



AGENDA: REGULAR SESSION

WEDNESDAY, APRIL 18, 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.	CALL TO ORDER Items without a designated appointment may be rearranged to make the best use of time. Other matters may be discussed as deemed appropriate by the Board. Corrections or Additions to the Agenda <u>Discussion Items</u> (Items of general Commission discussion, not otherwise listed on the Agenda) <u>Facilities Vehicle</u> ; <u>BOPTA Report</u> ; <u>Washington Ranch Fireworks Applications</u> ; <u>Mosier Deep Water Supply Wells Support Letter</u> ; <u>Wolf Grant</u> ; <u>Dog River Letter of Support</u> ; <u>March Finance Report</u> <u>Consent Agenda</u> (Items of a routine nature: minutes, documents, items previously discussed.) <u>Minutes: 4.4.2018 Regular Session</u>
9:30 a.m.	<u>National Scenic Area LUDO Revisions</u> – Will Smith/Riley Marcus
9:35 a.m.	<u>MCCFL Construction Contract</u> – Barbara Seatter
9:45 a.m.	<u>Quarterly Internal Audit</u> – Debbie Smith-Wagar
10:05 a.m.	<u>Oregon Records Management Solution</u> – Lisa Gambee
10:20 a.m.	<u>Gorge Commission Updates</u> – Rodger Nichols
10:40 a.m.	<u>NORCOR Juvenile Services Final Report</u> – Molly Rogers
	COMMISSION CALL
	NEW/OLD BUSINESS
	ADJOURN

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



WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
APRIL 18, 2018

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

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

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

Discussion List – Facilities Vehicle

Facilities Manager Fred Davis reported that their grounds truck fatally failed on March 26, 2018. He reviewed options outlined in his memo which is included in the Board Packet. He explained that our Public Works mechanic was long-time Ford technician and has advised repairs would be costly – just an evaluation of the problem would cost approximately \$1,500. He stated that his crew is currently using a borrowed Public Works vehicle which is not adequate to Facilities' needs.

Mr. Davis went on to say that the 60,000+ miles on the current truck are hard miles as the truck is used for hauling furniture and plowing snow. In addition, a lift-gate is needed to prevent back injuries when loading heavy items into the bed of the truck. He recommended moving up to a 1-ton truck which would be better able to withstand the wear and tear. He noted that the current truck was scheduled to be rotated out of the vehicle program next year.

Mr. Davis continued, saying that he looked at purchasing from ORPIN which would result in a cost savings but would delay delivery by up to 4 months.

Commissioner Runyon asked if the funds for the purchase are in the budget or will come from contingency. Mr. Davis replied that we are basically self-insured and the funding would need to come from contingency as this was an unexpected

occurrence. Vice-Chair Hege asked what expectation we might have for the life of the new truck, commenting that 66,000 miles seems low. Mr. Davis responded that those 66,000 miles are strenuous miles hauling loads and pushing snow rather than road miles. He added that moving to a 1-ton should extend the life of the truck.

Mr. Stone agreed that this will be a contingency purchase and there will be an adjustment to the vehicle plan to help mitigate the expenditure. He said he does not think we have a lot of choice – Facilities needs the equipment to do their job. Sheriff Magill concurred saying that the marine truck would have moved to facilities next year – it has over 11,000 miles on it. He said that the ¼ ton gain in power will be an advantage. He said that the Vehicle Committee will make adjustments to the plan next year.

{{{Commissioner Runyon moved to approve Facilities recommendation to purchase a 1-ton truck from CH Urness Motors using contingency funds. Vice-Chair Hege seconded the motion which passed unanimously.}}}

Discussion List – BOPTA Report

Chief Deputy Clerk David McGaughey reviewed the summary of actions included in the Board Packet. He reported that new Board of Property Tax Appeals Board Member Ruby Mason did a great job and participated in all seven hearings. Of the seven appeals heard, six were reduced and one was sustained. He added that four of the seven were commercial accounts.

Commissioner Runyon asked if most of the applicants were new to the process. Mr. McGaughey replied that most were. County Clerk Lisa Gambee said that Mr. McGaughey does a great job every year. The Assessor's Office staff also does a wonderful job.

Discussion List – Washington Ranch Fireworks Applications

Ms. White explained that Washington Ranch hold brief fireworks displays throughout the summer as part of their campers' experience. They have their own fire crew and equipment along with an agreement for coverage with Jefferson County. She stated that the ORS requires the County Board of Commissioners to act as the fire authority in areas where a fire district does not operate. She added that she has asked the State to determine whether or not that authority can be designated to the County Sheriff who already signs as the Law Enforcement authority. She added that the indemnification agreement was developed by

County Counsel last year and is unchanged other than the dates.

{{{Vice-Chair Hege moved to approve the indemnification and hold harmless agreement between Young Life Washington Family Ranch and Wasco County, Oregon. Commissioner Runyon seconded the motion which passed unanimously.}}}

{{{Vice-Chair Hege moved to approve the Young Life Washington Family Ranch fireworks applications for June 21, June 26, July 1, July 4, July 9, July 15, July 22, July 29 and August 15, 2018. Commissioner Runyon seconded the motion which passed unanimously.}}}

Discussion List – Mosier Deep Water Supply Wells Support Letter

Chair Kramer noted that the Board is familiar with this critical infrastructure project in Mosier. Commissioner Runyon added that it is a very expensive repair; the community needs the help. He said that the Board has supported this project previously and he is very much in favor of continuing that support.

*****The Board was in consensus to sign a letter of support for the Mosier Deep Water Supply Wells Support grant application.*****

Discussion List – Wolf Grant

Chair Kramer stated that he partnered with ODFW Wildlife Biologist Jeremy Thompson to apply for the grant. He said that the application was for \$6,000; we have been awarded \$2,000 for prevention. He said that it will be used according to the grant specifications. He noted that we will likely be sending most or all of it back at the end of the year.

Vice-Chair Hege asked if the last grant was \$1,600. Chair Kramer replied that it was \$1,600, all of which was returned unused. Those funds are redirected to Counties that are currently having issues with wolf depredation. He added that we did not receive the full amount of the grant this year as the federal government has not fully funded the program.

{{{Commissioner Runyon moved to approve the Oregon Department of Agriculture Wolf Compensation and Financial Assistance 2018 Grant Agreement ODA-4083-18. Vice-Chair Hege seconded the motion which passed unanimously.}}}

Discussion List – Dog River Letter of Support

Chair Kramer commented that we have sent a similar letter of support previously. Commissioner Runyon stated that it looks like they may have an opportunity to move it forward this time.

*****The Board was in consensus to send a letter of support for the Dog River Pipeline grant application.*****

Consent Agenda – 4.4.2018 Regular Session Minutes

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

Vice-Chair Hege reported that he has had a discussion with former County Surveyor Dan Boldt regarding the issues brought to the Board by Richard Murray at the April 4, 2018 Regular Session. He suggested that County Surveyor Brad Cross should get in touch with Mr. Boldt for that background information. Chair Kramer noted that Mr. Murray visited the Planning Department following his appearance before the Board and they will be working through that issue.

Commissioner Runyon reported that he had some citizen contact regarding Building Codes and he went to see them in response. He said that he was able to sit in on a meeting with the Planning Department and Building Codes; it was a good interaction – they were productive and working well together. He said that Building Codes is still struggling to fill positions but has taken on an electrical inspector and will start a Permit Technician next week. They already have a plumbing inspector and are looking for a structural inspector.

Public Hearing – NSA LUDO

Chair Kramer opened the legislative hearing at 9:30 a.m. for PLALEG-17-10-0001 for review of a recommendation made by the Wasco County Planning Commission to consider approving amendments to the Wasco County National Scenic Area Land Use and Development Ordinance primarily relating to adverse effect, adverse cumulative effects on natural resources and clarification of the cultural resource protection process. He went on to explain the criteria for approval of the request and the procedure for the hearing. He then 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.

The staff had no updates from the previous hearing.

Vice-Chair Hege asked about the process following the review/approval of the Board. Senior Planner Will Smith replied that when it came back from the Gorge Commissioner this time, it was not necessary to do a county-wide notice. It will go back to the Gorge Commission again and could come back to the Board again.

Chair Kramer closed the hearing at 9:31 and opened Board deliberations.

{{{Commissioner Runyon moved to approve the Ordinance 18-001 in the matter of the Wasco County Planning Department's request to approve the revised proposed legislative amendment to update the Wasco County National Scenic Area Land Use and Development Ordinance to create consistency with updates to the Management Plan of the Columbia River Gorge National Scenic Area and make other amendments appropriate for Wasco County (File #PLALEG-17-10-0001). Vice-Chair Hege seconded the motion which passed unanimously.}}}

Agenda Item – MCCFL Construction Contract
--

Mr. Stone explained that this is the contract to build the Mid-Columbia Center for Living's Mental Health Clinic. We are contracting with the Griffin Construction who was the low bidder and selected by the Board at the April 4, 2018 session. He said that staff reviewed the contract and worked through the majority of questions. The largest is a reference that needed to be correlated to an agreement with the architect; that will come back to the Board for approval.

Mr. Stone went on to say that we need to move the project forward; he recommends approval of the agreement. The Board is acts as the contracting authority for the County and will own the building for the next five years. He asked MCEDD Projects Manager Jacque Schei if the State has any issues with him signing the contract. Ms. Schei replied that she has already brought that to them and they are fine with the Administrative Officer signing as the Board granted him that authority.

Commissioner Runyon noted that the County is putting its faith in MCCFL. MCCFL Owners Representative Elda Orr said that she thinks we have a good team to get the job done.

{{{Vice-Chair Hege moved to approve the AIA Document A101-2007 Standard Form Agreement between Owner Wasco County and Contractor Griffin Construction and to grant signing authority to Administrative Officer Tyler Stone. Commissioner Runyon seconded the motion which passed unanimously.}}}

Agenda Item – Oregon Records Management Solution

Commissioner Runyon commented that the Board saw a presentation on this system last week. Ms. Gambee said that this is the online records solution provided by the Archives Division of the Secretary of State's Office. She explained that it has set destruction schedules, an area in which we have gaps. She said that for long-term destruction, it is difficult to manage and is often missed with the change of staff. She said that the system also replaces the need for microfilm and is a slight savings over that system. She said we are very excited to get it going; we will start out slowly but there is a lot of capability in the system and it will eventually help with transparency.

Commissioner Runyon noted that microfilm is a State mandate and asked if that has gone away. Ms. Gambee replied that it has not, but the Secretary of State is offering this as an alternative. Commissioner Runyon asked if the statute will be changed. Ms. Gambee responded that she does not know.

Vice-Chair Hege asked if we have already entered into an agreement with them. Ms. Gambee replied that we have not but have reviewed all the documents as has County Counsel. She stated that one contract is with the software provider at the rate of \$37.02 per user; the second contract is a no-cost consulting contract with the State. County Counsel Kristen Campbell said that all of her questions have been answered and she is fine with the language.

Commissioner Runyon asked if we will see this come back to the Board again. Ms. Gambee explained that it is under the \$5,000 limit for departments to sign; it will be housed under Information Systems and Information Systems Director Paul Ferguson will sign and manage that contract. She said that staff wanted the Board to be aware of the system and how it will be used.

Ms. Gambee went on to say that the program will be loaded onto individual laptops to be used by authorized individuals which is a security and tracking measure. If an employee leaves or is reassigned, that license will be reassigned.

Commissioner Hege asked what happens if we choose to discontinue use of the system. Ms. Gambee replied that there is language in the agreement that requires them to make all reasonable efforts to offload that data to us. She said she is surprised at how clean the contract is – they want to work with people to help them be successful. She noted that the cost should go down over time as more users come onboard.

*****The Board was in consensus to support moving forward with the Oregon Records Management Solution.*****

Further discussion ensued around how this is budgeted. Finance Director Mike Middleton said we have not spent the microfilm funds this year and can use those to start now. For next year, this has been included in the budget. It is an annual cost and will not be an ask/add in the budget as it replaces the existing microfilm costs.

Commissioner Hege asked for further information around potential public access. Ms. Gambee explained that we will work with Chaves and the State to determine what we want to have for public access. She suggested that one of the first things we will do is the Commissioners Journal. Once we have made that determination, we will create a web drawer that has a robust search feature for the public to find information held in the system. Ms. White added that Board documents will not have to be printed for signature and signed documents will be part of the permanent, searchable record. Ms. Gambee said that this system is in line with our pathway to remove barriers and increase transparency.

Agenda Item – Internal Audit

Accounting Consultant Debbie Smith-Wagar explained that she was brought in to help address audit questions. She said that she is staying on to provide some oversight; with limited staff, the County has no one in this area to provide that oversight. She noted that the Administrative Officer and Treasurer have both become more involved in the process but neither is a finance professional. She added that her firm provides this service to a number of entities.

Ms. Smith-Wagar went on to say that she is making sure all balance sheet accounts

are reconciled more frequently to resolve issues sooner. She pointed out that the County's bank statements have become more complex over the last few years with some deposit descriptions being vague. She said it is also important for the Board to receive monthly reports and that we are on schedule for a 12.31.2018 audit completion. She said she will be here to update the Board quarterly.

Commissioner Runyon commented that this is part of the normal progression in growth for our County. He observed that we were understaffed for a period of time which has made it difficult to catch up.

Discussion List – Finance Report

Mr. Middleton reviewed the report in the Board Packet. He noted that we have collected \$304,000 more in taxes than this time last year. He also pointed out that the increases in personnel costs are \$70,000 less than the tax increase.

Agenda Item – Gorge Commission Update

Rodger Nichols, Wasco County's representative on the Columbia River Gorge Commission, stated that he is here to update the Board on the Gorge Commission's work on the urban growth area boundary revisions. He said that they are going through it in depth; the fourteen pages he provided for the Board Packet is part of a 500-page document compiled by the Commission's attorney.

Mr. Nichols went on to say he has discovered an additional document that will support what he believes is the County's position as the process progresses. He said that the 1999 Cascade Locks decision outlined in the document (attached) establishes "a minor change" to be at least 171 acres. He said that he will argue vehemently for that position.

Commissioner Runyon asked that he share this information with Ms. Brewer. Mr. Nichols replied that he would like to meet with Mr. Stone and Ms. Brewer to discuss the details.

Mr. Nichols pointed out another passage he had found in which legislators stated they did not want the cities to become a "cancer" in the scenic area. He said that people were here long before the scenic designation and he will fight that attitude. He commented that they want to increase trails which will attract even more people and increase the fire risk.

Commissioner Runyon said that another issue is the maintenance of those trails – some of that falls to the counties. Mr. Nichols said that the Forest Service budget

has been depleted by fire. He said they have stopped 4,000 people who were trying to enter closed trails.

Mr. Rodgers announced that the next Gorge Commission meeting is in Camas on May 8th followed by one in The Dalles in June.

Vice-Chair Hege said he has heard it suggested that even if the boundary changes, prohibited uses from the scenic area would still apply. Mr. Rodgers said that if he has anything to say about it, once land is in the urban area, it is out of the hands of the Gorge Commission. He said that he would like to figure out a way to make an offset palatable for both sides – perhaps a visual buffer zone. He referenced a wind turbine set 10 feet outside of the scenic area that had a visual impact. Commissioner Runyon commented that it seems like a buffer zone just extends the scenic area into the urban area.

Chair Kramer called a recess at 10:26 a.m.

The Session reconvened at 10:40 a.m.

Agenda Item – NORCOR Juvenile Service Final Report

Juvenile Services Director Molly Rogers reviewed the Mel Brown & Associates Evaluation of NORCOR Juvenile Detention Facility. She said that although they have recommendations for improvement, they found our kids to be safe at NORCOR. She stated that Wasco County has been working for inclusion in a strategic plan which is supported by the report. She said she is in favor of an Executive Committee but feels it needs to be further defined by a scope of work, mission and vision. She commented that it will incorporate county administrators which have been invaluable to the group. She added that it should also include Oregon Youth Authority and Central & Eastern Oregon Juvenile Justice Consortium.

Ms. Rogers went on to say that the juvenile side is overshadowed by the adult side of NORCOR and needs to have a voice at the table. In addition, oversight for the budget needs to be determined; the Juvenile Directors would like it to look something like the Sheriffs' model.

Commissioner Runyon said that while DRO was well-meaning, this is not their area. He said that the Brown report is thorough and well-informed. Ms. Rogers reported that she has spoken to Sarah Radcliff from DRO who is pleased with the Brown Report, although she might have disputed a few items. Ms. Rogers stated

that we do not want to get in the business of generating reports.

Ms. Rogers said that there is an opportunity for a 3-year federal grant to fund programs around substance abuse and mental health for youth in custody. She stated that it fits in with what the report said we need. She said there is a meeting scheduled with key stakeholders to move an application forward; it will probably have to be submitted by Wasco County. She said she would like to see a case manager and a transition specialist for the juvenile side – perhaps the teacher's aide position could be expanded to serve as a transition specialist.

Vice-Chair Hege said that the comments he has heard among partners is that the juvenile side is costly; won't adding staff drive costs up more? Ms. Rogers replied that we are at the minimum – kids are safe. The recommendation is to add two staff to be a five-star facility which is the goal but will need to be funded. She said they are pushing to get OHP coverage for kids which would mean they could partner with MCCFL to cover the cost of the mental health services. She said that she and Mr. Stone are still working at AOC and with legislators for a rural minimum funding model for both adults and juveniles. She added that it is in our best interests to have conversations with the smallest counties to not necessarily increase their budget but to commit to looking at a different funding structure.

Mr. Stone said that we are at a good stepping off point from where we were four months ago; we have stabilized accusations from DRO, State and other counties. Now we can sit down and agree on what needs to be done and how to do it. There is consensus that we need to do something to stabilize the facility. He said that from the County's standpoint, that includes ICE and DRO coming to the table. He said he is hoping to get alignment on the State stage to work on something that will help rural Oregon facilities to be both stable and sustainable – if we can do that, we will be a much better rural detention and jail facility. Ms. Rogers concurred, saying that expanding beyond our community will be powerful.

Ms. Rogers said she spoke with Director O'Leary who will meet with the Governor on Thursday and ask to have the NORCOR moratorium lifted; Crook County will begin transporting at that time. She said that Crook County recently had to send youth to Klamath County because Deschutes was full. Crook County has reviewed the report and is eager to move forward. They believe that the action plan needs to be implemented and administration be held accountable.

Commission Call

Commissioner Runyon reported that counters have been installed on Dell Road. MCEDD has fully taken over the LINK transportation system; their advisory committee has met and they are looking for fixed route possibilities for The Dalles and cross-river transportation. He said there is a lot of excitement about what is happening.

Vice-Chair Hege asked about the call center ownership. Commissioner Runyon replied that MCEDD owns the building but shares space with GOHBI which manages the non-emergent medical transportation.

Chair Kramer commented that GOHBI has been very generous with our community. They have absorbed employees and made a smooth transition for us.

Commissioner Runyon commended Chair Kramer for his work on the transition of MCCOG programs. He went on to say that he and Vice-Chair Hege were able to attend Team Mosier day. Mosier thanked the County for their support with Union Pacific; the Mosier team did a good job of negotiating with UPRR.

Vice-Chair Hege announced that the Board has their annual NORCOR inspection this afternoon. Chair Kramer added that the Board is holding a Town Hall in Tygh Valley tomorrow evening. He said that he has committed to attend the Extension Service District's budget meeting but can cancel if the Board feels his attendance at the Town Hall should take precedence. It was agreed that Chair Kramer should attend the budget meeting.

Chair Kramer announced that Tri-County will have their meeting on the 25th of April and will be discussing Building Codes. He said that he will be attending that meeting and would like clear direction on any asks from Wasco County. After some discussion, the position of the Wasco County was established to be that we are in an evaluation period for Building Codes and how those services are being provided by the State; staff cannot make any recommendations on taking it on for Wasco County, much less the region at this time. Vice-Chair Hege said that he has been talking to the construction community and they are generally pleased with the services. Commissioner Runyon stated that he would not be interested in the County becoming the new MCCOG.

Mr. Stone said that the State has eliminated the possibility of contracting services out to private entities which changed the playing field for small counties. He said

that AOC is taking a hard look at it and we should as well. He said that for the County to take it on, we would have to recruit and employ in a market that is constrained by availability and the certification process.

Ms. Gambie announced that she just received a text announcing that the South Wasco Park and Recreation District has been awarded an Oregon Marine Board grant for the repair of the south boat ramp at the Pine Hollow Reservoir. She said they will likely do the work this fall when the water is at its lowest. She went on to say that May 18th is when they find out if they get the ODFW grant. They are also applying for funds from Oregon Parks to turn the land at the north boat ramp into a park area. She said they have some great designs that could help generate revenue.

Chair Kramer adjourned the meeting at 11:22 a.m.

Summary of Actions

MOTIONS

- **To approve Facilities recommendation to purchase a 1-ton truck from CH Urness Motors using contingency funds..**
- **To approve the indemnification and hold harmless agreement between Young Life Washington Family Ranch and Wasco County, Oregon.**
- **To approve the Young Life Washington Family Ranch fireworks applications for June 21, June 26, July 1, July 4, July 9, July 15, July 22, July 29 and August 15, 2018.**
- **To approve the Oregon Department of Agriculture Wolf Compensation and Financial Assistance 2018 Grant Agreement ODA-4083-18.**
- **To approve the Consent Agenda as presented.**
- **To approve the Ordinance 18-001 in the matter of the Wasco County Planning Department's request to approve the revised proposed legislative amendment to update the Wasco County National Scenic Area Land Use and Development Ordinance to create consistency with updates to the Management Plan of the Columbia River Gorge National Scenic Area and make other amendments appropriate for Wasco County (File #PLALEG-17-10-0001).**
- **To approve the AIA Document A101-2007 Standard Form Agreement**

**between Owner Wasco County and Contractor Griffin Construction
and to grant signing authority to Administrative Officer Tyler Stone.**

CONSENSUS

- **To sign a letter of support for the Mosier Deep Water Supply Wells Support grant application.**
- **To send a letter of support for the Dog River Pipeline grant application.**
- **To support moving forward with the Oregon Records Management Solution.**

Wasco County
Board of Commissioners


Steven D. Kramer, Board Chair

Scott C. Hege, Vice-Chair


Rod L. Runyon, County Commissioner



DISCUSSION LIST

[FACILITIES VEHICLE](#) – FRED DAVIS

[BOPTA REPORT](#) – DAVID MCGAUGHEY

[WASHINGTON RANCH FIREWORKS APPLICATIONS](#)

[MOSIER DEEP WATER SUPPLY WELLS SUPPORT LETTER](#)

[WOLF GRANT](#) – STEVE KRAMER

[DOG RIVER LETTER OF SUPPORT](#)

[MARCH FINANCIAL REPORT](#) – MIKE MIDDLETON



DISCUSSION LIST ITEM

Facilities Vehicle

[STAFF MEMO](#)



4/2/2018

On March 26th the 2005 Ford ¾ ton Grounds and Maintenance Pickup had a significant engine failure. It is inoperable. This is a critical use vehicle. It has 66,000 very hard miles on the odometer. In addition to its constant use for general grounds development and upkeep and general maintenance activities, it is also the vehicle that is seasonally fitted with a snow blade for clearing parking lots and driveways around the County properties. That work creates higher engine temperatures, and involves significant heavy pushing and repetitive direction reversal. It is also used to move furniture and materials, and pull trailers as needed for the execution of work requests and planned building maintenance activities.

After towing the vehicle back to the County Public Works yard, we consulted with Robert Hughs (W.C. Road Department Mechanic with 18 years of experience as a Certified Ford Service Technician). We discussed the likely point of failure and approximate costs of the available options. The probable options are as follows:

1. Have a shop further investigate the failure. This would require towing the truck to a shop (\$100+) where they would have to disassemble the front body work of the vehicle, pull the rocker arm covers and the timing chain cover and assess the damage. This would run between \$1,200-\$1,700 and would most likely reveal a significant amount of mechanical damage that, if repaired would leave the rest of the engine with similar mechanical vulnerabilities. If we choose not to make repairs it would have to be adequately reassembled to tow it to auction where we might get \$1000 to \$1500 for it. We would still be without a functional vehicle.
2. Replace the entire engine with a "long block". The transmission has been rebuilt but the rest of the truck is still 12 years old. It exhibits some electrical issues, the existing transfer case and two differentials have been used hard, and the bed is very rough from heavy hauls. The estimated cost for a long block install is \$8,500 - \$10,000. Under the circumstances I don't think this option has merit.
3. Replace the vehicle. (It was slated to be replaced in the next budget year.)



FACILITIES

511 Washington St., Ste. 101 • The Dalles, OR 97058
p: [541] 506-2550 • f: [541] 506-2551 • www.co.wasco.or.us

Pioneering pathways to prosperity.

On March 27th, 2018 I contacted local sales personnel Eric Mullins at C. H. Urness Motors, Toni Cribbs, at Ray Shultens Motors, and sales staff at Tonkin Chevrolet requesting quotes for ¾ ton 4x4, 4 door pickup with a standard bed, automatic trans., and powered by a gas V8. Tonkin Chevrolet did not respond with a price quote. I also began accessing the State of Oregon buying network (ORPIN) seeking government fleet pricing for a replacement vehicle. I found significantly lower pricing on ORPIN and reviewed pricing across the appropriate name brand dealers; looking first at the nearest dealers that have price agreements with the State. The pricing was well below what the local vendors could offer. But, it would be 90-120 days before we received the vehicle.

NOTE: During this process we have met all the requirements of our Contracting Rules. The two top selections have the same specifications.

As we (Facilities staff) reviewed the pricing and options we determined that for a relatively small amount (\$1,565.00) we could purchase a 1ton pickup instead of a 3/4ton. This would provide an improved platform and drivetrain for plowing snow, carrying the weight of a lift gate, and with total load weight while transporting crew, trailers and, as mentioned, general loads of landscape rock and materials.

We cannot operate at our highest level and meet the current demands if we are using the borrowed Road Department truck that we are borrowing. It does not have extra cab space for tools or workers and does not have a lift gate. Considering how much furniture we move and the amount of grounds material that is transported, Facilities will be significantly limited and at a greater risk of strain injuries without an adequately equipped vehicle in use as soon as possible. Waiting three to four months for delivery will set us back significantly.

¾ TON OPTIONS

Brand	Model Code	Base Model	Net Invoice	Disc. Price	Dealer	Price Agreement #
Dodge Ram	Tradesman	RAM 2500 Crew 4x4 gas	\$38,945.00	\$29,563.00	CH Urness	-
Dodge Ram	DJ7L91	RAM 2500 Crew 4x4 gas	\$36,905.00	\$26,036.00	Tonkin CJDRF	5552 ORPIN
Ford		F250 Crew 4x4 gas	\$40,220.00	\$32,220.00	Ray Schultens	"Fleet Consession"
Chev	-----	No local response	-----	-----	Ron Tonkin	-----

1 TON OPTIONS

Dodge Ram	D28L91	RAM 3500 Crew Cab 4x4 gas	MSRP\$45,255.00	\$31,451.00	CH Urness	Local Quote
ORPIN	ORPIN	ORPIN	ORPIN	ORPIN	ORPIN	ORPIN
Ford	W3F	W3F F-350CC Crew Cab SRW 4x4 gas	Not provided	\$30,585.00	Gresham Ford	5551
Dodge Ram	D28L91	RAM 3500 Crew 4x4 gas	\$38,216.00	\$28,196.00	Tonkin CJDRF	5552
Dodge Ram	D28L91	RAM 3500 Crew 4x4 gas	\$38,409.00	\$29,199.00	Power CJD	5554
Chevrolet	CK35743	Pick ups 3500 Crew Cab 4x4 gas	\$40,136.00	\$30,628.00	Suburban Chev	5557



FACILITIES

511 Washington St., Ste. 101 • The Dalles, OR 97058
p: [541] 506-2550 • f: [541] 506-2551 • www.co.wasco.or.us

Pioneering pathways to prosperity.

Outfitting a new vehicle will cost approximately \$4,300.00 for the installation of the existing blade system, a new lift gate, existing radio, and a dual battery system.

Considering the circumstance, the Facilities Team is recommending the Purchase of the 3500 Dodge Ram 1 Ton Crew Cab 4x4 from CH Urness Motors.

Fred Davis
Facilities Operations Manager



DISCUSSION LIST ITEM

BOPTA Report

[SUMMARY OF ACTIONS](#)

County: WASCO
 County Contact: David McGaughey

Tax Year: 2017-18

Date Submitted: 3/28/2018
 Date Filed: 3/28/2018

Summary of Actions County Board of Property Tax Appeals

1. Appeals of Property Value

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
	Total	Total	Total Accts	Net	Number of Net	Number of Net	Number of Net	Number of Net	Total AV	Total AV
	Accounts	Accounts	Stipulated Under	Accounts	Accounts Sustained	Accounts Reduced	Accounts Raised	Accounts	of Net Accounts	of Net Accounts
	Appealed	Withdrawn	ORS 308.242	Appealed	AV	AV	AV	Dismissed	Before Adjustment	After Adjustment
Total	8	1	0	7	1	6	0	0	\$3,605,571	\$2,790,680

2. Appeals of Value Involving Unit of Property

	(1)	
	Net	
	Units of Property	
	Considered	Decided
Total	0	0

3. Total Number of Late Filing Penalty Appeals Heard

Total	0
--------------	----------



DISCUSSION LIST ITEM

Washington Ranch Fireworks Applications

[STAFF MEMO](#)

[HOLD HARMLESS AGREEMENT](#)

[2018 FIREWORKS APPLICATIONS](#)

[MOTION LANGUAGE](#)



MEMORANDUM

SUBJECT: Fireworks Display Permits

TO: BOARD OF COUNTY COMMISSIONERS

FROM: KATHY WHITE

DATE: 4/11/2018

BACKGROUND INFORMATION:

Young Life Washington Ranch has received permits for many years to hold a number of limited (under 2 minutes) fireworks displays on their property as part of their guest experience. These permits require review and approval by local law enforcement and fire authority officials before being submitted to the State Fire Marshall.

ORS 480.140 requires that any fireworks display "held outside the boundaries of any municipality or fire protection district shall be under the supervision of the county court of the county in which the display is to be held . . ." Although Washington Ranch has a fire response team, they are not within a municipality or fire district and therefore cannot act as the Fire Authority to approve the fireworks displays; that authority lies with the Board of Commissioners or their designee.

INDEMNIFICATION AND
HOLD HARMLESS AGREEMENT

This Indemnification and Hold Harmless Agreement (hereinafter referred to as the “**Agreement**”) is made and entered into as of the 18th day of April, 2018, by and between Young Life Washington Family Ranch and Wasco County, Oregon, with an address at 511 Washington Street, The Dalles, Oregon 97058 (the “County”).

W I T N E S S E T H:

WHEREAS, Young Life Washington Family Ranch desires to put on fireworks displays on June 21, June 26, July 1, July 4, July 9, July 15, July 22, July 29 and August 5, 2018; and

WHEREAS, Young Life Washington Family Ranch seeks to apply for permits from the Oregon Office of State Fire Marshall (the “Permits”) to do so;

WHEREAS, the permits require review and approval by local fire authority officials;

WHEREAS, pursuant to ORS 480.140 all fireworks displays “held outside the boundaries of any municipality or fire protection district shall be under the supervision of the county court of the county in which the display is to be held,” rendering the County the local fire authority for purposes of the Permits;

NOW, THEREFORE, for and in consideration of the mutual promises made herein, the Parties agree as follows:

SECTION 1. SCOPE OF AGREEMENT

As consideration for County’s review and approval of Young Life Washington Family Ranch’s application for permits, Young Life Washington Family Ranch agrees to the following:

1. Young Life Washington Family Ranch agrees to indemnify and hold harmless the County from any and all claims, liabilities, obligations, damages, demands, losses, causes of action, costs or expenses including reasonable attorney’s fees for injury to or death of any person, and for damage to or destruction of any property resulting from the negligent acts of Young Life Washington Family Ranch, or any employee, agent, contractor, or subcontractor, or anyone directly or indirectly employed by or through them, or anyone for whose acts they may be liable.
2. Young Life Washington Family Ranch agrees to provide, at its expense, commercial general liability insurance coverage in an amount not less than \$5,000,000. Young Life Washington Family Ranch shall provide County with a certificate of insurance at least two weeks prior to the first

fireworks display. County shall be listed on the certificate of insurance and will be deemed as additional insured pursuant to this Agreement.

3. Young Life Washington Family Ranch shall secure and maintain any and all licenses, permits or certificates that may be required by any regulatory body having jurisdiction over the materials or performance of the services herein contemplated. Young Life Washington Family Ranch shall exercise full and complete authority over its personnel, shall comply with all federal, state, county and municipal laws, ordinances, rules, permits and regulations.
4. Young Life Washington Family Ranch agrees to maintain a fire response team which will be present and active for each fireworks display.

SECTION 2. GOVERNING LAW & VENUE

This Agreement and the rights and obligations of the Parties to this Agreement shall be governed by and construed in accordance with the laws of the State of Oregon. Venue of any litigation shall be exclusively in Wasco County, Oregon.

SECTION 3. ENTIRE AGREEMENT

This Agreement contains the entire understanding between the Parties with respect to the subject matter hereof and supersedes any prior or contemporaneous agreement or understanding between the Parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

APPROVED AS TO FORM:

WASCO COUNTY, OREGON

Kristen Campbell
Wasco County Counsel

By: _____
Steven D. Kramer, Commission Chair

Young Life Washington Family Ranch

By: _____

Name: _____

Title: _____



APPLICATION FOR LIMITED 1.4G FIREWORKS DISPLAY PERMIT

OFFICE OF STATE FIRE MARSHAL
OREGON STATE POLICE

Fee: \$100

0231

OSFM OFFICE USE ONLY

MAIL CHECKS AND APPLICATIONS TO:

Office of State Fire Marshal
Regulatory Services Unit – Fireworks Program
P.O. Box 4395 Unit 09
Portland OR 97208-4395

CONTACT INFORMATION:

Office of State Fire Marshal
Regulatory Services Unit – Fireworks Program
Phone: 503-934-8274 or 8272
Fax: 503-373-1825
Email: SFM.LP@state.or.us

IMPORTANT: COMPLETED APPLICATION AND FEE MUST BE RECEIVED BY THE STATE FIRE MARSHAL 15 DAYS PRIOR TO THE DATE OF THE PROPOSED DISPLAY. See OAR 837-012-0700 through 837-012-0845 for complete requirements. Please print except as noted. A separate permit will be issued and returned to the applicant by the State Fire Marshal.

APPLICANT SPONSOR NAME <u>Young Life's Washington Family Ranch</u>					
ADDRESS <u>1 Muddy Rd</u>		<u>Antelope</u>		OR <u>97001</u>	
Street Address		City		State Zip Code	
BUSINESS PHONE #. 541-489-3100		HOME PHONE #. 541-489-3100		FAX #. 541-306-6639 E-MAIL <u>WFR@WFR.YOUNGLIFE.ORG</u>	
NAME OF PERSON COMPLETING APPLICATION <u>Nathan Huff</u>					
Signature			Printed		
ADDRESS <u>1 Muddy Rd</u>		<u>Antelope</u>		OR <u>97001</u>	
Street Address		City		State Zip Code	
BUSINESS PHONE #. 541-489-3100 EXT 1128		HOME PHONE #.		FAX #. 541-306-6639 E-MAIL <u>NHUFF@WFR.YOUNGLIFE.ORG</u>	
DATE OF DISPLAY <u>July 15, 2018</u>			TIME OF DISPLAY <u>10:00 PM</u>		
DISPLAY ADDRESS <u>1 Muddy Rd</u>		<u>Antelope</u>		OR <u>97001</u>	
Street Address		City		State Zip Code	
LIMITED FIREWORKS					
NAME OF WHOLESALE: Western Fireworks					
Type of Fireworks	Carton Quantity	Type of Fireworks	Carton Quantity	Type of Fireworks	Carton Quantity
Mortars & Shells	4				
Large Night Displays	4				

OPERATOR AND ASSISTANT INFORMATION

DISPLAY OPERATOR

NAME Nathan Huff PHONE 541-489-3100 ext 1128 AGE 28

ADDRESS 1 Muddy Rd Antelope OR 97001

Street Address City State Zip Code

CERTIFICATION NO. 1356

OPERATOR ASSISTANT (Minimum of one assistant is required for each display)

NAME Kory Brown PHONE 541-489-3100 ext 1180 AGE 38

ADDRESS 1 Muddy Rd Antelope OR 97001

Street Address City State Zip Code

COMPLETE A DETAILED MAP OF THE DISPLAY SITE SHOWING THE FOLLOWING:

1. **Fall-Out Area:** the area over which aerial shells are fired. The shells burst over this area, and unsafe debris and malfunctioning aerial shells fall into this area. The fall-out area is the location where a typical aerial shell dud will fall to the ground considering wind and the angle of mortar placement. At a minimum, the fall-out area shall be the required separation distance based on the table of distances as required in OAR 837-12-850.
2. **Discharge Site:** the area immediately surrounding the area where fireworks are ignited for an outdoor display. Include all dimensions of the discharge site.
3. **Display Site:** the immediate area where a fireworks display is conducted and shall include the discharge site, the fallout area, and the required separation distance from the fireworks discharge site to spectator viewing areas. The display site does not include spectator viewing areas or vehicle parking areas.
4. **Distance:** from point of discharge to spectators, overhead obstructions, buildings, highways, parking areas. Show distances in feet.

MAP AREA - SHOW ALL DISTANCES



Distances to:

- Spectators 1: 644 Ft
- Spectators 2: 374 Ft
- Spectators 3: 465 Ft
- Swing Shed: 365 Ft
- Zip Line Shed: 445 Ft
- Service Road N: 315 Ft
- Service Road E: 170 Ft

Discharge Area:

- 15'W x 45'L
- 107 Ft between Zip Lines (red lines)
- 31 Ft (on either side) between Zip Lines (red lines) and edge of Discharge Area



FIREWORKS DISPLAY SITE SIGNATURES

FIRE AUTHORITY AND LAW ENFORCEMENT SIGNATURES FOR DISPLAY SITE

Fire Authority	Law Enforcement
Dept. Name _____	Dept. Name _____
Address _____	Address _____
City _____ State _____ Zip Code _____	City _____ State _____ Zip Code _____
Phone# _____ FAX# _____	Phone# _____ FAX# _____
E-Mail _____	E-Mail _____
Authorized Signature _____	Authorized Signature _____
Print Name _____	Print Name _____
Site Inspection Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No Date _____	Site Inspection Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No Date _____
Inspector Signature _____	Inspector Signature _____

COMMENTS: _____

FIREWORKS STORAGE SITE INFORMATION AND SIGNATURES

FIREWORKS STORAGE ADDRESS PRIOR TO THE DISPLAY

1 Muddy Rd Street Address	Antelope City	OR State	97001 Zip Code
Storage Facility Magazine Type: IV List all Dates Fireworks will be at Storage Address: July 10 – Aug 9, 2018			
NOTE: If fireworks are delivered direct to the display site, indicate the date they will be delivered _____			

FIRE AUTHORITY SIGNATURE FOR STORAGE LOCATION

Dept. Name _____			
Address _____			
Street or PO Box		City	State Zip Code
Phone# _____ FAX# _____		E-Mail _____	
Authorized Signature _____		Print Name _____	
Site Inspection Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No		Date _____ Inspector Signature _____	

COMMENTS: _____



APPLICATION FOR LIMITED 1.4G
FIREWORKS DISPLAY PERMIT

OFFICE OF STATE FIRE MARSHAL
OREGON STATE POLICE

Fee: \$100

0231

OSFM OFFICE USE ONLY

MAIL CHECKS AND APPLICATIONS TO:

Office of State Fire Marshal
Regulatory Services Unit – Fireworks Program
P.O. Box 4395 Unit 09
Portland OR 97208-4395

CONTACT INFORMATION:

Office of State Fire Marshal
Regulatory Services Unit – Fireworks Program
Phone: 503-934-8274 or 8272
Fax: 503-373-1825
Email: SFM.LP@state.or.us

IMPORTANT: COMPLETED APPLICATION AND FEE MUST BE RECEIVED BY THE STATE FIRE MARSHAL 15 DAYS PRIOR TO THE DATE OF THE PROPOSED DISPLAY. See OAR 837-012-0700 through 837-012-0845 for complete requirements. Please print except as noted. A separate permit will be issued and returned to the applicant by the State Fire Marshal.

APPLICANT SPONSOR NAME <u>Young Life's Washington Family Ranch</u>					
ADDRESS <u>1 Muddy Rd</u>		<u>Antelope</u>		<u>OR</u> <u>97001</u>	
Street Address		City		State Zip Code	
BUSINESS PHONE #. <u>541-489-3100</u>		HOME PHONE #. <u>541-489-3100</u>		FAX #. <u>541-306-6639</u> E-MAIL <u>WFR@WFR.YOUNGLIFE.ORG</u>	
NAME OF PERSON COMPLETING APPLICATION <u>Nathan Huff</u>					
ADDRESS <u>1 Muddy Rd</u>		<u>Antelope</u>		<u>OR</u> <u>97001</u>	
Street Address		City		State Zip Code	
BUSINESS PHONE #. <u>541-489-3100 EXT 1128</u>		HOME PHONE #.		FAX #. <u>541-306-6639</u> E-MAIL <u>NHUFF@WFR.YOUNGLIFE.ORG</u>	
DATE OF DISPLAY <u>July 9, 2018</u>			TIME OF DISPLAY <u>10:00 PM</u>		
DISPLAY ADDRESS <u>1 Muddy Rd</u>		<u>Antelope</u>		<u>OR</u> <u>97001</u>	
Street Address		City		State Zip Code	
LIMITED FIREWORKS					
NAME OF WHOLESALE: Western Fireworks					
Type of Fireworks	Carton Quantity	Type of Fireworks	Carton Quantity	Type of Fireworks	Carton Quantity
Mortars & Shells	4				
Large Night Displays	4				

OPERATOR AND ASSISTANT INFORMATION					
DISPLAY OPERATOR					
NAME <u>Nathan Huff</u>		PHONE <u>541-489-3100 ext 1128</u>		AGE <u>28</u>	
ADDRESS <u>1 Muddy Rd</u>		<u>Antelope</u>		<u>OR</u> <u>97001</u>	
Street Address		City		State Zip Code	
CERTIFICATION NO. <u>1356</u>					
OPERATOR ASSISTANT (Minimum of one assistant is required for each display)					
NAME <u>Kory Brown</u>		PHONE <u>541-489-3100 ext 1180</u>		AGE <u>38</u>	
ADDRESS <u>1 Muddy Rd</u>		<u>Antelope</u>		<u>OR</u> <u>97001</u>	
Street Address		City		State Zip Code	

COMPLETE A DETAILED MAP OF THE DISPLAY SITE SHOWING THE FOLLOWING:

1. **Fall-Out Area:** the area over which aerial shells are fired. The shells burst over this area, and unsafe debris and malfunctioning aerial shells fall into this area. The fall-out area is the location where a typical aerial shell dud will fall to the ground considering wind and the angle of mortar placement. At a minimum, the fall-out area shall be the required separation distance based on the table of distances as required in OAR 837-12-850.
2. **Discharge Site:** the area immediately surrounding the area where fireworks are ignited for an outdoor display. Include all dimensions of the discharge site.
3. **Display Site:** the immediate area where a fireworks display is conducted and shall include the discharge site, the fallout area, and the required separation distance from the fireworks discharge site to spectator viewing areas. The display site does not include spectator viewing areas or vehicle parking areas.
4. **Distance:** from point of discharge to spectators, overhead obstructions, buildings, highways, parking areas. Show distances in feet.

MAP AREA - SHOW ALL DISTANCES



Distances to:

- Spectators 1: 644 Ft
- Spectators 2: 374 Ft
- Spectators 3: 465 Ft
- Swing Shed: 365 Ft
- Zip Line Shed: 445 Ft
- Service Road N: 315 Ft
- Service Road E: 170 Ft

Discharge Area:

- 15' W x 45' L
- 107 Ft between Zip Lines (red lines)
- 31 Ft (on either side) between Zip Lines (red lines) and edge of Discharge Area



FIREWORKS DISPLAY SITE SIGNATURES

FIRE AUTHORITY AND LAW ENFORCEMENT SIGNATURES FOR DISPLAY SITE

Fire Authority	Law Enforcement
Dept. Name _____	Dept. Name _____
Address _____	Address _____
City _____ State _____ Zip Code _____	City _____ State _____ Zip Code _____
Phone# _____ FAX# _____	Phone# _____ FAX# _____
E-Mail _____	E-Mail _____
Authorized Signature _____	Authorized Signature _____
Print Name _____	Print Name _____
Site Inspection Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No Date _____	Site Inspection Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No Date _____
Inspector Signature _____	Inspector Signature _____

COMMENTS: _____

FIREWORKS STORAGE SITE INFORMATION AND SIGNATURES

FIREWORKS STORAGE ADDRESS PRIOR TO THE DISPLAY

1 Muddy Rd Street Address	Antelope City	OR State	97001 Zip Code
Storage Facility Magazine Type: IV List all Dates Fireworks will be at Storage Address: June 9 – July 9, 2018			
NOTE: If fireworks are delivered direct to the display site, indicate the date they will be delivered _____			

FIRE AUTHORITY SIGNATURE FOR STORAGE LOCATION

Dept. Name _____			
Address _____			
Street or PO Box		City	State Zip Code
Phone# _____ FAX# _____		E-Mail _____	
Authorized Signature _____		Print Name _____	
Site Inspection Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No		Date _____ Inspector Signature _____	

COMMENTS: _____



APPLICATION FOR LIMITED 1.4G
FIREWORKS DISPLAY PERMIT

OFFICE OF STATE FIRE MARSHAL
OREGON STATE POLICE

Fee: \$100

0231

OSFM OFFICE USE ONLY

MAIL CHECKS AND APPLICATIONS TO:

Office of State Fire Marshal
Regulatory Services Unit – Fireworks Program
P.O. Box 4395 Unit 09
Portland OR 97208-4395

CONTACT INFORMATION:

Office of State Fire Marshal
Regulatory Services Unit – Fireworks Program
Phone: 503-934-8274 or 8272
Fax: 503-373-1825
Email: SFM.LP@state.or.us

IMPORTANT: COMPLETED APPLICATION AND FEE MUST BE RECEIVED BY THE STATE FIRE MARSHAL 15 DAYS PRIOR TO THE DATE OF THE PROPOSED DISPLAY. See OAR 837-012-0700 through 837-012-0845 for complete requirements. Please print except as noted. A separate permit will be issued and returned to the applicant by the State Fire Marshal.

APPLICANT SPONSOR NAME Young Life's Washington Family Ranch

ADDRESS 1 Muddy Rd Antelope OR 97001
Street Address City State Zip Code
BUSINESS PHONE #. 541-489-3100 HOME PHONE #. 541-489-3100 FAX #. 541-306-6639 E-MAIL WFR@WFR.YOUNGLIFE.ORG

NAME OF PERSON COMPLETING APPLICATION *Nathan Huff* Nathan Huff
Signature Printed

ADDRESS 1 Muddy Rd Antelope OR 97001
Street Address City State Zip Code
BUSINESS PHONE #. 541-489-3100 EXT 1128 HOME PHONE #. FAX #. 541-306-6639 E-MAIL NHUFF@WFR.YOUNGLIFE.ORG

DATE OF DISPLAY July 4, 2018 TIME OF DISPLAY 10:00 PM

DISPLAY ADDRESS 1 Muddy Rd Antelope OR 97001
Street Address City State Zip Code

LIMITED FIREWORKS

NAME OF WHOLESALE: Western Fireworks

Type of Fireworks	Carton Quantity	Type of Fireworks	Carton Quantity	Type of Fireworks	Carton Quantity
Mortars & Shells	4				
Large Night Displays	4				

OPERATOR AND ASSISTANT INFORMATION

DISPLAY OPERATOR

NAME Nathan Huff PHONE 541-489-3100 ext 1128 AGE 28
ADDRESS 1 Muddy Rd Antelope OR 97001
Street Address City State Zip Code
CERTIFICATION NO. 1356

OPERATOR ASSISTANT (Minimum of one assistant is required for each display)

NAME Kory Brown PHONE 541-489-3100 ext 1180 AGE 38
ADDRESS 1 Muddy Rd Antelope OR 97001
Street Address City State Zip Code

COMPLETE A DETAILED MAP OF THE DISPLAY SITE SHOWING THE FOLLOWING:

1. **Fall-Out Area:** the area over which aerial shells are fired. The shells burst over this area, and unsafe debris and malfunctioning aerial shells fall into this area. The fall-out area is the location where a typical aerial shell dud will fall to the ground considering wind and the angle of mortar placement. At a minimum, the fall-out area shall be the required separation distance based on the table of distances as required in OAR 837-12-850.
2. **Discharge Site:** the area immediately surrounding the area where fireworks are ignited for an outdoor display. Include all dimensions of the discharge site.
3. **Display Site:** the immediate area where a fireworks display is conducted and shall include the discharge site, the fallout area, and the required separation distance from the fireworks discharge site to spectator viewing areas. The display site does not include spectator viewing areas or vehicle parking areas.
4. **Distance:** from point of discharge to spectators, overhead obstructions, buildings, highways, parking areas. Show distances in feet.

