized in a way that puts unrelated information in the same chapter and separated related information into multiple chapters. This has created significant difficulty for staff and the public to find information and utilize as the plan was intended.
- D. **Reformatting:** After a careful case study of other Oregon county comprehensive plans, the Citizen Advisory Group held several work sessions in 2015 and 2016 to discuss, among other issues, reformatting the Comprehensive Plan for increased use, transparency and readability. Based on those work sessions, staff was directed to compile and organize information in a manner that better aligned the plan to the Statewide Land Use Planning Goals.
  - 1. **Oregon's Land Use Goals:** The vast majority of the Comprehensive Plan language is tied to one of the State of Oregon's Land Use Goals. Other than some introductory chapters, the entire Comprehensive Plan is being formatted so that each chapter corresponds to one of the applicable Land Use Goals. Each chapter will include all of the policies, findings, and inventories for the specific goal, in addition to any references and historical information.
  - 2. **Format of Goal Chapters:** Each Goal related chapter will be formatted according to the following conventions:

- a. Overview: A sentence to a paragraph on the outlining the purpose behind the Goal and Wasco County policies.
- b. Statement of Wasco County Goal and reference to Statewide Planning Goal
- c. Any cross-references to other Goals
- d. Policy Statements
- e. Implementation Statements for each policy
- f. Findings and reference section detailing any relevant findings and references.

## **Chapter Overview of Proposed Substantive Amendments:**

### **A. Chapter 3**

Format and other amendments to Chapter 3 were part of work task 3, sent to DLCD for acknowledgment in November 2018.

1. **Policies:** The existing plan has four policies. The recommendation is to add an additional, fifth policy and supporting implementation to allow for agri-tourism in the Exclusive Farm Use zones.
  - a. Policy 5: The proposed new language for policy 3.1.5 is “Encourage agri-tourism activities that support commercial agriculture in Wasco County.”
    - (1) Implementation Strategy “a.” proposed to be “Allow agri-tourism activities and uses allowed by state law in the Exclusive Farm Use zones.”
    - (2) Implementation Strategy “b.” is proposed to be “Provide education materials and information that promotes appropriate agri-tourism activities and uses.”
    - (3) Implementation Strategy “c.” proposed to be “Evaluate and amend provisions in the LUDO as needed and appropriate to ensure overall consistency with Wasco County 2040.”
2. **Finding 3.1.h:** To ensure future context to the added policy and implementation, an explanatory sentence was added in the findings.

Attachment B

**Goal 3**

# **Agricultural Lands**

---



# Goal3

## Agricultural Lands

### Overview

Goal 3 is one of the most critical goals for Wasco County, as 76% of the land outside the incorporated areas and National Scenic Area is zoned Exclusive Farm Use. Wasco County has two EFU zones, A-1 (160) and A-1 (40) which reflect the different types of crop production including orchards, wheat, hay, alfalfa and livestock grazing.

Agricultural lands are one of two resource zones in Wasco County. Resource zones make up the foundation of the Oregon Statewide Land Use Planning program's goal to preserve farm and forest lands for future resource use.

Oregon Revised Statutes 215.243 defines the Oregon Agricultural land use policy:

*The Legislative Assembly finds and declares that:*

*(1) Open land used for agricultural use is an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asset to all of the people of this state, whether living in rural, urban or metropolitan areas of the state.*

*(2) The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources and the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food for the people of this state and nation.*

*(3) Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion.*

### Historical Perspective

Wasco County has had agricultural land regulations since the inception of its planning program in the 1950s. In 1953, there was a county subdivision ordinance that required review of new plats by the planning commission. Portions of the County had a zoning ordinance as early as 1955, and in 1956 agricultural districts or zones were established to limit uses.

In the A-1 zone in 1956, there were nineteen permitted uses. Many of the permitted uses are similar to those still allowed outright or through permits in the agricultural zones today.

By 1963, the Oregon legislature codified the Exclusive Farm Use (EFU) zone and allowed uses (ORS 215). Coupled with the farm tax deferral program, started in 1961, the vision to conserve farmland for agricultural use was clearly established.

In 1970, Wasco County adopted two additional agricultural zones, A-2 and A-3, as well as two forest zones, F-1 and F-2. These new zones established conditional uses, above and beyond permitted uses, for resource zones.

Senate Bill 100, adopted in 1973, created the statewide land use planning program and its "priority consideration" over resource zones, including agricultural lands. This bill "reasserted state level authority over land use policy and zoning" (Sullivan and Eber, 8). This bill established the Land Conservation and Development Commission and the Statewide Planning Goals that directed further iterations of Wasco County's land use plans.

In 1983, the Comprehensive Plan identified 20 acre and 80 acre EFU zones. In 1996, Wasco County adopted new EFU provisions in response to 1993 HB 3661, which included rezoning all EFU lands to 160 acres.

*(4) Exclusive farm use zoning as provided by law, substantially limits alternatives to the use of rural land and, with the importance of rural lands to the public, justifies incentives and privileges offered to encourage owners of rural lands to hold such lands in exclusive farm use zones. [1973 c.503 §1]*

In 1998, Wasco County was awarded a Go Below to zone orchard lands at a 40 acre minimum parcel size in keeping with their high value crops and ability to produce high returns on smaller parcels of land. This was also consistent with historic agricultural practice in the orchard areas.

Significant work was done in the 1990s and 2000s by a special advisory group called the Agricultural Resource Group. This group set many of the setbacks, allowances, and additional restrictions above and beyond state law present in the Land Use and Development Ordinance (LUDO) up until Wasco County 2040.

In 2016, Wasco County was awarded a grant from DLCD that produced an independent audit of the LUDO in comparison with the recently developed Model Code for resource zones. This audit will be used for future LUDO updates, to ensure compliance with state law.

## **Statewide Planning Goal 3**

**To preserve and maintain  
agricultural lands.**

Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700.

Excerpt from  
OAR 660-015-0000(3)

## **Cross-Reference**

Additional policies related to  
this goal: Goal 1, 2, and 14

## **Wasco County Goal 3**

## **Agricultural Lands**

**To preserve and maintain agricultural  
lands.**



## Policies

**3.1.1** Maintain Exclusive Farm Use zoning consistent with state law for continued preservation of lands for resource uses.

### Implementation for Policy 3.1.1:

- a. Maintain Exclusive Farm Use zone consistent with ORS 215.203 to 215.327, 215.700 to 215.710, and 215.760 to 215.794 to qualify for special farm use assessment as set forth in ORS 308.370 to 308.406.
- b. Minimum lot sizes in agricultural zones shall be appropriate for the preservation of ground water resources, continued agricultural use and aesthetic qualities.
  - 1. Commercial activities in conjunction with farm use shall be allowed as conditional uses in the Exclusive Farm Use zone.
  - 2. Non-farm uses permitted within farm use zones adopted pursuant to ORS 215.283 should be minimized to allow for maximum agricultural productivity.
  - 3. Non-farm dwellings within the Exclusive Farm Use zone may be permitted with a conditional use permit in accordance with the provisions of ORS 215.283
  - 4. Subdivisions and Planned Unit Developments will not be permitted in the Exclusive Farm Use zone.

**3.1.2** Where rural agricultural land is to be converted to urban land, the conversion shall be completed in an orderly and efficient manner.

### Implementation for Policy 3.1.2:

- a. Conversion of rural agricultural land to urban land and shall be in accordance with Goal 14, Policy 1, A-E and the statewide land use planning program, which typically requires an exception to Goal 3.
- b. Extension of services, such as water supplies, shall be appropriate for proposed urban use.
- c. Pre-existing farm dwellings occupied on a rental or lease basis shall not justify the partitioning of good agricultural land or smaller acreage tracts in farm use zones.

## 3.1 Policies

- d. Encourage the development of conservation plans utilizing Best Management Practices (BMP's) as developed by Wasco County Soil and Water Conservation Districts as defined by its standards and specifications.
- e. The opportunity for review and comment shall be provided for citizen groups in the development of plans for the location of utilities such as power line and highways which may adversely impact agricultural lands.
- f. Normal agricultural practices (aerial pesticide applications, burning of pruning, dust and noise by machinery) shall not be restricted by non-agricultural interests within agricultural areas.

**3.1.3** Land division criteria and minimum lot sizes used in areas designated as agricultural by the Plan shall be appropriate for the continuation of existing commercial agricultural enterprise in the area.

**Implementation for Policy 3.1.3:**

- a. In order to promote the continuation of existing commercial agricultural enterprise in Wasco County, the zoning regulations shall provide for two classification of Exclusive Farm Use. The A-1 (160) Exclusive Farm Use zone shall have a minimum property size of one hundred and sixty (160) acres. The A-1 (40) Exclusive Farm Use zone shall have a minimum property size of forty (40) acres. Lands designated by the Comprehensive Plan as agricultural and containing acreages greater than or equal to the minimum property size of the appropriate zone classification shall be presumed to be commercial agricultural entities.
- b. Maintain EFU land division standards in the Land Use and Development Ordinance including:
  - 1. Divisions of agricultural lands for non-farm uses shall be consistent with all existing ordinances and the following criteria:
    - (a) Any residential use which might occur on a proposed parcel will not seriously interfere with usual farm practices on adjacent agricultural lands.
    - (b) The creation of any new parcels and subsequent development of any residential use upon them will not materially alter the stability of the area's land use pattern.
    - (c) The proposed division or use of the proposed parcels will not eliminate or substantially reduce the commercial agricultural potential of the area nor be inconsistent with the Goals and Policies of this Plan.

(d) Such divisions are consistent with the provisions of ORS 215.283 (2) and (3), ORS 215.243 and ORS 215.263 as applicable.

**3.1.4** Encourage multiple purpose storage reservoirs and land and water reclamation projects which enhance and benefit agricultural land.

**Implementation for Policy 3.1.4:**

- a. Encourage individual farmers to develop soil conservation plans for each farming unit by coordinating land use planning with the United States Department of Agriculture and Wasco County Soil and Water Conservation Districts.
- b. Allow agriculture-related uses such as multiple purpose storage reservoirs and water reclamation projects in the "A-1" Exclusive Farm Use zone.

**3.1.5** Encourage agri-tourism activities that support commercial agriculture in Wasco County.

**Implementation for Policy 3.1.5:**

- a. Allow agri-tourism activities and uses allowed by state law in the Exclusive Farm Use zones.
- b. Provide education materials and information that promotes appropriate agri-tourism activities and uses.
- c. Evaluate and amend provisions in the LUDO as needed and appropriate to ensure overall consistency with Wasco County 2040.

Formatted: Outline numbered + Level: 1 +  
Numbering Style: a, b, c, ... + Start at: 1 +  
Alignment: Left + Aligned at: 0" + Indent at:  
0.25"

## Findings and References

**3.1.a** Criteria and uses for EFU lands are defined through State law in Oregon Administrative Rules 660-33 and Oregon Revised Statutes 215.203-215.327, 215.700-215.710, 215.760-215.794.

**3.1.b** Minimum parcel size in EFU lands are identified in ORS 215.780 as 80 acres for non-rangeland EFU, and 160 acres for rangeland EFU. Minimum parcel size requirements for EFU can also be found in OAR-033-0100.

**3.1.c** Consistent with uses authorized on agricultural lands, OAR 660-033-0120.

**3.1.d** Consistent with minimum parcel size and division standards in state law.

**3.1.e** Goal 2 (OAR 660-015-0000(2)) requires a goal 3 exception be taken to remove land from resource zoning and rezoned for urban uses. Urban lands also need to be consistent with Goal 14. Goal 14 typically impacts lands within the UGB around urban communities.

**3.1.f** The Wasco County Soil and Water Conservation District prepares, typically in conjunction with research for NRCS and regional Universities, provides management strategies for different crops in a diversity of soil and water situations for agricultural production.

**3.1.g** In 1993 (updated in 1995 and 2001), the Oregon Right to Farm law was adopted which the express intent to protect “growers from court decisions based on customary noises, smells, dust or other nuisances associated with farming”. The law also prohibits Wasco county from creating rules that deem such practices a nuisance or trespass (ORS 30.930).

**3.1.h** Consensus among Wasco County 2040 participants indicated a wish to include all available provisions for agri-tourism, allowed by state law, in the LUDO, increase educational opportunities, and re-evaluate if problems or conflicts develop into the future

Formatted: Font: Bold

## References

Oregon Department of Land Conservation and Development. *Goal 3: Agricultural Lands*. Oregon’s Statewide Planning Goals and Guidelines.

Oregon Department of Land Conservation and Development (1997). [Saving Oregon’s Farmland](#).

Sullivan, E., & Eber, R. (2008). *Farmland Protection in Oregon*. San Joaquin Agricultural Law Review, 18(1), 1-69.

Oregon Department of Agriculture. (2014). [Oregon’s Right to Farm Law](#).

## **Goal 3**

# **Agricultural Lands**

---



# Goal3

## Agricultural Lands

### Overview

Goal 3 is one of the most critical goals for Wasco County, as 76% of the land outside the incorporated areas and National Scenic Area is zoned Exclusive Farm Use. Wasco County has two EFU zones, A-1 (160) and A-1 (40) which reflect the different types of crop production including orchards, wheat, hay, alfalfa and livestock grazing.

Agricultural lands are one of two resource zones in Wasco County. Resource zones make up the foundation of the Oregon Statewide Land Use Planning program's goal to preserve farm and forest lands for future resource use.

Oregon Revised Statutes 215.243 defines the Oregon Agricultural land use policy:

*The Legislative Assembly finds and declares that:*

*(1) Open land used for agricultural use is an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asset to all of the people of this state, whether living in rural, urban or metropolitan areas of the state.*

*(2) The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources and the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food for the people of this state and nation.*

*(3) Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion.*

### Historical Perspective

Wasco County has had agricultural land regulations since the inception of its planning program in the 1950s. In 1953, there was a county subdivision ordinance that required review of new plats by the planning commission. Portions of the County had a zoning ordinance as early as 1955, and in 1956 agricultural districts or zones were established to limit uses.

In the A-1 zone in 1956, there were nineteen permitted uses. Many of the permitted uses are similar to those still allowed outright or through permits in the agricultural zones today.

By 1963, the Oregon legislature codified the Exclusive Farm Use (EFU) zone and allowed uses (ORS 215). Coupled with the farm tax deferral program, started in 1961, the vision to conserve farmland for agricultural use was clearly established.

In 1970, Wasco County adopted two additional agricultural zones, A-2 and A-3, as well as two forest zones, F-1 and F-2. These new zones established conditional uses, above and beyond permitted uses, for resource zones.

Senate Bill 100, adopted in 1973, created the statewide land use planning program and its "priority consideration" over resource zones, including agricultural lands. This bill "reasserted state level authority over land use policy and zoning" (Sullivan and Eber, 8). This bill established the Land Conservation and Development Commission and the Statewide Planning Goals that directed further iterations of Wasco County's land use plans.

In 1983, the Comprehensive Plan identified 20 acre and 80 acre EFU zones. In 1996, Wasco County adopted new EFU provisions in response to 1993 HB 3661, which included rezoning all EFU lands to 160 acres.

*(4) Exclusive farm use zoning as provided by law, substantially limits alternatives to the use of rural land and, with the importance of rural lands to the public, justifies incentives and privileges offered to encourage owners of rural lands to hold such lands in exclusive farm use zones. [1973 c.503 §1]*

In 1998, Wasco County was awarded a Go Below to zone orchard lands at a 40 acre minimum parcel size in keeping with their high value crops and ability to produce high returns on smaller parcels of land. This was also consistent with historic agricultural practice in the orchard areas.

Significant work was done in the 1990s and 2000s by a special advisory group called the Agricultural Resource Group. This group set many of the setbacks, allowances, and additional restrictions above and beyond state law present in the Land Use and Development Ordinance (LUDO) up until Wasco County 2040.

In 2016, Wasco County was awarded a grant from DLCDC that produced an independent audit of the LUDO in comparison with the recently developed Model Code for resource zones. This audit will be used for future LUDO updates, to ensure compliance with state law.

## Wasco County Goal 3

### Statewide Planning Goal 3

#### To preserve and maintain agricultural lands.

Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700.

Excerpt from  
OAR 660-015-0000(3)

### Agricultural Lands

#### To preserve and maintain agricultural lands.



### Cross-Reference

Additional policies related to  
this goal: Goal 1, 2, and 14

## Policies

# 3.1 Policies

**3.1.1** Maintain Exclusive Farm Use zoning consistent with state law for continued preservation of lands for resource uses.

### Implementation for Policy 3.1.1:

- a. Maintain Exclusive Farm Use zone consistent with ORS 215.203 to 215.327, 215.700 to 215.710, and 215.760 to 215.794 to qualify for special farm use assessment as set forth in ORS 308.370 to 308.406.
- b. Minimum lot sizes in agricultural zones shall be appropriate for the preservation of ground water resources, continued agricultural use and aesthetic qualities.
  - 1. Commercial activities in conjunction with farm use shall be allowed as conditional uses in the Exclusive Farm Use zone.
  - 2. Non-farm uses permitted within farm use zones adopted pursuant to ORS 215.283 should be minimized to allow for maximum agricultural productivity.
  - 3. Non-farm dwellings within the Exclusive Farm Use zone may be permitted with a conditional use permit in accordance with the provisions of ORS 215.283
  - 4. Subdivisions and Planned Unit Developments will not be permitted in the Exclusive Farm Use zone.

**3.1.2** Where rural agricultural land is to be converted to urban land, the conversion shall be completed in an orderly and efficient manner.

### Implementation for Policy 3.1.2:

- a. Conversion of rural agricultural land to urban land and shall be in accordance with Goal 14, Policy 1, A-E and the statewide land use planning program, which typically requires an exception to Goal 3.
- b. Extension of services, such as water supplies, shall be appropriate for proposed urban use.
- c. Pre-existing farm dwellings occupied on a rental or lease basis shall not justify the partitioning of good agricultural land or smaller acreage tracts in farm use zones.

- d. Encourage the development of conservation plans utilizing Best Management Practices (BMP's) as developed by Wasco County Soil and Water Conservation Districts as defined by its standards and specifications.
- e. The opportunity for review and comment shall be provided for citizen groups in the development of plans for the location of utilities such as power line and highways which may adversely impact agricultural lands.
- f. Normal agricultural practices (aerial pesticide applications, burning of pruning, dust and noise by machinery) shall not be restricted by non-agricultural interests within agricultural areas.

**3.1.3** Land division criteria and minimum lot sizes used in areas designated as agricultural by the Plan shall be appropriate for the continuation of existing commercial agricultural enterprise in the area.

**Implementation for Policy 3.1.3:**

- a. In order to promote the continuation of existing commercial agricultural enterprise in Wasco County, the zoning regulations shall provide for two classification of Exclusive Farm Use. The A-1 (160) Exclusive Farm Use zone shall have a minimum property size of one hundred and sixty (160) acres. The A-1 (40) Exclusive Farm Use zone shall have a minimum property size of forty (40) acres. Lands designated by the Comprehensive Plan as agricultural and containing acreages greater than or equal to the minimum property size of the appropriate zone classification shall be presumed to be commercial agricultural entities.
- b. Maintain EFU land division standards in the Land Use and Development Ordinance including:
  - 1. Divisions of agricultural lands for non-farm uses shall be consistent with all existing ordinances and the following criteria:
    - (a) Any residential use which might occur on a proposed parcel will not seriously interfere with usual farm practices on adjacent agricultural lands.
    - (b) The creation of any new parcels and subsequent development of any residential use upon them will not materially alter the stability of the area's land use pattern.
    - (c) The proposed division or use of the proposed parcels will not eliminate or substantially reduce the commercial agricultural potential of the area nor be inconsistent with the Goals and Policies of this Plan.

(d) Such divisions are consistent with the provisions of ORS 215.283 (2) and (3), ORS 215.243 and ORS 215.263 as applicable.

**3.1.4** Encourage multiple purpose storage reservoirs and land and water reclamation projects which enhance and benefit agricultural land.

**Implementation for Policy 3.1.4:**

- a. Encourage individual farmers to develop soil conservation plans for each farming unit by coordinating land use planning with the United States Department of Agriculture and Wasco County Soil and Water Conservation Districts.
- b. Allow agriculture-related uses such as multiple purpose storage reservoirs and water reclamation projects in the “A-1” Exclusive Farm Use zone.

**3.1.5** Encourage agri-tourism activities that support commercial agriculture in Wasco County.

**Implementation for Policy 3.1.5:**

- a. Allow agri-tourism activities and uses allowed by state law in the Exclusive Farm Use zones.
- b. Provide education materials and information that promotes appropriate agri-tourism activities and uses.
- c. Evaluate and amend provisions in the LUDO as needed and appropriate to ensure overall consistency with Wasco County 2040.

## Findings and References

**3.1.a** Criteria and uses for EFU lands are defined through State law in Oregon Administrative Rules 660-33 and Oregon Revised Statutes 215.203-215.327, 215.700-215.710, 215.760-215.794.

**3.1.b** Minimum parcel size in EFU lands are identified in ORS 215.780 as 80 acres for non-rangeland EFU, and 160 acres for rangeland EFU. Minimum parcel size requirements for EFU can also be found in OAR-033-0100.

**3.1.c** Consistent with uses authorized on agricultural lands, OAR 660-033-0120.

**3.1.d** Consistent with minimum parcel size and division standards in state law.

**3.1.e** Goal 2 (OAR 660-015-0000(2)) requires a goal 3 exception be taken to remove land from resource zoning and rezoned for urban uses. Urban lands also need to be consistent with Goal 14. Goal 14 typically impacts lands within the UGB around urban communities.

**3.1.f** The Wasco County Soil and Water Conservation District prepares, typically in conjunction with research for NRCS and regional Universities, provides management strategies for different crops in a diversity of soil and water situations for agricultural production.

**3.1.g** In 1993 (updated in 1995 and 2001), the Oregon Right to Farm law was adopted which the express intent to protect “growers from court decisions based on customary noises, smells, dust or other nuisances associated with farming”. The law also prohibits Wasco county from creating rules that deem such practices a nuisance or trespass (ORS 30.930).

**3.1.h** Consensus among Wasco County 2040 participants indicated a wish to include all available provisions for agri-tourism, allowed by state law, in the LUDO, increase educational opportunities, and re-evaluate if problems or conflicts develop into the future

## References

Oregon Department of Land Conservation and Development. *Goal 3: Agricultural Lands*. Oregon’s Statewide Planning Goals and Guidelines.

Oregon Department of Land Conservation and Development (1997). [\*Saving Oregon’s Farmland\*](#).

Sullivan, E., & Eber, R. (2008). *Farmland Protection in Oregon*. San Joaquin Agricultural Law Review, 18(1), 1-69.

Oregon Department of Agriculture. (2014). [\*Oregon’s Right to Farm Law\*](#).





Planning



# Periodic Review Tasks 5-8



# Tasks

- Task 5: Chapter 6
- Task 6: Chapter 9
- Task 7: Chapter 2
- Task 8: Chapter 3

5	<p><b>Evaluate potential separate water conservation plan</b>  Using supporting agency/organization coordination evaluate the need for an additional resource for conservation of water resources</p> <p><b>Product:</b> Amendments to existing policy and possible addition of policy related to implementation tool for water conservation.</p>	3/31/19
---	---	---------

# Goal 6, Chapter 6

- **New**
  - Format
  - Overview
  - Community Profile
  - Statewide Planning Excerpt
  - Cross Reference
  - References
  - Findings

# Substantive Updates

- Removed old/outdated references
- Added new references
- Added coordination with partners
- Better defining sensitive habitats/areas and correlating to the EPDs

6	<p><b>Update economic policies to reflect current and future trends</b>  Address the roles of forestry, agriculture/agri-tourism, and broadband technology in the county's economy. Look for incentive approaches to achieve economic goals.</p> <p><b>Products:</b> (1) Amendments to existing policies; (2) additional policy for agri-tourism with recommendations for implementation (LUDO); (3) additional policy for broadband and/or technological improvement support; (4) additional policy for incentive-based land use policy.</p>	3/31/19
---	---	---------

# Goal 9, Chapter 9

- **New**
  - Format
  - Overview
  - Community Profile
  - Statewide Planning Excerpt
  - Cross Reference
  - References
  - Findings

# Substantive Updates

- Decouple forestry/agriculture as “foundations”
- Better define tourism
- Make sure references/partnerships/data was transparent
- Home based business support

7	<p><b>Explore incentives and creative solutions for land use planning program</b></p> <p>Evaluate options for promoting labor housing, residential solar facilities, certain rural service area density bonuses, and setbacks.</p> <p><b>Product:</b> Adopted amendments to the comprehensive plan elements related to Goal 2, Goal 9 and Goal 10.</p>	3/31/19
---	--	---------



# Substantive Updates

- Public favored fee reductions or waivers were eligible

8	<p><b>Add policy to address agri-tourism vision</b></p> <p>Consider establishment of an agri-tourism policy in the Comprehensive Plan and implement, as necessary, through changes to the the Land Use and Development Ordinance (LUDO).</p> <p>Consider whether to be more restrictive than state statute; explore agri-tourism corridors concept.</p> <p><b>Product:</b> New policy for agri-tourism with recommendations for implementation</p>	3/31/19
---	--	---------

# Substantive Updates

- 95% wanted all available provisions for agri-tourism
- No restrictions on size, day, time, other conditions
- Fix problems as they arise



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE WASCO COUNTY PLANNING COMMISSION'S REQUEST TO APPROVE PROPOSED PERIODIC REVIEW LEGISLATIVE AMENDMENTS TO UPDATE THE LAND USE AND DEVELOPMENT ORDINANCE RELATED TO LAND PLANNING GOALS 2, 3, 6 AND 9 IN CHAPTERS 2, 3, 6 AND 9 OF WASCO COUNTY 2040, THE COMPREHENSIVE PLAN (FILE NUMBERS 921-18-000098, 921-18-000099, 921-18-000100, 921-18-000108)

**ORDINANCE # 18-004**

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

WHEREAS, the Wasco County Planning Commission and the Wasco County Board of Commissioners directed the Wasco County Planning Department to pursue Voluntary Periodic Review to update the Wasco County Comprehensive Plan on 5 October 2016; and

WHEREAS, Wasco County entered Periodic Review on 20 February 2018 with approval from the Department of Land Conservation and Development's (DLCD) approval of a work plan; and

WHEREAS, the fifth task on the work plan was to make amendments to Goal 6 (Air, Water, and Land Resources Quality) to make the language consistent with current Wasco County Planning Department practice and state law and reformat the language in to the new Wasco County 2040 (Comprehensive Plan) format; and

WHEREAS, the fifth task on the work plan was to make amendments to address community concerns about water quantity and quality and develop a policy based upon community input; and

WHEREAS, the sixth task on the work plan was to make amendments to Goal 9 (Economic Development) to make the language consistent with current Wasco County Planning Department practice and state law and reformat the language into to the new Wasco County 2040 format; and

WHEREAS, the sixth task on the work plan was to address economic development trends and forecasts and develop new policy for the land use planning program to support strong economic development; and

WHEREAS, the seventh task on the work plan was to make amendments to Goal 2 (Land Use Planning) to add policies and implementation in support of incentive and creative solutions for the land use planning program; and

WHEREAS, the eighth task on the work plan was to make amendments to Goal 3 (Agricultural Lands) to establish clear direction for rules related to agri-tourism based on community input, creating a mechanism to permit uses and activities as permitted by state law; and

WHEREAS, each Periodic Review task is approved and submitted to DLCD after completion for acknowledgment; and

WHEREAS, the Wasco County Planning Department sent notification to DLCD pursuant to ORS 197.610 on 28 September 2018; and

WHEREAS, all property owners were sent notice of proposed Periodic Review update to the Comprehensive Plan in March 2017; and

WHEREAS, that on 6 November 2018, at the hour of 3:00 PM in the lower level classroom at The Discovery Center the Wasco County Planning Commission held the first legally notified public hearing to review recommendations by staff and the advisory group, background information, and receive public testimony on work tasks 5, 6, 7 and 8. The Planning Commission then closed the public hearing and with a vote of 5 to 0, with two members absent, recommended approval to the Wasco County Board of Commissioners; and

WHEREAS, that on 19 December 2018 at the hour of 9:30 AM at the Wasco County Courtroom #302, located at 511 Washington St, The Dalles, Oregon, the Wasco County Board of Commissioners met to conduct the first of two legally notified public hearings on the above matter. The Board of County Commissioners reviewed recommendations by the Wasco County Planning Commission, staff's presentation, and received testimony from the public. The Board of County Commissioners tentatively approved the amendments; and

WHEREAS, that on 16 January 2019 at the hour of 9:30 AM at the Wasco County Courtroom #302, located at 511 Washington St, The Dalles, Oregon, the Wasco County Board of Commissioners met to conduct the second of two legally notified public hearings on the above matter. The Board of County Commissioners reviewed recommendations by the Wasco County Planning Commission, staff's presentation, and received testimony from the public. The Board of County Commissioners, by a vote of \_\_ to \_\_, approved the amendments and conducted the second reading, recommending submittal to DLCD; and

NOW, THEREFORE, IT IS HEREBY ORDERED: That the request by the Wasco County Planning Department for a legislative amendment to the Wasco County Comprehensive Plan, to be renamed Wasco County 2040, in conjunction with Periodic Review work plan tasks 5, 6, 7 and 8 is hereby approved; and

WHEREAS, Pursuant to Oregon Administrative Rules 660-025-0130, submission of a completed work task is required to DLCD for acknowledgment as part of Periodic Review, and once the work tasks are acknowledged they will be effective.

DATED this 16th day of January, 2019.

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Kristen Campbell, County Counsel

**WASCO COUNTY BOARD OF COMMISSIONERS:**

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

**ATTEST:**

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

\_\_\_\_\_  
Kathy White, Executive Assistant

\_\_\_\_\_  
Kathy Schwartz, County Commissioner



## AGENDA ITEM

### Annual Watershed Report

---

[WASCO COUNTY WATERSHED COUNCILS FY 2017/2018 REPORT](#)

---

# WASCO COUNTY WATERSHED COUNCILS

## FY 2017/2018 ANNUAL REPORT

### COORDINATING BOARD

The Coordinating Board is made up of co-chairs from each council, with each council having a vote. The board met monthly to receive updates on recent council activities, and conduct any operating requirements from OWEB guidance. The start of 2017 also meant the start of a new biennium. In the fall of 2017 the Coordinating board reviewed the new 2017-2019 Work Plan. Board members took the time to review in greater detail the Annual Work plan, which provides specific information on each project, which council is leading the work, as well as projected timelines. Every biennium OWEB requires Councils, or in this case the Coordinating Board, to complete a self-evaluation through an "Organizational Assessment Tool". This council ranked themselves on: Leadership Capacity, Adaptive Capacity, Management Capacity, and Operational Capacity. Based on the outcome of these scores, the Coordinating Board uses this tool to help focus on areas where improvement is needed.



### COORDINATING BOARD MEMBERS & COUNCIL CHAIRS

Coordinating Board—Pat Davis  
Mosier - Kris McNall & Bryce Molesworth  
The Dalles - Ken Bailey & Steve Byers  
Fifteenmile - Bill Hammel & Phil Kaser  
White River - Pat Davis & Herb Snodgrass  
Bakeoven / Buck Hollow - Bob Krein



### MOSIER

The Mosier Watershed Council held four watershed council meetings. The council continued to receive regular updates from council member Mike Igo who has been heavily involved in the restoration effort after the train derailment and spill. Mike also continues to get the community and council members involved in noxious weed control around the derailment site and other areas in the Mosier Watershed. Bob Schwarz with DEQ attended most meetings and has provided the council with monthly groundwater contamination results from the UPRR nine monitoring wells drilled as a result of the oil spill. Representatives from Oregon Water Resources Department (OWRD) and GSI Water Solutions were also regular attendees and provided the council with updates regarding the deep wells project, Mosier groundwater levels, and the Mosier Million well repair and replace projects. The Mosier Deep Well project consists of drilling two deep wells with depths up to 1,600 feet, exploring water down into untapped aquifers to remove the two biggest irrigation water users in the watershed off the system and reduce the demand on the upper Columbia River Basalt aquifers to improve long-term groundwater supply availability and stream flows in Mosier Creek. The first deep well was completed in the Spring of 2018 and the second deep well construction will get underway pending additional secured funding. Mosier Watershed Council continues to work hard to restore water levels in the Mosier Valley and engage the community in their efforts.

### THE DALLES

The Dalles Watershed Council held three regular meetings and kicked off the fiscal year with a summer celebration. Kevin Masterson from DEQ and Kirk Cook with ODA provided the council with the Pesticide Stewardship Partnership's (PSP) 2017 sampling results. The key steps for the PSP program are to monitor for current use pesticides throughout the watershed in surface waters from drift and run-off and to determine trends and improvements over time. The Dalles Watershed Council also received annual reports from ODFW's Steelhead monitoring in Mill Creek as well as lamprey monitoring from the Confederated Tribes of Warm Springs. E.coli monitoring data was also reviewed and the council discussed next steps for reaching out to landowners along the Skyline and Whiskey Gulch tributaries that have had consistently high concentrations of E.coli. Chenowith Creek was selected as this year's Focus Area, and efforts were underway as the fiscal year came to a close. Focus Areas are identified as areas that have had a limited amount of conservation work completed, and have potential for great restoration improvements. The Dalles Watershed Council strives to enhance water quality in the watershed and reach out and help educate both urban and rural landowners.



## **FIFTEENMILE**

The Fifteenmile Watershed Council held four meetings. The FAST program completed its fifth successful year with more landowners participating than the year before. There were ten participants in Option 1 and eight participants in Option 2. The 2017 summer resulted in a 14 day long alert. Without the FAST program and instream leasing, the extreme temperatures and low flows could have been lethal to aquatic life. Alongside the FAST program, the council has been working to identify off-channel water storage opportunities for irrigators in the Fifteenmile Watershed. Phase 1 of the Managed Underground Storage Feasibility Study was completed and the council has moved forward with Phase 2. Phase 2 takes a look under the surface to determine if the aquifers will be suitable for a storage facility along Fifteenmile Creek. The council also received annual updates from ODFW's Steelhead monitoring, which showed positive upward trend in numbers for fish. The 2017 sampling season results from the Pesticide Stewardship Partnership (PSP) from DEQ also shared good news as pesticide detections are declining. The Fifteenmile Watershed Council continues to focus on water quality and quantity to protect threatened Steelhead and Farmers who both rely on the water for their livelihoods.



## **BAKEOVEN / BUCK HOLLOW**

The Bakeoven/ Buck Hollow Watershed Council held one meeting this fiscal year. The SWCD and Watershed Council were awarded a Technical Assistance grant through OWEB last year to gather inventory and identify projects in the watershed to address those resource concerns outlined by private landowners. SWCD conservation planner Karen Lamson, with additional assistance from NRCS, has started conducting range inventories to start building a strategic plan. Council members gathered landowners from throughout the watershed to discuss resource concerns, needs and how the SWCD and NRCS can help achieve their range management goals. Once a strategic plan is in place the SWCD and watershed council will apply to OWEB for an implementation grant. The Bakeoven/Buck Hollow Council works closely with agency partners to identify long term practices and enhancements for the rangeland and watershed in the Southern Part of the County that they all depend on.

## **WHITE RIVER**

The White River Watershed Council held one meeting this past fiscal year following the local neighborhood meeting. Josh Thompson provided an update on the RCPP project that has completed 24,000 ft of piping and installed five new pivots which has converted 600 acres to more efficient irrigation. The Threemile Fish Screen project is still a priority for the council. This project would eventually save enough water to keep Threemile running year-round. White River Watershed Council members are also still heavily involved in the Wasco County Forest Collaborative Group, and continue to work with other agencies to help navigate the Forest Service priorities. The White River Watershed Council will continue to work with the SWCD and NRCS to save more water through their piping and irrigation conservation projects than most irrigation districts use in an entire season.



## AGENDA ITEM

### **Bakeoven Solar Project**

---

[DEPARTMENT OF ENERGY PUBLIC NOTICE OF INTENT](#)

---

[AVANGRID RENEWABLES NOTICE OF INTENT TO APPLY](#)

---

[DEPARTMENT OF ENERGY REQUEST FOR COMMENT](#)

---

# PUBLIC NOTICE



## Bakeoven Solar Project Notice of Intent

### Summary

Date Issued: November 28, 2018

Proposal: Photovoltaic (PV) solar power generation facility occupying up to 3,030 acres providing a nominal generating capacity of up to 303 megawatts (MW) and 100 MW of battery storage.

Location: Wasco County, southeast of Maupin

Public Comment Deadline: January 11, 2019

Estimated Application Submittal Date: March 2019

### Introduction

The Oregon Department of Energy (ODOE or Department), staff to the Energy Facility Siting Council (EFSC or Council) received a Notice of Intent (NOI) from Bakeoven Solar, LLC (a wholly owned subsidiary of Avangrid Renewables, LLC, applicant) that it intends to submit an application for site certificate to construct and operate the Bakeoven Solar Project, a proposed photovoltaic (PV) solar power generation facility. Under Oregon law, the applicant must obtain a site certificate from EFSC before constructing and operating the proposed facility. The Department is accepting public comments on the NOI from November 28, 2018 through January 11, 2019.

### Description of the Proposed Facility

The Bakeoven Solar Project would consist of a solar PV power generation facility providing a nominal or peak generating capacity of up to 303 megawatts. The proposed facility is estimated to occupy up to 3,030 acres and would be located within a site boundary encompassing approximately 10,615 acres.

Related and supporting facilities would consist of up to 100 MW of battery storage; power collection system; 11-mile 230-kilovolt (kV) transmission line; substation; operation and maintenance building; private service and access, and temporary construction staging areas.

All of the proposed facility components and related and supporting facility are proposed within the site boundary. More detailed information is available in NOI Exhibit B.

### Location of Proposed Facility

The proposed facility would be located in Wasco County, southeast of Maupin. A map of the proposed facility site boundary is attached to this notice. More maps are available in NOI Exhibit G and the Department maintains an online mapping program where you can zoom in for more detail.

<https://geo.maps.arcgis.com/apps/MapSeries/index.html?appid=64e4d4f78c0c42e99d05e46754122ad3>

### EFSC Review Process

The site certificate review is a consolidated, comprehensive siting process. The applicant must demonstrate that the proposed facility meets EFSC standards established under Oregon Revised Statute (ORS) 469.501 and set forth in Oregon Administrative Rule (OAR) Chapters 345, divisions 22 and 24, as well as all other applicable Oregon statutes, rules and standards. The Department serves as staff to EFSC and conducts the application review process.

Pursuant to ORS 469.504(4), an applicant must elect to demonstrate compliance with the statewide planning goals by either obtaining local land use approval from the affected local government(s) or through EFSC's determination of compliance. At this time, Bakeoven Solar, LLC intends to satisfy the Council's Land Use standard (OAR 345-022-0030) by seeking an EFSC determination under ORS 469.504(1)(b).

### Public Participation

There are several opportunities for public participation and comment during the EFSC process. The first is the public comment period on the NOI, which is currently open.

The Department and applicant will host a public informational meeting after the application is

determined to be complete. After the release of the Department's draft proposed order, a public hearing in the vicinity of the proposed facility will be held that will provide an opportunity for the public to provide oral testimony on the proposed facility. The Department will provide notice of all future public informational meetings and hearings.

#### **Notice of Intent**

The NOI provides notice to the Department and the public that the applicant intends to submit an application for a site certificate in the future. The NOI contains preliminary information about the facility and provides an opportunity for the public, local governments, Tribal governments, and other reviewing agencies to identify issues of concern and applicable regulations. The NOI is not the application for site certificate.

#### **Public Comment Period**

Public comments on the NOI are encouraged to help the applicant identify issues and concerns early in the process.

Comments on the NOI are due by **January 11, 2019**, and must be submitted in writing by mail, e-mail, hand-delivery, in-person at the informational meeting or by fax. Please send comments to:

Sarah Esterson, Senior Siting Analyst  
Oregon Department of Energy  
550 Capital Street NE  
Salem, OR 97301  
Phone: 503-373-7945  
Fax: 503-373-78066  
Email: [sarah.esterson@oregon.gov](mailto:sarah.esterson@oregon.gov)

**Please Note:** The submission of comments does not automatically register your contact information to receive notices. If you would like to receive notices for this proposed facility or any other EFSC project, and have not already done so, please follow the instructions in the next section.

#### **Receipt of this Notice:**

You are receiving this notice because:

1. You own property within or adjacent to (within 500 feet) the site boundary. You will automatically receive all future EFSC notices for this facility if the site boundary remains the same.

2. You have previously signed up via GovDelivery to receive notices on all projects.

#### **More Information**

More information about the proposed facility and the review process are available using any of the following options. If you need more information, please contact Sarah Esterson.

#### **1) ODOE's webpage**

More details on the Bakeoven Solar Project, including the NOI, are available online at:

<https://www.oregon.gov/energy/facilities-safety/facilities/Pages/BSP.aspx>

Resources describing the State Siting Process, including "Oregonians Guide to Siting and Oversight of Energy Facilities" are available at:

<https://www.oregon.gov/energy/facilities-safety/facilities/Pages/default.aspx>

#### **2) Updates by Email/Mail**

Subscribe to GovDelivery for email updates on the proposed Bakeoven Solar Project or other energy facilities under Council jurisdiction. GovDelivery is an automated email system that allows interested members of the public to manage subscriptions to information received about ODOE projects and events. For more information, please visit:

<http://tinyurl.com/EFSC-email>.

To receive notices by U.S. Mail, please contact Sarah Esterson and request to be added to the paper notice list.

#### **3) In hardcopy**

Copies of the NOI are available for public review at:

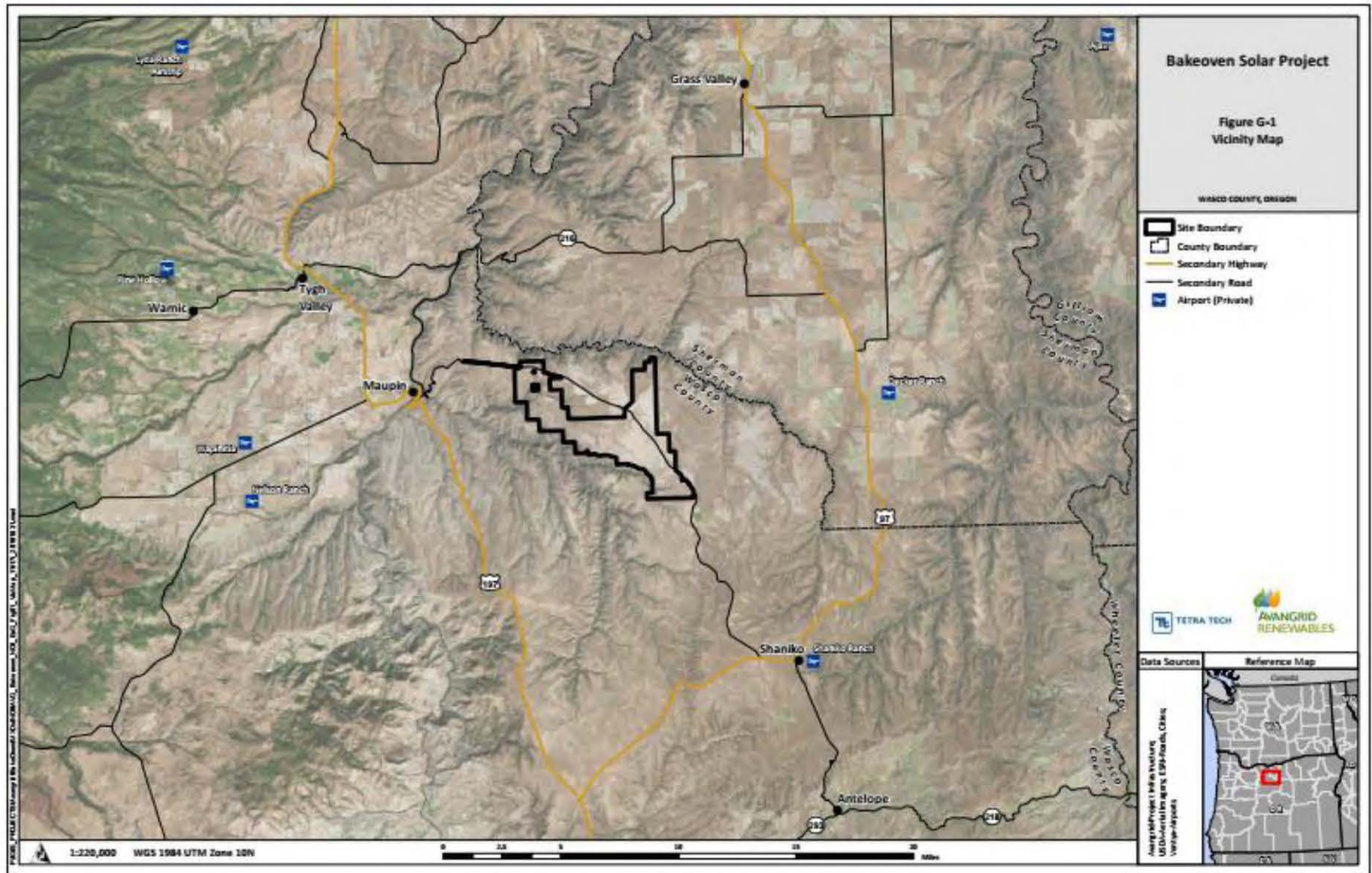
Oregon Department of Energy  
550 Capitol Street NE  
Salem, OR 97301

#### **Accessibility information**

The Oregon Department of Energy is committed to accommodating people with disabilities. If you require any special physical or language accommodations, or need information in an alternate format, please contact Esther Kooistra at 503-378-3895, toll-free in Oregon at 800-221-8035, or email to [Esther.Kooistra@oregon.gov](mailto:Esther.Kooistra@oregon.gov).