MAP AREA - SHOW ALL DISTANCES



Distances to:

- Spectators 1: 644 Ft
- Spectators 2: 374 Ft
- Spectators 3: 465 Ft
- Swing Shed: 365 Ft
- Zip Line Shed: 445 Ft
- Service Road N: 315 Ft
- Service Road E: 170 Ft

Discharge Area:

- 15'W x 45'L
- 107 Ft between Zip Lines (red lines)
- 31 Ft (on either side) between Zip Lines (red lines) and edge of Discharge Area



FIREWORKS DISPLAY SITE SIGNATURES

FIRE AUTHORITY AND LAW ENFORCEMENT SIGNATURES FOR DISPLAY SITE

Fire Authority	Law Enforcement
Dept. Name _____	Dept. Name _____
Address _____	Address _____
City _____ State _____ Zip Code _____	City _____ State _____ Zip Code _____
Phone# _____ FAX# _____	Phone# _____ FAX# _____
E-Mail _____	E-Mail _____
Authorized Signature _____	Authorized Signature _____
Print Name _____	Print Name _____
Site Inspection Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No Date _____	Site Inspection Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No Date _____
Inspector Signature _____	Inspector Signature _____

COMMENTS: _____

FIREWORKS STORAGE SITE INFORMATION AND SIGNATURES

FIREWORKS STORAGE ADDRESS PRIOR TO THE DISPLAY

1 Muddy Rd Street Address	Antelope City	OR State	97001 Zip Code
Storage Facility Magazine Type: IV List all Dates Fireworks will be at Storage Address: June 9 – July 9, 2018			
NOTE: If fireworks are delivered direct to the display site, indicate the date they will be delivered _____			

FIRE AUTHORITY SIGNATURE FOR STORAGE LOCATION

Dept. Name _____			
Address _____			
Street or PO Box		City	State Zip Code
Phone# _____ FAX# _____		E-Mail _____	
Authorized Signature _____		Print Name _____	
Site Inspection Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No		Date _____ Inspector Signature _____	

COMMENTS: _____



APPLICATION FOR LIMITED 1.4G
FIREWORKS DISPLAY PERMIT

OFFICE OF STATE FIRE MARSHAL
OREGON STATE POLICE

Fee: \$100

0231

OSFM OFFICE USE ONLY

MAIL CHECKS AND APPLICATIONS TO:

Office of State Fire Marshal
Regulatory Services Unit – Fireworks Program
P.O. Box 4395 Unit 09
Portland OR 97208-4395

CONTACT INFORMATION:

Office of State Fire Marshal
Regulatory Services Unit – Fireworks Program
Phone: 503-934-8274 or 8272
Fax: 503-373-1825
Email: SFM.LP@state.or.us

IMPORTANT: COMPLETED APPLICATION AND FEE MUST BE RECEIVED BY THE STATE FIRE MARSHAL 15 DAYS PRIOR TO THE DATE OF THE PROPOSED DISPLAY. See OAR 837-012-0700 through 837-012-0845 for complete requirements. Please print except as noted. A separate permit will be issued and returned to the applicant by the State Fire Marshal.

APPLICANT SPONSOR NAME <u>Young Life's Washington Family Ranch</u>					
ADDRESS <u>1 Muddy Rd</u>		<u>Antelope</u>		OR <u>97001</u>	
Street Address		City		State Zip Code	
BUSINESS PHONE #. <u>541-489-3100</u>		HOME PHONE #. <u>541-489-3100</u>		FAX #. <u>541-306-6639</u> E-MAIL <u>WFR@WFR.YOUNGLIFE.ORG</u>	
NAME OF PERSON COMPLETING APPLICATION <u>Nathan Huff</u>					
ADDRESS <u>1 Muddy Rd</u>		<u>Antelope</u>		OR <u>97001</u>	
Street Address		City		State Zip Code	
BUSINESS PHONE #. <u>541-489-3100 EXT 1128</u>		HOME PHONE #.		FAX #. <u>541-306-6639</u> E-MAIL <u>NHUFF@WFR.YOUNGLIFE.ORG</u>	
DATE OF DISPLAY <u>July 1, 2018</u>			TIME OF DISPLAY <u>10:00 PM</u>		
DISPLAY ADDRESS <u>1 Muddy Rd</u>		<u>Antelope</u>		OR <u>97001</u>	
Street Address		City		State Zip Code	
LIMITED FIREWORKS					
NAME OF WHOLESALE: Western Fireworks					
Type of Fireworks	Carton Quantity	Type of Fireworks	Carton Quantity	Type of Fireworks	Carton Quantity
Mortars & Shells	4				
Large Night Displays	4				

OPERATOR AND ASSISTANT INFORMATION					
DISPLAY OPERATOR					
NAME <u>Nathan Huff</u>		PHONE <u>541-489-3100 ext 1128</u>		AGE <u>28</u>	
ADDRESS <u>1 Muddy Rd</u>		<u>Antelope</u>		OR <u>97001</u>	
Street Address		City		State Zip Code	
CERTIFICATION NO. <u>1356</u>					
OPERATOR ASSISTANT (Minimum of one assistant is required for each display)					
NAME <u>Kory Brown</u>		PHONE <u>541-489-3100 ext 1180</u>		AGE <u>38</u>	
ADDRESS <u>1 Muddy Rd</u>		<u>Antelope</u>		OR <u>97001</u>	
Street Address		City		State Zip Code	

COMPLETE A DETAILED MAP OF THE DISPLAY SITE SHOWING THE FOLLOWING:

1. **Fall-Out Area:** the area over which aerial shells are fired. The shells burst over this area, and unsafe debris and malfunctioning aerial shells fall into this area. The fall-out area is the location where a typical aerial shell dud will fall to the ground considering wind and the angle of mortar placement. At a minimum, the fall-out area shall be the required separation distance based on the table of distances as required in OAR 837-12-850.
2. **Discharge Site:** the area immediately surrounding the area where fireworks are ignited for an outdoor display. Include all dimensions of the discharge site.
3. **Display Site:** the immediate area where a fireworks display is conducted and shall include the discharge site, the fallout area, and the required separation distance from the fireworks discharge site to spectator viewing areas. The display site does not include spectator viewing areas or vehicle parking areas.
4. **Distance:** from point of discharge to spectators, overhead obstructions, buildings, highways, parking areas. Show distances in feet.

MAP AREA - SHOW ALL DISTANCES



Distances to:

- Spectators 1: 644 Ft
- Spectators 2: 374 Ft
- Spectators 3: 465 Ft
- Swing Shed: 365 Ft
- Zip Line Shed: 445 Ft
- Service Road N: 315 Ft
- Service Road E: 170 Ft

Discharge Area:

- 15'W x 45'L
- 107 Ft between Zip Lines (red lines)
- 31 Ft (on either side) between Zip Lines (red lines) and edge of Discharge Area



FIREWORKS DISPLAY SITE SIGNATURES

FIRE AUTHORITY AND LAW ENFORCEMENT SIGNATURES FOR DISPLAY SITE

Fire Authority	Law Enforcement
Dept. Name _____	Dept. Name _____
Address _____	Address _____
City _____ State _____ Zip Code _____	City _____ State _____ Zip Code _____
Phone# _____ FAX# _____	Phone# _____ FAX# _____
E-Mail _____	E-Mail _____
Authorized Signature _____	Authorized Signature _____
Print Name _____	Print Name _____
Site Inspection Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No Date _____	Site Inspection Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No Date _____
Inspector Signature _____	Inspector Signature _____

COMMENTS: _____

FIREWORKS STORAGE SITE INFORMATION AND SIGNATURES

FIREWORKS STORAGE ADDRESS PRIOR TO THE DISPLAY

1 Muddy Rd	Antelope	OR	97001
Street Address	City	State	Zip Code

Storage Facility Magazine Type: IV List all Dates Fireworks will be at Storage Address: June 9 – July 9, 2018

NOTE: If fireworks are delivered direct to the display site, indicate the date they will be delivered _____

FIRE AUTHORITY SIGNATURE FOR STORAGE LOCATION

Dept. Name _____
Address _____
Street or PO Box _____ City _____ State _____ Zip Code _____
Phone# _____ FAX# _____ E-Mail _____
Authorized Signature _____ Print Name _____
Site Inspection Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No Date _____ Inspector Signature _____

COMMENTS: _____



**APPLICATION FOR LIMITED 1.4G
FIREWORKS DISPLAY PERMIT**

**OFFICE OF STATE FIRE MARSHAL
OREGON STATE POLICE**

Fee: \$100 0231

OSFM OFFICE USE ONLY

MAIL CHECKS AND APPLICATIONS TO:

Office of State Fire Marshal
Regulatory Services Unit – Fireworks Program
P.O. Box 4395 Unit 09
Portland OR 97208-4395

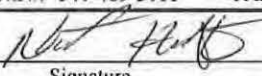
CONTACT INFORMATION:

Office of State Fire Marshal
Regulatory Services Unit – Fireworks Program
Phone: 503-934-8274 or 8272
Fax: 503-373-1825
Email: SFM.LP@state.or.us

IMPORTANT: COMPLETED APPLICATION AND FEE MUST BE RECEIVED BY THE STATE FIRE MARSHAL 15 DAYS PRIOR TO THE DATE OF THE PROPOSED DISPLAY. See OAR 837-012-0700 through 837-012-0845 for complete requirements. Please print except as noted. A separate permit will be issued and returned to the applicant by the State Fire Marshal.

APPLICANT SPONSOR NAME Young Life's Washington Family Ranch

ADDRESS 1 Muddy Rd Antelope OR 97001
Street Address City State Zip Code
BUSINESS PHONE #. 541-489-3100 HOME PHONE #. 541-489-3100 FAX #. 541-306-6639 E-MAIL WFR@WFR.YOUNGLIFE.ORG

NAME OF PERSON COMPLETING APPLICATION  Nathan Huff
Signature Printed

ADDRESS 1 Muddy Rd Antelope OR 97001
Street Address City State Zip Code
BUSINESS PHONE #. 541-489-3100 EXT 1128 HOME PHONE #. FAX #. 541-306-6639 E-MAIL NHUFF@WFR.YOUNGLIFE.ORG

DATE OF DISPLAY June 26, 2018 TIME OF DISPLAY 10:00 PM

DISPLAY ADDRESS 1 Muddy Rd Antelope OR 97001
Street Address City State Zip Code

LIMITED FIREWORKS

NAME OF WHOLESALE: Western Fireworks

Type of Fireworks	Carton Quantity	Type of Fireworks	Carton Quantity	Type of Fireworks	Carton Quantity
Mortars & Shells	4				
Large Night Displays	4				

OPERATOR AND ASSISTANT INFORMATION

DISPLAY OPERATOR

NAME Nathan Huff PHONE 541-489-3100 ext 1128 AGE 28
ADDRESS 1 Muddy Rd Antelope OR 97001
Street Address City State Zip Code
CERTIFICATION NO. 1356

OPERATOR ASSISTANT (Minimum of one assistant is required for each display)

NAME Kory Brown PHONE 541-489-3100 ext 1180 AGE 38
ADDRESS 1 Muddy Rd Antelope OR 97001
Street Address City State Zip Code

COMPLETE A DETAILED MAP OF THE DISPLAY SITE SHOWING THE FOLLOWING:

1. **Fall-Out Area:** the area over which aerial shells are fired. The shells burst over this area, and unsafe debris and malfunctioning aerial shells fall into this area. The fall-out area is the location where a typical aerial shell dud will fall to the ground considering wind and the angle of mortar placement. At a minimum, the fall-out area shall be the required separation distance based on the table of distances as required in OAR 837-12-850.
2. **Discharge Site:** the area immediately surrounding the area where fireworks are ignited for an outdoor display. Include all dimensions of the discharge site.
3. **Display Site:** the immediate area where a fireworks display is conducted and shall include the discharge site, the fallout area, and the required separation distance from the fireworks discharge site to spectator viewing areas. The display site does not include spectator viewing areas or vehicle parking areas.
4. **Distance:** from point of discharge to spectators, overhead obstructions, buildings, highways, parking areas. Show distances in feet.

MAP AREA - SHOW ALL DISTANCES



Distances to:

- Spectators 1: 644 Ft
- Spectators 2: 374 Ft
- Spectators 3: 465 Ft
- Swing Shed: 365 Ft
- Zip Line Shed: 445 Ft
- Service Road N: 315 Ft
- Service Road E: 170 Ft

Discharge Area:

- 15'W x 45'L
- 107 Ft between Zip Lines (red lines)
- 31 Ft (on either side) between Zip Lines (red lines) and edge of Discharge Area



FIREWORKS DISPLAY SITE SIGNATURES

FIRE AUTHORITY AND LAW ENFORCEMENT SIGNATURES FOR DISPLAY SITE

Fire Authority	Law Enforcement
Dept. Name _____	Dept. Name _____
Address _____	Address _____
City _____ State _____ Zip Code _____	City _____ State _____ Zip Code _____
Phone# _____ FAX# _____	Phone# _____ FAX# _____
E-Mail _____	E-Mail _____
Authorized Signature _____	Authorized Signature _____
Print Name _____	Print Name _____
Site Inspection Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No Date _____	Site Inspection Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No Date _____
Inspector Signature _____	Inspector Signature _____

COMMENTS: _____

FIREWORKS STORAGE SITE INFORMATION AND SIGNATURES

FIREWORKS STORAGE ADDRESS PRIOR TO THE DISPLAY

1 Muddy Rd	Antelope	OR	97001
Street Address	City	State	Zip Code

Storage Facility Magazine Type: IV List all Dates Fireworks will be at Storage Address: June 9 – July 9, 2018

NOTE: If fireworks are delivered direct to the display site, indicate the date they will be delivered _____

FIRE AUTHORITY SIGNATURE FOR STORAGE LOCATION

Dept. Name _____
Address _____
Street or PO Box _____ City _____ State _____ Zip Code _____
Phone# _____ FAX# _____ E-Mail _____
Authorized Signature _____ Print Name _____
Site Inspection Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No Date _____ Inspector Signature _____

COMMENTS: _____



APPLICATION FOR LIMITED 1.4G
FIREWORKS DISPLAY PERMIT

OFFICE OF STATE FIRE MARSHAL
OREGON STATE POLICE

Fee: \$100

0231

OSFM OFFICE USE ONLY

MAIL CHECKS AND APPLICATIONS TO:

Office of State Fire Marshal
Regulatory Services Unit – Fireworks Program
P.O. Box 4395 Unit 09
Portland OR 97208-4395

CONTACT INFORMATION:

Office of State Fire Marshal
Regulatory Services Unit – Fireworks Program
Phone: 503-934-8274 or 8272
Fax: 503-373-1825
Email: SFM.LP@state.or.us

IMPORTANT: COMPLETED APPLICATION AND FEE MUST BE RECEIVED BY THE STATE FIRE MARSHAL 15 DAYS PRIOR TO THE DATE OF THE PROPOSED DISPLAY. See OAR 837-012-0700 through 837-012-0845 for complete requirements. Please print except as noted. A separate permit will be issued and returned to the applicant by the State Fire Marshal.

APPLICANT SPONSOR NAME <u>Young Life's Washington Family Ranch</u>			
ADDRESS <u>1 Muddy Rd</u>	<u>Antelope</u>	OR <u>97001</u>	
Street Address	City	State	Zip Code
BUSINESS PHONE #. <u>541-489-3100</u>	HOME PHONE #. <u>541-489-3100</u>	FAX #. <u>541-306-6639</u>	E-MAIL <u>WFR@WFR.YOUNGLIFE.ORG</u>
NAME OF PERSON COMPLETING APPLICATION <u>Nathan Huff</u>		Signature <u>Nathan Huff</u>	
ADDRESS <u>1 Muddy Rd</u>		<u>Antelope</u>	OR <u>97001</u>
Street Address		City	State Zip Code
BUSINESS PHONE #. <u>541-489-3100 EXT 1128</u>	HOME PHONE #.	FAX #. <u>541-306-6639</u>	E-MAIL <u>NHUFF@WFR.YOUNGLIFE.ORG</u>
DATE OF DISPLAY <u>June 21, 2018</u>		TIME OF DISPLAY <u>10:00 PM</u>	
DISPLAY ADDRESS <u>1 Muddy Rd</u>	<u>Antelope</u>	OR <u>97001</u>	
Street Address	City	State	Zip Code

LIMITED FIREWORKS		NAME OF WHOLESALE: Western Fireworks			
Type of Fireworks	Carton Quantity	Type of Fireworks	Carton Quantity	Type of Fireworks	Carton Quantity
Mortars & Shells	4				
Large Night Displays	4				

OPERATOR AND ASSISTANT INFORMATION

DISPLAY OPERATOR			
NAME <u>Nathan Huff</u>		PHONE <u>541-489-3100 ext 1128</u> AGE <u>28</u>	
ADDRESS <u>1 Muddy Rd</u>	<u>Antelope</u>	OR <u>97001</u>	
Street Address	City	State	Zip Code
CERTIFICATION NO. <u>1356</u>			
OPERATOR ASSISTANT (Minimum of one assistant is required for each display)			
NAME <u>Kory Brown</u>		PHONE <u>541-489-3100 ext 1180</u> AGE <u>38</u>	
ADDRESS <u>1 Muddy Rd</u>	<u>Antelope</u>	OR <u>97001</u>	
Street Address	City	State	Zip Code

COMPLETE A DETAILED MAP OF THE DISPLAY SITE SHOWING THE FOLLOWING:

1. **Fall-Out Area:** the area over which aerial shells are fired. The shells burst over this area, and unsafe debris and malfunctioning aerial shells fall into this area. The fall-out area is the location where a typical aerial shell dud will fall to the ground considering wind and the angle of mortar placement. At a minimum, the fall-out area shall be the required separation distance based on the table of distances as required in OAR 837-12-850.
2. **Discharge Site:** the area immediately surrounding the area where fireworks are ignited for an outdoor display. Include all dimensions of the discharge site.
3. **Display Site:** the immediate area where a fireworks display is conducted and shall include the discharge site, the fallout area, and the required separation distance from the fireworks discharge site to spectator viewing areas. The display site does not include spectator viewing areas or vehicle parking areas.
4. **Distance:** from point of discharge to spectators, overhead obstructions, buildings, highways, parking areas. Show distances in feet.

MAP AREA - SHOW ALL DISTANCES



Distances to:

- Spectators 1: 644 Ft
- Spectators 2: 374 Ft
- Spectators 3: 465 Ft
- Swing Shed: 365 Ft
- Zip Line Shed: 445 Ft
- Service Road N: 315 Ft
- Service Road E: 170 Ft

Discharge Area:

- 15' W x 45' L
- 107 Ft between Zip Lines (red lines)
- 31 Ft (on either side) between Zip Lines (red lines) and edge of Discharge Area



FIREWORKS DISPLAY SITE SIGNATURES

FIRE AUTHORITY AND LAW ENFORCEMENT SIGNATURES FOR DISPLAY SITE

Fire Authority	Law Enforcement
Dept. Name _____	Dept. Name _____
Address _____	Address _____
City _____ State _____ Zip Code _____	City _____ State _____ Zip Code _____
Phone# _____ FAX# _____	Phone# _____ FAX# _____
E-Mail _____	E-Mail _____
Authorized Signature _____	Authorized Signature _____
Print Name _____	Print Name _____
Site Inspection Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No Date _____	Site Inspection Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No Date _____
Inspector Signature _____	Inspector Signature _____

COMMENTS: _____

FIREWORKS STORAGE SITE INFORMATION AND SIGNATURES

FIREWORKS STORAGE ADDRESS PRIOR TO THE DISPLAY

1 Muddy Rd Street Address	Antelope City	OR State	97001 Zip Code
Storage Facility Magazine Type: IV List all Dates Fireworks will be at Storage Address: June 9 – July 9, 2018			
NOTE: If fireworks are delivered direct to the display site, indicate the date they will be delivered _____			

FIRE AUTHORITY SIGNATURE FOR STORAGE LOCATION

Dept. Name _____			
Address _____			
Street or PO Box		City	State Zip Code
Phone# _____ FAX# _____		E-Mail _____	
Authorized Signature _____		Print Name _____	
Site Inspection Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No		Date _____ Inspector Signature _____	

COMMENTS: _____



APPLICATION FOR LIMITED 1.4G FIREWORKS DISPLAY PERMIT

OFFICE OF STATE FIRE MARSHAL
OREGON STATE POLICE

Fee: \$100

0231

OSFM OFFICE USE ONLY

MAIL CHECKS AND APPLICATIONS TO:

Office of State Fire Marshal
Regulatory Services Unit – Fireworks Program
P.O. Box 4395 Unit 09
Portland OR 97208-4395

CONTACT INFORMATION:

Office of State Fire Marshal
Regulatory Services Unit – Fireworks Program
Phone: 503-934-8274 or 8272
Fax: 503-373-1825
Email: SFM.LP@state.or.us

IMPORTANT: COMPLETED APPLICATION AND FEE MUST BE RECEIVED BY THE STATE FIRE MARSHAL 15 DAYS PRIOR TO THE DATE OF THE PROPOSED DISPLAY. See OAR 837-012-0700 through 837-012-0845 for complete requirements. Please print except as noted. A separate permit will be issued and returned to the applicant by the State Fire Marshal.

APPLICANT SPONSOR NAME <u>Young Life's Washington Family Ranch</u>					
ADDRESS <u>1 Muddy Rd</u>		<u>Antelope</u>		OR <u>97001</u>	
Street Address		City		State Zip Code	
BUSINESS PHONE #. <u>541-489-3100</u>		HOME PHONE #. <u>541-489-3100</u>		FAX #. <u>541-306-6639</u> E-MAIL <u>WFR@WFR.YOUNGLIFE.ORG</u>	
NAME OF PERSON COMPLETING APPLICATION <u>Nathan Huff</u>					
ADDRESS <u>1 Muddy Rd</u>		<u>Antelope</u>		OR <u>97001</u>	
Street Address		City		State Zip Code	
BUSINESS PHONE #. <u>541-489-3100 EXT 1128</u>		HOME PHONE #.		FAX #. <u>541-306-6639</u> E-MAIL <u>NHUFF@WFR.YOUNGLIFE.ORG</u>	
DATE OF DISPLAY <u>Aug 5, 2018</u>			TIME OF DISPLAY <u>10:00 PM</u>		
DISPLAY ADDRESS <u>1 Muddy Rd</u>		<u>Antelope</u>		OR <u>97001</u>	
Street Address		City		State Zip Code	
LIMITED FIREWORKS					
NAME OF WHOLESALE: Western Fireworks					
Type of Fireworks	Carton Quantity	Type of Fireworks	Carton Quantity	Type of Fireworks	Carton Quantity
Mortars & Shells	4				
Large Night Displays	4				

OPERATOR AND ASSISTANT INFORMATION					
DISPLAY OPERATOR					
NAME <u>Nathan Huff</u>		PHONE <u>541-489-3100 ext 1128</u> AGE <u>28</u>			
ADDRESS <u>1 Muddy Rd</u>		<u>Antelope</u>		OR <u>97001</u>	
Street Address		City		State Zip Code	
CERTIFICATION NO. <u>1356</u>					
OPERATOR ASSISTANT (Minimum of one assistant is required for each display)					
NAME <u>Kory Brown</u>		PHONE <u>541-489-3100 ext 1180</u> AGE <u>38</u>			
ADDRESS <u>1 Muddy Rd</u>		<u>Antelope</u>		OR <u>97001</u>	
Street Address		City		State Zip Code	

COMPLETE A DETAILED MAP OF THE DISPLAY SITE SHOWING THE FOLLOWING:

1. **Fall-Out Area:** the area over which aerial shells are fired. The shells burst over this area, and unsafe debris and malfunctioning aerial shells fall into this area. The fall-out area is the location where a typical aerial shell dud will fall to the ground considering wind and the angle of mortar placement. At a minimum, the fall-out area shall be the required separation distance based on the table of distances as required in OAR 837-12-850.
2. **Discharge Site:** the area immediately surrounding the area where fireworks are ignited for an outdoor display. Include all dimensions of the discharge site.
3. **Display Site:** the immediate area where a fireworks display is conducted and shall include the discharge site, the fallout area, and the required separation distance from the fireworks discharge site to spectator viewing areas. The display site does not include spectator viewing areas or vehicle parking areas.
4. **Distance:** from point of discharge to spectators, overhead obstructions, buildings, highways, parking areas. Show distances in feet.

MAP AREA - SHOW ALL DISTANCES



Distances to:

- Spectators 1: 644 Ft
- Spectators 2: 374 Ft
- Spectators 3: 465 Ft
- Swing Shed: 365 Ft
- Zip Line Shed: 445 Ft
- Service Road N: 315 Ft
- Service Road E: 170 Ft

Discharge Area:

- 15'W x 45'L
- 107 Ft between Zip Lines (red lines)
- 31 Ft (on either side) between Zip Lines (red lines) and edge of Discharge Area



FIREWORKS DISPLAY SITE SIGNATURES

FIRE AUTHORITY AND LAW ENFORCEMENT SIGNATURES FOR DISPLAY SITE

Fire Authority	Law Enforcement
Dept. Name _____	Dept. Name _____
Address _____	Address _____
City _____ State _____ Zip Code _____	City _____ State _____ Zip Code _____
Phone# _____ FAX# _____	Phone# _____ FAX# _____
E-Mail _____	E-Mail _____
Authorized Signature _____	Authorized Signature _____
Print Name _____	Print Name _____
Site Inspection Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No Date _____	Site Inspection Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No Date _____
Inspector Signature _____	Inspector Signature _____

COMMENTS: _____

FIREWORKS STORAGE SITE INFORMATION AND SIGNATURES

FIREWORKS STORAGE ADDRESS PRIOR TO THE DISPLAY

1 Muddy Rd Antelope OR 97001 _
Street Address City State Zip Code

Storage Facility Magazine Type: IV List all Dates Fireworks will be at Storage Address: July 10 – Aug 9, 2018

NOTE: If fireworks are delivered direct to the display site, indicate the date they will be delivered _____

FIRE AUTHORITY SIGNATURE FOR STORAGE LOCATION

Dept. Name _____			
Address _____			
Street or PO Box _____		City _____	State _____ Zip Code _____
Phone# _____	FAX# _____	E-Mail _____	
Authorized Signature _____		Print Name _____	
Site Inspection Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No Date _____		Inspector Signature _____	

COMMENTS: _____



APPLICATION FOR LIMITED 1.4G FIREWORKS DISPLAY PERMIT

OFFICE OF STATE FIRE MARSHAL
OREGON STATE POLICE

Fee: \$100

0231

OSFM OFFICE USE ONLY

MAIL CHECKS AND APPLICATIONS TO:

Office of State Fire Marshal
Regulatory Services Unit – Fireworks Program
P.O. Box 4395 Unit 09
Portland OR 97208-4395

CONTACT INFORMATION:

Office of State Fire Marshal
Regulatory Services Unit – Fireworks Program
Phone: 503-934-8274 or 8272
Fax: 503-373-1825
Email: SFM.LP@state.or.us

IMPORTANT: COMPLETED APPLICATION AND FEE MUST BE RECEIVED BY THE STATE FIRE MARSHAL 15 DAYS PRIOR TO THE DATE OF THE PROPOSED DISPLAY. See OAR 837-012-0700 through 837-012-0845 for complete requirements. Please print except as noted. A separate permit will be issued and returned to the applicant by the State Fire Marshal.

APPLICANT SPONSOR NAME <u>Young Life's Washington Family Ranch</u>					
ADDRESS <u>1 Muddy Rd</u>		<u>Antelope</u>		OR <u>97001</u>	
Street Address		City		State Zip Code	
BUSINESS PHONE #. <u>541-489-3100</u>		HOME PHONE #. <u>541-489-3100</u>		FAX #. <u>541-306-6639</u> E-MAIL <u>WFR@WFR.YOUNGLIFE.ORG</u>	
NAME OF PERSON COMPLETING APPLICATION <u>Nathan Huff</u>					
Signature <u>[Signature]</u> Printed <u>Nathan Huff</u>					
ADDRESS <u>1 Muddy Rd</u>		<u>Antelope</u>		OR <u>97001</u>	
Street Address		City		State Zip Code	
BUSINESS PHONE #. <u>541-489-3100 EXT 1128</u>		HOME PHONE #.		FAX #. <u>541-306-6639</u> E-MAIL <u>NHUFF@WFR.YOUNGLIFE.ORG</u>	
DATE OF DISPLAY <u>July 29, 2018</u>			TIME OF DISPLAY <u>10:00 PM</u>		
DISPLAY ADDRESS <u>1 Muddy Rd</u>		<u>Antelope</u>		OR <u>97001</u>	
Street Address		City		State Zip Code	
LIMITED FIREWORKS					
NAME OF WHOLESALE: Western Fireworks					
Type of Fireworks	Carton Quantity	Type of Fireworks	Carton Quantity	Type of Fireworks	Carton Quantity
Mortars & Shells	4				
Large Night Displays	4				

OPERATOR AND ASSISTANT INFORMATION

DISPLAY OPERATOR

NAME Nathan Huff PHONE 541-489-3100 ext 1128 AGE 28

ADDRESS 1 Muddy Rd Antelope OR 97001

Street Address City State Zip Code

CERTIFICATION NO. 1356

OPERATOR ASSISTANT (Minimum of one assistant is required for each display)

NAME Kory Brown PHONE 541-489-3100 ext 1180 AGE 38

ADDRESS 1 Muddy Rd Antelope OR 97001

Street Address City State Zip Code

COMPLETE A DETAILED MAP OF THE DISPLAY SITE SHOWING THE FOLLOWING:

1. **Fall-Out Area:** the area over which aerial shells are fired. The shells burst over this area, and unsafe debris and malfunctioning aerial shells fall into this area. The fall-out area is the location where a typical aerial shell dud will fall to the ground considering wind and the angle of mortar placement. At a minimum, the fall-out area shall be the required separation distance based on the table of distances as required in OAR 837-12-850.
2. **Discharge Site:** the area immediately surrounding the area where fireworks are ignited for an outdoor display. Include all dimensions of the discharge site.
3. **Display Site:** the immediate area where a fireworks display is conducted and shall include the discharge site, the fallout area, and the required separation distance from the fireworks discharge site to spectator viewing areas. The display site does not include spectator viewing areas or vehicle parking areas.
4. **Distance:** from point of discharge to spectators, overhead obstructions, buildings, highways, parking areas. Show distances in feet.

MAP AREA - SHOW ALL DISTANCES



Distances to:

- Spectators 1: 644 Ft
- Spectators 2: 374 Ft
- Spectators 3: 465 Ft
- Swing Shed: 365 Ft
- Zip Line Shed: 445 Ft
- Service Road N: 315 Ft
- Service Road E: 170 Ft

Discharge Area:

- 15' W x 45' L
- 107 Ft between Zip Lines (red lines)
- 31 Ft (on either side) between Zip Lines (red lines) and edge of Discharge Area



FIREWORKS DISPLAY SITE SIGNATURES

FIRE AUTHORITY AND LAW ENFORCEMENT SIGNATURES FOR DISPLAY SITE

Fire Authority	Law Enforcement
Dept. Name _____	Dept. Name _____
Address _____	Address _____
City _____ State _____ Zip Code _____	City _____ State _____ Zip Code _____
Phone# _____ FAX# _____	Phone# _____ FAX# _____
E-Mail _____	E-Mail _____
Authorized Signature _____	Authorized Signature _____
Print Name _____	Print Name _____
Site Inspection Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No Date _____	Site Inspection Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No Date _____
Inspector Signature _____	Inspector Signature _____

COMMENTS: _____

FIREWORKS STORAGE SITE INFORMATION AND SIGNATURES

FIREWORKS STORAGE ADDRESS PRIOR TO THE DISPLAY

1 Muddy Rd Street Address	Antelope City	OR State	97001 Zip Code
Storage Facility Magazine Type: IV List all Dates Fireworks will be at Storage Address: July 10 – Aug 9, 2018			
NOTE: If fireworks are delivered direct to the display site, indicate the date they will be delivered _____			

FIRE AUTHORITY SIGNATURE FOR STORAGE LOCATION

Dept. Name _____			
Address _____			
Street or PO Box		City	State Zip Code
Phone# _____ FAX# _____		E-Mail _____	
Authorized Signature _____		Print Name _____	
Site Inspection Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No		Date _____ Inspector Signature _____	

COMMENTS: _____



APPLICATION FOR LIMITED 1.4G
FIREWORKS DISPLAY PERMIT

OFFICE OF STATE FIRE MARSHAL
OREGON STATE POLICE

Fee: \$100

0231

OSFM OFFICE USE ONLY

MAIL CHECKS AND APPLICATIONS TO:

Office of State Fire Marshal
Regulatory Services Unit – Fireworks Program
P.O. Box 4395 Unit 09
Portland OR 97208-4395

CONTACT INFORMATION:

Office of State Fire Marshal
Regulatory Services Unit – Fireworks Program
Phone: 503-934-8274 or 8272
Fax: 503-373-1825
Email: SFM.LP@state.or.us

IMPORTANT: COMPLETED APPLICATION AND FEE MUST BE RECEIVED BY THE STATE FIRE MARSHAL 15 DAYS PRIOR TO THE DATE OF THE PROPOSED DISPLAY. See OAR 837-012-0700 through 837-012-0845 for complete requirements. Please print except as noted. A separate permit will be issued and returned to the applicant by the State Fire Marshal.

APPLICANT SPONSOR NAME <u>Young Life's Washington Family Ranch</u>					
ADDRESS <u>1 Muddy Rd</u>		<u>Antelope</u>		OR <u>97001</u>	
Street Address		City		State Zip Code	
BUSINESS PHONE #. <u>541-489-3100</u>		HOME PHONE #. <u>541-489-3100</u>		FAX #. <u>541-306-6639</u> E-MAIL <u>WFR@WFR.YOUNGLIFE.ORG</u>	
NAME OF PERSON COMPLETING APPLICATION <u>Nathan Huff</u>					
ADDRESS <u>1 Muddy Rd</u>		<u>Antelope</u>		OR <u>97001</u>	
Street Address		City		State Zip Code	
BUSINESS PHONE #. <u>541-489-3100 EXT 1128</u>		HOME PHONE #.		FAX #. <u>541-306-6639</u> E-MAIL <u>NHUFF@WFR.YOUNGLIFE.ORG</u>	
DATE OF DISPLAY <u>July 22, 2018</u>			TIME OF DISPLAY <u>10:00 PM</u>		
DISPLAY ADDRESS <u>1 Muddy Rd</u>		<u>Antelope</u>		OR <u>97001</u>	
Street Address		City		State Zip Code	
LIMITED FIREWORKS					
NAME OF WHOLESALE: Western Fireworks					
Type of Fireworks	Carton Quantity	Type of Fireworks	Carton Quantity	Type of Fireworks	Carton Quantity
Mortars & Shells	4				
Large Night Displays	4				

OPERATOR AND ASSISTANT INFORMATION

DISPLAY OPERATOR

NAME Nathan Huff PHONE 541-489-3100 ext 1128 AGE 28

ADDRESS 1 Muddy Rd Antelope OR 97001

Street Address City State Zip Code

CERTIFICATION NO. 1356

OPERATOR ASSISTANT (Minimum of one assistant is required for each display)

NAME Kory Brown PHONE 541-489-3100 ext 1180 AGE 38

ADDRESS 1 Muddy Rd Antelope OR 97001

Street Address City State Zip Code

COMPLETE A DETAILED MAP OF THE DISPLAY SITE SHOWING THE FOLLOWING:

1. **Fall-Out Area:** the area over which aerial shells are fired. The shells burst over this area, and unsafe debris and malfunctioning aerial shells fall into this area. The fall-out area is the location where a typical aerial shell dud will fall to the ground considering wind and the angle of mortar placement. At a minimum, the fall-out area shall be the required separation distance based on the table of distances as required in OAR 837-12-850.
2. **Discharge Site:** the area immediately surrounding the area where fireworks are ignited for an outdoor display. Include all dimensions of the discharge site.
3. **Display Site:** the immediate area where a fireworks display is conducted and shall include the discharge site, the fallout area, and the required separation distance from the fireworks discharge site to spectator viewing areas. The display site does not include spectator viewing areas or vehicle parking areas.
4. **Distance:** from point of discharge to spectators, overhead obstructions, buildings, highways, parking areas. Show distances in feet.

MAP AREA - SHOW ALL DISTANCES



Distances to:

- Spectators 1: 644 Ft
- Spectators 2: 374 Ft
- Spectators 3: 465 Ft
- Swing Shed: 365 Ft
- Zip Line Shed: 445 Ft
- Service Road N: 315 Ft
- Service Road E: 170 Ft

Discharge Area:

- 15'W x 45'L
- 107 Ft between Zip Lines (red lines)
- 31 Ft (on either side) between Zip Lines (red lines) and edge of Discharge Area



FIREWORKS DISPLAY SITE SIGNATURES

FIRE AUTHORITY AND LAW ENFORCEMENT SIGNATURES FOR DISPLAY SITE

Fire Authority	Law Enforcement
Dept. Name _____	Dept. Name _____
Address _____	Address _____
City _____ State _____ Zip Code _____	City _____ State _____ Zip Code _____
Phone# _____ FAX# _____	Phone# _____ FAX# _____
E-Mail _____	E-Mail _____
Authorized Signature _____	Authorized Signature _____
Print Name _____	Print Name _____
Site Inspection Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No Date _____	Site Inspection Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No Date _____
Inspector Signature _____	Inspector Signature _____

COMMENTS: _____

FIREWORKS STORAGE SITE INFORMATION AND SIGNATURES

FIREWORKS STORAGE ADDRESS PRIOR TO THE DISPLAY

1 Muddy Rd Street Address	Antelope City	OR State	97001 Zip Code
Storage Facility Magazine Type: IV List all Dates Fireworks will be at Storage Address: July 10 – Aug 9, 2018			
NOTE: If fireworks are delivered direct to the display site, indicate the date they will be delivered _____			

FIRE AUTHORITY SIGNATURE FOR STORAGE LOCATION

Dept. Name _____			
Address _____			
Street or PO Box		City	State Zip Code
Phone# _____	FAX# _____	E-Mail _____	
Authorized Signature _____		Print Name _____	
Site Inspection Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No		Date _____ Inspector Signature _____	

COMMENTS: _____



MEMORANDUM

SUBJECT: Fireworks Display Permits – Motion Language

TO: BOARD OF COUNTY COMMISSIONERS

FROM: KATHY WHITE

DATE: 4/11/2018

HOLD HARMLESS AGREEMENT: I move to approve the indemnification and hold harmless agreement between Young Life Washington Family Ranch and Wasco County, Oregon.

FIREWORKS APPLICATIONS: I move to approve the Young Life Washington Family Ranch fireworks applications for June 21, June 26, July 1, July 4, July 9, July 15, July 22, July 29 and August 15, 2018.



DISCUSSION LIST ITEM

Mosier Deep Water Supply Wells Support Letter

[BACKGROUND INFORMATION](#)

[2018 WASCO COUNTY EDC COMMUNITY ENHANCEMENT PROJECTS](#)

[LETTER OF SUPPORT](#)

Background information; 3/28/18

RE: Mosier Deep Water Supply Wells Project, grant application to OWRD for additional funds

Wasco SWCD is applying to OWRD for additional funds for the Mosier Deep Water Supply Wells project. Due to extraordinary and unique challenges, the original Water Supply Development Account Grant # GA-0304-17 was not sufficient to complete the project.

OWRD does not have statutory authority to increase the original grant award, so they encouraged us to apply for an additional grant.

As outlined in the grant application, the project meets OWRD's mission to directly address Oregon's water supply needs, and to restore and protect stream flows and watersheds in order to ensure the long-term sustainability of Oregon's ecosystems, economy, and quality of life.

Background

Groundwater levels have declined over 200 feet in the last 40 years in the Mosier area, primarily due to commingling wells. These groundwater declines have had a significant negative impact on the local economy, and have also reduced stream flow in hydraulically connected Mosier Creek. This project will construct two deep wells and remove the two largest irrigators from the compromised aquifers in the Mosier Critical Groundwater Area, reducing withdrawals from the upper Columbia River Basalt (CRB) aquifers by between 660 and 990 acre-feet per year. This action, combined with continued conservation measures and repair of commingling wells in the upper aquifers, should stabilize the groundwater resource for the entire Mosier community and reduce impacts to Mosier Creek.

Challenges and lessons

Construction of the first well is nearing completion; however, we have experienced extraordinary and unique challenges that we were unable to anticipate at the beginning of the project. We encountered an extremely high pressure (495 psi) aquifer that took 4 months to bring under control. The high-pressure aquifer is now our new production aquifer. We have been working closely with OWRD staff to ensure proper construction of the well. The lessons learned in the first well will inform the design and construction of the second well. The second well is particularly important to this project because it will replace a well directly impacting Mosier Creek, and replace a well contributing to stresses in another compromised aquifer.

Person Well Drilling is under contract with the SWCD for completion of both deep wells. They are intimately familiar with the problems encountered in construction of the first well, and will be able to apply the lessons learned in drilling the first well to the construction of the second well. Construction of the second well is critical in order to realize the full benefits outlined in the original grant proposal.

Budget

The original estimated total project budget was \$1,225,013, with \$917,238 (75%) coming from OWRD and the remaining 25% coming from the landowners. The challenges encountered with the first well have led to a significant increase in project cost, and it is now estimated that the total project cost will be approximately \$600,000 greater than the original project budget. The landowners remain committed to providing 25% match in order to fund the project, therefore we are requesting an additional \$450,000 from OWRD.

The SWCD and landowners have investigated other funding sources for this project; however, we have not been successful in identifying any funding sources for which the project is eligible. The OWRD Water Project Grant program is a unique and best fit for this project.

Support for the Project

This project is widely supported by local landowners, partner agencies and public interest groups because this project has many positive economic, environmental, and social impacts. This project serves as a pilot for potential development across the entire Columbia River Plateau and is therefore of great interest to the State of Oregon, as well as the general public.

The project is ranked 2nd in priority for 2018 by the Wasco County Economic Development Commission, and is ranked 4th by the Mid-Columbia Economic Development District, for the region.

Supporters of the original grant proposal submitted in January 2016 included:

The City of Mosier
Mosier Watershed Council
Representative John Huffman
DEQ, Bonnie Lamb
US Geological Survey
ODFW
Confederated Tribes of Warm Springs
NRCS
Wasco County Board of Commissioners
The Dalles Area Chamber of Commerce
Bryce Molesworth
Wade Root

A list of links to further information about the project:

Here's a nice summary presentation of the Mosier Groundwater project from several years ago. It explains the basic problems of commingling wells.

https://wascoswcd.org/linked/mosier_gw_proj_intro.pdf

Here's a nice two pager describing the commingling wells problem:

https://wascoswcd.org/linked/mosier_gw_flyer_aug2015.pdf

I requested that the Mosier Watershed Council get a summary presentation at our last meeting of the work to date. This is it:

https://wascoswcd.org/linked/mosier_wsc_gw_proj_presentation_gsi_jan_2018.pdf

The assumption was that the people seeing this presentation would already be very familiar with the situation, but I think that it's a nice top level overview of where we are: Declining water levels -> community concern & studies -> conservation/repair commingling wells/develop new water.

If you want to dig further, you can read/skim:

Ken Lite's original paper:

http://www.oregon.gov/owrd/gw/docs/gw_report_33_hydrogeology_nr_mosier.pdf

It's main point was that improper well construction was allowing wells to commingle and water to leak out of wells to Mosier Creek.

The USGS report:

https://wascoswcd.org/linked/mosier_well_eval_finalrept_text.pdf

https://wascoswcd.org/linked/mosier_well_eval_finalrept_tables.pdf

https://wascoswcd.org/linked/mosier_well_eval_finalrept_figures.pdf

The USGS report said that commingling was the dominant factor in our water declines, and that no recovery was possible without fixing wells. Since the data was collected and the modeling done for this report, water levels have declined further but the basic conclusion that we can't have a sustainable system without fixing the holes in the bucket remains important to solving the situation.

However, as we have been doing the evaluations and repairs of commingling wells, we have collected data that demonstrate that another key part of the strategy to maintain a sustainable water supply for Mosier's residents, orchardists, and creeks, must be developing new sources of water. Thus we started the Deep Wells project.

WASCO COUNTY ECONOMIC DEVELOPMENT COMMISSION

515 East Second Street The Dalles, OR 97058 ♦ 541-296-2266 ♦ www.co.wasco.or.us/businesses/index.php

2018 Wasco County Community Enhancement Projects

<i>Priority</i>	<i>Project Sponsor</i>	<i>Project</i>
1	Deschutes Rim Clinic Foundation	<u>Medical Clinic Expansion</u> Deschutes Rim Clinic Foundation has completed their feasibility study, and are moving forward with fundraising efforts to expand the health clinic in Maupin . The Clinic received \$1 million in funding from the Oregon State Legislature for the project and substantial local donations.
2	Wasco County SWCD	<u>Mosier Well Repair</u> This project seeks to repair the co-mingling wells in the area around Mosier. Study of the problem continues as local property owners allow SWCD to scope wells to identify issues. Additionally, in partnership with one of the two largest water users, the SWCD supported boring a new deep well to replace old, comingling well. However, this project came in significantly over budget and the SWCD has used most of the resources they received to address the two largest users for this first attempt.
3	City of Mosier/ Mosier Fire District	<u>Joint Fire Hall/City Hall Development</u> The City of Mosier and the Mosier Fire District areceived \$500,000 for facility as well as the land the site through their negotiations with Union Pacific Railroad. They were also successful in receiving \$500,000 from the Oregon Legislature for the project. This will provide a strong foundation for continued resource development moving forward.
4	City of Maupin/Q-Life Network	<u>Maupin Fiber Network</u> The Maupin Fiber Project will bring gigabit speed internet access to homes and residents throughout the City of Maupin in addition to supporting improved wireless access throughout South Wasco County. With approximately \$900,000 invested or committed into bringing connectivity to Maupin, another \$500,000 is still needed to build out to residents, businesses, and community institutions.
5	City of The Dalles	<u>Dog River Pipeline Upgrade</u> City of The Dalles staff applied for grant funding from Oregon Water Resource Department to help fund the pipeline. The EDC was able to provide a letter of support for the project as well as some support during application development. However, they were not awarded funding by OWRD. The City has continued to move through the permitting process for the project and is still seeking funding.
6	Columbia Gorge	<u>Campus Housing and Workforce Training Skill Center</u> Reginal employers need skilled workers in wide-ranging fields.

	Community College	CGCC will respond through a workforce pipeline program emphasizing short-duration career-tech training with focus on high school to post-secondary transition and the incumbent workforce. Instructional programming will be informed by data, guided by industry, and physically supported by a Skill Center on The Dalles Campus with on-site workforce housing.
7	City of Maupin/ South Wasco County Library	<u>South Wasco County Library and Civic Center</u> The City Council in Maupin made an official decision to pursue the joint building and have purchased a site located next to the park in their downtown core for the development. They made a legislative request in the 2018 Short Session and are continuing to work toward identifying resources to complete this project.
8	Port of The Dalles	<u>Gorge Works Regional Internship Program</u> Gorge Works is a regional paid internship program in its pilot phase, supported by regional employers seeking skilled workforce, and regional economic development agencies. The Port is seeking \$25,000 to help fund added staffing capacity and marketing initiatives to fully establish the program. They are hoping to prove the value of this program to employers and job seekers over a two-year pilot period.
9	City of Mosier	<u>Well #5 Development and Eastside System Upgrades</u> The City of Mosier participated in a one-stop meeting with the various water system funding agencies to identify a path for financing this project as well as their Eastside Distribution System Improvements. They are currently working toward an application to USDA RD for funding of these two projects.
10	Dufur School District	<u>Solar4Schools Project</u> Dufur School District seeks to participate with Bonneville Environmental Foundation (BEF) in implementing the solar4schools program at the main campus in Dufur, OR. Total project cost is estimated to be \$65,000 with \$15,000 in matching funds required. This project will include the installation of a 5 kW Solar PV system at the main campus in Dufur, OR. BEF will provide staff and assistance to provide education, project monitoring, and support to school administration for 10 years. This will provide an opportunity for students in Dufur to gain hands on experience with green technology and renewable energy.

Additional Projects Not Ranked:

Dufur School Area Pedestrian Improvements	City of Dufur
Dufur Stormwater Master Plan	City of Dufur
Dufur Transportation System Plan	City of Dufur
Dufur Waste Water System Improvements	City of Dufur
Upgrades to Wells #1 and #2	City of Dufur
Maupin Pedestrian and Cyclist Safety	City of Maupin
3rd Avenue Reconstruction	City of Mosier
Mosier Fire Hall/City Hall	City of Mosier
Mosier Hub (Gorge Hub Trail System)	City of Mosier
Mosier Main Street Streetscape Improvements	City of Mosier
Stormwater Plan	City of Mosier
Water System Enhancement	City of Shaniko
Mill Creek Greenway	City of The Dalles
The Dalles UGB Expansion	City of The Dalles
West 6th Street Widening	City of The Dalles
Civic Auditorium Theatre Restoration	Civic Auditorium
School Facilities Upgrades	Dufur School District
Value-Added Food/Medtech Manufacturing Facility	Port of The Dalles
Cascadia Internet East Route Interconnection	Q-Life
Firehouse	Tygh Valley Fire District
Wamic Water System Improvements	Wamic Water & Sanitary Authority
Waste Water System	Wamic Water & Sanitary Authority
Wasco County Fair Board Strategic Planning	Wasco County Fair Board



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

Pioneering pathways to prosperity.

Kim Ogren
Water Resources Development Program Manager
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

April 18, 2018

Dear Ms. Ogren,

The Wasco County Board of Commissioners supports the Mosier Deep Water Supply Wells Project as it seeks to attain funding to complete construction of 2 deep wells. Water levels in the Mosier area have been declining at an alarming rate for over four decades, resulting in a significant negative impact on the economic, environmental, and social well-being of the area. Studies conducted by the USGS and OWRD have learned that commingling aquifers account for 80-90% of the decline in groundwater, with only a small portion due to consumptive use.

Groundwater declines in the Mosier area have depressed real estate transactions. Although irrigators have invested in the best water conservation technology available, groundwater declines pose a direct threat to irrigated agriculture, the backbone of Mosier's agricultural economy. Groundwater declines must be reversed, for Mosier's economy and population to be sustainable.

USGS and OWRD studies have discovered a connection between the groundwater and surface water in the Mosier area, which is having a negative impact on flows in Mosier Creek – home to federally listed salmon and steelhead. These fish are an irreplaceable resource, supporting Oregon's commercial, recreational, and Tribal subsistence fisheries.

Completion of this project has been listed as the #2 priority project in 2018 by the Wasco County Economic Development Commission, and has also been ranked #4 regionally by the Mid-Columbia Economic Development District. The project will have many economic, environmental, and social benefits for the residents of Mosier and Wasco County. We stand as strong advocates for Mosier Deep Water Supply Wells Project funding.

Sincerely,

Steve Kramer
Commission Chair

Scott C. Hege
Vice-Chair

Rod L. Runyon
County Commissioner



DISCUSSION LIST ITEM

Wolf Grant Agreement

[2018 OREGON DEPARTMENT OF AGRICULTURE WOLF GRANT AGREEMENT](#)

[MOTION LANGUAGE](#)



OREGON DEPARTMENT OF AGRICULTURE
WOLF COMPENSATION AND FINANCIAL ASSISTANCE
2018 GRANT AGREEMENT
ODA-4083-18



BETWEEN: State of Oregon, acting by and through its Oregon Department of Agriculture

AND: Grantee: Wasco County
Grantee Address: 511 Washington Street
The Dalles, OR 97058

DATE: Date of Agreement: April 10, 2018

SECTION 1
LEGAL BASIS OF AWARD; TERM OF AGREEMENT

Section 1.01. Pursuant to Oregon Laws 2011, Chapter 690 (the “Act”), the Department of Agriculture (the Department) shall establish and implement a wolf depredation and financial assistance grant program and award grants in accordance with Section 1 of the Act and rules adopted by the Department in OAR chapter 603, Division 019(the “Rules”) pursuant to Section 1(4) of the Act.

Section 1.02. Grant Term and Termination. This Agreement shall be effective on the date on which it has been fully executed and has been approved as required by applicable law (the “Effective Date”). The availability of Grant moneys under this Agreement and Department’s obligation to disburse Grant moneys pursuant to Section 2.01 shall end on **January 31, 2019** (the “Termination Date”). Grantee shall not submit any disbursement requests and Department shall not disburse any Grant moneys after the Termination Date.

SECTION 2
GRANT AWARD

Section 2.01. Grant. Subject to Sections 2.02 and in accordance with all terms and conditions of this Agreement, the Department shall disburse to Grantee, no earlier than **April 10, 2018**, a maximum of **\$2,000.00** (Grant money) to be awarded by Grantee to Award Recipients as set forth in Table 2.01 for one or more of following numbered “Award Types”:

- 1) Compensation for injury or death of livestock or working dogs resulting from wolf depredation;
- 2) Financial assistance for implementing methods that limit wolf-livestock interaction;
- 3) Reimbursement for qualified expenses incurred by the county for implementing the county program, as defined in OAR 603-019-0001(5) and 603-019-0015(g);
- 4) Compensation for missing livestock or working dogs resulting from wolf depredation.

Table 2.01 (Grantee may attach a separate sheet to include more AWARD RECIPIENTS)

AWARD TYPE	AWARD RECIPIENT	AWARD AMOUNT
#1-Direct Comp.	NA	\$0
#2-Prevention	Wasco County	\$2,000.00
#3-Admin.	NA	\$0
#4-Missing	NA	\$0
	TOTAL GRANT AWARD	\$2,000.00

Section 2.02. Conditions Precedent to Each Disbursement. Disbursement of Grant moneys to Grantee pursuant to Section 2.02 is subject to satisfaction, with respect to each disbursement, of each of the following conditions precedent:

- a) The Wolf Management Compensation and Proactive Trust Fund (Trust Fund) managed by the Department and established in compliance with the Act and Rules contains sufficient funds and the Department has received sufficient expenditure authorizations to allow the Department, in the exercise of its reasonable administrative discretion, to make the disbursement
- b) The county maintains a county advisory committee described in OAR 603-016-0015(2). Each member of the advisory committee must sign a statement affirming their agreement to represent and support the position for which they have been appointed to the committee.
- c) The county is in compliance with the Act and Rules, including without limitation:
 - i. In accordance with OAR 603-019-0015, the county advisory committee has established compensation rates for injured, dead and missing animals that are qualified for compensation, persons applying to Grantees to be Award Recipients meet the specified conditions for compensation, and including that Grant funds shall be distributed, to the extent possible, in an equal and balanced manner between payments to compensate for death, injury or for missing animals and payments to implement management techniques to limit wolf-livestock interaction that include nonlethal techniques as well, with a minimum of 30% of the county's Grant funds distributed for livestock management techniques (including non-lethal methods) that limit wolf-livestock interaction.
 - ii. County has submitted, or will submit, an itemized record of expenses for which it is claiming compensation for no more than 90 percent of the expenses associated with implementing the county program for the wolf depredation and financial assistance grant program, as described in OAR 603-019-0010(2)(g), and county provides a matching, money contribution of at least 10% of the total expenses, described in 603-019-0015(2)(g), incurred for implementing the county program.
- d) None of the conditions established by the Act that would limit expenditures exist;
- e) No default as described in Section 6.03 has occurred and is continuing;
- f) Grantee's representations and warranties set forth in Section 4 are true and correct on the date of disbursement with the same effect as though made on the date of disbursement.

SECTION 3 USES OF GRANT

Section 3.01. Eligible Uses of Grant. Grant moneys may be used solely for the purposes described in this Agreement.

Section 3.02. Ineligible Uses of Grant. Grantee shall not use the Grant moneys to reimburse any person or entity for expenditures made or to pay for any expenses incurred before August 2, 2011, which is the effective date of the Act, or for any other purpose not authorized by Section 3.01. In addition, Grantee may not obligate or expend any Grant moneys with respect to any particular award in excess of the Amount for the Award set forth in Table 2.01.

Section 3.03. Return of Unspent Moneys. Grantee shall report by **December 31, 2018** all grant moneys spent and allocated to be spent by **January 31, 2019** termination date to the Department. Unspent and unallocated moneys must be returned to the Department by **January 31, 2019**.

Section 3.04. Recovery of Grant Moneys. Any Grant moneys disbursed to Grantee under this Agreement that are expended in violation or contravention of one or more of the provisions of

this Agreement (“Misexpended Funds”) or that remain unexpended on the Termination Date (“Unexpended Funds”) must be returned to Department. If Grantee fails to return the amount of any Unexpended Funds within fifteen (15) days after the date Department demands return of those funds, Department may deduct the amount demanded from any future payment from Department to Grantee, including but not limited to, any payment to Grantee from Department under this Agreement and any payment to Grantee from Department under any other contract or agreement, present or future, between Department and Grantee. Before taking action to recover Misexpended Funds, the Department will contact Grantee to notify it of the lack of compliance and the Department’s potential action in order to give the county the opportunity to address the Department’s concerns. If the Department chooses to take action to recover funds from the count, the Department will provide a 30-day advance notice to the county.

Section 3.05. Equipment. Department shall have no right title and interest in any equipment purchased using Grant moneys.

SECTION 4 GRANTEE’S REPRESENTATIONS AND WARRANTIES

Grantee represents and warrants to Department that.(1) Grantee is a county government duly organized and validly existing under the laws of Oregon; (2) Grantee has full power, authority and legal right to make this Agreement and to incur and perform its obligations hereunder; the making and performance by Grantee of this Agreement (a) have been duly authorized by all necessary action of Grantee, (b) do not and will not violate any provision of any applicable law, rule, or regulation or order of any court, regulatory Department, board or other administrative agency or any provision of Grantee’s charter or other organizational document, and (c) do not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which Grantee is a party or by which Grantee or any of its properties are bound or affected; and (c) this Agreement has been duly authorized, executed and delivered on behalf of Grantee and constitutes the legal, valid, and binding obligation of Grantee, enforceable in accordance with its terms.

SECTION 5 GRANTEE’S AGREEMENTS

Section 5.01. Reports.

- (a) Annual Report. For each Award Recipient listed in Table 2.01, Grantee shall provide Department a written report describing detailed claim, expenditure and price determination information related to awarded Grant moneys. Grantee shall provide such reports upon request by Department, or by the date established elsewhere in this Agreement.
 - i. Please respond to the following requests in your report.
 - 1. Please explain the procedures established by your County Advisory Committee (CAC) requiring livestock owners to provide evidence of loss or injury to livestock or working dogs due to wolf depredation in order to be considered for compensation. What types of evidence and documentation did you require?
 - 2. Please explain the procedures established by your CAC requiring livestock owners to provide cost estimates or receipts of livestock management techniques and/or non-lethal wolf deterrence techniques to be considered for financial assistance. What type of follow-up has been or will be done to assure these techniques were implemented after financial assistance awards were made?

3. Please describe the procedures that your CAC used in order to establish compensation for missing livestock attributable to wolf depredation. (Please note that compensation for missing livestock may only be granted for missing animals that were located within an area of known wolf activity) What procedures were in place and what types of documentation was required in order to rule out other possible causes for the animals being missing?
 4. Please describe how your CAC established compensation rates for death or injury to livestock or working dogs, attributable to wolf depredation, based on fair market value.
 5. Please describe how your CAC established compensation rates for missing livestock or working dogs attributable to wolf depredation.
 6. Please describe your county's plan for distributing grant funds in an equal and balanced manner between payments to compensate for death or injury to livestock or working dogs attributed to wolf depredation, and payments to implement livestock management techniques or nonlethal wolf deterrence techniques designed to discourage wolf depredation of livestock, with a minimum of 30% of a county's grant funds, as distributed by the Department, distributed for livestock management techniques or nonlethal wolf deterrence techniques.
 7. Please describe what techniques/procedures were used by your CAC to make a determination that a livestock owner seeking compensation for dead, injured or missing livestock or working dogs attributable to wolf depredation, did not unreasonably or purposefully create circumstances that attracted wolves or encouraged conflict between wolves and livestock or working dogs, excluding accepted normal husbandry and grazing activities.
 8. In order for livestock owners to receive compensation funds for death or injury to livestock or working dogs or for missing livestock in an area of known wolf activity, the owner must demonstrate implementation of best management practices to deter wolves, including non-lethal methods when practicable. Please describe the established process/procedure, tools and techniques that your CAC used to make this determination.
- ii. For each award made to producers for compensation for death or injury of livestock or working dogs due to wolf depredation, counties must determine that the producer has not already been compensated by other means and must supply the following information:
1. A copy of ODF&W Wolf Depredation Summary Finding Form;
 2. Animal type;
 3. Whether animal was insured;
 4. Number of animals included in claim
 5. Average value of animal(s);
 6. List wolf deterrence methods used by producer before depredation occurred (this is required if depredation occurred in area of known wolf activity as found by ODF&W);

- iii. For awards made to producers for livestock and working dogs that are missing due to wolf depredation, counties must determine that the producer has not already been compensated by other means and must supply the following information:
 - 1. Producer name;
 - 2. Date range unconfirmed depredation occurred resulting in missing animal(s);
 - 3. County unconfirmed depredation occurred in (must be area designated by ODF&W as an area of known wolf activity);
 - 4. Animal type;
 - 5. Whether animal was insured;
 - 6. Number of animals included in this claim
 - 7. Average value of animal;
 - 8. List wolf deterrence methods used by producer before depredation occurred;
- iv. For awards made to producers to implement livestock management techniques or nonlethal wolf deterrence techniques, counties must consult with the Oregon Department of Fish and Wildlife on location and type of technique(s) applied before awards are given and provide the following information:
 - 1. Producer name;
 - 2. Brief description of management or nonlethal deterrence technique;
 - 3. Date and location implemented;
 - 4. Cost of management or nonlethal deterrence technique;
 - 5. Source of cost/price estimate.

(b) Periodic Oral Reports. For each Award, Grantee shall, from time to time and upon request from Department, make oral presentations at times and locations designated by Department, describing the then current status of the Awards.

Section 5.02. Records and Inspection. Grantee shall keep and maintain in accordance with generally accepted accounting principles proper books of account and records on all activities associated with all Awards and the activities financed with the Grant funds, including livestock producer contributions. Grantee shall retain the books of account and records until the later of six years after the Termination Date or the date that all disputes, if any, arising under this Agreement have been resolved. The Department, the Secretary of State's Office of the State of Oregon and their duly authorized representatives shall have access during normal business hours to the books, documents, papers and records of Recipient that are directly related to this Agreement, and the Grant moneys provided hereunder for the purpose of making audits and examinations. In addition, the Department, the Secretary of State's Office of the State of Oregon and their duly authorized representatives may make and retain excerpts, copies and transcriptions of the foregoing books, documents, papers and records. Recipient shall permit authorized representatives of Department, the Secretary of State's Office of the State of Oregon and their duly authorized representatives to perform site reviews of all activities financed with the Grant funds.

Section 5.03. Compliance with Laws. Grantee shall comply, and require all Award Recipients to comply, with all applicable federal, state and local laws.

Section 5.04. Delivery of Work Product. Grantee shall deliver to Department, at no charge, copies of all reports, articles, books, or other documents that arise from Awards funded in whole or in part with Grant moneys.

Section 5.05. Ownership of Work Product. Grantee shall retain ownership of all work product produced using Grant moneys. Grantee hereby grants to Department a royalty free, perpetual, non-exclusive license to reproduce, distribute, prepare derivative works based upon, distribute copies of, perform and display the work product, and to authorize others to do the same on Department's behalf.

SECTION 6

TERMINATION AND DEFAULT

Section 6.01. Termination by Department. The Department may terminate this Agreement for its convenience effective upon written notice to Grantee, or at such later date as may be established by Department in such notice. In the event that Department terminates this Agreement pursuant to this Section 6.01(a), Grantee shall, as of the effective date of termination, cease activities and distribution of Award Amounts, and shall submit to Department an invoice detailing Grantee's expenditures as of the date of termination that are funded with Grant moneys. All amounts unexpended as of the date of termination shall be returned to Department in accordance with Section 3.03.

Section 6.02. Termination by Grantee: Grantee may terminate this Agreement upon written notice to Department, or at such later date as may be established by Grantee in such notice, under any of the following circumstances: (i) Grantee fails, after diligently pursuing all reasonable funding sources, to obtain sufficient funding from other planned funding sources that were made known to Department in writing before the Effective Date of this Agreement, or (ii) if, because of events wholly out of the control of the Grantee, Grantee is unable to discharge any of its covenants, agreements or obligations under this Agreement. In the event of termination pursuant to Section 6.02(i), Grantee shall return all Grant moneys attributable to the terminated Award previously disbursed by Department to Grantee under this Agreement. In the event of termination pursuant to Section 6.02(ii), Grantee shall return to Department all unexpended Grant moneys attributable to the terminated Award previously disbursed to Grantee by Department under this Agreement.

Section 6.03. Default. Grantee shall be in default under this Agreement if (a) Grantee fails to perform, observe or discharge any of its covenants, agreements or obligations contained herein or in any exhibit attached hereto; (b) Any representation, warranty or statement made by Grantee herein or in any documents or reports relied upon by Department to measure progress on the Awards funded by the Grant, the expenditure of Grant moneys or the performance by Grantee is untrue in any material respect when made; (c) if Grantee (i) applies for or consents to the appointment of, or the taking of possession by, a receiver, custodian, trustee, or liquidator of itself or of all of its property, (ii) admits in writing its inability, or is generally unable, to pay its debts as they become due, (iii) makes a general assignment for the benefit of its creditors, (iv) is adjudicated a bankrupt or insolvent, (v) commences a voluntary case under the Federal Bankruptcy Code (as now or hereafter in effect), (vi) files a petition seeking to take advantage of any other law relating to bankruptcy, insolvency, reorganization, winding-up, or composition or adjustment of debts, (vii) fails to controvert in a timely and appropriate manner, or acquiesces in writing to, any petition filed against it in an involuntary case under the Bankruptcy Code, or (viii) takes any action for the purpose of effecting any of the foregoing; or (d) A proceeding or case is commenced, without the application or consent of Grantee, in any court of competent jurisdiction, seeking (i) the liquidation, dissolution or winding-up, or the composition or readjustment of debts, of Grantee, (ii) the appointment of a trustee, receiver, custodian, liquidator, or the like of

Grantee or of all or any substantial part of its assets, or (iii) similar relief in respect to Grantee under any law relating to bankruptcy, insolvency, reorganization, winding-up, or composition or adjustment of debts, and such proceeding or case continues undismissed, or an order, judgment, or decree approving or ordering any of the foregoing is entered and continues unstayed and in effect for a period of sixty (60) consecutive days, or an order for relief against Grantee is entered in an involuntary case under the Federal Bankruptcy Code (as now or hereafter in effect).

Section 6.04. Remedies Upon Default. If Grantee's default is not cured, whether or not curable, within fifteen (15) days of written notice thereof to Grantee from Department or such longer period as Department may authorize in its sole discretion, Department may pursue any remedies available under this Agreement, at law or in equity. Such remedies include, but are not limited to, termination of this Agreement and return of all or a portion of the Grant moneys, and payment of interest earned on the Grant amount. Department may pursue remedies with respect to defaults related to an individual Award, to multiple Awards, or to all of the Awards set forth in Section 2.01

SECTION 7 MISCELLANEOUS

Section 7.01. No Implied Waiver, Cumulative Remedies. The failure of Department to exercise, and any delay in exercising any right, power, or privilege under this Agreement shall not operate as a waiver thereof, nor shall any single or partial exercise of any right, power, or privilege under this Agreement preclude any other or further exercise thereof or the exercise of any other such right, power, or privilege. The remedies provided herein are cumulative and not exclusive of any remedies provided by law.

Section 7.02. Governing Law; Venue; Consent to Jurisdiction. Any claim, action, suit or proceeding (collectively, "Proceeding") between State and Grantee that arises from or relates to this Contract shall be brought and conducted solely and exclusively within the Circuit Court of State for Marion County; GRANTEE HEREBY CONSENTS TO THE IN PERSONAM JURISDICTION OF THESE COURTS AND WAIVES ANY OBJECTION TO VENUE IN THESE COURTS AND ANY CLAIM THAT THE FORUM IS AN INCONVENIENT FORUM.

Section 7.03. Notices. Except as otherwise expressly provided in this Agreement, any communications between the parties hereto or notice to be given hereunder shall be given in writing by personal delivery, facsimile, or mailing the same, postage prepaid to Grantee or Department at the address or number set forth on page 1 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.

Section 7.04. Amendments. This Agreement may not be waived, altered, modified, supplemented, or amended in any manner except by written instrument signed by both parties.

Section 7.05. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of Department, Grantee, and their respective successors and assigns, except that Grantee may not assign or transfer its rights or obligations hereunder or any interest herein without the prior consent in writing of Department.

Section 7.06. Entire Agreement. This Agreement constitutes the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement.

Section 7.07. Indemnity. TO THE EXTENT PROVIDED BY ARTICLE XI, SECTION 10, AND BY THE OREGON TORT CLAIMS ACT, ORS 30.260 TO 30.300, GRANTEE SHALL, CONSISTENT WITH ORS CHAPTER 180, DEFEND, SAVE, HOLD HARMLESS, AND INDEMNIFY THE STATE OF OREGON AND DEPARTMENT AND THEIR DIVISIONS, SUBDIVISIONS, DIRECTORS, ADMINISTRATORS, EMPLOYEES AND AGENTS FROM AND AGAINST ALL CLAIMS, SUITS, ACTIONS, LOSSES, DAMAGES, LIABILITIES, COSTS AND EXPENSES OF ANY NATURE WHATSOEVER ("CLAIMS"), INCLUDING ATTORNEYS FEES, RESULTING FROM, ARISING OUT OF, OR RELATING TO THE ACTS OR OMISSIONS OF GRANTEE OR ITS OFFICERS, EMPLOYEES, SUBGRANTEES, OR AGENTS UNDER THIS AGREEMENT.

Section 7.09. Survival. All provisions of this Agreement set forth in the following sections shall survive termination of this Agreement: Section 3.03, Recovery of Grant Moneys; Section 5.02, Records and Inspection; and the entirety of Section 7, MISCELLANEOUS.

Section 7.10. Counterparts. This Agreement may be executed in several counterparts, all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

Section 7.12. Relationship of Parties. The parties agree and acknowledge that their relationship is that of independent contracting parties and neither party hereto shall be deemed an agent, partner, joint venturer or related entity of the other by reason of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the dates set forth below their respective signatures.

GRANTEE COUNTY: WASCO COUNTY

AUTHORIZED REPRESENTATIVE: _____

Signature		Date	
Print Name		Title	

State of Oregon, Acting by and through its Oregon Department of Agriculture

Signature		Date	
Print Name	Lauren Henderson	Title	Assistant Director
Address	635 Capitol St. NE		
City	Salem	State	Oregon
		Zip	97301
Phone	(503) 986-4552	FAX	(503) 986-4750



MEMORANDUM

SUBJECT: ODA Wolf Grant – Motion Language

TO: BOARD OF COUNTY COMMISSIONERS

FROM: KATHY WHITE

DATE: 4/11/2018

2018 WOLF GRANT: I move to approve the Oregon Department of Agriculture Wolf Compensation and Financial Assistance 2018 Grant Agreement ODA-4083-18.



DISCUSSION LIST ITEM

Dog River Letter of Support

[DOG RIVER FUNDING APPLICATION LETTER OF SUPPORT](#)



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

Pioneering pathways to prosperity.

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: City of The Dalles Funding Application

The Dog River Diversion Pipeline currently supplies 54% of the water to over half the population and the vast majority of businesses in Wasco County. The replacement line will not only stabilize the water supply for our citizens but will support the retention and development of businesses in the County's business/industrial center. In addition, the project will enable the development of 280 acres of industrial property which could create 200-500 jobs; not to mention the higher-wage jobs created by the project itself.

This main artery of supply loses an estimated one-million gallons of water every day – water that would remain in the East Fork Hood River and Hood River to the benefit of the fish population. The City's plan to replace the wooden pipeline with ductile iron pipe includes the voluntary installation of fish screens and possibly upstream fish passage structures where none currently exist, benefitting the local aquatic habitat.

Finally, the median income in The Dalles is 9.8% lower than the state average. The Oregon median household income is \$53,270; The Dalles median household income is \$45,856 – and yet they pay higher than average water rates. This population cannot bear the burden of the rate increase that would be required to pay for this project without grant funding.

We urge you to approve the City of The Dalles funding application for this vital project.

Sincerely,
Wasco County
Board of Commissioners

Steven D. Kramer, Chair

Scott C. Hege, Vice-Chair

Rod L. Runyon, County Commissioner



DISCUSSION ITEM

Finance Report

[MARCH REPORT](#)

[MARCH FINANCIALS](#)

Wasco County Financial Report – For March 2018

This report covers through March 2018. The information is unaudited at this point and is subject to adjustments. These reports are created with the intention of aiding management of the County financially but are not final. The current fiscal year has completed nine (9) months of the year which means a straight-line assumption of budget execution is 9/12 or 75.0%. This is just a guideline as many revenues and expenses are not uniform month to month.

Discussion of Revenue

General Fund

- Total Property Taxes are currently \$8,519,930 – this is \$304K more than last fiscal year at this time. The increase of budget execution over last year is 3.7%. Current budget execution is 95.8% compared to 945.6% last year at this time. The current property taxes account for the increase, the prior year taxes being collected are less than budgeted – currently at a budget execution of 32.0% and about \$10K less than last year at this time. In the budget preparation for next fiscal year, the budget amount for prior year taxes will be reduced. While the Prior Year is over-estimated, the Current Year more than makes up for it.
- License Fees and Permits for non-departmental resources are now up by \$56K over last year at this time. These revenue lines are on track to reach the budgeted amount as the current budget execution is 78.7% so just slightly ahead of the straight-line assumption rate.
- Intergovernmental Revenue – Non-Single Audit is \$25K above last year at this time. The current Intergovernmental Revenue – Single Audit does not have any revenue yet as this is not too far out of the pattern. Typically the revenue comes in around March. This is the same as reported for January.
- Investment Earnings are \$56K more than last year and have executed at 263.8% of the budgeted amount. The current interest rates are higher than years before and the County is benefiting from the slight rise in interest rates. Investing has given the slight edge over the prior year. Interest should be budgeted higher next fiscal year.
- Transfers to the General Fund have only increased by the Video Poker revenue transferring in from the Special Economic Development Fund. This is an additional \$51K; the next transfer will occur around May.
- The Information Technology is \$15K ahead of last year at this time; it is now at 91.8% of budget execution.
- Facilities are \$18K ahead of last fiscal year at this time. The budget execution is 78.6%. This revenue area is doing well for the fiscal year.
- Administration revenue is down as the Pass-Through Grants revenue is \$16K less than last FY at this point. This is partially offset by Veterans Office coming at \$11K more than last year (currently the budget execution rate for Veterans is at 100.5%). The overall budget execution rate is 66.1%.

- Planning is ahead of last year by \$9K overall and only at 66.7% budget execution. This is due to the License Fees & Permits coming in at 128.7% of budget execution and \$53K more than last fiscal year at this point. This is offset by the National Scenic Area Grant budgeted for FY18 actually being recorded in FY17. When this is taken into consideration, Planning is \$53K ahead of last fiscal year.
- The District Attorney's Office is under last year at this time by \$7K. This is primarily due to the change in Child Support Enforcement – this moved out of the County to the State so the County will not be receiving Child Support Enforcement funds – about \$23K. Taking that into account, the DA's Office is on track to be comparable to last fiscal year. This is due to the CAMI grant executing at 86.9% for FY19 to date.

Public Works Fund

- Closing out the Weed and Pest fund came in at \$195K transfer in as addressed in prior reports.
- The STP Fund Exchange revenue (part of the Intergovernmental – Non-Single Audit revenue) is budgeted for \$267K, but has not come in yet. It came in last year around January, but has not arrived in this fiscal year yet.
- Charges for Services are at 102.1% budget execution. This is expected to continue. At the current date, this has resulted in \$31K more revenue than last year at this time. At this rate, it should come in about \$20K over budgeted expectations. The driving force is petroleum products sold.
- Weed & Pest revenue has held solid since February at 91.0% budget execution. The area is on track to meet the budget expectations for revenue.

911 Communications

- Phone tax is at 51% budget execution. A January disbursement is normal, but did not happen this January, February or March. Finance is watching for an April disbursement but based on last year, I am not expecting the payment until May. It has not happened as of 4/9/18.
- Charges from Services have a budget execution of 58.5%. This is primarily due to timing of payments.

Community Corrections Fund

- Client Fees are \$27K more than last year as of the end of March – budget execution is 95.1% vs 77.8% last fiscal year.
- Grant revenue as a whole is \$40K ahead of last year as of the end of March with a budget execution of 76.8%.

Museum

- Current total revenues are \$13K less than last year (ignoring the beginning fund balance). But part of the revenue in FY17 was due to a one-time grant of \$35K. This means the Museum is

currently \$19K ahead of last year when the grant is taken into consideration. This was \$16K last month so is growing.

- Memberships are at a budget execution of 95.1% or almost \$3K more than last year at this time.
- Admissions are at a budget execution of 77.8% compared to 73.9% last year at this time. This is an increase over last year of nearly \$4K as of the end of March.
- Contributions are 158.5% of the budget execution – this is due to a large contribution from the Museum Foundation. This does have a restriction on the donation to be for Museum landscape work.

Reserve Funds

- Several reserve fund have revenues at +100% of budget execution. This is due to the full transfers for the fiscal year being moved instead of a slower monthly level amount.
- Interest revenue for reserve funds are all over the 100% budget execution rate.
 - Road Reserve exceeds budget by \$18K
 - Capital Acquisitions exceeds budget by \$9K
 - General Operating Reserve exceeds budget by \$12K
 - Facility Capital Reserve exceeds budget by \$13K
 - Total Interest for reserves exceeds budget by \$55K and there are 3 more months of interest to go before year end.

Other Funds

- Only item of note applies to all funds – interest across all funds is \$124K above the fully budgeted amount. It is at a current budget execution of 183.0% and growing. This is \$107K more than last year at this time.
- Nothing significant that has not already been reported.

Discussion of Expense

General Fund

- Most expenses are within the straight-line spending expectation (75.0%)
- Norcor has a budget execution of 82.7% - this is due to the April payment being entered as of March 27th. This puts the county one month ahead. This is done to try and get the payment to Norcor as close to the 1st of the month as possible.
- Non-departmental expenditures are at 98.0% budget execution due to nearly all the scheduled transfers begin completed.

Public Works Fund

- Public Works Materials & Services are at 61.6% of budget execution – last fiscal year was 59.5% at the same time. The rate is still within the expected straight-line budget execution.

- Public Works does have \$175K budgeted in capital with the expectation of purchasing a dump truck. That does not look to be happening this year due to the market pricing. This means there is \$175K that does not plan on being spent. This was already reported in the February report.

County Fair Fund

- Total revenues to date do exceed the expenses at this point by \$12K.
- Further research has been done on the utilities for the Fair. Currently, the Fair utilities are at a budget execution of 100.2%. It is all spend and three months remain. Based on historical trends and the increase in the base electric charge from \$26 to \$50 per account per month, this should mean another \$4K in expenses bringing the total to \$21K or so. An aggravating factor is the base increase from \$26 to \$50 per account and having 11 accounts. I will be meeting with the Fair Board and Facilities to see about finding a way to reduce the number of meters. This means the Fair is paying \$6,600 just to have the meters before ANY power is charged. This amount is allocated between Fair and Parks based on meter location and function.
- Additionally, nothing has been budgeted for telephone, but it has \$1K in expenses to date.
- The expense for the Fair Advertising has a budget execution of 187.7% or about \$7K over budget. This was due to miscommunications with The Chronicle and full page ads being ordered instead of the smaller ads normally used.

911 Reserve

- This fund has been fully expended. Budget execution is at 100%. This was the intended result of making up the funding shortage in the 911 Communications Fund and payment on the new Harris consoles.

All Other Funds

- Transfers have been completed and this has thrown off the budget execution rate in the reserve in several funds overall.
- Nothing else to note.

Summary

Overall personnel expense is \$343K more than last fiscal year when looked at across all funds. General Fund has increased 233K. The rate is well within the budgeted amounts as overall budget execution is 72.1%. The only funds over the budget curve are Household Hazardous Waste and the Land Corner Preservation Fund. However, both funds are under on total budget execution at 56.8% and 72.1% respectively. Due to responsible management of the total expenditures in each fund, a budget change should not be necessary.

Material & Service expenses across all funds are at a budget execution of 67.7% overall - well under the straight line assumption of 75.0%. Additionally, the costs are \$33K less than last fiscal year at this time.

when all funds are compared. This is despite a budget execution of 67.7% this fiscal year versus last fiscal year of 61.3%.

Capital Outlay is \$233K more than last fiscal year at this point. Current Capital Outlay major items are the new building (\$274K) and paying for the new 911 Consoles (\$310K). Additionally, the CDBG fund expended \$29K towards capital outlay. This is unchanged from the December report.

Transfers across the organization balance – transfers in equal transfers out. 95.6% of the transfer budgets have been executed. Remaining transfers are on pace to be completed except the \$75K from Forest Health Fund. This transfer only occurs if there are reimbursable expenses incurred. So far there have been none.



Wasco County Monthly Report

General Fund Revenue - March 2018

Filters

Fd	101
Cat	(Multiple Items)

Data

Account	Current Budget	Current Actual YTD	Prior Year Actual YTD	Current Year Budget Executed	Prior Year Budget Executed	Year to Year % Change	Current Year - Prior Year
Revenue							
GENERAL FUND							
NON-DEPARTMENTAL RESOURCES-R							
GENERAL FUND RESOURCES-R							
PROPERTY TAXES-R							
CURRENT TAXES	8,350,000	8,356,251	8,041,946	100.1%	98.6%	3.9%	314,304.47
PRIOR YEARS TAXES	510,966	163,680	173,972	32.0%	39.9%	-5.9%	(10,292.03)
PILT	30,000	-	-	0.0%	#DIV/0!	#DIV/0!	-
PROPERTY TAXES-R Total	8,890,966	8,519,930	8,215,918	95.8%	95.6%	3.7%	304,012.44
LICENSES FEES & PERMITS-R	985,548	775,262	719,255	78.7%	82.1%	7.8%	56,007.60
INTERGOV'T REV - NON SINGLE AUDIT-R	516,850	418,504	393,427	81.0%	74.4%	6.4%	25,076.13
INTERGOV'T REV - SINGLE AUDIT-R	3,200	-	3,916	0.0%	122.4%	-100.0%	(3,915.93)
INVESTMENT EARNINGS-R	40,200	106,067	50,135	263.8%	155.7%	111.6%	55,932.34
RENTS-R	10,135	9,600	1,344	94.7%	100.7%	614.5%	8,256.29
MISCELLANEOUS-R	141,501	169,502	127,972	119.8%	95.3%	32.5%	41,530.06
TRANSFERS IN-R	664,300	504,976	1,055,911	76.0%	68.2%	-52.2%	(550,935.35)
GENERAL FUND RESOURCES-R Total	11,252,700	10,503,841	10,567,877	93.3%	90.2%	-0.6%	(64,036.42)
NON-DEPARTMENTAL RESOURCES-R Total	11,252,700	10,503,841	10,567,877	93.3%	90.2%	-0.6%	(64,036.42)
ASSESSMENT & TAXATION-R	20,800	28,975	27,950	139.3%	159.3%	3.7%	1,025.29
COUNTY CLERK-R							
COUNTY CLERK-R	125,850	122,972	121,479	97.7%	96.7%	1.2%	1,493.25
ELECTIONS-R	8,350	2,739	4,518	32.8%	49.7%	-39.4%	(1,778.78)
COUNTY CLERK-R Total	134,200	125,711	125,997	93.7%	93.5%	-0.2%	(285.53)
SHERIFF-R							
EMERGENCY MANAGEMENT-R	58,965	43,803	51,928	74.3%	47.0%	-15.6%	(8,125.30)
MARINE PATROL-R	55,828	56,315	26,246	100.9%	50.3%	114.6%	30,068.72



Wasco County Monthly Report

General Fund Revenue - March 2018

Account	Current Budget	Current Actual YTD	Prior Year Actual YTD	Current	Prior Year	Year to	Current Year - Prior Year
				Year Budget Executed	Budget Executed	Year % Change	
LAW ENFORCEMENT-R	228,010	162,011	156,905	71.1%	55.4%	3.3%	5,106.12
SHERIFF-R Total	342,803	262,129	235,080	76.5%	52.7%	11.5%	27,049.54
ADMINISTRATIVE SERVICES-R							
INFORMATION TECHNOLOGY-R	107,250	98,458	83,695	91.8%	78.8%	17.6%	14,762.56
EMPLOYEE & ADMINISTRATIVE SERVICES-R	3,650	5,195	4,016	142.3%	151.5%	29.4%	1,178.83
FACILITIES-R	243,349	191,298	172,979	78.6%	59.8%	10.6%	18,318.57
ADMINISTRATIVE SERVICES-R Total	354,249	294,950	260,690	83.3%	65.4%	13.1%	34,259.96
ADMINISTRATION-R	279,850	185,120	210,884	66.1%	71.7%	-12.2%	(25,764.46)
DISTRICT ATTORNEY-R	229,943	135,543	142,878	58.9%	82.0%	-5.1%	(7,334.62)
PLANNING-R	192,272	128,338	119,790	66.7%	82.0%	7.1%	8,547.70
PUBLIC WORKS-R							
SURVEYOR-R	12,200	12,755	21,295	104.5%	150.0%	-40.1%	(8,540.00)
WATERMASTER-R	1,865	1,865	1,865	100.0%	100.0%	0.0%	-
PUBLIC WORKS-R Total	14,065	14,620	23,160	103.9%	144.2%	-36.9%	(8,540.00)
PREVENTION DIVISION-R	42,300	49,100	36,097	116.1%	83.4%	36.0%	13,003.64
GENERAL FUND Total	12,863,182	11,728,329	11,750,404	91.2%	87.7%	-0.2%	(22,074.90)
Revenue Total	12,863,182	11,728,329	11,750,404	91.2%	87.7%	-0.2%	(22,074.90)



Wasco County Monthly Report

General Fund - Expenditures - March 2018

Filters

Fd	101
Cat	(Multiple Items)

Data

Account	Current Budget	Current Actual YTD	Prior Year Actual YTD	Current Year Budget Executed	Prior Year Budget Executed	Year to Year % Change	Current Year - Prior Year
Expense							
GENERAL FUND							
ASSESSMENT & TAXATION-E	764,985	564,937	536,150	73.8%	62.8%	5.4%	28,787.61
COUNTY CLERK-E							
COUNTY CLERK-E	219,022	168,235	163,073	76.8%	71.7%	3.2%	5,162.06
ELECTIONS-E	102,999	54,951	86,991	53.4%	74.0%	-36.8%	(32,039.94)
COUNTY CLERK-E Total	322,021	223,186	250,064	69.3%	72.5%	-10.7%	(26,877.88)
SHERIFF-E							
EMERGENCY MANAGEMENT-E	137,115	66,735	105,377	48.7%	75.3%	-36.7%	(38,641.80)
MARINE PATROL-E	56,694	25,116	27,838	44.3%	55.3%	-9.8%	(2,722.09)
LAW ENFORCEMENT-E	2,186,464	1,581,051	1,503,265	72.3%	70.2%	5.2%	77,786.64
SHERIFF-E Total	2,380,273	1,672,903	1,636,480	70.3%	70.2%	2.2%	36,422.75
ADMINISTRATIVE SERVICES-E							
INFORMATION TECHNOLOGY-E	998,708	660,172	594,216	66.1%	63.2%	11.1%	65,956.11
COUNTY COMMISSION-E	206,989	155,081	146,221	74.9%	73.8%	6.1%	8,860.36
EMPLOYEE & ADMINISTRATIVE SERVICES-E	892,779	620,402	593,773	69.5%	65.6%	4.5%	26,628.74
FACILITIES-E	914,088	462,608	539,247	50.6%	56.6%	-14.2%	(76,638.94)
ADMINISTRATIVE SERVICES-E Total	3,012,564	1,898,264	1,873,457	63.0%	62.5%	1.3%	24,806.27
ADMINISTRATION-E							
ADMINISTRATION-E	715,800	400,554	478,673	56.0%	53.2%	-16.3%	(78,119.79)
PASS-THROUGH GRANTS-E	171,885	115,511	140,659	67.2%	75.6%	-17.9%	(25,147.38)
NORCOR-E	1,469,748	1,215,282	1,610,084	82.7%	82.8%	-24.5%	(394,801.61)
VETERANS-E	152,070	105,848	107,394	69.6%	73.9%	-1.4%	(1,545.26)
SPECIAL PAYMENTS-E	433,685	324,381	309,374	74.8%	75.9%	4.9%	15,007.39
ADMINISTRATION-E Total	2,943,188	2,161,576	2,646,183	73.4%	73.8%	-18.3%	(484,606.65)
DISTRICT ATTORNEY-E	700,904	453,401	424,930	64.7%	73.7%	6.7%	28,470.79
PLANNING-E	752,362	479,028	501,689	63.7%	66.1%	-4.5%	(22,661.56)
PUBLIC WORKS-E	50,242	31,268	45,525	62.2%	67.3%	-31.3%	(14,256.70)



Wasco County Monthly Report

General Fund - Expenditures - March 2018

Account	Current Budget	Current Actual YTD	Prior Year Actual YTD	Current Year Budget Executed	Prior Year Budget Executed	Year to Year % Change	Current Year - Prior Year
PREVENTION DIVISION-E	618,723	456,818	406,135	73.8%	76.1%	12.5%	50,682.91
NON-DEPARTMENTAL EXPENDITURES-E							
GENERAL FUND EXPENDITURES-E							
TRANSFERS OUT-E							
TRANSFER TO 911 COMMUNICATIONS FUND	183,987	137,990	180,871	75.0%	69.3%	-23.7%	(42,881.22)
TRANSFER TO CAP ACQUISITION FUND	700,000	700,000	675,000	100.0%	75.0%	3.7%	25,000.00
TRANSFER TO COUNTY FAIR FUND	29,000	29,000	21,750	100.0%	75.0%	33.3%	7,249.97
TRANSFER TO FACILITIES CAPITAL REPLACEME	700,000	700,000	675,000	100.0%	75.0%	3.7%	25,000.00
TRANSFER TO OPERATING RESERVE	700,000	700,000	600,000	100.0%	75.0%	16.7%	99,999.97
TRANSFERS TO MUSEUM FUND	17,500	17,500	13,125	100.0%	75.0%	33.3%	4,375.03
TRANSFERS OUT-E Total	2,330,487	2,284,490	2,165,747	98.0%	74.5%	5.5%	118,743.75
GENERAL FUND EXPENDITURES-E Total	2,330,487	2,284,490	2,165,747	98.0%	74.5%	5.5%	118,743.75
NON-DEPARTMENTAL EXPENDITURES-E Total	2,330,487	2,284,490	2,165,747	98.0%	74.5%	5.5%	118,743.75
GENERAL FUND Total	13,875,749	10,225,870	10,486,359	73.7%	70.1%	-2.5%	(260,488.71)
Expense Total	13,875,749	10,225,870	10,486,359	73.7%	70.1%	-2.5%	(260,488.71)



Wasco County Monthly Report

Public Works - Revenue Expense - March 2018

Filters

Fd	202
Cat	(Multiple Items)

Data

Account	Current Budget	Current Actual YTD	Prior Year Actual YTD	Current Year Budget Executed	Prior Year Budget Executed	Year to Year % Change	Current Year - Prior Year
Revenue							
PUBLIC WORKS FUND							
NON-DEPARTMENTAL RESOURCES-R							
PUBLIC WORKS RESOURCES-R							
INVESTMENT EARNINGS-R	35,000	22,758	34,150	65.0%	144.7%	-33.4%	(11,391.11)
TRANSFERS IN-R	220,495	194,658	-	88.3%	#DIV/0!	#DIV/0!	194,657.55
INTERNAL SERVICES-R	3,180	2,385	2,385	75.0%	75.0%	0.0%	-
PUBLIC WORKS RESOURCES-R Total	258,675	219,801	36,535	85.0%	136.4%	501.6%	183,266.44
NON-DEPARTMENTAL RESOURCES-R Total	258,675	219,801	36,535	85.0%	136.4%	501.6%	183,266.44
PUBLIC WORKS-R							
PUBLIC WORKS-R							
LICENSES FEES & PERMITS-R	8,500	9,790	8,719	115.2%	87.2%	12.3%	1,071.50
INTERGOV'T REV - NON SINGLE AUDIT-R	2,291,519	1,360,402	1,638,908	59.4%	69.1%	-17.0%	(278,506.18)
INTERGOV'T REV - SINGLE AUDIT-R	122,768	122,782	114,817	100.0%	114.6%	6.9%	7,965.47
MISCELLANEOUS-R	1,000	12,592	22,414	1259.2%	2241.4%	-43.8%	(9,822.01)
SALE OF FIXED ASSETS-R	10,000	401	-	4.0%	0.0%	#DIV/0!	401.25
CHARGES FOR SERVICES-R	160,000	163,409	128,390	102.1%	65.5%	27.3%	35,018.72
PUBLIC WORKS-R Total	2,593,787	1,669,377	1,913,248	64.4%	71.2%	-12.7%	(243,871.25)
WEED & PEST-R							
CHARGES FOR SERVICES-R	220,000	200,104	-	91.0%	#DIV/0!	#DIV/0!	200,103.97
WEED & PEST-R Total	220,000	200,104	-	91.0%	#DIV/0!	#DIV/0!	200,103.97
PUBLIC WORKS-R Total	2,813,787	1,869,481	1,913,248	66.4%	71.2%	-2.3%	(43,767.28)
PUBLIC WORKS FUND Total	3,072,462	2,089,282	1,949,783	68.0%	71.8%	7.2%	139,499.16
Revenue Total	3,072,462	2,089,282	1,949,783	68.0%	71.8%	7.2%	139,499.16

Expense

PUBLIC WORKS FUND



Wasco County Monthly Report

Public Works - Revenue Expense - March 2018

Account	Current Budget	Current Actual YTD	Prior Year Actual YTD	Current	Prior Year	Year to	Current Year - Prior Year
				Year Budget Executed	Budget Executed	Year % Change	
PUBLIC WORKS-E							
PUBLIC WORKS-E							
PERSONAL SERVICES-E	1,873,929	1,274,345	1,210,072	68.0%	74.5%	5.3%	64,273.62
MATERIALS & SERVICES-E	1,247,740	768,829	793,162	61.6%	59.5%	-3.1%	(24,333.57)
CAPITAL OUTLAY-E	235,000	7,659	-	3.3%	0.0%	#DIV/0!	7,659.00
PUBLIC WORKS-E Total	3,356,669	2,050,833	2,003,234	61.1%	62.8%	2.4%	47,599.05
WEED & PEST-E							
PERSONAL SERVICES-E	98,236	79,177	-	80.6%	#DIV/0!	#DIV/0!	79,177.22
MATERIALS & SERVICES-E	158,400	84,861	-	53.6%	#DIV/0!	#DIV/0!	84,860.86
CAPITAL OUTLAY-E	25,000	-	-	0.0%	#DIV/0!	#DIV/0!	-
WEED & PEST-E Total	281,636	164,038	-	58.2%	#DIV/0!	#DIV/0!	164,038.08
PUBLIC WORKS-E Total	3,638,305	2,214,871	2,003,234	60.9%	62.8%	10.6%	211,637.13
NON-DEPARTMENTAL EXPENDITURES-E							
PUBLIC WORKS EXPENDITURES-E	2,000,000	2,000,000	-	100.0%	#DIV/0!	#DIV/0!	2,000,000.00
NON-DEPARTMENTAL EXPENDITURES-E Total	2,000,000	2,000,000	-	100.0%	#DIV/0!	#DIV/0!	2,000,000.00
PUBLIC WORKS FUND Total	5,638,305	4,214,871	2,003,234	74.8%	62.8%	110.4%	2,211,637.13
Expense Total	5,638,305	4,214,871	2,003,234	74.8%	62.8%	110.4%	2,211,637.13



Wasco County Monthly Report

All Funds Revenue Expense Summary - March 2018

Filters

Fd	(Multiple Items)
Cat	(Multiple Items)

Data

Account	Current Budget	Current Actual YTD	Prior Year Actual YTD	Current Year Budget Executed	Prior Year Budget Executed	Year to Year % Change	Current Year - Prior Year
Revenue							
911 COMMUNICATIONS FUND	1,042,906	615,900	832,612	59.1%	83.7%	-26.0%	(216,711.22)
911 EQUIPMENT RESERVE	1,500	1,615	1,572	107.7%	131.0%	2.7%	42.86
CDBG GRANT FUND	5,243,672	10,641	235,344	0.2%	4.3%	-95.5%	(224,702.54)
CLERK RECORDS FUND	7,475	7,636	7,665	102.2%	103.2%	-0.4%	(28.33)
COMMUNITY CORRECTIONS FUND	1,604,324	1,256,743	1,186,887	78.3%	78.8%	5.9%	69,855.52
COUNTY FAIR FUND	202,150	180,379	173,711	89.2%	102.5%	3.8%	6,668.08
COUNTY SCHOOL FUND	287,200	110,727	102,461	38.6%	36.6%	8.1%	8,265.97
COURT FACILITIES SECURITY FUND	27,600	22,169	19,910	80.3%	516.5%	11.3%	2,258.48
DISTRICT ATTORNEY	4,100	3,988	4,392	97.3%	168.9%	-9.2%	(404.54)
FACILITY CAPITAL RESERVE	714,000	726,171	688,629	101.7%	75.5%	5.5%	37,542.03
FOREST HEALTH PROGRAM FUND	380	2,207	879	580.8%	231.2%	151.2%	1,328.59
GENERAL FUND	12,863,182	11,728,329	11,750,404	91.2%	87.7%	-0.2%	(22,074.90)
GENERAL OPERATING RESERVE	714,000	727,355	615,138	101.9%	75.8%	18.2%	112,216.87
HOUSEHOLD HAZARDOUS WASTE FUND	327,300	283,740	229,442	86.7%	69.3%	23.7%	54,297.67
KRAMER FIELD FUND	165	267	217	162.1%	131.2%	23.5%	50.88
LAND CORNER PRESERVATION FUND	34,500	25,673	25,503	74.4%	78.5%	0.7%	169.89
LAW LIBRARY FUND	30,700	25,177	26,489	82.0%	103.1%	-5.0%	(1,312.38)
MUSEUM	92,700	75,626	89,135	81.6%	79.2%	-15.2%	(13,508.31)
PARKS FUND	82,575	56,848	61,378	68.8%	87.2%	-7.4%	(4,529.62)
PUBLIC WORKS FUND	3,072,462	2,089,282	1,949,783	68.0%	71.8%	7.2%	139,499.16
ROAD RESERVE FUND	2,017,000	2,036,660	18,442	101.0%	122.9%	10943.8%	2,018,218.69
SPECIAL ECON DEV PAYMENTS FUND	1,242,200	1,159,329	1,149,308	93.3%	92.5%	0.9%	10,020.72
WEED & PEST CONTROL FUND	-	6	148,000	#DIV/0!	69.1%	-100.0%	(147,994.27)
YOUTH THINK FUND	160,963	114,123	101,400	70.9%	68.7%	12.5%	12,722.81
CAPITAL ACQUISITIONS FUND	715,000	724,759	690,338	101.4%	75.6%	5.0%	34,420.61



Wasco County Monthly Report

All Funds Revenue Expense Summary - March 2018

Account	Current Budget	Current Actual YTD	Prior Year Actual YTD	Current Year Budget Executed	Prior Year Budget Executed	Year to Year % Change	Current Year - Prior Year
Revenue Total	30,488,054	21,985,351	20,109,038	72.1%	68.4%	9.3%	1,876,312.72
Expense							
911 COMMUNICATIONS FUND	1,054,325	762,013	743,723	72.3%	74.4%	2.5%	18,290.05
911 EQUIPMENT RESERVE	91,795	91,795	-	100.0%	0.0%	#DIV/0!	91,795.00
CDBG GRANT FUND	5,365,122	49,477	143,548	0.9%	2.6%	-65.5%	(94,070.60)
CLERK RECORDS FUND	18,500	3,129	392	16.9%	0.8%	698.1%	2,737.29
COMMUNITY CORRECTIONS FUND	1,813,324	1,317,178	936,366	72.6%	49.3%	40.7%	380,812.21
COUNTY FAIR FUND	187,313	168,128	175,975	89.8%	78.7%	-4.5%	(7,846.78)
COUNTY SCHOOL FUND	312,550	-	64,469	0.0%	22.2%	-100.0%	(64,468.86)
COURT FACILITIES SECURITY FUND	43,000	2,482	-	5.8%	0.0%	#DIV/0!	2,482.22
DISTRICT ATTORNEY	17,400	7,170	4,595	41.2%	21.5%	56.0%	2,574.40
FACILITY CAPITAL RESERVE	3,429,005	-	18,750	0.0%	0.7%	-100.0%	(18,749.97)
FOREST HEALTH PROGRAM FUND	75,000	-	-	0.0%	0.0%	#DIV/0!	-
GENERAL FUND	13,875,749	10,225,870	10,486,359	73.7%	70.1%	-2.5%	(260,488.71)
GENERAL OPERATING RESERVE	3,607,552	218,205	-	6.0%	0.0%	#DIV/0!	218,205.00
HOUSEHOLD HAZARDOUS WASTE FUND	356,801	202,806	199,852	56.8%	50.3%	1.5%	2,954.02
KRAMER FIELD FUND	33,434	-	-	0.0%	0.0%	#DIV/0!	-
LAND CORNER PRESERVATION FUND	23,421	16,881	45,828	72.1%	65.9%	-63.2%	(28,946.69)
LAW LIBRARY FUND	46,984	17,001	15,823	36.2%	33.0%	7.4%	1,178.10
MUSEUM	106,230	52,804	53,895	49.7%	19.6%	-2.0%	(1,091.73)
PARKS FUND	74,562	48,138	32,121	64.6%	37.7%	49.9%	16,017.26
PUBLIC WORKS FUND	5,638,305	4,214,871	2,003,234	74.8%	62.8%	110.4%	2,211,637.13
ROAD RESERVE FUND	4,850,437	-	-	0.0%	0.0%	#DIV/0!	-
SPECIAL ECON DEV PAYMENTS FUND	1,306,283	1,184,318	1,636,592	90.7%	76.8%	-27.6%	(452,274.93)
WEED & PEST CONTROL FUND	220,495	194,658	162,821	88.3%	64.5%	19.6%	31,836.18
YOUTH THINK FUND	163,659	90,437	105,380	55.3%	50.2%	-14.2%	(14,942.80)
CAPITAL ACQUISITIONS FUND	3,709,600	273,838	-	7.4%	0.0%	#DIV/0!	273,838.00
Expense Total	46,420,846	19,141,199	16,829,723	41.2%	39.9%	13.7%	2,311,475.79