Figure 1: Proposed Site Boundary Regional Location



# **Notice of Intent to Apply for a Site Certificate**

---

**Bakeoven Solar Project  
November 2018**

**Submitted to  
Oregon Energy Facility Siting Council**

**Prepared for**



**Bakeoven Solar, LLC**

**Prepared by**



**Tetra Tech, Inc.**

## Table of Contents

<b>Exhibit A. Applicant Information – OAR 345-020-0011(1)(a)</b>	<b>1</b>
<b>Exhibit B. Facility Description – OAR 345-020-0011(1)(b)</b>	<b>5</b>
<b>Exhibit C. Facility Location – OAR 345-020-0011(1)(c)</b>	<b>11</b>
<b>Exhibit D. Alternative Locations – OAR 345-020-0011(1)(d)</b>	<b>12</b>
<b>Exhibit E. Permits Needed for Construction and Operation – OAR 345-020-0011(1)(e)</b>	<b>13</b>
<b>Exhibit F. Property Ownership – OAR 345-020-0011(1)(f)</b>	<b>18</b>
<b>Exhibit G. Facility Maps – OAR 345-020-0011(1)(g)</b>	<b>19</b>
<b>Exhibit H. Non-generating Energy Facility – OAR 345-020-0011(1)(h)</b>	<b>21</b>
<b>Exhibit I. Land Use – OAR 345-020-0011(1)(i)</b>	<b>22</b>
<b>Exhibit J. Environmental Impacts – OAR 345-020-0011(1)(j)</b>	<b>23</b>
Air Quality	23
Surface and Groundwater	24
Wetlands and Waters of the United States	24
Wildlife and Wildlife Habitat	24
Sensitive, Threatened, and Endangered Species	25
Historic, Cultural, and Archaeological Resources	25
Scenic and Aesthetic Areas	26
Recreation	26
Protected Areas	26
Land Use	28
<b>Exhibit K. Community Service Impacts – OAR 345-020-0011(1)(k)</b>	<b>29</b>
Sewers and Sewage Treatment	29
Water	29
Stormwater Drainage	30
Solid Waste Management	30
Housing	31
Traffic Safety	32
Police and Fire Protection	32
Health Care	32
Schools	33

<b>Exhibit L. Water Sources and Use – OAR 345-020-0011(1)(l).....</b>	<b>34</b>
Construction.....	34
Operation.....	34
<b>Exhibit M. Carbon Dioxide Emissions – OAR 345-020-0011(1)(m) .....</b>	<b>36</b>
<b>Exhibit N. Evaluation of Statutes, Rules, and Ordinances – OAR 345-020-0011(1)(n) .....</b>	<b>37</b>
<b>Exhibit O. Schedule for Application for Site Certificate – OAR 345-020-0011(1)(o) .....</b>	<b>39</b>
<b>Exhibit P. Evidence of Consultation with State Commission on Indian Services – OAR 345-020-0011(1)(p).....</b>	<b>40</b>
<b>References.....</b>	<b>41</b>

### List of Tables

Table C-1. Township, Range, and Section within the Facility Site Boundary .....	11
Table C-2. Approximate Land Area of Facility .....	11
Table E-1. Permits or Other Approvals Required for Construction and Operation of the Facility .....	13
Table J-1. Study Areas for Environmental Impacts .....	23
Table J-2. Protected Areas <sup>1</sup> within the Study Area .....	27
Table N-1. Statutes, Rules, and Ordinances Containing Relevant Standards or Criteria .....	37
Table O-1. Proposed Schedule for Application for Site Certificate Submittal.....	39

### List of Attachments

- Attachment 1. Articles of Organization and Authorization
- Attachment 2. Figures
- Attachment 3. Tax Lot IDs of Wasco and Sherman County Landowners
- Attachment 4. Species Lists
- Attachment 5. Correspondence with Legislative Commission on Indian Services



## Acronyms and Abbreviations

Applicant or Bakeoven	Bakeoven Solar, LLC
ASC	Application for Site Certificate
Avangrid	Avangrid Renewables, LLC
BPA	Bonneville Power Administration
CRP	Conservation Reserve Program
DC	direct current
EFSC	Energy Facility Siting Council
Facility	Bakeoven Solar Project
HV	high voltage
kV	kilovolt
Li-ion	lithium-ion
Maupin Substation	Maupin Interconnection Substation
MW	megawatt
NHD	National Hydrography Dataset
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
NWI	National Wetlands Inventory
O&M	operations and maintenance
OAR	Oregon Administrative Rule
ODEQ	Oregon Department of Environmental Quality
ODFW	Oregon Department of Fish and Wildlife
ORBIC	Oregon Biodiversity Information Center
ORS	Oregon Revised Statute
PCB	polychlorinated biphenyl
PV	photovoltaic
SCADA	Supervisory Control and Data Acquisition
SHPO	State Historic Preservation Office
US-97	U.S. Highway 97

# Exhibit A. Applicant Information – OAR 345-020-0011(1)(a)

*(a) Exhibit A. Information about the applicant and participating persons, including:*

*(A) The name and address of the applicant including all co-owners of the proposed facility, the name, mailing address, email address and telephone number of the contact person for the NOI, and if there is a contact person other than the applicant, the name, title, mailing address, email address and telephone number of that person.*

## **Response:**

### **Name and mailing address of Applicant:**

Bakeoven Solar, LLC  
c/o Avangrid Renewables, LLC  
1125 NW Couch Street, Suite 700  
Portland, OR 97209

### **Applicant contact persons with mailing address and telephone numbers:**

Brian Walsh  
Senior Developer  
Avangrid Renewables, LLC  
1125 NW Couch Street, Suite 700  
Portland, OR 97209  
(503) 796-6928  
brian.walsh@avangrid.com

Matt Hutchinson  
Manager, Permitting and Environmental  
Avangrid Renewables, LLC  
1125 NW Couch Street, Suite 700  
Portland, OR 97209  
(503) 478-6317  
matthew.hutchinson@avangrid.com

*(B) The contact name, mailing address, email address and telephone number of all participating persons, other than individuals, including but not limited to any parent corporation of the applicant, persons upon whom the applicant will rely for third-party permits or approvals related*

*to the facility, and persons upon whom the applicant will rely in meeting any facility standard adopted by the Council.*

**Response:**

Bakeoven Solar, LLC (Bakeoven or Applicant) is a subsidiary of Avangrid Renewables, LLC (Avangrid).

**Parent Company:**

Avangrid Renewables, LLC  
1125 NW Couch St., Suite 700  
Portland, Oregon 97209  
(503) 796-7000

**Contact Name, Mailing Address, Email Address, and Telephone Number:**

Brian Walsh  
Senior Developer  
Avangrid Renewables, LLC  
1125 NW Couch Street, Suite 700  
Portland, OR 97209  
brian.walsh@avangrid.com  
(503) 796-6928

*(C) If the applicant is a corporation, it shall give:*

*(i) The full name, official designation, mailing address, email address and telephone number of the officer responsible for submitting the NOI;*

*(ii) The date and place of its incorporation;*

*(iii) A copy of its articles of incorporation and its authorization for submitting the NOI; and*

*(iv) In the case of a corporation not incorporated in Oregon, the name and address of the resident attorney-in-fact in this state and proof of registration to do business in Oregon.*

**Response:**

Bakeoven is not a corporation. Therefore, this rule is not applicable.

*(D) If the applicant is a wholly owned subsidiary of a company, corporation or other business entity, in addition to the information required by paragraph (C), it shall give the full name and business address of each of the applicant's full or partial owners.*

**Response:**

As noted above, Bakeoven is a subsidiary of Avangrid. Avangrid is a subsidiary of AVANGRID (NYSE: AGR). The parent company names and business addresses are as follows:

Avangrid Renewables, LLC  
1125 NW Couch St., Suite 700  
Portland, Oregon 97209  
(503) 796-7000

AVANGRID  
180 Marsh Hill Road  
ORANGE, CT 06477  
www.avangrid.com

*(E) If the person submitting the NOI is an association of citizens, a joint venture or a partnership, it shall give:*

- (i) The full name, official designation, mailing address, email address and telephone number of the person responsible for submitting the NOI;*
- (ii) The name, business address and telephone number of each person participating in the association, joint venture or partnership and the percentage interest held by each;*
- (iii) Proof of registration to do business in Oregon;*
- (iv) A copy of its articles of association, joint venture agreement or partnership agreement and a list of its members and their cities of residence; and*
- (v) If there are no articles of association, joint venture agreement or partnership agreement, the applicant shall state that fact over the signature of each member.*

**Response:**

The Applicant is not an association of citizens, a joint venture, or partnership. Therefore, this rule is not applicable.

*(F) If the applicant is a public or governmental entity, it shall give:*

- (i) The full name, official designation, mailing address, email address and telephone number of the person responsible for submitting the NOI; and*
- (ii) Written authorization from the entity's governing body to submit an NOI.*

**Response:**

The Applicant is not a public or governmental entity. Therefore, this rule is not applicable.

*(G) If the applicant is an individual, the individual shall give his or her mailing address, email address and telephone number.*

**Response:**

The Applicant is not an individual. Therefore, this rule is not applicable.

*(H) If the applicant is a limited liability company, it shall give:*

*(i) The full name, official designation, mailing address, email address and telephone number of the officer responsible for submitting the NOI;*

*(ii) The date and place of its formation;*

*(iii) A copy of its articles of organization and its authorization for submitting the NOI; and*

*(iv) In the case of a limited liability company not registered in Oregon, the name and address of the resident attorney-in-fact in this state and proof of registration to do business in Oregon.*

**Response:**

The Applicant is a limited liability company. The officer responsible for submitting the Notice of Intent (NOI) is as follows:

Jesse Gronner  
Authorized Representative  
Avangrid Renewables, LLC  
1125 NW Couch Street, Suite 700  
Portland, OR 97209

Bakeoven Solar, LLC was organized and acknowledged by the Oregon Secretary of State on October 11, 2018, in Salem, Oregon. The articles of organization and authorization for submitting the NOI are provided in Attachment 1. Bakeoven Solar, LLC is registered in Oregon; therefore, information for the resident attorney-in-fact is not required.

## Exhibit B. Facility Description – OAR 345-020-0011(1)(b)

*(b) Exhibit B. Information about the proposed facility, including:*

*(A) A description of the proposed energy facility, including as applicable:*

**Response:**

The Applicant proposes to construct and operate a photovoltaic (PV) solar energy generation facility and related or supporting facilities in Wasco County, Oregon. As described in more detail below, the proposed Bakeoven Solar Project (Facility) will consist of up to 303 megawatts (MW) of solar generation and include a battery storage system capable of storing up to 100 MW of energy. The Facility will generate electricity using PV solar panels wired in series and in parallel to form arrays and connected to electrical infrastructure.

Other components will include a substation, operations and maintenance (O&M) building, and an approximately 11-mile-long 230-kilovolt (kV) transmission line. The Facility will interconnect to the existing 230-kV Bonneville Power Administration (BPA) Big Eddy to Redmond transmission line at the existing Maupin Interconnection Substation (Maupin Substation). Figure G-2 in Attachment 2 shows the general site plan for the Facility.

*(i) The nominal electric generating capacity and the average electrical generating capacity, as defined in ORS 469.300.*

**Response:**

The Facility will have up to 303 MW of nominal and average generating capacity as defined in Oregon Revised Statute (ORS) 469.300(4)(c).

*(ii) Major components, structures and systems, including a description of the size, type and configuration of equipment used to generate electricity and useful thermal energy.*

**Response:**

The solar array will be composed of a combination of solar modules, tracker systems, posts, and related electrical equipment. The Applicant seeks to permit a range of technology in order to preserve design flexibility. The solar modules and associated equipment, and precise layout of the solar arrays, have not yet been determined. Because technology is changing rapidly, the Application for Site Certificate (ASC) will analyze impacts associated with the largest solar array footprint and impacts. The actual solar array equipment and layout selected will not exceed the impacts analyzed. During pre-construction and final design engineering, the Applicant will specify the precise details of the energy generation equipment and layout in accordance with reporting requirements to the

Oregon Department of Energy. Therefore, the following description of major components is based on the best available design information at this time, but may not reflect the final design.

**Solar Modules.** Solar modules use mono- or poly-crystalline cells to generate electricity by converting sunlight into direct current (DC) electrical energy. The electrical generation from a single module varies by module size and the number of cells per module. The dimensions of each module will be approximately 2 meters long and 1 meter wide. Other than the crystalline cell, solar modules consist of antireflective glass, a metal frame, and factory installed “quick connect” wire connectors. The modules will be connected in series to form long rows. The rows of modules are then connected via combiners, cables, and switchboards. The configuration of multiple rows (the array) can vary depending on the equipment type and topography. The actual number of modules will vary depending on the module technology, spacing, mounting equipment, and other design criteria, which are subject to change during final design.

**Tracker Systems.** Strings of solar modules will be mounted on single-axis tracker systems that optimize electricity production by rotating the solar modules to follow the path of the sun throughout the day. The length of each tracker row may vary by topography and the number of modules that the tracker can hold. The drive unit for the tracking system can control a single row or multiple rows of modules through a series of mechanical linkages and gearboxes. As the solar modules tilt throughout the day, the height of their top edges will shift accordingly (i.e., between 11 feet and 14 feet high). The tracker system, and associated posts, will be specifically designed to withstand wind, snow, and seismic loads anticipated at the site.

**Posts.** Each tracker will be supported by multiple steel posts, which could be round hollow posts, or pile-type posts (i.e., H-pile, C-pile, S-pile). Post depth may vary depending on soil conditions, but the posts are typically installed 4 to 8 feet below the surface and protrude approximately 4 to 5.5 feet above grade. Posts at the end of tracker rows are usually installed to greater depth to withstand wind uplift. In some soil conditions, concrete backfill is required for each post. For the purposes of the ASC, the Applicant will assume that all posts will use concrete foundations but site-specific conditions will determine whether concrete actually will be required for construction. Post locations will be determined by the final layout of the tracker system and geotechnical investigations of the solar area.

**Inverters.** The direct current collected from the solar modules via combiner boxes must be converted into alternating current (AC) before connecting to the collector substation. Inverters serve the function of converting DC power supply to an AC power supply in accordance with electrical requirements. The number of inverters will vary depending on the actual generation output of the solar array. The inverter specification will comply with the applicable requirements of the National Electric Code and Institute of Electrical and Electronics Engineers standards.

**Transformers.** The alternating current from the inverters will be routed to transformers that will increase the output voltage from the inverter (1,500 volts) to the desired substation feed voltage (34.5 kV). The transformers could be collocated with the inverters associated with each array, or centrally located. Transformers at these locations will step up the voltage from the inverters.

**Cabling.** The electrical current produced by solar modules is in the form of direct current. Cables collect and aggregate the direct current before it is converted to alternating current and sent to the project substation. Low-voltage cabling will connect the solar modules of each tracker string in series and combine multiple strings to a single combiner box. Cabling from multiple combiner boxes will connect to a single inverter, which will convert the direct current to alternating current and connect to the buried collection system. Cabling can be mounted to the tracker system, placed in cable trays, or buried. The majority of buried cable associated with the solar array will be located within the solar area fence line and included in the estimated total permanent impact associated with the solar array (i.e., no temporary impacts are calculated for buried cable inside the solar array fence line).

**Collection System.** The transformers will connect the generation output of the solar array to the 34.5-kV collector lines which will underground, if possible, except where topography or other site condition constraints require them to be aboveground. The 34.5-kV collector lines will connect to the connector substation.

**Site Access, Service Roads, Perimeter Fencing, and Gates.** The solar array will be accessed from Bakeoven Road south of Maupin, Oregon. The locations of these access points will depend on the final configuration of the solar array. Within the solar array, service roads will be constructed for access and maintenance purposes. An additional perimeter service road will be located inside the solar array fence line on the south and west sides of the solar array field. The service roads within the solar array boundary will be all-weather gravel compacted and up to 20 feet wide with an internal turning radius sufficiently sized for emergency vehicle access. Chain-link perimeter fencing, 8 feet in height, will enclose the solar array. The perimeter fencing will have vehicle and pedestrian access gates. The Applicant will reseed disturbed areas within the fenced area with a native, low-growing seed mix that is compatible with adjacent land uses, minimizing graveled areas.

*(iii) Methods for waste management and waste disposal, including, to the extent known, the amount of wastewater the applicant anticipates, the applicant's plans for disposal of wastewater and storm water, and the location of disposal.*

**Response:**

The Facility will not consume water in the generation of electricity, nor will it produce wastewater for disposal or significant quantities of solid waste. Further details of stormwater drainage, water, solid waste management, and sewage treatment during construction and operations are provided in Exhibit K of this NOI.

*(iv) For thermal power plants:*

*(I) A discussion of the source, quantity and availability of all fuels proposed to be used in the facility to generate electricity or useful thermal energy.*

*(II) Methods for disposal of waste heat.*



**Response:**

The Facility is not a thermal power plant. The Facility will generate wind power; consequently, no waste heat will be generated.

*(v) For transmission lines, approximate transmission line voltage, load carrying capacity and type of current.*

**Response:**

The Facility will require construction of an associated transmission line that will connect the Facility to the regional grid. The associated transmission line, in and of itself, is not a transmission line within the meaning of Energy Facility Siting Council (EFSC) jurisdiction. The associated transmission line will be approximately 11 miles of 230-kV overhead line to connect the Facility collector substation to the existing 230-kV BPA Big Eddy to Redmond transmission line at the Maupin Substation. The 230-kV overhead line will be supported either by H-frame structures with two galvanized steel or wood poles, or by galvanized steel or wood monopole structures. The structures will rise to a height of approximately 80 to 100 feet above grade depending on design and terrain.

*(vi) For pipelines, approximate operating pressure and delivery capacity in thousand cubic feet per day.*

**Response:**

The Facility is not a pipeline. Therefore, this rule is not applicable.

*(vii) For surface facilities related to underground gas storage, estimated daily injection and withdrawal rates, horsepower compression required to operate at design injection or withdrawal rates, operating pressure range and fuel type of compressors.*

**Response:**

The Facility does not involve underground gas storage. Therefore, this rule is not applicable.

*(viii) For facilities to store liquefied natural gas, the approximate volume, maximum pressure, liquefaction and gasification capacity in thousand cubic feet per hour.*

**Response:**

The Applicant does not propose the storage of liquefied natural gas. Therefore, this rule is not applicable.

*(B) A description of major components, structures and systems of each related or supporting facility.*

**Response:**

Related or supporting facilities consist of battery storage, one collector substation, one 230-kV transmission line, and one O&M building.

**Battery Storage.** The Applicant proposes to construct a battery storage system adjacent to the collector substation. The battery storage system will be capable of storing up to 100 MW of solar energy generated by the Facility. Two battery options may be used: lithium-ion (Li-ion) batteries or flow batteries. Both options could hold up to 100 MW of power in a series of self-contained containers located within a fenced area, or within a single warehouse-type enclosure of a similar scale and size.

**230-kV Transmission Lines.** A new 230-kV transmission line will interconnect to the existing 230-kV BPA Big Eddy to Redmond transmission line at the existing Maupin Substation. The new 230-kV transmission line will be approximately 11 miles in length.

**Operations and Maintenance Building.** The O&M building will be a single-story building located near the solar array and will include an office space, storage, bathroom, and breakroom facilities. Water will be supplied via a small well or connection to a municipal water system. The O&M building will have an on-site, state-permitted septic system or sewer connection. Electric power and telephone will be provided via local service providers. A gravel parking and storage area will be located adjacent to the building.

**Collector Substation.** Low-voltage cabling will link each solar module to inverters to convert panel output from 400-watt DC to 1,500-volt AC. Additional cabling will connect the inverters to transformers that will step up the voltage from 1,500 volts to 34.5 kV for the collector cable lines. The collector cable lines will transmit power to the Facility collector substation, which will be located as shown in Figure G-2, Facility Layout (see Attachment 2). The substation site will be surrounded by a graveled, fenced area enclosing the transformer and switching equipment and an area to park utility vehicles. Transformers will be non-polychlorinated biphenyl (PCB) oil-filled types. Any additional equipment installed at the substation will be located within the existing fenced area. Additional substation equipment may include circuit-breakers, power transformer(s), bus and insulators, disconnect switches, relaying, battery and charger, surge arresters, AC and DC supplies, control house, metering equipment, grounding, and associated control wiring.

**Additional Construction Areas.** During construction, temporary staging areas will be used to support construction and store supplies and equipment.

*(C) The approximate dimensions of major facility structures and visible features.*

**Response:**

The most notable features of the Facility are: (1) the various components of the solar array; (2) battery storage system, (3) the substation; (4) the O&M building, and (5) the 230-kV overhead

transmission line. The estimated dimensions of the major facility structures, as currently available, are summarized below.

**Solar Array.** The solar array will occupy up to 3,000 acres and comprise linear rows of modules. The maximum height of the solar array will be 14 feet when the modules are tilted. The exact number and size of modules, layout, and associated equipment specifications will be determined during micrositing, but the total area of the solar array, within perimeter fencing, will not exceed 3,000 acres.

**Battery Storage.** Both the Li-ion and flow battery technologies are often placed in standard-sized shipping containers on a concrete slab. Each container holds the batteries, a supervisory and power management system, cooling system (if needed), and a fire prevention system. By connecting multiple containers, the battery storage system can be scaled to the desired capacity. Containers may be stacked up to two levels with an estimated maximum height of approximately 20 feet. For purposes of this analysis the battery storage system (either Li-ion or flow) is assumed to require 104 double-stacked containers that will occupy an area approximately 470 feet by 600 feet. The battery storage area will be enclosed by approximately 2,140 feet of continuous chain-link perimeter fencing 8 feet in height, with two 16-foot-wide gates and one pedestrian, 4-foot-wide gate. The entire area within the battery storage fence line (10 acres) is assumed to be permanently disturbed by placement of containers, cooling systems, transformers, and cabling.

**Substations.** The Facility collector substation will be situated within a fenced area of approximately 3 acres with equipment approximately 10 feet in height

**O&M Building.** The O&M building will be a one-story structure approximately 20 feet high with an area of approximately 5,000 square feet

**230-kV Transmission Line.** The approximately 11-mile 230-kV line will be supported either by H-frame structures with two galvanized steel or wood poles or by a galvanized steel or wood monopole structure. The structures will rise to a height of approximately 100 feet above grade, depending on the terrain. Clearing for the installation of the 230-kV transmission line will require a temporary workspace of 40 feet by 40 feet per structure. The 230-kV line will generally have 700-foot long spans between structures; however, spans may be shorter or longer depending on the terrain.

# Exhibit C. Facility Location – OAR 345-020-0011(1)(c)

*(c) Exhibit C. A description of the location of the proposed energy facility site and the proposed site of each related or supporting facility and all areas that might be temporarily disturbed during construction of the facility, including the approximate land area of each.*

## **Response:**

The Facility is located in Wasco County, Oregon (see Figure G-1 in Attachment 2). The Facility site boundary includes approximately 10,615 acres of private land. The site boundary encompasses some or all of the townships, ranges, and sections identified in Table C-1.

**Table C-1. Township, Range, and Section within the Facility Site Boundary**

<b>Township and Range</b>	<b>Sections</b>
4S 14E	25, 26, 27, 36
4S 15E	25, 29, 30, 31, 32, 36
4S 16E	30
5S 15E	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 23, 24, 25
5S 16E	7, 18, 19, 20, 29, 30

In the ASC, the Applicant will confirm the solar micrositing corridor area shown on Figure G-2 which also shows representative locations of related and supporting facilities. The Applicant requests micrositing flexibility within the solar micrositing corridor to site the energy facility and related and supporting facilities using the most efficient and effective equipment and layout. The site boundary provides the limits of the area that may be temporarily or permanently disturbed during construction of the facility. Worst-case temporary and permanent acreage impacts will be provided by facility component in the ASC. The approximate land area for each aboveground facility component for the purpose of this NOI is provided in Table C-2.

**Table C-2. Approximate Land Area of Facility**

<b>Facility Component</b>	<b>Approximate Land Area</b>
Solar Array	3,000 acres
Battery Storage	10 acres
O&M Building	3 acres
Substation	3 acres
Transmission Line	11 miles, with anticipated 150-foot right-of-way

## Exhibit D. Alternative Locations – OAR 345-020-0011(1)(d)

*(d) Exhibit D. If the proposed energy facility is a pipeline or a transmission line or has, as a related or supporting facility, a transmission line or pipeline that, by itself, is an energy facility under the definition in ORS 469.300, identification of at least two proposed corridors, as defined in OAR 345-001-0010, or identification of a single proposed corridor with an explanation of why alternate corridors are unlikely to better meet the applicant's needs and satisfy the Council's standards. The applicant shall include an explanation of the basis for selecting the proposed corridor(s) and, for each proposed corridor, the information described in subsections (e), (g), (i), (j), (k), (n) and (p) that is available from existing maps, aerial photographs, and a search of readily available literature.*

### **Response:**

The Facility is not a pipeline or a transmission line as defined by Oregon Revised Statute (ORS) 469.300. The Facility includes neither a pipeline nor transmission line that, by themselves, would be considered an energy facility under ORS 469.300(11)(a)(C).

# Exhibit E. Permits Needed for

## Construction and Operation – OAR

### 345-020-0011(1)(e)

*(e) Exhibit E. Identification of all federal, state and local government permits related to the siting of the proposed facility, a legal citation of the statute, rule or ordinance governing each permit, and the name, address, email address and telephone number of the agency or office responsible for each permit. For each permit, the applicant shall provide a preliminary analysis of whether the permit should or should not be included in and governed by the site certificate.*

#### **Response:**

Table E-1 identifies the federal, state, and local government permits required for construction and operation of the Facility.

**Table E-1. Permits or Other Approvals Required for Construction and Operation of the Facility**

Permit	Agency	Authority/Description
<b>Federal Permits</b>		
Record of Decision/ National Environmental Policy Act Compliance	Bonneville Power Administration (BPA)  Attn: Eric Taylor, Customer Manager PO Box 3621 Portland, OR 97208-3621 (360) 619-6014 <a href="mailto:ektaylor@bpa.gov">ektaylor@bpa.gov</a>	National Environmental Policy Act (NEPA), Section 102 (42 United States Code [USC] § 4332); 40 Code of Federal Regulations [CFR] § 1500  Description: Interconnection to BPA's transmission system is subject to review under NEPA. BPA will lead this process as a separate action from the solar facility site certificate process. This federal process is not within the jurisdiction of the Oregon Energy Facility Siting Council (EFSC) and therefore should not be included within the site certificate.
Clean Water Act, Section 404	U.S. Army Corps of Engineers, Portland District  Attn: Peter Olmstead, Project Manager PO Box 2946 Portland, OR 97208-2946 (541) 962-0401 <a href="mailto:Peter.d.olmstead@usace.army.mil">Peter.d.olmstead@usace.army.mil</a>	Clean Water Act, Section 404 (33 USC § 1344); 33 CFR §§ 320, 323, 325-28, and 330  Description: A Section 404 permit will be required if dredge or fill occurs in waters of the United States. This federal process is not within the jurisdiction of EFSC and therefore should not be included in the site certificate.

**Table E-1. Permits or Other Approvals Required for Construction and Operation of the Facility (continued)**

Permit	Agency	Authority/Description
Notice of Proposed Construction or Alteration (Form 7460.1)	Federal Aviation Administration (FAA)  Attn: Dan Shoemaker Airspace Specialist Seattle Obstruction Evaluation Group 1601 Lind Ave SW Renton, WA 98057 (425) 227-2791 Dan.shoemaker@faa.gov	Federal Aviation Act of 1958 (14 USC § 44718); 14 CFR § 77  Description: The Applicant proposes construction or alterations that may affect navigable airspace pertaining to potential glare from the Project's solar arrays, or for construction of structures within specified distances of runways or helipads, may be required to file this notice. No permit is issued by the FAA. This federal process is not within the jurisdiction of EFSC and therefore should not be included in the site certificate.
Supplemental Notice of Actual Construction or Alteration (Form 7460-2)	Federal Aviation Administration  Attn: Dan Shoemaker Airspace Specialist Seattle Obstruction Evaluation Group 1601 Lind Ave SW Renton, WA 98057 (425) 227-2791 Dan.shoemaker@faa.gov	Federal Aviation Act of 1958 (14 USC § 44718); 14 CFR § 77  Description: If a Notice of Proposed Construction or Alteration with the FAA is required, then submission of the Supplemental Notice of Actual Construction or Alteration form must be filed within 5 days after construction reaches its greatest height as specified in the No Hazard Determination. This federal process is not within the jurisdiction of EFSC and therefore should not be included in the site certificate.
<b>State Permits</b>		
Energy Facility Site Certificate	Oregon Department of Energy and Energy Facility Siting Council  Attn: Todd Cornett 550 Capitol Street NE Salem, OR 97301 (503) 378-8692 Katie.Clifford@oregon.gov	ORS 469.300 et seq.; Oregon Administrative Rules (OAR) Chapter 345, Divisions 1, 21-24  Description: This site certificate is the subject of this NOI.
Removal/Fill Permit	Oregon Department of State Lands  Attn: Bethany Herrington Eastern Region 1645 NE Forbes Rd., Suite 112 Bend, OR 97701 (541) 325-6170 Bethany.Herrington@state.or.us	ORS 196; OAR Chapter 141, Division 85  Description: A removal-fill permit is required if 50 cubic yards or more of material is removed, filled, or altered within a jurisdictional water of the State. If this is proposed, the Removal-Fill Permit should be included in and governed by the site certificate under ORS 469.401(3).

**Table E-1. Permits or Other Approvals Required for Construction and Operation of the Facility (continued)**

Permit	Agency	Authority/Description
On-site Sewage Disposal Construction-Installation Permit	Oregon Department of Environmental Quality  Wasco-Sherman Public Health Department Attn: Glenn Pierce Wasco-Sherman Public Health Department 419 East 7th Street The Dalles, OR 97058-2607 Glennp@co.wasco.or.us (541) 506-2601	ORS 454 and 468B; OAR Chapter 340, Divisions 71  Description: Facilities with on-site sewage disposal system must obtain a Construction-Installation Permit before construction. The Facility will have a daily sewage flow of fewer than 2,500 gallons and the Applicant's third-party contractor will obtain from the Oregon Department of Environmental Quality (ODEQ) a Construction-Installation Permit for the operations and maintenance facility. Therefore, this permit should not be included in and governed by the site certificate.
National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit 1200-C	Oregon Department of Environmental Quality  Attn: Jackie Ray Eastern Region 800 SE Emigrant, Suite 330 (541) 278-4605 Ray.Jackie@deq.state.or.us	Clean Water Act, Section 402 (33 USC § 1342); 40 CFR § 122; ORS 468 and 468B; OAR Chapter 340, Division 45  Description: NPDES permit is required for construction activities that will disturb one or more acres of land. The Applicant will obtain this permit directly from ODEQ as it is outside the jurisdiction of EFSC and should not be included in or governed by the site certificate.
401 Water Quality Certification	Oregon Department of Environmental Quality  Attn: Linda Hayes-Gorman Eastern Region 700 SE Emigrant, Suite 330 (541) 633-2018 Hayes-gorman.linda@deq.state.or.us	Clean Water Act, Section 401 (33 USC § 1341); OAR Chapter 340, Division 48  Description: Water quality certification is required for projects that are processed under the U.S. Army Corps of Engineers Section 404 Nationwide Permits. The Applicant will obtain this permit directly from ODEQ as it is outside the jurisdiction of EFSC and should not be included in or governed by the site certificate.
Water Right Permit or Water Use Authorization	Oregon Water Resources Department Water Rights Section District 5 Attn: Greg Silbernagel 116 SE Dorion Ave Pendleton, OR 97801 (541) 278-5456 greg.m.silbernagel@wrdd.state.or.us	ORS 537; OAR 690 Divisions 310, 340, 410 and 502  Description: If water for construction is not available from permitted sources, the Applicant will obtain the necessary water right permit or use authorization directly from the Oregon Water Resources Department.



**Table E-1. Permits or Other Approvals Required for Construction and Operation of the Facility (continued)**

Permit	Agency	Authority/Description
General Water Pollution Control Facilities Permit, WPCF-1700-B	Oregon Department of Environmental Quality, Eastern Region 700 SE Emigrant, Suite 330 Pendleton, OR 97801 (541) 276-4063	ORS 468B; OAR Chapter 340, Division 45 The Applicant or a third-party contractor who will conduct the solar panel washing activities may seek coverage under the WPCF-1700-B permit from ODEQ following completion of construction and before initiating any washing activities. Therefore, this permit should not be included in and governed by the site certificate.
Oversize Load Movement Permit/Load Registration	Oregon Department of Transportation Attn: Christy Jordan Motor Carriers Transportation Division 550 Capitol Street NE Salem, OR 97301 (503) 378-6192 Christy.A.Jordan@odot.state.or.us	ORS 818.030; OAR Chapter 734, Division 82 Description: Authorization for oversized loads. Movement of construction cranes and other equipment and materials may require this permit. If needed, the Applicant's third-party contractor will obtain this permit and load registration from the Oregon Department of Transportation (ODOT) and therefore this permit should not be included in and governed by the site certificate.
Access Management Permit	Oregon Department of Transportation ODOT District 12 - Pendleton 1327 SE Third Street Pendleton, OR 97801 (541) 276-1241	OAR Chapter 734, Division 51 Description: Access from Oregon state highways would require an access permit, which may be issued by the local ODOT District Offices, if required.
Permit to Occupy or Perform Operations Upon a State Highway	Oregon Department of Transportation Attn: ODOT Utility and Miscellaneous Permit Specialist ODOT District 12 - Pendleton 1327 SE Third Street Pendleton, OR 97801 (541) 276-1241	OAR Chapter 734, Division 55 (Pole Lines, Buried Cables, and Miscellaneous Operations) Description: Utility installations within the right-of-way of a state highway in Oregon require a permit issued by the ODOT.
Archaeological Excavation Permit	Oregon Parks and Recreation Department, State Historic Preservation Office John Pouley 725 Summer Street NE, Suite C Salem, OR 97301 (503) 986-0577 John.Pouley@oregon.gov	ORS Chapter 97, 358, and 390; OAR Chapter 736, Division 51 Description: Ground-disturbing activity that may affect a known or unknown archaeological resource on public or private lands requires a permit issued by the Oregon Parks and Recreation Department. If needed, the Applicant will obtain it from the State Historic Preservation Office and therefore this permit should not be included in and governed by the site certificate.

**Table E-1. Permits or Other Approvals Required for Construction and Operation of the Facility (continued)**

Permit	Agency	Authority/Description
<b>Local Permits</b>		
Conditional Use Permit and Zoning Permit	<p>Wasco County Planning Department</p> <p>Attn: Angie Brewer, Planning Director 2705 East 2<sup>nd</sup> Street The Dalles, OR 97058 (541) 506-2560 angieb@co.wasco.or.us</p>	<p>Wasco County Land Use and Development Ordinance (WCLUDO) Section 3.210, Exclusive Farm Use Zone; WCLUDO Chapter 5, Conditional Use Review; WCLUDO Chapter 20, Site Plan Review</p> <p>The Applicant elects to obtain an EFSC determination under ORS Chapter 469.504(1)(b). Under ORS 469.401(3), following issuance of the Site Certificate, the County, upon the Applicant's submission or the proper application and fee, shall issue the permits addressed in the site certificate, subject only to the conditions set forth in the site certificate and without hearings or other proceedings.</p>
Building Permit for construction in Wasco County	<p>Oregon Department Consumer and Business Services, Building Codes Division</p> <p>Attn: Rex Turner, Building Official 2705 East 2<sup>nd</sup> Street The Dalles, OR 97058 (541) 506-2650 Rex.l.turner@oregon.gov</p>	<p>OAR 734, Division 51</p> <p>Description: A building permit is required prior to beginning construction of the Project. Wasco County does not have its own building department, so building permits are issued by the Oregon State Building Codes Division.</p>
Utility Crossing Permit and Access Approach Site Permit	<p>Wasco County Public Works Department</p> <p>Attn: Arthur Smith, Public Works Director 2705 East 2<sup>nd</sup> Street The Dalles, OR 97058 (541) 506-2645 ArthurS@co.wasco.or.us</p>	<p>ORS 374.305 to 374.325</p> <p>Description: A Utility Crossing permit is required any time a utility is constructed within or across a County road right-of-way. An Approach Site Permit will be required for each location where Facility access roads intersect with county roads, or if necessary upgrades to existing access roads affect a county road.</p>

## Exhibit F. Property Ownership – OAR 345-020-0011(1)(f)

*(f) Exhibit F. A list of the names and mailing addresses of all owners of record, as shown on the most recent property tax assessment roll, of property located within or adjacent to the site boundary as defined in OAR 345-001-0010. In addition to incorporating the list in the NOI, the applicant shall submit the list to the Department of Energy in electronic format acceptable to the Department for the production of mailing labels. Property adjacent to the site boundary means property that is:*

*(A) Within 100 feet of the site boundary where the site, corridor or micrositings corridor is within an urban growth boundary;*

*(B) Within 250 feet of the site boundary where the site, corridor or micrositings corridor is outside an urban growth boundary and not within a farm or forest zone; and*

*(C) Within 500 feet of the site boundary where the site, corridor or micrositings corridor is within a farm or forest zone.*

### **Response:**

In accordance with OAR 345-020-0011(1)(f)(C), Table F-1 in Attachment 3 lists the names and mailing addresses of all owners of record in Wasco County, where the Facility will be sited, and adjacent Sherman County that are within 1 mile of the Facility site boundary. This distance greatly exceeds the recommended notification distance and demonstrates the Applicant's willingness to seek community input into the design of the Facility. Property ownership records were obtained from Wasco and Sherman counties on October 29, 2018. Figure F-1 in Attachment 3 displays the Wasco and Sherman counties property tax lots in relation to the site boundary. An electronic list of property ownership will also be provided to the Oregon Department of Energy in a format suitable to produce mailing labels, as requested.

## Exhibit G. Facility Maps – OAR 345-020-0011(1)(g)

*(g) Exhibit G. A map or maps showing:*

**Response:**

Attachment 2 contains six maps that show the required information, as follows:

*(A) The proposed locations of the energy facility site, all related or supporting facility sites and all areas that might be temporarily disturbed during construction of the facility in relation to major roads, water bodies, cities and towns, important landmarks and topographic features.*

**Response:**

Figure G-1 shows the location of the site boundary in relation to major roads, cities and towns, important landmarks, and topographic features.

Figure G-2 identifies the Facility site boundary, micrositings corridor, and related or supporting features.

Figure G-3 details the site boundary in relation to nearby geographic features and illustrates the range of elevations within the vicinity of the Project.

Figures G-4 and G-5 show the hydrology within the vicinity of the Facility based on National Wetlands Inventory (NWI) data (Figure G-4) and National Hydrography Dataset (NHD) data (Figure G-5).

*(B) The proposed locations of the corridors the applicant has identified under subsection (d) in relation to major roads, water bodies, cities and towns, important landmarks and topographic features.*

**Response:**

The Applicant has not identified proposed alternative corridors under subsection (d). As noted above, the Facility includes neither a pipeline nor transmission line that, by themselves, would be considered an energy facility under ORS 469.300(11)(a)(C).

*(C) The study area(s) for the proposed facility as defined in OAR 345-001-0010.*

*(D) The topography of the study area(s) including streams, rivers, lakes, major roads and contour lines.*

**Response:**

Figure G-6 shows the boundaries and topography of the study areas as defined by OAR 345-001-0010(59) for land use (0.5 mile), fish and wildlife habitat (0.5 mile), recreational opportunities (5 miles), threatened and endangered species (5 miles), scenic resources (10 miles), and public services (10 miles), as well as for protected areas (20 miles), as described in OAR 345-022-0040. Figure G-3 details the site boundary in relation to nearby geographic features and illustrates the range of elevations within the vicinity of the Project.

*(E) All protected areas in the study area as defined in OAR 345-001-0010 for impacts to protected areas.*

**Response:**

Figure G-7 displays and labels all protected areas in the study area as defined by OAR 345-001-0010(59).

*(F) The location of any potential waters of the state or waters of the United States that are on or adjacent to the site.*

**Response:**

Figures G-4 and G-5, showing NWI and NHD features respectively, display potential waters of the State or potential waters of the United States within the vicinity of the Project. A comprehensive waters and wetlands field survey, including a formal wetland delineation, is in the process of being conducted, and detailed information regarding the location of and impacts to waters of the State or of the United States will be provided in the ASC.

*(G) For energy generation facilities, the approximate locations of any other energy generation facilities that are known to the applicant to be permitted at the state or local level within the study area as defined in OAR 345-001-0010 for impacts to public services.*

**Response:**

Figure G-8 shows the approximate location of the one permitted energy facility, Summit Ridge Wind Farm, known to the Applicant within 10 miles of the site boundary, in accordance with OAR 345-001-0010(59) for impacts to public services. Additionally, Figure G-8 shows a proposed energy facility, the Imperial Wind Project, within 10 miles of the site boundary.

## **Exhibit H. Non-generating Energy Facility – OAR 345-020-0011(1)(h)**

*(h) Exhibit H. If the proposed facility is a non-generating energy facility for which the applicant must demonstrate need under OAR 345-023-0005, identification of the rule in Division 23 of this chapter under which the applicant intends to demonstrate need and a summary statement of the need and justification for the proposed facility.*

**Response:**

The Facility is not a non-generating energy facility. Therefore, this rule is not applicable.

## Exhibit I. Land Use – OAR 345-020-0011(1)(i)

*(i) Exhibit I. A statement indicating whether the applicant intends to satisfy the Council's land use standard, OAR 345-022-0030, by obtaining local land use approval under ORS 469.504(1)(a) or by seeking a Council determination under ORS 469.504(1)(b).*

**Response:**

The Applicant intends to satisfy EFSC's land use standard, OAR 345-022-0030, by seeking an EFSC determination under ORS 469.504(1)(b). The Applicant seeks a determination by EFSC of compliance with land use standards from Wasco County.

# Exhibit J. Environmental Impacts – OAR 345-020-0011(1)(j)

*(j) Exhibit J. Identification of significant potential environmental impacts of construction and operation of the proposed facility on the study areas, including those impacts affecting air quality, surface and ground water quality and availability, wildlife and wildlife habitat, threatened and endangered plant and animal species, historic, cultural and archaeological resources, scenic and aesthetic areas, recreation, and land use.*

## **Response:**

This exhibit presents potential environmental impacts from the Facility's construction and operation on air quality; surface and groundwater quality and availability (including wetlands and waters of the State or of the United States); wildlife and wildlife habitat; threatened and endangered plant and animal species; historic, cultural, and archaeological resources; scenic and aesthetic areas (including protected areas); recreation; protected areas; and land use. The analyses are based on the study area for each resource, as defined in OAR 345-001-0010(59) and shown in Table J-1.

**Table J-1. Study Areas for Environmental Impacts**

Resource	Study Area	Regulatory Requirement
Air Quality	Site boundary	Not applicable
Surface and Groundwater Quality and Availability (includes Wetlands and Waters of the United States)	Site boundary	Not applicable
Wildlife and Wildlife Habitat	0.5 mile from site boundary	OAR 345-001-0010(59)(c)
Threatened and Endangered Plant and Animal Species	5 miles from site boundary	OAR 345-001-0010(59)(a)
Historic, cultural and archaeological resources	Site boundary	Not applicable
Scenic and Aesthetic Areas	10 miles from site boundary	OAR 345-001-0010(59)(b)
Recreation	5 miles from site boundary	OAR 345-001-0010(59)(d)
Protected Areas	20 miles from site boundary	OAR 345-001-0010(59)(e)
Land Use	0.5 mile from site boundary	OAR 345-001-0010(59)(c)

## ***Air Quality***

The Facility will not emit air pollution for the generation of electricity. During construction, air pollutant combustion emissions will be generated from diesel and gasoline engines in the various vehicles and construction equipment and facilities used during Facility construction. Fugitive dust



may be generated from vehicle traffic on paved and unpaved roads and from equipment during construction activities. The Applicant will implement construction best management practices, as necessary, including applying dust control measures which will be described in the ASC. The emissions and fugitive dust from these vehicles and equipment will be minor and will not exceed state emissions thresholds; thus, these emissions are not quantified and do not require a permit from the Oregon Department of Environmental Quality (ODEQ).

### ***Surface and Groundwater***

The Facility will not discharge pollutants or use to surface water or groundwater during the generation of electricity. During construction, temporary impacts from construction stormwater will be managed in accordance with a National Pollutant Discharge Elimination System (NPDES) 1200-C permit to be issued by ODEQ, and the associated Erosion Control Plan. During operations, the O&M building will use water from a new exempt well with no more than 5,000 gallons per day of use, and discharge to an approved on-site septic system with a drain field, in accordance with local or state permitting requirements.

During Facility construction, an estimated 20 million gallons of water will be required for dust control, road compaction, concrete mixing, and other uses. Water will be obtained from existing, upgraded existing, or new landowner wells or from the City of Shaniko. The construction contractor will be responsible for identifying water sources and ensuring that any needed permits or approvals are obtained for construction water use. Once available on site, water will either be put to immediate use, or placed temporarily in an on-site water storage tank or holding pond to hold the water before it is used. In the ASC, the Applicant will both confirm the anticipated amount of water required for construction and confirm with participating landowners or the City of Shaniko that the City has sufficient water rights and is capable of providing sufficient water source to meet the Facility requirements during construction.

### ***Wetlands and Waters of the United States***

The Applicant has completed a wetland delineation of the solar micrositing area and transmission line corridor. The delineation and assessment were conducted to meet requirements under the Oregon Removal/Fill Law (ORS 196; OAR Chapter 141, Division 85) and Section 404 of the Clean Water Act. The ASC will contain a detailed discussion of the potential impacts to potentially jurisdictional wetlands and waters identified in the wetland delineation and assessment, including required mitigation (if any), and will identify necessary permits. Where impacts may occur, they will be mitigated in accordance with state and federal law. Wetland and streams mapped by NWI and NHD are shown in Figures G-4 and G-5.

### ***Wildlife and Wildlife Habitat***

Habitat surveys conducted within the micrositing corridor (Tetra Tech 2018) found that it is primarily characterized by agriculture, Conservation Reserve Program (CRP) fields, grasslands,

intermittent drainage ditches, stock-ponds, and a few basalt outcrops. Portions of the proposed transmission line corridor and small areas of grassland/CRP in the site boundary were burned in the Boxcar Fire in late June 2018. The site boundary overlaps with ODFW-designated mule deer winter range (ODFW 2013). The Applicant will provide an analysis of potential habitat impacts including impacts by habitat type in the ASC.

### ***Sensitive, Threatened, and Endangered Species***

The Applicant considered a variety of resources to determine the threatened, endangered, and sensitive species that may occur within the site boundary and surrounding area, including the following agency resources:

- Oregon Department of Fish and Wildlife (ODFW) Sensitive Species List (ODFW 2016);
- ODFW threatened, endangered and candidate fish and wildlife species (ODFW 2017);
- Oregon Biodiversity Information Center (ORBIC) Rare, Threatened and Endangered Species of Oregon (ORBIC 2016);
- Query of ORBIC database (ORBIC 2018);
- Query of U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC) database;
- Oregon Department of Agriculture Listed and Candidate Plants; and
- StreamNet Mapper, Fish Distribution (StreamNet 2017).