Wasco County Monthly Report

Personnel - All Funds - March 2018

Filters

Fd	(Multiple Items)
Cat	(Multiple Items)

Data

Account	Current Budget	Current Actual	Prior Year Actual	Current	Prior Year	Year to	Current Year - Prior Year
		YTD	YTD	Budget Executed	Budget Executed	Year % Change	
Expense							
GENERAL FUND							
ASSESSMENT & TAXATION-E	674,206	504,754	485,811	74.9%	63.5%	3.9%	18,943.38
COUNTY CLERK-E	266,274	203,743	201,050	76.5%	72.3%	1.3%	2,692.69
SHERIFF-E	2,074,603	1,507,005	1,433,729	72.6%	71.8%	5.1%	73,276.13
ADMINISTRATIVE SERVICES-E	1,693,128	1,275,767	1,175,786	75.3%	69.4%	8.5%	99,981.21
ADMINISTRATION-E	136,294	97,316	97,386	71.4%	63.9%	-0.1%	(70.42)
DISTRICT ATTORNEY-E	605,092	393,950	383,396	65.1%	74.0%	2.8%	10,554.10
PLANNING-E	681,466	459,401	464,961	67.4%	65.4%	-1.2%	(5,560.24)
PUBLIC WORKS-E	38,327	27,292	40,946	71.2%	72.2%	-33.3%	(13,654.32)
PREVENTION DIVISION-E	580,443	433,192	386,622	74.6%	77.0%	12.0%	46,569.15
GENERAL FUND Total	6,749,833	4,902,420	4,669,689	72.6%	70.0%	5.0%	232,731.68
PUBLIC WORKS FUND	1,972,165	1,353,523	1,210,072	68.6%	74.5%	11.9%	143,450.84
911 COMMUNICATIONS FUND	856,332	630,664	626,045	73.6%	75.9%	0.7%	4,619.02
COMMUNITY CORRECTIONS FUND	727,984	521,594	468,731	71.6%	69.4%	11.3%	52,863.69
COUNTY FAIR FUND	21,362	15,722	16,041	73.6%	36.4%	-2.0%	(318.91)
HOUSEHOLD HAZARDOUS WASTE FUND	92,176	78,022	79,249	84.6%	67.4%	-1.5%	(1,227.41)
LAND CORNER PRESERVATION FUND	17,920	14,381	43,053	80.3%	76.8%	-66.6%	(28,671.72)
MUSEUM	34,428	26,524	21,482	77.0%	48.1%	23.5%	5,041.53
PARKS FUND	26,111	19,299	10,694	73.9%	29.4%	80.5%	8,605.46
WEED & PEST CONTROL FUND	-	-	77,270	#DIV/0!	82.6%	-100.0%	(77,270.17)
YOUTH THINK FUND	78,616	60,393	56,742	76.8%	76.7%	6.4%	3,650.39
Expense Total	10,576,927	7,622,541	7,279,067	72.1%	70.9%	4.7%	343,474.40



Wasco County Monthly Report

Materials and Services All Funds - March 2018

Filters

Fd	(Multiple Items)
Cat	(Multiple Items)

Data

Account	Current Budget	Current Actual YTD	Prior Year Actual YTD	Current Year Budget Executed	Prior Year Budget Executed	Year to Year % Change	Current Year - Prior Year
Expense							
GENERAL FUND	4,181,043	2,981,782	3,320,479	71.3%	69.6%	-10.2%	(338,696.86)
PUBLIC WORKS FUND	1,406,140	853,689	793,162	60.7%	59.5%	7.6%	60,527.29
911 COMMUNICATIONS FUND	197,993	131,349	117,678	66.3%	67.2%	11.6%	13,671.03
CLERK RECORDS FUND	13,500	3,129	392	23.2%	1.3%	698.1%	2,737.29
COMMUNITY CORRECTIONS FUND	1,000,340	795,584	189,436	79.5%	22.2%	320.0%	606,147.52
COUNTY FAIR FUND	165,950	152,406	159,934	91.8%	89.1%	-4.7%	(7,527.87)
COUNTY SCHOOL FUND	312,550	-	64,469	0.0%	22.2%	-100.0%	(64,468.86)
COURT FACILITIES SECURITY FUND	43,000	2,482	-	5.8%	0.0%	#DIV/0!	2,482.22
DISTRICT ATTORNEY	15,600	5,370	3,245	34.4%	16.6%	65.5%	2,124.40
FOREST HEALTH PROGRAM FUND	-	-	-	#DIV/0!	0.0%	#DIV/0!	-
HOUSEHOLD HAZARDOUS WASTE FUND	253,125	118,284	120,603	46.7%	47.9%	-1.9%	(2,318.57)
KRAMER FIELD FUND	33,434	-	-	0.0%	0.0%	#DIV/0!	-
LAND CORNER PRESERVATION FUND	3,000	-	900	0.0%	30.0%	-100.0%	(900.00)
LAW LIBRARY FUND	46,984	17,001	9,823	36.2%	24.6%	73.1%	7,178.13
MUSEUM	71,800	23,780	32,413	33.1%	51.7%	-26.6%	(8,633.26)
PARKS FUND	48,450	28,839	21,428	59.5%	43.8%	34.6%	7,411.80
SPECIAL ECON DEV PAYMENTS FUND	716,283	678,641	886,855	94.7%	78.4%	-23.5%	(208,213.55)
WEED & PEST CONTROL FUND	-	-	85,551	#DIV/0!	53.9%	-100.0%	(85,551.20)
YOUTH THINK FUND	85,043	30,044	48,637	35.3%	35.8%	-38.2%	(18,593.19)
Expense Total	8,594,235	5,822,382	5,855,006	67.7%	61.3%	-0.6%	(32,623.68)



Wasco County Monthly Report

Capital All Funds - March 2018

Filters

Fd	(Multiple Items)
Cat	53000

Data

Account	Current Budget	Current Actual	Prior Year Actual	Current	Prior Year	Year to Year % Change	Current Year - Prior Year
		YTD	YTD	Budget Executed	Budget Executed		
Expense							
GENERAL FUND							
COUNTY CLERK-E	1	-	-	0.0%	#DIV/0!	#DIV/0!	-
SHERIFF-E	52,185	-	56,404	0.0%	76.4%	-100.0%	(56,403.61)
ADMINISTRATIVE SERVICES-E	406,750	23,500	160,896	5.8%	38.6%	-85.4%	(137,395.68)
ADMINISTRATION-E	155,450	33,678	110,344	21.7%	99.9%	-69.5%	(76,666.50)
DISTRICT ATTORNEY-E	-	-	2,801	#DIV/0!	#DIV/0!	-100.0%	(2,801.49)
GENERAL FUND Total	614,386	57,178	330,445	9.3%	55.0%	-82.7%	(273,267.28)
PUBLIC WORKS FUND	260,000	7,659	-	2.9%	0.0%	#DIV/0!	7,659.00
COUNTY FAIR FUND	1	-	-	0.0%	#DIV/0!	#DIV/0!	-
LAND CORNER PRESERVATION FUND	1	-	-	0.0%	0.0%	#DIV/0!	-
HOUSEHOLD HAZARDOUS WASTE FUND	11,500	6,500	-	56.5%	0.0%	#DIV/0!	6,500.00
MUSEUM	2	2,500	-	125000.0%	0.0%	#DIV/0!	2,500.00
PARKS FUND	1	-	-	0.0%	#DIV/0!	#DIV/0!	-
COMMUNITY CORRECTIONS FUND	85,000	-	-	0.0%	#DIV/0!	#DIV/0!	-
CLERK RECORDS FUND	5,000	-	-	0.0%	0.0%	#DIV/0!	-
ROAD RESERVE FUND	4,850,437	-	-	0.0%	0.0%	#DIV/0!	-
CAPITAL ACQUISITIONS FUND	3,709,600	273,838	-	7.4%	0.0%	#DIV/0!	273,838.00
911 EQUIPMENT RESERVE	91,795	91,795	-	100.0%	0.0%	#DIV/0!	91,795.00
FACILITY CAPITAL RESERVE	3,429,005	-	-	0.0%	0.0%	#DIV/0!	-
GENERAL OPERATING RESERVE	3,607,552	218,205	-	6.0%	0.0%	#DIV/0!	218,205.00
CDBG GRANT FUND	5,365,122	49,477	143,548	0.9%	2.6%	-65.5%	(94,070.60)
Expense Total	22,029,402	707,152	473,993	3.2%	2.7%	49.2%	233,159.12

Wasco County Monthly Report

Transfers All Funds - March 2018

Filters

Fd	(Multiple Items)
Cat	(Multiple Items)

Data							
Account	Current Budget	Current Actual YTD	Prior Year Actual YTD	Current Year Budget Executed	Prior Year Budget Executed	Year to Year % Change	Current Year - Prior Year
Transfer In							
911 COMMUNICATIONS FUND	183,987	137,990	180,871	75.0%	75.0%	-23.7%	(42,881.22)
COUNTY FAIR FUND	29,000	29,000	21,750	100.0%	75.0%	33.3%	7,249.97
FACILITY CAPITAL RESERVE	700,000	700,000	675,000	100.0%	75.0%	3.7%	25,000.00
GENERAL FUND	664,300	504,976	1,055,911	76.0%	68.2%	-52.2%	(550,935.35)
GENERAL OPERATING RESERVE	700,000	700,000	600,000	100.0%	75.0%	16.7%	99,999.97
MUSEUM	22,500	22,500	13,125	100.0%	75.0%	71.4%	9,375.03
PUBLIC WORKS FUND	220,495	194,658	-	88.3%	#DIV/0!	#DIV/0!	194,657.55
ROAD RESERVE FUND	2,000,000	2,000,000	-	100.0%	#DIV/0!	#DIV/0!	2,000,000.00
CAPITAL ACQUISITIONS FUND	700,000	700,000	675,000	100.0%	75.0%	3.7%	25,000.00
Transfer In Total	5,220,282	4,989,124	3,221,658	95.6%	72.6%	54.9%	1,767,465.95
Transfer Out							
COMMUNITY CORRECTIONS FUND	-	-	278,199	#DIV/0!	75.0%	-100.0%	(278,199.00)
DISTRICT ATTORNEY	1,800	1,800	1,350	100.0%	75.0%	33.3%	450.00
FACILITY CAPITAL RESERVE	-	-	18,750	#DIV/0!	20.7%	-100.0%	(18,749.97)
FOREST HEALTH PROGRAM FUND	75,000	-	-	0.0%	0.0%	#DIV/0!	-
GENERAL FUND	2,330,487	2,284,490	2,165,747	98.0%	74.5%	5.5%	118,743.75
LAND CORNER PRESERVATION FUND	2,500	2,500	1,875	100.0%	75.0%	33.3%	625.03
LAW LIBRARY FUND	-	-	6,000	#DIV/0!	75.0%	-100.0%	(6,000.03)
PUBLIC WORKS FUND	2,000,000	2,000,000	-	100.0%	#DIV/0!	#DIV/0!	2,000,000.00
SPECIAL ECON DEV PAYMENTS FUND	590,000	505,676	749,737	85.7%	75.0%	-32.6%	(244,061.38)
WEED & PEST CONTROL FUND	220,495	194,658	-	88.3%	#DIV/0!	#DIV/0!	194,657.55
Transfer Out Total	5,220,282	4,989,124	3,221,658	95.6%	72.3%	54.9%	1,767,465.95



Wasco County Monthly Report Reserve Funds - March 2018

Filters

Fd	(Multiple Items)
Cat	(Multiple Items)

Data

Account	Current Budget	Current Actual YTD	Prior Year Actual YTD	Current Year	Prior Year	Year to Year % Change	Current Year - Prior Year
				Budget Executed	Budget Executed		
Revenue							
FACILITY CAPITAL RESERVE	14,000	26,171	13,629	186.9%	113.6%	92.0%	12,542.03
GENERAL OPERATING RESERVE	14,000	27,355	15,138	195.4%	126.1%	80.7%	12,216.90
ROAD RESERVE FUND	17,000	36,660	18,442	215.6%	122.9%	98.8%	18,218.69
CAPITAL ACQUISITIONS FUND	15,000	24,759	15,338	165.1%	121.2%	61.4%	9,420.61
Revenue Total	60,000	114,945	62,547	191.6%	121.1%	83.8%	52,398.23



Wasco County Monthly Report

Investment/Interest All Funds - March 2018

Filters

Fd	(Multiple Items)
Cat	417

Data

Account	Current Budget	Current Actual YTD	Prior Year Actual YTD	Current	Prior Year	Year to	Current Year - Prior Year
				Year Budget Executed	Budget Executed	Year % Change	
Revenue							
INTEREST EARNED	149,420	273,500	166,209	183.0%	139.8%	64.6%	107,291.42
LID INTEREST	-	-	-	#DIV/0!	0.0%	#DIV/0!	-
UNSEG TAX INTEREST EARNED	200	39	4,366	19.4%	2183.1%	-99.1%	(4,327.34)
Revenue Total	149,620	273,539	170,575	182.8%	143.1%	60.4%	102,964.08



CONSENT AGENDA

[MINUTES: 4.4.2018 REGULAR SESSION](#)



**WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
APRIL 4, 2018**

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

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

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

Changes to the agenda:

- Add FLAP Modification for Wamic Market Road Project

Public Comment - Survey

Richard Murray of Seven Mile, The Dalles, explained that he had come before the County Court forty years ago to have them address a discrepancy in a survey. He said that he had warned them it would be a problem in the future; nevertheless nothing was done. He stated that the 1905 survey had section corners marked by rocks; the newer survey used markers which have since been moved. He said that he would like Vice-Chair Hege and Mr. Stone to come out to look at the area to see what might be done to correct the situation. He cautioned that it will create a lot of problems going forward if not addressed.

Discussion List – Weed Control Agreement

Public Works Director Arthur Smith stated that the USDA has contracted with Wasco County for many years for this work. He said that this year they have some additional funding and would like to expand the area being treated. He stated that he has consulted with the Weed Master and determined that it is in the best interest of the County to do the work. He said that the agreement extends the performance period to November of 2019 and increases the funding to support the additional work.

Chair Kramer asked about the language indicating that the County is making a non-cash contribution. Mr. Smith responded that it is really an acknowledgement of work already done by the County. He stated that the USDA recognizes that the weed control work the county does on roads leading into USDA land assists them in their efforts to control noxious weeds.

Vice-Chair Hege asked what is being sprayed for specifically. Mr. Smith replied that he believes it is hounds tongue among others. Vice-Chair Hege commented that he understands that some of the Class C weeds have been removed from the list. Mr. Smith replied that those being removed are essentially weeds that the service has given up hope of controlling.

{{Vice-Chair Hege moved to approve USDA Agreement 17-SA-110600-017 for Wasco County Weed Control. Commissioner Runyon seconded the motion which passed unanimously.}}

Discussion List – FLAP Modification

Mr. Smith explained that this is the final portion of the agreement for the Wamic Road/Ramsey Creek project. He said that this funds transfer agreement codifies the amount of matching funds. He stated that he has already budgeted the largest part of that for this fiscal year with the remainder to be paid out of next fiscal year's budget. He added that his crew will be doing some work that will reduce the County's cash contribution a bit.

{{Vice-Chair Hege moved to approve the Western Federal Lands Highway Division FHWA Agreement #DTFH70-17-E-50011 Amendment 1. Commissioner Runyon seconded the motion which passed unanimously.}}

Discussion List – Maupin FLAP Letter of Support

Maupin Mayor Lynn Ewing stated that a couple of years ago the City of Maupin submitted a wish list of work to be done; one item on the list was to create a better pathway to the school. He said that it is dangerous now and children are often trespassing on private land to get to and from school. In addition, the lower access road has no place for people to walk. He reported that FLAP money has increased for Oregon and they have come up with a plan to take care of those issues. He is here to ask for the County's support for the project.

Commissioner Runyon stated that he is amazed and proud to see another good

improvement for the southern part of the county go forward. Mr. Smith pointed out that this will also impact the county road and for that reason will require County sign-off. He said that the project will improve parking and pedestrian access as well as creating a safe rest area for bikers and hikers.

Vice-Chair Hege asked if the clouded area is the parking lot and who owns that area. Mr. Smith stated that part is owned by the county, part by the city and part by BLM. He said that he has no problem contributing to the maintenance of that area.

{{{Commissioner Runyon moved to approve the 2018 Oregon Federal Lands Access program Joint Endorsement for the Maupin to BLM access Improvements Project. Vice-Chair Hege seconded the motion which passed unanimously.}}}

*****The Board was in consensus to sign a letter of support for the Maupin to BLM Access Improvements.*****

Discussion List – Surplus Emergency Management Equipment

Sheriff Magill stated that the equipment being surplus was purchased for HAM radio operations; the equipment has been replaced through grant funding. He stated that the value of the equipment is \$850 which may not come up to the required surplus threshold. Mr. Smith stated that per the County's rules, any items valued greater than \$500 must go through the surplus process; anything that has a transferrable title must go through the process regardless of the value.

{{{Vice-Chair Hege moved to approve Order #18-007 surplus emergency management equipment. Commissioner Runyon seconded the motion which passed unanimously.}}}

Agenda Item – National Scenic Area LUDO Revisions

At 9:31 a.m. Chair Kramer opened a public hearing for the NSA LUDO revisions. He asked the following questions:

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

WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
APRIL 4, 2018
PAGE 4

- 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.

STAFF PRESENTATION

Senior Planner Will Smith reviewed the staff report included in the Board Packet. He explained that a 2016 law suit against the Gorge Commission resulted in changes to their Management Plan. Those changes required us to update our ordinance to match the Management Plan. He went over the various changes as outlined in the packet.

He reminded the Board that the major changes had already been brought to them at an earlier hearing and then taken to the Gorge Commission. Through that process, some language issues and formatting anomalies were identified and have now been corrected in the Ordinance, submitted to the Board today.

Commissioner Runyon asked if there have been any changes since this was presented to the Planning Commission. Mr. Smith replied that there have not been any changes since that time.

Commissioner Runyon noted that the report summary anticipates possible impacts, one of which is longer reports. Mr. Smith responded that if a reconnaissance survey is required, it will lengthen the report.

Chair Kramer opened the floor to public testimony. There was none.

Commissioner Runyon read the title of the Ordinance in to the record:

IN THE MATTER OF THE WASCO COUNTY PLANNING DEPARTMENT'S REQUEST TO APPROVE THE REVISED PROPOSED LEGISLATIVE AMENDMENTS TO UPDATE THE WASCO COUNTY NATIONAL SCENIC AREA LAND USE AND DEVELOPMENT ORDINANCE TO CREATE CONSISTENCY WITH UPDATES TO THE MANAGEMENT PLAN OF THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA AND MAKE OTHER AMENDMENTS APPROPRIATE FOR WASCO COUNTY (FILE NUMBER

PLALEG-17-10-0001)

Chair Kramer continued the hearing to April 18, 2018, at 9:30 a.m. in Room 302 of the Wasco County Courthouse.

Agenda Item – Gorge Built Hotel Development Tax Abatement

Enterprise Zone Manager Matthew Klebes reviewed the staff report (included in the Board Packet) for the Gorge Built Hotel Development enterprise zone tax abatement application. He reported that the City of The Dalles has already approved the agreement.

Vice-Chair Hege asked where the hotel will be located. Mr. Klebes replied that it will be at the intersection of 1st and Union Streets and will face north. He said that the hotel will go all the way to the Baldwin Saloon – the buildings will either touch or be very close to one another.

Vice-Chair Hege commented that it is surprising that a business in the hotel industry is able to pay 130% of average wages – that is unusual for a hotel. Mr. Klebes responded that if they do not meet that standard, they will not be eligible for the abatement in years four and five. Commissioner Runyon pointed out that they will probably include the CEO salary in their calculations. Mr. Klebes stated that the wages included in the calculation must exist within the enterprise zone. He added that the Fairfield Suites met the standard. He said that he receives reporting annually in order to monitor compliance. Vice-Chair Hege stated that he believes the Fairfield Inn was only a three-year abatement.

{{{Commissioner Runyon moved to approve Resolution 18-006 in the matter of approving an Enterprise Zone Abatement Agreement between the sponsors of The Dalles/Wasco County Enterprise Zone and Gorge Built Hotel Development, LLC. Vice-Chair Hege seconded the motion which passed unanimously.}}}

{{{Commissioner Runyon moved to approve the Extended Abatement Agreement with GBHD, LLC. Vice-Chair Hege seconded the motion which passed unanimously.}}}

Commissioner Runyon thanked Mr. Klebes for hosting the Enterprise Zone workshop, saying that it was very informative.

Discussion Item – Finance Report

Finance Director Mike Middleton reviewed the Finance Report included in the Board Packet.

Commissioner Runyon commented that the reserves look great; he asked why the poker funds are late. Mr. Middleton replied that the State has not yet sent them, explaining that there is a couple of month window in which they arrive. He said that he would follow-up.

Discussion Item – CAFFA Grant

County Assessor Jill Amery stated that the County Assessment Function Funding Assistance program helps pay for counties' statutory duties throughout departments as they relate to assessment and taxation. She reported that her department has completed conversion and begun reassessment. Her staff is down by one staff member as that position was related to the conversion process. She said that they have found it very difficult to get licensed assessors to support the reassessment process.

Ms. Amery went on to say that Wasco County has historically received between \$170,000 and \$200,000 through the CAFFA grant. The apportionment will not be announced until mid-summer. She added that the award is paid out quarterly.

{{{Vice-Chair Hege moved to approve the CAFFA Grant Application Resolution. Commissioner Runyon seconded the motion which passed unanimously.}}}

Agenda Item – MCCFL Construction Project Bid Award

Mid-Columbia Center for Living Executive Director Barbara Seatter reminded the Board that they had received bids for this project at their March 7, 2018, Board Session. She stated that the lowest bid came in higher than the project budget; the MCCFL Board met at special session to determine if they could commit the necessary additional funds to complete the project. At that session, the Board approved the financial viability of a funding plan submitted by staff and have committed those funds.

Commissioner Runyon commented that it must have been a lengthy discussion to approve that commitment. Ms. Seatter responded that the conversation actually began when the original bids were submitted last fall. Commissioner

Runyon noted that any delay would extend the project significantly. Ms. Seatter concurred saying that we will already have to ask for an extension. MCCFL Project Manager Elda Orr added that the State has advised that a six-month extension is standard; we should not count on anything beyond that.

Further discussion ensued regarding the required protest period. Ms. Orr pointed out that we cannot approve a contract until that period has elapsed. She stated that what is needed today is a notice of intent to award to the apparent low-bidder. Mr. Stone added that the contract will have to come to the Board of County Commissioners for final approval.

{{Vice-Chair Hege moved to approve a notice letter of intent to award the MCCFL Mental Health Clinic Construction Project contract to the apparent lowest-bidder, Griffin Construction. Commissioner Runyon seconded the motion which passed unanimously.}}

Consent Agenda – Revised 2.21.2018 & 3.21.2018 Minutes; Amended Surgeon's Quarters Contract

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

Agenda Item – NWCSD21 Facilities Plan

Kathy Ursprung reviewed the presentation on the North Wasco County School District 21 Facilities Plan included in the Board Packet. She explained that they have maintained sporting events at the Chenoweth campus in order to maintain status within the scenic area. She reviewed the various levels of disrepair and inadequacy of each school in the district. She pointed out that the buildings are also used as emergency facilities and community resources; in addition, they also act as economic drivers and ambassadors to attract new businesses and professionals to the community.

Mr. Stone asked what the worst case scenario would be for the proposed bond. Ms. Ursprung replied that we could grow so rapidly that the District would need to build an additional school; in that case, the tax base would also have grown and we would not likely need an additional bond. She added that while the cap on this proposed bond can be guaranteed, there is no guarantee that there would not be another bond request during the lifespan of this bond. She added that it is possible that the proposed bond could be less than \$2.99 per thousand which is the highest that could be assessed under this proposal.

Commissioner Runyon asked if they are considering combining schools. Ms. Ursprung replied that they are looking at different locations for schools but all will be where or near where they are; the goal is to maintain the neighborhood school model supported by the public. Commissioner Runyon disclosed that he has family members working for the District.

News reporter Rodger Nichols asked how the first bond issue would be used. Ms. Ursprung replied that the High School would be the first facility to be addressed.

Public Works Director Arthur Smith asked if their planning includes transportation and access. Ms. Ursprung replied that she will bring that up through their current master planning process for the High School.

Mr. Stone asked if they have considered what is needed now and what might be needed in the future for building costs. Ms. Ursprung said they are planning \$75-\$80 million for a 160,000 square foot facility. Vice-Chair Hege stated that it works out to \$500 per square foot which is very high – you could build a medical facility for that price. Ms. Ursprung acknowledged the high estimate saying that it is meant to take into account inflation, unexpected costs, etc.

Mr. Stone commented that in today's construction costs that is almost double what is needed. Ms. Ursprung reported that when Portland went out for a bond they did it for \$390 per square foot. Vice-Chair Hege commented that while it is good to be high, \$500 per square foot is very high. Ms. Ursprung stated that they want a good size contingency. She added that the cost per square foot will be lower for the elementary schools.

News reporter Emily Fitzgerald asked if the \$2.99 per thousand is for the first bond or all the bonds. Ms. Ursprung replied that it is for the fifty-year life of the bonds.

Ms. Ursprung went on to say that they are considering adding an early childhood learning center to support school readiness. Mr. Stone asked how much that would cost. Ms. Ursprung replied that it would be approximately \$12 million, it would involve partners. Mr. Stone asked if the District would be staffing that; Ms. Ursprung responded that it would likely be staffed by partner agencies but could include not only pre-school but kindergarten and first grade

– that has not been determined.

Mr. Stone asked if property owners will be paying the \$2.99 whether or not the bond is sold. Ms. Ursprung replied that the taxpayers only pay when the bond is sold. She noted that a 2008 assessment revealed \$42 million in major repairs that the District was not able to fund. She added that building will go on for twenty years which means the high school will be twenty years old at the end of the process.

Mr. Middleton asked if the extra period will be a just-in-case amount; will there be another vote at that time? Ms. Amery responded that the voters would be giving them permission now to charge that issue at a later date.

Vice-Chair Hege asked what the life-span of the buildings will be. Ms. Ursprung replied that it has not been discussed. She said that when the middle school was built, the intended life span was 100 years.

Commission Candidate Roy Justesen asked if there is a general maintenance budget. Ms. Ursprung replied that the annual maintenance budget is \$4 million and will probably get used up. She added that with the new schools there will be less maintenance and lower utility bills; that money will go toward education. She reported that in 2008, voters said the District needed to work on academics. The District has been doing that and is starting to see the benefits – graduations are significantly up.

Ms. Amery commented that \$2.99 per thousand is a big hurdle – there will be a lot of questions; it will be a hard sell to ask for \$235 million with an open checkbook at the end.

Mr. Stone asked if the funds will be used for maintenance and staffing. Ms. Ursprung replied that by law, the bond funds cannot be used for maintenance or staffing.

Commissioner Runyon observed that he has seen signs about the bond but does not see it on the ballot. Ms. Ursprung stated that they are trying to get the word out and will be doing polling in May for public response. She said that they have learned from past experience that polling can be a good indicator of the vote outcome. She said that we still need schools and cannot keep up with the decay.

Mr. Stone asked if the possibility of bonding for one school at a time has been taken off of the table. He observed that it may cost a little more but would be a lot more comfortable for voters. Ms. Ursprung replied that their history with bonds is that they have to ask three times and then get less than what is needed.

Chair Kramer asked if they have pursued any grant funding. Ms. Ursprung replied that there is about \$4 million available from the state but is not very available for school buildings. Chair Kramer pointed out that Dufur recently matched a state grant for their building. Ms. Ursprung stated that they will pursue that option.

Chair Kramer called a recess at 11:02 a.m.

At 11:09 a.m. the session reconvened and Chair Kramer opened an executive session pursuant to ORS 192.660(2)(i) Performance Evaluations of Public Officers and Employees and ORS 195.660(2)(h) Conferring with Legal Counsel regarding litigation.

Regular Session reconvened at 11:32 a.m.

{{{Commissioner Runyon moved to grant authority to Chair Kramer to conduct the Administrative Officer's annual review based on submitted comments.}}}

Chair Kramer adjourned the session at 11:33 a.m.

Summary of Actions

MOTIONS

- **To approve USDA Agreement 17-SA-110600-017 for Wasco County Weed Control.**
- **To approve the Western Federal Lands Highway Division FHWA Agreement #DTFH70-17-E-50011 Amendment 1.**
- **To approve the 2018 Oregon Federal Lands Access program Joint Endorsement for the Maupin to BLM access Improvements Project.**
- **To approve Order #18-007 surplussing emergency management equipment.**

- **To approve Resolution 18-006 in the matter of approving an Enterprise Zone Abatement Agreement between the sponsors of The Dalles/Wasco County Enterprise Zone and Gorge Built Hotel Development, LLC.**
- **To approve the Extended Abatement Agreement with GBHD, LLC.**
- **To approve the CAFFA Grant Application Resolution.**
- **To approve a notice letter of intent to award the MCCFL Mental Health Clinic Construction Project contract to the apparent lowest-bidder, Griffin Construction.**
- **To approve the Consent Agenda – revised 2.21.2018 Regular Session Minutes, 3.21.2018 Regular Session Minutes, and amended Surgeon’s Quarters Personal Service Contract.**

CONSENSUS

- **To sign a letter of support for the Maupin to BLM Access Improvements.**

Wasco County
Board of Commissioners

Steven D. Kramer, Board Chair

Scott C. Hege, Vice-Chair

Rod L. Runyon, County Commissioner



AGENDA ITEM

National Scenic Area

Land Use and Development Ordinance Revisions

[STAFF MEMO](#)

[STAFF SUMMARY](#)

[STAFF REPORT](#)

[EDITS](#)

[PLANNING COMMISSION RECOMMENDATIONS/BOARD OPTIONS](#)

[ORDINANCE # 18-001](#)

[UPDATED NSA LUDO](#)

[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

Pioneering pathways to prosperity.

Memo

TO: Wasco County Board of County Commissioners

FROM: Will Smith, Senior Planner; Riley Marcus, Associate Planner

DATE: April 4, 2018 Board of Commissioners Meeting

SUBJECT: NSA LUDO Updates

In February of 2016, the Columbia River Gorge Commission adopted revisions to their Management Plan. This was in response to an Oregon Court of Appeals' decision after a previous Management Plan update went through litigation. These revisions included mandatory changes to the General Management Area guidelines as well as mandatory changes to the Special Management Area guidelines that the U.S. Forest Service had already adopted.

These revisions were transmitted to all six National Scenic Area counties in July of 2017, requiring adoption into each local National Scenic Area (NSA) land use ordinance. Wasco County Planning staff received the amendments and incorporated them into the Wasco County NSA Land Use and Development Ordinance (LUDO) for your review. Wasco County Planning staff has also taken this opportunity to update the NSA LUDO with minor formatting and grammatical edits.

On October 19, 2017 staff brought suggested edits to the Planning Commission, who reviewed, edited, and recommended Board approval. The Wasco County Board of County Commissioners reviewed and edited these updates as well, on December 6, 2017, and approved the changes on December 20, 2017. When the suggested edits were submitted to the Gorge Commission staff to review, some inconsistencies were identified between Wasco County's suggested edits and the NSA Management Plan. These inconsistencies have been addressed with these updated revisions. These new edits were presented to the Planning Commission on March 6, 2018 where a recommendation for approval was made.

If the Board of County Commissioners approves staff's updated revisions based on these mandatory changes to our ordinance, staff will then submit the revised NSA ordinance to the Gorge Commission for approval. The final step will be approval of the ordinance by the U.S. Secretary of Agriculture, or his designee.

The intent of these changes is to clarify some of the processes used to protect Scenic, Cultural, Natural, and Recreational resources in the Gorge. Anticipated impacts include slightly longer staff reports for some proposed developments and may require additional information for application completeness when a natural or cultural resource is present.

We look forward to meeting with you and are happy to answer any questions in anticipation of the meeting. Please feel free to schedule office hours or reach out to us by phone/email.



SUMMARY OF INFORMATION

Prepared for Board of County Commissioners Hearing

File Number: PLALEG-17-10-0001

Request: Amend the Wasco County National Scenic Area Land Use and Development Ordinance (WC NSA LUDO)

1. Add the definition of "Adversely Affect" from the Management Plan into the WC NSA LUDO.
2. Adopt SMA language into the GMA sections of the WC NSA LUDO ensuring no adverse cumulative effects for natural resources.
3. Adopt new language into the WC NSA LUDO from the Management Plan regarding requiring a reconnaissance survey if any element of any land use application requires a reconnaissance survey.
4. Correct grammatical, formatting and spelling errors within the WC NSA LUDO.

Prepared By: Will Smith, Senior Planner; Riley Marcus, Associate Planner, on behalf of the Wasco County Planning Commission

Prepared For: Wasco County Board of Commissioners

**Board of County
Commissioners**

Hearing Date: April 4, 2018

Procedure Type: Legislative

Applicant: Wasco County

Owners & Location: Amendments may affect development for all zones inside the Columbia River Gorge National Scenic Area within Wasco County.

**Planning Commission
Recommendation:** Recommend approval of the WC NSA LUDO amendments to the Wasco County Board of County Commissioners and the Gorge Commission, with the findings in Planning Commission report PLALEG-17-10-0001 and the additional edits suggested by the Planning Commission.

Attachments:

- A. Planning Commission Recommendation & Board Options
- B. Staff Report
- C. Proposed Ordinance Text Amendments

ATTACHMENT B – STAFF REPORT

Amendments to the Wasco County National Scenic Area Land Use and Development Ordinance PLALEG-17-10-0001

Request:	<u>Amend the Wasco County National Scenic Area Land Use and Development Ordinance (WC NSA LUDO)</u> <ol style="list-style-type: none">1. Add the definition of “Adversely Affect” from the Management Plan into the WC NSA LUDO.2. Adopt SMA language into the GMA sections of the WC NSA LUDO ensuring no adverse cumulative effects for natural resources.3. Adopt new language into the WC NSA LUDO from the Management Plan regarding requiring a reconnaissance survey if any element of any land use application requires a reconnaissance survey.4. Correct grammatical, formatting and spelling errors within the WC NSA LUDO.
Prepared by:	Will Smith, Senior Planner
Prepared for:	Wasco County Board of County Commissioners
Applicant:	Wasco County Planning Department
Staff Recommendation:	Approval of the Wasco County Planning Commission recommendation to adopt the proposed amendments of the WC NSA LUDO.
Board of County Commissioners	
Hearing Date:	April 4, 2018
Procedure Type:	Legislative
Attachments:	- Attachment C: WC NSA LUDO Proposed Changes (Strikes and Underlines)

I. APPLICABLE CRITERIA

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

Chapter 9 – Zone Change, Ordinance Amendment and Revision of Urban Area Boundaries

- Section 9.050 Conditions Relative to the Approval of a Zone Change
- Section 9.060 Amendments to the Zoning Ordinance
- Section 9.070 Recommendation on Zone Change or Amendment to the Land Use and

	Development Ordinance
Section 9.080	Notice of Planning Commission Recommendation
Section 9.090	Action By County Governing Body
Section 9.100	Action by the Gorge Commission

II. SUBMITTED COMMENTS

As of March 13, 2018 the Wasco County Planning Department has received no comments about the proposed revisions.

III. PUBLIC INVOLVEMENT

In addition to the hearings associated with this legislative process, which allows for public testimony and the ability to provide written comment, Wasco County has included the following measures to ensure the process is open to the public.

A. Newspaper Notification

Initial Edits

Planning Commission Hearing:

The notice for Planning Commission Hearing #1 was published in The Dalles Chronicle on September 15, 2017, more than 15 days prior to the October 19, 2017 hearing date.

Board of County Commissioners Hearings:

The notice for Board of County Commission Hearing #1 was published in The Dalles Chronicle on November 21, 2017, more than 10 days prior to the December 6 and December 20, 2017 hearing date.

Revised Edits

Planning Commission Hearing:

The notice for Planning Commission Hearing #1 was published in The Dalles Chronicle on February 13, 2018, more than 15 days prior to the March 6, 2018 hearing date.

Board of County Commissioners Hearings:

The notice for Board of County Commission Hearing #1 was published in The Dalles Chronicle on March 20, 2018, more than 10 days prior to the April 4 and April 18, 2018 hearing dates.

B. Information Available on Website

The information regarding the proposed amendments was placed on the Wasco County Planning & Development Department Website

(<http://co.wasco.or.us/departments/planning/index.php>) on October 12, 2017. If updates are made following each hearing, the webpage will be updated to reflect such changes. At the time of this document, the following information was available:

- A listing of the hearing dates, times and locations.
- The drafts of the proposed amendments
- Staff report describing the process and changes
- A way to submit comments via email

IV. FINDINGS

A. WC NSA LUDO CRITERIA

1. Chapter 9 – Zone Change, Ordinance Amendment and Revision of Urban Area Boundaries

SECTION 9.050 Conditions Relative to the Approval of a Zone Change

FINDING: The request is not for a zone change therefore this section does not apply. It is included in this report due to requirements in Section 9.060.

SECTION 9.060 Amendments to the Zoning Ordinance

Amendments to this Ordinance may be initiated as follows:

*(***)*

D. By request of the Director of Planning or the District Attorney to conform the Ordinance to changes in the State Law;

E. Any Ordinance amendment that will require an amendment to the Management Plan shall first be reviewed by the Gorge Commission and concurred upon by the Secretary of Agriculture pursuant to those procedures set out in Section 9.100, Amendment to the Management Plan. Upon amendment of the Management Plan, the application shall be reviewed by the County, pursuant to those procedures set out in Sections 9.050, 9.060, 9.070, 9.080 and 9.090 of this ordinance.

FINDING: The Director of Planning for Wasco County is requesting that these changes be made to the WC NSA LUDO to conform to the Oregon Court of Appeals decision in *Friends of the Columbia Gorge v. Columbia River Gorge Commission*, issued in 2012. These ordinance revisions required an amendment of the Management Plan. These changes were adopted on February 9, 2016 by the Gorge Commission, and thence adopted by the U.S. Secretary of Agriculture designee on August 4, 2016.

On September 6, 2017 the Wasco County Board of County Commissioners (BOCC) unanimously approved staff's request to initiate the amending of the WC NSA LUDO. On September 7, 2017, Staff conveyed that information to the Gorge Commission with a letter indicating the County's intent to be consistent with the transmitted revisions and to adopt them within 270 days.

Requirements in Section 9.050 are addressed above; Sections 9.070, 9.080, and 9.090 are addressed below. Staff finds that this request complies with Section 9.060.D. and E.

*(***)*

SECTION 9.070 Recommendation on Zone Change or Amendment to the Land Use and Development Ordinance

After the hearing, the Approving Authority shall recommend that the proposed zone change or amendment to the Zoning Ordinance be granted or denied. The Planning

Director or his/her assistants shall reduce to writing the Planning Commission's recommendations together with a brief statement of the facts and reasons upon which such recommendation is based.

FINDING: This criterion in Section 9.070 was met.

- The Planning Commission conducted a legally notified hearing on March 6, 2018 at 3:00 pm at the Wasco County Planning Department Conference Room, 2705 East Second Street, The Dalles, Oregon. Staff will present their report and those in the audience will have the opportunity to provide testimony.
- Following this, or any further hearings if necessary, criterion c. will be adhered to in two ways. The first will be in the form of a notice of the Planning Commission recommendation to all persons who provided written comments or testified at either hearing and all affected agencies. This notice will include a very brief statement indicating the recommendation.
- Should anyone wish to find a more detailed statement of facts this report will be available on the Wasco County website before and after each hearing and upon request at the Wasco County Planning Department. This report will transform throughout the process according to the following:
 - At the Planning Commission hearing(s) the first draft of this report which includes all of the facts and reasons to support the decision is the Staff Report.
 - At the Board of County Commissioner's hearing the Staff Report becomes the Planning Commission Report and includes any additional facts and reasons to the support the decision made by the Planning Commission.
 - A final version which is the Board of County Commissioner's Report includes any additional facts and reasons to support the decision made by the Board of County Commissioner's.

SECTION 9.080 Notice of Planning Commission Recommendation

Within ten (10) days of the Planning Commission hearing, the Director of Planning or his/ her assistants shall give notice thereof to any persons who signed in and testified at the hearing and to such other persons as may have requested the same in writing.

FINDING: This Criterion in Section 9.080 was met.

- No persons or agencies, or their representatives, submitted written testimony or provided oral testimony at the Planning Commission hearing or requested to receive notification of the action of the Planning Commission. A notice of the vote of the Planning Commission was signed by the Planning Director on behalf of the Chair of the Planning Commission on March 13, 2018.

SECTION 9.090 Action by County Governing Body

Upon receipt of the Commission report, the County Governing Body shall take such action as may appear appropriate to that body, or as it feels the public interest requires, provided that in no

event shall the County Court act until at least twenty (20) days after the Notice of Planning Commission Recommendation has been mailed.

FINDING: This Criterion in Section 9.090 was met.

- A hearing on this matter with the Wasco County Board of County Commissioners is scheduled for April 4, 2018. The Planning Commission met on this matter on March 6, 2018, more than 20 days prior to the scheduled Board of County Commissioners meeting on this report. No persons or agencies, or their representatives submitted testimony at this hearing, nor requested to be notified in writing regarding this decision, and no mailing of the Notice of Planning Commission Recommendation was required per Section 9.080. Notice of Planning Commission Recommendation was signed on March 13, 2018.

SECTION 9.100 Action by the Gorge Commission

The Columbia River Gorge Scenic Area Act governs the process for counties to adopt land use ordinances consistent with the management plan. The following is a summary of 16 U.S.C. § 544e (7)(b):

All ordinance amendments shall require review by the Gorge Commission, and approval, before the ordinance amendments can be implemented.

Upon receipt of the final order of the Ordinance amendment by the County Court, the Gorge Commission shall schedule a hearing on the matter and take such action as may appear appropriate to that body.

Within ninety (90) days after receipt of the final order by the County Court of the ordinance amendments, the Gorge Commission, by majority vote including at least three members from each State, shall approve the ordinance amendments, unless the Gorge Commission determines the ordinance amendments are inconsistent with the Management Plan for the Columbia River Gorge National Scenic Area.

Should the Gorge Commission fail to act within ninety (90) days, the ordinance amendments shall be deemed to be approved.

The commission shall submit amendments to the Special Management Area ordinance to the Secretary of Agriculture. If the Secretary fails to act within ninety (90) days the Secretary shall be deemed to have concurred on the Special Management Area ordinance amendments.

FINDING: This criterion in Section 9.100 will be met.

- After the Wasco County Board of County Commissioners meets on this matter on April 4 and April 18, 2018, and upon receipt of the final order of the Ordinance amendment by the Board, the Gorge Commission shall schedule a hearing on the matter and take such action as may appear appropriate to that body.

Attachment C

Proposed Ordinance Text Amendments

SECTION 1.200 Definitions

For the purpose of this Ordinance, certain words and terms are defined as follows: Words used in the present tense include the future; words in the singular number include the plural, and words in the plural include the singular.

Abandoned WECS - A WECS that does not generate energy during a period of twelve (12) consecutive months for reasons other than lack of wind, lack of demand for the electricity produced, repair, or modernization.

Accepted Agricultural Practice - A mode of operation that is common to farms or ranches of similar nature, necessary for the operation of such farms or ranches to obtain a profit in money and customarily utilized in conjunction with agricultural use.

Access - A way or means of approach to provide pedestrian, bicycle, and/or motor vehicular entrances or exits to a property. Includes driveways and private accesses.

Access easement - An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public or private road to a parcel across intervening property under separate ownership from the parcel being provided access. See Private Easement Road.

Accessory structure/building - A structure or detached building whose use is incidental and subordinate to that of the main use of the property, and that is located on the same parcel as the main building or use. The term "detached" means that the main building and accessory building do not share a common wall. An accessory building connected to the main building by a breezeway is a detached building.

Accessory Use - A use customarily incidental and subordinate to the primary use and located on the same legal parcel.

Active Wildlife Site - A wildlife site that has been used within the past 5 years by a sensitive wildlife species.

Addition - An extension or increase in the area or height of an existing building.

Adversely affect or Adversely affecting - A reasonable likelihood of more than moderate adverse consequences ~~for~~ the scenic, cultural, recreation or natural resources of the scenic area, the determination of which is based on-

- (1) The context of a proposed action;
- (2) The intensity of a proposed action, including the magnitude and duration of an impact and the likelihood of its occurrence;
- (3) The relationship between a proposed action and other similar actions which are individually insignificant but which may have cumulatively significant impacts; and
- (4) ~~And proven~~ mitigation measures which the proponent of an action will implement as part of the proposal to reduce otherwise significant effects to an insignificant level.

Comment [WS1]: Changed to exactly match definition as written in the Act. Previous submittal from Gorge Commission had some differences.

similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing and equipment areas employed for the duration of the use;

- b. Cross-sectional drawings of the site showing pre-mining and post-mining grades;
 - c. Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, and processing activities;
 - d. A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating the species, number, size and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.
 - e. Descriptions of drainage/erosion control features to be employed for the duration of the use.
2. All reclamation plans for new quarries or expansion of existing quarries shall be sent to the Oregon Department of Geological and Mineral Industries (DOGAMI) for review and comment. DOGAMI shall have 30 calendar days from the date a reclamation plan is mailed to submit written comments on the proposal. DOGAMI comments shall address the following:
- a. whether the proposed mining is subject to state reclamation permit requirements;
 - b. if subject to state jurisdiction, whether an application has been received for a state reclamation permit and, if so, the current status of the application; and
 - c. for uses subject to state jurisdiction, any issues or concerns regarding consistency with state reclamation requirements, or any suggested modifications to comply with state reclamation requirements.

The County may request technical assistance from DOGAMI and other State Agencies on reclamation plans for proposed mining not within the state agency's jurisdiction.

B. Mineral and Aggregate Operations Visible from Key Viewing Areas

- 1. For proposed mining and associated activities on lands visible from Key Viewing Areas applicants shall submit perspective drawings of the proposed mining areas as seen from applicable Key Viewing Areas.
- 2. Expansion of existing quarries and new production and/or development of mineral resources proposed on sites more than three miles from the nearest Key Viewing Areas from which it is visible may be allowed upon a demonstration that:

A. The site plan requirements for such proposals that are pursuant to this chapter have been met.

B. The area to be mined and the area to be used for primary processing, equipment storage,

stockpiling, etc. associated with the use would be visually subordinate as seen from any key viewing areas.

C. ~~a~~A reclamation plan to restore the site to a natural appearance that blends with and emulates surrounding landforms to the maximum extent practicable has been approved. At a minimum the reclamation plan shall comply with Sections 10.300.A.1 and 10.300.A.2 above.

~~D. and the area to be mined and the area to be used for primary processing, equipment storage, stockpiling, etc., associated with the use would be visually subordinate in the GMA as seen from any Key Viewing areas. A written report on a determination of visual subordination has been completed, with~~~~based on~~ findings addressing the extent of visibility of proposed mining activities from Key Viewing Areas, including:

- a1. a list of Key Viewing Areas from which exposed mining surfaces (and associated facilities/ activities) would be visible;
- 2b. an estimate of the surface area of exposed mining surfaces which would be visible from those Key Viewing Areas;
- 3c. the distance from those Key Viewing Areas and the linear distance along those Key Viewing Areas from which proposed mining surfaces are visible;
- 4d. the slope and aspect of mining surfaces relative to those portions of Key Viewing Areas from which they are visible;
- 5e. the degree to which potentially visible mining surfaces are screened from Key Viewing Areas by existing vegetation, including winter screening and considerations;
- 6f. ~~t~~The degree to which potentially visible mining surfaces would be screened by new plantings, berms, etc., and approximate time frames to achieve such results, including winter screening considerations.

Comment [WS2]: Exactly matches management plan, reordered, numbered. Previous update left section out.

3. An interim time period to achieve compliance with visual subordination requirements in the GMA, for expansion of existing quarries and development of new quarries located more than three miles from the nearest visible Key Viewing Area shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed three years beyond the date of approval.
4. New production and/or development of mineral resources on sites less than 3 miles from the nearest Key Viewing Area may be allowed upon a demonstration that the area to be mined and the area used for primary processing, equipment storage, stockpiling, etc., associated with the use would be fully screened from any Key Viewing Area as described in 5 below. The applicant shall also meet the requirements of B(2) above.
5. An interim time period to achieve compliance with full screening requirements for new quarries located less than three miles from the nearest visible Key Viewing Area shall be established prior

Section 14.500 Cultural Resources (GMA Only)

A. Purpose:

1. Protect and enhance cultural resources.
2. Ensure that proposed development and uses do not have an adverse effect on significant cultural resources.

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

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

a. Each proposed use or element of a proposed use within an application shall be evaluated independently to determine whether a reconnaissance survey is required; for example, an application that proposes a land division and a new dwelling would require a reconnaissance survey if a survey would be required for the dwelling.

Comment [WS3]: Was included in original submittal, left out of previous strikes and underlines copy, but discussed in presentation.

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

- (1) The modification, expansion, replacement, or reconstruction of existing buildings and structures.
- (2) Proposed uses that would not disturb the ground, including:
 - (a) land divisions and lot-line adjustments/replats;
 - (b) storage sheds that do not require a foundation;
 - (c) low-intensity recreation uses, such as fishing, hunting, and hiking;
 - (d) installation of surface chemical toilets;
 - (e) hand treatment of brush within established rights-of-way; and
 - (f) new uses of existing structures.
- (3) Proposed uses that involve minor ground disturbance, as defined by depth and extent, including:
 - (a) repair and maintenance of lawfully constructed and serviceable structures;
 - (b) home gardens;

- (c) live-stock grazing;
- (d) cultivation that employs minimum tillage techniques, such as replanting pastures using a grassland drill;
- (e) construction of fences;
- (f) new utility poles that are installed using an auger, post-hole digger, or similar implement; and
- (g) placement of mobile homes where septic systems and underground facilities are not involved.

The Gorge Commission will review all land use applications and determine if proposed uses would have a minor ground disturbance.

- (4) Proposed uses that occur on sites that have been disturbed by human activities, provided the proposed uses do not exceed depth and extent of existing ground disturbance.
 - (a) To qualify for this exception, a project applicant must demonstrate that land disturbing activities occurred in the project area.
 - (b) Land disturbing activities include grading and cultivation.
- (5) Proposed uses that would occur on sites that have been adequately surveyed in the past.
 - (a) The project applicant must demonstrate that the project area has been adequately surveyed to qualify for this exception.
 - (b) Past surveys must have been conducted by a qualified professional and must include a surface survey and subsurface testing.
 - (c) The nature and extent of any cultural resources in the project area must be adequately documented.
- (6) Proposed uses occurring in areas that have a low probability of containing cultural resources, except:
 - (a) residential development that involves two or more new dwellings for the same project applicant;
 - (b) recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and

environmental education facilities;

- (c) public transportation facilities that are outside improved rights-of-way;
- (d) electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and
- (e) communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

Areas that have a low probability of containing cultural resources will be identified using the results of reconnaissance surveys conducted by the Gorge Commission, the U.S. Forest Service, public agencies, and private archaeologists.

cb. A reconnaissance survey shall be required for all proposed uses within 500 feet of a known cultural resource, including those listed above in (a)(1) through (6). The location of known cultural resources are shown in the cultural resource inventory.

d. The Gorge Commission may choose to conduct a reconnaissance survey for proposed uses listed in the exceptions if, in its professional judgement, a reconnaissance survey may be necessary to ensure protection of cultural resources.

2. A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or compromise features of the surrounding area that are important in defining the historic or architectural character of the buildings or structures that are 50 years old or older.
3. The Gorge Commission will conduct and pay for all reconnaissance and historic surveys for small-scale uses in the General Management Area.
 - a. When archaeological resources or traditional cultural properties are discovered, the Gorge Commission also will identify the approximate boundaries of the resource or property and delineate a reasonable buffer zone.
 - b. Reconnaissance surveys and buffer zone delineations for large-scale uses shall be the responsibility of the project applicant.
 - c. The Gorge Commission will conduct and pay for evaluations of significance and mitigation plans for cultural resources that are discovered during construction, subsection G, for small and large-scale uses in the General Management Area.
 - d. For this Ordinance, large-scale uses include development involving:
 - (1) two or more new residential dwellings;

- (2) Published guidelines regarding the protection and management of the affected wildlife species. Examples include: the Oregon Department of Forestry has prepared technical papers that include management guidelines for osprey and great blue heron; the Washington Department of Wildlife has prepared similar guidelines for a variety of species, including the western pond turtle, the peregrine falcon, and the Larch Mountain salamander (Rodrick and Milner 1991).
- (3) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.
- (4) Historic, current, and proposed uses in the vicinity of the sensitive wildlife area or site.
- (5) Existing condition of the wildlife area or site and the surrounding habitat and the useful life of the area or site.
- d. The wildlife protection process may terminate if the County, in consultation with the state wildlife agency, determines:
 - (1) The sensitive wildlife area or site is not active, or
 - (2) The proposed use would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance.
- e. If the County, in consultation with the State wildlife agency, determines that the proposed use would have only minor effects on the wildlife area or site that could be eliminated through mitigation measures recommended by the state wildlife biologist, or by simply modifying the site plan or regulating the timing of new uses:
 - (1) A letter shall be sent to the project applicant that describes the effects and measures needed to eliminate them.
 - (2) If the project applicant accepts these recommendations, the County will incorporate them into its development review order, and
 - (3) The wildlife protection process may conclude.
- f. If the County, in consultation, with Oregon Department of Fish and Wildlife, determines that the proposed use would adversely affect a sensitive wildlife area or site and the effects of the proposed use cannot be eliminated through site plan modifications or project timing, the project applicant shall prepare a wildlife management plan as specified in 5, Wildlife Management Plans.
- g. The County shall submit a copy of all field surveys and wildlife management plans to

Comment [WS4]: Added WA info back in as it was intended as an example of where to find info on species protection.

Oregon Department of Fish and Wildlife.

- (1) The state wildlife agency will have 20 days from the date that a field survey or management plan is mailed to submit written comments to the County Planning Office.
- (2) The county shall record and address any written comments submitted by the state wildlife agency in its development review order.
- (3) Based on the comments from the state wildlife agency, the County will make a final decision on whether the proposed use would be consistent with the wildlife policies and guidelines.

If the final decision contradicts the comments submitted by the state wildlife agency, the County shall justify how it reached an opposing conclusion.

- h. The County shall require the project applicant to revise the wildlife management plan to ensure that the proposed use would not adversely affect a sensitive wildlife area or site.
- i. Proposed uses within 1,000 feet of a sensitive wildlife area or site shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

Comment [WSS]: Matching MR: I-3-41

5. Site Plans and Field Surveys

- a. In addition to the information required for all site plans, site plans for uses within 1,000 feet of a sensitive wildlife area or site shall include a map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.
- b. A field survey to identify sensitive wildlife areas or sites shall be required for:
 - (1) Land divisions that create four or more parcels;
 - (2) Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;
 - (3) Public transportation facilities that are outside improved rights-of-way;
 - (4) Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and
 - (5) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances and other project related activities, except when all of their impacts will occur inside previously disturbed

- e. If a proposed use must be allowed within a sensitive plant buffer zone in accordance with Chapter 6, Variances the project applicant shall prepare a protection and rehabilitation plan that complies with the standards in (7) below, Protection and Rehabilitation Plans.
- f. The County shall submit a copy of all field surveys and protection and rehabilitation plans to the Oregon Natural Heritage Program.
 - (1) The state heritage program will have 20 days from the date that a field survey is mailed to submit written comments to the County.
 - (2) The County shall record and address any written comments submitted by the state heritage program in its development review order.
- g. Based on the comments from the State Heritage Program, the County will make a final decision on whether the proposed use would be consistent with the rare plant policies and guidelines. If the final decision contradicts the comments submitted by the state heritage program, the County shall justify how it reached an opposing conclusion.
- h4. Proposed uses within 1,000 feet of a sensitive plant shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

Comment [WS6]: Matching NR, I-3-41

5. Site Plans and Field Surveys

- a. In addition to the information required in all site plans, site plans for uses within 1,000 feet of a sensitive plant shall include a map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.
- b. A field survey to identify sensitive plants shall be required for:
 - (1) land divisions that create four or more parcels;
 - (2) recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;
 - (3) Public transportation facilities that are outside improved rights-of-way;
 - (4) electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and
 - (5) communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment and appurtenances and other project related activities, except when all of their impacts will occur inside previously disturbed road, railroad or utility corridors, or existing developed utility sites, that are maintained annually.

demonstrate that the water system has adequate capacity to meet the facility's emergency fire suppression needs without adversely affecting the remainder of the water system with respect to fire suppression capabilities.

- (2) To provide access for fire-fighting equipment, access drives shall be constructed to a minimum of 12 feet in width and a maximum grade of 12 percent. Access drives shall be maintained to a level that is passable to fire-fighting equipment.
- D. For proposed trail or trailhead projects: compliance with applicable trail policies in the Management Plan.
- E. For proposed projects providing boating or windsurfing access to the Columbia River or its tributaries: compliance with applicable "River Access and Protection of Treaty Rights" objectives in the [Management Plan](#).
- F. For proposed projects on public lands or proposed projects providing access to the Columbia River or its tributaries shall comply with guidelines for protection of tribal treaty rights, as defined in [Sections 14.800](#) and [14.810](#), Indian Tribal Treaty Rights and Consultation.
- G. Proposed projects which include interpretation of natural or cultural resources shall demonstrate that the interpretive facilities will not adversely affect natural or cultural resources and that appropriate and necessary resource protection measures shall be employed.
- H. For proposed Recreation Intensity Class 4 projects (except for projects predominantly devoted to boat access), demonstration that the project accommodates provision of mass transportation access to the site. The number and size of the mass transportation facilities shall reflect the physical capacity of the site. This requirement may be waived upon a demonstration that providing such facilities would result in overuse of the site, either degrading the quality of the recreation experience or adversely affecting other resources at the site.

Comment [WS7]: Format matching MP.

Facility Design Standards for All Recreation Projects

- 1. Recreation facilities which are not resource-based in nature may be included at sites providing resource-based recreation uses consistent with the standards and criteria contained herein, as long as such facilities comprise no more than one-third of the total land area dedicated to recreation uses and/or facilities. Required landscaped buffers may be included in calculations of total land area dedicated to recreation uses and/or facilities.
- 2. The facility design standards contained herein are intended to apply to individual recreation facilities. For the purposes of these standards, a recreation facility is considered a cluster or grouping of recreational developments or improvements located in relatively close proximity to one another.

To be considered a separate facility from other developments or improvements within the same Recreation Intensity Class, recreation developments or improvements must be separated by at

ATTACHMENT A – PLANNING COMMISSION RECOMMENDATION

The full Planning Commission recommendation (Staff Report) with all proposed findings of fact and conclusions of law is enclosed as **Attachment B** and was made available at the Wasco County Planning Department and Board of Commissioners Office for review one week prior to the April 4, 2018, 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 the Planning Commission's review and recommendation made March 6, 2018.

PLANNING COMMISSION RECOMMENDATION:

REQUEST: Amend the Wasco County National Scenic Area Land Use and Development Ordinance (WC NSA LUDO)

1. Add the definition of "Adversely Affect" from the Management Plan into the WC NSA LUDO.
2. Adopt SMA language into the GMA sections of the WC NSA LUDO ensuring no adverse cumulative effects for natural resources.
3. Adopt new language into the WC NSA LUDO from the Management Plan regarding requiring a reconnaissance survey if any element of any land use application requires a reconnaissance survey.
4. Correct grammatical, formatting and spelling errors within the WC NSA LUDO.

Recommendation: Upheld the recommendation of the Director, and **recommend** approval of the WC NSA LUDO amendments to the Wasco County Board of County Commissioners and the Gorge Commission, with the findings in Planning Commission report PLALEG-17-10-0001 and the additional edit suggested by the Planning Commission to change "County Court" to "County Board of Commissioners".

BOARD OPTIONS

Continue:

- Based on testimony and evidence presented at the hearing, continue the hearing if necessary. Note: additional testimony may provide specific reasons to approve or deny.

Approval:

- Based upon all of the findings of fact, the Board may approve the request as recommended by the Planning Commission; or
- Based upon amended findings of fact, the Board may approve the request with amendments.

Denial:

- Based upon amended findings of fact, the Board may deny the request.



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 DEPARTMENT'S REQUEST TO APPROVE THE REVISED PROPOSED LEGISLATIVE AMENDMENTS TO UPDATE THE WASCO COUNTY NATIONAL SCENIC AREA LAND USE AND DEVELOPMENT ORDINANCE TO CREATE CONSISTENCY WITH UPDATES TO THE MANAGEMENT PLAN OF THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA AND MAKE OTHER AMENDMENTS APPROPRIATE FOR WASCO COUNTY (FILE NUMBER PLALEG-17-10-0001)

ORDINANCE #18-001

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 Columbia River Gorge Commission adopted revisions to the Management Plan for the Columbia River Gorge National Scenic Area on February 9, 2016 and the Wasco County National Scenic Area Land Use and Development Ordinance is required to be consistent with the Management Plan for the Columbia River Gorge National Scenic Area. The Wasco County Planning Department therefore requested to initiate a legislative text amendment to the Wasco County National Scenic Area Land Use and Development Ordinance to create consistency with the Management Plan for the Columbia River Gorge National Scenic Area and make other amendments appropriate for Wasco County;

WHEREAS, The Wasco County Planning Department was directed by the Executive Director of the Columbia River Gorge Commission on July 20, 2017 in accordance with Sections 7(b) and 8(h) of the National Scenic Area Act and pursuant to Section 9.020(A) of the Wasco County Land Use & Development Ordinance to initiate a legislative text amendment to the Wasco County National Scenic Area Land Use and Development Ordinance to create consistency with the Management Plan for the Columbia River Gorge National Scenic Area and make other amendments appropriate for Wasco County; and

WHEREAS, That on September 15, 2017 the Wasco County Planning Department sent notification to all property owners in the unincorporated portion of Wasco County within the National Scenic Area of the Planning Commission hearing scheduled for October 19, 2017; and

WHEREAS, That on October 19, 2017, the Wasco County Planning Commission met to conduct a legally notified public hearing on the above matter. The Commission reviewed the record, heard the Staff recommendation and all relevant testimony from parties, deliberated and voted unanimously to elevate the request for a legislative amendment to the Wasco County National Scenic Area Land Use and Development Ordinance with a

ORDINANCE 18-001: Wasco County National Scenic Area Land Use and Development Ordinance

recommendation of approval to the Wasco County Board of County Commissioners with additional amendments; and

WHEREAS, That on December 6, 2017 at the hour of 10:55 a.m. in the Wasco County Courtroom, Room 302, of the Wasco County Courthouse, the Wasco County Board of County 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 meeting was continued to December 20, 2017 pursuant to Chapter 9 timeline requirements of legislative text amendments to the ordinance; and

WHEREAS, That on December 20, 2017 at the hour of 9:30 a.m. in the Wasco County Courtroom, Room 302, of the Wasco County Courthouse, the Wasco County Board of County Commissioners met to conduct the second of two legally notified public hearings on the above matter. The Board of County Commissioners again reviewed the ordinance updates, deliberated on this matter, and on a vote of 3-0 approved the recommendation by the Wasco County Planning Commission on the above matter and as laid out in the staff report and amended zoning ordinances; and

WHEREAS, That on February 5, 2018 the Wasco County Planning Department was informed of inconsistencies between the revised document and the Management Plan for the Columbia River Gorge National Scenic Area requiring a revisiting of the legislative text amendment to the Wasco County National Scenic Area Land Use and Development Ordinance to create consistency with the Management Plan for the Columbia River Gorge National Scenic Area and make other amendments appropriate for Wasco County; and

WHEREAS, That on February 13, 2018 the Wasco County Planning Department sent notification to all property owners in the unincorporated portion of Wasco County within the National Scenic Area of the Planning Commission hearing scheduled for March 6, 2018; and

WHEREAS, That on March 6, 2018, the Wasco County Planning Commission met to conduct a legally notified public hearing on the above matter. The Commission reviewed the record, heard the Staff recommendation and all relevant testimony from parties, deliberated and voted unanimously to elevate the request for a legislative amendment to the Wasco County National Scenic Area Land Use and Development Ordinance with a recommendation of approval to the Wasco County Board of County Commissioners with additional amendments; and

WHEREAS, That on April 4, 2018 at the hour of 9:30 a.m. in the Wasco County Courtroom, Room 302, of the Wasco County Courthouse, the Wasco County Board of County 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 meeting was continued to December 20, 2017 pursuant to Chapter 9 timeline requirements of legislative text amendments to the ordinance; and

WHEREAS, That on April 18, 2018 at the hour of 9:30 a.m. in the Wasco County Courtroom, Room 302, of the Wasco County Courthouse, the Wasco County Board of County Commissioners met to conduct the second of two

legally notified public hearings on the above matter. The Board of County Commissioners again reviewed the ordinance updates and deliberated on this matter. On a vote of 3-0 they approved the recommendation by the Wasco County Planning Commission on the above matter and as laid out in the staff report and amended zoning ordinances; and

NOW THEREFORE IT IS HEREBY ORDERED: That the request by the Wasco County Planning Department for a legislative text amendment to the National Scenic Area Land Use and Development Ordinance to create consistency with the Management Plan for the Columbia River Gorge National Scenic Area and make other amendments appropriate for Wasco County is hereby approved; and

WHEREAS, Pursuant to Section 9.090 of the Wasco County National Scenic Area Land Use and Development Ordinance and Sections 7(b) and 8(h) of the National Scenic Area Act, all General Management Plan Ordinance amendments shall require review and approval by the Gorge Commission before they can be implemented and all Special Management Area Ordinance amendments require concurrence by the US Secretary of Agriculture before they can be implemented. The Board of County Commissioners approved amendments are hereby transmitted to the Gorge Commission for their review of the General Management Area Ordinance amendments and the US Secretary of Agriculture’s review of the Special Management Area Ordinance amendments. If the General Management Area Ordinance amendments are approved by the Gorge Commission and the Special Management Area Ordinance amendments are concurred with by the US Secretary of Agriculture, the amendments will become effective on the date of concurrence by the US Secretary of Agriculture if later than the date of approval of the Gorge Commission.

DATED this 18th day of April, 2018.

APPROVED AS TO FORM:

Kristen Campbell, County Counsel

WASCO COUNTY BOARD OF COMMISSIONERS:

Rod L. Runyon, Commission Chair

Steve D. Kramer, County Commissioner

Scott C. Hege, County Commissioner

NATIONAL SCENIC AREA

LAND USE AND DEVELOPMENT

ORDINANCE

(NSA-LUDO)

for

Wasco County

Oregon

NATIONAL SCENIC AREA

LAND USE AND DEVELOPMENT ORDINANCE

ADOPTED

May 1994

EFFECTIVE

July 1994

GMA -3 October 2005 SMA - 10 January 2006

9 December 2006

25 July 2007

18 May 2010

19 August 2010

XX XXXX 2018

Prepared by the

WASCO COUNTY PLANNING & DEVELOPMENT OFFICE

SUMMARY TABLE OF CONTENTS

<u>CHAPTER</u>		<u>PAGE</u>
1	<u>INTRODUCTORY PROVISIONS</u>	1-1
2	<u>DEVELOPMENT APPROVAL PROCEDURES</u>	2-1
3	<u>BASIC PROVISIONS</u>	3-1
4	<u>SUPPLEMENTAL PROVISIONS</u>	4-1
5	<u>CONDITIONAL USE REVIEW</u>	5-1
6	<u>VARIANCES FROM BUILDING HEIGHTS, SLOPE, SETBACKS AND BUFFERS</u>	6-1
7	<u>RESERVED FOR EXPANSION</u>	7-1
8	<u>TEMPORARY USE PERMIT</u>	8-1
9	<u>ZONE CHANGE, ORDINANCE AMENDMENT AND REVISION OF URBAN AREA BOUNDARIES</u>	9-1
10	<u>RESOURCE ENHANCMENT PROJECTS, DISPOSAL SITES, AND MINERAL AND AGGREGATE REVIEW</u>	10-1
11	<u>FIRE SAFETY STANDARDS</u>	11-1
12	<u>RESERVED FOR EXPANSION</u>	12-1
13	<u>NONCONFORMING USES, BUILDINGS AND LOTS & CONSOLIDATION OF UNDEVELOPED SUBDIVISIONS AND LEGAL PARCELS</u>	13-1
14	<u>SCENIC AREA REVIEW</u>	14-1
15	<u>ADMINISTRATION AND ENFORCEMENT</u>	15-1
16	<u>EMERGENCY/DISASTER RESPONSE ACTIONS</u>	16-1
17	<u>RECREATIONAL VEHICLE PARKS</u>	17-1
18	<u>CLUSTER DEVELOPMENT</u>	18-1
19	<u>STANDARDS FOR A NON-COMMERCIAL WIND ENERGY CONVERSION SYSTEM ACCESSORY TO PERMITTED USES</u>	19-1
20	<u>HOME OCCUPATIONS AND COTTAGE INDUSTRIES, BED AND BREAKFAST INNS, COMMERCIAL EVENTS AND SPECIAL USES IN HISTORIC BUILDINGS</u>	20-1
21	<u>LAND DIVISIONS</u>	21-1
22	<u>RESERVED FOR EXPANSION</u>	22-1
23	<u>SIGN PROVISIONS</u>	23-1

DETAILED TABLE OF CONTENTS

CHAPTER 1 INTRODUCTORY PROVISIONS

<u>SECTION</u>		<u>PAGE</u>
1.010	<u>AUTHORITY</u>	1-1
1.020	<u>TITLE</u>	1-1
1.030	<u>PURPOSE</u>	1-1
1.040	<u>SEVERABILITY</u>	1-1
1.050	<u>REPEAL</u>	1-1
1.060	<u>EFFECTIVE DATE</u>	1-1
1.070	<u>INTERPRETATION AND SCOPE</u>	1-2
1.080	<u>COMPLIANCE REQUIRED</u>	1-2
1.090	<u>SPECIAL RULE (SMA Only)</u>	1-3
1.100	<u>EDITORIAL REVISION</u>	1-3
1.200	<u>DEFINITIONS</u>	1-4

CHAPTER 1 INTRODUCTORY PROVISIONS

SECTION 1.010 Authority

This Ordinance is enacted pursuant to the provisions of Oregon Revised Statutes Chapters [92](#), [197](#), [203](#), and [215](#), and [Public Law 99-663](#), Section 7.

SECTION 1.020 Title

This Ordinance shall be known as the National Scenic Area Land Use and Development Ordinance for Wasco County.

SECTION 1.030 Purpose

The purposes of this Ordinance are: To promote public health, safety, convenience, and general welfare; to reduce congestion upon the streets and highways; to prevent excessive population density and the overcrowding of land; to provide for adequate air and light; to conserve natural resources and encourage the orderly growth of the County; to promote safety from fire and natural disaster; to assist in rendering adequate police and fire protection; to facilitate adequate and economic provision for public improvements, for recreation areas, and for public utilities and services; to conserve, stabilize, and protect property values; and to encourage the most appropriate use of land, all in accordance with the Comprehensive Plan for Wasco County and the Management Plan for the Columbia River Gorge National Scenic Area.

SECTION 1.040 Severability

The provisions of this Ordinance are severable. If any section, sentence, clause, or phrase of this Ordinance is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of this Ordinance. The Director, the Director's designee or other Approving Authority shall not approve a development or use of land that has been previously divided or otherwise developed in violation of this Ordinance, regardless of whether the applicant or created the violation, unless the violation can be rectified as part of the development proposal.

SECTION 1.050 Repeal

The following ordinances, together with all amendments thereto are hereby repealed:

"Wasco County Zoning Ordinance", adopted February 3, 1982.

"Wasco County Subdivision and Land Development Ordinance", adopted February 3, 1982. "Wasco County Mobile Home and Recreational Vehicle Park Ordinance".

"Wasco County Land Use and Development Ordinance adopted June 1985, amended July 19, 1989" only for that portion of Wasco County within the Columbia River Gorge National Scenic Area as depicted on the map entitled "Boundary Map, Columbia River Gorge National Scenic Area", numbered NSA-001, sheet 1 and 2, and dated September 1986.

"Wasco County National Scenic Area Land Use and Development Ordinance", adopted May 1994, Revised July 1994.

SECTION 1.060 Effective Date

This Ordinance shall become effective when the final draft, approved by the Gorge Commission and the Secretary of Agriculture, is reviewed and approved by the Wasco County Board of Commissioners and filed with the Wasco County Clerk. Amendments hereto, unless otherwise specified, shall become effective when filed with the County Clerk.

SECTION 1.070 Interpretation and Scope

Interpretation: The provisions of this Ordinance shall be liberally construed to effect the purpose. These provisions are declared to be the minimum requirements to fulfill objectives. When conditions herein imposed are less restrictive than comparative provisions imposed by any other provision of this Ordinance by resolution of State Law or State Administration regulations, or Management Plan Guidelines, then the more restrictive shall govern.

Scope: This Ordinance is enacted to regulate and restrict the location and use of buildings, structures, and land for residence, trade, industry, and other land use activities; to regulate and limit the height, number of stories, and size of buildings and other structures hereafter erected or altered; to regulate and limit the density of population and to divide Wasco County into districts or zones of such number, shape and area as may be deemed best to carry out these regulations and to provide for the enforcement of these regulations.

SECTION 1.080 Compliance Required

No structure or premises in the Columbia River Gorge National Scenic Area portion of Wasco County shall hereafter be used or occupied and no part or structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this Ordinance.

- A. This Ordinance shall protect treaty and other rights of Indian tribes. Nothing in this Ordinance may interfere with the exercise of those rights.
- B. Lands held in trust by the Secretary of the Interior for Indian tribes or for individual members of Indian tribes, and lands acquired by the U.S. Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes or of individual members of Indian tribes, shall be exempt from regulation under the Management Plan or this Ordinance. This exemption shall extend to lands selected by the U.S. Army Corps of Engineers as "in lieu" fishing sites pursuant to Public Law 11-581 before or after the effective date of the Management Plan. For those "in lieu" sites chosen after the effective date of the Management Plan, the exemption shall commence upon selection by the U.S. Army Corps of Engineers.
- C. Rights to surface or ground water shall be exempt from regulation under the Management Plan or this Ordinance.
- D. Water transportation activities, including those facilities necessary for navigation, on the Columbia River or its tributaries shall be exempt from regulation under the Management Plan or this Ordinance.
- E. The operation, maintenance, and modification of existing transmission facilities of the Bonneville Power Administration shall be exempt from regulation under the Management Plan or this Ordinance.
- F. Neither the Management Plan nor this Ordinance may affect laws, rules or regulations pertaining to hunting or fishing.

- G. This Ordinance shall not establish any buffer zone or protective perimeters outside the boundaries of the Scenic Area.
- H. The operation, maintenance, and improvement of navigation facilities at Bonneville Dam pursuant to federal law, except for the off-site disposal of excavation material, shall be exempt from regulation under the Management Plan or this Ordinance.
- I. In the GMA, the rights and responsibilities of non-federal timber landowners under the Forest Practices Acts of Oregon, shall be exempt from regulation under the Management Plan or this Ordinance.

SECTION 1.090 Special Rule (SMA Only)

Parcels in the SMA with a GMA designation result from the Section 8(o) process whereby the Forest Service designated properties as either GMA Forest Land or GMA Agriculture Land guidelines or designation.

SECTION 1.100 Editorial Revision

Editorial revision will be in compliance with the following procedures. The District Attorney may at any time direct such changes regarding currently maintained copies of this Ordinance and amendments as the Legislative Council is authorized to perform regarding acts of the Legislature, pursuant to [Oregon Revised Statute 173.160](#), provided that such editorial revisions be directed by written memorandum filed with the County Clerk and with the Planning Department, but subject to disapproval by the Planning Commission at next regular meeting thereafter. Editorial revisions shall become effective, unless disapproved by the Planning Commission, on the first regular meeting of the Planning Commission after the directing memorandum is filed with the County Clerk. All such revisions must be submitted to the Gorge Commission and Forest Service for approval prior to becoming effective.

SECTION 1.200 Definitions

For the purpose of this Ordinance, certain words and terms are defined as follows: Words used in the present tense include the future; words in the singular number include the plural, and words in the plural include the singular.

Abandoned WECS - A WECS that does not generate energy during a period of twelve (12) consecutive months for reasons other than lack of wind, lack of demand for the electricity produced, repair, or modernization.

Accepted Agricultural Practice - A mode of operation that is common to farms or ranches of similar nature, necessary for the operation of such farms or ranches to obtain a profit in money and customarily utilized in conjunction with agricultural use.

Access - A way or means of approach to provide pedestrian, bicycle, and/or motor vehicular entrances or exits to a property. Includes driveways and private accesses.

Access easement - An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public or private road to a parcel across intervening property under separate ownership from the parcel being provided access. See Private Easement Road.

Accessory structure/building - A structure or detached building whose use is incidental and subordinate to that of the main use of the property, and that is located on the same parcel as the main building or use. The term “detached” means that the main building and accessory building do not share a common wall. An accessory building connected to the main building by a breezeway is a detached building.

Accessory Use - A use customarily incidental and subordinate to the primary use and located on the same legal parcel.

Active Wildlife Site - A wildlife site that has been used within the past 5 years by a sensitive wildlife species.

Addition - An extension or increase in the area or height of an existing building.

Adversely affect or Adversely affecting – A reasonable likelihood of more than moderate adverse consequences for the scenic, cultural, recreation or natural resources of the scenic area, the determination of which is based on-

- (1) The context of a proposed action;
- (2) The intensity of a proposed action, including the magnitude and duration of an impact and the likelihood of its occurrence;
- (3) The relationship between a proposed action and other similar actions which are individually insignificant but which may have cumulatively significant impacts; and
- (4) Proven mitigation measures which the proponent of an action will implement as part of the proposal to reduce otherwise significant effects to an insignificant level.

Agency Official - The federal, state, or local agency head or designee who has authority over a proposed project.

Agricultural Land - Means lands classified by the US Natural Resource Conservation Service as predominantly Class I-VI in Eastern Oregon; land in other soil classes that is suitable for farm use as defined in [ORS 215.203](#) taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices; land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands; and land in capability classes other than I - VI that is adjacent to or intermingled with lands in capability classes I - VI within a farm unit shall be inventoried as agricultural lands even though this land may not be cropped or grazed. Agricultural land does not include land within acknowledged urban growth boundaries or land within acknowledged exception areas for Goal 3 or 4.

Agricultural Purposes - The predominant and gainful use of land for the following purposes: the growing of hay, grain, seed, row crops, horticultural crops, livestock, poultry and produce.

Agricultural specialist (SMA) - A person such as a county extension agent with a demonstrated knowledge of farming operations, and a demonstrated ability to interpret and recommend methods to implement regulations pertaining to agriculture. Such abilities are usually obtained through a combination of higher education and experience.

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

Agricultural Use - The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling of crops or by the feeding, breeding, management and sale of, or production of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use, or animal husbandry or any combination thereof, including Christmas trees, as defined by [ORS 215.203\(3\)](#). Current employment of land for agricultural use includes:

- a. The operation or use of farmland subject to any agriculture-related government program;
- b. Land lying fallow for 1 year as a normal and regular requirement of good agricultural husbandry;
- c. Land planted in orchards or other perennial prior to maturity; and
- d. Land under buildings supporting accepted agricultural practices. Current employment does not include livestock feed lots.

Agricultural use does not include livestock feedlots.

Air – The mixture of gases comprising the Earth’s atmosphere.

All Weather Road - A road that has, depending upon design criteria, a six [to eight] or more inches of gravel base, smooth surface, that a two wheel drive vehicle can use all year round. Confirmation of "all weather" to

be made by the Wasco County Public Works Department.

Alley - A secondary means of access to abutting property, if dedicated as a public way.

Altered - A change, addition, or modification in structure; where the term "altered" is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one trade or use to another, or from one division or use to another.

Anadromous fish - Species of fish that migrate upstream to freshwater after spending part of their life in the ocean (saltwater).

Anaerobic - A condition in which molecular oxygen is absent (or effectively so) from the environment.

Apartment - A building or portion thereof designed for residential use and containing three or more dwelling units.

Apartment House - Three or more household units with walls or ceilings common to another unit.

Approach Road – That portion of any access, driveway or other facility that immediately abuts upon a public or county road and provides ingress to or egress from said public or county road.

Approving Authority - The County Governing Body or the body designated by the County Governing Body to administer all or part of this ordinance.

Arterial Road or Street - A road or street used primarily to carry high levels of regional vehicular traffic at high speeds; connects the collector road system to freeways; provides connection to other cities and communities; serves major traffic movements; access control may be provided through medians and/or channelization. The typical average daily traffic exceeds 2,000.

Aquaculture - The cultivation, maintenance and harvesting of aquatic species.

Aquatic area - The water area of a stream, pond, or lake measured at the ordinary high water mark.

Archaeological resources - See cultural resource.

Archival research - Research in primary documents that is likely to yield information regarding human occupation of the area in question, including but not limited to deed, census, cartographic, and judicial records.

Automobile and Trailer Sales Area - An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers and where no repair work is done except minor incidental repair of motor vehicles or trailers to be displayed, sold or rented on the premises.

Automobile Repair Garage - A building or portion thereof used for the care and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire or sale.

Automobile Service Station - Any premises used for supplying gasoline, oil, minor accessories, and services, excluding body and fender repair for automobiles at retail direct to the customer.

Automobile Wrecking Yard - Any property where more than two vehicles, including Recreational Vehicles not licensed or operable, or parts thereof, are: wrecked, dismantled, disassembled, or substantially altered and are stored in the open and are not being restored to operation; or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof for a period exceeding three (3) months in any non-consecutive 12 month period.

Awning - An awning is defined as any accessory shade structure supported by posts or columns and partially supported by a mobile home.

Basement - A portion of a building, partly underground, which is less than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground, and not deemed a story unless the ceiling is six (6) feet or more above the ground.

Batch Plant, Concrete or Asphalt - Means the storage, preparation, and manufacturing of concrete or asphalt including customary equipment and accessory buildings. Also called Redi-Mix plant.

Bed and Breakfast Inn - A single-family dwelling where lodging and a morning meal for guests only are offered for compensation, having no more than five (5) sleeping rooms for this purpose. Rooms shall be rented on a daily basis. An establishment where more than one (1) meal per day is offered shall not be deemed a bed and breakfast inn. An establishment with more than five (5) sleeping rooms shall be deemed a hotel. Bed and breakfast inns are clearly incidental to the use of a structure as a single-family dwelling and are owner occupied and operated. Bed and breakfast inns operate as transient accommodations, not as rooming or boarding houses.

Best management practices - Conservation techniques and management measures that:

- a. control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment; and
- b. minimize adverse affects to groundwater and surface-water flow and circulation patterns; and
- c. maintain the chemical, biological, and physical characteristics of wetlands, ponds, streams, and riparian areas.

Bikeway - Any road, path, or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes.

Bike Lane - A defined portion of the roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

Bio-diversity (SMA) - A diversity of biological organisms at the genetic, species, ecosystem, and landscape levels.

Blade - An element of a WECS rotor which forms an aerodynamic surface or surfaces to convert movement of air into mechanical energy or torque.

Block - An area of land within a subdivision which area may be entirely bounded by streets, highways or ways (except alleys), and the exterior boundary or boundaries of the subdivision.

Boarding House - A building or premise where meals and lodging are offered for compensation for three (3) or more persons but not more than nine (9) persons; and having no more than five (5) sleeping rooms for this purpose. An establishment where meals are served for compensation for more than nine (9) persons shall be deemed a restaurant. An establishment with more than five (5) sleeping rooms shall be deemed a hotel.

Boat Landing - Cleared area or developed structure used to facilitate launching or retrieving watercraft.

Buffer Zone - An area adjacent to a wetland, stream, pond, or other sensitive area that is established and managed to protect sensitive natural resources from human disturbance. In instances that involve a wetland, stream, or pond, the buffer zone includes all or a portion of the riparian area.

Building - Any structure used or intended for supporting or sheltering any use or occupancy. Buildings have a roof supported by columns or walls. They include, but are not limited to, dwellings, garages, barns, sheds and shop buildings.

Building Line - A line on a plat indicating the limit beyond which buildings or structures may not be erected.

Business - Employment of one or more persons for the purpose of earning a livelihood or a profit in money.

Cabana - A room enclosure erected or constructed adjacent to a mobile home for use as an addition to a mobile home.

Camp, Campground, Tourist, or Trailer Park - Any area or tract of land used or designed to accommodate two or more camping outfits, including cabins.

Campsite - Single camping unit, usually consisting of a cleared, level area for a tent, and may include a parking spur, fire ring, table and other amenities.

Canopy closure (SMA) - For forest practices, the percentage measuring the degree to which one layer of a tree canopy blocks sunlight or obscures the sky as measured from below.

Capability - The ability of land to produce forest or agricultural products due to characteristics of the land itself, such as soil, slope, exposure or other natural factors.

Carport - A covered shelter for an automobile open on two or more sides. A carport may be freestanding or partially supported by a dwelling unit or mobile home.

Cascadian Architecture - Architectural style using native rock work, large timber and steeply pitched roofs in a rustic manner.

Catastrophic Situations (SMA) - Forces such as fire, insect and disease infestations and earth movements.

Cellar - A story having more than one-half of its height below the average level of the adjoining ground and which has less than six (6) feet of its height above the average level of the adjoining ground.

Cemetery - Land dedicated for burial purposes, including mortuary, crematory, mausoleum, and columbarium, when operated within the boundary of the cemetery.

Child Care Center - A facility providing day care to three or more children, but not including:

- a. The provision of care that is primarily educational unless provided to a preschool child for more than 4 hours a day;
- b. The provision of care that is primarily supervised training in a specific subject, including but not limited to dancing, gymnastics, drama, music or religion;
- c. Provision of short term care associated with group or social activities.
- d. The provision of day care in the provider's home in the family living quarters for less than 13 children.

Church - A building, together with its accessory buildings and uses, where persons regularly assemble for public worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Class I Stream - Waters which are valuable for domestic use, are important for angling or other recreation, and/or used by significant numbers of fish for spawning, rearing, or migration routes as designated by the Oregon Department of Forestry. Stream flows may be perennial or intermittent.

Class II Stream - Any headwater streams or minor drainages that generally have limited or no direct value for angling or other recreation as designated by the Oregon Department of Forestry. They are used by only a few, if any, fish for spawning or rearing. Their principal value is their influence on water quality or quantity downstream in Class I waters. Stream flow may be perennial or intermittent.

Clinic - Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths, and other members of the healing arts, including a pharmacy in any such building.

Club or Lodge - A building and facilities owned and operated for a social or recreational purpose, to which membership is required for participation, but is not operated primarily for profit or to render a service which is customarily carried on as a business. A club does not include a public rehabilitation facility of any kind.

Collector Road or Street (Major) - A road used primarily to serve traffic between neighborhoods and community facilities; principal carrier between arterials and local roads; provides some degree of access to adjacent properties, while maintaining circulation and mobility for all users; carries lower traffic volumes at slower speeds than arterials; typically has two or three lanes; bicycle facilities may be exclusive or shared roadways depending on traffic volumes, speeds, and extent of bicycle travel. The typical average daily traffic ranges from 500 to 2,000.

Collector Road or Street (Minor) - A road used primarily to connect rural residential areas with arterials and major collector roads; has slower speeds to enhance safety; bicycle facilities may be exclusive or shared roadways depending on traffic volumes, speeds, and extent of bicycle travel. The typical average daily traffic ranges from 250 to 400.

Columbia River Gorge National Scenic Area Graphic Signing System - Sign design standards developed for the Scenic Area for public signs in and adjacent to public road rights-of-way.

Commercial Development/Use - Any facility or use of land or water whose function is primarily retail buying or selling of goods or services or both. This does not include fruit or produce stands.

Commercial Forest Products - These include timber for lumber, pulp, and fire wood for commercial purposes.

Commercial Recreation - Any private (non-governmental) recreational activity or facility on privately owned land, excluding non-profit facilities. This does not include operation of a public recreation facility by a private vendor.

Commercial Utility Facility - Any energy facility or commercial energy facility.

Common Area - Any area or space designed for joint use of tenants.

Communication Facility - A facility constructed for the purpose of transmitting telegraph, telephone, microwave, television, radio, and other similar signals.

Community Center or Hall - A building and facilities owned and operated by a governmental agency or non-profit community organization whose membership is open to any resident of the community in which the center or hall is located.

Community Facility - Basic utilities and services necessary to support public service needs, including, but not limited to water and power utilities, sanitation facilities, public micro-wave stations and communications facilities, schools, roads and highways. This does not include sanitary landfills.

Community Management - The person who owns or has charge, care or control of the mobile home development.

Community Sanitary-Sewer System - A public or private system of underground pipes of sufficient capacity to carry domestic sewage from an area to connected treatment and disposal facilities, as approved by the Oregon Department of Environmental Quality.

Community Water-Supply System - A public or private system of underground distribution pipes providing a continuous supply of potable water from a center source in quantities sufficient to meet domestic and fire protection needs for three (3) or more dwellings, as approved by the State of Oregon Department of Human Resources, Health Division.

Comprehensive Plan - The generalized, coordinated land use map and policy statement of the governing body of Wasco County that interrelates all functional and natural systems and activities relative to the use of lands including, but not limited to sewer and water systems, transportation systems, educational systems, recreational facilities, and natural resources and air and water quality management programs.

Condominium - Property, any part of which is residential in nature, submitted and approved in accordance with the provisions of [ORS 100.005](#) to [100.910](#).

Conduit - Any tunnel, canal, pipeline, aqueduct, flume, ditch or similar man-made water conveyance.

Consultant Engineer - A professional engineer, registered in the State of Oregon, who is retained by and responsible to an applicant for the design and construction of subdivisions and required public or private improvements. Although a Civil Engineer is preferable, any engineer who is qualified to perform the work involved, and so certified, may be a consultant engineer.

Consulting Parties (cultural resources) - Organizations or individuals who submit substantive written comments to a local government in a timely manner because they are concerned with the effects of a proposed use on cultural resources.

Contiguous Land - Parcels or other lands that are under the same ownership and have a common boundary, regardless of whether or not portions of the parcels have separate tax lot numbers, lie in different counties, lie in different sections or government lots, lie in different land use or zoning designations or are separated by public or private roads. Contiguous land does not include parcels which meet only at a single point.

Corner Lot - A lot at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent street does not exceed 135 degrees.

Corridor - The length and width of a right-of-way or tenancy containing or intended for a transmission facility and other uses in, or intended for, the same right-of-way.

County - The County of Wasco, Oregon.

County Governing Body - The County Governing Body of Wasco County, Oregon.

County Road - A public road which has been designated as a county road and formally accepted for maintenance by the Wasco County Governing Body. A county road shall not act as a dividing feature of a lot-of-record.

County Road District – For purposes of improving county roads or public roads within the boundaries of a city or drainage district, county road districts may be formed from contiguous territory within the county. All road improvements are initiated through a petition process approved by the County Governing Body. To fund the road improvements, county road districts may assess, levy and collect taxes on all taxable property within the district. See [ORS 371.055](#).

Court - An open, unoccupied space, other than a yard, on the same lot with a building and bounded on two sides by such building.

Court Apartment - One to four multiple dwellings arranged around two or three sides of a court which opens into a street.

Cross Access - A service drive providing vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites.

Created Opening - A created forest opening with less than 40 percent average canopy closure of overstory trees and less than 60 percent average canopy closure of understory trees averaging less than 5

inches diameter at breast height for coniferous forests and less than 25 percent total canopy cover for oak woodlands. This definition does not include agricultural fields.

Creation (wetlands) - A human activity that converts an upland into a wetland. This definition presumes that the area to be converted has not been a wetland in recent times (100 to 200 years).

Cul-De-Sac - A street with only one outlet having sufficient space at the closed end to provide a vehicular turning area.

Cultivation - Any activity that prepares land for raising crops by turning, breaking, or loosening the soil. Cultivation includes plowing, harrowing, leveling, and tilling.

Cultural Resource - Evidence of human occupation or activity that is important in the history, architecture, archaeology or culture of a community or region. Cultural resources include, but are not limited to, the following:

--**Archaeological resources.** Physical evidence or ruins of human occupation or activity located on or below the surface of the ground that are at least 50 years old. Archaeological resources include, but are not limited to, the remains of houses, villages, camp and fishing sites and cave shelters; rock art such as petroglyphs and pictographs; artifacts such as arrowheads, utensils, tools, fragments of tools and utensils, obsidian flakes or other material by-products from tool and utensil making activities; and graves, human remains and associated artifacts.

--**Historic buildings and structures.** Standing or above-ground buildings and structures that are at least 50 years old. Historic buildings and structures include, but are not limited to, log cabins, barns, canals, flumes, pipelines, highways and tunnels.

--**Traditional cultural properties.** Locations, buildings, structures, and objects that are associated with cultural beliefs, customs or practices of a living community that are rooted in that community's history and are important in maintaining the continuing cultural identity of the community.

Traditional cultural properties include, but are not limited to, a location associated with the traditional beliefs of a Native American group about its origins or its cultural history; a location where a community has traditionally carried out artistic or other cultural practices important in maintaining its historical identity; and a location where Native American religious practitioners have historically gone, and go today, to perform ceremonial activities. Objects may include petroglyphs, pictographs, rock cairns or other rock structures, trees and rock outcrops.

Cumulative Effects - The combined effects of two or more activities. The effects may be related to the number of individual activities, or to the number of repeated activities on the same piece of ground. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

Curb Line - The line dividing the roadway from the planting strip or footway.

Cut - an area where soil or earth are excavated or removed in conjunction with development activities.

Dam - Any man-made structure that impounds water.

Day Nursery - Any institution, establishment or place, other than a group day care home, in which are commonly received at one time, three or more children not of common parentage, under the age of six years, for a period or periods not exceeding twelve hours, for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward.

Dedicated Site - Area actively devoted to the current use and as delineated on the site plan.

Deer and Elk Winter Range - Areas normally used, or capable of being used, by deer and elk from December through April.

Design - The description, either written or graphic, of any street or alley alignments, grade or width, alignment of width of easements and rights-of-way for drainage or irrigation purposes and sanitary facilities, and lot area, width or layout.

Destruction of Wetlands - Loss of the wetlands or any of its component parts, including the filling, draining, or other adverse effect to the sustainable functioning of the wetland.

Developed Recreation - Recreational opportunities characterized by high-density use on specific sites and requiring facilities installation. Density of use, amount of site development, and type of recreation site can vary widely across the spectrum of recreation activities.

Developed road prism (SMA) - The area of the ground associated with a particular road and containing the road surface, ditch, shoulder, retaining walls, or other developed features. Does not include the natural appearing portions of cut and fill slopes.

Development - Any land division, structure, including but not limited to new construction of buildings and structures, and mining, dredging, filling, grading, paving, and excavation.

Developer - A subdivider, or if not creating a subdivision, a person who proposes to, or does develop the land, whether it be for public or private purposes.

Diameter at Breast Height (dbh) - Refers to the diameter of a tree as measured at breast height.

Diversion - Any structure that deflects a portion of the water from a stream channel.

Dock - A structure built over or floating upon the water and used as a landing place for boats and other marine transport, fishing, swimming, and other recreational uses.

Double Frontage Lot - A lot having frontage on two parallel or approximately parallel streets.

Drive-In - A business establishment so developed that its retail or service character is dependent on providing a driveway approach for parking space for motor vehicles so as to serve patrons while in the motor vehicle, or within a building on the same premises and devoted to the same purpose as the drive-in service.

The term drive-in shall include any business establishment dispensing food or drink on a self-service basis and for consumption outside the building.

Driveway - A private access providing ingress and egress to and from within a single property, or portion of a single property to a public road, private road or private easement road.

Driveway, Shared - When land uses on two or more lots or parcels share one driveway. A Private Easement Road must be created for any new shared driveway crossing another property.

Duplex - A building containing two dwelling units and designed for occupancy by two families.

Dwelling, Single Family - A detached building containing one dwelling unit and designed for occupancy by one family only.

Dwelling Unit - A single unit designed for occupancy by one family and having not more than one cooking area or kitchen.

Earth materials - Any rock, natural soil or any combination thereof. Earth materials do not include non-earth or processed materials, including, but not limited to, construction debris (e.g., concrete, asphalt, wood), organic waste (e.g., cull fruit, food waste) and industrial byproducts (e.g., slag, wood waste).

Easement - A grant of the right to use a strip of land for specific purposes. Includes but is not limited to access easements and utility easements.

Effect on Treaty Rights - To bring about a change in, to influence, to modify, or to have a consequence to Indian treaty or treaty related rights in the Treaties of 1855 with the Nez Perce, Umatilla, Warm Springs and Yakima tribes, executed between the individual Indian tribes and the Congress of the United States and as adjudicated by the Federal courts.

Emergency/disaster - A sudden unexpected occurrence, either the result of human or natural forces, necessitating immediate action to prevent or mitigate significant loss or damage to life, health, property, essential public services, or the environment.

Emergency/disaster response - Actions involving any development (such as new structures, grading, or excavation) or vegetation removal that must be taken immediately in response to an emergency/disaster event (as defined above). Emergency/disaster response actions not involving any structural development or ground-disturbance (such as use of emergency transport vehicles, communications activities or traffic control measures) are not included in this definition and are not affected by these provisions.

Endangered and Threatened Species - Those species of plants and animals listed or proposed for listing as of October 1, 1978, in 41 FED REG 24524. (June 16, 1976) and [50 CFR Part 17](#), and its amendments and species listed or proposed for listing by the State of Oregon.

Endemic - Plant and animal species that are found only in the vicinity of the Columbia River Gorge area.

The Management Plan for the Columbia River Gorge National Scenic Area lists Columbia Gorge and vicinity endemic plant species in Table 7.

Enhancement (natural resources) - A human activity that increases one or more functions of an existing wetland, stream, lake, riparian area, or other sensitive area. Enhancement is generally limited to a wetland,

stream, lake, riparian area, or other sensitive area that is degraded. Enhancing an area that is in good or excellent condition may reduce biological diversity and eliminate other natural functions and may not be desirable.

Ephemeral streams (SMA) - streams that contain flowing water only during, and for a short duration after, precipitation events.

Ethnography - The descriptive and analytic study of the culture of particular groups. An ethnographer seeks to understand a group through interviews with its members and often through living in and observing it.

Existing Use or Structure - Any use or structure that was legally established. "Legally established" means:

- a. the landowner or developer obtained applicable land use and building permits and complied with land use regulations and other laws that were in effect at the time the use or structure was established, or that were in effect at the time the landowner or developer corrected an improperly established use or structure; and
- b. the use or structure was initially operated or constructed according to those applicable permits, land use regulations and other laws, or has been operated or constructed according to permits obtained to correct an improperly established use or structure; and
- c. any changes to the original use or structure must comply with all applicable permit requirements, land use regulations and other laws that were in effect at the time the change was established.