For a complete list of special-status species with potential to occur within the site boundary and within 5 miles of the site boundary in consideration of the data from the desktop resources, see Attachment 4. The Applicant will provide an analysis of potential impacts to sensitive, endangered, and threatened species in the ASC.

### ***Historic, Cultural, and Archaeological Resources***

The Applicant will complete a cultural resources field inventory and submit the results of this study with the ASC. This inventory will evaluate the presence or absence of historic properties and other cultural resources that may not meet the threshold of significance necessary to qualify them as historic properties. The study methodology will follow applicable Oregon State Historic Preservation Office (SHPO) regulations, and will be consistent with U.S. Secretary of Interior standards for cultural resource surveys and documentation under Section 106 of the National Historic Preservation Act (Public Law 89-665).

Any archaeological or historic sites discovered during the field investigation will be officially recorded and filed with the SHPO. If an archaeological or historic site is identified, the Applicant will undertake the appropriate avoidance or mitigation actions to avoid significant impacts.

### ***Scenic and Aesthetic Areas***

The study area for scenic and aesthetic resources consists of the area within the site boundary plus a 10-mile buffer around the site boundary (Figure G-6), in accordance with OAR 345-001-0010(59)(b). Pursuant to OAR 345-021-0010(1)(r) and 345-022-0080(1), scenic resources to be considered are those “identified as significant or important in local land use plans, tribal land management plans and federal land management plans for any lands located within the analysis area...”

The Wasco County Comprehensive Plan, as amended (Wasco County 2010), identifies six outstanding scenic and recreational areas in Wasco County. These include one location within the study area, the Deschutes River (Figure G-7). The Comprehensive Plan also identifies eight highways within Wasco County as designated scenic areas. Portions of U.S. Highway 97 (US-97) are identified as a scenic area within the study area. Analysis will be performed in the ASC to determine potential Facility visibility from the Deschutes River canyon and US-97.

Potential impacts to identified scenic resources will likely be negligible because the Facility structures will be short, screened by vegetation and topography, will be near existing agricultural development (e.g., irrigation systems), and will be viewed from long distances. The visual assessment that will be included in the ASC will include proposed mitigation measures for any significant potential impacts identified through the ASC process.

### ***Recreation***

The study area for recreational opportunities consists of the site boundary plus a surrounding 5-mile buffer (Figure G-6), in accordance with OAR 345-001-0010(59)(d). In general, recreational activities in the study area consist of hiking, fishing, boating, camping, bicycling, and sightseeing. These activities occur in various locations outside the study area. Some specific recreational opportunities within the study area include whitewater rafting and fishing along the Deschutes River, as well as day and overnight use at Maupin City Park. Exhibit T of the ASC will include more detailed analysis of the potential impacts to recreational resources and whether the recreational opportunities within the study area meet the level of uniqueness or irreplaceability that is required by OAR 345-022-0100(1).

### ***Protected Areas***

The study area for protected areas is the site boundary plus a surrounding 20-mile buffer (Figure G-7), in accordance with OAR 345-001-0010(59)(e). Protected areas are defined and listed in OAR 345-022-0040. Table J-2 lists all protected areas within the study area, which are shown on Figure G-7. No protected areas are located within the site boundary. The Facility is not anticipated to significantly affect any protected area due to the distance and topography between the Facility and the nearest protected area. Exhibit L of the ASC will include more detailed analysis of the potential impacts to protected areas.

**Table J-2. Protected Areas<sup>1</sup> within the Study Area**

<b>Type</b>	<b>Area Name</b>	<b>Approximate Distance to Site Boundary (Miles)</b>	<b>Direction from Project</b>
(a) National Parks	None	NA	NA
(b) National Monuments	None	NA	NA
(c) Wilderness Areas	Badger Creek Wilderness	15	Northwest
	Lower White River Wilderness	16	West
(d) National and State Wildlife Refuges	None	NA	NA
(e) National Coordination Areas	None	NA	NA
(f) Fish Hatcheries	Oak Springs Fish Hatchery, ODFW	3	Northwest
(g) National Recreation and Scenic Areas	Mount Hood National Recreation Area	20	Northwest
(h) State Parks and Waysides	Deschutes- Oregon Wildlife Heritage Foundation #2	19	North
	Deschutes River State Scenic Waterway	13	North
	White River Falls State Park	4	Northwest
(i) State Natural Heritage Areas	Tygh Valley	4	Northwest
(j) State Estuarine Sanctuaries	None	NA	NA
(k) Scenic Waterways/Wild and Scenic Rivers	Deschutes River – Federal Wild and Scenic River and Oregon Scenic Waterway	2	West
	Fifteenmile Creek Wild and Scenic River	20	Northwest
	White Wild and Scenic River	3	West
	John Day River - Federal Wild and Scenic River and Oregon Scenic Waterway	16	East
(l) Experimental Areas (Rangeland Resources Program)	None	NA	NA
(m) Agricultural Experimental Stations	None	NA	NA
(n) Research Forests	None	NA	NA
(o) BLM Areas of Critical Environmental Concern (ACEC)	None	NA	NA

**Table J-2. Protected Areas<sup>1</sup> within the Study Area (continued)**

<b>Type</b>	<b>Area Name</b>	<b>Approximate Distance to Site Boundary (Miles)</b>	<b>Direction from Project</b>
(o) BLM Research Natural Areas and Outstanding Natural Areas	None	NA	NA
(p) State Wildlife Areas and Management Areas (per OAR 635, Div. 8)	Lower Deschutes ODFW Wildlife Area	17	North
	White River ODFW Wildlife Area	9	Northwest
<sup>1</sup> Protected Areas are defined and listed in OAR 345-022-0040.			

***Land Use***

The study area for land use consists of the area within the site boundary plus a surrounding 0.5-mile buffer, in accordance with OAR 345-001-0010(59)(c). All land within the study area is zoned for Exclusive Farm Use by Wasco County. Some minor conversion of agricultural land will occur. Impacts to agricultural land will be fully evaluated in Exhibit K of the ASC, as required by OAR 345-022-0030.

## Exhibit K. Community Service Impacts – OAR 345-020-0011(1)(k)

*(k) Exhibit K. Information about significant potential adverse impacts of construction and operation of the proposed facility on the ability of communities in the study area to provide the services listed in OAR 345-022-0110.*

### **Response:**

Pursuant to OAR 345-001-0010(57)(b), the study area for impacts to the public services listed in OAR 345-022-0110 includes the site boundary plus a surrounding 10-mile buffer. Public services that will be evaluated for potential impacts from the construction and operation of the Facility are listed in OAR 345-020-0011(1)(k) and outlined below:

- Sewers and sewage treatment;
- Water;
- Stormwater drainage;
- Solid waste management;
- Housing;
- Traffic safety;
- Police and fire protection;
- Health care; and
- Schools.

### ***Sewers and Sewage Treatment***

During construction, sanitary waste will be collected on-site in portable toilets that will be provided and maintained by a licensed subcontractor. During operation, sanitary waste will be limited to domestic wastewater from the Project's O&M building, which will be discharged to a licensed on-site septic system. The Applicant does not anticipate requiring connection to sewers or sewage treatment facilities. Therefore, significant adverse impacts to community sewer systems are not anticipated.

### ***Water***

Facility construction will require approximately 20 million gallons of water for several activities, including concrete mixing for wind tower foundations, road construction, underground collection line installation, and dust control. Actual daily water use will vary depending on weather and the

final construction schedule (e.g., the need for dust control will be far greater in dry, windy summer conditions than at other times of year). Water use during operation of the Facility will be limited to small amounts used at the O&M building for sanitation and human consumption and will be fewer than 5,000 gallons per day.

The Applicant will confirm the anticipated amount of water required for construction and operation in the ASC. Additionally, the Applicant will confirm that the identified source can meet the Project's water requirements during construction, and a detailed analysis of water use requirements for accessing a private or municipal source will be included. If the water source is found to be insufficient, an alternative off-site source will be identified, or water will be obtained from a new on-site well to be permitted under a limited water use license.

The Applicant expects to rely on an exempt well allowed under ORS 537.545 to provide water to the O&M building. This well will use less than 5,000 gallons per day, which will not require the Applicant to obtain a new water right.

During Facility construction and operation, water will only be obtained from permitted sources with adequate water rights. Therefore, public water systems will not be adversely affected by construction or operation of the Project.

### ***Stormwater Drainage***

The site boundary is a rural area where existing stormwater infrastructure is limited to minimal facilities associated with public roads. The site boundary is not within a designated drainage district or urban area.

Stormwater runoff from the Facility will be managed on site, typically using retention and infiltration systems that will be described in the Facility's NPDES 1200-C construction permit and accompanying Erosion and Sediment Control Plan. These facilities will be located on private land and will not affect the provision of stormwater management services by any public agency. Most of the area within the site boundary is vegetated, which will serve as a buffer to promote infiltration and minimize erosion. No impact on stormwater drainage is expected from the Facility.

### ***Solid Waste Management***

The incorporated communities near the Facility will provide solid waste management services to their respective incorporated areas. Waste Connections, Inc. provides collection, transfer, and recycling services in the Wasco County area. Solid waste disposal for the Facility during construction and operations will be provided through a private contract with local commercial haulers, and is not anticipated to disrupt services already being provided in any incorporated communities or in the larger Wasco County area. The public landfill nearest to the Site Boundary is the Wasco County Landfill, owned by Waste Connections, Inc., in The Dalles. The Wasco County Landfill expanded its capacity in 2001 and currently has a solid waste disposal permit that is valid until 2024 (ODEQ 2014).

## *Housing*

### *Construction*

An average of 250 employees will be present on site during construction. This number will fluctuate during periods where multiple teams of contractors perform their work simultaneously. The Applicant estimates that a maximum of 500 employees will be on site at one time, when multiple disciplines of contractors complete their work simultaneously during periods of the highest activity.

Construction workers will include a combination of locally hired workers for road and facility construction, and specialized workers for certain types of specialized construction (e.g. solar array installation and testing). Some workers are expected to come from outside of the study area and will require temporary housing. The percentage of the construction workforce that is hired locally will depend on the availability of workers with appropriate skills. The size of the skilled local workforce is continually growing as more solar energy projects are built in eastern Oregon. Additional workers may commute daily from communities outside the study area (e.g., The Dalles, Dufur, Warm Springs, Madras), which would lessen impacts to housing associated with the in-migration of outside workers.

Construction workers hired from areas outside a commutable distance may choose to stay in local motels or other rental units for the duration of their stay, which could have potential impacts on housing if there is an inadequate supply of housing in relation to the demand from the new temporary and permanent residents associated with the Project. Typical housing options for temporary workers include motels, hotels, apartments, short-term rental homes, and campgrounds or other areas where workers can park trailers or other mobile housing. Availability of temporary housing is best in larger communities within a commutable distance of the construction site, where hotels, motels, and trailer parking are available, although options are also available in nearby smaller towns. Communities that could potentially house temporary workers include Hood River, The Dalles, Dufur, Wasco, Maupin, and Madras. Because workers can spread out to many communities within a commutable distance, the impact to housing in the immediate vicinity of the Facility associated with the in-migration of outside workers will be lessened. Workers from outside the area will also benefit the communities and local businesses by renting rooms, eating at local restaurants, and purchasing goods and services from local stores.

### *Operations*

An estimated 5 to 10 operational personnel, including contract workers, will be permanently employed at the Facility at its full 303-MW capacity. Where possible, the O&M staff will be hired locally, except for those positions that require previous experience at other solar energy generation facilities. Some outside contractors may also be required from time to time for specialized maintenance tasks, such as solar module inspections, electrical system maintenance, or the repair of solar panel and tracker equipment. The Applicant expects that the Facility will be in operation for



at least 30 years. No significant adverse impacts to housing in the area are anticipated because of housing operational personnel.

### ***Traffic Safety***

The primary transporter route is assumed to carry the majority of construction-related heavy-duty and light-duty delivery vehicles, as well as some workforce traffic. This route will likely begin from either northbound or southbound US-97 and continue east on Bakeoven Road, or from northbound or southbound US-97 and continue west on Bakeoven Road from Shaniko.

During construction, many trucks may be accessing the site on these transportation routes. Construction-related traffic is not expected to result in any significant adverse impacts to traffic safety. Any improvements to county or state roads will be restricted to areas within the respective rights-of-way and subject to approval by the applicable agency.

Operational staff is expected to commute to the Facility site from nearby communities. Operational trips include employees traveling to work in their personal vehicles, as well as specialized personnel required for inspections Facility components who may travel in light-duty trucks. The occasional delivery truck may also access the site during operations. Operational traffic impacts associated with the Facility are not anticipated. Impacts to traffic safety will be fully evaluated in Exhibit U of the ASC.

### ***Police and Fire Protection***

Wasco County Sheriff's Department serves the Facility area. The Applicant will seek assistance from the Wasco County Sheriff's Office in The Dalles, Oregon, for police service. Backup law enforcement service is available from the Oregon State Police Eastern Region, with offices in Madras, Prineville, and Bend. The relatively small number of new temporary and permanent residents is not anticipated to place significant new demands on the providers of police protection in the area.

The Applicant will work with the Juniper Flat Rural Fire Protection District and the Wasco County Fire District to determine which entity will provide fire protection to the Facility area. The Applicant will notify the Fire Protection Districts of construction plans and phasing, identify the location of and access to Facility structures, and provide mutual assistance in the case of fire in or around the Facility area. The site will be equipped with fire protection equipment in accordance with the Oregon Fire Code. The relatively small number of new temporary and permanent residents is not anticipated to place significant new demands on the fire protection forces that serve the area.

### ***Health Care***

Because population density in the study area is relatively low, hospitals and health care services tend to be regional. The nearest hospital to the southern portion of the Facility site boundary is Mountain View Hospital located in Madras, Oregon, approximately 38 miles from the Facility. The nearest hospital to the northern portion of the Facility site boundary is the Mid-Columbia Medical

Center, located in The Dalles, Oregon, approximately 78 miles. Ambulance service in the area is provided by Wasco County, which operates four ambulances stationed in Maupin, Wasco, and The Dalles. Providers will offer basic, intermediate, and advanced life support emergency medical care and transportation. Impacts on health care could occur if Facility construction activities or increases in temporary residents (during construction) and permanent residents (during operations) were to result in an increase in the use of routine and emergency health care services exceeding the capacity of local providers. Impacts on local health care services will be minimized by careful management of site health and safety risks. The small number of new temporary and permanent residents is not expected to place significant new demands on the health care facilities that serve the area.

### ***Schools***

The Facility site boundary is located within South Wasco County School District #1, which serves the entire southern region of Wasco County. The schools closest to the Facility are South Wasco County High School and Maupin Grade School, both located in Maupin, Oregon, less than 10 miles from the proposed Facility's northern site boundary. There are also several public schools located in Madras, Oregon, approximately 38 miles from the proposed Facility's southern site boundary. Because construction work for the Facility will be short-term and temporary, and because peak construction will occur during the summer months, no new students are anticipated in association with Facility construction. Only minimal demand is expected from the small increase in local population resulting from new permanent employees during Facility operations. Actual impacts on schools will depend on the housing choices of new residents with children, which is unknown. Given the dispersed area in which new residents are likely to settle, the small number of new school children expected, and the number of schools available, it is unlikely that any one school will receive more new students than it can accommodate. As a result, no significant adverse impacts on the ability of communities to provide school services are anticipated because of Facility operation.

# Exhibit L. Water Sources and Use – OAR

## 345-020-0011(1)(I)

*(I) Exhibit L. Information about anticipated water use during construction and operation of the proposed facility, including:*

*(A) A description of each source of water and the applicant's estimate of the amount of water the facility will need from each source.*

### **Response:**

#### ***Construction***

Water will be obtained from local landowners with existing, upgraded existing or new wells, or from the City of Shaniko. In the ASC, the Applicant will verify the anticipated amount of water required for construction and confirm that the local landowners or the City of Shaniko are capable of serving as a water source to meet the Facility requirements during construction. If water is obtained from a new well or wells, they will be permitted under a limited water use license. The construction contractor will be responsible for obtaining water for construction. An estimated 20 million gallons of water will be required for dust control, road compaction, concrete mixing, and other construction uses. However, the amount of water applied daily is highly dependent on weather and varies between construction periods and duration. In addition, the Applicant is still determining the turbine vendor, size, number, and actual generating capacity as well as road layout. The ASC will contain a detailed analysis of water use requirements during construction.

#### ***Operation***

During Facility operation, a new exempt well may be located near the O&M building. The well will provide no more than 5,000 gallons per day for use at the O&M building. If a well is installed and used for construction water under a limited water use license, this well may also be used during Facility operation.

*(B) If a new water right is required, the approximate location of the points of diversion and the estimated quantity of water to be taken at each point.*

### **Response:**

At this time, it is not anticipated that the Facility will require new water rights.

*(C) For operation, the source of cooling water and the estimated consumptive use of cooling water, based on annual average conditions.*

**Response:**

The Facility is a solar energy facility. No cooling water is required for operation. Therefore, these rules are not applicable.

## **Exhibit M. Carbon Dioxide Emissions – OAR 345-020-0011(1)(m)**

*(m) Exhibit M. If the proposed facility would emit carbon dioxide, an estimate of the gross rate of carbon dioxide emissions, a table listing all the factors that form the basis for calculating the estimate, and a statement of the means by which the applicant intends to comply with the applicable carbon dioxide emissions standard under OAR 345-024-560, 345-024-600, or 345-024-630.*

**Response:**

The Facility will not emit carbon dioxide. Therefore, these rules are not applicable.

# Exhibit N. Evaluation of Statutes, Rules, and Ordinances – OAR 345-020- 0011(1)(n)

*(n) Exhibit N. Identification, by legal citation, of all state statutes and administrative rules and local government ordinances containing standards or criteria that the proposed facility must meet for the Council to issue a site certificate, other than statutes, rules and ordinances identified in Exhibit E, and identification of the agencies administering those statutes, administrative rules and ordinances. The applicant shall analyze and describe any problems the applicant foresees in satisfying the requirements of any such statute, rule or ordinance.*

## **Response**

Table N-1 identifies state statutes, administrative rules, and local government ordinances containing standards or criteria that the Applicant must meet for EFSC to issue a Site Certificate, beyond the statutes, rules, and ordinances identified in Exhibit E. The Applicant does not anticipate difficulty in meeting specific requirements.

**Table N-1. Statutes, Rules, and Ordinances Containing Relevant Standards or Criteria**

Department	Legal Citation	Agency Address
Oregon Department of Agriculture	Plant Conservation Biology Program—ORS 564; OAR Chapter 603, Division 73	Oregon Department of Agriculture 635 Capitol Street, N.E. Salem, OR 97301-2532 (503) 986-4550
ODEQ—Water Quality	ORS 468 and 468B; OAR Chapter 340, Divisions 14, 41, 45, 52, and 55	Oregon Department of Environmental Quality 475 NE Bellevue Dr., Suite 110 Bend, OR 97701 (541) 388-6146
ODEQ—Noise	ORS 467; OAR Chapter 340, Division 35	Oregon Department of Environmental Quality 811 SW Sixth Avenue Portland, OR 97204-1390 (503) 229-5696
ODEQ—Hazardous Waste Management	ORS 465 and 466; OAR Chapter 340, Divisions 100-113	Oregon Department of Environmental Quality 811 SW Sixth Avenue Portland, OR 97204-1390 (503) 229-5696
ODEQ—Solid Waste	ORS 459; OAR Chapter 340, Division 93	Oregon Department of Environmental Quality 811 SW Sixth Avenue Portland, OR 97204-1390 (503) 229-5696

**Table N-1. Statutes, Rules, and Ordinances Containing Relevant Standards or Criteria  
(continued)**

<b>Department</b>	<b>Legal Citation</b>	<b>Agency Address</b>
ODFW—Habitat Conservation Division	ORS 496 and 506; OAR Chapter 635, Divisions 100 and 415	Oregon Department of Fish and Wildlife 3406 Cherry Avenue N.E. Salem, OR 97303-4924 (503) 947-6000
Oregon Department of Geology and Mineral Industries	OAR Chapter 632	Oregon Department of Geology and Mineral Industries 800 NE Oregon Street, Suite 965 Portland, OR 97232 (971) 673-1555
Oregon Parks and Recreation Department, SHPO —Archaeological	Native American Graves and Protected Objects—ORS 97.740-97.760 Archaeological Objects and Sites—ORS 358.90-358.955 Permit and Conditions for Excavation or Removal of Archaeological or Historical Materials on Private Lands (OAR 736-051-0090)	State Historic Preservation Office 725 Summer St. NE, Suite C Salem, OR 97301 (503) 986-0671
Oregon Office of State Fire Marshal—Emergency Planning and Community Right to Know Act	ORS 453; OAR Chapter 837, Divisions 85 and 95	Oregon Office of State Fire Marshal 4760 Portland Rd NE Salem, OR 97305-1760 (503) 378-3473
Wasco County Department of Land Use Planning — Land Use <sup>1</sup>	Wasco County Land Use and Development Ordinance	Wasco County Planning Department 2705 East 2nd Street The Dalles OR 97058 541-506-2560
1. As stated in Exhibit I: The Applicant intends to satisfy EFSC's land use standard, OAR 345-022-0030, by seeking an EFSC determination under ORS 469.504(1)(b). The Applicant seeks a determination by EFSC of compliance with land use standards from Wasco County.		

## Exhibit O. Schedule for Application for Site Certificate – OAR 345-020-0011(1)(o)

*(o) Exhibit O. A schedule stating when the applicant expects to submit a preliminary application for a site certificate.*

### **Response:**

The Applicant intends to submit the NOI and Preliminary ASC according to the schedule shown in Table O-1.

**Table O-1. Proposed Schedule for Application for Site Certificate Submittal**

Activity	Anticipated Date
Applicant submits the NOI to EFSC	November 2018
EFSC reviews the NOI, distributes public notice, conducts public information meeting, facilitates comment period, and issues Project Order	November 2018 – January 2019
Applicant submits Preliminary ASC to EFSC	March 2019



## **Exhibit P. Evidence of Consultation with State Commission on Indian Services – OAR 345-020-0011(1)(p)**

*(p) Exhibit P. Evidence of consultation with the Legislative Commission on Indian Services to identify each appropriate tribe to consult with regarding the proposed facility's possible effects on Indian historic and cultural resources.*

### **Response:**

The Applicant submitted a letter to the Oregon Legislative Commission on Indian Services to identify appropriate tribes to contact regarding possible effects of the Facility on Indian historic and cultural resources. On October 23, 2018, the Legislative Commission provided a letter identifying the Confederated Tribes of Warm Springs as the appropriate Tribal government (Attachment 5).

# References

- Energy Storage Association. 2017a. *Lithium Ion (LI-ION) Batteries*.  
<http://energystorage.org/energy-storage/technologies/lithium-ion-li-ion-batteries>.  
 Accessed October 2018.
- Energy Storage Association. 2017b. *Flow Batteries*. <http://energystorage.org/energy-storage/storage-technology-comparisons/flow-batteries>. Accessed October 2018.
- Hart, David, and Alfred Sarkissian. 2016. Deployment of Grid-Scale Batteries in the United States. School of Policy and Government, George Mason University. Prepared for Office of Energy Policy and Systems Analysis, U.S. Department of Energy. June.
- NWC (Northwest Wildlife Consultants, Inc.). 2011. Avian Field Studies and Avian Impact Assessment for Bakeoven Wind Facility, Wasco County, Oregon. Prepared for Bakeoven Wind, LLC. July 2011.
- ODA (Oregon Department of Agriculture). 2018. Oregon Listed and Candidate Plants. Accessed online at:  
<https://www.oregon.gov/ODA/programs/PlantConservation/Pages/AboutPlants.aspx>.  
 Accessed May 2018.
- ODEQ (Oregon Department of Environmental Quality). 2014. Solid Waste Disposal Site Permit No 53. Issued by ODEQ December 11, 2014.
- ODFW (Oregon Department of Fish and Wildlife). 2013. ODFW Winter Range for Eastern Oregon. GIS dataset.  
<https://nrimp.dfw.state.or.us/DataClearinghouse/default.aspx?p=202&XMLname=885.xml>
- ODFW. 2016. ODFW Sensitive Species List.  
[http://www.dfw.state.or.us/wildlife/diversity/species/docs/2016\\_Sensitive\\_Species\\_List.pdf](http://www.dfw.state.or.us/wildlife/diversity/species/docs/2016_Sensitive_Species_List.pdf)  
 Accessed May 2018.
- ODFW. 2017. Threatened, endangered and candidate fish and wildlife species.  
[http://www.dfw.state.or.us/wildlife/diversity/species/threatened\\_endangered\\_candidate\\_list.asp](http://www.dfw.state.or.us/wildlife/diversity/species/threatened_endangered_candidate_list.asp). Accessed May 2018.
- ORBIC (Oregon Biodiversity Information Center). 2016. Rare, Threatened and Endangered Species of Oregon. Institute for Natural Resources, Portland State University, Portland, Oregon. 130 pp.
- ORBIC. 2018. Confidential results of database query, received May 17, 2018.
- StreamNet. 2017. StreamNet – Fish Distribution by Species. Fish Distribution\_BySpeciesRun Layer. Updated March 15, 2017.  
<http://psmfc.maps.arcgis.com/home/item.html?id=9b0bec3ddbfa4268aff8564dd4298f35>  
 Accessed July 17, 2018.

Tetra Tech. 2018. Special-Status Wildlife and Habitat Survey Report for the Bakeoven Energy Project. Wasco County, Oregon. Prepared for Bakeoven Wind, LLC. September 2018.

Wasco County. 2010. Wasco County Comprehensive Plan. Wasco County Planning and Development Office. Adopted August 25, 1983. Last updated June 1, 2010.

[https://www.co.wasco.or.us/docs/Planning%20Reference/CompPlan\\_Ch1-20\\_MERGED\\_Searchable.pdf](https://www.co.wasco.or.us/docs/Planning%20Reference/CompPlan_Ch1-20_MERGED_Searchable.pdf)

## **ATTACHMENT 1. ARTICLES OF INCORPORATION AND AUTHORIZATION**

# ARTICLES OF ORGANIZATION



Corporation Division  
[www.filinginoregon.com](http://www.filinginoregon.com)

**E-FILED**  
Oct 11, 2018  
**OREGON SECRETARY OF STATE**

## REGISTRY NUMBER

148522790

## TYPE

DOMESTIC LIMITED LIABILITY COMPANY

## 1. ENTITY NAME

BAKEOVEN SOLAR, LLC

## 2. MAILING ADDRESS

1125 NW COUCH ST  
STE 700  
PORTLAND OR 97209 USA

## 3. PRINCIPAL PLACE OF BUSINESS

1125 NW COUCH ST  
STE 700  
PORTLAND OR 97209 USA

## 4. NAME & ADDRESS OF REGISTERED AGENT

15872088 - CORPORATION SERVICE COMPANY  
  
1127 BROADWAY ST NE APT 310  
SALEM OR 97301 USA

## 5. ORGANIZERS

ERICA KESTER  
  
1125 NW COUCH ST STE 700  
PORTLAND OR 97209 USA

## 6. INDIVIDUALS WITH DIRECT KNOWLEDGE

TOAN NGUYEN  
  
1125 NW COUCH ST STE 700  
PORTLAND OR 97209 USA

## 7. INITIAL MEMBERS/MANAGERS

### MEMBER

44852689 - AVANGRID RENEWABLES, LLC  
  
1125 NW COUCH ST STE 700  
PORTLAND OR 97209 USA



---

**8. DURATION**

PERPETUAL

**9. MANAGEMENT**

This Limited Liability Company will be member-managed by one or more members

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

**ELECTRONIC SIGNATURE**

**NAME**

ERICA KESTER

**TITLE**

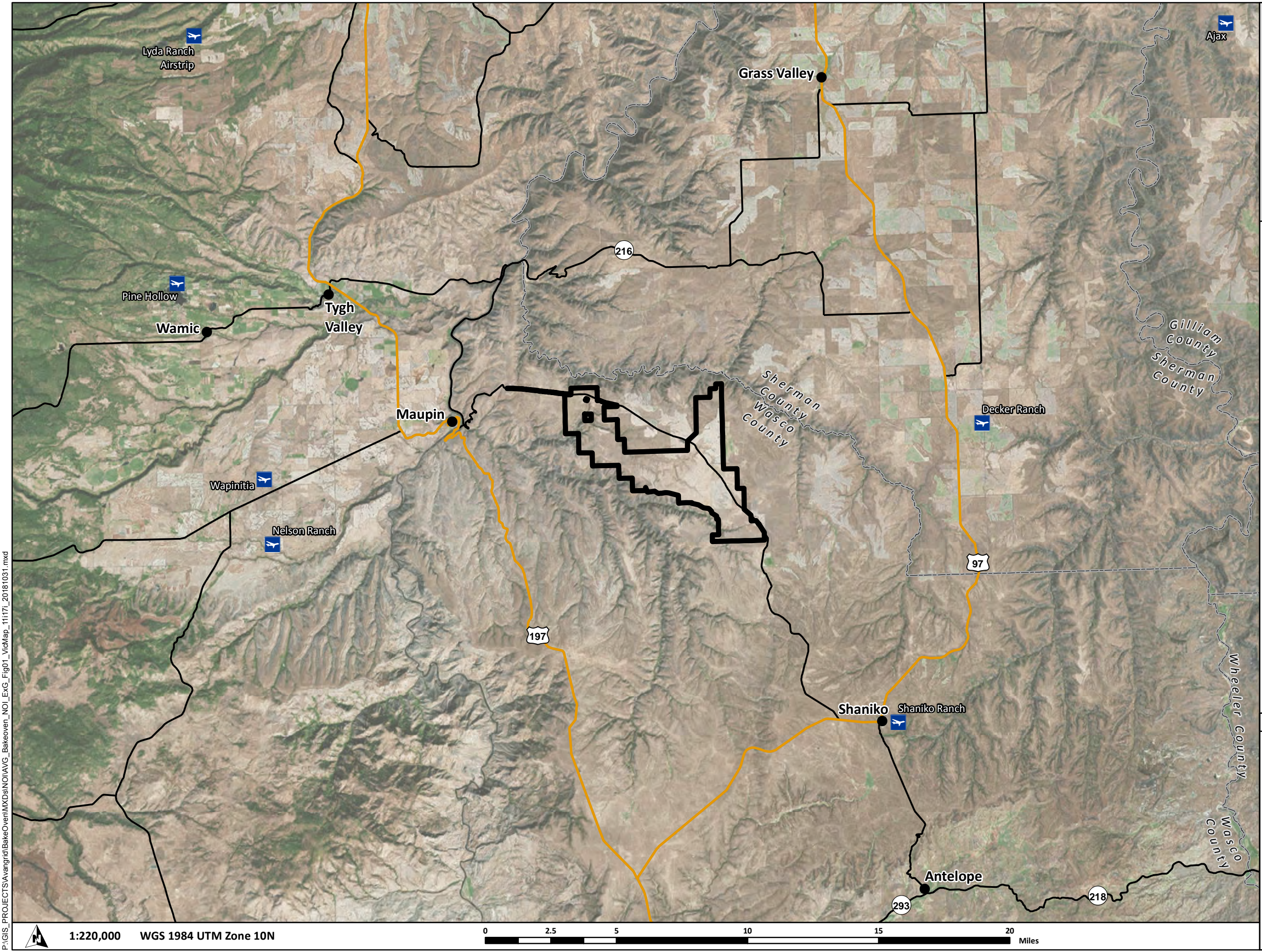
SENIOR PARALEGAL

**DATE SIGNED**

10-11-2018

## **ATTACHMENT 2. FIGURES**





Bakeoven Solar Project

Figure G-1  
Vicinity Map

WASCO COUNTY, OREGON

- Site Boundary
- County Boundary
- Secondary Highway
- Secondary Road
- Airport (Private)

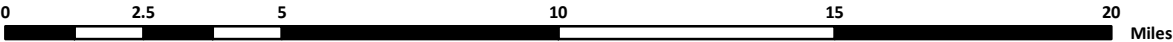


Data Sources	Reference Map
Avangrid-Project Infrastructure; USDA-Aerial Imagery; ESRI-Roads, Cities; Ventyx-Airports	

P:\GIS\_PROJECTS\Avangrid\BakeOven\MXDs\NOI\AVG\_Bakeoven\_NOI\_Exc\_Fig01\_VicMap\_111171\_20181031.mxd

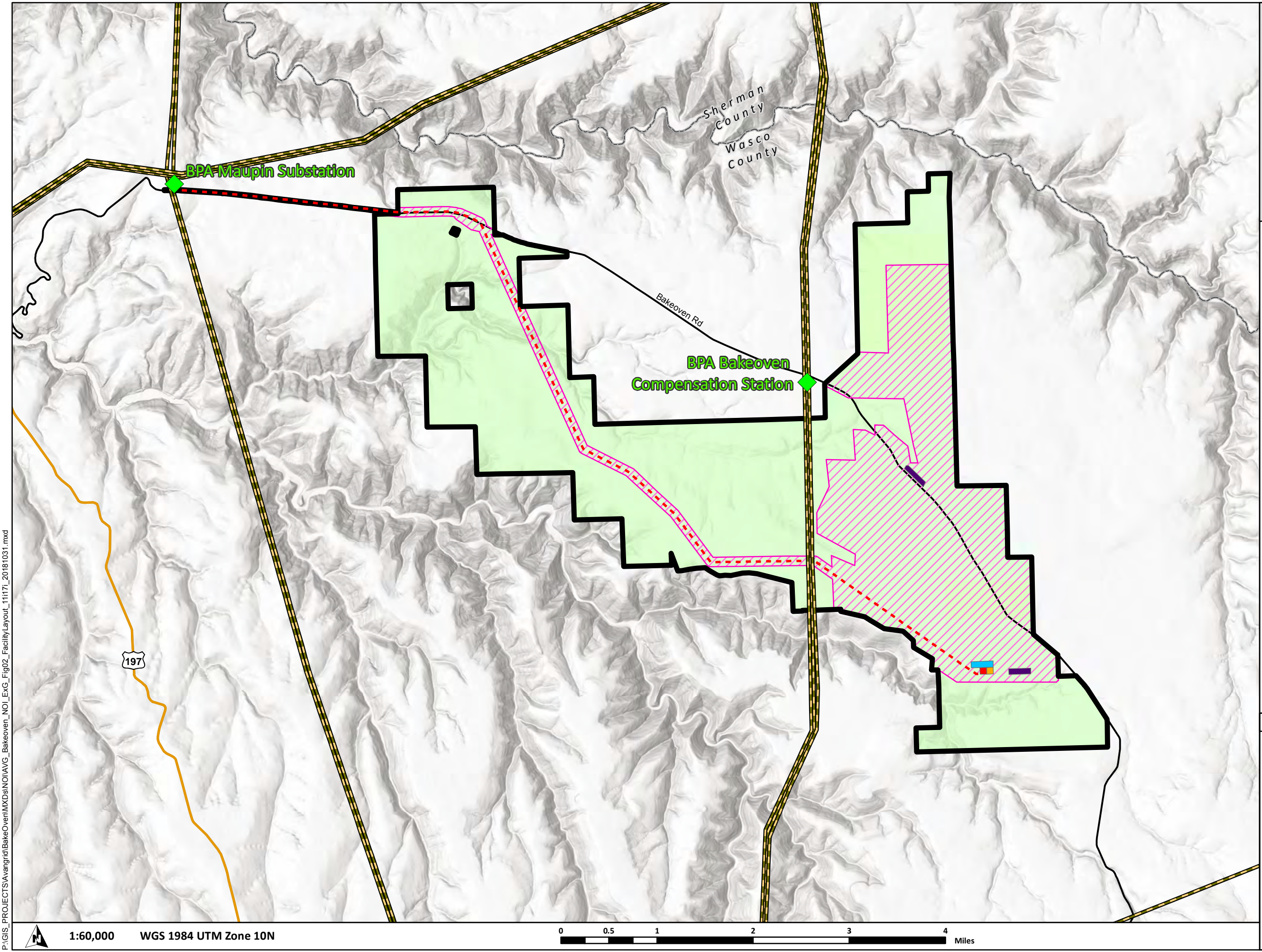


1:220,000 WGS 1984 UTM Zone 10N





P:\GIS\_PROJECTS\Avangrid\BakeOven\MXD\BakeOven\_NOI\_Exc\_Fig02\_FacilityLayout\_111171\_20181031.mxd



**Bakeoven Solar Project**

**Figure G-2  
Facility Layout**

WASCO COUNTY, OREGON

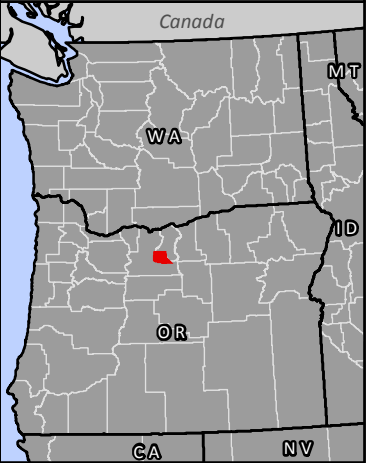
- Site Boundary
- Micrositing Corridor
- Proposed Gen-Tie Line, 230kV
- Proposed O&M Facility
- Proposed Substation
- Proposed Staging Area
- Proposed Battery Storage
- County Boundary
- Secondary Road
- Existing Substation
- Existing Transmission Line (>100kV)
- Private Land Under Lease



**Data Sources**

Avangrid-Project Infrastructure;  
USDA-Aerial Imagery; ESRI-Roads;  
Ventyx-Existing Transmission Line, Substations

**Reference Map**

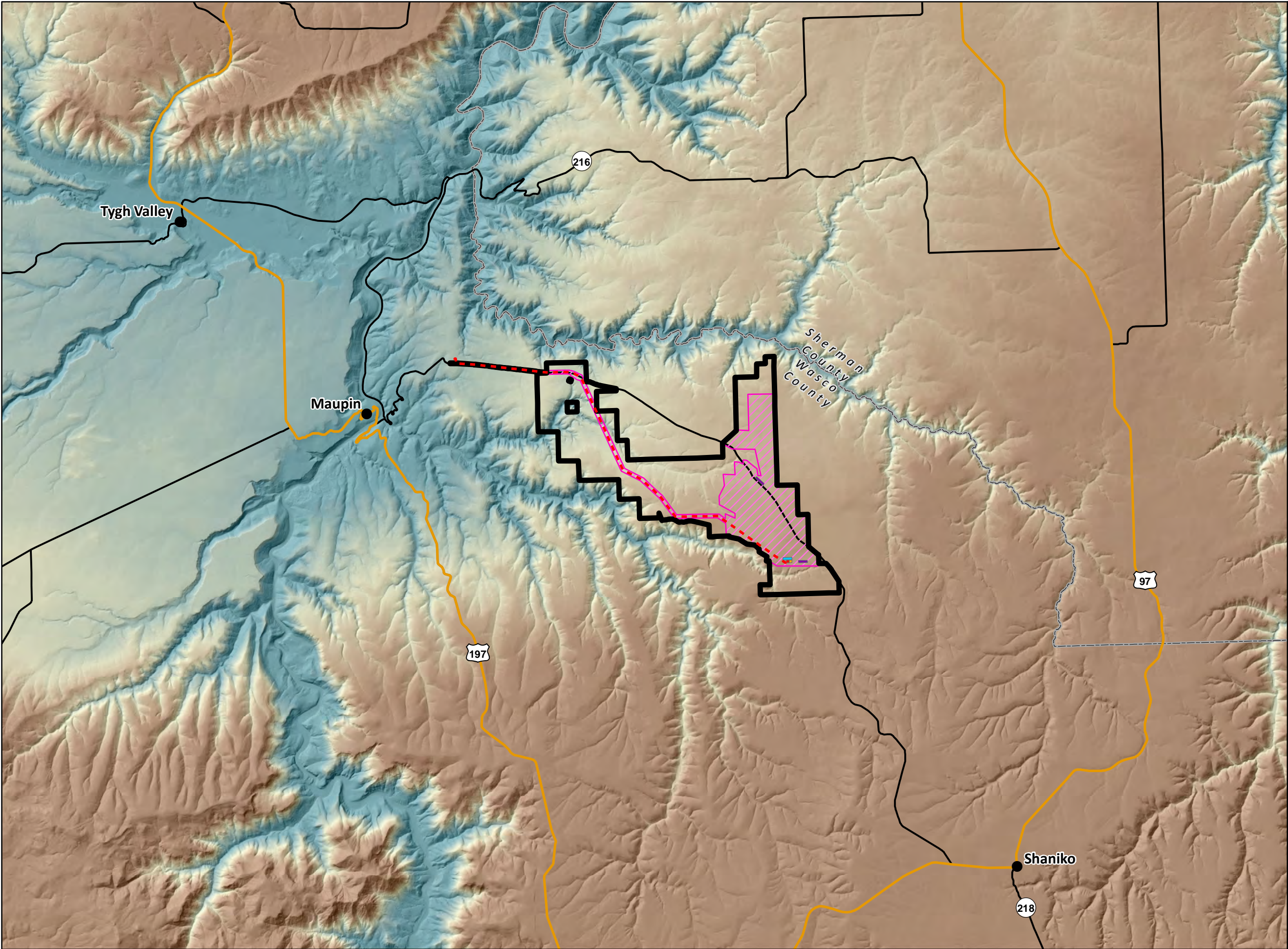


1:60,000 WGS 1984 UTM Zone 10N

0 0.5 1 2 3 4 Miles



P:\GIS\_PROJECTS\Avangrid\BakeOven\MXD\BakeOven\NOI\AVG\_Bakeoven\_NOI\_ExG\_Fig03\_Topography\_111171\_20181031.mxd



**Bakeoven Solar Project**

**Figure G-3  
Topography**

WASCO COUNTY, OREGON

- Site Boundary
- Micrositing Corridor
- Proposed Gen-Tie Line, 230kV
- Proposed O&M Facility
- Proposed Substation
- Proposed Staging Area
- Proposed Battery Storage
- County Boundary
- Secondary Highway
- Secondary Road
- Elevation (feet)
  - High : 2670
  - Low : 1150



**Data Sources**

Avangrid-Project Infrastructure;  
USGS-DEM; ESRI-Roads, Cities

**Reference Map**










1:150,000 WGS 1984 UTM Zone 10N

0 0.5 1 2 3 4 Miles



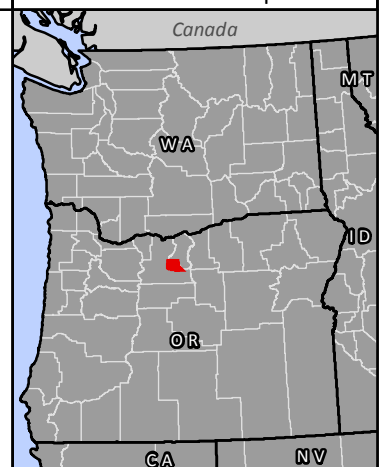
**Figure G-4**  
**National Wetlands Inventory**

 Site Boundary  
 County Boundary  
 Secondary Road  
**Wetland Type**  
 Freshwater Emergent wetland  
 Freshwater- Forested and Shrub wetland  
 Freshwater pond  
 Riverine



Reference Map

Avangrid-Project Infrastructure;  
ESRI-Roads; USFWS-NWI



Bakeoven Rd

A map showing the boundary between Sherman County and Wasco County. The text "Sherman County" is written above the boundary line, and "Wasco County" is written below it. The map is oriented with the boundary line running diagonally from the top left to the bottom right.