Expando - Room or rooms that fold, collapse, or telescope into a mobile home.

Exploration, Development (extraction and excavation) and Production of Mineral Resources - Includes all or any part of the process of surface, underground or submerged mining of mineral resources. Minerals include soil, coal, clay, stone, sand, gravel, metallic ore, oil and gases and any other material or substance excavated for commercial, industrial or construction use. This definition includes all exploration and mining, regardless of area disturbed or volume mined. Production of mineral resources means the use of portable crushing, on-site stockpiling, washing, milling, screening, or sorting equipment or other similar methods of initial treatment of a mineral resource to transport to another site for use or further processing. Secondary processing such as concrete or asphalt batch plants are considered industrial uses.

Family -

- a. Any one of the following shall be considered a family when living together as a single housekeeping unit within a dwelling unit (excluding servants):
 - 1. An individual or two or more persons related by blood, marriage, legal adoption, foster care or guardianship; or,
 - 2. A group of not more than five (5) unrelated persons; or,
 - 3. Residential Home - A residence for (5) or fewer unrelated mentally or physically handicapped persons and staff persons who need not be related to each other or any

other home resident. A residential home must be approved as an Adult Care Home by the Wasco County Planning Department.

b. Each group described herein or portion thereof, shall be considered a separate family.

Family Hardship Dwelling - A mobile home or recreational vehicle used temporarily during a family hardship situation when an additional dwelling is allowed to house aged or infirm person or persons physically incapable of maintaining a complete separate residence apart from their family.

Farm Management Plan - Shall include information applicable to the specific farm use from the following list:

- proof that the parcel is enrolled in a farm deferral program with the Wasco County Assessor;
- written description of the current and/or proposed farm operation that identifies the number of acres of land in production, type and number of acres planted to a specific crop;
- the current and/or proposed number of animals grazing or being raised on the farm parcel;
- existing and/or proposed farm structures (including irrigation sprinklers) supporting the farm use and existing water rights.
- description of the existing and/or proposed number of employees, including owners, working the farm parcel, and their responsibilities and the hours per week they will be principally engaged in the farm use.
- a map that shows the location of all current and/or proposed farm activities including but not limited to registered fields, grazing areas, areas dedicated to farm structures, acres and location of water rights (Farm Services Agency map); and
- a schedule of all proposed agricultural uses which shall be initiated within one year and complete within five years

Feedlot - See Livestock Feedlot.

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

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

Fill - The placement, deposition or stockpiling of sand, sediment or other earth materials to create new uplands or create an elevation above the existing surface.

Finished grade - The final elevation of the ground level of a property after construction is completed.

Fire Break - A break in ground cover fuels, adjacent to and surrounding buildings.

Floor Area - The sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of the walls separating two buildings. The floor area measurement

is exclusive of unfinished attics and basements, attached garages & carports, and covered or uncovered porches, decks, and breezeways

Flow - The volume of water passing through a hydroelectric facility during a given period. Flow is expressed in cubic feet per second.

Footprint - The area that falls directly beneath and shares the same perimeter as a structure.

Forbs - Broad-leaved herbs, in contrast to ferns, fern allies, and grasses and grasslike plants.

Foreground (SMA) - One-half mile either side of traveled road or trail.

Forest health (SMA) - A measure of the robustness of forest ecosystems. Forests are deemed healthy when they have capacity across the landscape for renewal, for the maintenance of wildlife habitats, for recovery from a wide range of disturbances, and for retention of their resilience.

Forest Practice (SMA) - Any activity conducted on or directly pertaining to forested land and relating to forest ecosystem management including but not limited to growing, thinning, or removing live or dead forest tree or shrub species, road and trail construction, reforestation, fertilizing, brush control, prevention of wildfire, and suppression of diseases and insects. The removal of hazardous trees is excluded. Uses that include establishment, management or harvest of Christmas trees, nursery stock, or fiber producing tree species requiring intensive cultivation (irrigation, fertilization, etc.) and a harvest rotation of 12 years or less are considered agricultural uses.

Forest Practice (GMA) - Those activities related to the growing and harvesting of forest tree species as defined by the Oregon Forest Practices Act.

Forest Products - Commodities produced from a forest, including, but not limited to, timber products, boughs, mushrooms, pine cones, and huckleberries.

Forest Service - U.S. Forest Service, National Scenic Area Office, located in Hood River, Oregon.

Forest stand structure (SMA) - The number, types and spacing of tree species, tree sizes, and canopy layers contained in a stand of trees.

Forest Use - The growing, propagation and harvesting of forest tree species and other forest products.

Foster Home - A home licensed by the State and providing shelter and food to not more than five (5) persons in addition to the primary owner or occupant of the home.

Frontage - All the property fronting on one (1) side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway and/or dead-end street shall determine only the boundary of the frontage on the side of the street which it intercepts.

Fully Screened - A description of the relative visibility of a structure where that structure is not visible as viewed from a specified vantage point.

Future Street - A proposed right-of-way as may be designated by the Planning Commission, or such other

agency or authority as provided for herein, which street is necessary for the future subdivision of property, shown on the subdivision plats and/or maps, but that the present dedication and construction of such street is not warranted.

Garage, Public - A structure in which are provided facilities for the repair of motor vehicles, including body and fender repair, painting, rebuilding, reconditioning, upholstering, or other vehicle maintenance repair, or where such vehicles are parked or stored.

GMA Only - This is a reference mechanism throughout this ordinance to signify that a use or criteria is only applicable in the General Management Area.

GMA & SMA - This is a reference mechanism throughout this ordinance to signify that a use or criteria is applicable in both the General Management Area and the Special Management Area.

Gorge Commission - The Columbia River Gorge Commission as established by [Public Law 99-663](#), the Columbia River Gorge National Scenic Area Act.

Grade (Adjacent Ground Elevation) - The lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five (5) feet distant from said wall, or the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and the property line if it is less than five (5) feet distant from said wall.

Grade (ground level) - The average elevation of the finished ground elevation as defined by the Uniform Building Code.

Grading - Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Gross Building Area - The total area taken on a horizontal plane at the mean grade level of the principal building, and all accessory buildings, exclusive of uncovered porches, terraces, steps, roof overhang and balconies.

Group Day Care Home - A facility located in a single-family dwelling that is certified by the Children's Services Division to care for six (6) to twelve (12) children under the age of thirteen (13) at one time. A group day care home must be within the home of the care provider, and is considered a residential use in residential and commercial zones.

Group Home - A licensed home maintained and supervised by adults for the purpose of providing care, food and lodging for retarded adults, elderly persons, or children under the age of eighteen (18) years, unattended by parent(s) or guardian(s) where the number of unrelated persons living together as one household commonly exceeds five.

Guest House - Living quarters within a separate structure, with no kitchen or laundry facilities, located on the same lot-of-record with a primary dwelling, and occupied solely by temporary guests. Such quarters shall not be rented or otherwise used as a separate dwelling unit. See [Section 4.110](#) for "Guest House" development standards.

Guy Wire - A cable or wire used as a semi-flexible tension support between a guy anchor and a tower.

Half Street - One-half of the right-of-way of a public way equally divided by the property or border line, dedicated to the public together with the total width, here, of the public way by all owners, at the time of the recording of any plat including such half street or way.

Hazard tree (SMA) - A tree with a structural defect that will predictably result in whole or partial failure within 1.5 tree lengths of a road or maintained development. A defective tree is hazardous only when its failure could result in danger to people or damage to structures, vehicles, or other property.

Head - The vertical distance from the highest water level of a dam, diversion, or intake for a hydroelectric facility to the elevation where water from the facility is discharged. Head is expressed in feet.

Health Officer - The North Central Public Health District Health Unit Officer or Environmental Health Officer.

Height of Building - The greatest vertical distance between the point of lowest finished grade adjoining any exterior wall of a building and the highest point of the roof, such as the highest coping or parapet of a flat roof, the highest deck line of a mansard roof, or the highest ridge of a hip, gable, gambrel, shed or other pitched roof.

Herbaceous - A plant with no persistent woody stem above the ground, with characteristics of an herb.

Herbs - Nonwoody (herbaceous) plants, including grasses and grasslike plants, forbs, fern allies, and nonwoody vines. (Note: Seedlings of woody plants that are less than 3 feet tall shall be considered part of the herbaceous layer.)

High Water Line or Mark - The highest water level a stream or lake reaches during normal seasonal run-off.

Historic Buildings and Structures - [See cultural resource.](#)

Historic Survey - Actions that document the form, style, integrity, and physical condition of historic buildings and structures. Historic surveys may include archival research, architectural drawings, and photographs.

Holdings - All contiguous lands in a single ownership.

Home Occupation - Any lawful activity carried on within a dwelling or other building normally associated with uses permitted in the zone and which said activity is secondary to the primary use of the property for residential purposes.

Horizontal Axis WECS - A WECS on which the rotor axis substantially is parallel to the ground.

Horse, Boarding of (GMA) - The stabling, feeding and grooming , or the use of stalls for the care of horses not belonging to the owner of the property, and related facilities, such as training areas, corrals and exercise tracks. These facilities are either operated for a fee or by a nonprofit organization.

The boarding of horses does not include the following:

- a. The mere pasturage of horses or the boarding of horses not owned by the property owner for

- the purpose of breeding with the owner's stock;
- b.** The boarding of horses for friends or guests where no charge is made; and
- c.** Equestrian activities when the raising, feeding, training or grooming of horses is a farm use by the property owner of the land qualifying for farm assessment under regulations of the State Department of Revenue.

Horticulture - The cultivation of plants, garden crops, trees and/or nursery stock.

Hospital, General - An institution providing health services, primarily for in-patients, and medical, psychiatric or surgical diagnosis and care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient facilities, central service facilities, retail facilities, for the needs of patients, staff and doctors' offices, and residential facilities for staff and patients.

Hospital, Mental - A hospital used exclusively for the treatment of persons suffering from nervous or mental disorders.

Hotel - A building or portion thereof of more than five (5) sleeping rooms designed or used for occupancy of individuals who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

Hydric Soil - A soil that is saturated, flooded, or ponded long enough during the growing season to development anaerobic conditions in the upper part.

Immediate Family Member - Family member of the first degree of kinship or equivalent thereof.

In-lieu Sites - sites acquired by the Army Corps of Engineers and transferred to the Bureau of Indian Affairs for treaty fishing, in lieu of those usual and accustomed fishing areas lost by inundation from reservoir construction. These sites were acquired under the provisions of Public Law 14 and Public Law 100-581, Section 401. Additional in-lieu sites will be provided for.

Indian Tribal Government - The governing bodies of the Nez Perce Tribes (Nez Perce Tribal Executive Committee), the Confederated Tribes of the Umatilla Indian Reservation (Board of Trustee), the Confederated Tribes of the Warm Springs Reservation of Oregon (Tribal Council), and the Confederated Tribes and Bands of the Yakima Indian Nation (Tribal Council).

Indian Tribes - The Nez Perce Tribe, the Confederated Tribes and Bands of the Yakima Indian Nation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes of the Umatilla Indian Reservation.

Industrial Uses - Any use of land or water primarily involved in:

- a.** Assembly or manufacture of goods or products;
- b.** Processing or reprocessing of raw materials, processing of recyclable materials or agricultural products not produced within a constituent farm unit;
- c.** Storage or warehousing, handling or distribution of manufactured goods or products, raw

materials, agricultural products, forest products or recyclable materials for purposes other than retail sale and service; or

- d. Production of electric power for commercial purposes.

New industrial uses shall not be allowed in the Scenic Area outside Urban Areas.

Interpretive Displays - Signs and structures which provide for the convenience, education, and enjoyment of visitors, helping them to understand and appreciate natural and cultural resources and their relationship to them.

Junk Yard - Any property where persons are engaged in breaking up, dismantling, sorting, distributing, buying or selling of any scrap, waste materials or junk.

Key Components - The attributes that are essential to maintain the long-term use and productivity of a wildlife site. The key components vary by species and wildlife site. Examples include fledgling and perching trees, watering sites, and foraging habitat.

Key Viewing Area (KVA) - Those portions of important public roads, parks or other vantage points within the Scenic Area from which the public views Scenic landscapes. These include:

- Historic Columbia River Highway
- Crown Point
- Highway I-84, including rest stops
- Multnomah Falls
- Washington State Route 14
- Beacon Rock
- Panorama Point Park
- Cape Horn
- Dog Mountain Trail
- Cook-Underwood Road
- Rowena Plateau and Nature Conservancy Viewpoint
- Portland Women's Forum State Park
- Bridal Veil State Park
- Larch Mountain
- Rooster Rock State Park
- Bonneville Dam Visitor Centers
- Columbia River
- Washington State Route 141
- Washington State Route 142
- Oregon Highway 35
- Sandy River
- Pacific Crest Trail

SMA only:

- Old Washington State Route 14 (County Road 1230)
- Wyeth Bench Road
- Larch Mountain Road

--Sherrard Point on Larch Mountain

Kitchen - A place where food is cooked or prepared as well as the place where the facilities and equipment used to cook, prepare and store food are located.

Land Division - The division or redivision of contiguous land(s) into tracts, parcels, sites or divisions, regardless of the proposed parcel or tract size or use. A land division includes, but is not limited to short subdivisions, partitions and subdivisions. Land division does not include the creation of cemetery plots while used for that purpose.

Landscaping - Improving the aesthetics of a piece of land by the grading, clearing and use of natural or artificial material. Landscaping may be subject to [Chapter 14](#).

Landscape Setting - The combination of land use, landform and vegetation patterns which distinguish an area in appearance and character from other portions of the Scenic Area.

Livestock Feedlot - Stockyards and commercial livestock finishing yards for cattle, sheep, swine and fur bearers. Feedlots do not include winter pasture or winter hay-feeding grounds.

Loading Space - An off-street space or berth on the same lot or parcel with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise or material, and which space or berth abuts upon a street, alley or other appropriate means of ingress and egress.

Local Access Road – Public road over which the public has a right of use that is a matter of public record and was legally created at the time of dedication, but has not been accepted for maintenance by the county, state or the US highway systems. Local access roads are privately maintained.

Local Road or Street - A road or street primarily used to provide direct access to adjacent land uses; characterized by short roadway distances, slow speeds, and low volumes; offers a high level of accessibility; serves passenger cars, pedestrians, and bicycles, but not through trucks. Local roads may be paved or unpaved. The typical average daily traffic is less than 250.

Lot - A unit of land that is created by a subdivision of land.

Lot Area - The total horizontal area within the lot lines of a lot.

Lot, Corner - A lot fronting on two (2) or more streets at their junction, said streets forming with each other an angle of forty-five (45) degrees up to and including one hundred thirty-five (135) degrees.

Lot Depth - The perpendicular distance measured from the mid-point of the front lot line to the mid-point of the opposite lot line.

Lot, Interior - A lot other than a corner lot.

Lot Lines - The lines bounding a lot as defined herein.

Lot Line Adjustment - Relocation of one or more common boundary lines between two contiguous

parcels that does not create additional parcels. See Property Line Adjustment and Replat.

Lot Line (Front) - In the case of an interior lot, a line separating the lot from the street; and in the case of a corner lot, a line separating the narrowest frontage of the lot from the street.

Lot Line (Rear) - The line dividing one lot from another and on the opposite side of the lot from the front lot line, and in the case of an irregular or triangular shaped lot, a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line.

Lot Line (Side) - In the case of an interior lot, a line separating one lot from the abutting lot or lots fronting on the same street, and in the case of a corner lot, a line separating one lot from the abutting lot or lots fronting on the same street.

Lot (Through) - An interior lot having frontage on two (2) streets.

Lot Width - The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Maintenance - Ordinary upkeep or preservation of a serviceable structure affected by wear or natural elements. Maintenance does not change the original size, scope, configuration or design of a structure.

Maintenance includes, but is not limited to, painting and refinishing, regrouting masonry, patching roofs, grading gravel roads and road shoulders, cleaning and armoring ditches and culverts, filling potholes, controlling vegetation within rights-of-way, removing trees and other roadside hazards within rights-of-way, and testing and treating utility poles.

Management Plan - The Management Plan for the Columbia River Gorge National Scenic Area.

Manufacture - The processing or converting of raw, unfinished, or finished materials or products or any combination thereof into an article or substance of different character, or for use for a different character or purpose.

Map - A final diagram, drawing or other writing concerning a land division.

Medical Hardship – Means a temporary circumstance caused by serious illness or infirmity, not to exceed two years in duration, and authorized by a licensed medical practitioner (Medical Doctor, Physicians Assistant or Nurse Practitioner).

Metes and Bounds - The method used to describe a tract or tracts of land for the purposes of ownership or for building development, as contrasted with the description of a part of a properly approved and recorded subdivision plat by the lot number and block designation.

Mitigation - The use of any or all of the following actions:

- a. Avoiding the impact altogether by not taking a certain action or parts of an action;
- b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
or
- d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

Mobile Home -

- a. A residential trailer, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962.
- b. A mobile house, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- c. A manufactured home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.

Mobile Home Community - A mobile home development and related utilities and facilities, including the mobile homes and all of the people living within the development.

Mobile Home Lot - A parcel of land for the placement of a mobile home and the exclusive use of its occupants.

Mobile Home Park - Any place where four (4) or more mobile homes are located within five hundred (500) feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

Mobile Home Space - A plot or parcel of land within the mobile home park, designed to accommodate one (1) mobile home.

Mobile Home Stand - That part of a mobile home space which has been reserved for the placement of the mobile home, appurtenant structures, or additions.

Modular Unit - A fabricated, transportable building unit, other than a mobile home, designed to be incorporated at a building site into a structure to be used for residential and/or commercial, industrial, or agricultural purposes, with all of the following characteristics:

- a. Having an electrical meter base permanently attached to the structure.
- b. Designed and built to the specification of the State or County Building Code for

conventional structures in effect at the time of its construction.

c. Having a permanent foundation.

Mosaic (SMA) - The dispersal of overstory and understory leave trees in irregularly spaced clumps of varying sizes throughout an irregularly shaped created forest opening.

Motor Home - A self-propelled recreation vehicle that is not used as a permanent residence.

Multi-family Dwelling - A dwelling constructed or modified into two or more single-family units.

Native Species - Species that naturally inhabit an area.

Natural Areas - Areas sited in the Columbia River Gorge National Scenic Area [Management Plan](#) (Table 10, page I-138 through I-139) as having Representative Plant Communities or as being Botanically Significant.

Natural grade - The undisturbed elevation of the ground level of a property before any excavation or construction operations.

Natural Resource-Based Recreation (SMA) - Recreation activities, uses or facilities that essentially depend on the unique natural, scenic, or cultural resources found within the Scenic Area. Campgrounds, trails, boating and windsurfing facilities, swimming beaches, picnic sites, viewpoints, interpretive parks, and similar outdoor recreation facilities are considered resource-based; whereas golf courses, tennis courts, and rental cabins are not.

Natural Resources - Naturally occurring features including land, water, air, plants, animals, including fish, plant and animal habitat, and scenery.

Natural Resource Specialist - A person with professional qualifications including an academic degree or sufficient professional experience in the subject matter the specialist is being asked to analyze or evaluate.

Negotiate - Any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition, including but not limited to, advertising, solicitation, and promotion of such sale of land.

Net Metering - A simplified method of metering the energy consumed and produced at a private property that has its own renewable energy generator, such as a wind turbine. Under net metering, excess electricity produced by the wind turbine will spin the existing electricity meter backwards, effectively banking the electricity until it is needed by the customer.

Nonconforming lot or parcel - A lot or parcel lawfully created which does not conform to the current requirements of the zone in which it is located.

Nonconforming Structure or Use - A lawful existing structure or use at the time this Ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

Non-profit Organizations - An organization whose non-profit status has been approved by the U.S. Internal

Revenue Service.

Not visually evident (SMA) - A visual quality standard that provides for development or uses that are not visually noticeable to the casual visitor. Developments or uses shall only repeat form, line, color, and texture that are frequently found in the natural landscape, while changes in their qualities of size, amount, intensity, direction, pattern, etc., shall not be noticeable.

Nursing Home - Any home or institution maintained or operating for the nursing and care of four (4) or more ill or infirm adults, not requiring hospital care or hospital facilities.

Official Map - Specifically describes the location of streets, highways, public parks, drainage systems and other public installations, both existing and planned, in the community. Once land has been placed on the official map, the Ordinance so providing restricts any further construction with the planned rights-of-way. The Official Map helps to implement the comprehensive plan.

Old Growth (SMA) - A forest stand usually at least 180-220 years old with moderate to high canopy closure; a multi-layered, multi-species canopy dominated by large overstory trees; high incidence of large trees, some with broken tops and other indications of old and decaying wood (decadence); numerous large snags, and heavy accumulations of wood, including large logs on the ground.

Operational (SMA) - For new agricultural use, an agricultural use shall be deemed operational when the improvements and investments described in the Stewardship Plan are in place on the parcel.

Ordinary High Water Mark - The mark on all streams, ponds, and lakes that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute.

ORS. - The Oregon Revised Statutes.

Other related major structure (SMA) - A structure related to a dwelling on a parcel in the SMA that is less than 40 acres in size, which is not incidental and subordinate to the main use of the property. A building or structure that satisfies the definition of "accessory building" is not an "other related major structure" or a "major development action."

Overstory (SMA) - For forest practices, the tall or mature trees that rise above the shorter or immature understory trees.

Owner - The individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

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

- a. A lot in an existing, duly recorded subdivision; or
- b. A parcel in an existing, duly recorded partition (including major or minor land partitions); or

c. By deed or land sales contract prior to 4 September 1974.

A unit of land shall not be considered a separate parcel (legal)//lot of record simply because the subject tract of land:

- a. Is a unit of land created solely to establish a separate tax account;
- b. Lies in different counties;
- c. Lies in different sections or government lots;
- d. Lies in different land use or zoning designations; or
- e. Is dissected by a public or private road.

Consolidation: See [Section 13.200](#) for "Consolidation of Undeveloped Subdivisions.

Parking Lot, Private - Open off-street area used for temporary parking of more than three (3) automobiles, and available with or without charge, and with the permission of owner only.

Parking Lot, Public - Open off-street area used for temporary parking of more than three (3) automobiles, and available for public use with or without charge.

Parking Space - A minimum gross area available for the parking of a standard American automobile.

Parkway - A park-like major thoroughfare with broad rights-of-way and wide median areas, designed and landscaped to furnish a safe and pleasing drive between parks, scenic areas and principal objectives.

Partition - Either an act of partitioning land or an area or tract of land partitioned as defined in this section.

Partition Land - To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from the creation of cemetery lots; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where any additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by an applicable zoning ordinance. "Partition land" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

Party - With respect to administrative actions, the following persons or entities only, who file a timely statement or request for hearing as provided by general provisions of this Ordinance, are hereby defined as a party:

- a. The applicant and all owners or contract purchasers of record, as shown in the files of the Wasco County Assessor's Office, of the property which is the subject of the application.
- b. All property owners of record, as provided in (a) above, within the notification area, as described in Table 2-1, of the property which is the subject of the application.

- c. A Citizen Advisory Group pursuant to the Citizen Involvement Program approved pursuant to [ORS. 197.160](#).
- d. Any affected unit of local government or public district or state or federal agency.
- e. Any other person, or his representative, who is specifically, personally or adversely affected in the subject matter, as determined by the Approving Authority.

Pathway - A walkway conforming to [Chapter 21](#) that is not within a street right-of-way.

Pedestrian Way - A way or right-of-way for pedestrian traffic.

Person - An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including any trustee, receiver, assignee, or other similar representative thereof.

Place of Public Assembly - A structure which is designed to accommodate more than twenty-five (25) persons at one time for such purposes as deliberation, education, worship, shopping, entertainment or amusement.

Planning Commission - The Wasco County Planning Commission.

Planning Control Area - An area in a state of incomplete development within which special control is to be exercised over land partitioning.

Plat - A special and final map, diagram or drawing of a subdivision, major or minor partition prepared from completed information, containing writings, descriptions, locations, specification, dedications, provisions, and information concerning a subdivision, being drawn to scale to geometrically represent defined land and setting forth all mathematical data necessary to the identification, location and perpetuation of the various land boundaries indicated thereon, without recourse to supplementary metes and bounds description for conveyances.

Porch - Outside walking area, the floor of which is elevated more than eight (8) inches from the ground.

Practicable - Able to be done, considering technology and cost.

Pre-existing - Existing prior to the adoption of the Columbia River Gorge National Scenic Area Management Plan.

Prevailing Wind Direction - Within 45 degrees of the direction from which wind flows for at least 20 percent of the year based on at least one year's site-specific recorded wind data.

Previously disturbed - An area of land where the natural surface has been graded, excavated, paved and/or graveled.

Private Easement Road - A minimum 30 foot wide private easement in any zone that provides ingress and egress to a public or private road for not more than three (3) units of land and serves not more than three (3) units of land.

Private Road - A road in a resource zone (F-1, F-2, & A-1) whose primary purpose is to provide access for resource activities, that was accepted by the County Governing Body pursuant to [Section 21.300](#) of this Ordinance or has been previously recognized by the County Governing Body and which is not public, but which intersects with an existing public road.

Project Area - The geographic area or areas within which new development and uses may cause changes in the character or use of cultural resources, if any such resources exist.

Property Line Adjustment - The relocation a common property line between two abutting properties. See Lot Line Adjustment.

Public Road - A road over which the public has a right of use that is a matter of public record and was legally created at the time of dedication.

Public Use Facility - Recreation development(s) which meet the definition of "recreation facility" in this ordinance and are open for use by the general public. Private clubs and other facilities limited to members or otherwise restricted in availability shall not be considered public use facilities.

Ramada - A freestanding roof or shade structure installed above the roof of a mobile home that provides protection from rain, snow, sun or other forms of inclement weather.

Rare Plant Species - Used in a generic sense to refer to various categories of sensitive plants cited in federal and state programs.

Reconnaissance Survey - Actions conducted to determine if archaeological resources are present in an area that would be affected by a proposed use. Reconnaissance surveys may include archival research, surface surveys, subsurface testing, and ethnographic research.

Recreation Facility - A cluster or grouping of recreational developments or improvements located in relatively close proximity to one another, and which are not separated in distance by more than one-quarter mile of land not containing any such developments or improvements, except for roads and/or pathways.

Recreation Opportunity Spectrum (ROS) - A means of classifying areas in relation to the types of recreation opportunities and experiences they provide or are appropriate for. The spectrum ranges from primitive (wilderness areas) to urban (highly modified areas).

- a. Primitive: Remote, inaccessible areas with a high degree of solitude and with resources essentially unmodified.
- b. Semiprimitive: Areas accessible only by primitive transportation routes, with low to moderately infrequent human encounters and with only subtle modifications to the natural setting.
- c. Roaded Natural: Roaded areas with moderately frequent human encounters and with resource modifications evident.
- d. Rural: Roaded areas with moderate to highly frequent human encounters and with the natural setting dominated by cultural modifications.

- e. Suburban: Areas representing the rural-urban interface, with urban-like roads, structures, highly frequent human encounters, and dominant resource modifications encroaching into the rural landscape.
- f. Urban: Highly accessible, roaded areas dominated by human encounters and human-related structures.

Recreation Resources - Areas and facilities that provide recreation opportunities and experiences. Recreation resources include semi-primitive areas with few facilities and developed sites.

Recreational Vehicle or Camping Vehicle - A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, but not for residential purposes, and is identified as a recreational vehicle by the manufacturer. A recreational or camping vehicle shall be considered a dwelling unit if *any* of the following are true:

- a. It is connected to a sewer system (including septic tank) except for the purpose of emptying the holding tanks; after such time it must be disconnected;
- b. It is connected to water or electrical lines except for purposes of charging the batteries or filling water tanks; after such time it must be disconnected;

NOTE: Allowances can be made for subsections a and b above if in the opinion of the Compliance Officer evidence suggests that the use of the RV is occasional and temporary for the purpose of accommodating visitors

- c. It is occupied for more than 60 days, on the same property, in any consecutive 12 month period; or
- d. It is parked on property that is without a legally placed dwelling for more than 30 days during any 6 month period.

Recreational Vehicle Park - A lot or tract where the primary land use is the parking, on a fee or other basis, occupied by motor homes, truck campers, travel trailers, or other recreational vehicles.

Regularly maintained - An area of land that has been previously disturbed and where periodic actions have been taken to:

- a. keep the area clear of vegetation (e.g., shoulders, utility yards); and
- b. limit the height and type of vegetation (e.g., utility rights-of-way), and/or
- c. establish and retain non-native vegetation (e.g., landscaped medians, rest area grounds).

Rehabilitation (Natural Resources) - A human activity that returns a wetland, stream, buffer zone, or other sensitive area that was disturbed during construction of a permitted use to its natural or pre-construction condition.

Remnant old forest (SMA) - Large trees in the overstory that are well into the mature growth state (older than 180 years).

Repair - Replacement or reconstruction of a part of a serviceable structure after damage, decay or wear. A repair returns a structure to its original and previously authorized and undamaged condition (in kind). It does not change the original size, scope, configuration or design of a structure, nor does it excavate beyond the depth of the original structure.

Repair includes, but is not limited to, re-roofing a building, replacing damaged guardrails, reconstructing a rotten deck or porch, replacing a broken window or door, replacing a utility pole and associated anchors, replacing a section of broken water or sewer line, replacing a damaged or defective utility line, reconstructing a portion of a building damaged by fire or a natural event, and replacing railroad ties or rails.

Replat - The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat, to increase or decrease the number of lots in a subdivision, or to correct an error or irregularity in the original plat.

Reserved Open Space - Land areas reserved through public dedication, public ownership, easements, covenants, or other devices for public use and limited development.

Residential Trailer - A portable residence that is transportable on public highways by permanently attached axles, the dimensions of which do not exceed thirty-two (32) feet in length, or eight (8) feet in width, or any equivalent dimension combination.

Resource-based Recreation - Those recreation uses which are essentially dependent upon the natural, scenic or cultural resources of the Scenic Area and which do not adversely affect those resources upon which they depend.

Restaurant - A public establishment for the purpose of selling meals to customers.

Restoration (Wetlands) - A human activity that converts an area that was formerly a wetland back into a wetland. This definition presumes that the area to be restored no longer qualifies as a wetland because of past activities, alterations, or catastrophic events.

Retirement Center - A building or group of buildings containing separate dwelling units designed for and occupied principally (at least one occupant of each dwelling unit), by persons over the age of sixty (60) years, excluding convalescent and nursing care as a function of the center.

Reversed Corner Lot - A corner lot where the street side line is substantially a continuation of the front lot line of the first lot to its rear.

Review Types –

a. Type I (Ministerial/Nondiscretionary)

These procedures are decided by the Director, or the Director's designee without public notice or public hearing. They do not require interpretation or the exercise of policy or legal

judgment in evaluating approval standards. Type I does not qualify as a “land use decision” under [ORS 197.015\(11\)](#).

b. Type II (Administrative/Discretionary)

These procedures are decided by the Director or the Director’s designee with notice, as established by Chapter 2, and appeal period established by [ORS 215.416\(11\)](#). They do require interpretation or the exercise of policy or legal judgment in evaluating approval standards and qualify as a land use decision under [ORS 197.015\(11\)](#). An appeal of a Type II decision becomes a Type III review.

c. Type III (Quasi Judicial/Planning Commission or County Governing Body)

Planning Commission

These procedures are initially heard and decided solely by the Planning Commission or on appeal from the Planning Director with the hearings process, notice and appeal period governed by [ORS 197.763](#). They do require interpretation or the exercise of policy or legal judgment in evaluating approval standards and qualify as a land use decision under [ORS 197.015\(11\)](#).

County Governing Body

These procedures are initially heard and decided solely by the County Governing Body or on appeal from the Planning Commission with the hearings process, notice and appeal period governed by [ORS 197.763](#). They do require interpretation or the exercise of policy or legal judgment in evaluating approval standards and qualify as a land use decision under [ORS 197.015\(11\)](#).

d. Type IV(Legislative/County Governing Body)

These procedures are heard and decided solely by the County Governing Body after an initial hearing and recommendation is made by the Planning Commission. The hearings process, notice and appeal period are governed by [ORS 197.763](#). They do require substantial interpretation or the exercise of policy or legal judgment and qualify as a land use decision under [ORS 197.015\(11\)](#).

Review uses - Proposed uses and developments that must be reviewed by Wasco County to determine if they comply with the Wasco County National Scenic Area Land Use and Development Ordinance.

Right-of-Way - The area between boundary lines of a road, street or other easement. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way shall be dedicated or deeded to the public for public use and under the control of a public agency, or it shall be dedicated or deeded and privately owned.

Riparian Area - The area immediately adjacent to streams, ponds, lakes, and wetlands that directly contributes to the water quality and habitat components of the water body. This may include areas that have high water tables and soils and vegetation that exhibit characteristics of wetness, as well as upland areas immediately adjacent to the water body that directly contribute shade, nutrients, cover, or debris, or

that directly enhance water quality within the water body.

Road - The entire right-of-way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to:

- a. Ways described as streets, highways, throughways, or alleys;
- b. Road-related structures that are in the right-of-way such as tunnels, culverts or similar structures; and
- c. Structures that provide for continuity of the right-of-way such as bridges.

Roadway - The portion or portions of a right-of-way developed for vehicular traffic.

Rotor - A system of rotating aerodynamic elements and hub assembly attached to a shaft that converts the kinetic energy in the wind into mechanical energy or a rotating element in an electrical generator.

Rotor Diameter - Twice the distance from the center of rotation to the outermost point of the blade.

Sale or Sell - Includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

Scenic Area - The Columbia River Gorge National Scenic Area.

Scenic Travel Corridor - Those portions of Interstate 84, the Historic Columbia River Highway, Oregon Highway 35, and Washington State Routes 14, 141, and 142 located in the Scenic Area, specifically designated to be managed as scenic and recreational travel routes.

School, Commercial - A building where instruction is given to pupils in arts, crafts, or trades, and operated as a commercial enterprise, as distinguished from schools endowed and/or supported by taxation.

School, Elementary - A school offering instruction to one (1) or more grades, between and including the fifth through the eighth, exclusively, or in combination with grades lower than the fifth.

School, High - A school offering instruction to one (1) or more grades, between and including the ninth through the twelfth, or in combination with the seventh and eighth grades.

School, Nursery - A school offering instruction and guided activity to kindergarten or pre-kindergarten classes.

School, Primary - A school offering instruction to one (1) or more grades, between and including kindergarten through the fourth.

School, Private or Parochial - A school under the control of and financed primarily by a religious or philanthropic and non-profit institution operating in conformance with relevant State Department of Education regulations.

School, Public - A school under the control of and financed by legally constituted public school districts in the State of Oregon.

Seasonal Farm Worker - Any person who, for an agreed remuneration or rate of pay, performs temporary labor for another to work in production of farm products or planting, cultivating or harvesting of seasonal agricultural crops or in forestation or reforestation of lands, including but not limited to, the planting, transplanting, tubing, pre-commercial thinning and thinning of trees and seedlings, the clearing, piling and disposal of brush and slash and other related activities.

Secretary - The Secretary of Agriculture.

Sectional Home - Defined the same as a modular home.

Sensitive Plant Species - Plant species that are

- a. endemic to the Columbia River Gorge and vicinity,
- b. listed as endangered or threatened pursuant to federal or state endangered species acts, or
- c. listed as endangered, threatened or sensitive by the Oregon Natural Heritage Program as they appear in lists on file at the Columbia River Gorge Commission Office.

In the Special Management Area, sensitive plant species also include plant species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists. The Forest Service and Gorge Commission are responsible for necessary updates to the lists.

Sensitive Wildlife Species - Animal species that are:

- a. listed as endangered or threatened pursuant to federal or state endangered species acts,
- b. listed as sensitive by the Oregon Fish and Wildlife Commission, or
- c. considered to be of special interest to the public, limited to great blue heron, osprey, mountain goat, golden eagle, and prairie falcon as they appear on lists on file at the Columbia River Gorge Commission office.

In the Special Management Area, sensitive wildlife species also include animal species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists. The Forest Service and Gorge Commission are responsible for updating the referenced lists.

Service Station - A business operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.

Serviceable - Presently useable.

Sewage - Water-carried human or animal waste and kitchen, bath, or laundry waste, from a building,

together with such groundwater infiltration and surface water as may be present.

Shall - Action is mandatory.

Should - Action is encouraged.

Shrub - A woody plant usually greater than 3 feet but less than 20 feet tall that generally exhibits several erect, spreading, or prostrate stems and has a bushy appearance. (Note: For the Management Plan, seedlings of woody plants that are less than 3 feet tall shall be considered part of the herbaceous layer.)

Sidewalk - A pedestrian walkway with permanent surfacing.

Sign - Any placard, poster, billboard, advertising structure or inscribed surface, pattern or artificial lighting, pictorial or symbolic ornament, emblematic structure, banner, fluttering apparatus, statue, model, ornamental figure, or other visually communicative or expressive device that is visible from an out-of-doors position and is used to advertise or call the public's attention to any public, business, commercial, industrial, recreational or any other activity, object for sale or lease, person or place, or to bear any kind of message. It includes any surface on which a name, text, device, signal, ornament, logotype, or advertising matters is made visible. The meaning of "sign" shall also include any sign currently in disuse, but still visible from an out-of-doors position, any frame or support structure erected specifically to bear or uphold a sign.

Sign, Advertising - A sign which directs attention to a business, product, activity, or service which is not necessarily conducted, sold or offered upon the premises where such a sign is located.

Significant Adverse Effect - A consequence of a facility that irreparably reduces management of or damages a resource listed as a standard and identified in the comprehensive plan and the Wasco County Land Use and Development ordinances.

Significant Archaeological Sites - Sites possessing valuable artifacts or evidence of prehistoric cultures, including areas catalogued by the National Park Service, United States Department of the Interior, and areas identified by academic institutions.

Significant Change - A change in an existing facility which increases the impact of the facility on abutting properties. This provision shall be interpreted broadly to invoke review of any potentially significant change. However, a significant change shall not include ordinary and regular maintenance, actions such as research, monitoring, and impact mitigation that were authorized or required by law. Significant change shall not include other actions, such as reconducting, which may increase the useful life of the facility without increasing long-term, off-site impacts.

Significant Cultural Resource (SMA) - A cultural resource that is included in, or eligible for inclusion in, the National Register of Historic Places. [The criteria for evaluating the eligibility of properties for the National Register of Historic Places appears in "National Register Criteria for Evaluation" ([36 CFR 60.](#))]

Significant Interference with Wind Access - A ten (10) percent decrease in wind speed caused by an obstruction(s).

Single-wide Mobile Home - One (1) complete living unit constructed on a single chassis.

Skyline - The line which represents the place at which a landform, such as a cliff, bluff or ridge, meets the sky, as viewed from a specified vantage point. In areas with thick, unbroken tree cover, the skyline is generally formed by the top of the vegetative canopy. In treeless areas or areas with more open tree cover, the skyline is generally formed by the surface of the ground.

Slope - An incline in an oblique direction from the perpendicular.

SMA Only - This is a reference mechanism throughout this ordinance to signify that a use or criteria is only applicable in the Special Management Area.

Soil Capability Class - A classification system developed by the U.S. Soil Conservation Service to group soils as to their capability for agricultural use.

Solid Waste - All putrescible and non-putrescible waste, including, but not limited to, garbage, rubbish, refuse, ashes, waste paper and cardboard, grass clippings, composts, sewer sludge, residential, commercial, and industrial appliances, equipment and furniture, discarded or inoperable vehicles, vehicle parts or vehicle tires, manure, vegetable or animal solid and semisolid waste and dead animals. The term Solid Waste does not include:

- a. Materials used for fertilizer or for other productive purposes on land in the growing and harvesting of crops or the raising of fowl or animals;
- b. Septic tank and cesspool pumping or chemical toilet waste;
- c. Reusable beverage containers as defined in [ORS 459A.725](#); and
- d. Source separated principal recyclable materials as defined in [ORS Chapter 459](#) and the Rules promulgated thereunder, which have been purchased or exchanged for fair market value.

Special District - Any unit of local government other than city or county, authorized and regulated by statute. Special district includes, but is not limited to: water control districts, irrigation districts, port districts, regional air quality control authorities, fire districts, mass transit districts, sanitary districts, and Soil & Water Conservation District.

Special Road District – For the purposes of improving roads, special road districts may be formed from contiguous territory lying within the county and not incorporated within the limits of a city. Special road districts are governed by a board of commissioners, either appointed or elected. Special road districts have the following powers: to make contracts; to acquire, hold, receive and dispose of real and personal property; to sue and be sued; to exercise the power of eminent domain; to assess, levy and collect taxes on all taxable property within the district; and to do any other act necessary to carry out purposes of the special road district. See [ORS 371.305](#).

Special Habitat Area - Wetlands, mudflats, shallow water, and riparian vegetation that have high values for waterfowl, shorebirds, raptors, songbirds, upland game, and reptiles.

Special Streams - Streams that are primary water supplies for fish hatcheries and rearing ponds.

Stable, Private - A detached accessory building for the keeping of horses owned by the occupants of the

premises and which are not kept for remuneration or profit.

Stand - A group of trees possessing uniformity with regard to type, age, vigor, or size.

Standard Drawing - A drawing drawn to the specifications as established by the County Planning Director or County Roadmaster.

Story - A single floor level of a structure as defined by the Uniform Building Code.

Story, Half - A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

Streams - Areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, springs and defined-channel swales. The channel or bed does not have to contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface-water runoff structures or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction in such water-courses.

For this ordinance, streams are categorized into two classes: perennial streams and intermittent streams. Perennial stream means a stream that flows year-round during years of normal precipitation. Intermittent stream means a stream that flows only part of the year, or seasonally, during years of normal precipitation.

Street - The entire width between the right-of-way lines of every way for vehicular and pedestrian traffic, and includes terms, "roads", "highways", "land", "place", "avenue", "alley", and other similar designations.

Street Plug or Reserve Strip - A narrow strip of land controlling access to a street or half street, title to which is dedicated to the County and the disposal of which land shall be placed within the jurisdiction of the County Governing Body for disposal under conditions approved by the Commission.

Structure - That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to buildings, walls, fences, roads, parking lots, signs and additions/alterations to structures.

Subdivide - To effect a subdivision, as applied to this Ordinance.

Subdivider - Any person, as defined herein, who undertakes proceedings to effect a subdivision of land, including changes in street or lot lines, for the purpose of transfer of ownership of development.

Subdivide Land - To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

Subdivision - Either an act of subdividing land or an area or tract of land subdivided as defined in this section.

Submit - To deliver a document (e.g., land use application, written comment) to a reviewing agency's office by personal delivery, commercial delivery, mail, fax, or E-mail. When a document must be submitted within a specified period, it must arrive at the reviewing agency's office by the close of business on the last day of the specified period.

Subsurface Testing - Any procedure that removes material from beneath the ground surface for the purpose of identifying cultural resources, such as shovel tests, posthole digger tests and auger borings.

Suitability - The appropriateness of land for production of agricultural or forest products or for recreation, considering its capability for production, surrounding uses and features associated with development, compatibility with scenic, cultural, natural and recreation resources, compatibility among uses, and other cultural factors, such as roads, powerlines, dwellings and size of ownership.

Swept Area - Area perpendicular to the wind velocity that a rotor will cover during one complete rotation.

Tax Lot - An identification number assigned by the Oregon Department of Revenue to delineate property ownership for the purpose of taxation.

Tentative Plan Map for a Partition - A drawing or diagram prepared from completed information, in compliance with regulations and ordinances adopted pursuant to [ORS 92.046](#), and regulations of [ORS 209.205](#), representing defined land, setting forth intentions in writing, and including relative mathematical and descriptive data for preparation of conveyances by metes and bounds descriptions.

Thinning (SMA) - A forest practice intended to create favorable conditions for the continued growth of trees within an existing stand of trees. A thinning becomes a forest opening in coniferous forests when the average canopy closure of the overstory layer is zero or less than 40 percent and the understory layer is less than 60 percent average canopy closure of trees averaging less than 5 inches diameter at breast height. A thinning becomes a forest opening in oak woodlands when the total average canopy closure is less than 25 percent.

Tiedowns - Strapping or cables attached to the mobile home and connected to anchors embedded in the ground, which secure a mobile home from damage and movement during high winds.

Total canopy closure (SMA) - For forest practices, the percentage measuring the degree to which all layers of the tree canopy combine together to block sunlight or obscure the sky as measured from below.

Total WECS Height - The height of a WECS measured from ground level to the highest vertical extension of a WECS.

Tourist Court - A group of attached or detached buildings containing separate rooms or living units for the temporary use of automobile travelers, having garage attached or parking space adjacent to every unit, including auto courts, motels, or motor cottages.

Tract - All contiguous lots, parcels or lot of records under the same ownership.

Travelers Accommodations - Any establishment having rooms rented or kept from rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental use or use of facilities.

Travel Trailer - A recreation vehicle that is not used as a permanent residence, is transportable on public highways by permanently attached axles, and does not exceed thirty-two (32) feet in length, or eight (8) feet in width, or any equivalent dimension combination.

Treatment (SMA) - For forest practices, a site-specific operation that carries out the forest management objectives for an area.

Treaty Rights or Other Rights - Rights reserved by the Indian tribes through the Treaties of 1855. These include the right of fishing at all usual and accustomed places, as well as the privilege of pasturing livestock and hunting and gathering on open and unclaimed lands in common with the citizens of the states.

Tributary Fish Habitat - Streams that are used by anadromous or resident fish for spawning, rearing and/or migration.

Truck Camper - A recreation vehicle, camper, or canopy that fits onto the bed of a pickup or flat-bed truck, and that is not used as a permanent residence.

Understory (SMA) - For forest practices, the shorter or immature trees below the tall or mature overstory trees.

Undertaking - Any project, activity, program or development or change in land use that can result in changes in the character or use of a cultural resource, if any such cultural resources is located in the area of potential effects. For federal undertakings, the project, activity, or program must be under the direct or indirect jurisdiction of a federal agency or licensed or assisted by a federal agency. Undertakings include new and continuing projects, activities, or programs and any of their elements [\[36 CFR 800.16\(y\)\]](#).

Unimproved Lands - Lands that generally do not have developments such as buildings or structures.

Unique Ecologic Associations - Land areas where species composition, vegetative characteristics, or systems variations produce ecologic patterns of unusual and rare quality that cannot be observed elsewhere in Wasco County.

Unique Geological Features - Fossil beds, formation type locations, and major structural features that cannot be observed elsewhere in the State of Oregon.

Unit of Land - An area of contiguous land at least of sufficient size to meet minimum zoning requirements for use, coverage of an area, and to provide such yards and other open spaces as are required by this Ordinance; such property shall have frontage on a public street, or such other access approved by the Commission or Court under provisions of this ordinance. A unit of land may be:

- a. A single lot of record;
- b. A lot as defined herein;
- c. A parcel, as defined herein.

Upland - any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet to elicit development of vegetation, soils and/or hydrologic characteristics associated with wetlands.

Use - The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is not or may be occupied or maintained.

Use, Conditional - The term applied to a use which may be permitted by the application for, and the issuance of a Conditional Use Permit.

Use Permit - A permit allowing a specific use.

Use, Professional - The place of business of a person engaged in a profession such as accountant, architect, artist, attorney-at-law, professional engineer, land surveyor, insurance agent, real estate broker, landscape architect, or practitioner of the human healing arts.

Use, Prohibited - A use not allowed in a zoning district.

Uses allowed outright - New uses and developments that may occur without being reviewed by Wasco County to determine if they are consistent with the Wasco County National Scenic Area Land Use and Development Ordinance.

Utility Facility - Any structure which provides for the transmission or distribution of water, sewer, fuel, electricity, and/or communications.

Variance - A specific deviation from a part of this Ordinance.

Vehicle Site - The area or place used for parking occupied residential trailers or recreational vehicles, and may include sewer, water, gas or electrical hook-ups. Places used to store unoccupied recreational vehicles are not considered to be recreational vehicle sites.

Vertical Axis WECS - A WECS which rotor axis is vertical.

Vested right - The right to develop or continue to develop a use, development or structure that was reviewed and approved pursuant to the Wasco County Land Use and Development Ordinance.

Veterinary Hospital - An institution providing overnight medical services for sick and injured animals, and including such related facilities as laboratories, X-ray, and boarding.

Veterinary Office - An office which provides medical services for sick and injured animals on an out-patient basis.

Walkway - A sidewalk or pathway, including access ways, providing a pedestrian connection that is improved to County standards, or to other roadway authority standards, as applicable. See also, Access, Pathway, Sidewalk.

Viewshed - A landscape unit seen from a key viewing area.

Visual Quality Objective (VQO) - Is a set of visual management goals established by the Forest Service to achieve a desired visual objective. These objectives include retention and partial retention, and others in the Mt. Hood and Gifford Pinchot National Forest Plans.

Visually Subordinate - A description of the relative visibility of a structure or use where that structure or use does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point. As

opposed to structures which are fully screened, structures which are visually subordinate may be partially visible. They are not visually dominant in relation to their surroundings. Visually subordinate forest practices in the SMA shall repeat form, line, color, or texture common to the natural landscape, while changes in their qualities of size, amount, intensity, direction, pattern, etc., shall not dominate the natural landscape setting.

Waterbody - A lake, wetland, or Class I or Class II stream.

Water-Dependent - Uses that absolutely require, and cannot exist without, access or proximity to, or siting within, a water body to fulfill their basic purpose. Water-dependent uses include, but are not limited to, docks, wharfs, piers, dolphins, certain fish and wildlife structures, boat launch facilities, and marinas. Dwellings, parking lots, spoil and dump sites, roads, restaurants, trails and paths, trailer parks, resorts, and motels are not water-dependent.

Water-Related - Uses not directly dependent upon access to a water body, but whose presence facilitates public access to and enjoyment of a water body. In the General Management Area, water-related uses shall be limited to boardwalks, trails and paths, observation decks, and interpretive aids, such as kiosks and signs.

WECS - See Wind Energy Conversion System.

WECS Site - The lot or lots upon which a WECS is situated. If abutting lots are used primarily for WECS, the WECS site encompasses all such abutting lots.

WECS Tower - Subsystem of a WECS that supports the rotor, or other collection device, above-ground.

Wetlands - Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence or vegetation typically adapted for life in saturated soil conditions. This does not include riparian areas, rivers, streams, and lakes.

Wetlands Functions - The beneficial roles that wetlands serve, including storage, conveyance, and attenuation of floodwaters and stormwaters; groundwater recharge and discharge; protection of water quality and reduction of sediment and erosion; production of waterfowl, game and nongame birds, mammals, and other living resources; protection of habitat for endangered, threatened, and sensitive species; food chain support for a broad range of wildlife and fisheries; educational, historical, and archaeological value protection; and scenic, aesthetic, and recreational amenities.

Wildlife Areas - Areas identified and inventoried by wildlife biologists from several federal and state resource agencies that have special values including:

- a. Areas that are used by wildlife species that have limited or declining populations.
- b. Habitats that are highly vulnerable to the effects of new development and uses.
- c. Areas that support large numbers of wildlife species.
- d. Areas that are essential to the long-term existence of a given species, including breeding habitat, seasonal ranges, and movement corridors.

- e. Habitat of limited availability.

[The Management Plan](#) for the Columbia River Gorge National Scenic Area lists the types of habitat areas inventoried in Table 4, page I-129. The Columbia River Gorge Commission has a list on file of the habitat sites. The Forest Service and Gorge Commission will provide and update mapped inventory information for County use.

Wind Energy Conversion System (WECS) - A device that converts the kinetic energy in the wind into electric energy. The WECS includes all parts of the system except transmission lines.

Wind Energy Facility - One or two WECS including all parts of the system on the same tract.

Wind Measurement Device - An instrument for measuring wind speed and/or direction, including the tower or pole upon which it is mounted.

Winery - An agricultural facility used for processing grapes into wine, including laboratories, processing areas, offices, and storage areas. A winery is distinct from a wine sales/tasting room; each of these uses must be explicitly reviewed and approved.

Wine sales/tasting room - A facility that is accessory to a winery and used for tasting and retail sales of wine, including interior space (e.g., wine bar, sitting room) and exterior space (e.g., patio, veranda). A wine sales/tasting room shall not be used for preparing or serving meals or hosting weddings, receptions or other commercial events, unless allowed, reviewed and approved under the “Commercial Events”, Section 20.300 of this Ordinance. A wine sales/tasting room is distinct from a winery; each of these uses must be explicitly reviewed and approved.

Woody Plant - A seed plant (gymnosperm or angiosperm) that develops persistent, hard, fibrous tissues.

Yard - An open space on a lot with a building and bounded on one (1) or more sides by such building, such space being unoccupied and unobstructed from the ground upward.

Yard, Front - A yard between the front line of the main building (exclusive of steps), and the front property line. Front property line is that side of a lot or parcel where access is obtained from a street or road.

Yard, Rear - An open, unoccupied space on the same lot with the main building, between the rear line of the main building (exclusive of steps, porches, and accessory buildings), and the rear line of the lot.

Yard, Side - An open, unoccupied space on the same lot with the main building, between the side wall line of the main building and the side line of the lot.

Yurt: A round, domed shelter of cloth or canvas on a collapsible frame. ([ORS 215.283\(2\)\(c\)](#))

DETAILED TABLE OF CONTENTS

CHAPTER 2 - DEVELOPMENT APPROVAL PROCEDURES

<u>SECTION</u>		<u>PAGE</u>
2.010	<u>PURPOSE</u>	2-1
2.020	<u>REVIEW PROCESS</u>	2-1
2.030	<u>APPLYING NEW LESS STRINGENT REGULATIONS TO DEVELOPMENT APPROVED UNDER PRIOR SCENIC AREA REGULATIONS</u>	2-1
2.040	<u>COORDINATION OF DEVELOPMENT APPROVAL</u>	2-1
2.050	<u>WASCO COUNTY APPLICATION AUTHORITY</u>	2-2
2.060	<u>WHO MAY APPLY</u>	2-4
2.070	<u>PRE-APPLICATION CONFERENCE</u>	2-4
2.080	<u>COMPLETENESS</u>	2-4
2.090	<u>FILING FEES</u>	2-5
2.100	<u>NOTICE REQUIREMENTS</u>	2-5
2.110	<u>ADMINISTRATIVE ACTION PROCEDURE OF THE DIRECTOR</u>	2-10
2.120	<u>THE DECISION OF THE DIRECTOR</u>	2-10
2.130	<u>NOTICE OF A DECISION</u>	2-11
2.140	<u>RECORDATION OF CONDITIONS OF APPROVAL</u>	2-13
2.150	<u>APPEAL FROM DECISION OF THE DIRECTOR</u>	2-13
2.160	<u>REVIEW OF A DECISION OF THE PLANNING COMMISSION</u>	2-14
2.170	<u>REVIEW BY THE COUNTY GOVERNING BODY</u>	2-15
2.180	<u>HEARING PROCEDURE</u>	2-16
2.190	<u>ESTABLISHMENT OF PARTY STATUS</u>	2-18
2.200	<u>OFFICIAL NOTICE</u>	2-19
2.210	<u>GENERAL CONDUCT OF ALL HEARINGS: ADMINISTRATIVE, QUASI-JUDICIAL OR LEGISLATIVE</u>	2-19
2.220	<u>APPROVAL, REJECTION, MODIFICATION</u>	2-20
2.230	<u>APPEALS TO THE GORGE COMMISSION</u>	2-20
2.240	<u>EXPIRATION OF APPROVALS</u>	2-21
2.250	<u>EXTENSION OF VALIDITY OF LAND USE</u>	2-22

CHAPTER 2 - DEVELOPMENT APPROVAL PROCEDURES

SECTION 2.010 Purpose

The purpose of this Chapter is to establish procedures for approval of development required by this Ordinance, appeals from aggrieved persons and parties, and review of any decision by a higher authority.

SECTION 2.020 Review Process

An application for Type II, III, or IV approval required by Wasco County shall be processed by Administrative Action, quasi-judicial Public Hearing or, Legislative Public Hearing pursuant to applicable sections of this Ordinance. Quasi-judicial Public Hearings shall be held on all applications for a permit or approval required by these regulations, provided that hearings shall not be held in those matters the Director has authority to act upon, unless an appeal be taken.

SECTION 2.030 Applying New Less-Stringent Regulations to Development Approved Under Prior Scenic Area Regulations (GMA & SMA)

A landowner may submit a land use application to alter conditions of approval for an existing use or structure approved under prior Scenic Area regulations (e.g., Columbia River Gorge National Scenic Area Final Interim Guidelines, original Management Plan), subject to the following standards:

- A. The applicant(s) shall apply for the same development that was reviewed in the original decision.
- B. The development shall remain in its current location.
- C. The application shall be reviewed by Wasco County and shall be governed by all applicable application and review procedures indicated in this Chapter.
- D. The entire development shall be reviewed to ensure that it would fully comply with all the current criteria in [Chapter 14](#) (i.e., land use, treaty rights, scenic resources, cultural resources, recreation resources and natural resources) as well as any other applicable review criteria.
- E. The new decision shall supersede the original decision.
- F. The new decision may remove or revise original conditions of approval or add new conditions of approval to ensure full compliance with all the current criteria.

SECTION 2.040 Coordination of Development Approval

- A. The Director shall be responsible for the coordination of a development application and decision-making procedures and shall approve developments when proper application is made and the proposed development is in compliance with the provisions of this Ordinance, the Wasco County Comprehensive Plan, and the Management Plan for the Columbia River Gorge National Scenic Area.

- B. The coordination of development application shall include the opportunity for the applicant to apply for all permits necessary for a development project at one time. The consolidated procedure shall be subject to the time limitations set out in this chapter.
- C. After an application has been submitted, no building permit application for the proposed use shall be signed until final action has been taken and all required conditions have been met. Following final action on the application, the issuance of zoning approval on a building permit application shall be in conformance with the zoning regulations of this Ordinance, and any conditions of development approval.

SECTION 2.050 Wasco County Application Authority

The Following includes only the Wasco County Application Authority. All quasi – judicial appeals and legislative actions decided upon by the Columbia River Gorge Commission shall be governed by the Management Plan for the Columbia River Gorge National Scenic Area.

- A. The Director shall have the authority to review the following applications for Type II Administrative Actions, and shall follow the procedure provided by this Ordinance to accomplish such review.
 - 1. Basic Provisions ([Chapter 3](#))
 - 2. Uses permitted subject to Expedited Review ([Chapter 3](#)).
 - 3. Uses permitted Subject to Additional or Referenced Standards ([Chapter 3](#))
 - 4. Conditional Use Reviews ([Chapter 5](#))
 - 5. [Administrative Variances](#) ([Chapter 6](#))
 - 6. Temporary Use Permits ([Chapter 8](#))
 - 7. Non-conforming Use Reviews ([Chapter 13](#))
 - 8. Scenic Area Reviews ([Chapter 14](#))
 - 9. Emergency/Disaster Response ([Chapter 16](#))
 - 10. Partition Approvals, except as provided for in 2.050(B), re-plats and property line adjustments. ([Chapter 21](#))
 - 11. Permitted uses which require the interpretation or the exercise of policy or legal judgment.
- B. The following applications for Type III and Type IV Quasi-Judicial and Legislative Actions shall be heard by the Planning Commission, pursuant to [Sections 2.100](#), [2.180](#), [2.190](#), [2.200](#), [2.210](#), and [2.220](#) of this Ordinance:

Type III Actions

1. Appeals of Decision of Director made pursuant to [2.050\(A\)](#) and any ministerial action of the Director.
2. Matters which the Director elects not to review, pursuant to [2.050\(A\)](#).
3. Revocation of Conditional Use Permits [\(Chapter 5\)](#)
4. Variances [\(Chapter 6\)](#)
5. Recreational Vehicle Parks [\(Chapter 17\)](#)
6. Cluster Developments [\(Chapter 18\)](#)
7. Preliminary Partitions involving private or public road approval [\(Chapter 21\)](#)
8. Subdivisions [\(Chapter 21\)](#)
9. Private Road Approvals [\(Chapter 21\)](#)

Type IV Actions

10. Recommendation to the County Governing Body on a Legislative or Quasi-Judicial Plan Amendment [\(Chapter 9\)](#)
 11. Recommendation to the County Governing Body on Zone Change and/or Ordinance Amendments [\(Chapter 9\)](#)
 12. Recommendation to the County Governing Body on street dedications [\(Chapter 21\)](#)
- C. The following application for Type III and Type IV Quasi Judicial and Legislative Actions shall be heard by the County Governing Body, pursuant to [Sections 2.100, 2.180, 2.190, 2.200, 2.210,](#) and [2.220](#) of this Ordinance:

Type III Actions

1. Appeals of a Planning Commission Decision made pursuant to [2.050\(B\)\(1\)](#) – (9) .

Type IV Actions

2. Plan Amendments [\(Chapter 9\)](#)
3. Zone Change and Ordinance Amendments [\(Chapter 9\)](#)
4. Street Dedications [\(Chapter 21\)](#)

SECTION 2.060 Who May Apply

A. Development request may be initiated by one or more of the following:

1. All owner(s) of the property which is the subject of the application; or
2. The purchaser(s) of such property who submits a duly executed written contract, or copy thereof, which has been recorded with the Wasco County Clerk; or
3. The purchaser(s) of such property who submits a duly executed earnest money agreement stating the land use action proposal; or
4. A lessee in possession of such property who submits written consent of the owner(s) to make such application; or
5. Resolution of the County Governing Body; or
6. County Road Department, (when dealing with land involving public works projects).

Any of the above may be represented by an agent who submits written authorization by his principal to make such application.

SECTION 2.070 Pre-Application Conference

An applicant may request a pre-application conference prior to submitting a request for development approval. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of this Ordinance, provide for an exchange of information regarding applicable elements of the Comprehensive Plan, the Management Plan for the Columbia River Gorge National Scenic Area, and development requirements, arrange such technical and design assistance as will aid the applicant, and to identify policies and regulations that create opportunities or pose significant constraints for the proposed development.

SECTION 2.080 Completeness

A. Complete Application Required:

Any proposed use, development or structure, including expedited review uses, shall be reviewed according to the standards in effect on the date an applicant submitted a complete land use application. A complete application is one the Director determines contains:

1. A complete application form, including all applicable information and review criteria listed on the application form, the Complete Application Submittal requirements of [Section 14.020](#), and any additional information indicated throughout this ordinance; and
2. The required fee, pursuant to [Section 2.090](#).
3. Completeness Time Frame

- a. If an application for a permit is incomplete, the applicant shall be notified in writing of exactly what information is missing within 30 days of receipt of the application and be allowed to submit the missing information. The application shall be deemed complete upon receipt of all of the missing information.
- b. On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection a. of this section and has not submitted information.

B. Quasi-Judicial Time Limitations

After deeming a quasi judicial application listed in [Section 2.050](#) complete, the Director shall act on or cause a hearing to be held on the application within the time requirements of [ORS 215.427](#) unless such time limitation is extended with the consent of the applicant.

SECTION 2.090 Filing Fees

- A. Any application filed with the Planning Department shall be accompanied by the appropriate filing fee to reimburse the County for processing costs attendant upon the application.
- B. Fees shall not exceed the actual or average cost of providing the service.
- C. Any and all fees shall be established by County Governing Body Order, be separate from this Ordinance, and may be revised whenever necessary.
- D. A filing fee may be waived by the County Governing Body following the procedures indicated in the current fee schedule.
- E. All fees received pursuant to this Section shall be deposited in the County General Fund.
- F. Fees are not transferable or refundable.

SECTION 2.100 Notice Requirements

Citizen and Agency Involvement. The County shall provide opportunities for public and agency input in the planning process. To ensure that there is a coordinated effort to permit land use projects, notice of applications for development approval shall be sent to interested agencies and departments such as County departments, sheriff and fire departments, school districts, utility companies, and the applicable city departments for those municipalities within Wasco County. Affected jurisdictions and agencies could include the Gorge Commission, Forest Service, Department of Environmental Quality, the Oregon Department of Transportation, Wasco County Transportation Network, and other applicable local, state or federal agencies & Treaty Tribes.

If the subject property is being considered for a plan amendment or zone change, notice of receipt of the application shall be provided to the Oregon Department of Transportation.

A. Type II - Administrative Action

1. Notice Recipients - Notice for an Administrative Action, pursuant to [2.050\(A\)](#) shall be mailed at least fifteen (15) days prior to a decision to the following:
 - a. The applicant and all owners or contract purchasers of record of the property which is the subject of the application;
 - b. All owners of property and agencies as stipulated by the notification matrix (Table 2-1);
 - c. Any affected governmental agency or public district within whose boundary the subject property lies;
 - d. The city within whose recognized Urban Area Boundary the subject property lies or whose facilities may be impacted;
 - e. Other persons as may be clearly and necessarily affected by the result of the development request and as required due to the presence of Scenic, Natural or Cultural Resources.
 - f. The USDA Forest Service, the Columbia River Gorge Commission, the State of Oregon, and the four Indian tribal governments.
 - g. Any individuals or groups having a subscription to receive notice of all planning actions taken by the Wasco County Planning and Development Office.
 - h. Owners of a public use airport of any land use action within 5,000 feet of the side or end of a "visual airport" runway, or within 10,000 feet of an "instrument airport" runway, unless the action involves structures less than thirty-five (35) feet tall outside the runway approach surface.
 - i. For an expedited review the notice shall be the preliminary decision pursuant to Sections [2.110](#) and [2.120](#). Written comments on the proposed development will be received within 12 days from the date a notice is sent from the four Indian tribal governments, the Gorge Commission, the Forest Service, all landowners within 200 feet of the subject parcel, and any other interested parties. If written comments are received from any of the above described, the comments will be included in the review and a new decision with appeal period will be issued pursuant to Sections [2.110](#) and [2.120](#). If no comments are received from these entities, the decision will be considered final unless appealed by another party pursuant to [Section 2.150](#).
2. Contents of Notice - Notice for a Type II - Administrative Action shall be filed with the Director and shall include the following information:
 - a. The location, title of the request and the date such notice was sent;
 - b. The general location of the subject property and legal description;

- c. The legal owner of record and the name of applicant seeking review;
- d. The present zoning of the subject property and applicable Ordinances and sections that apply to the application at issue;
- e. The nature of the application;
- f. The deadline for filing comments on the request.
- g. That failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue;
- h. The name of a local government representative to contact and the telephone number where additional information may be obtained;
- i. That a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
- j. That a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and
- k. General explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
- l. For expedited reviews, the notice shall also include a copy of the application which shall only be required to be sent to the Gorge Commission, Forest Service and four Indian Tribal Governments.

3. Additional Notice Criteria

- a. The County shall determine if a wildlife management plan as required in 14.600(C)(5), or rare plant protection and rehabilitation plan as required in 14.600(D)(5) is needed within seven (7) days of the close of the fifteen (15) day public comment period.
- b. For proposed uses or developments where a cultural resource survey (Reconnaissance or historic) is required to be performed by the Commission in accordance with 14.500(B), the survey shall be completed by the close of the fifteen (15) day public comment period.
- c. All cultural resource surveys shall be forwarded to the State Historic Preservation Office and Indian Tribes for a thirty (30) day cultural resource review period in accordance with Section 14.500(C)(3).
- d. Within seven (7) days of the close of the thirty (30) day cultural resource comment period, a determination of need for an evaluation of significance, as provided for in

14.500(D), shall be made by the County, in consultation with Tribes and State Historic Preservation Office.

- e. An affidavit of all publication and mailing notices shall be made part of the record.

B. Type III - Quasi Judicial Public Hearing

1. Notice Recipients - At least twenty (20) days prior to the date of a quasi-judicial public hearing listed hearing under [2.050\(B\)\(1\)](#) – (9) and ten (10) days prior to the date of a public hearing listed under [2.050\(C\)\(1\)](#), notice shall be sent or provided to the same list indicated in (A)(1) above unless otherwise specified, in addition to the following:
 - a. Notice shall be given by publication in the official newspaper of Wasco County at least fifteen (15) days prior to the date of a quasi-judicial public hearing listed under [2.050\(B\)\(1\)](#) – (9) and ten (10) days prior to the date of a hearing listed under [2.050\(C\)\(1\)](#).
 - b. Notice of Review by the County Governing Body pursuant to [2.050\(C\)\(1\)](#) shall also be posted in at least two (2) different public locations and published in the official newspaper of Wasco County at least ten (10) days prior to the date set for the hearing.
2. Contents of Notice - In addition to the Contents of the Notice listed in (A)(2) above, with the exception of (f) & (g), the notice for a quasi-judicial public hearing listed under 2.060(B)(1) – (9) and (C)(1) shall also include the date, time and place of hearing and the name of the hearing body;
3. Additional Notice Criteria - The provisions of (A)(3) above shall be applicable to quasi-judicial public hearings listed under [2.050\(B\)\(1\)](#) – (9) and [2.050\(C\)\(1\)](#).

C. Type IV - Legislative Hearing Notice

1. Planning Commission Notice Requirements – Notice shall be sent at least fifteen (15) days prior to the date of a legislative hearing.
 - a. Recipients to be determined by Wasco County Governing Body in addition to the following agencies:
 - (1) The USDA Forest Service, the Columbia River Gorge Commission, the State of Oregon, and the four Indian tribal governments
 - (2) All applicable local, state, and federal natural resource agencies
 - (3) State Historic Preservation Office
 - (4) Historic Columbia River Highway Advisory Committee
 - (5) Any individuals or groups having a subscription to receive notice of all planning actions taken by the Wasco County Planning and Development Office.

- (6) Owners of a public use airport of any land use action within 5,000 feet of the side or end of a "visual airport" runway, or within 10,000 feet of an "instrument airport" runway, unless the action involves structures less than thirty-five (35) feet tall outside the runway approach surface.
 - b. Notice shall be published in accordance with (B)(1)(a) above.
2. County Governing Body Notice Requirements – Notice shall be sent at least ten (10) days prior to the date of a legislative hearing.
- a. In addition to agencies listed in (C)(1)(a) above, excluding recipients determined by Wasco County, recipients shall include parties of record who:
 - (1) have submitted written testimony,
 - (2) provided testimony at the Planning Commission,
 - (3) or those who have requested in writing to receive notice
 - b. Notice shall be published in accordance with (B)(1)(a) and (b) above.

D. Transportation Related Notice

1. Notice of a legislative hearing will be sent to public agencies and local jurisdictions (including those providing transportation facilities and services) that may be impacted by the proposed action. Affected agencies and jurisdictions could include the Department of Environmental Quality, the Oregon Department of Aviation, cities within Wasco County, and neighboring jurisdictions.
2. Notice of a legislative or quasi-judicial hearing for any proposal that includes a new transportation facility or improvement, and where these facilities or improvements include or may impact a collector or arterial street, will be sent to the Oregon Department of Transportation and any special interest transportation groups as appropriate. Special interest transportation groups could include trucking organizations, bicycle and pedestrian interest groups, and public transit providers. Information that should be conveyed with the notice includes the following:
 - a. Project location
 - b. Proposed land use action
 - c. Location of project access point(s)

SECTION 2.110 Administrative Action Procedure of the Director

- A. Within the time period specified in [Section 2.080](#), the Director shall:
1. Publish or otherwise file notice pursuant to [Section 2.100](#);
 2. Prepare findings of fact and conclusions of law; and
 3. Prepare a decision to approve or deny the request. Approvals may include conditions considered necessary to assure conformance with the Comprehensive Plan and the Management Plan for the Columbia River Gorge National Scenic Area pursuant to [2.120\(C\)](#).
- B. If the application does not meet the criteria or if written objections are received, or if the applicant or the Director so desires for any reason, the Director may schedule any application made under [2.050\(A\)](#) for public hearing before the Planning Commission, pursuant to [2.050\(B\)\(2\)](#), and the Commission shall decide the matter, as if the matter were listed under [2.050\(B\)](#).

SECTION 2.120 The Decision of the Director

- A. In making a decision, the Director shall consider the following:
1. The burden of proof is placed upon the petitioner seeking an action pursuant to the provisions of this Chapter. Unless otherwise provided for in this Chapter, such burden shall be to prove:
 - a. The proposed action fully complies with the applicable map elements of the relevant Comprehensive Plan and Management Plan for the Columbia River Gorge National Scenic Area and also the goals and policies of the applicable plans.
 - b. The proposed action is in accordance with the applicable criteria of this Ordinance.
 2. Written comments from parties or other persons.
- B. In all cases, the Director shall enter findings and conclusions to justify their decision.
- C. The following limitations shall be applicable to conditional approvals:
1. Conditions shall be fulfilled within the time limitations set forth in the approval thereof, or, if no specific time has been set forth, within a reasonable time.
 2. Such conditions shall be reasonably conceived to fulfill public needs emanating from the proposed land use as set forth in the application in the following respects:
 - a. Protection of the public from the potentially deleterious effects of the proposed use; or

- b. Fulfillment of the need for public service demands created by the proposed use.
 - c. Promote the public health, safety and welfare and provide protection and enhancement of the scenic, natural, cultural and recreation resources in the Columbia River Gorge National Scenic Area.
3. The conditional approval may require the owner of the property to sign a contract with the County for enforcement of the conditions. Such contract shall be executed within thirty (30) days after conditional approval is granted, provided, however, that the Director may grant time extensions due to practical difficulty. The Director shall have the authority to execute such contracts on behalf of the County. If a contract is required by a conditional approval, no zoning approval on a building permit application shall be issued for the use covered by the application until the executed contract is recorded on the real property records of Wasco County and filed in the County Journal. Such contract shall not restrict the power of subsequent administrative action, with or without conditions. Such contracts shall be enforceable against the signing parties, their heirs, successors, and assigns by Wasco County by appropriate action in law or suit in equity for the benefit of public health, safety and welfare.
 4. Failure to fulfill any conditions of approval within the time limitations imposed may be grounds for initiation of Administrative Action or revocation of approval by the Director.
 5. A bond, in a form acceptable to the Director or, upon appeal or review, by the Commission or County Governing Body or a cash deposit from the property owner(s) or contract purchaser(s) in such amount as will assure compliance with the conditions imposed pursuant to this section may be required. Such bond or deposit shall be posted at the same time the contract containing the conditions of approval is filed with the Wasco County Clerk.
- D. If an application is denied by the Director, and no higher authority reverses such denial upon appeal, no new application for the same or substantially similar action shall be filed for at least twelve (12) months from the date of the final order of the action denying the application.

SECTION 2.130 Notice of a Decision

- A. Notice of a decision by pursuant to [2.050](#)(A), (B)(1) – (9) and (C)(1) shall be filed in the records of the Director and also mailed to the following:
1. The applicant(s) and all owners or contract purchasers of record of the property which is the subject of the application.
 2. All owners of property as stipulated by the notification matrix (Table 2-1). For an expedited review, the required notification area shall be limited to landowners within 200 feet of the perimeter of the subject parcel.
 3. Any affected governmental agency or public district within whose boundary the subject property lies.

4. The city within whose recognized Urban Area Boundary the subject property lies.
 5. The USDA Forest Service, the Columbia River Gorge Commission, the State of Oregon, and the four Indian tribal governments.
 6. Any individuals or groups having a subscription to receive notice of all planning actions taken by the Wasco County Planning and Development Office.
- B.** Notice of a decision shall contain:
1. Identification of the application;
 2. Other information pertinent to the application, if any;
 3. The date of the filing of the decision;
 4. Notice that any party may appeal an expedited review decision within twelve (12) days and all other review decisions within fifteen (15) days from the date such notice was sent by filing a timely statement with the Director.
- C.** The decision of the Director pursuant to [2.050\(A\)](#) shall be final unless an appeal from an aggrieved person is received by the Director within twelve (12) days for an expedited review decision and fifteen (15) days for all other review decisions after the filing of a decision on an Administrative Action or unless the Commission or County Governing Body on its own motion, orders review for an expedited review decision within twelve (12) days and all other review decisions within fifteen (15) days after the filing of the proposed decision.
- D.** Notice of a legislative decision shall be filed in the records of the Director and also mailed to the following:
1. Any affected governmental agency or public district within whose boundary the subject property lies;
 2. The city within whose recognized Urban Area Boundary the subject property lies;
 3. The USDA Forest Service, the Columbia River Gorge Commission, the State of Oregon, and the four Indian tribal governments.
 4. Any individuals or groups having a subscription to receive notice of all planning actions taken by the Wasco County Planning and Development Office.
 5. Parties of record who:
 - (a) have submitted written testimony; or
 - (b) provided testimony at either the Planning Commission or County Governing Body hearing; or

(c) those who have requested in writing to receive the decision.

E. Notice of a decision shall contain:

1. Identification of the application;
2. Other information pertinent to the application, if any;
4. The date of the filing of the decision by the Wasco County Governing Body;
5. Notice that any party may appeal a decision within thirty (30) days from the date such notice was sent by filing a timely statement with the Columbia River Gorge Commission.

SECTION 2.140 Recordation of Conditions of Approval

All conditions attached to approval of uses shall be recorded in the County deeds and records to ensure notice of the conditions to successors in interest.

SECTION 2.150 Appeal from Decision of the Director

- A. Any action taken by the Director or the Director's designee in the interpretation, administration or enforcement of this ordinance shall be subject to review by the Planning Commission.
- B. Any party may appeal a decision of the Director relative to an Administrative Action. In the conduct of a hearing, the Approving Authority shall establish the appellant as a party or the appeal shall not be heard and the contested decision shall become final. For expedited reviews, party status shall be given to any person.
- C. The Approving Authority may review the action of the Director upon receipt of a Notice of Appeal as prescribed in this section. For the purpose of this section, an appeal shall be filed with the Director no later than twelve (12) days for an expedited review and fifteen (15) days for all other reviews following the date of the decision or action of the Director. The decision of the Director may also be reviewed by the County Governing Body upon its own motion passed within twelve (12) days for an expedited review and (15) fifteen days for all other reviews following the date of the written decision sought to be reviewed if no appeal is filed. County Governing Body review shall be conducted pursuant to [Section 2.170](#).
- D. Every Notice of Appeal shall contain:
 1. A reference to the application sought to be appealed.
 2. A statement as to how the petitioner qualifies as a party.
 3. The specific grounds relied upon in the petition request for review.
 4. The date of the final decision of the action.

5. The required fee, unless waived pursuant to [Section 2.090](#).
- E. Members of the Approving Authority shall neither:
1. Communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; nor
 2. Take notice of any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless the parties are afforded an opportunity to contest the material so noticed.
- F. Appeal of an administrative decision to the Planning Commission shall be "de novo"; i.e., conducted as a new hearing before the public.
- G. The review shall be accomplished in accordance with the Rules of Procedure adopted by the County Governing Body. The Approving Authority may continue its hearing from time to time to gather additional evidence or to consider the application fully. Unless otherwise provided by the Approving Authority no additional notice need be given of continued hearings if the matter be continued to a certain date.
- H. All evidence offered and not objected to shall be received unless excluded by the Approving Authority on its own motion. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conducting of their everyday affairs. Evidence shall be received and notice may be taken of those facts in a manner similar to that provided for in contested cases before state administrative agencies pursuant to [ORS 183.450](#) except as otherwise provided for herein.
- I. The Approving Authority shall render a decision, may affirm, reverse or modify the action of a lesser authority and may reasonably grant approval subject to conditions necessary to carry out the Comprehensive Plan and Management Plan for the Columbia River Gorge National Scenic Area pursuant to [2.120\(C\)](#).
1. For all cases the Approving Authority shall make a decision based on findings and conclusions from the record before it as justification for its action.
 2. The Director shall send a copy of the Approving Authority's decision to all parties to the matter and a copy of such decision shall be filed in the records of the Director.

SECTION 2.160 Review of a Decision of the Planning Commission

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

- A. Review of the decision of the Planning Commission:
1. Shall be made by the County Governing Body, pursuant to [Section 2.170](#), upon any party filing a Notice of Review with the Director within fifteen (15) days from the date of the final

decision sought to be reviewed; or

2. May be made by the County Governing Body, pursuant to [Section 2.170](#), on its own motion passed within fifteen (15) days from the date of the final decision sought to be reviewed.
- B.** Notice of the time and place of the review together with any Notice of Review filed shall meet the requirements of [Section 2.100](#), Notice Requirements.
- C.** Every Notice of Review shall contain:
1. A reference to the decision sought to be reviewed;
 2. A statement as to how the petitioner qualifies as a party;
 3. The specific grounds relied upon in the petition request for review; and
 4. The date of the decision sought to be reviewed.
- D.** A Notice of Review shall be accompanied by a fee as set forth on the fee schedule established by the County Governing Body.
1. If the Court does not desire a transcript, the applicant or any party may request a transcript. Any such transcript request shall be paid for by the person requesting it. The estimated cost of the transcript shall be specified by the Director. Within five (5) days of such estimate, the person filing the Notice of Review shall deposit the estimated cost with the Director. Any deposit excess shall be returned to the depositing person. Failure to comply with this subsection shall be a jurisdictional defect.
 2. If a transcript is desired by the Court, the costs shall be borne by Wasco County.

SECTION 2.170 Review by the County Governing Body

- A.** The review of the decision of the Planning Commission by the County Governing Body shall be conducted as a "de novo" hearing, including but not limited to the record established at the Planning Commission level.
- B.** Review by the County Governing Body upon appeal by a party shall be limited to the grounds relied upon in the petition request for review.
- C.** The County Governing Body may remand the matter to the Planning Commission if it is satisfied that testimony or other evidence could not have been presented at the hearing before the Planning Commission. In deciding such remand, the County Governing Body shall consider and adopt findings and conclusions respecting:
1. Prejudice to parties;
 2. Convenience or availability of evidence at the time of the initial hearing;

3. Surprise to opposing parties;
 4. Date notice was sent to other parties as to an attempt to admit; and
 5. The competency, relevancy and materiality of the proposed testimony or other evidence.
- E. Only those members of the County Governing Body reviewing the entire record may act on the matter reviewed. The agreement of at least two (2) members is necessary to amend, reverse, or remand the action of the Planning Commission. Upon failure of at least two (2) members to agree, the decision of the Approving Authority below shall stand.
- F. The Notice of a Decision shall meet the requirements of [Section 2.130](#).

SECTION 2.180 Hearing Procedure

- A. In the conduct of a public hearing, the Approving Authority shall have the authority, pursuant to Rules of Procedure approved by the County Governing Body, to:
1. Determine who qualifies as a party.
 2. Regulate the course, sequence and decorum of the hearing.
 3. Dispose of procedural requirements or similar matters.
 4. Rule on offers of proof and relevancy of evidence and testimony.
 5. Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation and rebuttal testimony.
 6. Take such other action appropriate for conduct commensurate with the nature of the hearing.
 7. Grant, deny, or in appropriate cases, attach conditions pursuant to [2.120\(C\)](#) of this Chapter to the matter being heard.
- B. Order of Procedure: Unless otherwise specified, the Approving Authority, in the conduct of a hearing, shall:
1. Announce the nature and purpose of the hearing and summarize the rules for conducting the hearing.
 2. Recognize parties.
 3. Ask for disclosure of any potential conflicts of interest by those on the decision-making body.

4. Ask parties to the hearing if there is a challenge to the ability of any member to make an unbiased decision on the case.
5. Request the Director or their designee to present a summary of staff findings and recommendation, if any, and explain any graphic or pictorial displays which are part of the staff report.
6. Testimony
 - a. De Novo Hearings:
 - (1) Allow the applicant to be heard first, on their own behalf or by representative.
 - (2) Allow parties or witnesses in favor of the applicant's proposal to be heard.
 - (3) Allow other parties or witnesses to be heard next in the same manner as in the case of the applicant.
 - (4) Upon failure of any party to appear, the Approving Authority may take into consideration written material submitted by such party.
 - (5) Allow only the applicant to offer rebuttal testimony. The scope and extent of rebuttal shall be limited to issues raised during testimony and shall not be used to introduce new evidence.
 - b. Quasi-Judicial Appeal to County Governing Body:
 - (1) Allow the appellant to be heard first, on their own behalf or by representative.
 - (2) Allow parties or witnesses in favor of the appellant to be heard.
 - (3) Allow other parties or witnesses to be heard next in the same manner as in the case of the applicant.
 - (4) Upon failure of any party to appear, the Approving Authority may take into consideration written material submitted by such party.
 - (5) Allow only the appellant to offer rebuttal testimony. The scope and extent of rebuttal shall be limited to issues raised during testimony and shall not be used to introduce new evidence.
7. Close the hearing to public testimony. Questions may be asked at this time by the Approving Authority. Questions by the Director or his designee may be allowed by the Approving Authority upon request.
8. At the conclusion of the hearing, the Approving Authority shall either make a decision and state findings which may incorporate findings proposed by any party, or the Director, or may

take the matter under advisement. The Approving Authority may request proposed findings and conclusions from any party to the hearing.

9. The Approving Authority, before finally adopting findings and conclusions, may circulate the same in proposed form to the parties for written comment. All actions taken by the Approving Authority pursuant to adopting findings and conclusions shall be made a part of the record. The decision, findings and conclusions which support the decision of the Approving Authority shall be final when signed by the Approving Authority. For the purpose of signing the decision, findings and conclusions, the Approving Authority may be:
 - a. Planning Commission Decision: Either the Chairman of the Planning Commission or the Director of Planning or both.
 - b. County Governing Body Decision: All members of the County Governing Body present and deciding upon the application.
10. Within thirty (30) days of the date of public hearing the Approving Authority shall grant, deny or, in appropriate cases, pursuant to [2.120\(C\)](#), attach such conditions as may be necessary to carry out the Comprehensive Plan in approving the proposal being heard. The Director may extend the thirty (30) day deadline for rendering a decision upon consent of the applicant. The Director shall notify parties of the decision by mail.
11. The Approving Authority shall render a decision, may affirm, reverse or modify the action of a lesser authority, and may reasonably grant approval subject to the conditions necessary to carry out the Comprehensive Plan pursuant to [2.120\(C\)](#) of this Ordinance.
 - a. For all cases the Approving Authority shall make a decision based on the record before it as justification for its decision.
 - b. The Director shall send a notice of the Approving Authority's decision to all parties to the matter and a copy of such decision shall be filed in the records of the Director pursuant to [Section 2.130](#), Notice of a Decision.

SECTION 2.190 Establishment of Party Status

- A. In order to have standing under this Chapter, a person shall be recognized as a party by the Approving Authority.

Party status, when recognized by the Approving Authority, establishes the right of the person to be heard, either orally or in writing and to pursue a review or appeal under this Chapter.

- B. A request for establishment of party status may be made at least ten (10) days before the date set for a quasi-judicial public hearing by any person who files a written statement regarding the application being considered.
- C. Seven (7) or more days prior to the date set for a public hearing, the Director shall mail the applicant any statements that have been filed and a copy of the staff report.

- D. With respect to applications under [2.050\(B\)](#), all persons may submit written comments or provide oral testimony prior to the close of a Planning Commission de-novo hearing. These persons shall be automatically given party status.
- E. With respect to applications under [2.050\(C\)\(1\)](#), the Approving Authority may authorize a person to have party status, at any time prior to the close of a hearing, if that person is not otherwise a party, as defined by [Section 1.200](#) of this Ordinance.
- F. A request for establishment of party status for an Administrative decision pursuant to [2.050\(A\)](#) of this Chapter shall be made by filing a written statement within a ten (10) day notification period. Such statement shall include:
 - 1. The name, address and telephone number of the person filing the statement;
 - 2. How the person qualifies as a party; as defined in [Section 1.200](#) of this Ordinance; and
 - 3. Comments which the party wishes to make with respect to the application under consideration.
- G. Any party may appeal a decision of the Director relative to an Administrative Action. In the conduct of a hearing, the Approving Authority shall establish the appellant as a party or the appeal shall not be heard and the contested decision shall become final.

SECTION 2.200 Official Notice

- A. The Approving Authority may take official notice of the following:
 - 1. All facts which are judicially noticeable. Judicially noticed facts shall be stated and made part of the record.
 - 2. The Comprehensive Plan and other officially adopted plans, ordinances, rules and regulations of Wasco County and comprehensive plans and implementing regulations of cities within Wasco County.
- B. Matters officially noticed need not be established by evidence and may be considered by the Approving Authority in the determination of the application.

SECTION 2.210 General Conduct of All Hearings; Administrative, Quasi-Judicial or Legislative.

The following rules apply to the general conduct of the County hearings:

- A. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
- B. No person shall testify without first receiving recognition from the Approving Authority and stating full name and address.

- C. No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence. Formal rules of evidence as used in courts of law shall not apply. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conduct of their everyday affairs.
- D. Audience demonstrations such as applause, cheering, and display of signs, or other conduct disruptive of the hearing shall not be permitted.
- E. The person in charge of the decision making body shall have the authority, at such person's discretion, to inform, reprimand, or remove any person or persons for violations of the above rules of conduct. Violations of the above rules of conduct shall further be grounds for the immediate suspension of the hearing.

SECTION 2.220 Approval, Rejection, Modification

- A. Any application may be approved, rejected and modified, or approved subject to conditions.
- B. Any change to an application approved pursuant to the Wasco County NSA LUDO which represents a major deviation from the approved development action shall be processed as a new action.
- C. Any change to an application approved pursuant to the Wasco County LUDO which represents an immaterial deviation from the approved development action shall be reviewed by the Wasco County Planning Department for consistency with the applicable criteria in this ordinance and the findings and conclusions of the original approval. If the Planning Director approves a minor change, a new notice of decision indicating the change shall be given to all of the parties that would have standing to appeal the change, including the applicant, the Forest Service, the four Indian Tribal governments, the Columbia River Gorge Commission, and anyone who submitted comments during the comment period on the original land use application. The change itself is subject to appeal under the same time frames applicable to the original decision.
- D. Any change to an application approved pursuant to the Wasco County NSA LUDO that is located entirely within the approved development footprint and reduces any exterior dimension without increasing any other dimension and without altering any approved exterior structural colors and materials may be approved by the Director upon submittal of a formal request, a new site plan, and any other information required for review of the requested change. This change will not require an additional pre-notice, findings, notice of decision or appeal period.

SECTION 2.230 Appeals to the Gorge Commission

- A. Congress authorized people to appeal a final decision by the County that relates to the implementation of the Scenic Area Act to the Gorge Commission:

"Any person or entity adversely affected by a final action or order of a county that relates to the implementation of this Act may appeal such action or order to the Commission by filing with the Commission within thirty days of such action or order, a

written petition requesting that such action or order be modified, terminated or set aside."

- B. The Gorge Commission shall consider an appeal at a hearing held for that purpose, only after notice to the petitioner, the County and others eligible to become parties to the proceeding. The Gorge Commission's hearing shall be based upon the record before the County.
- C. The Gorge Commission shall adopt rules to implement the appeals provisions in the Scenic Area Act after consultation with the Secretary, the counties, and the Indian tribes and only after public hearing.

SECTION 2.240 Expiration of Approvals

- A. Notice Not Required: Expiration of any land use approval issued pursuant to this ordinance shall be automatic. Failure to give notice of expiration shall not affect the expiration of a land use approval.
- B. Land Use Approvals without Structures: Any land use approval issued pursuant to this Ordinance for a use or development that does not include a structure shall expire two years after the date the land use approval was granted, unless the use or development was established according to all specifications and conditions of approval in the land use approval. For land divisions, "established" means the final deed or plat has been recorded with the county recorder or auditor. The expiration date for the validity of a land use approval is from the date of the expiration of the appeal period and not the date the decision was issued.
- C. Land Use Approvals with Structures: Any land use approval issued pursuant to this Ordinance for a use or development that includes a structure shall expire as follows:
 - 1. When construction has not commenced within two years of the date the land use approval was granted, or
 - 2. When the structure has not been completed within two years of the date of commencement of construction.

The expiration date for the validity of a land use approval is from the date of the expiration of the appeal period and not the date the decision was issued.

- D. Commencement of Construction: As used in [C\(1\)](#) above, commencement of construction shall mean actual construction of the foundation or frame of the approved structure. For utilities and developments without a frame or foundation, commencement of construction shall mean actual construction of support structures for an approved above ground utility or development or actual excavation of trenches for an approved underground utility or development. For roads, commencement of construction shall mean actual grading of the roadway.
- E. Completion of Structure: As used in [C\(2\)](#) above, completion of the structure shall mean:
 - 1. Completion of the exterior surface(s) of the structure and

2. Compliance with all conditions of approval in the land use approval.

F. Vested Rights

Pursuant to Part II Chapter 7 Guideline 7 of Standards for Applications, Expiration of Approvals, Vested Rights of the Management Plan for the Columbia River Gorge National Scenic Area, the laws of the state of Oregon concerning vested rights are superseded by the provisions of the Management Plan as authorized in the National Scenic Area Act. A person has a vested right for as long as the land use approval does not expire.

SECTION 2.250 Extension of Validity of Land Use Approvals

A request for extension of the time frames in [2.240\(B\)](#), [C\(1\)](#) or [C\(2\)](#) above, shall be submitted in writing before the applicable expiration date. The expiration date for the validity of a land use approval is from the date of the expiration of the appeal period and not the date the decision was issued.

- A. The Director may grant one 12-month extension to the validity of a land use approval if they determine that events beyond the control of the applicant prevented commencement of the use or development (applicable to [2.240\(B\)](#) above) or commencement of construction (applicable to [2.240\(C\)\(1\)](#) above) within the original two-year time frame.
- B. The Director may also grant one 12-month extension if they determine that events beyond the control of the applicant prevented completion of the structure (applicable to [2.240C\(2\)](#) above) within the original two-year time frame.
- C. A request for extension shall state the reason why events beyond the control of the applicant warrant an extension.
- D. Approval or denial of a request for extension shall be considered an administrative decision.

SECTION 2.300 Planning Commission Rules

A. Membership

The Commission shall consist of seven (7) County residents appointed by the County Governing Body to serve as members for a term of four (4) years or for the unexpired portion of the term of a member whom the appointee succeeds, provided that members of the Commission shall serve without compensation other than reimbursement for duly authorized expenses, and members of the Commission shall be residents of the various geographic areas of the County. No more than two (2) voting members shall be engaged principally in the buying, selling or developing of real estate for profit, as individuals, or be members of any partnership or officers or employees of any corporation that is engaged principally in the buying, selling or developing of real estate for profit. No more than two (2) voting members shall be engaged in the same kind of business, trade or profession.

B. Disqualification

Each appointed member shall serve until his successor is appointed and qualified except that no member of the Commission shall participate in any consideration of matter in which he is directly or indirectly interested in a personal or financial sense.

C. Officers

The Commission shall:

1. At the first meeting of each calendar year elect from among their appointed members, to serve for no longer than twelve (12) months, a Chair for their body. The Chair shall preside at all meetings, shall appoint and serve ex officio upon all committees, shall compel the attendance of members and witnesses, shall administer oaths, and sign the minutes of meetings after the same be approved by the body.
2. At said meeting, select from among their appointed members, to serve no longer than twelve (12) months, as Vice-Chair for their body. The Vice-Chair shall perform the duties of Chair whenever that officer is absent, ill, disqualified or otherwise unable to act.

D. Legal Advisor

The District Attorney or their deputy shall act as legal advisor to the Commission and represent them in all litigation, provided that when he determines a conflict of interest prevents such service, the County Governing Body may authorize the Commission to retain other counsel.

E. Meetings

The Commission shall meet upon call of the Chair pursuant to such rules as they may from time to time adopt. Meetings of the Commission shall normally be held on the same day of the month established by the Commission, unless such day is a legal County holiday, in which case the commission shall decide upon the day to meet at its previous meeting. All meetings shall be public. All meetings of the Commission shall be publicized by giving notice thereof in a newspaper of general circulation pursuant to [2.100](#)(B), Notice Requirements.

Table 2-1 NOTICE OF APPLICATION REQUIREMENTS

	Tribes	USFS	State	County	Landowners w/in 200'	Landowners w/in 500'	Wildlife	Heritage
GENERAL MANAGEMENT AREA								
Residential LUD – Review uses except SFDs located adjacent to Agriculture & Forest LUDs and Commercial Events, and those uses within 1000' of a sensitive wildlife area or site, or a rare plant	X	X	X	X	X			
Residential LUD – SFDs adjacent to Agriculture & Forest LUDs and Commercial Events except those within 1000' of sensitive wildlife area or site, or a rare plant	X	X	X	X		X		
Residential LUD – Review uses within 1000' of a sensitive wildlife area or site except SFDs located adjacent to Agriculture or Forest LUDs and Commercial Events	X	X	X	X	X		X	
Residential LUD – SFDs adjacent to Agriculture & Forest LUDs and Commercial Events within 1000' of a sensitive wildlife area or site	X	X	X	X		X	X	
Residential LUD – Review uses within 1000' of a rare plant except SFDs and Commercial Events located adjacent to Agriculture or Forest LUDs	X	X	X	X	X			X
Residential LUD – SFDs and Commercial Events adjacent to Agriculture & forest LUDs within 1000' of rare plant	X	X	X	X		X		X
Agriculture LUD – Review uses except non-farm SFD and Commercial Events in Large-Scale Agriculture LUD and uses within 1000' of sensitive wildlife area or site, or rare plant	X	X	X	X	X			

Agriculture LUD – Review uses within 1000' of sensitive wildlife area or site except non-farm SFD and Commercial Events in Large-Scale Agricult. LUD	X	X	X	X	X		X	
Agriculture LUD – Review uses within 1000' of a rare plant except non-farm SFD and Commercial Events in Large-Scale Agriculture LUD	X	X	X	X	X			X
Agriculture LUD – Non-farm SFD or Commercial Events in Large-Scale Agriculture LUD, except those within 1000' of sensitive wildlife area or site, or rare plant	X	X	X	X		X		
Agriculture LUD – Non-farm SFD or Commercial Events in Large-Scale Agriculture within 1000' of sensitive wildlife area or site	X	X	X	X		X	X	
Agriculture LUD – Non-farm SFD or Commercial Events in Large-Scale Agriculture within 1000' of rare plant	X	X	X	X		X		X
Commercial LUD – Review uses within 1000' of a sensitive wildlife area or site	X	X	X	X		X	X	
Commercial LUD – Review uses within 1000' of a rare plant	X	X	X	X		X		X
Recreation LUD – Review uses except those within 1000' of a sensitive wildlife area or site, or a rare plant	X	X	X	X		X		
Recreation LUD – Review uses within 1000' of a sensitive wildlife area or site	X	X	X	X		X	X	
Recreation LUD – Review uses within 1000' of a rare plant	X	X	X	X		X		X
Open Space LUD – Review uses except those within 1000' of a sensitive wildlife	X	X	X	X	X			

area or site, or a rare plant								
Open Space LUD – Review uses within 1000' of a sensitive wildlife area or site	X	X	X	X	X		X	
Open Space LUD – Review uses within 1000' of a rare plant	X	X	X	X	X			X
Agriculture-Special LUD – Review uses	X	X	X	X	X			X
Forest LUD – Review uses except utility facilities, railroads, home occupations, cottage industries, Commercial Events, wineries, ag. product process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit learning/research facilities, and those review uses within 1000' feet of a sensitive wildlife area or site, or rare plant	X	X	X	X	X			
Forest LUD – Utility facilities, railroads, home occupations, wineries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities, and not within 1000' feet of a sensitive wildlife area or site, or rare plant	X	X	X	X		X		
Forest LUD – Review uses within 1000' feet of a sensitive wildlife area or site, except utility facilities, railroads, home occupations, wineries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of	X	X	X	X	X		X	

non-profit camps-retreats-conf. centers, B&Bs, Commercial Events, non-profit learning/research facilities								
Forest LUD – Review uses within 1000’ of a rare plant except utility facilities, railroads, home occupations, wineries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities	X	X	X	X	X			X
Forest LUD – Utility facilities, railroads, home occupations, wineries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, Commercial Events, non-profit learning/research facilities within 1000’ of a sensitive wildlife area or site	X	X	X	X		X	X	
Forest LUD – Utility facilities, railroads, home occupations, wineries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, Commercial Events, temp. asphalt/batch plants, expansion of non-profit learning/research facilities within 1000’ of a rare plant	X	X	X	X		X		X
Commercial LUD – Review uses except those within 1000’ of a sensitive area or site, or rare plant.	X	X	X	X	X			

SPECIAL MANAGEMENT AREAS								
Review uses – All LUDs	X	X	X	X	X		X	

DETAILED TABLE OF CONTENTS

CHAPTER 3 BASIC PROVISIONS

<u>SECTION</u>		<u>PAGE</u>
3.010	<u>INTRODUCTION</u>	3-1
3.020	<u>COMPLIANCE REQUIRED</u>	3-1
3.030	<u>LOCATION OF ZONES</u>	3-1
3.040	<u>ZONING MAPS</u>	3-1
3.050	<u>BOUNDARIES OF ZONES</u>	3-2
3.060	<u>CLASSIFICATION OF ZONES</u>	3-2
3.100	<u>USES PERMITTED WITHOUT REVIEW</u>	3-3
3.110	<u>EXPEDITED REVIEW</u>	3-7
3.120	<u>"A-1" LARGE SCALE AGRICULTURE</u>	3-14
3.130	<u>"A-2" SMALL SCALE AGRICULTURE</u>	3-32
3.140	<u>"F-1" INDUSTRIAL FOREST</u>	3-41
3.150	<u>"F-3" SMALL WOODLAND-FOREST</u>	3-50
3.160	<u>"R-R" RURAL RESIDENTIAL</u>	3-60
3.170	<u>"PR" PUBLIC RECREATION</u>	3-67
3.180	<u>"OS" OPEN SPACE</u>	3-75
3.190	<u>"A-S" AGRICULTURE - SPECIAL</u>	3-85
3.200	<u>ENVIRONMENTAL PROTECTION DISTRICT</u>	3-89
3.210	<u>DIVISIONS</u>	3-89
3.230	<u>NON-LIABILITY CLAUSE</u>	3-89
3.240	<u>DIVISION 1 - FLOOD HAZARD OVERLAY</u>	3-91
3.250	<u>DIVISION 2 - GEOLOGIC HAZARDS OVERLAY</u>	3-110

CHAPTER 3 BASIC PROVISIONS

SECTION 3.010 Introduction

In order to achieve the purposes outlined in Chapter 1 of this Ordinance and to assure that the development and use of land in the National Scenic Area portion of Wasco County conforms to the Comprehensive Plan and Management Plan for the Columbia River Gorge National Scenic Area, zoning classifications have been established for all unincorporated lands in the National Scenic Area portion of Wasco County. These classifications specify regulations for the use of land and property development standards, and are applied by boundaries indicated on the Columbia River Gorge National Scenic Area Zoning maps for Wasco County.