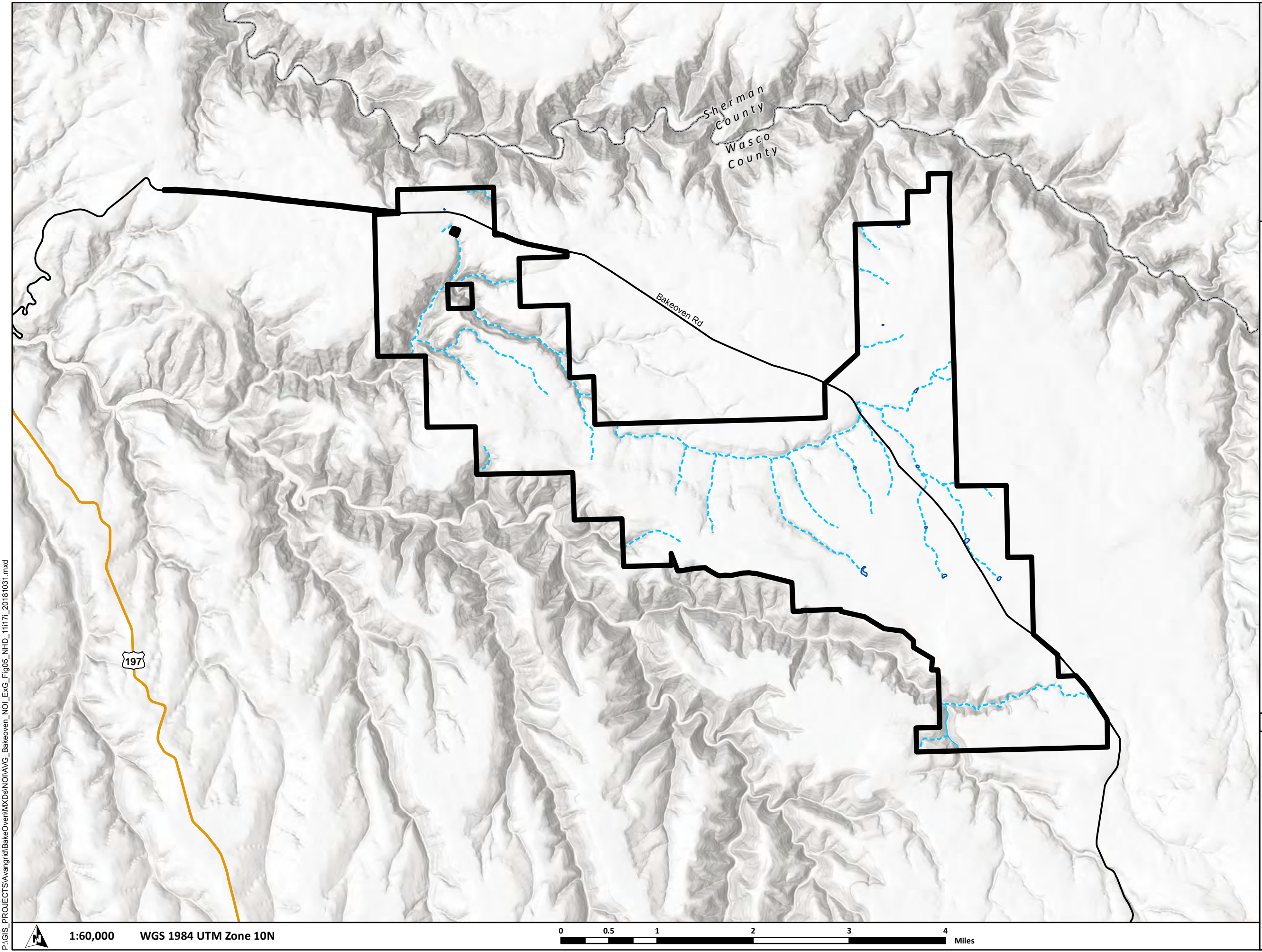
**1:60,000      WGS 1984 UTM Zone 10N**

0 0.5 1 2 3 4 Miles

P:\GIS\_PROJECTS\Avangrid\BakeOver\MXDs\NOI\AVG\_Bakeover\_NOI\_ExG\_Fig04\_NWI\_11i17i\_20181031.mxd



P:\GIS\_PROJECTS\Avangrid\BakeOven\MXD\BakeOven\_NOI\_Exc\_Fig05\_NHD\_111171\_20181031.mxd



**Bakeoven Solar Project**

**Figure G-5  
National Hydrography Data**

WASCO COUNTY, OREGON

- Site Boundary
- County Boundary
- Secondary Road
- Streams
  - Perennial
  - Intermittent
- Waterbody
  - Lake/Pond



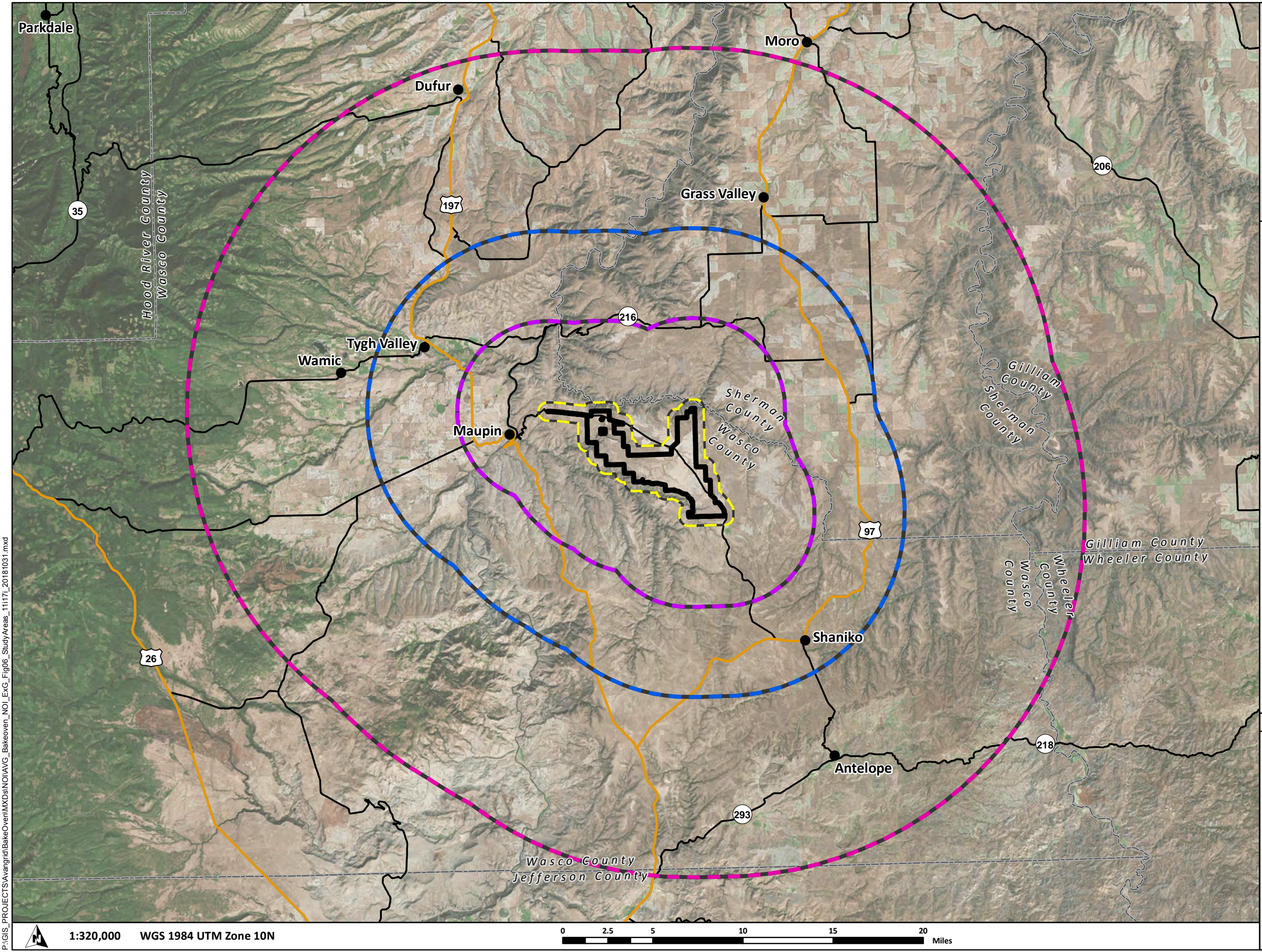
Data Sources	Reference Map
Avangrid-Project Infrastructure; ESRI-Roads; USGS-NHD	



1:60,000 WGS 1984 UTM Zone 10N

0 0.5 1 2 3 4 Miles





Bakeoven Solar Project

Figure G-6  
Study Area Boundaries

WASCO COUNTY, OREGON

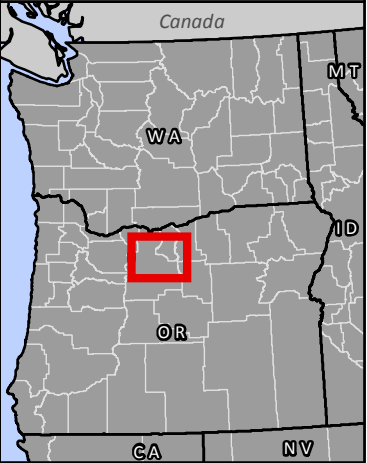
- Site Boundary
- Study Area
  - 0.5 miles, Land Use and Fish and Wildlife Habitat
  - 5 miles, Recreation and Threatened and Endangered Species
  - 10 miles, Scenic Resources and Public Services
  - 20 miles, Protected Areas
- County Boundary
- Secondary Highway
- Secondary Road



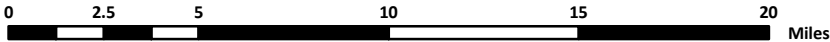
Data Sources

Avangrid-Project Infrastructure;  
USDA-Aerial Imagery; ESRI-Roads, Cities

Reference Map

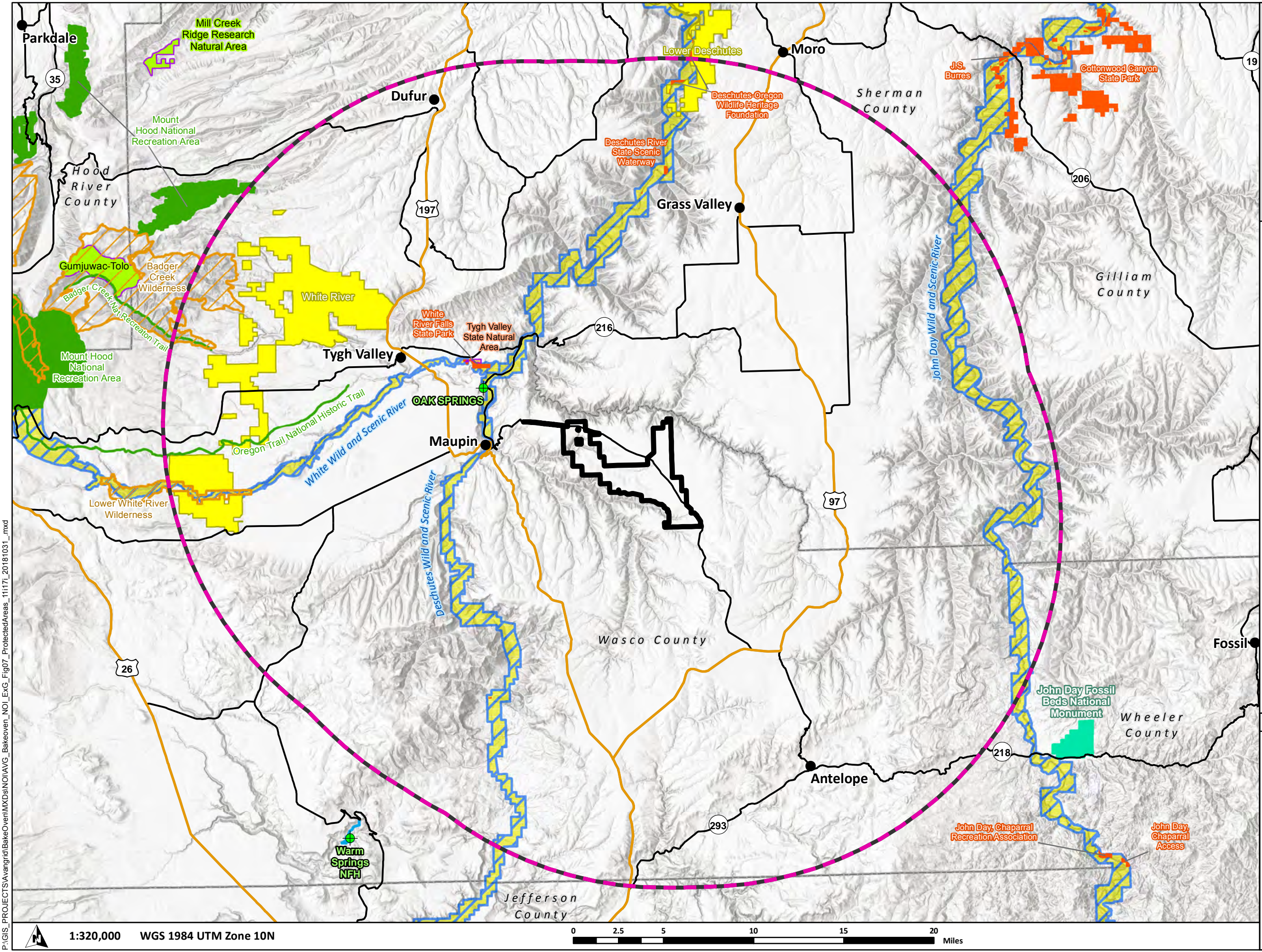


1:320,000 WGS 1984 UTM Zone 10N



P:\GIS\_PROJECTS\Avangrid\BakeOven\MXD\BakeOven\_NOI\AVG\_Fig06\_StudyAreas\_111171\_20181031.mxd





### Bakeoven Solar Project

**Figure G-7  
Protected Areas**

WASCO COUNTY, OREGON

Site Boundary

Study Area

County Boundary

Secondary Highway

Secondary Road

Fish Hatchery (ODFW)

Wild and Scenic River

National Monument (NPS)

National Recreation and Scenic Areas (USFS)

Warm Springs National Fish Hatchery

Oregon Department of Fish and Wildlife Wildlife Refuge (ODFW)

Oregon Parks and Recreation Department Site (OPRD)

Wilderness Area

Forest Service Natural Area

State Natural Area

TETRA TECH

AVANGRID RENEWABLES

Data Sources

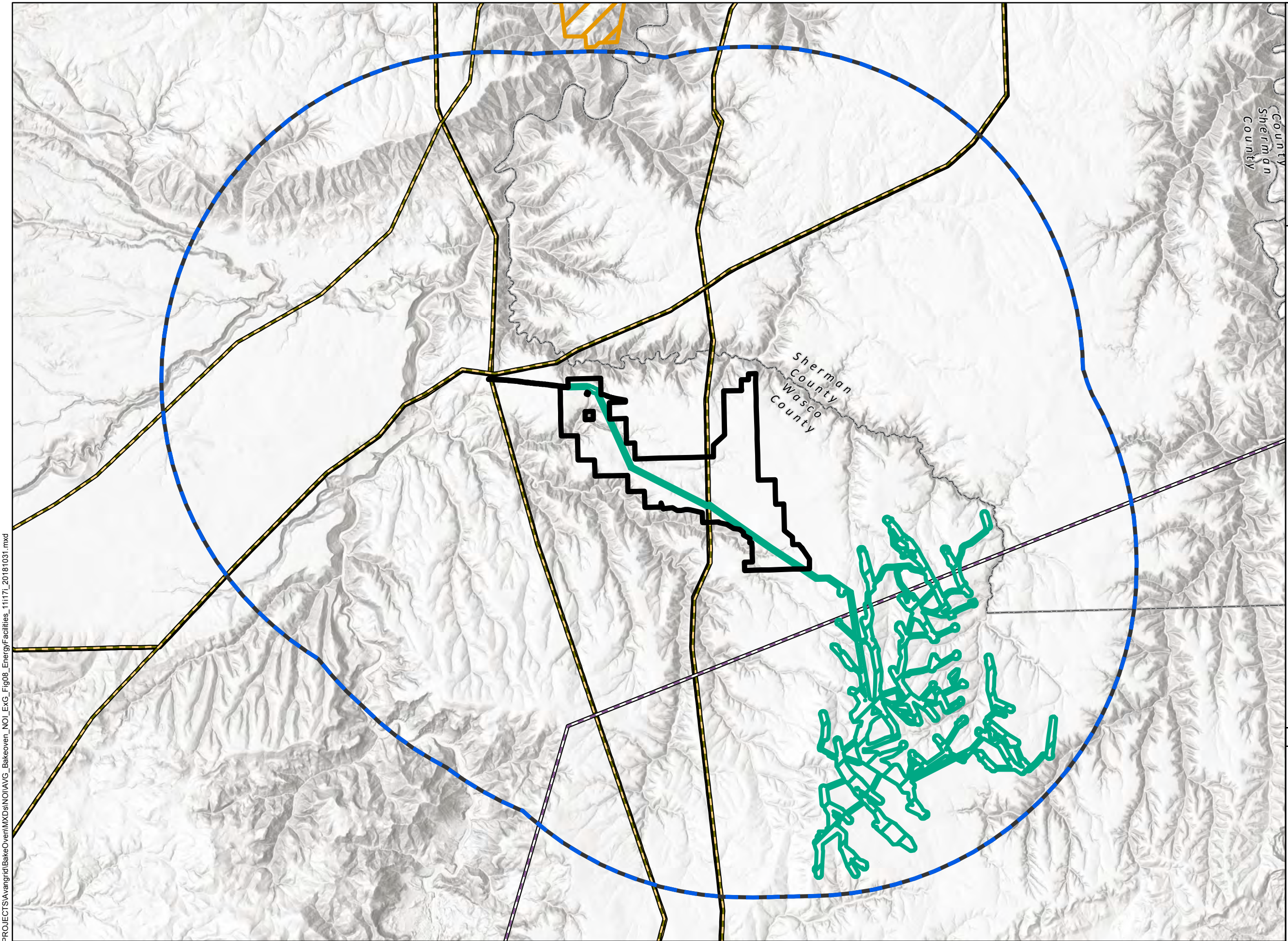
Avangrid-Project Infrastructure; USGS-Hillshade; ESRI-Roads, Cities; NPS-National Monuments; USFS-Wilderness Areas, National Recreation & Scenic Areas, Scenic Waterways/Wild & Scenic Rivers; OPRD-State Parks & Waysides, State Natural Areas; ODFW-Fish Hatcheries, State Wildlife & Management Areas

Reference Map

P:\GIS\_PROJECTS\Avangrid\BakeOven\MXD\BakeOven\NOI\AVG\_Bakeoven\_NOI\_EXG\_Fig07\_ProtectedAreas\_111171\_20181031\_.mxd



P:\GIS\_PROJECTS\Avangrid\BakeOven\MMXDsl\NOI\AVG\_Bakeoven\_NOI\_Exc\_Fig08\_EnergyFacilities\_111171\_20181031.mxd



**Bakeoven Solar Project**

**Figure G-8  
Energy Facilities within 10 Miles**

WASCO COUNTY, OREGON

- Site Boundary
- Study Area
- 10 miles, Scenic Resources and Public Services
- County Boundary
- Transmission Line**
  - In Service
  - Proposed
- Wind (in development)**
  - Summit Ridge Wind Project, Approved
  - Imperial Wind Project, Proposed



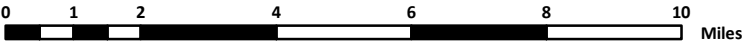
**Data Sources**

Avangrid-Project Infrastructure;  
USGS-Hillshade; ESRI-Roads, Cities;  
Ventyx-Substation, Transmission Line

**Reference Map**



1:180,000 WGS 1984 UTM Zone 10N





## **ATTACHMENT 3. TAX LOT IDS OF WASCO AND SHERMAN COUNTY LANDOWNERS**



Table F-1. Property Owners within 1 mile of the Proposed Facility Site Boundary (Data Obtained October 30, 2018)

Map Tax Lot	First Name	Last Name	Name 2	Company/Organization	C/O-Attn.	Address	City	State	Zip Code
Wasco County									
5S 16E 0 1201	LARRY C	ASHLEY	VICKI			90530 BAKEOVEN RD	MAUPIN	Oregon	97037
4S 15E 0 800	RUTH	LINDLEY				87670 BAKEOVEN RD	MAUPIN	Oregon	97037
4S 15E 0 900				WASCO COUNTY		511 WASHINGTON ST	THE DALLES	Oregon	97058
5S 15E 0 100				ASHLEY L STEVEN ET AL		3633 WASHINGTON ST	SAN FRANCISCO	California	94118-1832
5S 15E 0 1000	RUTH	LINDLEY				87670 BAKEOVEN RD	MAUPIN	Oregon	97037
4S 14E 0 2700				CONNOLLY LAND & LIVESTOCK INC		19570 PINEHURST RD	BEND	Oregon	97701-9089
4S 14E 0 4100				UNITED STATES OF AMERICA		UNDETERMINED PARTY_ADDRESS	AUBURN	Oregon	97058
4S 15E 0 1000				UNITED STATES OF AMERICA		3050 NE 3RD ST	PRINEVILLE	Oregon	97754
4S 15E 0 1100	JOHN F	LARSELL	JOANNIE			1283 NW 14TH ST	LINCOLN CITY	Oregon	97367
4S 15E 0 1200				CEMETERY		UNDETERMINED PARTY_ADDRESS	AUBURN	Oregon	97058
4S 15E 0 1300	LONNY	BROWN	PAMELA			PO BOX 879	FAIRVIEW	Oregon	97024
4S 15E 0 1400	LONNY	BROWN	PAMELA			PO BOX 879	FAIRVIEW	Oregon	97024
4S 15E 0 1500				ASHLEY L STEVEN ET AL		3633 WASHINGTON ST	SAN FRANCISCO	California	94118-1832
4S 15E 0 300				STATE OF OREGON		UNDETERMINED PARTY_ADDRESS	AUBURN	Oregon	97058
4S 15E 0 700				CONNOLLY LAND & LIVESTOCK INC		19570 PINEHURST RD	BEND	Oregon	97701-9089
5S 14E 0 100				UNITED STATES OF AMERICA		3050 NE 3RD ST	PRINEVILLE	Oregon	97754
5S 14E 0 200	RUTH	LINDLEY				87670 BAKEOVEN RD	MAUPIN	Oregon	97037
5S 14E 0 300	RUTH	LINDLEY				87670 BAKEOVEN RD	MAUPIN	Oregon	97037
5S 14E 0 400				CONNOLLY LAND & LIVESTOCK INC		19570 PINEHURST RD	BEND	Oregon	97701-9089
5S 15E 0 1400				UNITED STATES OF AMERICA		3050 NE 3RD ST	PRINEVILLE	Oregon	97754
5S 15E 0 1500				CONROY JOANNE L TRUST		541 SUMMIT RIDGE DR	THE DALLES	Oregon	97058
5S 15E 0 1600				UNITED STATES OF AMERICA		3050 NE 3RD ST	PRINEVILLE	Oregon	97754
5S 15E 0 1700				UNITED STATES OF AMERICA		3050 NE 3RD ST	PRINEVILLE	Oregon	97754
5S 15E 0 1800	LARRY C	ASHLEY	VICKI			90530 BAKEOVEN RD	MAUPIN	Oregon	97037
5S 15E 0 1900				ASHLEY L STEVEN ET AL		3633 WASHINGTON ST	SAN FRANCISCO	California	94118-1832
5S 15E 0 200				UNITED STATES OF AMERICA		3050 NE 3RD ST	PRINEVILLE	Oregon	97754
5S 15E 0 2000				CONROY JOANNE L TRUST		541 SUMMIT RIDGE DR	THE DALLES	Oregon	97058
5S 15E 0 2100				WARNOCK RANCHES INC		91440 BAKEOVEN RD	MAUPIN	Oregon	97037
5S 15E 0 2200				CONROY JOANNE L TRUST		541 SUMMIT RIDGE DR	THE DALLES	Oregon	97058
5S 15E 0 300	JOHN F	LARSELL	JOANNIE			1283 NW 14TH ST	LINCOLN CITY	Oregon	97367
5S 15E 0 400	LONNY	BROWN	PAMELA			PO BOX 879	FAIRVIEW	Oregon	97024
5S 15E 0 500	RUTH	LINDLEY				87670 BAKEOVEN RD	MAUPIN	Oregon	97037
5S 15E 0 600	RUTH	LINDLEY				87670 BAKEOVEN RD	MAUPIN	Oregon	97037
5S 15E 0 700				UNITED STATES OF AMERICA		3050 NE 3RD ST	PRINEVILLE	Oregon	97754

Table F-1. Property Owners within 1 mile of the Proposed Facility Site Boundary (Data Obtained October 30, 2018) (continued)

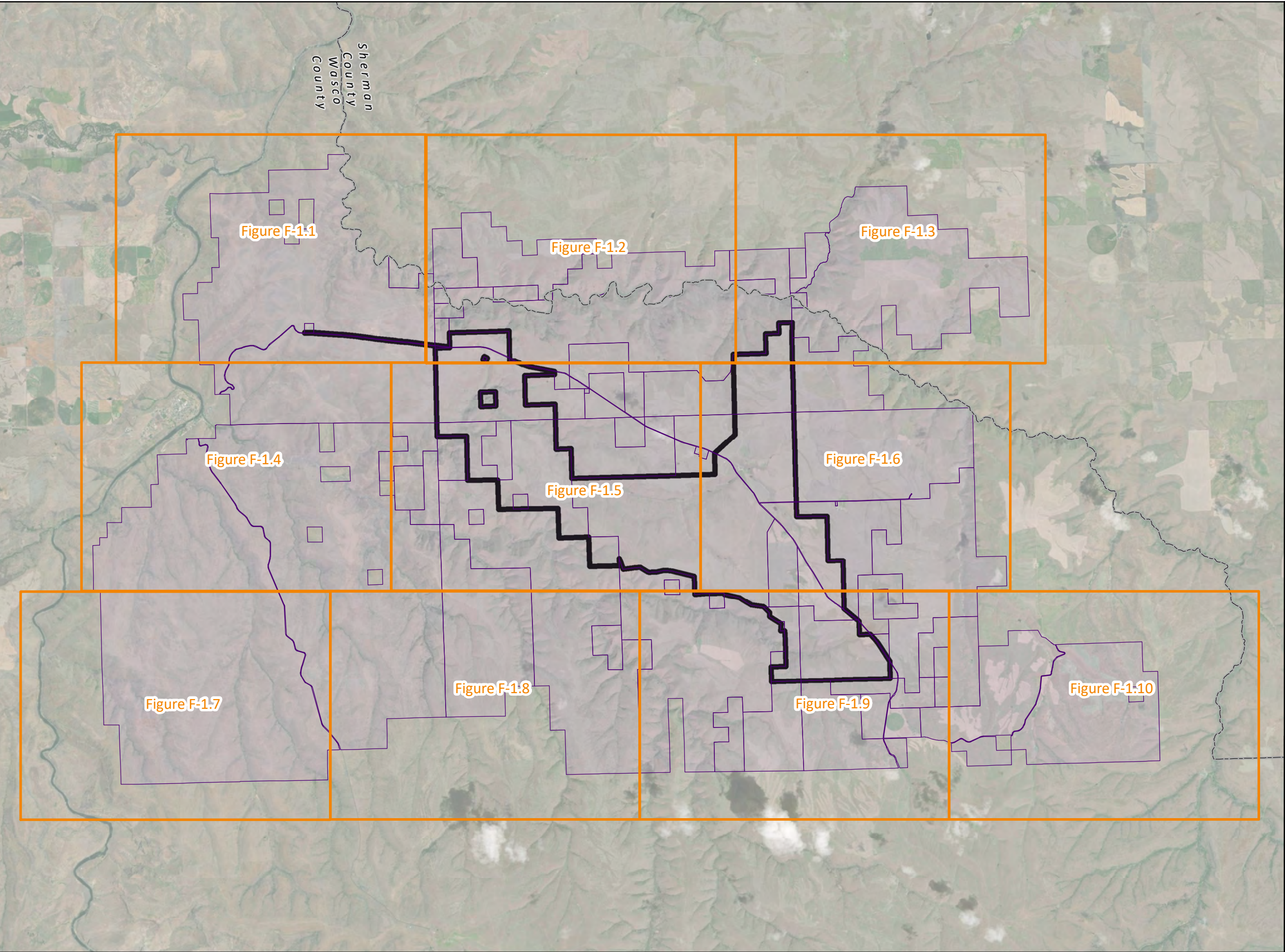
Map Tax Lot	First Name	Last Name	Name 2	Company/Organization	C/O-Attn.	Address	City	State	Zip Code
5S 15E 0 800				CONNOLLY LAND & LIVESTOCK INC		19570 PINEHURST RD	BEND	Oregon	97701-9089
5S 15E 0 900	RUTH	LINDLEY				87670 BAKEOVEN RD	MAUPIN	Oregon	97037
5S 16E 0 1000				PHILLIPS DON W ET AL		PO BOX 689	BEAVERCREEK	Oregon	97004-0689
5S 16E 0 1100				PHILLIPS DON W ET AL		PO BOX 689	BEAVERCREEK	Oregon	97004-0689
5S 16E 0 1300				CHRISMAN LEVI FAMILY LLC		62261 DEER TRIAL RD	BEND	Oregon	97701
5S 16E 0 2000				A & K RANCHES		3633 WASHINGTON ST	SAN FRANCISCO	California	94118-1832
5S 16E 0 2200	LARRY C	ASHLEY	VICKI			90530 BAKEOVEN RD	MAUPIN	Oregon	97037
5S 16E 0 2300				A & K RANCHES		3633 WASHINGTON ST	SAN FRANCISCO	California	94118-1832
5S 16E 0 2400				A & K RANCHES		3633 WASHINGTON ST	SAN FRANCISCO	California	94118-1832
5S 16E 0 2800	DANIEL L	CARVER				92462 HINTON RD	MAUPIN	Oregon	97037
5S 16E 0 3200				BAKEOVEN I LLC		14860 SE 51ST ST	BELLEVUE	Washington	98006
5S 16E 0 3300	BLAINE D	CARVER				91443 HINTON RD	MAUPIN	Oregon	97037
5S 16E 0 3400				WARNOCK RANCHES INC		91440 BAKEOVEN RD	MAUPIN	Oregon	97037
5S 16E 0 1200				A & K RANCHES		3633 WASHINGTON ST	SAN FRANCISCO	California	94118-1832
5S 15E 0 1100	ASHLEY LARRY C & VICKI					90530 BAKEOVEN RD	MAUPIN	Oregon	97037
5S 16E 0 2502				CLARK KENNETH W ET AL		14860 SE 51ST ST	BELLEVUE	Washington	98006
5S 16E 0 2501				CLARK KENNETH W ET AL		14860 SE 51ST ST	BELLEVUE	Washington	98006
5S 16E 0 2500				BAKEOVEN I LLC		14860 SE 51ST ST	BELLEVUE	Washington	98006
4S 15E 0 100				ODOM BETTY J ET AL		55133 JUNIPER FLAT RD	MAUPIN	Oregon	97037
4S 16E 0 300				PHILLIPS DON W ET AL		PO BOX 689	BEAVERCREEK	Oregon	97004-0689
4S 14E 0 4000				UNITED STATES OF AMERICA		3050 NE 3RD ST	PRINEVILLE	Oregon	97754
4S 15E 0 400				UNITED STATES OF AMERICA		3050 NE 3RD ST	PRINEVILLE	Oregon	97754
4S 15E 0 500				CONNOLLY LAND & LIVESTOCK INC		19570 PINEHURST RD	BEND	Oregon	97701-9089
4S 15E 0 600				UNITED STATES OF AMERICA		3050 NE 3RD ST	PRINEVILLE	Oregon	97754
4S 15E 0 200				PROCK STEVEN A & KITTIE M FT		PO BOX 35	EAGLE CREEK	Oregon	97022
4S 16E 0 100				ODOM BETTY J ET AL		55133 JUNIPER FLAT RD	MAUPIN	Oregon	97037
4S 16E 0 200	DOUGLAS	BIBBY				92018 KOPKE LANE	GRASS VALLEY	Oregon	97029
5S 16E 0 900				PHILLIPS DON W ET AL		PO BOX 689	BEAVERCREEK	Oregon	97004-0689
Sherman County									
4S 15E 0 2900				STATE OF OREGON	DEPARTMENT OF STATE LANDS, ASSET MANAGEMENT SECTION	775 SUMMER STREET NE, SUITE 100	SALEM	Oregon	97301-1279
4S 16E 0 3900				FEDERAL GOVERNMENT		EXEMPT			
4S 16E 0 4000	DOUGLAS	BIBBY				92018 KOPKE LANE	GRASS VALLEY	Oregon	97029
4S 16E0 3400	DOUGLAS	BIBBY				92018 KOPKE LANE	GRASS VALLEY	Oregon	97029

Table F-1. Property Owners within 1 mile of the Proposed Facility Site Boundary (Data Obtained October 30, 2018) (continued)

Map Tax Lot	First Name	Last Name	Name 2	Company/Organization	C/O-Attn.	Address	City	State	Zip Code
4 S16E 0 5000				ODOM, BETTY JEAN ETAL		55133 JUNIPER FLAT ROAD	MAUPIN	Oregon	97037-9704
4S 15E 0 3500				FEDERAL GOVERNMENT		EXEMPT			
4S 15E 0 3200				ODOM, BETTY JEAN ETAL		55133 JUNIPER FLAT ROAD	MAUPIN	Oregon	97037-9704
4S 15E 0 2700				PROCK, STEVEN A & KITTIE M TRT		PO BOX 35	EAGLE CREEK	Oregon	97022
4S 15E 0 3000				ODOM, BETTY JEAN ETAL		55133 JUNIPER FLAT ROAD	MAUPIN	Oregon	97037-9704
4S 15E 0 2800				ODOM, BETTY JEAN ETAL		55133 JUNIPER FLAT ROAD	MAUPIN	Oregon	97037-9704
4S 15E 0 2600				FEDERAL GOVERNMENT		EXEMPT			
4S 15E 01500				PROCK, STEVEN A & KITTIE M TRT		PO BOX 35	EAGLE CREEK	Oregon	97022
4S 15E 0 2900				STATE OF OREGON	DEPARTMENT OF STATE LANDS, ASSET MANAGEMENT SECTION	775 SUMMER STREET NE, SUITE 100	SALEM	Oregon	97301-1279







P:\GIS\_PROJECTS\Avangrid\BakeOven\MXD\Index\Exhibit\_F\AVG\_Bakeoven\_NOI\_Ex\_Fig01\_Taxlots\_Index\_111171\_20181031.mxd




**Bakeoven Solar Project**

**Figure F-1 Index  
Taxlots**

WASCO COUNTY, OREGON

-  Site Boundary
-  Grid Index
-  Taxlot Boundary
-  County Boundary

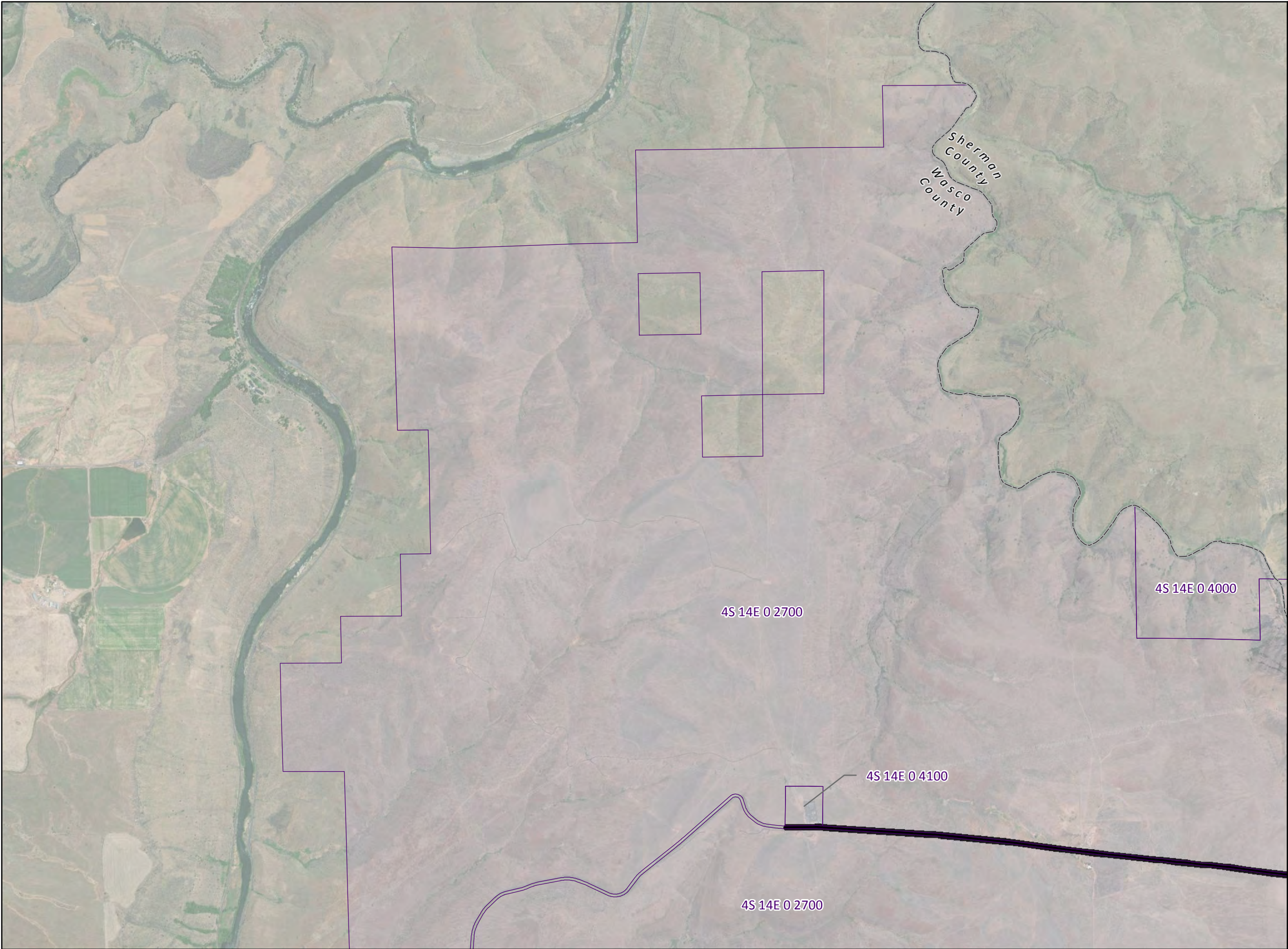


Data Sources	Reference Map
Avangrid-Project Infrastructure; USDA-Aerial Imagery; ESRI-Roads, Cities; Wasco County-Taxlots	





P:\GIS\_PROJECTS\Avangrid\BakeOven\MXD\NOI\Exhibit\_F\AVG\_Bakeoven\_NOI\_Exp\_Fig01\_Taxlots\_Detail\_111171\_20181031.mxd



Bakeoven Solar Project

Figure F-1.1  
Taxlots

WASCO COUNTY, OREGON

- Site Boundary
- Taxlot Boundary
- County Boundary

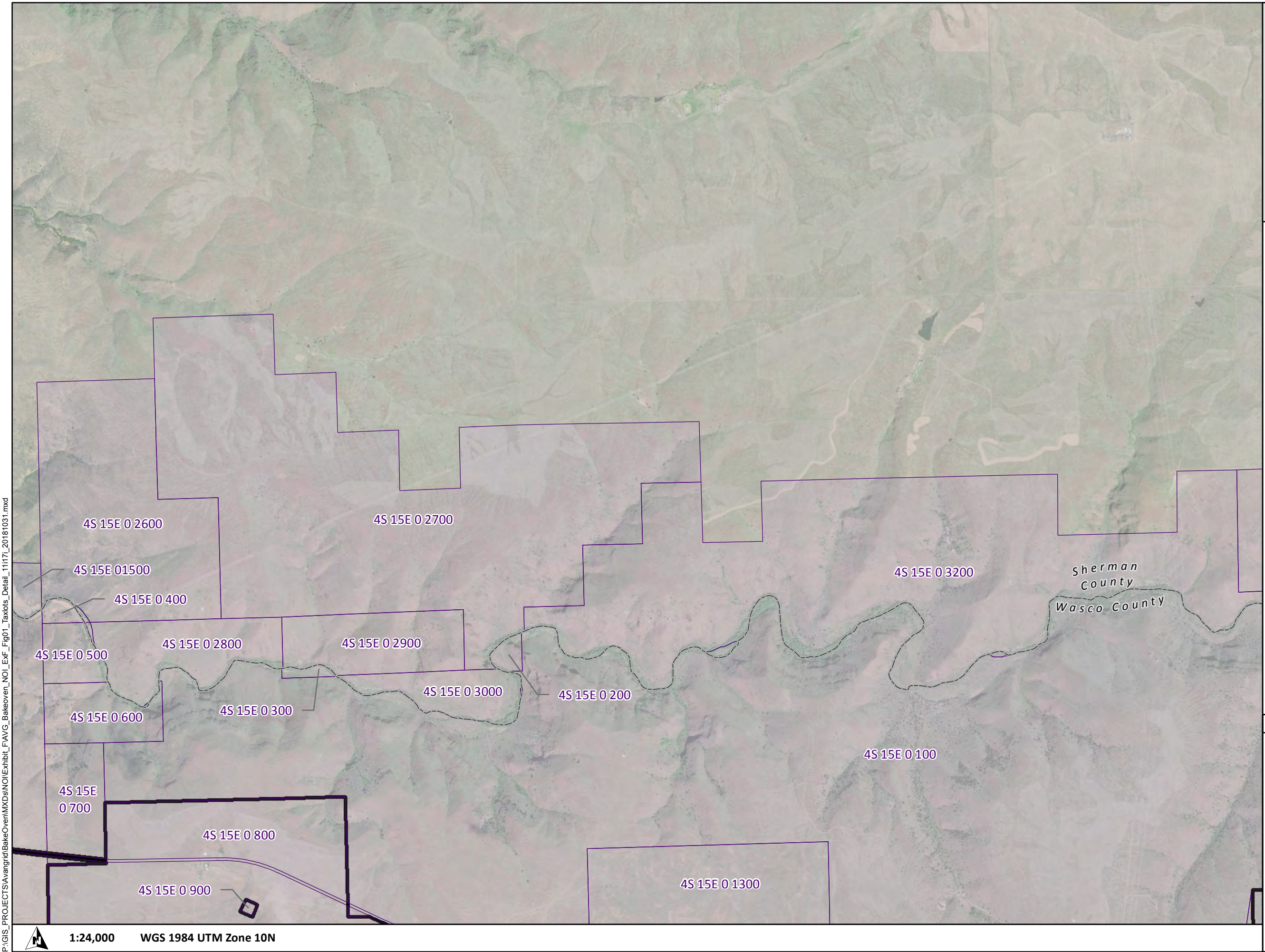


Data Sources	Reference Map
Avangrid-Project Infrastructure; USDA-Aerial Imagery; ESRI-Roads, Cities; Wasco County-Taxlots	








P:\GIS\_PROJECTS\Avangrid\BakeOven\MXD\NOI\Exhibit\_F\AVG\_Bakeoven\_NOI\_Ex\_Fig01\_Taxlots\_Detail\_111171\_20181031.mxd




Bakeoven Solar Project

Figure F-1.2  
Taxlots

WASCO COUNTY, OREGON

-  Site Boundary
-  Taxlot Boundary
-  County Boundary



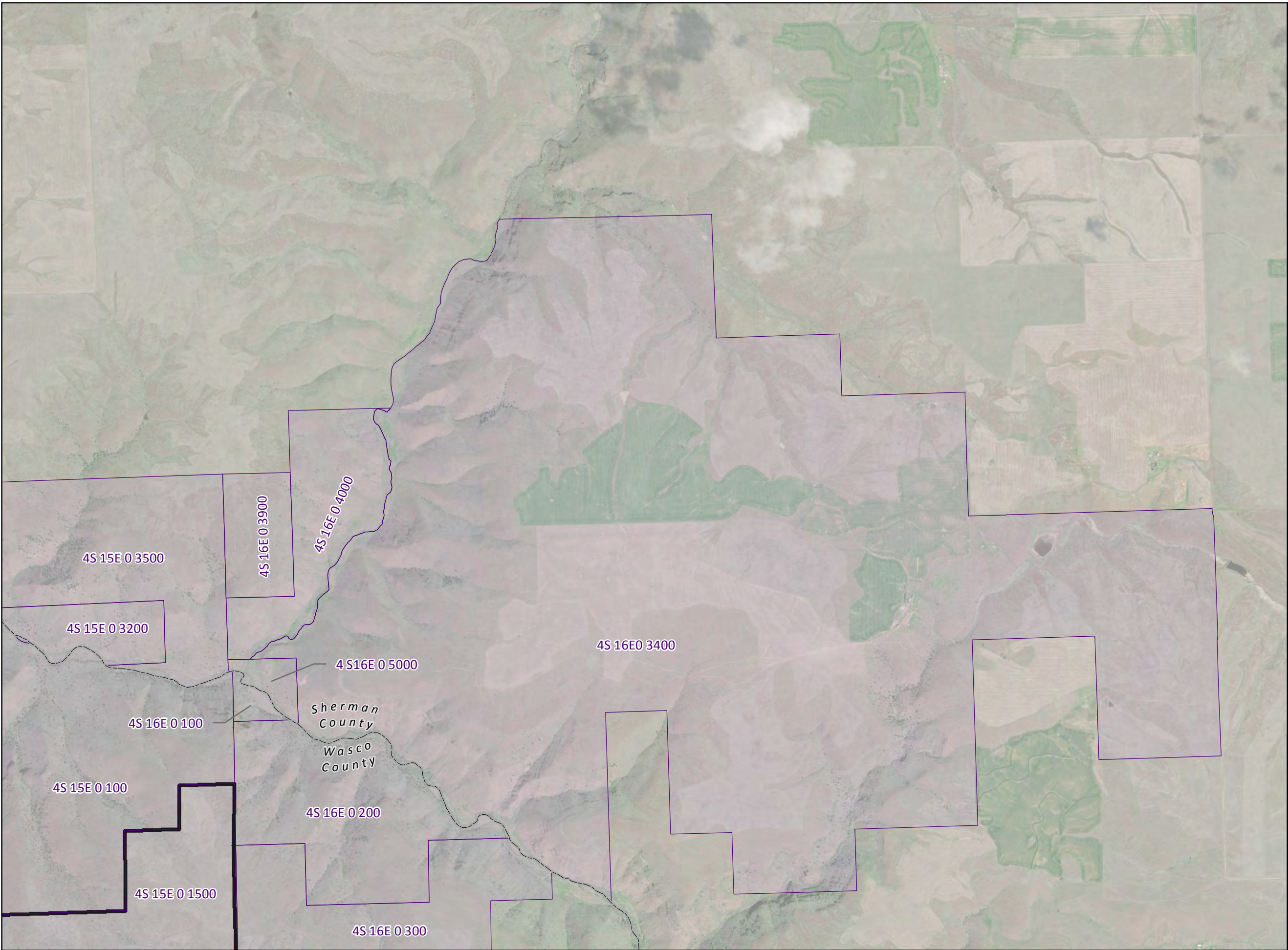
Data Sources	Reference Map
Avangrid-Project Infrastructure; USDA-Aerial Imagery; ESRI-Roads, Cities; Wasco County-Taxlots	



1:24,000 WGS 1984 UTM Zone 10N






P:\GIS\_PROJECTS\Avangrid\BakeOven\MXD\NOI\Exhibit\_F\AVG\_Bakeoven\_NOI\_Ex\_Fig01\_Taxlots\_Detail\_111171\_20181031.mxd




Bakeoven Solar Project

Figure F-1.3  
Taxlots

WASCO COUNTY, OREGON

-  Site Boundary
-  Taxlot Boundary
-  County Boundary

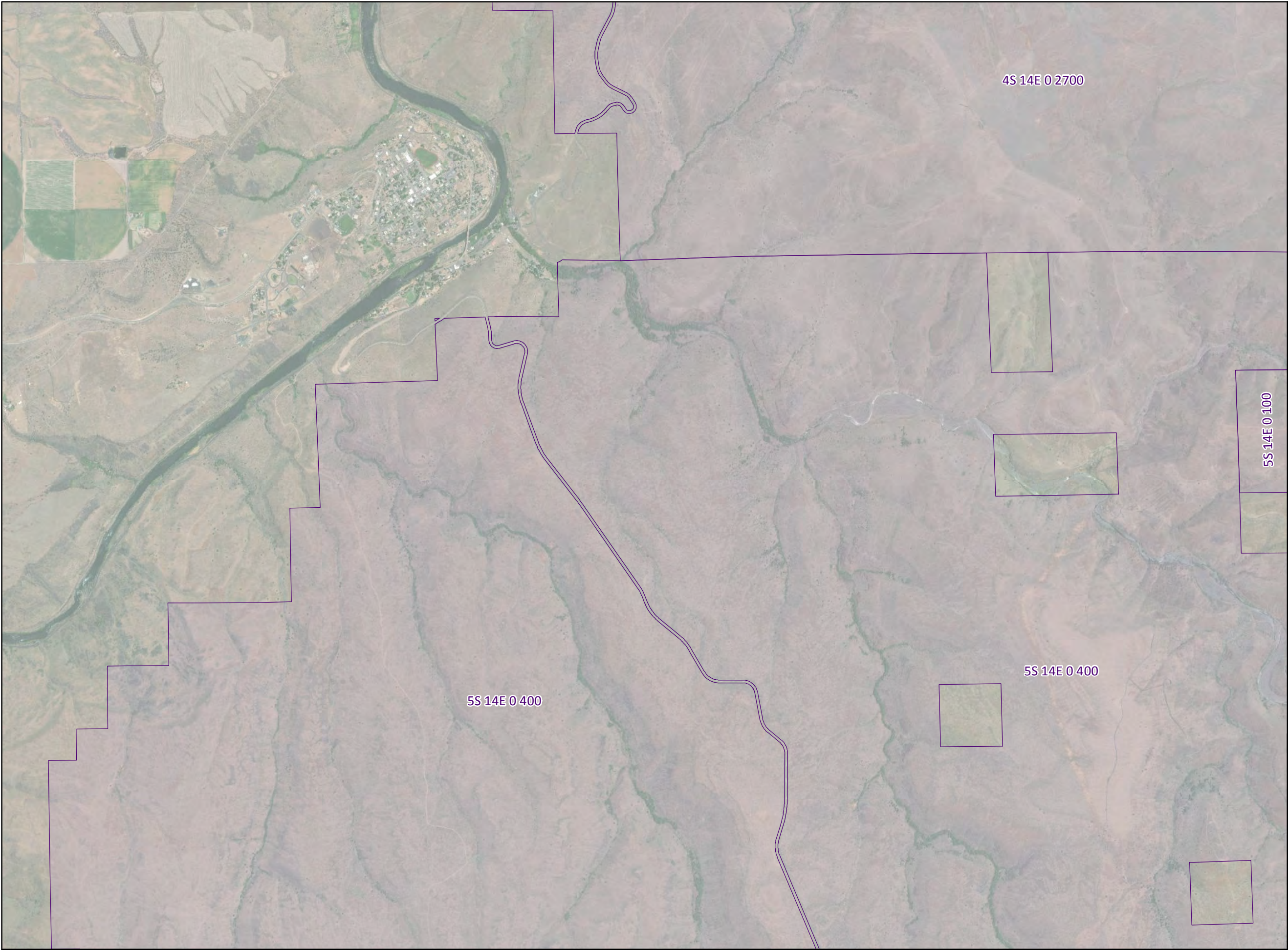


Data Sources	Reference Map
Avangrid-Project Infrastructure; USDA-Aerial Imagery; ESRI-Roads, Cities; Wasco County-Taxlots	








P:\GIS\_PROJECTS\Avangrid\BakeOven\MXD\NOI\Exhibit\_F\AVG\_Bakeoven\_NOI\_Exp\_Fig01\_Taxlots\_Detail\_111171\_20181031.mxd




**Bakeoven Solar Project**

**Figure F-1.4  
Taxlots**

WASCO COUNTY, OREGON

-  Site Boundary
-  Taxlot Boundary
-  County Boundary

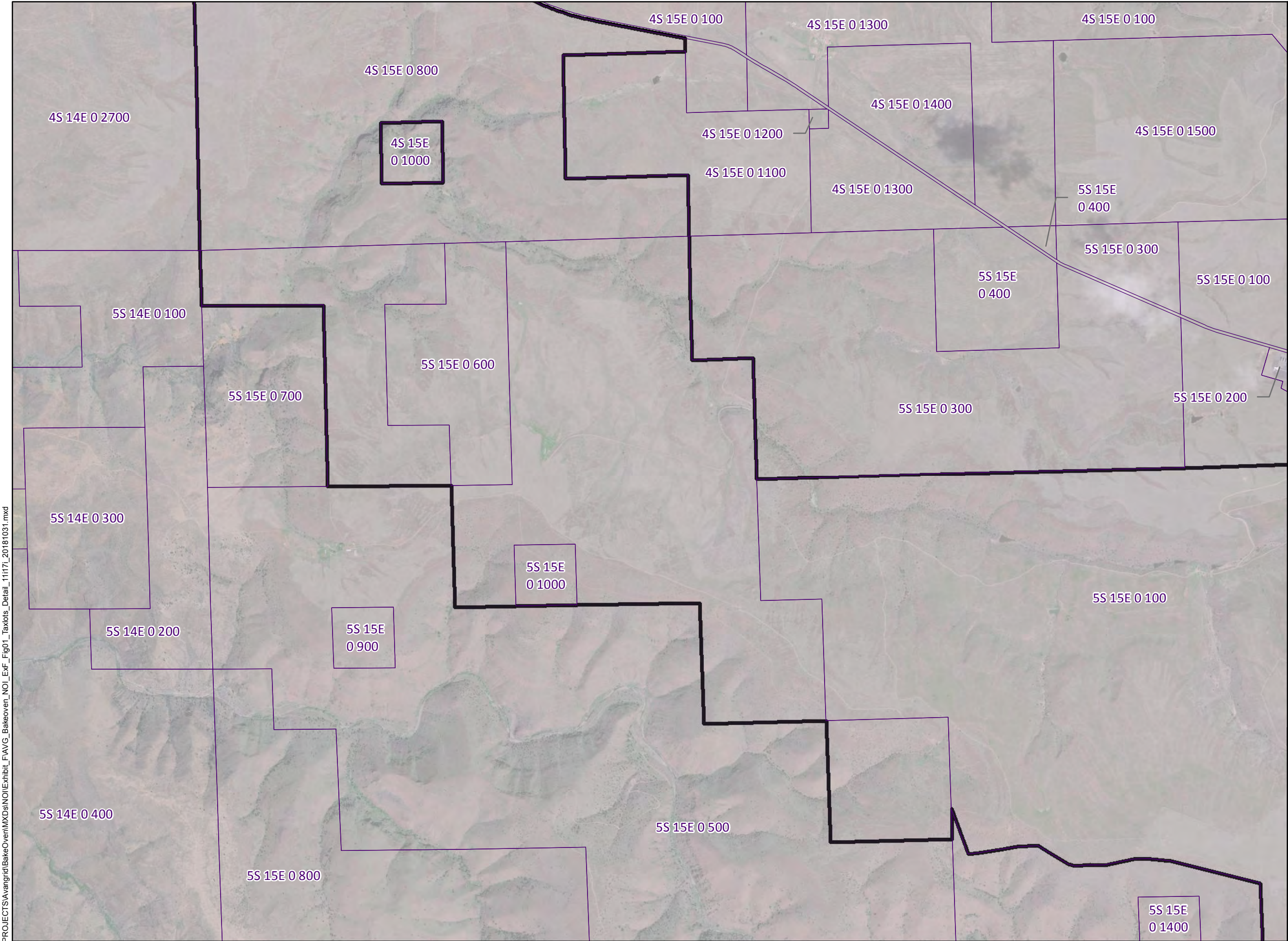


Data Sources	Reference Map
Avangrid-Project Infrastructure; USDA-Aerial Imagery; ESRI-Roads, Cities; Wasco County-Taxlots	








P:\GIS\_PROJECTS\Avangrid\BakeOven\MXD\NOI\Exhibit\_F\AVG\_Bakeoven\_NOI\_Exp\_Fig01\_Taxlots\_Detail\_111171\_20181031.mxd



Bakeoven Solar Project

Figure F-1.5  
Taxlots

WASCO COUNTY, OREGON

-  Site Boundary
-  Taxlot Boundary
-  County Boundary



Data Sources

Reference Map

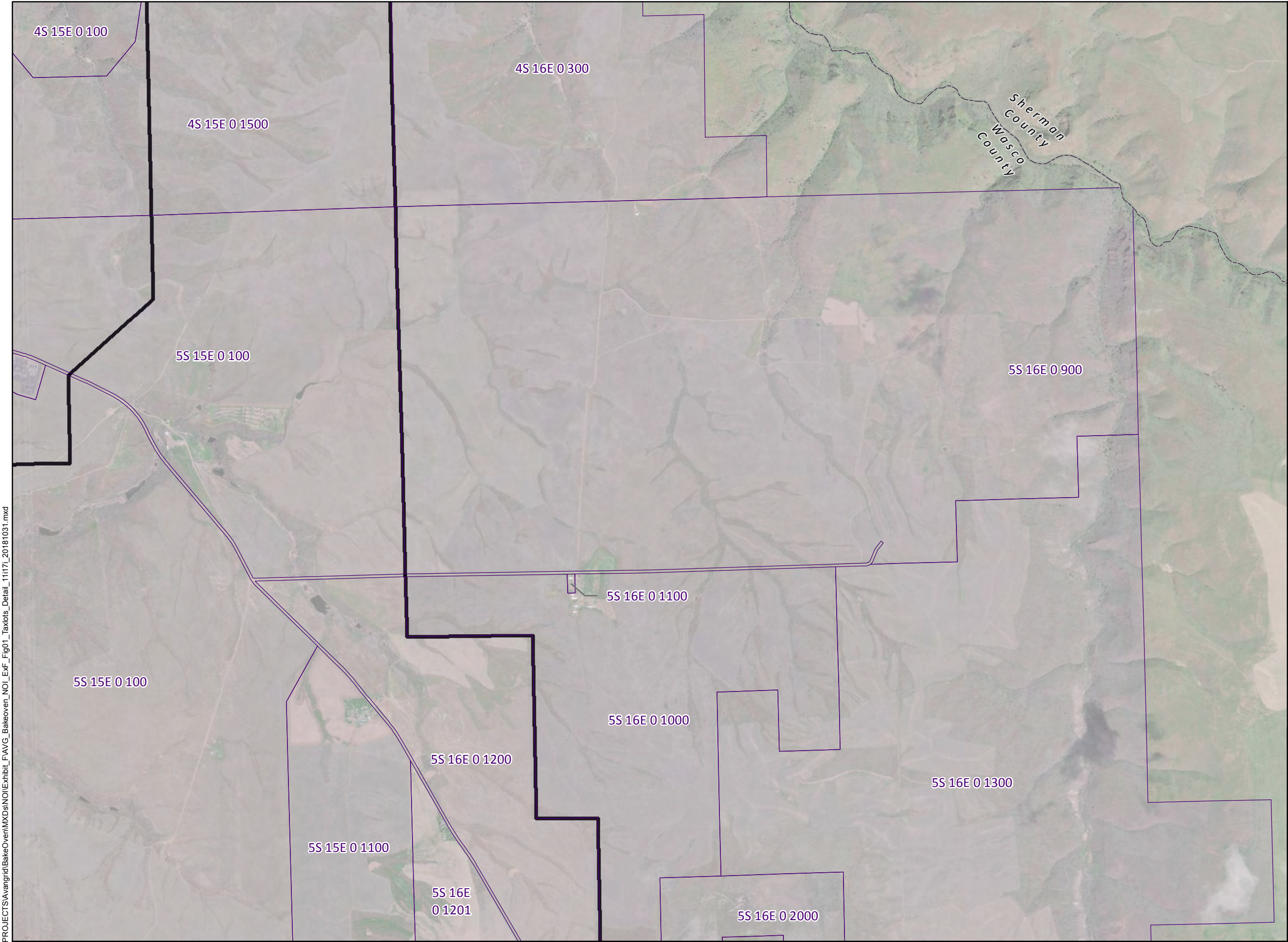
Avangrid-Project Infrastructure;  
USDA-Aerial Imagery; ESRI-Roads,  
Cities; Wasco County-Taxlots



1:24,000 WGS 1984 UTM Zone 10N



P:\GIS\_PROJECTS\Avangrid\BakeOven\MXD\NOI\Exhibit\_F\AVG\_Bakeoven\_NOI\_Exp\_Fig01\_Taxlots\_Detail\_111171\_20181031.mxd



Bakeoven Solar Project

Figure F-1.6  
Taxlots

WASCO COUNTY, OREGON

- Site Boundary
- Taxlot Boundary
- County Boundary



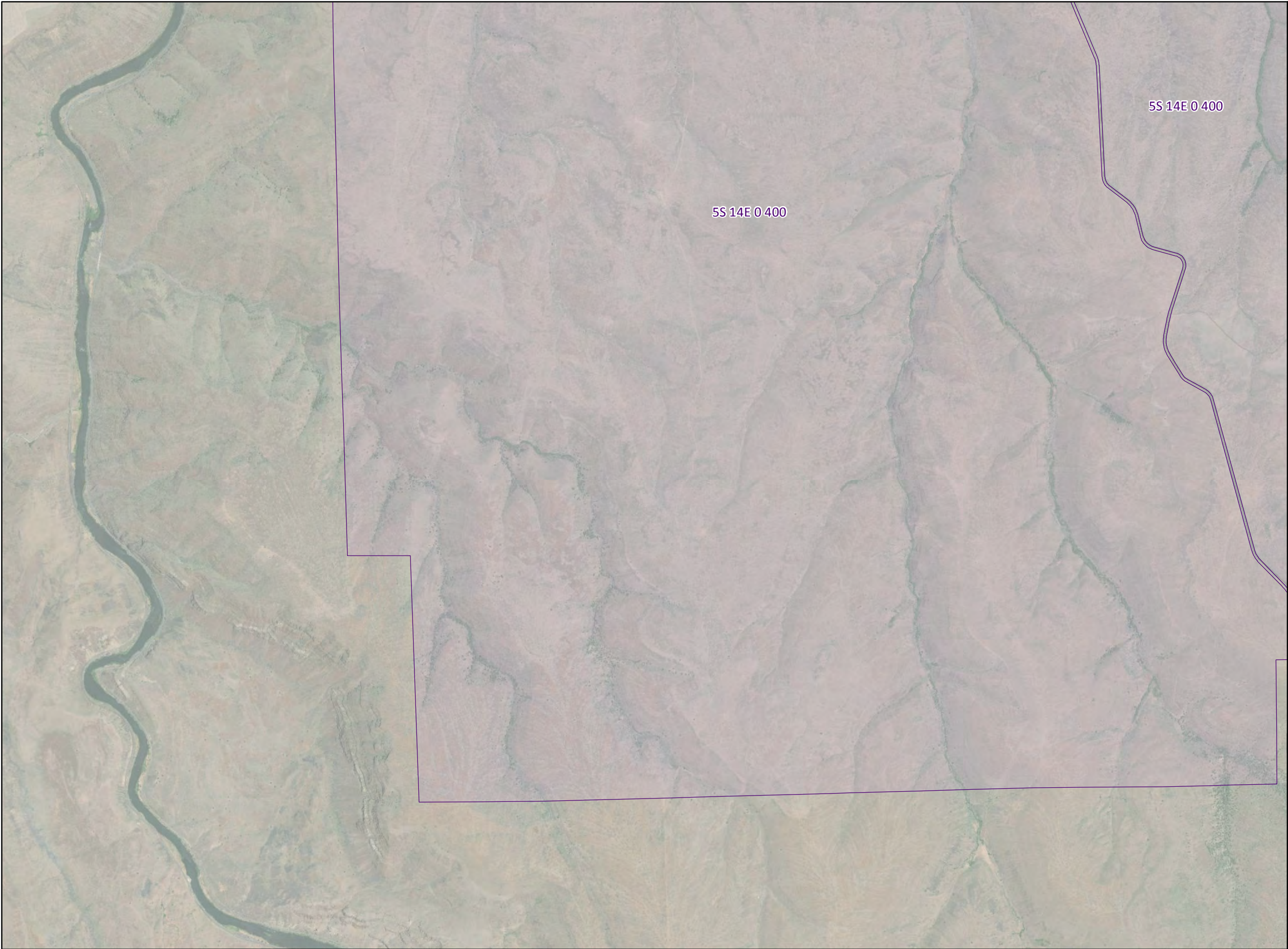
Data Sources	Reference Map
Avangrid-Project Infrastructure; USDA-Aerial Imagery; ESRI-Roads, Cities; Wasco County-Taxlots	



1:24,000      WGS 1984 UTM Zone 10N






P:\GIS\_PROJECTS\Avangrid\BakeOven\MXD\NOI\Exhibit\_F\AVG\_Bakeoven\_NOI\_Exp\_Fig01\_Taxlots\_Detail\_111171\_20181031.mxd



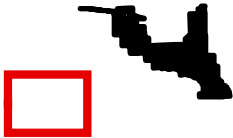
**Bakeoven Solar Project**

**Figure F-1.7  
Taxlots**

WASCO COUNTY, OREGON

-  Site Boundary
-  Taxlot Boundary
-  County Boundary

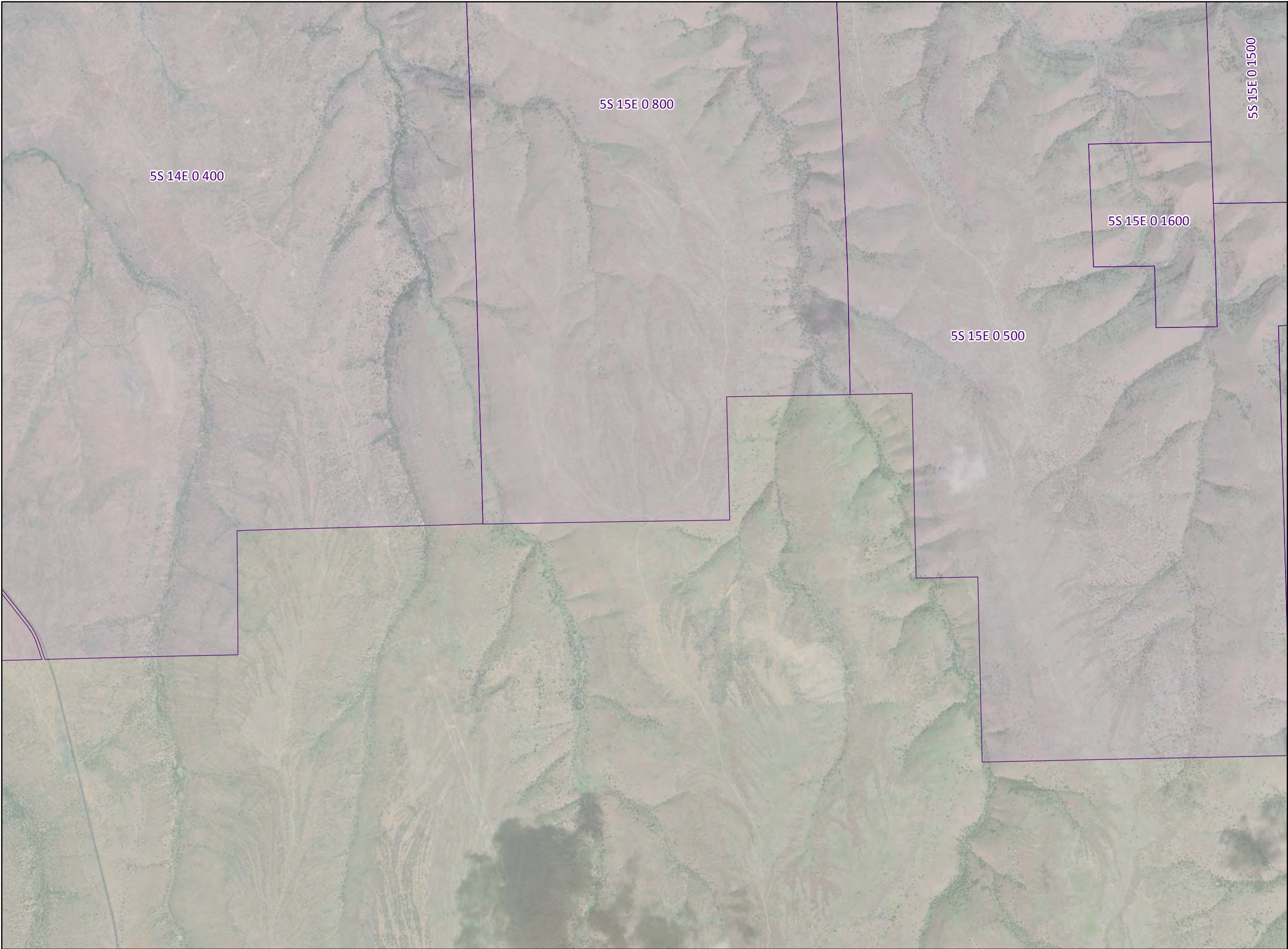


Data Sources	Reference Map
Avangrid-Project Infrastructure; USDA-Aerial Imagery; ESRI-Roads, Cities; Wasco County-Taxlots	








P:\GIS\_PROJECTS\Avangrid\BakeOven\MXD\NOI\Exhibit\_F\AVG\_Bakeoven\_NOI\_Exp\_Fig01\_Taxlots\_Detail\_111171\_20181031.mxd




**Bakeoven Solar Project**

**Figure F-1.8  
Taxlots**

WASCO COUNTY, OREGON

-  Site Boundary
-  Taxlot Boundary
-  County Boundary

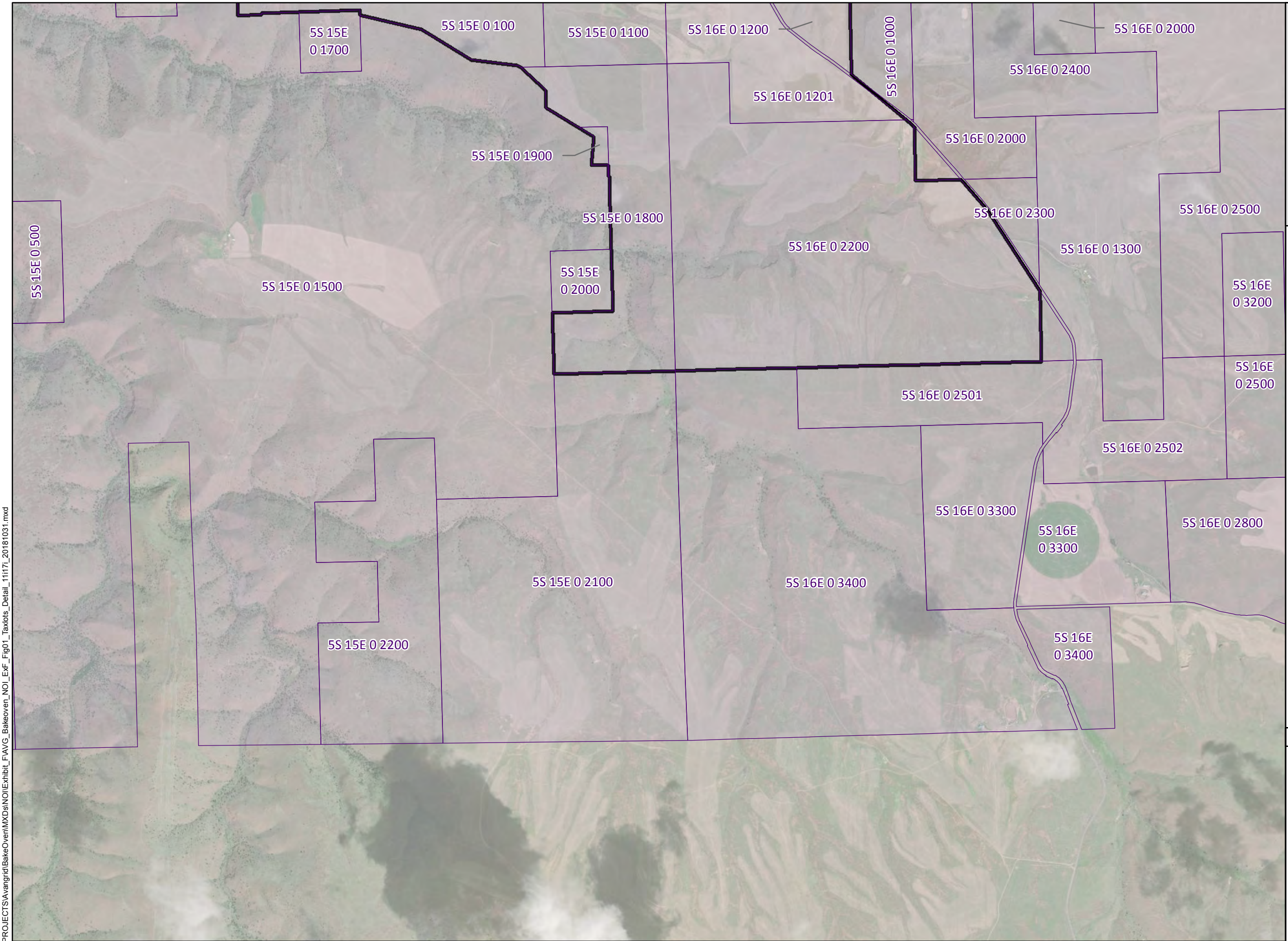


Data Sources	Reference Map
Avangrid-Project Infrastructure; USDA-Aerial Imagery; ESRI-Roads, Cities; Wasco County-Taxlots	





P:\GIS\_PROJECTS\Avangrid\BakeOven\MXD\NOI\Exhibit\_FAVG\_Bakeoven\_NOI\_Exp\_Fig01\_Taxlots\_Detail\_111171\_20181031.mxd



Bakeoven Solar Project

Figure F-1.9  
Taxlots

WASCO COUNTY, OREGON

- Site Boundary
- Taxlot Boundary
- County Boundary

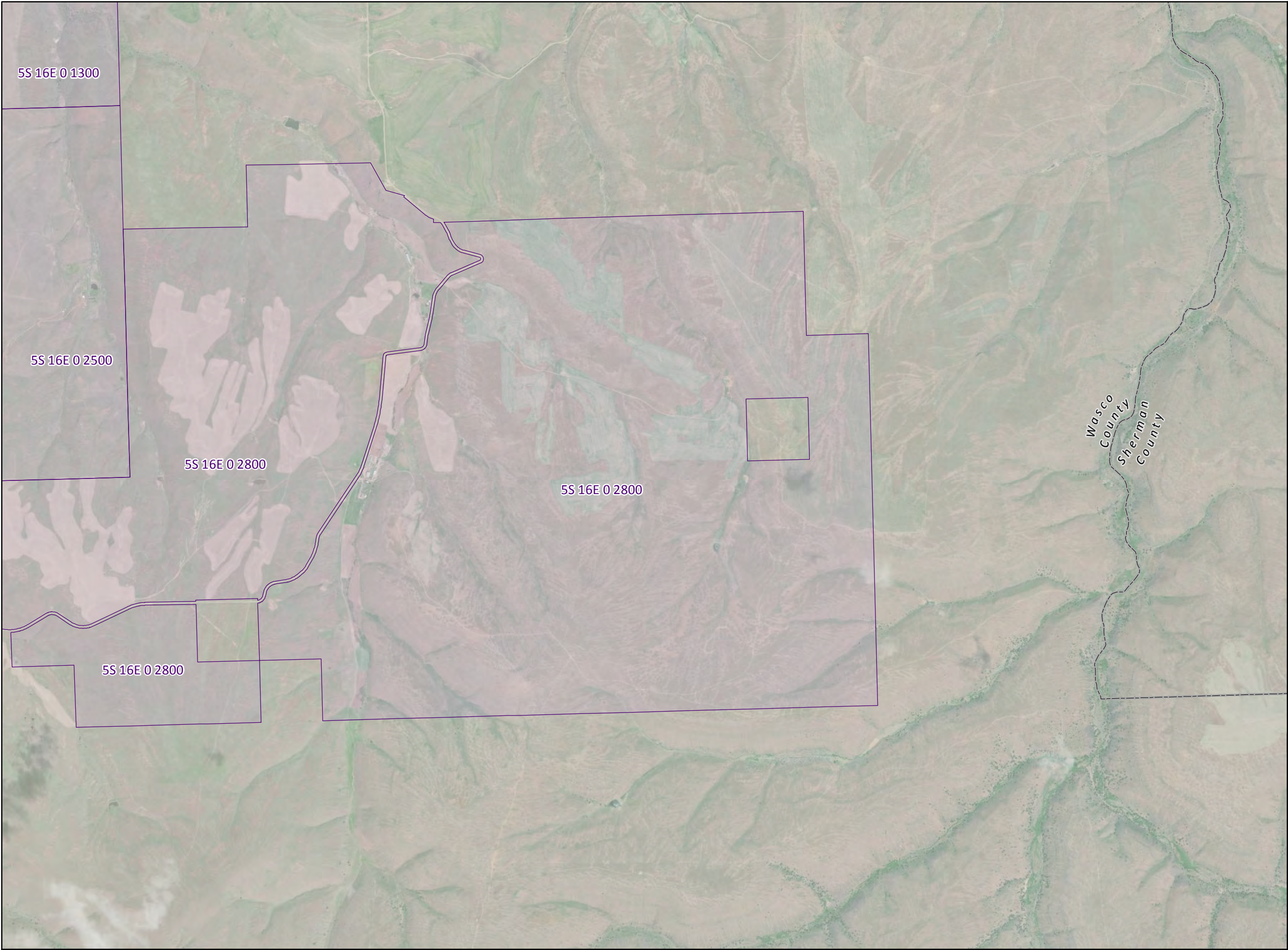


Data Sources	Reference Map
Avangrid-Project Infrastructure; USDA-Aerial Imagery; ESRI-Roads, Cities; Wasco County-Taxlots	





P:\GIS\_PROJECTS\Avangrid\BakeOven\MXD\NOI\Exhibit\_F\AVG\_Bakeoven\_NOI\_Ex\_Fig01\_Taxlots\_Detail\_111171\_20181031.mxd



Bakeoven Solar Project

Figure F-1.10  
Taxlots

WASCO COUNTY, OREGON

- Site Boundary
- Taxlot Boundary
- County Boundary



Data Sources	Reference Map
Avangrid-Project Infrastructure; USDA-Aerial Imagery; ESRI-Roads, Cities; Wasco County-Taxlots	





## **ATTACHMENT 4. SPECIES LISTS**

### Attachment 4. Special-Status Species with Potential to Occur within 5 miles of the Site Boundary

Common Name	Scientific Name	Federal Status <sup>1</sup>	State Status <sup>2,3</sup>
<b>Birds</b>			
Bald eagle	<i>Haliaeetus leucocephalus</i>	BCC, BGEPA	S
Brewer's sparrow	<i>Spizella breweri breweri</i>	BCC	S
Burrowing owl	<i>Athene cunicularia hypugaea</i>	SOC	SC
Clark's grebe	<i>Aechmophorus clarkia</i>	BCC	-
Common nighthawk	<i>Chordeiles minor</i>	-	S
Ferruginous hawk	<i>Buteo regalis</i>	BCC, SOC	SC
Golden eagle	<i>Aquila chrysaetos</i>	BCC, BGEPA	-
Grasshopper sparrow	<i>Ammodramus savannarum</i>	-	S
Green-tailed towhee	<i>Pipilo chlorurus</i>	BCC	-
Lesser yellowlegs	<i>Tringa flavipes</i>	BCC	
Lewis's woodpecker	<i>Melanerpes lewis</i>	BCC, SOC	SC
Loggerhead shrike	<i>Lanius ludovicianus</i>	BCC	S
Long-billed curlew	<i>Numenius americanus</i>	BCC	SC
Mountain quail	<i>Oreortyx pictus</i>	SOC	-
Northern goshawk	<i>Accipiter gentilis</i>	SOC	-
Olive-sided flycatcher	<i>Contopus cooperi</i>	BCC, SOC	-
Sage thrasher	<i>Oreoscoptes montanus</i>	BCC	-
Sagebrush sparrow	<i>Artemisiospiza nevadensis</i>	BCC	S
Swainson's hawk	<i>buteo swainsoni</i>	-	S
Tricolored blackbird	<i>Agelaius tricolor</i>	BCC, SOC	-
White-headed woodpecker	<i>Picoides albolarvatus</i>	BCC, SOC	-
William's sapsucker	<i>Sphyrapicus thyroideus</i>	BCC	-
Willow flycatcher	<i>Empidonax traillii adastus</i>	BCC, SOC	S
Yellow-breasted chat	<i>Icteria virens</i>	SOC	-
<b>Fish</b>			
Bull trout	<i>Salvelinus confluentus</i>	T	S
Chinook salmon	<i>Oncorhynchus tshawytscha</i>	T	S
Pacific lamprey	<i>Entosphenus tridentatus</i>	SOC	S
Steelhead trout	<i>Oncorhynchus mykiss</i>	T	SC
Western brook lamprey	<i>Lampetra richardsoni</i>	-	S

**Attachment 4. Special-Special Species with Potential to Occur within 5 miles of the Site  
Boundary (continued)**

Common Name	Scientific Name	Federal Status <sup>1</sup>	State Status <sup>2,3</sup>
<b>Mammals</b>			
Canada lynx	<i>Lynx canadensis</i>	T	–
California myotis	<i>Myotis californicus</i>	–	S
Gray wolf	<i>Canis lupus</i>	E	–
Hoary bat	<i>Lasiurus cinereus</i>	SOC	S
Long-eared myotis	<i>Myotis evotis</i>	SOC	–
Long-legged myotis	<i>Myotis volans</i>	SOC	S
Pallid bat	<i>Antrozous pallidus</i>	SOC	S
Pygmy rabbit	<i>Brachylagus idahoensis</i>	SOC	SC
Silver-haired bat	<i>Lasionycteris noctivagans</i>	SOC	S
Townsend's big-eared bat	<i>Corynorhinus townsendii</i>	SOC	SC
Western small-footed myotis	<i>Myotis ciliolabrum</i>	SOC	–
Wolverine	<i>Gulo gulo</i>	PT	T
Yuma myotis	<i>Myotis yumanensis</i>	SOC	–
<b>Reptiles</b>			
Northern sagebrush lizard	<i>Sceloporus graciosus graciosus</i>	SOC	S
Western painted turtle	<i>Chrysemys picta bellii</i>	–	SC
<b>Invertebrates</b>			
Columbia pebblesnail	<i>Fluminicola fuscus</i>	SOC	–
<b>Vascular Plants</b>			
Tygh Valley milk-vetch	<i>Astragalus tyghensis</i>	–	T
Henderson's ricegrass	<i>Achnatherum hendersonii</i>	SOC	C
Hepatic monkeyflower	<i>Erythranthe jungermannioides</i>	–	C
Sessile mousetail	<i>Myosurus sessilis</i>	SOC	C
Dwarf suncup	<i>Eremothera (Camissonia) pygmaea</i>	SOC	C
<b>Nonvascular Plants</b>			
Woven-spored lichen	<i>Texosporium sancti-jacobi</i>	SOC	–
<ol style="list-style-type: none"> <li>1. U.S. Fish and Wildlife Status: E = Endangered, T = Threatened, PT = Proposed Threatened, SOC = Species of Concern, BCC = Bird of Conservation Concern, BGEPA = Bald and Golden Eagle Protection Act</li> <li>2. Wildlife: Oregon Department of Fish and Wildlife Status in the Columbia Plateau: T = Threatened, SC = Critical Sensitive Species, S = Sensitive Species,</li> <li>3. Plants: Oregon Department of Agriculture Status: T = Threatened, C= Candidate</li> </ol>			

## **ATTACHMENT 5. CORRESPONDENCE WITH LEGISLATIVE COMMISSION ON INDIAN SERVICES**

**From:** [Quigley Karen M](#)  
**To:** [Konkol, Carrie](#)  
**Cc:** [Quigley Karen M](#); [Hutchinson, Matthew](#); [Walsh, Brian](#)  
**Subject:** Re: Proposed Bakeoven Solar Project, Native American Cultural Resources  
**Date:** Tuesday, October 23, 2018 10:48:13 AM

---

Hello Carrie,

Please contact the Confederated Tribes of Warm Springs [thpo@ctwsbnr.org](mailto:thpo@ctwsbnr.org) and CTWS NR Manager, [robert.brunoe@ctwsbnr.org](mailto:robert.brunoe@ctwsbnr.org)

And:  
Burns Paiute Tribe  
Culture & Heritage Director Diane Teeman  
[dlteeman.burns.paiute@gmail.com](mailto:dlteeman.burns.paiute@gmail.com)

Thank you,  
Karen

*Karen Quigley, Executive Director  
Legislative Commission on Indian Services.*

"Konkol, Carrie" <[Carrie.Konkol@tetrattech.com](mailto:Carrie.Konkol@tetrattech.com)> wrote:

Ms. Quigley –

On behalf of Avangrid Renewables, please find attached a letter request for tribal contacts with interest in the proposed Bakeoven Solar Project area in Wasco County, Oregon.

Thank you,  
Carrie Konkol

**Carrie Konkol** | Senior Project Manager  
[Carrie.Konkol@tetrattech.com](mailto:Carrie.Konkol@tetrattech.com)

**Tetra Tech** | **Portland**  
1750 SW Harbor Way, Suite 400 | Portland, OR 97201  
Direct: 503.721.7225 | Fax: 503.227.1287 | Cell: 503.830.8587

PLEASE NOTE: This message, including any attachments, may include confidential and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system.



**Think Green - Not every email needs to be printed.**





Matt Hutchinson  
Permitting Manager

October 22, 2018

Karen Quigley, Executive Director  
Oregon State Legislative Commission on Indian Services  
900 Court St. NE, Room 167  
Salem, OR 97301

Ms. Quigley,

**Re: Proposed Bakeoven Solar Project, Native American Cultural Resources**

Avangrid Renewables (Avangrid) is proposing to construct and operate a new large scale photovoltaic solar energy generating facility in Wasco County. This project will be subject to the jurisdiction of Oregon's Energy Facility Siting County; and as required by OAR 345-020-0011(1)(p), Avangrid seeks input from the State Commission on Indian Services to identify each appropriate Native American tribe to consult with regarding potential effects on Native American cultural resources.

The proposed project, known at the Bakeoven Solar Project, will be sited on entirely on private property within townships 4S/14E, 4S/15E, 4S/16E, 5S/15E, and 5S/16E (see attached map). No portion of the project is proposed for state- or federally-owned or managed lands.

As part of the Application for Site Certificate, Avangrid will conduct cultural resource file searches at the State Historic Preservation Office (SHPO) and field surveys within the project area. However, the applicable Native American tribes may have knowledge of cultural resources not recorded with SHPO. Therefore, I respectfully request your assistance in developing a list of Oregon tribes that could have an interest in this project. We would also appreciate the inclusion of any out-of-state tribal governments that the Commission believes may also have interest in the Project. An e-mail notification or hard copy letter would be acceptable for our files.

Thank you and please feel free to contact me regarding this request.

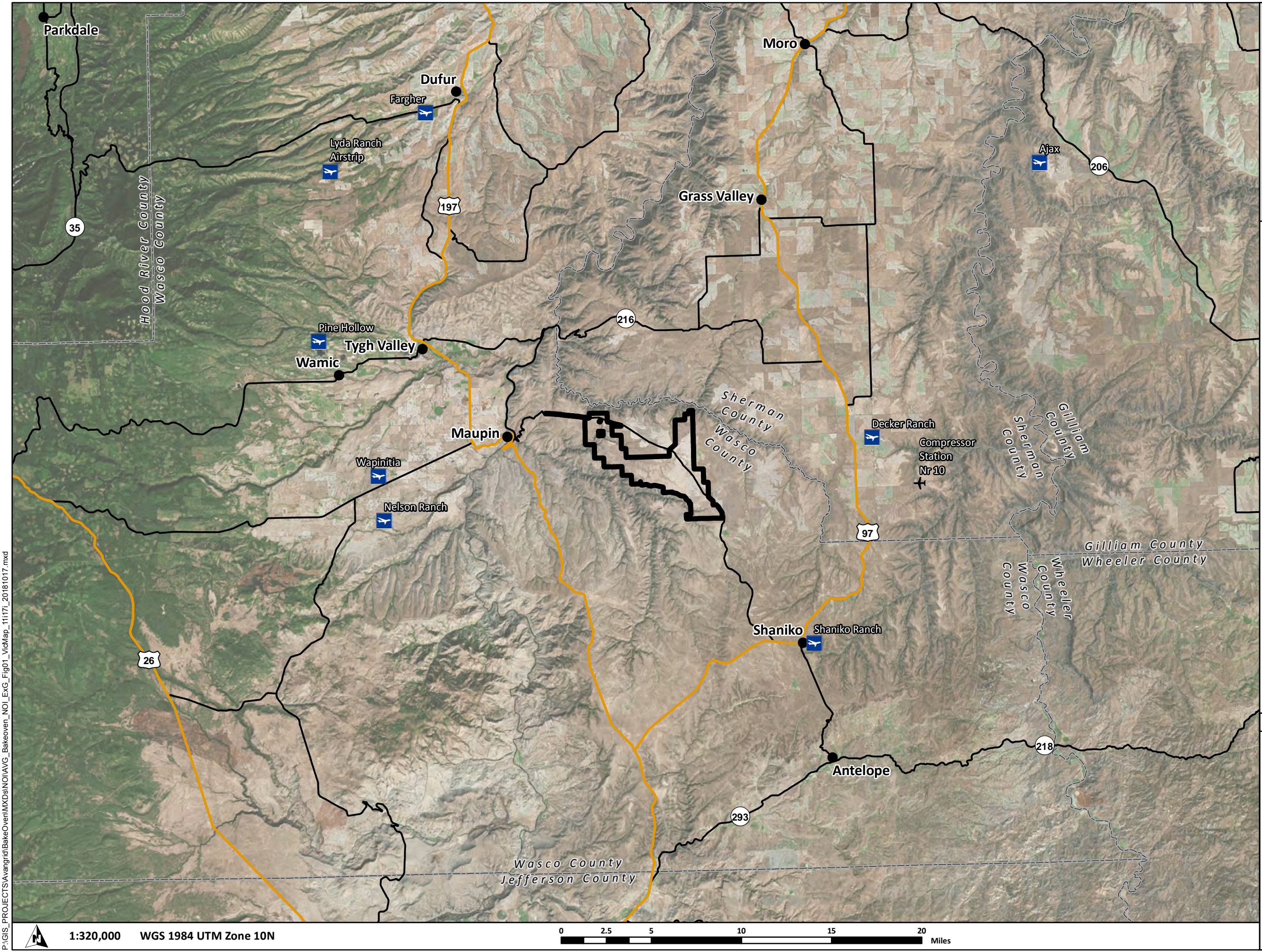
Sincerely,

A handwritten signature in blue ink, appearing to read "Matt Hutchinson", with a long, sweeping horizontal line extending to the right.

Matt Hutchinson  
Permitting Manager

Avangrid Renewables  
1125 NW Couch St, Suite 700  
Telephone 503.478.6317  
[www.avangridrenewables.us](http://www.avangridrenewables.us), [matthew.hutchinson@renewables.com](mailto:matthew.hutchinson@renewables.com)





Bakeoven Solar Project

Figure G-1  
Vicinity Map

WASCO COUNTY, OREGON

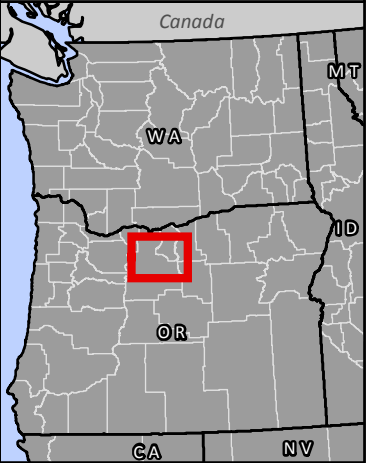
- Site Boundary
- County Boundary
- Secondary Highway
- Secondary Road
- Airport
- Stolport



Data Sources

Avangrid-Project Infrastructure;  
USDA-Aerial Imagery; ESRI-Roads, Cities;  
Ventyx-Airports

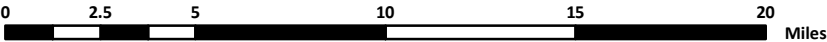
Reference Map



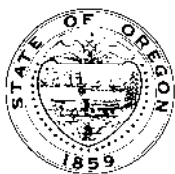
P:\GIS\_PROJECTS\Avangrid\BakeOven\MXD\BakeOven\_NOI\AVG\_Fig01\_VicMap\_111171\_20181017.mxd



1:320,000 WGS 1984 UTM Zone 10N







# Oregon

Kate Brown, Governor



550 Capitol St. NE  
Salem, OR 97301  
Phone: 503-378-4040  
Toll Free: 1-800-221-8035  
FAX: 503-373-7806  
[www.oregon.gov/energy](http://www.oregon.gov/energy)

## MEMORANDUM

**To:** State and Local Reviewing Agencies

**From:** Sarah Esterson, Senior Siting Analyst  
Oregon Department of Energy  
550 Capitol St. NE  
Salem, OR 97301  
Phone: 503-373-7945  
Email: [sarah.esterson@oregon.gov](mailto:sarah.esterson@oregon.gov)

**Date:** November 28, 2018

**Re:** Request for comments on the Notice of Intent submitted by Bakeoven Solar, LLC  
for the Bakeoven Solar Project in Wasco County

---

### Introduction

On November 1, 2018 Bakeoven Solar, LLC (a wholly owned subsidiary of Avangrid Renewables, LLC) submitted a Notice of Intent (NOI) to file an application for site certificate for a proposed 303 megawatt (MW) photovoltaic solar energy facility with 100 MW of battery storage. Proposed related and supporting facilities to the energy facility would consist of a collection system, collector substation, an 11-mile 230 kV transmission line, operation and maintenance building, private service and access roads, and temporary construction staging areas. The energy facility and its related or supporting facilities are herein referred to as the “proposed facility.”

The proposed facility would occupy approximately 3,030 acres and would be located within a site boundary consisting of approximately 10,615 acres within Wasco County, southeast of the City of Maupin. The proposed facility is located east of Highway 197 and south of Highway 216.

Under Oregon Administrative Rule (OAR) 345-001-0010(52), the Oregon Department of Energy (ODOE) has identified your organization as a “reviewing agency.” If you are a city and the facility is not located within your jurisdiction, you are considered a reviewing agency because

your jurisdiction is within 10 miles of the facility and there may be a potential impact to the public services you provide.

## **Review Process**

Before starting construction on the proposed facility, Bakeoven Solar, LLC must obtain a site certificate from the Oregon Energy Facility Siting Council (EFSC) authorizing construction and operation of the proposed facility. Bakeoven Solar, LLC must demonstrate that the proposed facility meets EFSC standards established under ORS 469.501 and set forth in OAR Chapter 345, Divisions 22 and 24 as well as all other applicable statutes, rules and standards (including those of other state or local agencies).

ODOE is requesting that your agency provide comments on the NOI and submit any codes administered by your agency that are applicable to this proposal. Your responses will inform development of the Project Order, which establishes the site certificate application requirements. While the EFSC review process includes several opportunities for comment and input, your comments on the NOI are critical to ensure your agency's requirements are accurately reflected in the Project Order.

A full description of the EFSC review process is available on our website at:

<http://www.oregon.gov/energy/facilities-safety/facilities/Documents/Fact-Sheets/EFSC-Process-Flowchart.pdf>

## **Information Needed from Reviewing Agencies**

In accordance with OAR 345-015-0120, ODOE, which serves as staff to EFSC, requests the following information:

- 1.) The name, address and telephone number of the agency contact person assigned to review the application.
- 2.) Comments on aspects of the proposed facility that are within the particular responsibility or expertise of the reviewing agency.
- 3.) Recommendations regarding the size and location of analysis area(s).
- 4.) A list of studies that should be conducted to identify potential impacts of the proposed facility and mitigation measures.
- 5.) A list of statutes, administrative rules and local government ordinances administered by the agency that might apply to construction or operation of the proposed facility and a description of any information needed for determining compliance.
- 6.) A list of any permits administered by the agency that might apply to construction or operation of the proposed facility and a description of any information needed for reviewing a permit application.

The NOI, announcements and notices about the proposed Bakeoven Solar Project will be posted on ODOE's website at <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/BSP.aspx>

### *Evaluation of Study/Analysis Areas*

An analysis area is the area for which the applicant shall describe the proposed facility's potential impacts in the application for a site certificate. Analysis areas are the minimum areas an applicant must study for potential impacts from the construction and operation of a proposed facility. For all potential impacts, the analysis area includes at a minimum all the area within the "site boundary" as defined in OAR 345-001-0010(55). ODOE requests your assistance determining the appropriate size of the analysis areas for the proposed facility.

The NOI includes an assessment of potential environmental impacts from construction and operation of the facility based on a study area set in rule. The study areas vary for different resources, but all include the site boundary, and, if applicable, an additional buffer (noted in parenthesis): NOI Figure G-6 shows the boundaries and topography of the study areas as defined by OAR 345-001-0010(59) for land use (0.5 miles), fish and wildlife habitat (0.5 miles), recreational opportunities (5 miles), threatened and endangered species (5 miles), scenic resources (10 miles), public services (10 miles), and protected areas (20 miles). For all other resources, the study area is the site boundary.

In the application for site certificate, the analysis areas can be equivalent to the study areas, or the analysis areas can be different. The analysis areas will be established by ODOE in the Project Order, but your input is necessary to help establish appropriate analysis areas based on specific knowledge you may have of the area. Ultimately, EFSC will evaluate whether or not design, construction and operation of the proposed facility, taking into account mitigation, are likely to result in a significant adverse impact to resources protected by EFSC standards.

*If your agency believes that any of these analysis areas should be increased (or decreased) based upon nearby resources, please provide this information in your comments on the NOI. This information will be used to assist ODOE in development of the Project Order.*

### **Information Submittal**

Please send your comments to the project Siting Analyst at the contact information provided above, no later than **January 11, 2019**. If you require additional time, please contact the Siting Analyst.

### **Cost Recovery**

Costs associated with reviewing the application and preparing comments may be eligible for reimbursement. In order to receive reimbursement, ODOE must have an interagency or intergovernmental agreement in place with your organization. If you do not have an agreement

and would like to establish one, please contact ODOE's Fiscal Analyst Sisily Fleming at [sisily.fleming@oregon.gov](mailto:sisily.fleming@oregon.gov) or 503-378-8356.

### **Interdisciplinary Team Meeting**

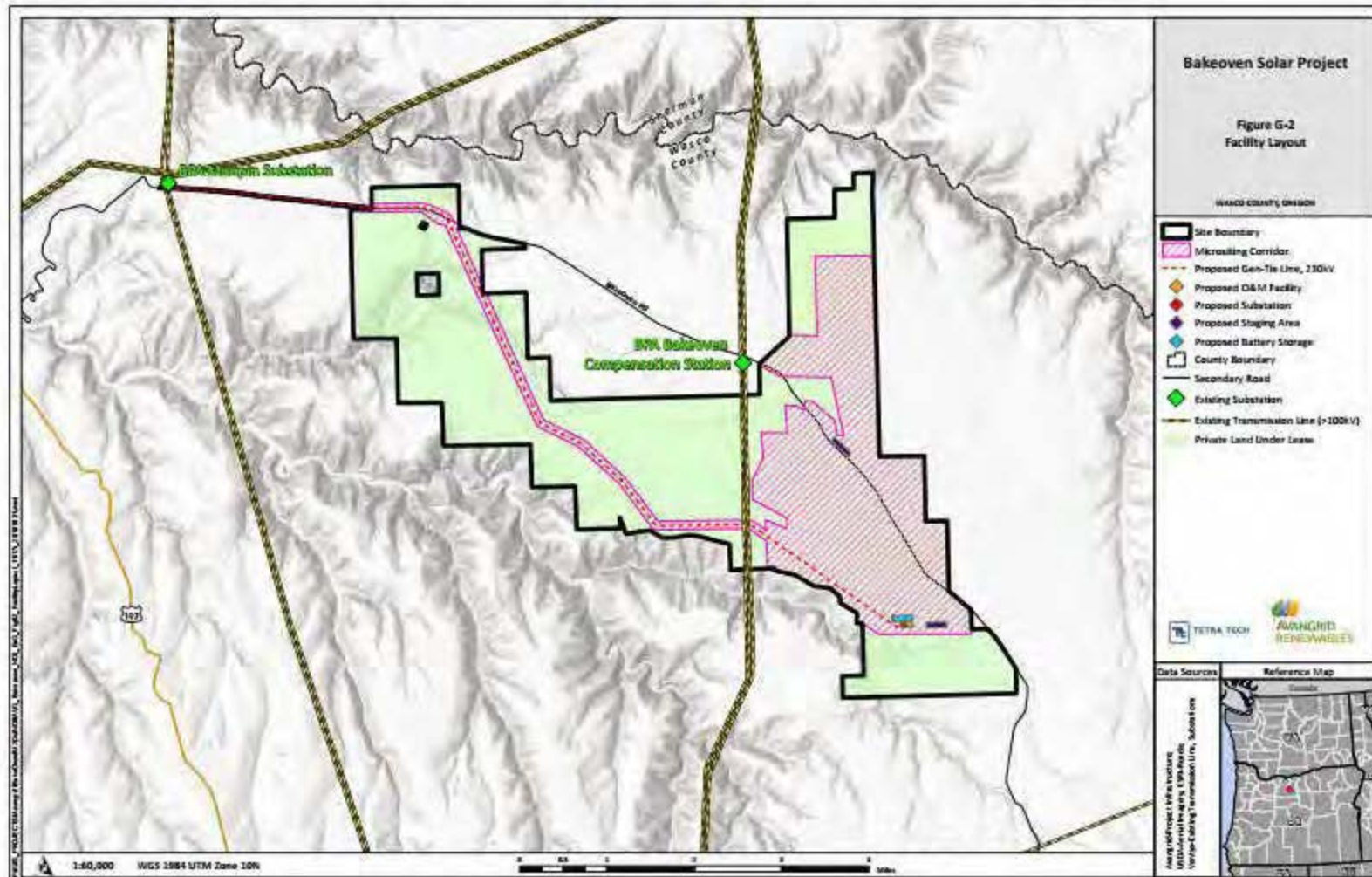
In accordance with ORS 469.330(3), and in an effort to more fully engage all reviewing agencies and Tribal Governments in the EFSC siting process, within the next few weeks ODOE will invite you to participate in an interdisciplinary team meeting to discuss the Bakeoven Solar Project. The purpose of the team meeting will be to familiarize affected agency personnel and Tribal Governments with the proposed facility, facilitate review of the NOI, and to identify issues and the applicable requirements of all state and local agencies and Tribal Governments for inclusion in the Project Order. ODOE will hold this meeting in Salem, with a call-in/webinar option to help reduce travel costs and facilitate participation. The reviewing agency NOI meeting supplements the comments submitted on the NOI.

### **Project Maps**

A vicinity map is included on the next page. Additional maps can be found in NOI Attachment G. If you are interested in receiving GIS shape files of the facility site boundary, please contact the project Siting Analyst at the contact information provided above.



**Figure 1. General Location of the Proposed Bakeoven Solar Project**





## AGENDA ITEM

### Building Codes Discussion

---

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

---



## MEMO

To: Wasco County Commissioners

From: Angie Brewer, Planning Director

Date: Prepared for December 19, 2018

Subject: Building Codes Services Considerations

---

### Introduction

Prior to 2007, the State of Oregon provided Building Codes Services (BCS) program from a local office in The Dalles, Oregon. From late 2006 to early 2018, Mid-Columbia Council of Governments (MCCOG) provided BCS to Wasco, Wheeler, Hood River, Sherman, and Gillam counties and their cities, and also operated from a local office in The Dalles. Hood River County developed its own BCS program in 2017. MCCOG shuttered its program in January of 2018, terminating the locally managed BCS program (unrelated to the exit of Hood River BCS). Since February 1, 2018, the State has been providing BCS on a temporary basis to remaining MCCOG parties, while each of the local governments consider their options for long term BCS services. The temporary office is located in the Wasco County Public Works Building, maintaining a centrally located presence in The Dalles.

This report intends to provide the Wasco County Commissioners with the best available information to identify the following:

1. Trends and projections of permit volumes by location and year
2. Past, current and projected staffing models
3. Financial considerations of both start-up costs and long-term costs
4. Capital needs (physical space considerations)
5. Impact to existing County services
6. Timeline considerations
7. Other considerations

### Trends and projections of permit volumes by location and year

BCS records can only be retrieved as far back as 2013. This provides at least five years of data but reduces our ability to understand how the BCS program may have been affected by the last recession. To prepare for the MCCOG closure, data was provided to Wasco County staff in 2017 to illustrate the permit volume by location (county and city), the revenue generated by those permits, and by year from 2014 to 2017. A more concise summary of that information was shared by the State on December 17, 2018 and was used to inform the tables and graphs shown below. A summary of information was

provided by the temporary BCS staff for January through November of 2018; only Wasco County's 2018 information is shown in this report but information for the other counties can be made available upon request.

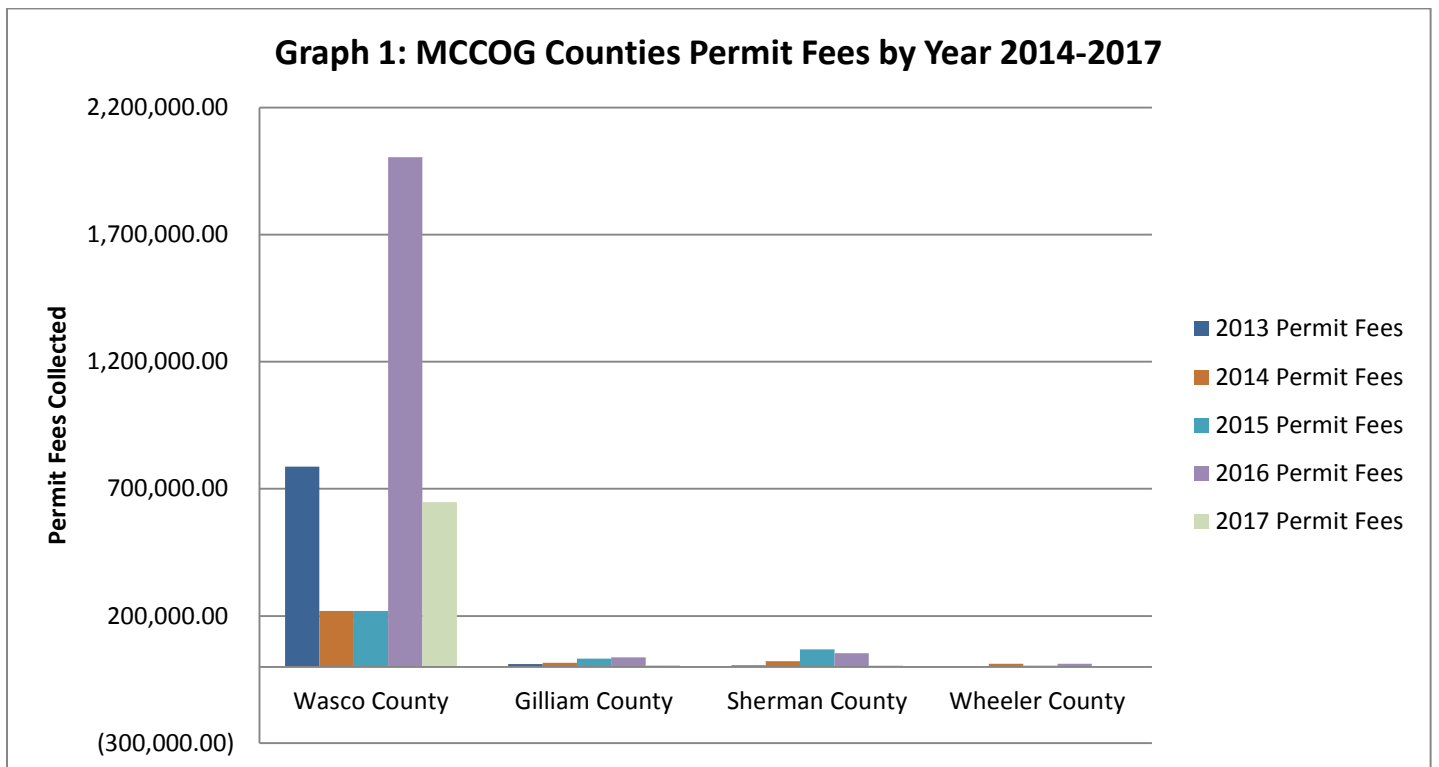
Overall, the data shows a clear trend that the bulk of the permit activity occurs in Wasco County, with a significant majority of permits being pursued in the city of The Dalles. As shown below, Wasco County has produced 87.9% of the MCCOG permit fees over the last five years (2014-2017).

These numbers highlight the need to evaluate costs of providing services outside of Wasco County. Out of financial necessity, a regional BCS program would need to be operated on a fee for service basis with contract between Wasco County and each party that realizes the actual cost of providing service at those distances. A consortium of parties is not recommended at this time.

**Table 1: MCCOG Counties Permit Fees and Counts by Year**

		Wasco County	Gilliam County	Sherman County	Wheeler County	Totals:
2013	Permit Fees	787,624.23	11,316.32	5,284.68	2,555.46	806,780.69
	Percent of Total Fees	97.60	1.40	0.70	0.30	100.00
	Permit Count	402.00	10.00	28.00	10.00	450.00
	Percent of Total Permit Count	89.30	2.20	2.20	2.20	95.90
2014	Permit Fees	219,544.65	15,383.06	22,066.79	12,599.24	269,593.74
	Percent of Total Fees	81.40	5.70	8.20	4.70	100.00
	Permit Count	901.00	48.00	80.00	48.00	1,077.00
	Percent of Total Permit Count	84.20	4.50	4.50	4.50	97.70
2015	Permit Fees	219,390.58	32,615.94	68,151.03	4,890.47	325,048.02
	Percent of Total Fees	67.50	10.00	21.00	1.50	100.00
	Permit Count	861.00	83.00	48.00	83.00	1,075.00
	Percent of Total Permit Count	85.80	8.30	8.30	8.30	110.70

2016	Permit Fees	2,005,360.26	37,653.21	53,276.75	12,264.67	2,108,554.89
	Percent of Total Fees	95.10	1.80	2.50	0.60	100.00
	Permit Count	679.00	44.00	42.00	44.00	809.00
	Percent of Total Permit Count	84.20	5.50	5.50	5.50	100.70
2017	Permit Fees	647,342.50	7,310.06	5,171.43	2,950.31	662,774.30
	Percent of Total Fees	97.70	1.10	0.80	0.40	100.00
	Permit Count	677.00	32.00	37.00	32.00	778.00
	Percent of Total Permit Count	89.80	4.20	4.20	4.20	102.40
Five Year Average Percent of Total Fees		87.90	4.00	6.60	1.50	100.00
2018*	Permit Fees	1,329,190.84				
	Permit Count	1518				
(*January - November)						



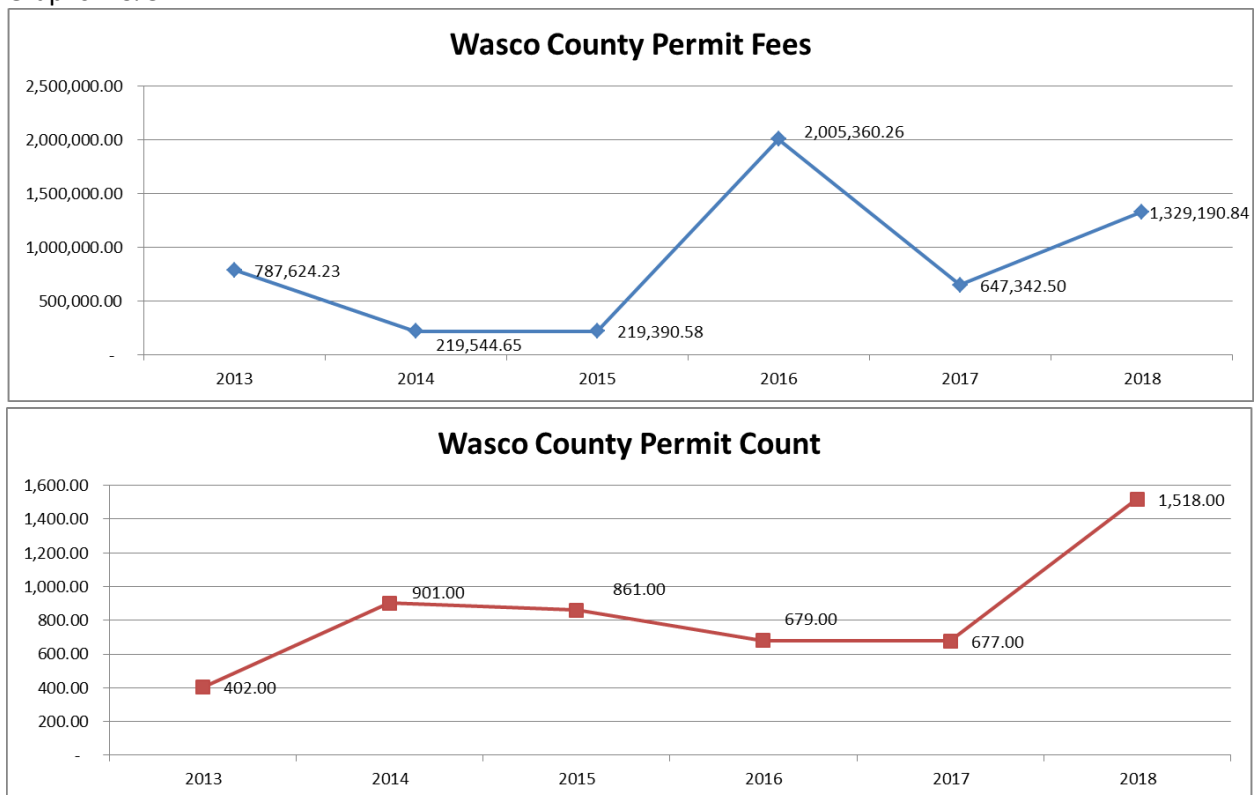


The data also clarifies that Permit Counts do not necessarily indicate an increase in Permit Fees. In most cases, fees are calculated based on the valuation of the project. This means that a busy year of small projects may not necessarily pay for the staff necessary to complete the task - even though the permit applications remain steady and the economy is otherwise stable. The reserve fund becomes critically important to carry the program through cyclical trends in large scale development and other unforeseen economic downturns. The data shown below has been confirmed for accuracy with BCS staff. Upticks in Permit Fees can be largely attributed to large projects, including the Google development. The uptick in Permit Counts is partly due to Google development, but also due to an active economy with many active development projects of all scales.

**Table 2: Wasco County Permit Fees & Count**

	2013	2014	2015	2016	2017	2018
Permit Fees	787,624.23	219,544.65	219,390.58	2,005,360.26	647,342.50	1,329,190.84
Permit Count	402.00	901.00	861.00	679.00	677.00	1,518.00

Graphs 2 & 3:



### Past, current and projected staffing models (known salaries listed):

Past: No information is available at this time regarding the historic staffing levels provided by the State. Anecdotally, staff understands that many of the MCCOG staff were part of the original State office.

MCCOG Program: 5.5 FTE + support from MCCOG

- 1.0 FTE Program Director (\$4,888 - \$6,091 + longevity)
- 1.0 FTE Program Assistant (\$2,430 - \$3,028)
- 1.0 FTE Building Official (\$6,013 - \$7,493)
- 0.5 FTE Plumbing Inspector (\$5,526 - \$6,886)
- 1.0 FTE Electrical Inspector (\$5,526 - \$6,886)
- 1.0 FTE Structural-Mechanical Inspector (\$5,526 - \$6,886)
- Administrative overhead, finance services, and information technology services were provided by MCCOG administrative staff. That cost was not identified.

At the time of closure, it was noted by MCCOG staff that the Building Official was temporarily backfilling the work of a vacant Structural-Mechanical Inspector position, and that the Plumbing Inspector had gone to part-time status even though the position was originally a full-time position. They did not indicate the reason for that change.

Current: The State has operated a temporary office in the Wasco County Public Works building since February of 2018. The temporary office has employed a combination of local staff hired for temporary positions, and borrowed staff from Salem and Pendleton BCS offices. Due to the reduced staffing capacity and the tasks inherited from the MCCOG transition, the current BCS office is open reduced hours to allow for staff to manage their workload effectively.

Temporary State Services: 6.25 FTE + significant support from Salem and Pendleton

- 0.5 FTE Building Official backstopped by senior BCS staff (all Salem) (\$6013.00-\$7493.00)
- 1.0 FTE Commercial Structural-Mechanical Inspector cross certified for Residential Plan Review, cross certified for Residential Structural-Mechanical-Electrical-Plumbing Inspections.
- 0.75 FTE Commercial (A-Level) Electrical Inspector and Electrical Plan Reviewer cross certified for Residential Plan Review, and Residential Structural-Mechanical-Electrical-Plumbing Inspections. (\$5526.00-\$6886.00)
- 1.0 FTE Commercial Plumbing Inspector and Plumbing Plans Reviewer cross certified for Residential Plan Review, and Residential Structural-Mechanical-Electrical-Plumbing Inspections. (\$5526.00-\$6886.00)
- 1.0 FTE Commercial Structural-Residential Plans Review Specialist for Residential-Commercial Plan Reviews (local staff indicated that they keep 3 FTE in this position in Salem “busy”) (cost unknown)
- 2.0 FTE Permit Techs (cost unknown)
- Administrative overhead from Salem office that provides office management, financial services, information technology support, fleet management and more.

Proposed: Identifying an accurate staffing model for a Wasco County BCS Program requires some assumptions, the largest of which is that an inspector will be needed for each area of expertise. It is not possible to anticipate what kinds of cross certifications may be possible, because they depend on the candidates that apply for the positions when they become available. Additionally, Staff was informed on December 17, 2018 that the State BCS is no longer able to utilize cross certified staff for inspections other than their primary field of expertise. It is not clear at this time whether this change is required by law or will otherwise be a permanent requirement, but it further underscores the basis for the assumptions used to create this staffing model – which shows the most conservative estimate and the largest team that would possibly be needed to open an immediately effective BCS program. HR Answers

provided the following salary ranges based on the Wasco County salary scale and compensation philosophy. Please see the full data attached to view how they compare with the current wages of the same positions.

Wasco County Managed Program: 10 FTE + oversight from Community Development Director and support from Courthouse administrative services. Please note that this is shown to be larger than it will likely need to be due to the unknown combination of certified inspectors Please see the attached organizational chart to better understand the newly created Community Development Department.

- 1.0 FTE Building Official (\$4554.99-\$5282.39)
- 1.0 FTE Program Assistant (\$2426.56-\$2814.17)
- 1.0 FTE Commercial and Residential Structural Inspector (salary range not provided)
- 1.0 FTE Commercial and Residential Electrical Inspector (\$3324.60-\$3855.52)
- 1.0 FTE Commercial and Residential Plumbing Inspector (\$3324.60-\$3855.52)
- 1.0 FTE Commercial and Residential Mechanical Inspector (salary range not provided)
- 2.0 FTE Plans Reviewer (salary range not provided)
- 2.0 FTE Permit Tech (salary range not provided)
- Support from Finance Department of AP/AR (cost not yet known, part of indirect costs below)

Expanding the Planning Department to a Community Development Department will incur additional staffing costs needed for the reorganization and expanded scope of work and responsibilities. Proposed changes err on the side of being conservative, to ensure continuity of services and quality of existing services can be maintained:

- Planning Director will become a Community Development Director (change not yet determined)
- 1.0 FTE Deputy Planning Director (salary range not provided)
- 1.0 FTE Office Assistant (\$2,584.29 - \$2,996.98)

### **Financial considerations of both start-up costs and long-term costs**

Accurately identifying the costs of implement BCS is difficult because not all of the information we've requested has been provided to us for review, and we regularly receive new information from the State that affects the set of assumptions we've used to estimate costs. Nichole Biechler, Wasco County Human Resources Director; Mike Middleton, Wasco County Finance Director; Arthur Smith, Wasco County Public Works Director; and Fred Davis, Wasco County Facilities Manager were consulted for the following information:

Known indirect costs of County services are estimated to be between \$200,000 to \$250,000 each year. This number was derived evaluating the costs of similarly sized teams that currently exist in the Wasco County framework. Mr. Middleton noted that variables will depend on the actual budget size, total FTE, number of computers, and square footage of the workspace.

Known direct costs include startup costs of dedicated staff, purchasing computers and workstations, cell phones and tablets for fieldwork, vehicles, and a remodel of the current work space.

Staffing costs are identified above where they are known. Changes would include expansion of the Planning Director's role and responsibilities to a Community Development Director, the addition of a Deputy Planning Director to oversee day to day planning program needs when the Director is not available, and a new Administrative Assistant to assist the Community Development Director.

The current BCS work space seats two permit techs and three inspectors. All three inspectors have a desk to roll out plans, and each have an oversize monitor to review plans online. We know they employ the Accela database online, but it is not known whether any special software is necessary for their work. As noted above, a Wasco County program may need additional staff – and likely room for seven new work stations for a maximum total of 10 workstations. Two new workstations would be needed for the new Planning staff as well. Capital improvement costs attributed to a remodel are further described below. The Building Official and all inspectors would need an iPhone and iPad in addition to their office workstations, to allow for efficient fieldwork to continue as they are currently being provided.

**Vehicles:** The Building Official and each inspector require a vehicle for daily field inspections. Mr. Middleton provided guidance that several recent vehicle purchases at the government rate inform a conservative estimated cost of \$25,000 to \$30,000 per vehicle. As proposed, five vehicles should be anticipated at a cost of \$30,000 each for a total of \$150,000. Vehicle maintenance and fuel costs are not tabulated, and will be ongoing long-term costs.

### **Capital needs (physical space considerations)**

A Wasco County BCS program is likely to need 10 workstations, and two more in Planning. It is important to note that the program also requires significant storage space for the storage of paper copy plans and require record retention. It is simply not possible to add these workstations without expanding the building from its current configuration. Furthermore, there are no other vacant properties or buildings owned by the County that can meet the need.

Mr. Smith has provided information from past renovation RFP processes that indicate a design from a qualified engineer/architect/builder would cost approximately \$100,000 - \$150,000 and that it would further inform the cost of the actual renovation. The existing Public Works Building is a renovated showroom for farm equipment; office spaces are inefficient and the customer service area cannot serve multiple programs in its current configuration. Mr. Davis has indicated that if the space is expanded, the sprinkler system and HVAC will likely need to be replaced or expanded, which can be costly. Given this information, a complete renovation of the space to integrate BCS with the Planning, Public Works, Surveyor, GIS and other ancillary teams in the building will likely cost around \$1 million. A more accurate number can be obtained if the Board would like to pursue an RFP process.

### **Impact to existing County services**

As noted previously, the Planning Department would expand from 12 FTE to roughly 22 FTE, with a significant expansion in scope of work and responsibility. The Department would change from a Planning Department to a Community Development Department, and a reorganization of management to create a Deputy Planning Director position may likely be necessary to ensure timely decision making can be made for planning related programs. The Community Development Director would rely heavily on a qualified Building Official for BCS program management and day-to-day operation, but would need to plug into local and regional issues at play, and participate in additional legislative level conversations. An Administrative Assistant would likely be necessary to assist the Community Development Director, and bridge the divide of expanded program services.

Also noted above, the BCS FTE is equivalent in numbers to adding a new department, similar in size to the existing Planning Department, Assessment and Taxation, Community Corrections, and 911. This will have an impact to County administrative departments, including Finance, Human Resources, Information Services, Facilities and Maintenance, Legal Services and the Administrative Officer. Costs to these teams are approximated above, but are largely unknown until the program is implemented.

A remodel of the Public Works Building will displace several teams for several months (at minimum). The Public Works Department includes the Road Department, Surveyors, Weed Master and the Oregon State Water Master (a paying tenant of the space). Access to the shops and equipment yard are critical for their day-to-day operations. It is possible to use the 10<sup>th</sup> street property to meet storage needs during renovations, but special considerations and access may be required for the shops. GIS staff could be temporarily relocated to the Information Services office in the Harding House, but it would be preferential to keep their permanent working space near the Community Development Department. The Tri-County Household Hazardous Waste and Recycling Program (part of the Planning Department) has significant storage needs making temporary locations difficult to find. The Planning Department is a large team, requiring a large space to operate even temporarily. Portables have been discussed as a temporary solution during construction, but rental spaces may need to be evaluated as well.

Ongoing costs would be largely attributed to staffing costs, indirect costs noted above, fleet maintenance, office supplies and equipment, and building maintenance.

### **Timeline considerations**

The State has indicated Wasco County has until December 31, 2018 to take ownership of the BCS program. If the Board chooses to take this action, it is important to be clear about next steps with the state. A transition period to acquire the new staff, find workspaces for them and set them up with equipment and vehicles will be critical. In 2017, Hood River County request a one-year transition period to ensure they had the opportunity to build the team model that best fit their needs.

A remodel will not happen immediately. Please note that the vision of a shared customer counter cannot be realized fully without a remodel, or at minimum, new office furniture and configurations. If the State is unwilling to accommodate a timeline that allows for a remodel, it is very likely that new furniture will need to be purchased before a remodel can happen, with no guarantee that it will be able to accommodate the future remodel to the space.

### **Other considerations**

On December 14, 2018, Staff was provided a response from the State explaining why they could not commit to maintaining a local office (attached). In sum, there appears to be ongoing disputes about compensation levels being inadequate, resulting in an inability to fill BCS vacancies across the board.

On December 17, 2018, Staff was notified of recent limitations of cross trained inspectors and their ability to review plans or inspect work outside their primary field of expertise. The reason for this change is still unknown, however it sounds as if it may be the result of concerns expressed by the union that serves building inspectors. Staff is still looking into this matter.

Given these two very new pieces of information, it is important to note the differences between salary scales from the State and Wasco County for the same positions (attached). According to HR Answers, Wasco County compensates at nearly half that of the State. Our ability to recruit and retain qualified candidates for these critical positions to serve the public will be very difficult.

### **Attachments:**

- (1) Salary comparison provided by HR Answers
- (2) Proposed Wasco County Organizational Chart (a conservative estimate)
- (3) December 14, 2018 email from Mark Long of Oregon State BCS
- (4) December 17, 2018 email from Kylee Ruby of Oregon State BCS



Building Codes Salary Placement Suggestions

<u>Position</u>	<u>Current Salary Range</u>	<u>Current Grade Placement</u>	<u>HR Answers Suggested Range for W.C.</u>	<u>Suggested Grade Placement FOR W.C.</u>
Program Assistant	\$2430.00-\$3208.00	14F	\$2426.56-\$2814.17	D
Building Official	\$6013.00-\$7493.00	38F + 10% longevity	\$4554.99-\$5282.39	N
Building Inspector-Electrical	\$5526.00-\$6886.00	36F (Part-time)	\$3324.60-\$3855.52	I
Building Inspector-Plumbing	\$5526.00-\$6,886.00	36B (Part-time)	\$3324.60-\$3855.52	I
Program Director	\$4888.00-\$6091.00	33D + 10% longevity	<i>Not evaluated</i>	<i>Not evaluated</i>
Community Development	N/A	N/A	\$6171.80-\$7707.74	M3

Missing Data/not evaluated by HR Answers

Permit Tech.
Plans Reviewer
Deputy Planner

State Website Job Postings

Building Official for Statewide Services	\$69,936.00-\$102,972.00/y
Electrical Inspector	\$4013.00-5867.00/m
Structural/Mechanical Inspector	\$3831.00-5599.00/m
Plumbing Code Inspector	\$58212.00-85260.00/y
Plans Examiner 2	\$48156.00-70404.00/y

Benefits Included: Medical/Dental/Vision, \$5k EE Life, Paid sick, vacation, PTO & 10 holidays, PERS

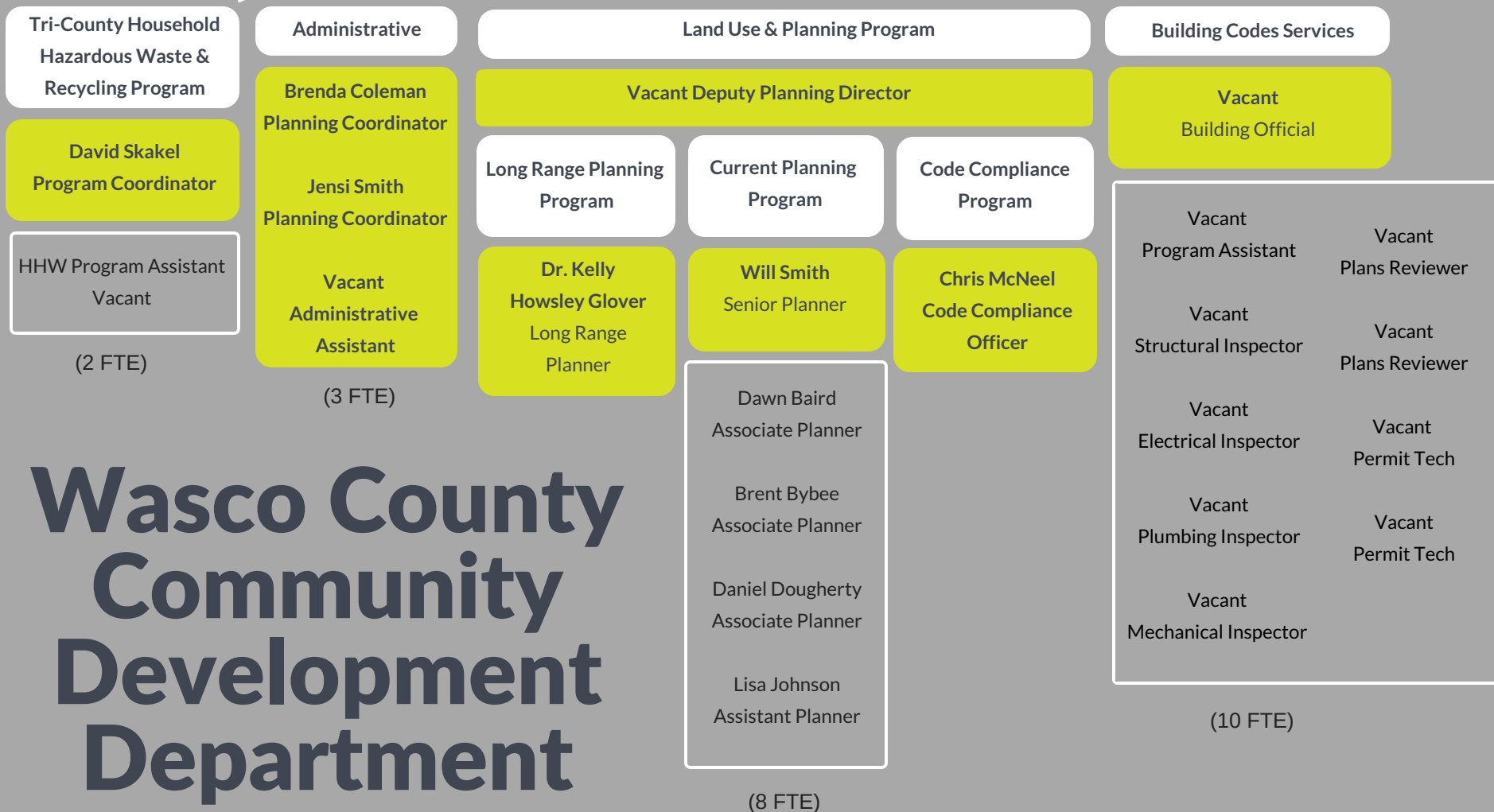
- Three Counties & Six Cities
- Provide policy direction
  - Identify work plan priorities
  - Develop annual budget



**Angie Brewer**  
Community Development  
Director (1 FTE)



- Nine Board-appointed members
- Hear land use appeals
  - Provide land use decisions
  - Provide recommendations to the Board for policy direction



# Wasco County Community Development Department

This very conservative model includes a total of 24 FTE. If cross certified inspectors can be recruited, positions may be reduced.



Angie Brewer &lt;angieb@co.wasco.or.us&gt;

---

**Fwd: County Inspection Programs**

1 message

---

**Tyler Stone** <tylers@co.wasco.or.us>  
To: Angie Brewer <angieb@co.wasco.or.us>

Mon, Dec 17, 2018 at 10:52 AM

FYI

Tyler Stone  
Administrative Officer  
Wasco County  
511 Washington St. Suite 101  
The Dalles, OR 97058  
541-506-2552  
[www.co.wasco.or.us](http://www.co.wasco.or.us)

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

From: **LONG Mark \* DCBS** <[Mark.Long@oregon.gov](mailto:Mark.Long@oregon.gov)>

Date: Fri, Dec 14, 2018 at 3:12 PM

Subject: County Inspection Programs

To: [steve.sharffer@co.gilliam.or.us](mailto:steve.sharffer@co.gilliam.or.us) <[steve.sharffer@co.gilliam.or.us](mailto:steve.sharffer@co.gilliam.or.us)>, [leslie.wetherell@co.gilliam.or.us](mailto:leslie.wetherell@co.gilliam.or.us) <[leslie.wetherell@co.gilliam.or.us](mailto:leslie.wetherell@co.gilliam.or.us)>, [Michael.weimar@co.gilliam.or.us](mailto:Michael.weimar@co.gilliam.or.us) <[Michael.weimar@co.gilliam.or.us](mailto:Michael.weimar@co.gilliam.or.us)>, HEGE Scott <[scotth@co.wasco.or.us](mailto:scotth@co.wasco.or.us)>, [SteveK@co.wasco.or.us](mailto:SteveK@co.wasco.or.us) <[SteveK@co.wasco.or.us](mailto:SteveK@co.wasco.or.us)>, RUNYON Rod <[rodr@co.wasco.or.us](mailto:rodr@co.wasco.or.us)>, [countycourt@shermancounty.net](mailto:countycourt@shermancounty.net) <[countycourt@shermancounty.net](mailto:countycourt@shermancounty.net)>, MORLEY Lynn <[lmorley@co.wheeler.or.us](mailto:lmorley@co.wheeler.or.us)>, [commordway@co.wheeler.or.us](mailto:commordway@co.wheeler.or.us) <[commordway@co.wheeler.or.us](mailto:commordway@co.wheeler.or.us)>, [dstarkey@co.wheeler.or.us](mailto:dstarkey@co.wheeler.or.us) <[dstarkey@co.wheeler.or.us](mailto:dstarkey@co.wheeler.or.us)>

Good Afternoon,

BCD received a request to provided permit and revenue activity collected while MCCOG was in operation. Our records indicate MCCOG began operation in 2006/2007. The data we have goes back to 2013. Attached you will find the results of our data search. This information may be useful as a proxy to determine how to distribute MCCOG reserves should local leadership decide to retain the program. Remember distribution is a local matter so this information is provided as informational only. Also, I am taking this opportunity to provide further information which may aid local decision-making.

Question: What is different in terms of state resources from 2006?

In 2013 the legislature provided new tools for BCD to provide temporary assistance to local programs, but inadequate staffing and a substantial pay gap constrain the division's ability to continue to provide these temporary services on a permanent basis. When a local program collapses, as in the case of MCCOG, it became clear that the state needed flexibility and tools to assist local government get back on its feet. In 2013 as state and local governments were trying to address the on-going impacts and resource constraints of the recession, the legislature gave the division new tools to assist local government in an emergency only. The new flexibility allowed BCD to temporarily by-pass normal state restrictions regarding inspector pay, hiring practices, leasing facilities, vehicles, computers, purchasing, contracts, fees and other areas of business operation. The argument for the new flexibility was to allow BCD to temporarily operate like local government when there is a local government emergency – removing some of the broader state regulations that impact all agencies while recognizing local government can operate more efficiently than the state. The bill passed, but no new positions were added to address the earlier reductions (in 2011, 33 positions were removed from BCD), nor was state inspector pay adjusted. We have used these new tools to assist your communities since February. These tools have also been used to assist other areas such as: Grant county, Harney county, Cottage Grove, and Creswell from our

primary bases of operation in Salem, Pendleton and Coos Bay. In all of those other examples, the state assisted local government re-operate and/or enhance its local program and commitment of local resources.

Question: Why won't BCD commit to operating a new field office in the local area?

When a local building program needs help, BCD will prioritize that community above other communities we serve, shifting available resources to assist the local community stand up its services. For the MCCOG area, there was a complete collapse with no remaining infrastructure to build from. Therefore we shifted resources from existing offices, reassigned staff and directed one of our top managers to oversee the region and set up a temporary office since no office existed after the collapse. The staffing shortages we have experienced since 2011 have been exacerbated by the substantial pay gap at the state (state inspector pay at the classification level has not change since 2001 placing the state behind most local government and industry rates). Even with the increased pay available through the enhanced tools, efforts to hire at state rates have proven largely unsuccessful.

Providing these emergency services from our existing pool of resources puts a strain on the other communities we serve. We have tried to alert the community that the temporary tools will no longer be available and we will need to prepare for a return to "normal" operations. Additionally we are concerned about our ability to provide services based on current and future resource challenges. In each of our communications we have suggested that we will do the best we can to continue service while the local discussion occurs, but have been uncomfortable making long term commitments without the community fully understanding the situation at the state. To be clear, the issue is not revenue, nor is the issue lack of available "cash on hand" to address the issue. Rather the issue is the state's limited pool of existing resources and a pay gap that limits the state's ability to obtain resources. Furthermore, unlike local government, BCD does not have the benefit of self-determination regarding pay, when to hire, how to hire etc., which is decided centrally for all agencies of state government.

Question: How can the local area help the state with its resource challenges? Should we seek legislative help?

Since 2011 BCD has been able to add back 18 of the 33 positions. We obviously would prefer to be back to the pre-recession levels and have the operational flexibility that we had in 2006 and/or the flexibility that the 2013 emergency tool-kit provides. However, inspector pay and management resources are the two primary issues impacting BCD inspection services at this time. As of December 1, BCD has 8 inspector/plans examiner vacancies (out of 22) and since last May 4 manager departures (out of 10). Of the 4 managers positions vacated, three managed or supported our inspection services area. These resource shortages with no foreseeable solution in the short-term means we no longer have the luxury to provide management and staff support to multiple offices. Those management positions (building officials with broad management experience) will be difficult to fill in a timely manner until the economics of the overall construction industry changes. I am confident the person we appointed to replace the three managers will do the best she can as the division adjusts to these resource challenges impacting our inspection services. Inspector and management pay are not legislative matters and we have tried and are trying again to change the inspector pay gap. We hope to have success by late 2019. It is important to note local government does not operate under some of the same constraints that the state experiences, providing the possibility for local government to address the issues in ways the state may not be able to. It may be useful to keep this in mind when considering the following questions.

You may want to consider the following additional questions as you work toward making a decision:

What are the staffing needs to operate a local program?

What are the anticipated revenues – how can we leverage those dollars locally?

Are there opportunities to achieve economies of scale between planning, zoning and building?

How do you intend to enforce your planning, zoning and development code? The state does not provide those services.

What level of contractor enforcement do you want for your community?

These are the question we are asking ourselves:

What happens if we lose another manager? We anticipate one more leaving next year.

What happens if we lose one of our three plans examiners? We have one plans examiner assigned currently to your area.

What if our inspector pay request is denied? Will we fall further behind?

What happens if there is another local government emergency?

For the near future, and unless we get lucky with our hiring, we no longer have the luxury to operate separate offices at the levels we want to. We are committed to helping you make the best decision going forward and we will do the best we can regardless of your local decision. We want you to have all the information we have before making a choice. If you have follow-up questions, Andrea Simmons, new field service manager is available to answer questions. Andrea can be reached at 503-373-2160.

We look forward to learning your decision(s). Please see attached Data as requested. mark





**Crystal Reports - MCCOGFeesCountsbyYear112918.pdf**  
7K

# MCCOG Counties Permit Fees and Counts by Year

Year		Gilliam County	Sherman County	Wasco County	Wheeler County
2013	Permit Fees:	\$11,316.32	\$5,284.68	\$787,624.23	\$2,555.46
	Percent of Total Fees:	1.4%	0.7%	97.6%	0.3%
	Permit Count:	10	28	402	10
	Percent of Total Permit Count:	2.2%	2.2%	89.3%	2.2%
2014	Permit Fees:	\$15,383.06	\$22,066.79	\$219,544.65	\$12,599.24
	Percent of Total Fees:	5.7%	8.2%	81.4%	4.7%
	Permit Count:	48	80	901	48
	Percent of Total Permit Count:	4.5%	4.5%	84.2%	4.5%
2015	Permit Fees:	\$32,615.94	\$68,151.03	\$219,390.58	\$4,890.47
	Percent of Total Fees:	10.0%	21.0%	67.5%	1.5%
	Permit Count:	83	48	861	83
	Percent of Total Permit Count:	8.3%	8.3%	85.8%	8.3%
2016	Permit Fees:	\$37,653.21	\$53,276.75	\$2,005,360.26	\$12,264.67
	Percent of Total Fees:	1.8%	2.5%	95.1%	0.6%
	Permit Count:	44	42	679	44
	Percent of Total Permit Count:	5.5%	5.5%	84.2%	5.5%
2017	Permit Fees:	\$7,310.06	\$5,171.43	\$647,342.50	\$2,950.31
	Percent of Total Fees:	1.1%	0.8%	97.7%	0.4%
	Permit Count:	32	37	677	32
	Percent of Total Permit Count:	4.2%	4.2%	89.8%	4.2%



Angie Brewer &lt;angieb@co.wasco.or.us&gt;

---

FYI...

1 message

---

RUBY Kylee \* DCBS <Kylee.Ruby@oregon.gov>

Mon, Dec 17, 2018 at 9:35 AM

To: Angie Brewer &lt;angieb@co.wasco.or.us&gt;

Cc: REAGAN Melissa \* DCBS &lt;Melissa.Reagan@oregon.gov&gt;

Hey Angie. We wanted to give you a heads up as to some new processes the State is imposing on its offices....

There was a meeting held in Pendleton on Thursday, and the State informed us that, inspectors will ONLY be able to inspect items under their current job descriptions – no matter what other certifications they have. That means that, instead of them being able to inspect say, plumbing and framing all at once because they are at the job site and are certified, they can only inspect the type of permit that falls under their job description. So, Don Beall can *only* inspect plumbing; Don Cochran can *only* inspect electrical; and John Rodriguez can *only* inspect structural/mechanical – even though all of them are cross trained/certified to do almost everything. They are also talking about doing Wheeler County inspections on Wednesdays only, since we will potentially have to send all 3 of our inspectors out there to cover one job. They are also talking about sending Salem folks out to do the Wednesday Wheeler inspections, but we have not heard for sure if that is what's going to happen. It's possible that Sherman/Gilliam counties would be lumped into only one day a week also. But we will see on that...

This is going to hurt our ability to crank out inspections as quickly as our contractors have been used to, and we are already hearing some push back from ones who have heard the news. We are directing complaints to the Interim Building Official, Andrea Simmons. Her number is: 503-373-7755.

The State is also wanting us to send ALL plan reviews to Salem now, instead of having our inspectors do anything in-house. This includes electrical/plumbing/mechanical plan reviews. We anticipate that this will increase review times quite a bit, but are not sure how much.

Nothing has been told to our office directly since the meeting, so we do not have a lot of details yet. We are hoping that Salem sends out the official word this week, but we aren't sure if they will. They are imposing these changes on the Pendleton & Coos Bay offices also, but because of our office being in limbo as it is, it might affect us the most.

We just wanted to give you a heads up as to what is going on, since it sounds like there are going to be some contractors at the meeting on Wednesday that may not be very pleased. We didn't want you to be blind-sided by them.

We will do our best to keep things running as smoothly as possible until everything gets figured out. But, if you have any specific questions, Andrea would be the one to contact.

Thank you Angie! Have a super day!

Kylee V. Ruby

Administrative Specialist

12/18/2018

Wasco County Mail - FYI...

**Building Codes Division – The Dalles Field Office**

**2705 E 2<sup>nd</sup> Street**

**The Dalles, OR 97058**

**Office: 541-506-2650 / Fax: 541-506-2651**



## MEMO

To: Wasco County Commissioners

From: Angie Brewer, Planning Director

Date: Prepared for December 19, 2018

Subject: Building Codes Services Considerations

---

### Introduction

Prior to 2007, the State of Oregon provided Building Codes Services (BCS) program from a local office in The Dalles, Oregon. From late 2006 to early 2018, Mid-Columbia Council of Governments (MCCOG) provided BCS to Wasco, Wheeler, Hood River, Sherman, and Gillam counties and their cities, and also operated from a local office in The Dalles. Hood River County developed its own BCS program in 2017. MCCOG shuttered its program in January of 2018, terminating the locally managed BCS program (unrelated to the exit of Hood River BCS). Since February 1, 2018, the State has been providing BCS on a temporary basis to remaining MCCOG parties, while each of the local governments consider their options for long term BCS services. The temporary office is located in the Wasco County Public Works Building, maintaining a centrally located presence in The Dalles.

This report intends to provide the Wasco County Commissioners with the best available information to identify the following:

1. Trends and projections of permit volumes by location and year
2. Past, current and projected staffing models
3. Financial considerations of both start-up costs and long-term costs
4. Capital needs (physical space considerations)
5. Impact to existing County services
6. Timeline considerations
7. Other considerations

### Trends and projections of permit volumes by location and year

BCS records can only be retrieved as far back as 2013. This provides at least five years of data but reduces our ability to understand how the BCS program may have been affected by the last recession. To prepare for the MCCOG closure, data was provided to Wasco County staff in 2017 to illustrate the permit volume by location (county and city), the revenue generated by those permits, and by year from 2014 to 2017. A more concise summary of that information was shared by the State on December 17, 2018 and was used to inform the tables and graphs shown below. A summary of information was



provided by the temporary BCS staff for January through November of 2018; only Wasco County's 2018 information is shown in this report but information for the other counties can be made available upon request.

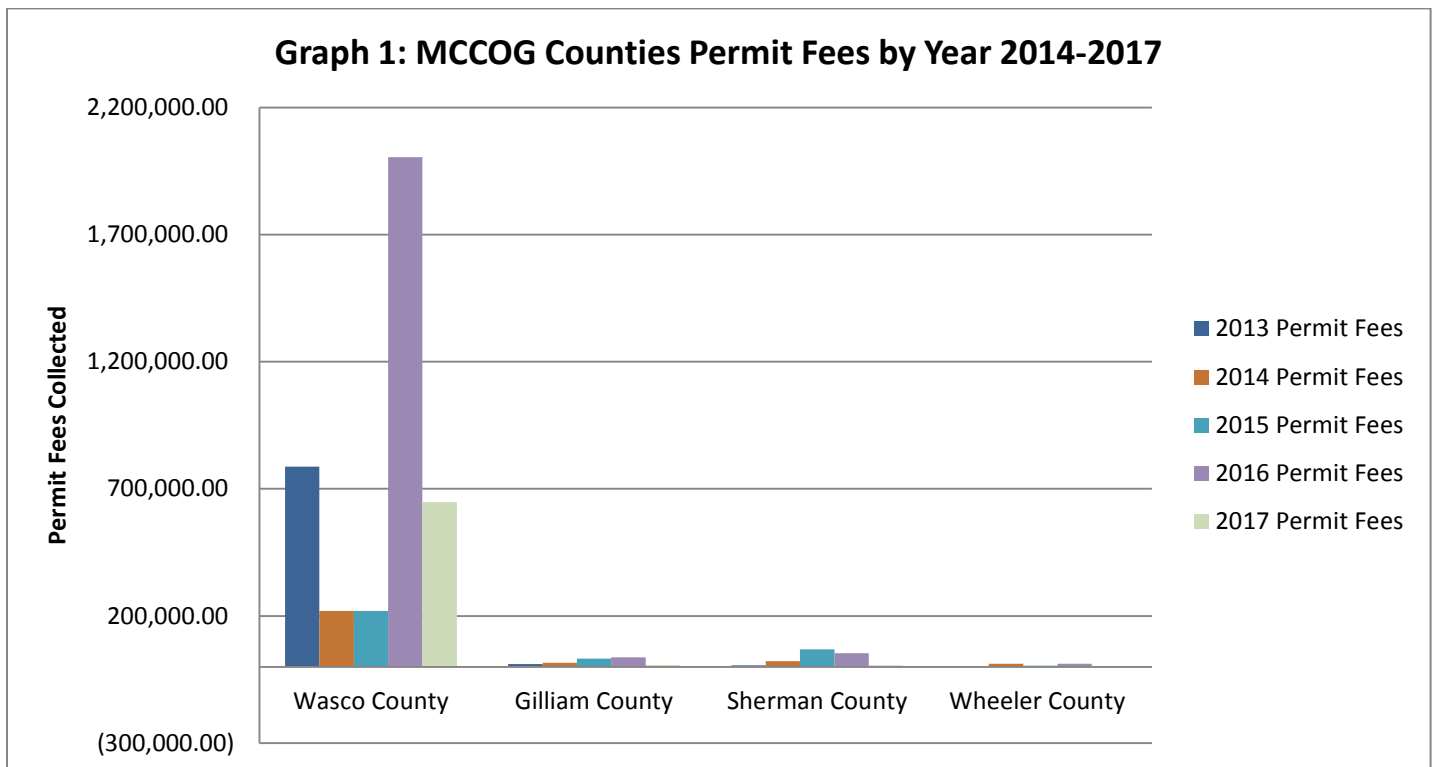
Overall, the data shows a clear trend that the bulk of the permit activity occurs in Wasco County, with a significant majority of permits being pursued in the city of The Dalles. As shown below, Wasco County has produced 87.9% of the MCCOG permit fees over the last five years (2014-2017).

These numbers highlight the need to evaluate costs of providing services outside of Wasco County. Out of financial necessity, a regional BCS program would need to be operated on a fee for service basis with contract between Wasco County and each party that realizes the actual cost of providing service at those distances. A consortium of parties is not recommended at this time.

**Table 1: MCCOG Counties Permit Fees and Counts by Year**

		Wasco County	Gilliam County	Sherman County	Wheeler County	Totals:
2013	Permit Fees	787,624.23	11,316.32	5,284.68	2,555.46	806,780.69
	Percent of Total Fees	97.60	1.40	0.70	0.30	100.00
	Permit Count	402.00	10.00	28.00	10.00	450.00
	Percent of Total Permit Count	89.30	2.20	2.20	2.20	95.90
2014	Permit Fees	219,544.65	15,383.06	22,066.79	12,599.24	269,593.74
	Percent of Total Fees	81.40	5.70	8.20	4.70	100.00
	Permit Count	901.00	48.00	80.00	48.00	1,077.00
	Percent of Total Permit Count	84.20	4.50	4.50	4.50	97.70
2015	Permit Fees	219,390.58	32,615.94	68,151.03	4,890.47	325,048.02
	Percent of Total Fees	67.50	10.00	21.00	1.50	100.00
	Permit Count	861.00	83.00	48.00	83.00	1,075.00
	Percent of Total Permit Count	85.80	8.30	8.30	8.30	110.70

2016	Permit Fees	2,005,360.26	37,653.21	53,276.75	12,264.67	2,108,554.89
	Percent of Total Fees	95.10	1.80	2.50	0.60	100.00
	Permit Count	679.00	44.00	42.00	44.00	809.00
	Percent of Total Permit Count	84.20	5.50	5.50	5.50	100.70
2017	Permit Fees	647,342.50	7,310.06	5,171.43	2,950.31	662,774.30
	Percent of Total Fees	97.70	1.10	0.80	0.40	100.00
	Permit Count	677.00	32.00	37.00	32.00	778.00
	Percent of Total Permit Count	89.80	4.20	4.20	4.20	102.40
						-
Five Year Average Percent of Total Fees		87.90	4.00	6.60	1.50	100.00
2018*	Permit Fees	1,329,190.84				
	Permit Count	1518				
(*January - November)						

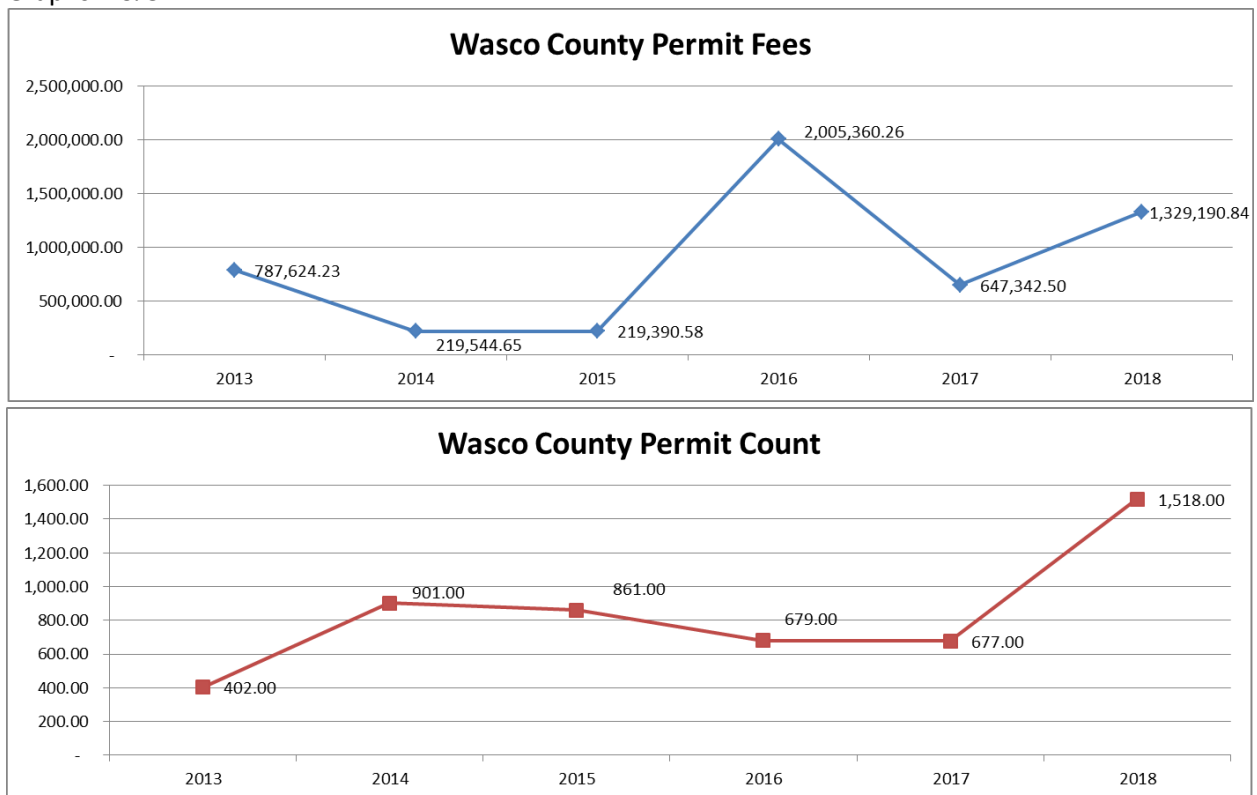


The data also clarifies that Permit Counts do not necessarily indicate an increase in Permit Fees. In most cases, fees are calculated based on the valuation of the project. This means that a busy year of small projects may not necessarily pay for the staff necessary to complete the task - even though the permit applications remain steady and the economy is otherwise stable. The reserve fund becomes critically important to carry the program through cyclical trends in large scale development and other unforeseen economic downturns. The data shown below has been confirmed for accuracy with BCS staff. Upticks in Permit Fees can be largely attributed to large projects, including the Google development. The uptick in Permit Counts is partly due to Google development, but also due to an active economy with many active development projects of all scales.

**Table 2: Wasco County Permit Fees & Count**

	2013	2014	2015	2016	2017	2018
Permit Fees	787,624.23	219,544.65	219,390.58	2,005,360.26	647,342.50	1,329,190.84
Permit Count	402.00	901.00	861.00	679.00	677.00	1,518.00

Graphs 2 & 3:



### Past, current and projected staffing models (known salaries listed):

Past: No information is available at this time regarding the historic staffing levels provided by the State. Anecdotally, staff understands that many of the MCCOG staff were part of the original State office.

MCCOG Program: 5.5 FTE + support from MCCOG

- 1.0 FTE Program Director (\$4,888 - \$6,091 + longevity)
- 1.0 FTE Program Assistant (\$2,430 - \$3,028)
- 1.0 FTE Building Official (\$6,013 - \$7,493)
- 0.5 FTE Plumbing Inspector (\$5,526 - \$6,886)
- 1.0 FTE Electrical Inspector (\$5,526 - \$6,886)
- 1.0 FTE Structural-Mechanical Inspector (\$5,526 - \$6,886)
- Administrative overhead, finance services, and information technology services were provided by MCCOG administrative staff. That cost was not identified.

At the time of closure, it was noted by MCCOG staff that the Building Official was temporarily backfilling the work of a vacant Structural-Mechanical Inspector position, and that the Plumbing Inspector had gone to part-time status even though the position was originally a full-time position. They did not indicate the reason for that change.

Current: The State has operated a temporary office in the Wasco County Public Works building since February of 2018. The temporary office has employed a combination of local staff hired for temporary positions, and borrowed staff from Salem and Pendleton BCS offices. Due to the reduced staffing capacity and the tasks inherited from the MCCOG transition, the current BCS office is open reduced hours to allow for staff to manage their workload effectively.

Temporary State Services: 6.25 FTE + significant support from Salem and Pendleton

- 0.5 FTE Building Official backstopped by senior BCS staff (all Salem) (\$6013.00-\$7493.00)
- 1.0 FTE Commercial Structural-Mechanical Inspector cross certified for Residential Plan Review, cross certified for Residential Structural-Mechanical-Electrical-Plumbing Inspections.
- 0.75 FTE Commercial (A-Level) Electrical Inspector and Electrical Plan Reviewer cross certified for Residential Plan Review, and Residential Structural-Mechanical-Electrical-Plumbing Inspections. (\$5526.00-\$6886.00)
- 1.0 FTE Commercial Plumbing Inspector and Plumbing Plans Reviewer cross certified for Residential Plan Review, and Residential Structural-Mechanical-Electrical-Plumbing Inspections. (\$5526.00-\$6886.00)
- 1.0 FTE Commercial Structural-Residential Plans Review Specialist for Residential-Commercial Plan Reviews (local staff indicated that they keep 3 FTE in this position in Salem “busy”) (cost unknown)
- 2.0 FTE Permit Techs (cost unknown)
- Administrative overhead from Salem office that provides office management, financial services, information technology support, fleet management and more.

Proposed: Identifying an accurate staffing model for a Wasco County BCS Program requires some assumptions, the largest of which is that an inspector will be needed for each area of expertise. It is not possible to anticipate what kinds of cross certifications may be possible, because they depend on the candidates that apply for the positions when they become available. Additionally, Staff was informed on December 17, 2018 that the State BCS is no longer able to utilize cross certified staff for inspections other than their primary field of expertise. It is not clear at this time whether this change is required by law or will otherwise be a permanent requirement, but it further underscores the basis for the assumptions used to create this staffing model – which shows the most conservative estimate and the largest team that would possibly be needed to open an immediately effective BCS program. HR Answers

provided the following salary ranges based on the Wasco County salary scale and compensation philosophy. Please see the full data attached to view how they compare with the current wages of the same positions.

Wasco County Managed Program: 10 FTE + oversight from Community Development Director and support from Courthouse administrative services. Please note that this is shown to be larger than it will likely need to be due to the unknown combination of certified inspectors Please see the attached organizational chart to better understand the newly created Community Development Department.

- 1.0 FTE Building Official (\$4554.99-\$5282.39)
- 1.0 FTE Program Assistant (\$2426.56-\$2814.17)
- 1.0 FTE Commercial and Residential Structural Inspector (salary range not provided)
- 1.0 FTE Commercial and Residential Electrical Inspector (\$3324.60-\$3855.52)
- 1.0 FTE Commercial and Residential Plumbing Inspector (\$3324.60-\$3855.52)
- 1.0 FTE Commercial and Residential Mechanical Inspector (salary range not provided)
- 2.0 FTE Plans Reviewer (salary range not provided)
- 2.0 FTE Permit Tech (salary range not provided)
- Support from Finance Department of AP/AR (cost not yet known, part of indirect costs below)

Expanding the Planning Department to a Community Development Department will incur additional staffing costs needed for the reorganization and expanded scope of work and responsibilities. Proposed changes err on the side of being conservative, to ensure continuity of services and quality of existing services can be maintained:

- Planning Director will become a Community Development Director (change not yet determined)
- 1.0 FTE Deputy Planning Director (salary range not provided)
- 1.0 FTE Office Assistant (\$2,584.29 - \$2,996.98)

### **Financial considerations of both start-up costs and long-term costs**

Accurately identifying the costs of implement BCS is difficult because not all of the information we've requested has been provided to us for review, and we regularly receive new information from the State that affects the set of assumptions we've used to estimate costs. Nichole Biechler, Wasco County Human Resources Director; Mike Middleton, Wasco County Finance Director; Arthur Smith, Wasco County Public Works Director; and Fred Davis, Wasco County Facilities Manager were consulted for the following information:

Known indirect costs of County services are estimated to be between \$200,000 to \$250,000 each year. This number was derived evaluating the costs of similarly sized teams that currently exist in the Wasco County framework. Mr. Middleton noted that variables will depend on the actual budget size, total FTE, number of computers, and square footage of the workspace.

Known direct costs include startup costs of dedicated staff, purchasing computers and workstations, cell phones and tablets for fieldwork, vehicles, and a remodel of the current work space.

Staffing costs are identified above where they are known. Changes would include expansion of the Planning Director's role and responsibilities to a Community Development Director, the addition of a Deputy Planning Director to oversee day to day planning program needs when the Director is not available, and a new Administrative Assistant to assist the Community Development Director.

The current BCS work space seats two permit techs and three inspectors. All three inspectors have a desk to roll out plans, and each have an oversize monitor to review plans online. We know they employ the Accela database online, but it is not known whether any special software is necessary for their work. As noted above, a Wasco County program may need additional staff – and likely room for seven new work stations for a maximum total of 10 workstations. Two new workstations would be needed for the new Planning staff as well. Capital improvement costs attributed to a remodel are further described below. The Building Official and all inspectors would need an iPhone and iPad in addition to their office workstations, to allow for efficient fieldwork to continue as they are currently being provided.

**Vehicles:** The Building Official and each inspector require a vehicle for daily field inspections. Mr. Middleton provided guidance that several recent vehicle purchases at the government rate inform a conservative estimated cost of \$25,000 to \$30,000 per vehicle. As proposed, five vehicles should be anticipated at a cost of \$30,000 each for a total of \$150,000. Vehicle maintenance and fuel costs are not tabulated, and will be ongoing long-term costs.

### **Capital needs (physical space considerations)**

A Wasco County BCS program is likely to need 10 workstations, and two more in Planning. It is important to note that the program also requires significant storage space for the storage of paper copy plans and require record retention. It is simply not possible to add these workstations without expanding the building from its current configuration. Furthermore, there are no other vacant properties or buildings owned by the County that can meet the need.

Mr. Smith has provided information from past renovation RFP processes that indicate a design from a qualified engineer/architect/builder would cost approximately \$100,000 - \$150,000 and that it would further inform the cost of the actual renovation. The existing Public Works Building is a renovated showroom for farm equipment; office spaces are inefficient and the customer service area cannot serve multiple programs in its current configuration. Mr. Davis has indicated that if the space is expanded, the sprinkler system and HVAC will likely need to be replaced or expanded, which can be costly. Given this information, a complete renovation of the space to integrate BCS with the Planning, Public Works, Surveyor, GIS and other ancillary teams in the building will likely cost around \$1 million. A more accurate number can be obtained if the Board would like to pursue an RFP process.

### **Impact to existing County services**

As noted previously, the Planning Department would expand from 12 FTE to roughly 22 FTE, with a significant expansion in scope of work and responsibility. The Department would change from a Planning Department to a Community Development Department, and a reorganization of management to create a Deputy Planning Director position may likely be necessary to ensure timely decision making can be made for planning related programs. The Community Development Director would rely heavily on a qualified Building Official for BCS program management and day-to-day operation, but would need to plug into local and regional issues at play, and participate in additional legislative level conversations. An Administrative Assistant would likely be necessary to assist the Community Development Director, and bridge the divide of expanded program services.

Also noted above, the BCS FTE is equivalent in numbers to adding a new department, similar in size to the existing Planning Department, Assessment and Taxation, Community Corrections, and 911. This will have an impact to County administrative departments, including Finance, Human Resources, Information Services, Facilities and Maintenance, Legal Services and the Administrative Officer. Costs to these teams are approximated above, but are largely unknown until the program is implemented.



A remodel of the Public Works Building will displace several teams for several months (at minimum). The Public Works Department includes the Road Department, Surveyors, Weed Master and the Oregon State Water Master (a paying tenant of the space). Access to the shops and equipment yard are critical for their day-to-day operations. It is possible to use the 10<sup>th</sup> street property to meet storage needs during renovations, but special considerations and access may be required for the shops. GIS staff could be temporarily relocated to the Information Services office in the Harding House, but it would be preferential to keep their permanent working space near the Community Development Department. The Tri-County Household Hazardous Waste and Recycling Program (part of the Planning Department) has significant storage needs making temporary locations difficult to find. The Planning Department is a large team, requiring a large space to operate even temporarily. Portables have been discussed as a temporary solution during construction, but rental spaces may need to be evaluated as well.

Ongoing costs would be largely attributed to staffing costs, indirect costs noted above, fleet maintenance, office supplies and equipment, and building maintenance.

### **Timeline considerations**

The State has indicated Wasco County has until December 31, 2018 to take ownership of the BCS program. If the Board chooses to take this action, it is important to be clear about next steps with the state. A transition period to acquire the new staff, find workspaces for them and set them up with equipment and vehicles will be critical. In 2017, Hood River County request a one-year transition period to ensure they had the opportunity to build the team model that best fit their needs.

A remodel will not happen immediately. Please note that the vision of a shared customer counter cannot be realized fully without a remodel, or at minimum, new office furniture and configurations. If the State is unwilling to accommodate a timeline that allows for a remodel, it is very likely that new furniture will need to be purchased before a remodel can happen, with no guarantee that it will be able to accommodate the future remodel to the space.

### **Other considerations**

On December 14, 2018, Staff was provided a response from the State explaining why they could not commit to maintaining a local office (attached). In sum, there appears to be ongoing disputes about compensation levels being inadequate, resulting in an inability to fill BCS vacancies across the board.

On December 17, 2018, Staff was notified of recent limitations of cross trained inspectors and their ability to review plans or inspect work outside their primary field of expertise. The reason for this change is still unknown, however it sounds as if it may be the result of concerns expressed by the union that serves building inspectors. Staff is still looking into this matter.

Given these two very new pieces of information, it is important to note the differences between salary scales from the State and Wasco County for the same positions (attached). According to HR Answers, Wasco County compensates at nearly half that of the State. Our ability to recruit and retain qualified candidates for these critical positions to serve the public will be very difficult.

### **Attachments:**

- (1) Salary comparison provided by HR Answers
- (2) Proposed Wasco County Organizational Chart (a conservative estimate)
- (3) December 14, 2018 email from Mark Long of Oregon State BCS
- (4) December 17, 2018 email from Kylee Ruby of Oregon State BCS

Building Codes Salary Placement Suggestions

<u>Position</u>	<u>Current Salary Range</u>	<u>Current Grade Placement</u>	<u>HR Answers Suggested Range for W.C.</u>	<u>Suggested Grade Placement FOR W.C.</u>
Program Assistant	\$2430.00-\$3208.00	14F	\$2426.56-\$2814.17	D
Building Official	\$6013.00-\$7493.00	38F + 10% longevity	\$4554.99-\$5282.39	N
Building Inspector-Electrical	\$5526.00-\$6886.00	36F (Part-time)	\$3324.60-\$3855.52	I
Building Inspector-Plumbing	\$5526.00-\$6,886.00	36B (Part-time)	\$3324.60-\$3855.52	I
Program Director	\$4888.00-\$6091.00	33D + 10% longevity	<i>Not evaluated</i>	<i>Not evaluated</i>
Community Development	N/A	N/A	\$6171.80-\$7707.74	M3

Missing Data/not evaluated by HR Answers

Permit Tech.
Plans Reviewer
Deputy Planner

State Website Job Postings

Building Official for Statewide Services	\$69,936.00-\$102,972.00/y
Electrical Inspector	\$4013.00-5867.00/m
Structural/Mechanical Inspector	\$3831.00-5599.00/m
Plumbing Code Inspector	\$58212.00-85260.00/y
Plans Examiner 2	\$48156.00-70404.00/y

Benefits Included: Medical/Dental/Vision, \$5k EE Life, Paid sick, vacation, PTO & 10 holidays, PERS

- Three Counties & Six Cities
- Provide policy direction
  - Identify work plan priorities
  - Develop annual budget



**Angie Brewer**  
Community Development  
Director (1 FTE)



- Nine Board-appointed members
- Hear land use appeals
  - Provide land use decisions
  - Provide recommendations to the Board for policy direction

Tri-County Household  
Hazardous Waste &  
Recycling Program

**David Skakel**  
Program Coordinator

HHW Program Assistant  
Vacant

(2 FTE)

Administrative

**Brenda Coleman**  
Planning Coordinator

**Jensi Smith**  
Planning Coordinator

Vacant  
Administrative  
Assistant

(3 FTE)

Land Use & Planning Program

Vacant Deputy Planning Director

Long Range Planning  
Program

**Dr. Kelly  
Howsley Glover**  
Long Range  
Planner

Current Planning  
Program

**Will Smith**  
Senior Planner

Dawn Baird  
Associate Planner

Brent Bybee  
Associate Planner

Daniel Dougherty  
Associate Planner

Lisa Johnson  
Assistant Planner

(8 FTE)

Code Compliance  
Program

**Chris McNeel**  
Code Compliance  
Officer

Building Codes Services

Vacant  
Building Official

Vacant Program Assistant	Vacant Plans Reviewer
Vacant Structural Inspector	Vacant Plans Reviewer
Vacant Electrical Inspector	Vacant Permit Tech
Vacant Plumbing Inspector	Vacant Permit Tech
Vacant Mechanical Inspector	

(10 FTE)

# Wasco County Community Development Department

This very conservative model includes a total of 24 FTE. If cross certified inspectors can be recruited, positions may be reduced.



Angie Brewer &lt;angieb@co.wasco.or.us&gt;

---

**Fwd: County Inspection Programs**

1 message

---

**Tyler Stone** <tylers@co.wasco.or.us>  
To: Angie Brewer <angieb@co.wasco.or.us>

Mon, Dec 17, 2018 at 10:52 AM

FYI

Tyler Stone  
Administrative Officer  
Wasco County  
511 Washington St. Suite 101  
The Dalles, OR 97058  
541-506-2552  
[www.co.wasco.or.us](http://www.co.wasco.or.us)

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

From: **LONG Mark \* DCBS** <[Mark.Long@oregon.gov](mailto:Mark.Long@oregon.gov)>

Date: Fri, Dec 14, 2018 at 3:12 PM

Subject: County Inspection Programs

To: [steve.sharffer@co.gilliam.or.us](mailto:steve.sharffer@co.gilliam.or.us) <[steve.sharffer@co.gilliam.or.us](mailto:steve.sharffer@co.gilliam.or.us)>, [leslie.wetherell@co.gilliam.or.us](mailto:leslie.wetherell@co.gilliam.or.us) <[leslie.wetherell@co.gilliam.or.us](mailto:leslie.wetherell@co.gilliam.or.us)>, [Michael.weimar@co.gilliam.or.us](mailto:Michael.weimar@co.gilliam.or.us) <[Michael.weimar@co.gilliam.or.us](mailto:Michael.weimar@co.gilliam.or.us)>, HEGE Scott <[scotth@co.wasco.or.us](mailto:scotth@co.wasco.or.us)>, [SteveK@co.wasco.or.us](mailto:SteveK@co.wasco.or.us) <[SteveK@co.wasco.or.us](mailto:SteveK@co.wasco.or.us)>, RUNYON Rod <[rodr@co.wasco.or.us](mailto:rodr@co.wasco.or.us)>, [countycourt@shermancounty.net](mailto:countycourt@shermancounty.net) <[countycourt@shermancounty.net](mailto:countycourt@shermancounty.net)>, MORLEY Lynn <[lmorley@co.wheeler.or.us](mailto:lmorley@co.wheeler.or.us)>, [commordway@co.wheeler.or.us](mailto:commordway@co.wheeler.or.us) <[commordway@co.wheeler.or.us](mailto:commordway@co.wheeler.or.us)>, [dstarkey@co.wheeler.or.us](mailto:dstarkey@co.wheeler.or.us) <[dstarkey@co.wheeler.or.us](mailto:dstarkey@co.wheeler.or.us)>

Good Afternoon,

BCD received a request to provided permit and revenue activity collected while MCCOG was in operation. Our records indicate MCCOG began operation in 2006/2007. The data we have goes back to 2013. Attached you will find the results of our data search. This information may be useful as a proxy to determine how to distribute MCCOG reserves should local leadership decide to retain the program. Remember distribution is a local matter so this information is provided as informational only. Also, I am taking this opportunity to provide further information which may aid local decision-making.

Question: What is different in terms of state resources from 2006?

In 2013 the legislature provided new tools for BCD to provide temporary assistance to local programs, but inadequate staffing and a substantial pay gap constrain the division's ability to continue to provide these temporary services on a permanent basis. When a local program collapses, as in the case of MCCOG, it became clear that the state needed flexibility and tools to assist local government get back on its feet. In 2013 as state and local governments were trying to address the on-going impacts and resource constraints of the recession, the legislature gave the division new tools to assist local government in an emergency only. The new flexibility allowed BCD to temporarily by-pass normal state restrictions regarding inspector pay, hiring practices, leasing facilities, vehicles, computers, purchasing, contracts, fees and other areas of business operation. The argument for the new flexibility was to allow BCD to temporarily operate like local government when there is a local government emergency – removing some of the broader state regulations that impact all agencies while recognizing local government can operate more efficiently than the state. The bill passed, but no new positions were added to address the earlier reductions (in 2011, 33 positions were removed from BCD), nor was state inspector pay adjusted. We have used these new tools to assist your communities since February. These tools have also been used to assist other areas such as: Grant county, Harney county, Cottage Grove, and Creswell from our

primary bases of operation in Salem, Pendleton and Coos Bay. In all of those other examples, the state assisted local government re-operate and/or enhance its local program and commitment of local resources.

Question: Why won't BCD commit to operating a new field office in the local area?

When a local building program needs help, BCD will prioritize that community above other communities we serve, shifting available resources to assist the local community stand up its services. For the MCCOG area, there was a complete collapse with no remaining infrastructure to build from. Therefore we shifted resources from existing offices, reassigned staff and directed one of our top managers to oversee the region and set up a temporary office since no office existed after the collapse. The staffing shortages we have experienced since 2011 have been exacerbated by the substantial pay gap at the state (state inspector pay at the classification level has not change since 2001 placing the state behind most local government and industry rates). Even with the increased pay available through the enhanced tools, efforts to hire at state rates have proven largely unsuccessful.

Providing these emergency services from our existing pool of resources puts a strain on the other communities we serve. We have tried to alert the community that the temporary tools will no longer be available and we will need to prepare for a return to "normal" operations. Additionally we are concerned about our ability to provide services based on current and future resource challenges. In each of our communications we have suggested that we will do the best we can to continue service while the local discussion occurs, but have been uncomfortable making long term commitments without the community fully understanding the situation at the state. To be clear, the issue is not revenue, nor is the issue lack of available "cash on hand" to address the issue. Rather the issue is the state's limited pool of existing resources and a pay gap that limits the state's ability to obtain resources. Furthermore, unlike local government, BCD does not have the benefit of self-determination regarding pay, when to hire, how to hire etc., which is decided centrally for all agencies of state government.

Question: How can the local area help the state with its resource challenges? Should we seek legislative help?

Since 2011 BCD has been able to add back 18 of the 33 positions. We obviously would prefer to be back to the pre-recession levels and have the operational flexibility that we had in 2006 and/or the flexibility that the 2013 emergency tool-kit provides. However, inspector pay and management resources are the two primary issues impacting BCD inspection services at this time. As of December 1, BCD has 8 inspector/plans examiner vacancies (out of 22) and since last May 4 manager departures (out of 10). Of the 4 managers positions vacated, three managed or supported our inspection services area. These resource shortages with no foreseeable solution in the short-term means we no longer have the luxury to provide management and staff support to multiple offices. Those management positions (building officials with broad management experience) will be difficult to fill in a timely manner until the economics of the overall construction industry changes. I am confident the person we appointed to replace the three managers will do the best she can as the division adjusts to these resource challenges impacting our inspection services. Inspector and management pay are not legislative matters and we have tried and are trying again to change the inspector pay gap. We hope to have success by late 2019. It is important to note local government does not operate under some of the same constraints that the state experiences, providing the possibility for local government to address the issues in ways the state may not be able to. It may be useful to keep this in mind when considering the following questions.

You may want to consider the following additional questions as you work toward making a decision:

What are the staffing needs to operate a local program?

What are the anticipated revenues – how can we leverage those dollars locally?

Are there opportunities to achieve economies of scale between planning, zoning and building?

How do you intend to enforce your planning, zoning and development code? The state does not provide those services.

What level of contractor enforcement do you want for your community?

These are the question we are asking ourselves:

What happens if we lose another manager? We anticipate one more leaving next year.

What happens if we lose one of our three plans examiners? We have one plans examiner assigned currently to your area.

What if our inspector pay request is denied? Will we fall further behind?

What happens if there is another local government emergency?

For the near future, and unless we get lucky with our hiring, we no longer have the luxury to operate separate offices at the levels we want to. We are committed to helping you make the best decision going forward and we will do the best we can regardless of your local decision. We want you to have all the information we have before making a choice. If you have follow-up questions, Andrea Simmons, new field service manager is available to answer questions. Andrea can be reached at 503-373-2160.

We look forward to learning your decision(s). Please see attached Data as requested. mark





**Crystal Reports - MCCOGFeesCountsbyYear112918.pdf**  
7K

# MCCOG Counties Permit Fees and Counts by Year

Year		Gilliam County	Sherman County	Wasco County	Wheeler County
2013	Permit Fees:	\$11,316.32	\$5,284.68	\$787,624.23	\$2,555.46
	Percent of Total Fees:	1.4%	0.7%	97.6%	0.3%
	Permit Count:	10	28	402	10
	Percent of Total Permit Count:	2.2%	2.2%	89.3%	2.2%
2014	Permit Fees:	\$15,383.06	\$22,066.79	\$219,544.65	\$12,599.24
	Percent of Total Fees:	5.7%	8.2%	81.4%	4.7%
	Permit Count:	48	80	901	48
	Percent of Total Permit Count:	4.5%	4.5%	84.2%	4.5%
2015	Permit Fees:	\$32,615.94	\$68,151.03	\$219,390.58	\$4,890.47
	Percent of Total Fees:	10.0%	21.0%	67.5%	1.5%
	Permit Count:	83	48	861	83
	Percent of Total Permit Count:	8.3%	8.3%	85.8%	8.3%
2016	Permit Fees:	\$37,653.21	\$53,276.75	\$2,005,360.26	\$12,264.67
	Percent of Total Fees:	1.8%	2.5%	95.1%	0.6%
	Permit Count:	44	42	679	44
	Percent of Total Permit Count:	5.5%	5.5%	84.2%	5.5%
2017	Permit Fees:	\$7,310.06	\$5,171.43	\$647,342.50	\$2,950.31
	Percent of Total Fees:	1.1%	0.8%	97.7%	0.4%
	Permit Count:	32	37	677	32
	Percent of Total Permit Count:	4.2%	4.2%	89.8%	4.2%



Angie Brewer &lt;angieb@co.wasco.or.us&gt;

---

FYI...

1 message

---

RUBY Kylee \* DCBS <Kylee.Ruby@oregon.gov>

Mon, Dec 17, 2018 at 9:35 AM

To: Angie Brewer &lt;angieb@co.wasco.or.us&gt;

Cc: REAGAN Melissa \* DCBS &lt;Melissa.Reagan@oregon.gov&gt;

Hey Angie. We wanted to give you a heads up as to some new processes the State is imposing on its offices....

There was a meeting held in Pendleton on Thursday, and the State informed us that, inspectors will ONLY be able to inspect items under their current job descriptions – no matter what other certifications they have. That means that, instead of them being able to inspect say, plumbing and framing all at once because they are at the job site and are certified, they can only inspect the type of permit that falls under their job description. So, Don Beall can *only* inspect plumbing; Don Cochran can *only* inspect electrical; and John Rodriguez can *only* inspect structural/mechanical – even though all of them are cross trained/certified to do almost everything. They are also talking about doing Wheeler County inspections on Wednesdays only, since we will potentially have to send all 3 of our inspectors out there to cover one job. They are also talking about sending Salem folks out to do the Wednesday Wheeler inspections, but we have not heard for sure if that is what's going to happen. It's possible that Sherman/Gilliam counties would be lumped into only one day a week also. But we will see on that...

This is going to hurt our ability to crank out inspections as quickly as our contractors have been used to, and we are already hearing some push back from ones who have heard the news. We are directing complaints to the Interim Building Official, Andrea Simmons. Her number is: 503-373-7755.

The State is also wanting us to send ALL plan reviews to Salem now, instead of having our inspectors do anything in-house. This includes electrical/plumbing/mechanical plan reviews. We anticipate that this will increase review times quite a bit, but are not sure how much.

Nothing has been told to our office directly since the meeting, so we do not have a lot of details yet. We are hoping that Salem sends out the official word this week, but we aren't sure if they will. They are imposing these changes on the Pendleton & Coos Bay offices also, but because of our office being in limbo as it is, it might affect us the most.

We just wanted to give you a heads up as to what is going on, since it sounds like there are going to be some contractors at the meeting on Wednesday that may not be very pleased. We didn't want you to be blind-sided by them.

We will do our best to keep things running as smoothly as possible until everything gets figured out. But, if you have any specific questions, Andrea would be the one to contact.

Thank you Angie! Have a super day!

Kylee V. Ruby

Administrative Specialist

12/18/2018

Wasco County Mail - FYI...

**Building Codes Division – The Dalles Field Office**

**2705 E 2<sup>nd</sup> Street**

**The Dalles, OR 97058**

**Office: 541-506-2650 / Fax: 541-506-2651**



## AGENDA ITEM

### 2019 SOAK Outdoor Mass Gathering Hearing

---

[SUMMARY OF INFORMATION](#)

---

[ATTACHMENT A – OPTIONS AND RECOMMENDATIONS](#)

---

[ATTACHMENT B – PROPOSED CONDITIONS](#)

---

[ATTACHMENT C – MAPS](#)

---

[ATTACHMENT D – STAFF REPORT](#)

---

[SOAK APPLICATION](#)

---

[COMMENTS](#)

---

[ORDER 18-099 PERMITTING 2019 SOAK OMG](#)

---

[MOTION LANGUAGE](#)

---



**PLANNING DEPARTMENT**

2705 East Second Street • The Dalles, OR 97058  
p: [541] 506-2560 • f: [541] 506-2561 • [www.co.wasco.or.us](http://www.co.wasco.or.us)

*Pioneering pathways to prosperity.*

## SUMMARY OF INFORMATION

### Prepared for Wasco County Board of Commissioners Hearing

**FILE #** 921-18-000183-PLNG

**HEARING DATE:** December 19, 2018

**PUBLISH DATE:** December 5, 2018

---

**REQUEST:** Outdoor Mass Gathering permit for a music and art festival entitled "SOAK 2019," (also known as Burning Man Portland") May 23-27, 2019. Estimated attendance is 1,800 including staff and volunteers.

**RECOMMENDATION:** Approval, with conditions

---

**APPLICANT/OWNER INFORMATION:**

**Applicant:** Harry Nedley, Precipitation Northwest, 3032 SE Clinton Street, Portland, OR 97202

**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 (15-16) 2200	12314	163.62

---

**ATTACHMENTS:**

Prepared by Dawn Baird, Associate Planner

- A. Options & Staff Recommendation
- B. Recommended Conditions
- C. Maps (vicinity map and site plan)
- D. Staff Report



## ATTACHMENT A – OPTIONS & STAFF RECOMMENDATION

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

The following Staff Report provides 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. **Continue** the hearing, to a date and time certain, if additional information is needed to determine whether applicable standards and criteria are sufficiently addressed.

### **Staff Recommendation:**

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

## ATTACHMENT B – PROPOSED 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 December 19, 2018, 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 2019 shall be 1,800, 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 2019, 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 providing a 3,000 gallon water truck on site daily, provided by Tygh Valley Water.
- 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. **Grey Water:** No grey water is anticipated by the applicant. In coordination with the North Central Public Health District, the applicant shall develop a plan for unanticipated grey 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 2018 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. 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 C – MAPS

## Site Plan

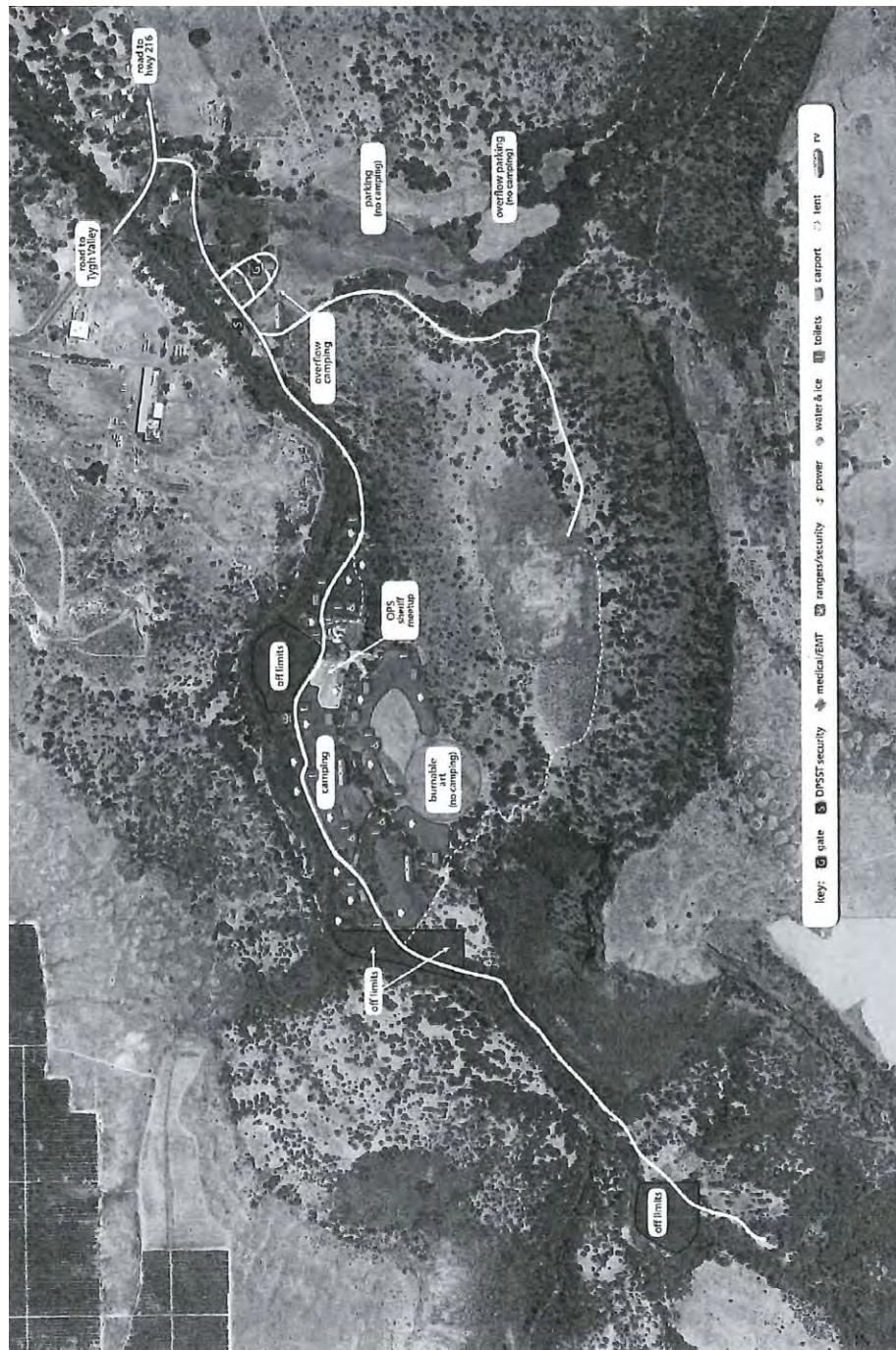
Applicant: Harry Nedley for Precipitation Northwest (SOAK LLC)

Owners: Jonnie L. Justesen, et. al.

4S 13E 10, Tax Lot 800; Account 10464

4S 13E 0, Tax Lot 2200; Account 12314

4S 13E 15, Tax Lot 100; Account 10445



## ATTACHMENT D – STAFF REPORT

**File Number:** 921-18-000183-PLNG

**Applicant:** SOAK, LLC  
Onsite contact, Melissa Casburn

**Property Owner:** Jonnie L. and Fred A. Justesen

**Request:** Outdoor Mass Gathering permit for a music and art festival entitled “SOAK 2019,” (also known as “Burning Man Portland”) May 23-27, 2019. Estimated attendance is 1,800 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 (15-16) 2200	12314	163.62

**Zoning:** Exclusive Farm Use, A-1(160) and Tygh Valley Residential, TV-R

**Procedure Type:** Public Hearing, Wasco County Board of Commissioners

**Staff Recommendation:** Approval, with conditions

**Hearing Date:** December 19, 2018, 6 p.m.

**Hearing Location:** Tygh Valley Community Center  
57594 Tygh Valley Road  
Tygh Valley, OR 97063

**Prepared By:** Dawn Baird, Associate Planner

**Past Actions:** 4S 13E 10 800  
PLAOMG-17-09-0003, SOAK 2018 Outdoor Mass Gathering  
PLAOMG-16-12-0003, SOAK 2017 Outdoor Mass Gathering  
PLAOMG-16-01-0001, SOAK 2016 Outdoor Mass Gathering  
PLAOMG-14-12-0003, SOAK 2015 Outdoor Mass Gathering  
PLAARC-08-05-4307 - (PAR-07-101) Land division  
PLAARC-08-06-5066 - (PAR-07-122) Land division

4S 13E 15 100  
PLAOMG-17-09-0003, SOAK 2018 Outdoor Mass Gathering  
PLAOMG-16-01-0001, SOAK 2016 Outdoor Mass Gathering  
PLAOMG-16-12-0003, SOAK 2017 Outdoor Mass Gathering  
PLAOMG-14-12-0003, SOAK 2015 Outdoor Mass Gathering  
PLAARC-08-04-3812 - (REP-95-106) Lot line adjustment  
PLAARC-08-06-5066 - (PAR-07-122) Land division



PLAARC-08-05-3997 - (MIN-05-117) Replacement dwelling

4S 13E 0 2200

PLAOMG-17-09-0003, SOAK 2018 Outdoor Mass Gathering

PLAOMG-16-01-0001, SOAK 2016 Outdoor Mass Gathering

PLAOMG-16-12-0003, SOAK 2017 Outdoor Mass Gathering

PLAOMG-14-12-0003, SOAK 2015 Outdoor Mass Gathering

PLAARC-08-05-3756 - (LOC-05-WR) Water right

## **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 three tax lots: 4S 13E 10 800; 4S 13E 15 100; and 4S 13E 0 (Sections 15, 16) 2200.

Section 1.090 of the Wasco County Land Use and Development Ordinance (LUDO) defines “legal parcel” as 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, filed 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, filed with the Wasco County Clerk on November 7, 1995.

The subject properties are consistent with the LUDO definitions of a legal parcel. 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 three properties owned by the Justesens will be used for the proposed event. In total, the tax lots include approximately 357 acres. Site plans provided by the applicant indicate most of the proposed event will occur near Jake Davidson Grade Road, and will therefore only occur on a portion of the larger property.

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 and are. 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 GIS and aerial photographs, 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 14 days prior to the hearing on Wednesday, December 5, 2018, in *The Dalles Chronicle*. Additionally, on December 6, 2018, 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 December 6, 2018, and invited additional written comments. Comments were received from the following individuals and are briefly summarized here.

**Lane Magill, Wasco County Sheriff** (E-mail dated November 12, 2018)

Sheriff Magill stated that he has no concerns with the proposed outdoor mass gathering.

Staff Response: N/A

**INSERT ANY ADDITIONAL COMMENTS HERE**

### 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 *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 2019,” May 23-27, 2018, on the Justesen Ranch located at 89720 Jake Davidson Road Tygh Valley, Oregon. The application form states that 1,800 people are anticipated to attend.

As proposed, the first day of set-up will be Monday, May 20, 2019. The event will begin May 23, 2019, and the box office will open to take tickets from participants. Participation in the event and arrival of additional participants will continue through May 27, 2018, with some exodus occurring throughout. The final clean up and final exodus will occur on May 28, 2018. 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.

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 is capped at 1,800, 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, the request complies with Section 3.210.

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

Staff finds that the request complies with Criterion 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. Therefore, 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 C, below.

Staff finds that the request complies with Criterion (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 partner agencies on December 6, 2018, of a complete application and invited additional written comments. Staff finds that the request complies with Criterion (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 December 6, 2018, 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 Criterion (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 December 19, 2018. Written notice of the hearing was published in *The Dalles Chronicle* newspaper on December 5, 2018, and mailed to adjacent property owners within 750 feet of the proposed event site on December 6, 2018. The application materials and hearing notice were also posted on the Wasco County Planning Department website on December 6, 2018. Staff finds that the request complies with Criterion (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:** Information obtained during prior reviews led staff to conclude 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 as part of their application. A **condition** of approval is recommended requiring the applicant to provide proof of insurance, consistent with ORS 433.755(1). With the recommended **condition** of approval, staff finds that the request complies with Criterion (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 that in 2015, 2016, 2017, and 2018, there was no use of any contracted water. The applicant proposes that any water needs not met by the participants will be available through Tygh Valley Water. Tygh Valley Water District has stated that it would supply up to 21,600 gallons per day. Based on maximum attendance of 1,800 people (including attendees and staff/volunteers), 21,600 gallons of water per day would need to be available (1,800 people x 12 gallons per day = 21,600 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 (1,800 people) would require water storage facilities of 9,000 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 providing a 3,000 gallon water truck on site daily, provided by 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 (9,000 gallons), it is possible that the applicant can meet that requirement on site with the well water source, the 3,000 gallon water truck, 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 1,800 people. Staff finds that the request complies with Criterion (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 (NO<sub>3</sub>) -- 45.0;*
  - (K) Total Dissolved Solids -- 500.0;*
  - (L) Zinc -- 5.0.*

**FINDING:** The applicant states that they will follow all transport and storage regulations outlined in the *2008 Drinking Water Hauling Guidelines* to ensure compliance with this requirement. This is consistent with the procedure at the 2018 SOAK. Staff finds that the request complies with Criterion (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 certain materials. SOAK does not utilize a water distribution system. Staff finds that Criterion (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 Criterion (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 Criterion (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:** Bishop Sanitation will provide 40 or more portable toilets, including ADA accessible units. The applicant proposes a total of hand washing stations next to each bank of toilets. Based on the maximum attendance of 1,800 (including staff/volunteers), this represents approximately 50 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 Criterion (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:** The application materials state 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 grey 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 grey water storage needs. With the proposed condition of approval, staff finds that the request complies with Criterion (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:** In its history in Wasco County, 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 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.

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 in 2018. 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 Criteria (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 Criterion (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 states that Adventure Medics and SOAK will coordinate with Life Flight Network to provide air ambulance services. The 2018 Landing Zone (LZ) will be used for the 2019 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, dated August 3, 2018, agreeing to provide services for the next SOAK festival from May 23-27, 2018. 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 Criterion (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. 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 1,800 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 total area suitable for camping is 43.3 acres (1,886,148 square feet - SF). The maximum attendance is 1,800 persons. Considering the available camping acreage available and the anticipated attendance, each camping space will allow a minimum space per person of 1,048 SF. SOAK does not allow “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 and Box Office.

Staff finds that the request complies with Criterion (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 states that SOAK will work with these districts 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:

- 3 2.5 gallon pressurized water extinguishers
- 1 dedicated vehicle
- 1 Type 5 equivalent wildland fire engine (400+ gallons, 100+ psi, 50+ gpm)
- 15 5-lb. Class ABC fire extinguishers
- 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 staffs 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 14 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.

In 2018, SOAK increased its fire perimeter personnel and water trailer towing capacity. This capacity will be matched or increased in 2019.

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 Criterion (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” *(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 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 2018.

In coordination with Sheriff Lane Magill, staff finds this ratio acceptable with a **condition** of approval that requires at least 1 DPSST supervisor to be on shift at all times and a clearly identified single point of contact for security and law enforcement. 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:** 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 in 2015, 2016, 2017 and 2018.

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 that roads serving the event site meet the standards listed in Criteria (1) through (5).

- (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 135,000 square feet for parking to accommodate a maximum capacity of 1,800 people including staff and volunteers (or approximately 3.1 acres). Based on historic parking data at the event site, the applicant expects no more than 850 vehicles on site at peak hours. SOAK 2018 participants brought approximately 950 vehicles. To ensure compliance, staff recommends **conditions** that (1) each vehicle parking space shall have a minimum width of 10 feet and minimum length of 20 feet, (2) parking areas shall be clearly marked, and (3) parking shall be arranged to provide clear access to exits at all time. Staff finds that the request complies with Criterion (c).

October 1, 2018

Dawn,

Precipitation Northwest and Justesen Ranch submit this Outdoor Mass Gathering (OMG) Application for the SOAK\*2019 art festival, scheduled from May 23-27, 2019. Please find enclosed the following materials:

1. Completed application form
2. Check for \$2500 application fee
3. Justesen Ranch Property Deed
4. Narrative for OMG Application, including attachments:
  - a. Attachment A: Bishop Sanitation Letter of Intent
  - b. Attachment B: Tygh Valley Water Letter of Intent
  - c. Attachment C: Gem Ice Letter of Intent
  - d. Attachment D: Adventure Medics Letter of Intent
  - e. Attachment E: Life Flight Network Letter of Intent
  - f. Attachment F: District Security Letter of Intent
  - g. Attachment G: SOAK\*2019 Site Plan
  - h. Attachment H: SOAK\*2019 Evacuation Plan
  - i. Attachment I: SOAK\*2019 Traffic Control Plan
  - j. Attachment J: Affected Tax Lots

Please do not hesitate to reach out at any time with questions. I look forward to being in touch soon to confirm a public hearing date and time.

Warmly,



Melissa Casburn, SOAK Producer  
producers@soakpdx.com  
(503) 807-7244



**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-

FEE: \_\_\_\_\_

## OUTDOOR MASS GATHERING

Date Received: \_\_\_\_\_ Planner Initials: \_\_\_\_\_ Date Complete: \_\_\_\_\_ Planner Initials: \_\_\_\_\_

**APPLICANT/ORGANIZER CONTACT:**

Name: HARRY NEDLEY Name of Organization: PRECIPITATION NORTHWEST  
Mailing Address: 3032 SE CLINTON STREET  
City: PORTLAND State: OR Zip: 97202  
Email: BOARD@PRECIPITATIONNW.ORG Phone: 646-713-7386

**PROPERTY INFORMATION:**

Township   Range   Section   Tax Lot(s)	Tax ID	Acres	Owner
See Attachment J: Affected Tax Lots			

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)**

See Outdoor Mass Gathering Permit narrative for full detail

☐ Additional pages/maps/pictures attached

**EVENT DETAILS:**

Estimated Attendance: 1800 Dates and Times of Event: May 23-27, 2019  
First Day of Set-Up: Monday May 20, 2019 Last Day of Tear-Down: Tuesday May 28, 2019  
On-Site Contact: Melissa Casburn 24 HR Phone #: 5038077244

Will sound amplification be used? ☒ YES ☐ NO If YES, explain: \_\_\_\_\_

Will alcohol be available during the event? ☐ YES ☒ NO If YES, explain (attach OLCC Permit): \_\_\_\_\_

## SITE PLAN

A general site plan is required and MUST show the types, numbers and locations of the following:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Existing Structures            | <input type="checkbox"/> Proposed Temporary Structures     | <input type="checkbox"/> Streams/Bodies of Water |
| <input type="checkbox"/> Water Supply                   | <input type="checkbox"/> Toilets & Washing Facilities      | <input type="checkbox"/> Solid Waste Collection  |
| <input type="checkbox"/> Food Prep & Service Facilities | <input type="checkbox"/> Parking, Ingress & Egress Surface | <input type="checkbox"/> Surrounding Vegetation  |
| <input type="checkbox"/> Camping Areas                  | <input type="checkbox"/> First Aid/Medical Standby         | <input type="checkbox"/> 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

Applicant/Organizer Signature: HARRY NEDLEY Digital signed by HARRY NEDLEY  
CN, ou=HARRY NEDLEY, ou=PRECIPITATION NORTHWEST, ou=  
email=BOAID@PRECIPITATIONNORTHWEST.ORG, ou=US  
Date: 2018.07.30 14:17:19 -0700 Date: 7/30/2018

Printed Name: HARRY NEDLEY Organization: PRECIPITATION NORTHWEST

Owner Signature:  Date: 10-16-18  
Printed Name: \_\_\_\_\_

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_



### **SITE PLAN**

A general site plan is required and **MUST** show the types, numbers and locations of the following:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Existing Structures            | <input type="checkbox"/> Proposed Temporary Structures     | <input type="checkbox"/> Streams/Bodies of Water |
| <input type="checkbox"/> Water Supply                   | <input type="checkbox"/> Toilets & Washing Facilities      | <input type="checkbox"/> Solid Waste Collection  |
| <input type="checkbox"/> Food Prep & Service Facilities | <input type="checkbox"/> Parking, Ingress & Egress Surface | <input type="checkbox"/> Surrounding Vegetation  |
| <input type="checkbox"/> Camping Areas                  | <input type="checkbox"/> First Aid/Medical Standby         | <input type="checkbox"/> 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**

Applicant/Organizer Signature: HARRY NEDLEY Date: 7/30/2018

Printed Name: HARRY NEDLEY Organization: PRECIPITATION NORTHWEST

Owner Signature:  Date: 9-14-18

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 JONNIE 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.

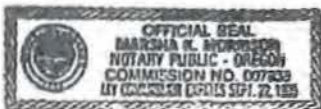
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Jonnie L. Justesen

STATE OF OREGON }  
County of Wasco } ss.  
November 20, 1991

Personally appeared the above named Jonnie L. JUSTESSEN and acknowledged the foregoing instrument to be his voluntary act and deed.

Notary me:  
Marsha K. Morrison  
Notary Public for Oregon  
My commission expires 9-22-95



After recording return to:

DICK & DICK  
601 Washington St  
The Dalles, OR 97058

Until a change is requested all tax statements shall be sent to the following address:

Fred A. Justesen  
Grass Valley, OR 97029

914084

Marshall

FILED WASCO CTY  
THE DALLES, OR.

Nov 27 2 10 PM '91

K.A.  
COUNTY CLERK  
STATE OF OREGON  
County of Wasco

I certify that this document was received and recorded in the

DEED

Record  
Karin H. LeDroen, County Clerk  
By  
Return to

INDEXED

914084



**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 The 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 The 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:

914084 (4)

**EXHIBIT A**



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

914084 (6)

EXHIBIT A



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.

314084 (4)

EXHIBIT A



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, March 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

914084 (1)

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 Dead, 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

914084 (u)

EXHIBIT A



# **SOAK\*2019 Outdoor Mass Gathering Permit Narrative**

**DATES:** May 23-May 27, 2019

**LOCATION:** Justesen Ranch, 89720 Davidson Grade Rd, Tygh Valley

<b>Water Supply (OAR 333-039-0015)</b>	<b>2</b>
<b>Drainage (OAR 333-039-0020)</b>	<b>3</b>
<b>Sewerage Facilities (OAR 333-039-0025)</b>	<b>3</b>
<b>Refuse Storage &amp; Disposal (OAR 333-039-0030)</b>	<b>4</b>
<b>Food &amp; Sanitary Food Service (OAR 333-039-0035)</b>	<b>5</b>
<b>Emergency Medical Facilities (OAR 333-039-0040)</b>	<b>5</b>
<b>Fire Protection and Prevention (OAR 333-039-0045)</b>	<b>6</b>
<b>Security Personnel (OAR 333-039-0050)</b>	<b>8</b>
<b>Attachment A: Bishop Services Letter of Intent</b>	<b>11</b>
<b>Attachment C: Gem Ice Letter of Intent</b>	<b>13</b>
<b>Attachment D: Adventure Medics Letter of Intent</b>	<b>14</b>
<b>Attachment E: Life Flight Network Letter of Intent</b>	<b>15</b>
<b>Attachment F: Vanguard Security Letter of Intent</b>	<b>16</b>
<b>Attachment G: SOAK*2019 Site Plan</b>	<b>17</b>
<b>Attachment H: SOAK*2019 Evacuation Map</b>	<b>18</b>
<b>Attachment I: SOAK*2019 Traffic Control Plan</b>	<b>19</b>
<b>Attachment J: Affected Tax Lots</b>	<b>20</b>

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 2019 maximum capacity is 1,800 people in total, over the course of the event. SOAK has contracted with Tygh Valley Water to provide access as needed to a 200,000+ gallons stored approximately 1 mile from the event site. SOAK has also contracted with Bishop Services 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, and Attachment B, Tygh Valley Water 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, and 2018.

**(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.**

In the 2018 OMG permit for SOAK, the County 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](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 festival site. Based on an 1,800-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). 40 or more portable toilets with hand sanitizer in each unit will be set up in banks, and 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](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. SOAK is a Leave No Trace event, as described in the Burning Man 10 Principles:

[http://www.burningman.com/whatisburningman/about\\_burningman/principles.html](http://www.burningman.com/whatisburningman/about_burningman/principles.html)

### **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 13-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](http://www.burningman.com/whatisburningman/about_burningman/principles.html)

In all previous years, event staff performed 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 2019 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, SOAK employs an all-volunteer Leave No Trace team of approximately 20 volunteers that performs a line sweep of every accessible area of the event space. Its role is to collect debris that might have been left behind by participants or prior events utilizing the land. Everything collected is bagged, sorted, and either disposed 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\*2019.

### **Food & Sanitary Food Service (OAR 333-039-0035)**

Precipitation Northwest will re-sell 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 C, 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 333-039-0040(1)-(5). **See Attachment D, 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 E, 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 1,800 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 ft<sup>2</sup>)



Maximum attendance = 1800

Minimum space per person = 1048 ft<sup>2</sup> (allowing for 2096 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 and Box Office.

**(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 (north end) and Juniper Flats VFD (south end). SOAK will work in conjunction with these districts 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:

- 3 2.5-gallon pressurized water extinguishers
- 1 dedicated vehicle
- 1 Type 5-equivalent wildland fire engine (400+ gal., 100+ psi, 50+ gpm)
- 15 5-lb Class ABC fire extinguishers

SOAK staffs 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 incidents.

In 14 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 2019.

## **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": *(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 2018.

### **See Attachment F: District 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 and 2018.

### **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 and 2018:

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 it 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 1800 people (or approx. 3.1 acres). Based on historical parking data at this event site, we expect no more than 850 vehicles on site at peak hours.

SOAK\*2018 participants brought approximately 950 vehicles.

## 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: [bishopsanitation.com](http://bishopsanitation.com)

August 6, 2018

SOAK, LLC  
Portland Regional Burn event  
[producers@soakpdx.com](mailto:producers@soakpdx.com)

Att: Melissa Casburn

RE: SOAK Portland Regional Burn 2019

Bishop Sanitation, Inc. intends to provide equipment and event support services for SOAK 2018.

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 23-27, 2019.

Additionally, each portable toilet and hand-wash unit will be serviced at least once per day.

(2) 300 gallon greywater 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](mailto:lisa@bishopholdings.biz)

## Attachment B: Tygh Valley Water Letter of Intent

**JERRY TRIPP** <tvguytripp@hughes.net>  
To: SOAK Producers <producers@soakpdx.com>

Sat, Aug 11, 2018 at 4:42 PM

Melissa

Yes the Tygh Valley water Dist. Will provide potable and non-potable water requirements for the 2019 SOAK gatherings in south Wasco Co, if needed approximately 21,600gal per day, May 23<sup>th</sup> thru may 27<sup>th</sup> 2019

Gerald Tripp

Tygh Valley water board



## Attachment C: Gem Ice Letter of Intent



---

Scott Wilbern

---

Gem Ice, LLC

---

3003 East 2nd Street  
The Dalles, OR 97058

(541) 296-5386  
info.gemice@gmail.com

9/13/2018

RE: SOAK Festival

Gem Ice, LLC (DBA Gem Ice Company) will provide ice services for SOAK Festival in Tygh Valley, OR for the dates of Wednesday May 22<sup>nd</sup> through Wednesday May 29<sup>th</sup>. Gem Ice Company will provide packaged ice at a price of \$1.75 per bag as well as the merchandiser required to store said ice,

Sincerely,

Scott Wilbern

*Manager*  
Gem Ice, LLC

## Attachment D: 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 23-27, 2019.

Adventure Medics is an ALS transporting agency based in Bend, OR. We cover events ranging from festivals, concerts, ultramarathons, and wildland fires throughout Oregon. 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 our 40' mobile intensive care unit staffed with a Paramedic lead and two EMTs. Included with the unit will 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 6 medical providers.

If you have any questions on our capabilities or standards please do not hesitate to contact us.



## Attachment E: Life Flight Network Letter of Intent



22285 Yellow Gate Lane, Suite 102  
Aurora, Oregon 97002  
Office (503) 678-4364  
Fax (503) 678-4369

August 3, 2018

Tacy Brotherton, Melissa Casburn, and Paul Lewis  
Burning Man Portland/SOAK, LLC  
555 SE 99th Ave. Ste. 201  
Portland, OR 97216

Tacy, Melissa, and Paul,

Life Flight Network is happy to provide our services for your event from May 23-27, 2019. 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 an Airbus H135 helicopter and an AgustaWestland Koala 119 helicopter available in the region. Our closest aircraft is based in Dallesport, WA. This flight time for this helicopter to 89720 Davidson Grade Road Tygh Valley, OR is 30 minutes. The second helicopter in the region is in Redmond, OR and would have a 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 we could utilize 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).

Thank you,

Jacob Dalstra  
Regional Director  
Life Flight Network  
(360) 241-8985

## Attachment F: Vanguard Security Letter of Intent



921 SW 6th Ave #3033  
Portland, Oregon 97204-1202  
[www.vanguard-security.com](http://www.vanguard-security.com)

Letter of intent  
Re: SOAK 2019

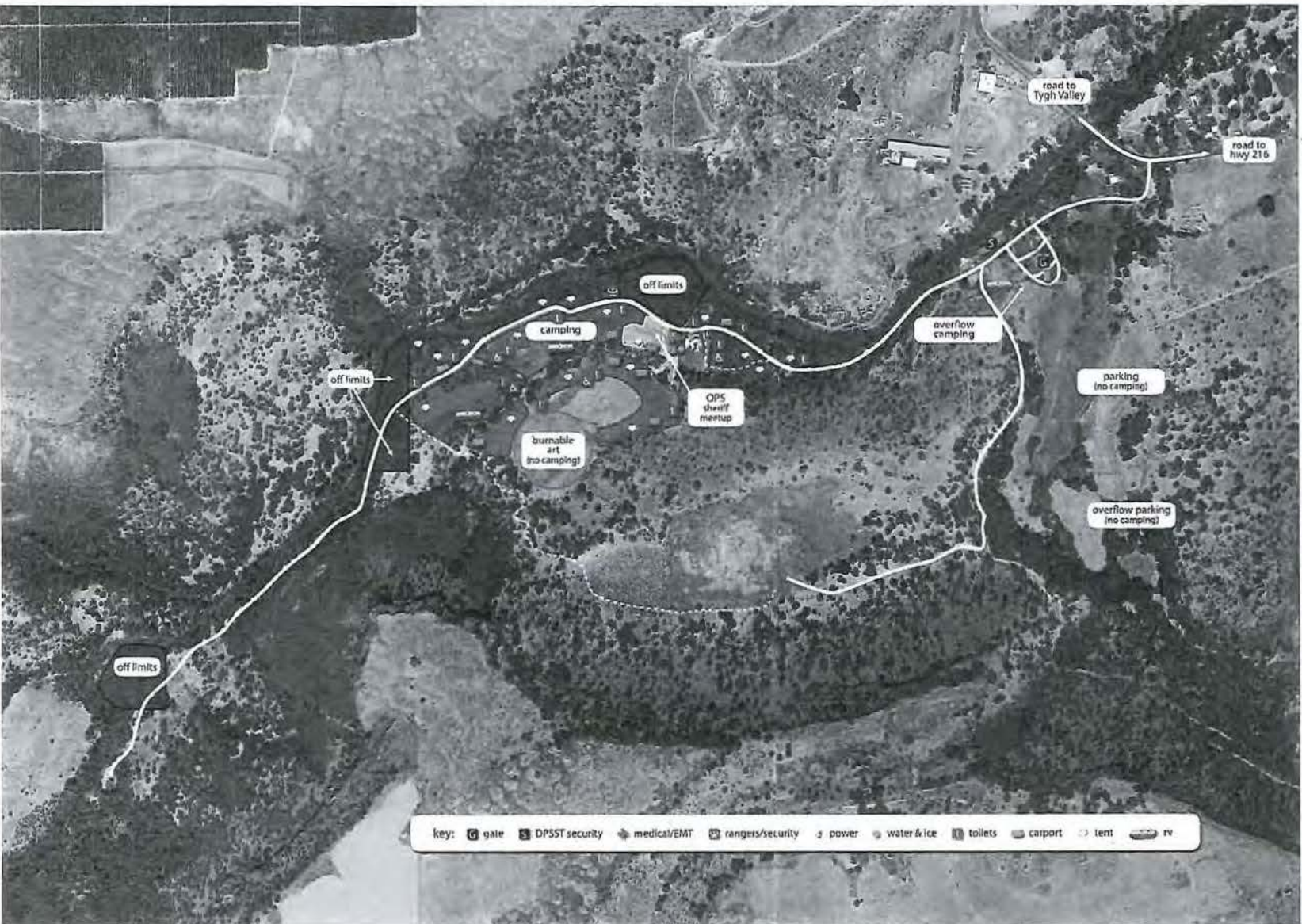
We are providing security for SOAK, May 23rd-27th 2019. We will be providing 24hr security coverage on the event perimeter, gate and patrols throughout.

Our security staff and supervisors are all DPSST certified and 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, thoroughly. We are confident that this event will go very smoothly

Looking forward to SOAK 2019

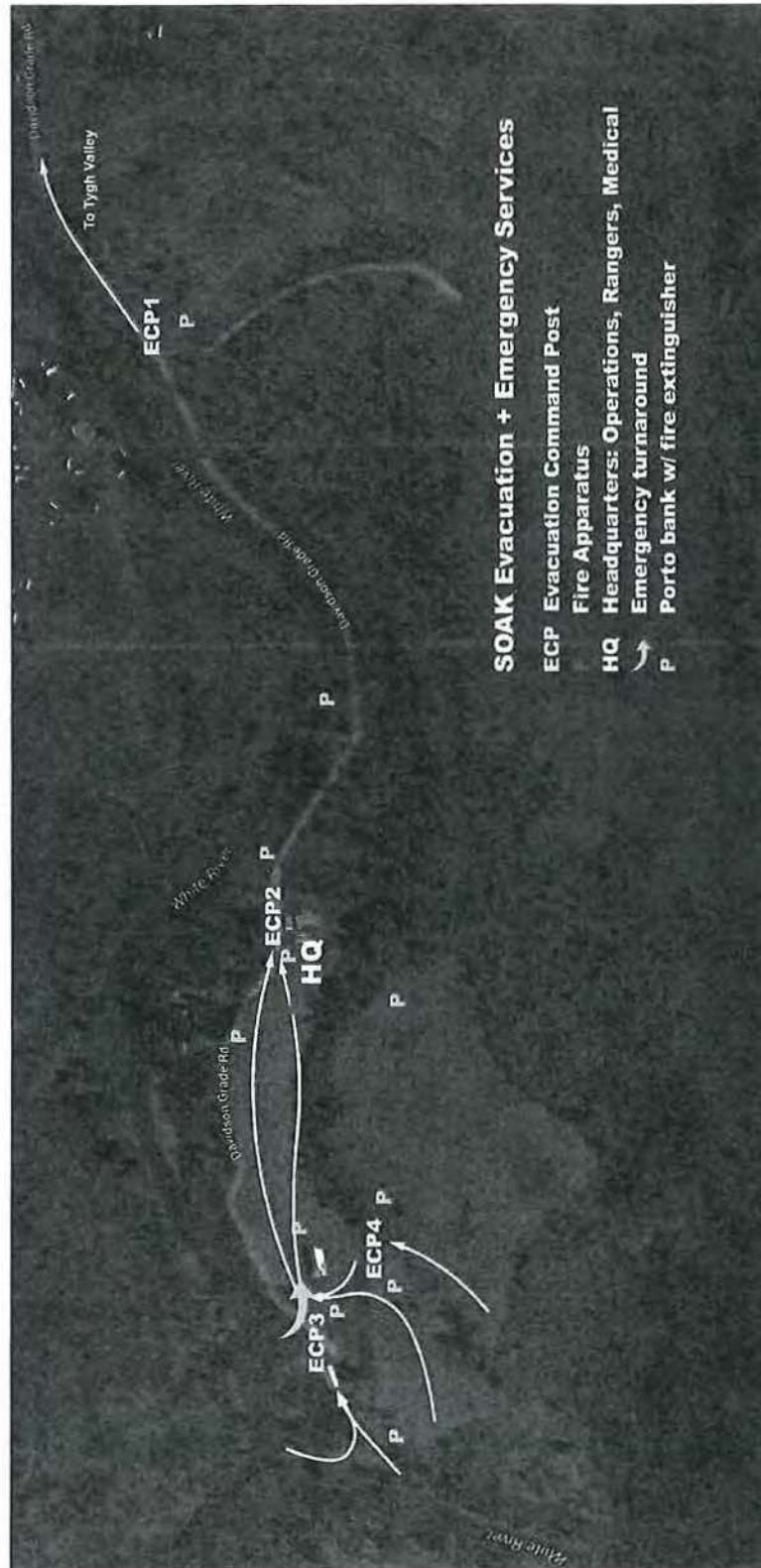
Eric Hartmann  
Security Supervisor

# Attachment G: SOAK\*2019 Site Plan

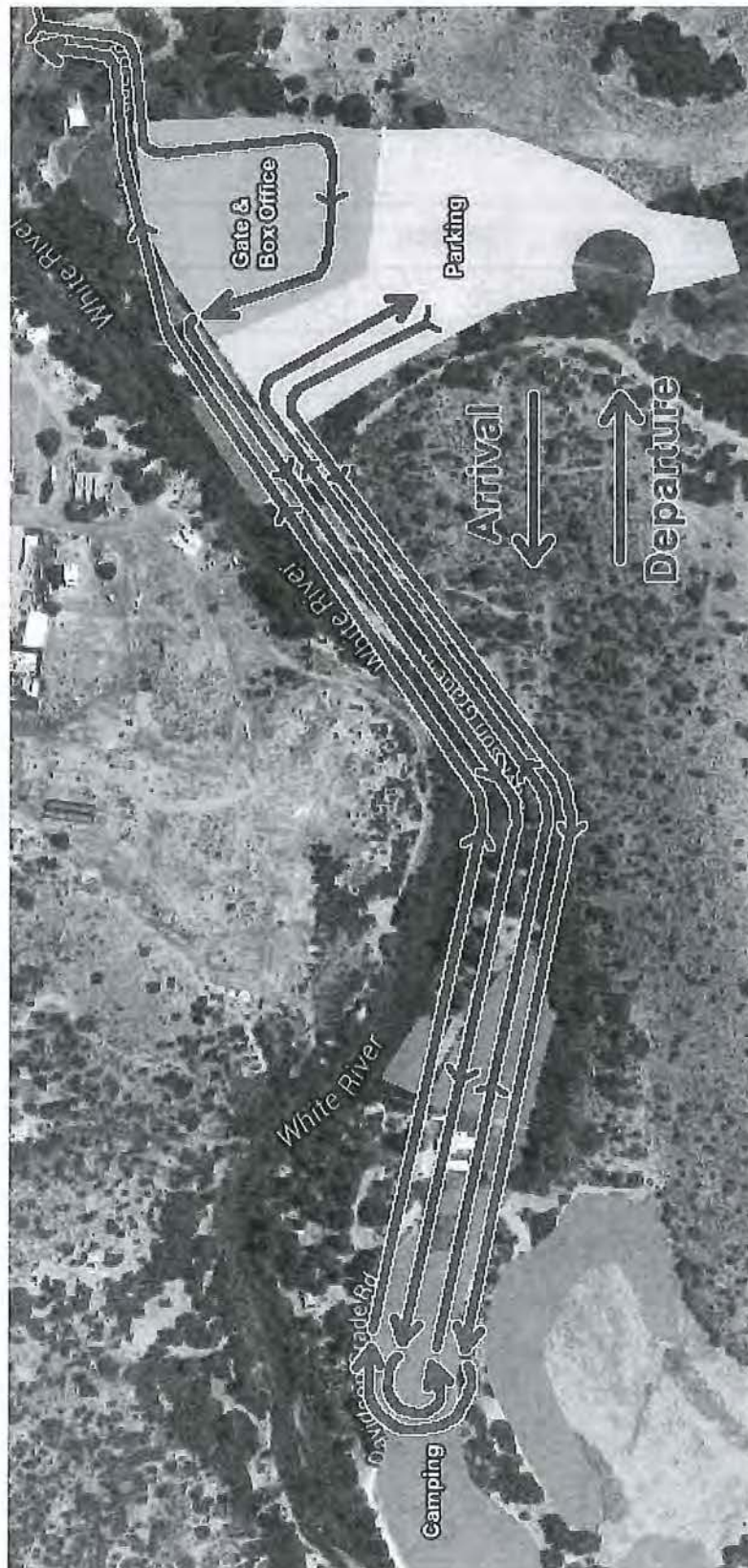




## Attachment H: SOAK\*2019 Evacuation Map



## Attachment I: SOAK\*2019 Traffic Control Plan



## Attachment J: 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





# Oregon

Kate Brown, Governor

## Department of Forestry

Central Oregon District

The Dalles Unit

3701 West 13th

The Dalles, OR 97058

PHONE: 541-296-4626

FAX: 541-298-4993

[www.ODFcentraloregon.com](http://www.ODFcentraloregon.com)

December 13, 2018



"STEWARDSHIP IN FORESTRY"

The Oregon Department of Forestry (ODF) does **not** provide wildland fire protection for the lands surrounding this proposed event, however ODF does provide wildland fire protection to all lands immediately north across the White River, adjacent to the taxlots of this event. Tygh Valley and Juniper Flat RFD's are the fire protection agencies responsible for fire protection surrounding the event site.

Due to the immediate adjacency of lands protected by ODF, there is concern that there may be a potential for wildfires resulting from this proposed event that could threaten ODF protected lands north of the White River. While this event is proposed during the month of May, which is typically a time of lower fire danger, there is a significant chance for increased temperatures and continued drying up to and during the event. If approved by the Wasco County Commissioners, ODF would appreciate the Boards consideration in the following site conditions necessary to insure a safe mass gathering at the SOAK event.

### **The following provisions should be considered for the duration of the event:**

- In the event of a fire, 911 should be contacted regardless of incident size or status. Don't rely solely on the single engine on site.
- The "burning structure" should not be ignited during any windy conditions and fully extinguished if winds occur and/or after the fire has burned itself down.
- All water pumps and fire equipment should be tested daily by trained staff to ensure proper operation.
- Roads to be traveled by motorized vehicles should be clear of vegetation.
- Fire extinguishers should be co-located with all internal combustion engines, i.e. generators, ATV's, light plants, etc.
- Depending on the weather no campfires or fireworks should be considered.
- Smoking should only be allowed only within designated smoking areas.

The Oregon Department of Forestry thanks the Board of Commissioners in helping to ensure this event occurs in a safe and fire free manner.

Regards,

/s/ Kristin Dodd  
Unit Forester  
Oregon Department of Forestry



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE WASCO COUNTY BOARD OF COMMISSIONERS APPROVING AN OUTDOOR MASS GATHERING FOR SOAK 2019, AN ARTS FESTIVAL AND CAMPING EVENT, MAY 23-27, 2019 FILE 921-18-000183-PLNG

**ORDER #18-099**

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 on October 16, 2018, a complete application was received from SOAK, LLC for an outdoor mass gathering as defined by ORS 433.735. The subject property is located at 89720 Jake Davidson Road, Tygh Valley, OR, 97063; further described as 4S 13E defined portions of Tax Lots 800 in Section 10 and Tax Lots 100 and 2200 in Sections 15 and 16. The dates of the proposed outdoor mass gathering, an arts festival and camping event, are May 23-27, 2019, with attendees up to 1,800 including staff and volunteers; and

IT FURTHER APPEARING TO THE BOARD: That notice of the complete application was sent to the Wasco County Sheriff, North Central Public Health District, Wasco County Public Works, the Tygh Valley Fire Department, the Juniper Flats Fire Department, Oregon State Fire Marshall, Oregon Department of Forestry and the Bureau of Land Management. Each agency receiving notice of the application was invited to submit written comments on the application; and

IT FURTHER APPEARING TO THE BOARD: That at 6:00 p.m. on Wednesday, December 19, 2018, the Wasco County Board of Commissioners met to conduct a public hearing on the compliance of the outdoor mass gathering application with the applicable statute and administrative rules. Notice of the hearing was published in The Dalles Chronicle, and was mailed to owners of property within 750 feet of the subject parcel. The public hearing was opened, the staff report was presented, and testimony was received.

IT FURTHER APPEARING TO THE BOARD: That having considered the matter, and based upon evidence and testimony presented at the hearing, voted \_\_\_\_ to \_\_\_\_ to approve/disapprove the application for the outdoor mass gathering.

**FINDINGS OF FACT**

1. Upon examination of the permit application and information in the record, The Board finds the outdoor mass gathering creates a potential for injury to persons or property, and therefore requires an insurance policy of not less than \$1,000,000 described below in Condition C.
2. In making its decision, The Board recognizes the procedural and legal requirements of Oregon Revised Statute 433.735–433.770, Oregon Administrative Rule 333 Division 39, and the Wasco County Land Use

and Development Ordinance, and weighed fully Applicant's demonstrated compliance, or ability to comply, with the health and safety rules governing outdoor mass gatherings.

3. Any decision of a county governing body on an application for a permit to hold an outdoor mass gathering may be appealed to a circuit court for the county as provided in ORS 34.020 to 34.100.
4. The Board adopts findings and conditions contained in the Summary of Information and Staff Report published on December 5, 2018.

### **CONDITIONS**

- 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 2018 shall be 1,800, 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 2018, 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 providing a 3,000 gallon water truck on site daily, provided by Tygh Valley Water.
- 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. **Grey Water:** No grey water is anticipated by the applicant. In coordination with the North Central Public Health District, the applicant shall develop a plan for unanticipated grey 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 2017 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:** At least one Department of Public Safety Standards and Training (DPSST) certified supervisor must be on shift at all times.
- L. Security and Personnel:**
1. 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.
  2. 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.
- M. Traffic:**
1. 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.

#### **CONCLUSIONS OF LAW**

1. This request is for an outdoor mass gathering entitled SOAK 2018, an arts festival and camping event, May 24-28, 2017.

2. With findings of fact in the Summary of Information and Staff Report published on November 30, 2018, the Board's decision is consistent with Oregon Revised Statute 433.735 – 433.770, Oregon Administrative Rule 333 Division 39, and the Wasco County Land Use and Development Ordinance.

NOW, THEREFORE, IT IS HEREBY ORDERED: That the Wasco County Board of Commissioners approves/disapproves the request for an outdoor mass gathering, subject to the conditions listed herein.

DATED this 19<sup>th</sup> day of December, 2018.

**APPROVED AS TO FORM:****WASCO COUNTY BOARD OF COMMISSIONERS**

---

Kristen Campbell, County Counsel

---

Steven D. Kramer, Commission Chair

---

Scott C. Hege, Vice-Chair

---

Rod L. Runyon, County Commissioner



## MOTION

**SUBJECT:** 2019 SOAK OMG PERMIT

---

**PERMIT ORDER:** I move to approve Order 18-099 approving an Outdoor Mass Gathering as proposed in file number 921-18-000183-PLNG, and accept the findings and conditions contained in the Summary and Staff Report dated December 19, 2019.





Planning Department



# Board of Commissioners Public Hearing

## SOAK 2019

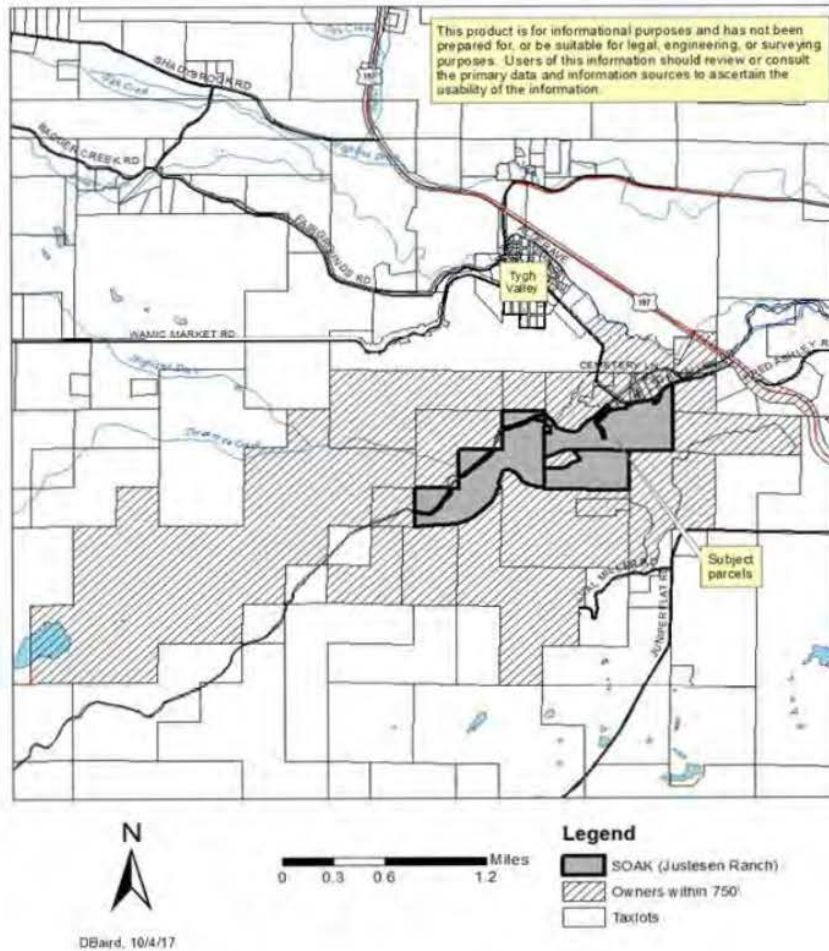
## December 19, 2018

# Request

- Outdoor Mass Gathering permit for a music and art festival entitled “SOAK 2019,” also known as Burning Man Portland.
- Date of event: May 23-27, 2018.
- Maximum attendance: 1,800 including staff & volunteers.
- Applicant: SOAK, LLC
- Property Owner: Fred and Jonnie Justesen
- Location: White River Canyon, Justesen Ranch, Tygh Valley



# Vicinity Maps



# Vicinity Map



# Process Requirements

## **Statutory Requirements for Notice (ORS 433.750)**

- (2) Notice of the application shall be sent to:
  - ▣ The county sheriff
  - ▣ The county health officer; and
  - ▣ The chief of the fire district with jurisdiction
- (4) The county governing body shall hold a public hearing
  - ▣ Notice of time and place shall be published 10 days before in a “newspaper of general circulation”. Notice was published on December 5<sup>th</sup> and mailed to agencies and property owners on December 6<sup>th</sup>.



# Process Summary

- Wasco County Process – Defined by State Law
- Outdoor Mass Gatherings not a “land use decision”
- Process and rules outlined in ORS and OAR
- Our process exceeded statutory requirements regarding notice and transparency
- Relied on the expertise of our partner departments and agencies



# Standards Addressed

## **ORS 433.750(1)**

The governing body...shall issue a permit upon application when the organizer demonstrates compliance with or the ability to comply with the health and safety rules governing outdoor mass gatherings to be regulated according to the anticipated crowd and adopted by the Oregon Health Authority.

- ☐ 1000 Friends of Oregon v. Wasco County, LUBA 82-039
- ☐ Fence v. Jackson County, LUBA 94-137

# Key Questions

- 1) Does the proposal meet the “Outdoor Mass Gathering” definition?
- 2) Does the request demonstrate compliance with or the ability to comply with the applicable health and safety rules?

# Standards Addressed

## **Oregon Administrative Rule (OAR) 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)

# Site Plan



# Staff Recommendation

## Staff Recommends:

Approval of the application for an Outdoor Mass Gathering, subject to the conditions and findings contained in the Staff Report dated December 19, 2018.