SECTION 3.020 Compliance Required

A legal parcel may be used and a legal structure or part of a legal structure may be constructed, moved, occupied, or used only as this Ordinance permits.

New cultivation and some re-cultivation are subject to [Chapter 14 - Scenic Area Review](#). The Gorge Commission, Forest Service and County will work together to establish a farm stewardship program enabling the County's Technical Advisory Committee, the Soil Conservation Service, Cherry Grower's Association and other affected groups to help educate Wasco County National Scenic Area residents about compliance requirements and preferable farming practices.

SECTION 3.030 Location of Zones

The boundaries of each of the foregoing zones, the zoning classifications and use of each tract in each of said zoning districts are hereby prescribed to coincide with the identifying zone classification.

SECTION 3.040 Zoning Maps

A Zoning Map or Zoning Amendment shall:

- A.** Be prepared by authority of the Planning Commission or be a modification by the County Board of Commissioners of a map amendment so prepared;
- B.** Be adopted by order of the County Board of Commissioners thereon;
- C.** Be dated with the effective date of such action; and
- D.** Be reviewed by the Columbia River Gorge Commission and Forest Service and approved if appropriate; and
- E.** Be filed and maintained without change in the Office of the County Clerk as long as this Ordinance remains in effect.

SECTION 3.050 Boundaries of Zones

Boundaries of plan designations are established by the Gorge Commission and Forest Service in accordance with the Columbia River Gorge National Scenic Area Management Plan and Columbia River Gorge National Scenic Area Act ([Public Law 99-663](#)). These boundary lines have been transposed onto Wasco County tax lot maps for use in implementing this ordinance.

Original Scenic Area Maps and Land Use Designation maps are on file at the offices of the USDA Forest Service, National Scenic Area Office, Hood River Oregon and the Gorge Commission Office, White Salmon, Washington.

- A. When it is necessary to pinpoint the location of a boundary line on the ground an applicant shall consult with the Gorge Commission and Forest Service regarding the specific location of the boundary.
- B. Where a discrepancy exists, the applicant shall work with the Gorge Commission and Forest Service staff to resolve the discrepancy.

SECTION 3.060 Classification of Zones

For the purposes of this Ordinance, the following zones are hereby established:

ZONE

Large Scale Agriculture	A-1
Small Scale Agriculture	A-2
Industrial Forest	F-1
Small Woodland-Forest	F-3
Rural Residential	RR
Commercial	C
Public Recreation	PR
Commercial Recreation	CR
Open Space	OS
Agriculture Special	A-S

OVERLAY ZONES

Environmental Protection District - EPD

Division 1	Flood hazard overlay
Division 2	Geologic hazard overlay

SECTION 3.100 Uses Permitted Without Review

The following uses may be allowed without review in all GMA and SMA land use designations, except GMA and SMA Open Space and Agriculture Special, subject to the applicable property development standards:

- A. In the General Management Area, agricultural uses except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation. For this guideline, cultivation and vegetation removal may be allowed in conjunction with a home garden.
- B. In the Special Management Area, agricultural uses within previously disturbed and regularly worked fields or areas.
- C. Forest practices in the General Management Area that do not violate conditions of approval for other approved uses and developments.
- D. Repair, maintenance and operation of existing structures, including, but not limited to, dwellings, agricultural structures, trails, roads, railroads, and utility facilities.
- E. Accessory structures 60 square feet or less in area and 10 feet or less in height, unless within the buffer zone of a wetland, stream, pond, lake or riparian area. This category does not include signs, fences, outdoor lights, retaining walls, flagpoles, transportation facilities, or utility facilities.
- F. Wire-strand or woven-wire fences used for gardens, yards, livestock, and similar uses less than or equal to 500 feet in length and less than or equal to 10 feet in height that are accessory to an existing dwelling, provided woven-wire fences (post and wire) are brown or black if visible from key viewing areas. Height is measured from the ground to the top wire.
- G. Wire-strand fences less than or equal to 48 inches in height that are outside deer and elk winter range as delineated in the Gorge Commission/USDA Forest Service natural resource inventories or determined by an appropriate federal or state agency. Height is measured from the ground to the top wire. This category does not include fences associated with transportation facilities or utility facilities.
- H. The following transportation facilities:
 - 1. Replace existing safety or protective structures, including guardrails, access control fences and gates, barriers, energy attenuators, safety cables, and traffic signals and controllers, provided the replacement structures are:
 - a. The same location and size as the existing structures and
 - b. The same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic

highway corridor strategy for Interstate 84 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors.”

2. Replace existing traffic detection devices, vehicle weighing devices, and signal boxes, provided the replacement structures are
 - a. The same location and size as the existing structures and
 - b. The same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors.”
3. New raised pavement markers, guide posts, object markers, inlay markers, and pavement markings and striping.
4. Permanent public regulatory, guide, and warning signs, except those excluded below, provided:
 - a. The signs comply with the *Manual for Uniform Traffic Control Devices*; and
 - b. The support structures and backs of all signs are dark brown with a flat, non-reflective finish. This category does not include specific service signs; destination and distance signs; variable message signs; or signs that bridge or are cantilevered over the road surface.
5. Extensions of existing guardrails less than or equal to 50 feet in length and new guardrail ends for existing guardrails, provided the guardrails and guardrail ends are
 - a. Located inside rights-of-way that have been disturbed in the past; and
 - b. Constructed of materials that match the existing structure, natural wood, weathering steel (e.g., Corten), or materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors.”
6. New guardrails and guardrail ends, provided the structures are
 - a. Located inside rights-of-way that have been disturbed in the past and
 - b. Constructed of natural wood, weathering steel (e.g., Corten), or materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to

the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors.” This category does not include jersey barriers.

7. In the General Management Area, replace and/or expand existing culverts, provided the entity or person owning or operating the culvert shall obtain all necessary federal and state permits that protect water quality and fish and wildlife habitat before construction.
 8. In the Special Management Area, replace and/or expand existing culverts for ephemeral streams or ditches, provided the visible ends of culverts shall be dark and non-reflective.
 9. Resurface or overlay existing paved roads, provided the activity does not
 - a. Increase the width of a road
 - b. Disturb the toe of adjacent embankments, slopes or cut banks, or
 - c. Change existing structures or add new structures.
 10. Apply dust abatement products to non-paved road surfaces.
 11. Grade and gravel existing road shoulders, provided the activity does not
 - a. Increase the width of a road,
 - b. Disturb the toe of adjacent embankments, slopes or cut banks, or
 - c. Change existing structures or add new structures.
 12. Replace the superstructure of bridges (e.g., decks, beams) for bridges less than or equal to 30 feet in length and less than or equal to 1,000 square feet in area. This category does not include guardrails or the substructure of bridges (e.g., foundations, abutments).
- I. The following underground utility facilities:
1. Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided no excavation would extend beyond the depth and extent of the original excavation.
 2. Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided:

- a. No excavation would extend more than 12 inches beyond the depth and extent of the original excavation,
- b. No ditch for linear facilities would be more than 24 inches wide,
- c. No excavation for non-linear facilities would exceed 10 cubic yards, and
- d. No recorded archaeological site is located within 500 feet of the development. To comply, the entity or person undertaking the development shall contact the Oregon State Historic Preservation Office and obtain a letter or other document stating no recorded archaeological site is located within 500 feet of the development.

J. The following aboveground and overhead utility facilities:

- 1. Replace existing aboveground and overhead utility facilities including towers, pole/tower-mounted equipment, cables and wires, anchors, pad-mounted equipment, service boxes, pumps, valves, pipes, water meters, and fire hydrants, provided the replacement facilities would have:
 - a. The same location and size as the existing facilities and
 - b. The same building materials as the existing facilities, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled "Scenic Travel Corridors."
- 2. Replace existing utility poles, provided the replacement poles are
 - a. Located within 5 feet of the original poles,
 - b. No more than 5 feet taller and 6 inches wider than the original poles, and
 - c. Constructed of natural wood, weathering steel (e.g., Corten), materials that match the original poles, or materials that are dark brown with a flat, non-reflective finish.
- 3. New whip antennas for public service less than or equal to 8-feet in height and less than or equal to 2 inches in diameter, cables, wires, transformers, and other similar equipment, provided all such structures are on existing utility poles or towers.

K. Flagpoles that are accessory to the principal building on a parcel, provided the height of the flagpole is less than or equal to the height of the highest ridge line or parapet of the principal building.

L. The following Signs:

1. Election signs. Removal must be accomplished within 30 days of election day.
 2. "For sale" signs not greater than 12 square feet. Removal must be accomplished within 30 days of close of sale.
 3. Temporary construction site identification, public service company, safety, or information signs not greater than 32 square feet. Exceptions may be granted for public highway signs necessary for public safety and consistent with the *Manual for Uniform Traffic Control Devices*. Removal must be accomplished within 30 days of project completion.
 4. Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than 6 square feet in the General Management Area and 2 square feet in the Special Management Area.
 5. Temporary signs advertising civil, social, or political gatherings and activities provided such signs do not exceed 12 square feet. Removal must be accomplished within 30 days of the close of the event.
 6. Signs posted by governmental jurisdictions giving notice to the public. Such signs shall be no larger than that required to convey the intended message.
 7. In the General Management Area, signs associated with the use of a building or buildings, if placed flat on the outside walls of buildings (not on roofs or marquees).
- M. In the General Management Area, wind machines for frost control in conjunction with agricultural use.

SECTION 3.110 Expedited Review

A. Uses Permitted Subject to Expedited Review

The following developments may be allowed on a legal parcel subject to the expedited development review process listed in [Chapter 2](#), provided they comply with the resource protection and procedural guidelines listed below.

1. Except in Open Space and Agriculture-Special, accessory structures between 60 and 200 square feet in area and 10 feet or less in height. Only one accessory building per parcel may be allowed under this guideline, regardless of whether the parcel already includes an accessory building(s). Additional accessory buildings shall be subject to full review. This category does not include signs, decks, fences, outdoor lights, retaining walls, transportation facilities, or utility facilities.
2. Additions and covered decks for existing buildings provided the existing building is at least 500 square feet in area and the addition or covered deck is no larger than 200 square feet in area and no taller than the height of the existing building. Only one addition and one covered deck per parcel may be allowed under this guideline, regardless of whether the parcel already includes an addition or covered deck.

3. Rail, solid or semi-solid fences accessory to existing dwellings less than or equal to 6 feet in height and less than or equal to 100 feet in length.
4. Wire-strand fences other than those allowed outright, provided the fence complies with the "Approval Criteria for Fences in Deer and Elk Winter Range" in [14.600\(C\)](#) if it is inside deer and elk winter range as delineated in the Gorge Commission/USDA Forest Service natural resource inventories or determined by an appropriate federal or state agency.
5. Woven-wire fences for agricultural use that would enclose 80 acres or less. (GMA Only)
6. Decks that are:
 - a. Uncovered,
 - b. Attached and accessory to existing dwellings, and
 - c. 500 square feet or less in area and 30 inches or less in height above existing grade.
7. Road closure gates
8. Signs, other than those allowed outright subject to the provisions of [Chapter 23](#).
9. Outdoor lights.
10. Air, weather, water and other similar research and monitoring facilities, provided the facilities are attached to existing structures or are less than or equal to 120 square feet in size and less than or equal to 12 feet in height.
11. Property line adjustments and Replats subject to [Section 21.200](#) in the General Management Area that would not result in the potential to create additional parcels through subsequent land divisions, subject to the applicable property development standards for the zone in which the property is located and all other applicable provisions of [Chapter 21](#), except all lot line adjustments for parcels designated Open Space, Agricultural Special or, Public Recreation, shall be reviewed through the full development review process.
12. Property line adjustments in the Special Management Area subject to [Section 21.200](#) and all other applicable provisions of [Chapter 21](#).
13. Removal/Demolition of structures that are less than 50 years old, including wells, septic tanks and fuel tanks.
14. Decommission non-paved roads, including ripping the road surface, barriers, and revegetation.
15. Trail reconstruction involving up to 1,000 feet of trail re-route.
16. The following transportation facilities, provided they are not a part of larger construction or

reconstruction projects (which shall be reviewed as a whole):

- a. New guardrails and guardrail ends, other than those allowed outright and new wire-strand and woven-wire access control fences. This category does not include jersey barriers.
 - b. New traffic detection devices, vehicle weighing devices, and signal boxes less than or equal to 120 square feet in size and less than or equal to 12 feet in height. This category does not include signs.
 - c. Pave existing dirt and gravel roads, provided the activity does not increase the width of the road or disturb the toe of adjacent embankments, slopes or cut banks.
 - d. New weather, air, traffic or other monitoring equipment attached to existing structures or that are less than or equal to 120 square feet in size and less than or equal to 12 feet in height.
- 17.** New underground utility facilities, except in Agriculture Special, located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided no ditch for linear facilities would be more than 36 inches wide and no excavation for non-linear facilities would exceed 20 cubic yards.
- 18.** The following above ground and overhead utility facilities:
- a. Modify existing aboveground and overhead utility facilities or, except in Agriculture Special, develop new aboveground and overhead utility facilities including building and equipment foundations, poles, transformers, conduit, fencing, pumps, valves, pipes, and water meters, provided the development would be less than or equal to 120 square feet in area and less than or equal to 12 feet in height.
 - b. Replace existing aboveground and overhead utility facilities including building and equipment foundations, poles, transformers, conduit, fencing, pumps, valves, pipes, and water meters, provided the replacement facilities would be in the same location as and no more than 15 percent larger than the physical size of the existing facilities.
 - c. New antennas and associated support structures necessary for public service on existing wireless communication poles and towers other than those allowed outright, provided the size is the minimum necessary to provide the service.
- 19.** Replace an existing mobile home in a mobile home space within a mobile home park, provided
- a. The mobile home to be replaced, the mobile home space and the mobile home park shall be existing, lawful uses according to the definition of existing use or structure in 1.200 and the provisions of [13.060](#) and [13.070](#).
 - b. The replacement mobile home shall be in the same location as the mobile home to be replaced;

- c. The height of the replacement mobile home shall be no more than 20 percent greater than the mobile home to be replaced, and
 - d. The mass and footprint of the replacement mobile home shall be no more than 100 percent greater than a single-wide mobile home to be replaced or no more than 25 percent greater than a double-wide mobile home to be replaced.
- 20. Retaining walls accessory to existing dwellings less than or equal to 2 feet in height and less than or equal to 100 feet in length.
- 21. Wind machines for frost control in conjunction with agricultural use. (SMA Only)

B. Expedited Development Review Process

Proposed developments reviewed using the expedited review process shall comply with the following resource protection guidelines:

1. Scenic

- a. In the General Management Area, the scenic resource protection guidelines shall not apply to woven-wire fences for agricultural use that would enclose 80 acres or less.
- b. Except signs, the colors of structures topographically visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. This guideline shall not apply to additions, which may match the color of existing buildings.
- c. Except signs, structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents, and chimneys.
- d. Outdoor lights shall be directed downward and sited, hooded, and shielded such that they are not highly visible from key viewing areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.
- e. Structures within ½-mile of a key viewing area and topographically visible from the key viewing area shall be sited, screened and/or designed to achieve the applicable scenic standard (e.g., visual subordination, not visually evident).

2. Cultural

- a. The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey or historic survey. The cultural resources in [Section 14.500](#) shall be used to determine if a reconnaissance and/or historic survey is required for a proposed development.

- b. The requirements of [14.500\(G\)](#), “Cultural Resources Discovered After Construction Begins”, shall be applied as conditions of approval for all development approved under the expedited development review process.

3. Recreation

The development shall not detract from the use and enjoyment of established recreation sites on adjacent parcels.

4. Natural

a. Wetlands, Streams, Rivers, Ponds, and Lakes:

The development is outside buffer zones for wetlands, streams, rivers, ponds, and lakes. This guideline shall not apply to lot line adjustments or development located inside road, utility or railroad rights-of-way or easements that have been previously disturbed and regularly maintained.

b. Sensitive Wildlife and Sensitive Plants

(1) The development meets one of the following:

- (a) The development is at least 1,000 feet from known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range, and turkey habitat) and known sensitive plants; or
- (b) The development does not disturb the ground or is inside road, utility or railroad rights-of-way or easements or other areas that have been previously disturbed and regularly maintained; or
- (c) For sensitive wildlife, the development is within 1,000 feet of known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range and turkey habitat), but an appropriate federal or state wildlife agency determines the sensitive wildlife area or site is not active or the proposed development would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance.

For sensitive plants, the development is within 1,000 feet of known sensitive plants, but the Oregon Natural Heritage Program or a person with recognized expertise in botany or plant ecology hired by the applicant has determined that the development would be at least 200 feet from the sensitive plants.

(2) Development eligible for expedited review shall be exempt from the field surveys for sensitive wildlife or sensitive plants in [Section 14.600](#).

C. Treaty Protection Rights

Proposed developments reviewed using the expedited review process shall comply with the following treaty rights protection guidelines:

1. Proposed developments shall not affect or modify any treaty or other rights of any Indian tribe.
2. The expedited development review process shall cease and the proposed development shall be reviewed using the full development review process if an Indian tribe submits substantive written comments during the comment period that identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the proposed development.
3. Except as provided in 2 above, the GMA and SMA treaty rights and consultation criteria in [Sections 14.800](#) & [14.810](#) shall not apply to proposed developments reviewed under the expedited review process.

SECTION 3.120 "A-1" Large Scale Agriculture Zone (GMA & SMA)

A. Purpose

The purpose of the Large Scale Agriculture Zone is to protect and enhance large scale agricultural land for agricultural uses. Large Scale Agricultural lands are generally:

1. Currently devoted to agriculture of a scale that is land intensive, employs workers, or provides significant products for markets or processors; or
2. Have a combination of soil capability, size and freedom from conflicting use that renders them suitable for large-scale agriculture or forest use.

B. Uses Permitted Without Review

The uses and activities listed in [Section 3.100](#) may be allowed without review on lands designated Large-Scale Agriculture. (GMA & SMA)

C. Uses Permitted Subject to Expedited Review

The uses and activities listed in [Section 3.110](#) may be allowed on a legal parcel designated Large-Scale Agriculture subject to the [Expedited Review Process, Subsection G - Property Development Standards](#), and [Chapter 11 - Fire Safety Standards](#) as well as all other listed or referenced standards. (GMA & SMA)

D. Uses Permitted Subject to Review

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

FARM USE

1. New cultivation in the GMA and SMA, or new agricultural use in the SMA outside of previously disturbed and regularly worked fields or areas.

Clearing trees for new agricultural use is subject to criterion J(5): (SMA Only)

2. Forest practices in accordance with an approved forest practices application consistent forest practice requirements listed in criterion J(6) below. (SMA Only)
3. Agricultural structures, except buildings, in conjunction with agricultural use. Noncommercial wind energy conversion systems which fit this category are subject to the applicable provisions of [Chapter 19](#). (GMA & SMA).
4. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed

agricultural use that a landowner would initiate within one year and complete within five years, subject to the following standards: (GMA & SMA)

The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use. The applicants shall submit a floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock) as well as a [Farm Management Plan defined in Section 1.200](#) with their land use application:

RESIDENTIAL USE

5. One single family dwelling customarily provided in conjunction with agricultural use, as defined, subject to the following standards: (GMA & SMA)
 - a. There are no other dwellings on the subject farm or ranch, including all of its constituent lots/parcels, contiguous or otherwise, which are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and which could be used as the principal agricultural dwelling;
 - b. The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, as defined, where the day-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural use of the land. Current use includes a minimum area which would satisfy (c)(4) below; and
 - c. The operation is a commercial agricultural enterprise as determined by the submittal of a [Farm Management Plan defined in Section 1.200](#) and an evaluation of the following factors:
 - (1) Size of the entire unit, including all land in the same ownership;
 - (2) Operational requirements for the particular agricultural activity common to area agricultural operations; and
 - (3) The farm or ranch, and all its constituent parcels, is capable of producing at least \$40,000 in gross annual income. This determination can be made using the following formula:

$$\text{Average Yield Per Acre/Unit} \times \text{Average Commodity/Unit Price} \times \text{Total Acres for Production of Commodity/Units} = \text{Income Capability}$$
 - d. The parcel is a minimum of 40 acres in size. (SMA Only)
6. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in criterion 7 below. Noncommercial wind energy conversion systems which fit this category are subject to the applicable provisions of [Chapter 19](#). (GMA & SMA)

7. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel: (GMA & SMA)
 - a. Parcels less than or equal to 10 acres in size are subject to the following additional standards:
 - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
 - (2) The height of any individual accessory building shall not exceed 24 feet.
 - b. Larger than 10 acres in size are subject to the following additional standards:
 - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
 - (2) The footprint of any individual accessory building shall not exceed 1,500 square feet.
 - (3) The height of any individual accessory building shall not exceed 24 feet.
8. A single family dwelling for an agricultural operator's relative subject to the following standards: (GMA Only)
 - a. The dwelling would be occupied by a relative of the agricultural operator or of the agricultural operator's spouse who will be actively engaged in the management of the farm or ranch. Relative means grandparent, grandchild, parent, child, brother or sister of the agricultural operator;
 - b. The dwelling would be located on the same lot or parcel as the dwelling of the principal operator; and
 - c. The operation is a commercial enterprise as determined by an evaluation of criterion D(5)(c) above.
9. Agricultural labor housing subject to the following standards (GMA & SMA):
 - a. The proposed housing is necessary and accessory to a current agricultural use as evidenced by the submittal of a [Farm Management Plan, defined in Section 1.200](#), with the application;
 - b. The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed nine (9) months.

- c. The housing shall be located to minimize the conversion of lands capable of production of farm crops or livestock and will not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.
 - d. The operation is a commercial enterprise as determined by an evaluation of criterion D(5)(c) above
 - e. There is an existing dwelling on the parcel.
- 10. Life Estate - A landowner who sells or otherwise transfers real property in an area designated Large Scale Agriculture may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a lot/parcel as defined in this Ordinance. A second dwelling in conjunction with agricultural use may be allowed subject to the following standards: (GMA Only)
 - a. The proposed dwelling is in conjunction with agricultural use, as defined, subject to the following standards:
 - (1) There are no other dwellings on the subject farm or ranch, including all of its constituent lots/parcels, contiguous or otherwise, which are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and which could be used as the principal agricultural dwelling;
 - (2) The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, as defined, where the day-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural use of the land. Current use includes a minimum area which would satisfy 5(c)(3) above; and
 - (3) The operation is a commercial agricultural enterprise as determined by an evaluation of criterion D(5)(c) above.
 - b. Upon termination of the Life Estate, the original or second dwelling shall be removed.
- 11. A second single family dwelling customarily provided in conjunction with agricultural use, as defined, when the new dwelling would be used for the primary residence instead of the existing dwelling that is listed in the National Register of Historic Places, or is eligible for inclusion in the Register as determined using the criteria listed in [Sections 14.500](#) and [14.510](#), Cultural Resources. (GMA Only)
- 12. A single family dwelling not in conjunction with agricultural use on a lot/parcel that was legally created prior to November 17, 1986, subject to the following standards: (GMA Only)
 - a. The dwelling will not force a change in or increase the cost of accepted agricultural practices on surrounding lands;

- b. The subject lot/parcel is predominantly unsuitable for the production of farm crops and livestock, considering soils, terrain, location and size of the tract. Size alone shall not be used to determine whether a lot/parcel is unsuitable for agricultural use. An analysis of suitability shall include the capability of the subject lot/parcel to be utilized in conjunction with other agricultural operations in the area;
 - c. The dwelling shall be setback from any abutting parcel designated Forest as required in [3.140\(G\)](#), Property Development Standards for the Large Scale Forest zone.
 - d. A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated Agriculture or Forest;
 - e. Request has been made to the County Assessor to disqualify the parcel for special assessment under [ORS 308A.315](#), or [321.839](#) and that said disqualification is completed prior to the final approval of the non-farm dwelling.
- 13. The temporary use of a mobile home in the case of a family hardship, subject to the standards for hardship dwellings prescribed in [Chapter 8, Temporary Use Permit](#). (GMA & SMA). In the SMA, the property must be 40 acres or greater.
- 14. One dwelling on a lot/parcel of 40 contiguous acres or larger if an approved Forest Management Plan demonstrates that such dwelling shall be necessary for and accessory to forest uses. The Forest Management Plan shall demonstrate the following (SMA Only):
 - a. The dwelling will contribute substantially to the growing, propagation, and harvesting of trees. The principal purpose for allowing a dwelling on forest lands is to enable the resident to conduct efficient and effective management. This requirement shall indicate a relationship between ongoing forest management and the need for dwelling on the subject property.
 - b. The subject parcel has been enrolled in the appropriate state's forest assessment program.
 - c. A plan for management of the parcel has been approved by the Oregon Department of Forestry or Wasco County. The plan must indicate the condition and productivity of lands to be managed; the operations the owner will carry out (thinning, harvest, planting, etc.); a chronological description of when the operations will occur; estimates of yield, labor, and expenses; and how the dwelling will contribute towards the successful management of the property.
 - d. There are no other dwellings on the parcel which are vacant or currently occupied by persons not engaged in forest management of the subject parcel.
 - e. A declaration has been signed by the landowner and recorded into County deeds and records specifying that the owners, successors, heirs, and assigns of the subject property are

aware that adjacent and nearby operations are entitled to carry on accepted agricultural or forest practices.

MISCELLANEOUS USE

15. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building. (GMA & SMA)
16. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks. (GMA & SMA)
17. Construction, reconstruction, or modifications of roads not in conjunction with agriculture if designated in the Adopted [Wasco County Transportation System Plan](#) or designed and constructed as part of an approved, active development order. (GMA Only).
18. Resource Enhancement Projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources subject to the Resource Enhancement standards prescribed in [Chapter 10](#): (GMA & SMA)
19. Uninhabitable structures associated with hunting and fishing operations. (GMA Only)
20. Towers and fire stations for forest fire protection. (GMA & SMA)
21. Docks and boathouses, subject to the standards below: (GMA & SMA)
 - a. New, private docks and boathouses serving only one family and one property shall be allowed, up to 120 square feet in size;
 - b. New, private docks and boathouses serving more than one family and property shall be allowed, up to 200 square feet in size;
 - c. Public docks open and available for public use shall be allowed.
 - d. Boathouses may be allowed under criteria a and b above only when accessory to a dwelling and associated with a navigable river or lake.
22. Exploration, development, and production of sand, gravel, or crushed rock subject to that material being used only for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products on lands within the SMA. (SMA only)
23. Land Divisions and Replats subject to the property development standards listed in G below, [Section 21.100](#) and all other applicable provisions of [Chapter 21](#). (GMA & SMA)
24. Property line adjustments and Replats that would result in the potential to create additional parcels through subsequent land divisions subject to the property development standards listed in G below, [Section 21.200](#) and all other applicable provisions of [Chapter 21](#). (GMA Only)

25. Temporary portable facility for the primary processing of forest products grown upon a parcel of land or contiguous land in the same ownership where the facility is to be located. The facility shall be subject to the standards in [Chapter 8, Temporary Use Permit](#), and be removed upon completion of the harvest operation. (SMA Only)

E. Uses Permitted Conditionally

The following uses and activities may be allowed with conditions on a legal parcel designated Large Scale Agriculture subject to Subsection G - Property Development Standards, [Chapter 5 - Conditional Use Review](#), [Chapter 11 - Fire Safety Standards](#) & [Chapter 14 - Scenic Area Review](#), as well as any other listed or referenced standards.

FARM/FOREST USE

1. Wineries in conjunction with on-site viticulture upon a showing that processing of wine is from grapes grown on the subject farm or in the local region. (GMA Only)
2. Wine sales/tasting rooms, in conjunction with an on-site winery. (GMA Only)
3. Boarding of horses. Findings shall be made on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings and the number of recommended animal units provided in the documentation by the OSU Extension Offices and the Natural Resource Conservation Service for the geographic area the application is located within. (GMA Only)
4. Fruits and produce stands, upon a showing that: (GMA & SMA)
 - a. Sales will be limited to agricultural products raised on the subject farm and other farms in the local region, and
 - b. The stand complies with licensing requirements of the Food and Dairy Division of the Oregon Department of Agriculture.
5. Agricultural product processing and packaging, upon demonstration that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation. "Primarily" means a clear majority of the product as measured by volume, weight, or value. (GMA & SMA)
6. Fish hatcheries and aquaculture. (GMA & SMA)
7. Silvicultural nurseries. (SMA Only)

COMMERCIAL USE

8. Commercial Events, subject to [Commercial Events standards prescribed in Chapter 20](#). (GMA Only)

9. Home occupations or cottage industry in existing residential or accessory structures subject to the [Home Occupations and Cottage Industries standards prescribed in Chapter 20](#). (GMA & SMA)

The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses. (SMA Only)

10. Bed and Breakfast Inns may be permitted in a lawfully established single family dwelling subject to the [Bed and Breakfast Inn standards prescribed in Chapter 20](#). (GMA & SMA)
11. Special Uses in Historic Buildings subject to Special Uses in [Historic Buildings standards prescribed in Chapter 20](#) (GMA Only).

PUBLIC & QUASI-PUBLIC USE

12. Nonprofit resource-related environmental learning facility or nonprofit resource-related research facility. (GMA Only)
13. Expansion of existing nonprofit group camps, retreats, and conference or education centers for the successful operation on the dedicated site. Expansion beyond the dedicated site is prohibited. (SMA Only)
14. Expansion of existing school or place of worship. (GMA Only)
15. Community facilities and nonprofit facilities related to agricultural or forest resource management. (SMA Only)
16. Recreation Development, subject to [Section 14.700](#). (GMA Only)
17. Public recreation, commercial recreation, interpretive, and educational developments and uses, consistent with [Section 14.710](#). (SMA Only)

MISCELLANEOUS USE

18. Road and railroad construction and reconstruction. (SMA Only)
19. Construction, reconstruction, or modifications of roads not in conjunction with agriculture if not designated in the Adopted [Wasco County Transportation System Plan](#) or not designed and constructed as part of an approved, active development order. (GMA Only)
20. Utility facilities and railroads necessary for public service upon a showing that: (GMA & SMA)
 - a. There is no practicable alternative location with less adverse effect on the scenic, cultural, natural, recreational, agricultural or forest lands; and
 - b. The size is the minimum necessary to provide the service.

21. Personal-use airstrips including associated accessory structures such as a hangar. (GMA Only)

- a. A personal-use airstrip is an airstrip restricted, except for aircraft emergencies, to use by the owner and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations.
- b. No aircraft may be based on a personal-use airstrip other than those owned or controlled by the owner of the airstrip.

22. Exploration, development and production of mineral and geothermal resources subject to the standards prescribed [Chapter 10](#). (GMA Only)

23. Temporary portable asphalt/batch plants related to public road projects, not to exceed six (6) months. (GMA & SMA)

24. Disposal sites managed and operated by the Oregon Department of Transportation, or the Wasco County Public Works Department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the Scenic Area, subject to [Disposal standards prescribed in Chapter 10](#). (GMA & SMA)

F. Prohibited Uses

- 1. Subdivisions, Cluster Developments, Industrial Uses.
- 2. All other uses not listed.

G. Property Development Standards

1. Property Size

- a. The creation or alteration of a parcel shall be subject to the following standards:

Zone	Minimum Parcel Size	Minimum Parcel Width
A-1(40)	Forty (40) Acres	500'
A-1(60)	Sixty (60) Acres	500'
A-1(80)	Eighty (80) Acres	1,000'
A-1(160)	One Hundred Sixty (160) Acres	1,000'

- b. In the SMA no land divisions will be allowed unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and guidelines of the Management Plan. The provisions of Chapter 14 are not applicable.

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

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

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

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

- a. Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a minimum of eight (8) feet in height, and contoured at 3 to 1 slopes to look natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of fifteen (15) feet.
 - b. The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.
 - c. The necessary berming and/or planting shall be completed during the first phase of development and maintained in good condition.
 - d. If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.
 - e. A variance to the setback requirements may be made in accordance with Chapter 6, Variances.
4. Irrigation Ditch Setbacks: All dwellings and structures shall be located outside of the easement of any irrigation or water district. In the absence of an easement, all dwellings and structures shall be located a minimum of 50 feet from the centerline of irrigation ditches and pipelines which continue past the subject parcel to provide water to other property owners. Substandard

setbacks must receive prior approval from the affected irrigation district. These setbacks do not apply to fences and signs. If the irrigation ditch meets the definition of a “stream”, the natural resource provisions of [Chapter 14](#) shall apply.

5. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to [Section 3.240, Flood Hazard Overlay](#).
6. Height - Maximum height for all structures shall be thirty-five (35) feet unless further restricted in accordance with [Chapter 14 - Scenic Area Review](#).
7. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
8. Parking - Off street parking shall be provided in accordance with [Chapter 4](#).

H. Special Management Area

In addition to the standards and conditions listed in this section, and the applicable provisions of [Chapter 14 - Scenic Area Review](#), the following standards apply to the agricultural lands in the Special Management Area:

1. If a standard or condition of this subsection is more restrictive than other subsections of this section, this subsection is controlling;
2. No new dwellings or other related major structures shall be permitted on parcels of land less than 40 contiguous acres;
3. The Forest Service shall, in collaboration with county and/or state regulatory agencies, review site plans for forest practices for compliance with SMA forest practice guidelines. The Forest Service review of the site plans shall include the following analysis:
 - a. Protection of the scenic resources: analysis of potential impacts, including cumulative effects, to scenic values as viewed from the key viewing areas.
 - b. Protection of the cultural resources: analysis of potential impacts to the cultural resources, including cumulative effects.
 - c. Protection of natural resources: analysis of potential impacts, including cumulative effects, to the natural resources.
 - d. Protection of the recreational resources: analysis of potential impacts to the recreational resources, including cumulative effects.
4. New commercial uses and developments other than commercial recreation, pursuant to recreational objectives and guidelines set forth in Chapter 4 Recreation Resources in the Columbia River Gorge National Scenic Area Management Plan, are not permitted in the Special

Management Areas.

5. Clearing trees for new agricultural use is subject to the following additional standards:
- a. A Stewardship Plan subject to criterion d below shall be submitted and deemed complete by the county and submitted to the Forest Service for review.
 - b. Clearing trees for new agricultural use shall be limited to 15 acres.
 - c. If the Stewardship Plan proves that the above guideline is detrimental to the proposed agricultural use, the final size of the clearing shall be determined by the application in (d)(1-4) below and subject to criterion (i).
 - d. After a 30-day public comment period, the Forest Service shall review the Stewardship Plan using the following criteria:
 - (1) Scenic Resource guidelines in Review Uses 6(d)(1) and (5) below.
 - (2) The applicable criteria in [Section 14.510 Cultural Resources](#), [Section 14.610 Natural Resources](#), and [Section 14.710 Recreational Resources](#).
 - (3) The Natural Resource Conservation Service (NRCS) soil unit description shall indicate that soils are suitable for the proposed agricultural use. The woodland management tables shall be used as part of the analysis of suitability for both agricultural and forest uses.
 - (4) The size, shape and pattern on the landscape of the clearing for the new agricultural use shall blend with the surrounding landscape pattern either because the existing pattern includes agricultural openings or because the new agricultural opening is designed to appear natural.
 - e. The Forest Service shall send the review statement to the appropriate county planning office. The Forest Service shall state whether or not the new agricultural use should proceed including any conditions that are recommended to be required by the county.
 - f. The county will accept an application for new agricultural use on forested lands after receipt of a positive review statement from the Forest Service.
 - g. The forest practice portion of the new agricultural use shall not be approved by the state forestry department or county until a decision on the new agricultural use is issued from the county.
 - h. The new agricultural use shall be operational within two years of the time frame described in the approved Stewardship Plan.
 - i. New agricultural uses with an approved Stewardship Plan requiring more than 15 acres shall

- attain the final approved size sequentially. After the first 15 cleared acres is operational, each subsequent clearing shall not occur until the previous clearing is operational.
6. Forest practices shall be subject to a Scenic Area Review and will require an application with the following:
- a. The following additional application material
 - (1) Listed on recent aerial photo or detailed map:
 - (a) The size, shape, and exact location of the proposed treatment area including any clumps of leave trees to remain. If more than one silvicultural prescription is to be used, code each on the photo.
 - (b) Other important natural features of the subject parcel such as steep areas, streams, wetlands, rock outcrops, etc.
 - (c) Road and structure construction and/or reconstruction location.
 - (d) Location of proposed rock or aggregate sources.
 - (e) Major skid trails, landings, and yarding corridors.
 - (f) Commercial firewood cutting areas.
 - (g) Protection measures for scenic, cultural, natural and recreation resources.
 - (2) Describe the existing forest in terms of species, ages, sizes, landscape pattern (including how it fits into the surrounding landscape pattern) and canopy closure for all canopy layers.
 - (3) Describe how the forest practice will fit into the existing landscape pattern and how it will meet scenic and natural resource standards in d and e below.
 - (4) Written silvicultural prescriptions with projected post-treatment forest condition specified in terms of species, ages, sizes, landscape pattern (including how it fits into the surrounding landscape pattern) and canopy closure for all canopy layers.
 - (5) Road and structure construction and/or reconstruction design.
 - (6) Existing and proposed rock pit development plans.
 - (7) A discussion of slash disposal methods.
 - (8) A reforestation plan as reviewed by the Oregon Department of Forestry.

- b.** As part of the application, flag, stake or mark buffers, any trees or downed wood to be retained or removed (whichever makes the most sense), and areas for placing fill or removing material in preparation for a field visit by the reviewer.
- c.** Stewardship Plan Requirements: The following information, in addition to the applicable portions of the forest practice application requirements above and general site plan requirements shall be provided:
 - (1)** Outline the long term goals, proposed operations, and future sustainability of the subject parcel.
 - (2)** Describe the time frame and steps planned to reach the long term goals.
 - (3)** For Forest Practices, describe how the proposed activities fit into the long term goals and sustainability of the parcel and/or forest health. The following shall be addressed:
 - (a)** Describe the range of natural conditions expected in the forest in terms of tree species, structure, and landscape pattern.
 - (b)** Describe what the resulting tree species, structure, and landscape pattern will be after the proposed activities.
 - (c)** Give a clear explanation how a deviation from the applicable guidelines may better achieve forest health objectives.
 - (d)** Give a clear explanation how and why the proposed activities will lead the forest towards its range of natural variability and result in reaching sustainability, resiliency to disturbances.
 - (4)** For clearing trees for new agricultural use, the following shall be addressed in addition to (c)(1) & (2) above:
 - (a)** Submit NRCS soil unit description and map for each soil unit affected by the proposed clearing or treatment.
 - (b)** Based on the needs of the operation, give a clear explanation as to the exact size of the clearing needed and how it will meet the natural and scenic requirements set forth in 5(d)(1) through (4) above.
 - (c)** Describe in sufficient detail for evaluation the proposed agricultural use, the improvements needed on the parcel, time line for its establishment, and its marketability.
 - (d)** Show evidence that an agricultural specialist, such as the county extension agent, has examined and found the proposed agricultural use reasonable and viable.

- d.** For forest practices, the following scenic resource guidelines shall apply:
- (1)** Forest practices shall meet the design guidelines and scenic standards for the applicable landscape setting and zone.
 - (2)** Created forest openings visible at one time shall be within the desired range for the vegetation type as set forth in (e) below.
 - (3)** Size, shape, and dispersal of created forest openings shall maintain the desired natural patterns in the landscape as set forth in (e) below.
 - (4)** The maximum size of any created forest opening is set forth by the “Desired” vegetation type in the Forest Structure and Pattern Table below.
 - (a)** If the treatment is proposed to go beyond the above guideline based on forest health or ecosystem function requirements, a Stewardship Plan shall be required.
 - (b)** If the Stewardship Plan proves that the above criterion is detrimental to either forest health or ecosystem function, the size of the created forest opening shall be within the natural range for the vegetation type as listed in the Desired Forest Structure and Pattern Table for each vegetation type, shall not mimic catastrophic fires, and shall maintain scenic standards.
 - (5)** Created forest openings shall not create a break or opening in the vegetation in the skyline as viewed from a key viewing area.
- e.** Forest practices shall maintain the following in addition to applicable natural resources criteria in [Section 14.610](#):
- (1)** Silvicultural prescriptions shall maintain the desired natural forest stand structures (tree species, spacing, layering, and mixture of sizes) based on forest health and ecosystem function requirements. Forest tree stand structure shall meet the requirements listed in the Desired Forest Structure and Pattern Table for each vegetation type. Forest tree stand structure is defined as the general structure of the forest in each vegetation type within which is found forest openings.
 - (2)** Created forest openings shall be designed as mosaics not to exceed the limits defined as Desired in the Desired Forest Structure and Pattern Table unless proposed as a deviation as allowed under d(5) above.
 - (3)** Snag and down wood requirements shall be maintained or created as listed in the Desired Forest Structure and Pattern Table for each vegetation type.
 - (4)** If the treatment is proposed to deviate from the snag and down wood requirements based on forest health or ecosystem function requirements, a Stewardship Plan shall be required and shall show and prove why a deviation from the snag and down wood

requirements is required.

DESIRED FOREST STRUCTURE AND PATTERN								
<u>1</u>	<u>2</u>	<u>3</u>		<u>4</u>		<u>5</u>	<u>6</u>	<u>7</u>
<u>Vegetation Type[#]</u>	<u>Forest Structure</u> (Average % total canopy closure (cc)) [*]	<u>Typical Forest Opening s Size</u> <u>Disturbance caused</u>		<u>Percent Openings at One Time</u>		<u>Leave Trees</u>	<u>Average Down Wood</u> Pieces 30 ft long per acre (scattered)	<u>Average Snags</u> (Conifers) No. per acre Snags are 20-40 ft in height
		<u>Historic (Natural)</u>	<u>Desired</u>	<u>Historic (Natural)</u>	<u>Desired</u>	<u>Includes all available remnant old forest</u>		
<u>West Conifer</u>	60-80% canopy closure. Understory layer variable (0-60% of total cc).	Variable sizes with mosaic pattern, irregular shapes Mosaic fire 1-100acres Catastrophic fire over 100 acres	Retain forested character Allow openings up to 15 acres (up to 5 acres in the foreground of KVAs) All openings 1 acre or less on National Forest land and all Open Space LUD Openings retain 15 - 40 % canopy closure	10%(mosaic fire) up to 55% (catastrophic fire) Intense fire return interval is 300 yrs	Not to exceed 8% for West Coniferous Woodland Landscape Setting and not to exceed 4% for Gorge Walls, Canyonlands and Wildlands Landscape Setting Widely dispersed, variable sized mosaic of irregular shapes blending with existing openings.	Leave 15% of existing trees per acre throughout opening and in clumps. Include 3 trees per acre of the largest size trees available	18-25 pieces greater than 20" dbh	10 snags at 10" -20" dbh, and 7 snags greater than 20" dbh
<u>East Conifer</u> (Ponderosa Pine/Douglas fir)	40-80% canopy closure Understory layer less than 25% of total cc	Few Openings due to low intensity fires. ¼ to 2 acres	Openings less than 1 acre Openings have 0 - 40% canopy closure Openings widely dispersed	1 -10%	1 - 10% (% by vegetation type)	No leave trees required	3 - 6 pieces greater than 20" dbh	5 snags at 10"-20" dbh and 3 snags greater than 20" dbh

<u>Ponderosa Pine/ Oregon Oak</u>	25-60% canopy closure Understory layer greater than 25% of total cc.	Most natural openings due to poor soil. Disturbance openings few	Openings less than 1 acre Openings have 0 - 25% canopy closure Openings widely dispersed	1 -10%	1 - 10% (% by vegetation type)	No leave trees required	1 - 3 pieces greater than 20" dbh	5 snags at 10" - 20" dbh and 3 snags greater than 20" dbh Oak snags can be counted if already dead or partially dead
--	---	---	--	--------	--------------------------------------	-------------------------------	---	---

Map available at the Forest Service National Scenic Area Office

* Does not apply to openings.

Dbh: Diameter at Breast Height

SECTION 3.130 "A-2" Small Scale Agriculture Zone (GMA Only)**A. Purpose**

The purpose of the Small Scale Agriculture Zone is to protect and enhance small scale agricultural land for agricultural uses. Small Scale Agricultural lands generally:

1. Have little potential for consolidation with large-scale agricultural lands and are currently devoted to agriculture of a scale too small to support workers or provide a significant volume of products for markets or processors; and
2. Have a combination of soil capability and size that provides an opportunity for direct marketing or part-time/second income agriculture.

B. Uses Permitted Without Review

The uses and activities listed in [Section 3.100](#) may be allowed without review on lands designated Small-Scale Agriculture.

C. Uses Permitted Subject To Expedited Review

The uses and activities listed in [Section 3.110](#) may be allowed on a legal parcel designated Small-Scale Agriculture subject to Expedited Review and Subsection G - Property Development Standards and [Chapter 11 - Fire Safety Standards](#) as well as all other listed or referenced standards.

D. Uses Permitted Subject to Review

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

FARM USE

1. New cultivation: Any operation that would cultivate land that has not been cultivated.
2. Agricultural structures, except buildings, in conjunction with agricultural use. Non commercial wind energy conversion systems which fit this category are subject to the applicable provisions of [Chapter 19](#).
3. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the following standards:

The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use. The applicants shall submit a floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock) as well as a [Farm Management Plan defined in Section 1.200](#) with their land use application:

RESIDENTIAL USE

4. One single-family dwelling on any legally existing parcel.
5. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in 6 below. Non commercial wind energy conversion systems which fit this category are subject to the applicable provisions of [Chapter 19](#).
6. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any parcel:
 - a. Less than or equal to 10 acres in size are subject to the following additional standards:
 - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
 - (2) The height of any individual accessory building shall not exceed 24 feet.
 - b. Larger than 10 acres in size are subject to the following additional standards:
 - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
 - (2) The footprint of any individual accessory building shall not exceed 1,500 square feet.
 - (3) The height of any individual accessory building shall not exceed 24 feet.
7. The temporary use of a mobile home in the case of a family hardship, subject to the standards for hardship dwellings prescribed in Chapter 8, Temporary Use Permits.
8. Agricultural labor housing subject to the following standards:
 - a. The proposed housing is necessary and accessory to a current agricultural use as evidenced by the submittal of a [Farm Management Plan, defined in Section 1.200](#), with the application;
 - b. The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed nine (9) months.
 - c. The housing shall be located to minimize the conversion of lands capable of production of

farm crops or livestock and will not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.

9. Life Estate - A landowner who sells or otherwise transfers real property in an area designated Small Scale Agriculture may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a lot/parcel as defined in this Ordinance. A second dwelling in conjunction with agricultural use may be allowed subject to the following standards:

- a. The proposed dwelling is in conjunction with agricultural use, as defined, subject to the following standards:

- (1) There are no other dwellings on the subject farm or ranch, including all of its constituent lots/parcels, contiguous or otherwise, which are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and which could be used as the principal agricultural dwelling;

- (2) The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, as defined, where the day-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural use of the land. Current use includes a minimum area which would satisfy (3)(c) below; and

- (3) The operation is a commercial agricultural enterprise as determined by the submittal of a [Farm Management Plan, defined in Section 1.200](#), with the application and an evaluation of the following factors:

- (a) Size of the entire unit, including all land in the same ownership;

- (b) Operational requirements for the particular agricultural activity common to area agricultural operations; and

- (c) The farm or ranch, and all its constituent parcels, is capable of producing at least \$40,000 in gross annual income. This determination can be made using the following formula:

$$\text{Average Yield Per Acre/Unit} \times \text{Average Commodity/Unit Price} \times \text{Total Acres for Production of Commodity/Units} = \text{Income Capability}$$

- b. Upon termination of the Life Estate, the original or second dwelling shall be removed.

MISCELLANEOUS USE

10. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

11. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.
 12. Construction, reconstruction, or modifications of roads not in conjunction with agriculture if designated in the Adopted [Wasco County Transportation System Plan](#) or designed and constructed as part of an approved, active development order.
 13. Resource Enhancement Projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject Resource Enhancement standards prescribed in [Chapter 10](#).
 14. Uninhabitable structures associated with hunting and fishing operations.
 15. Towers and fire stations for forest fire protection when necessary for public service
 16. Docks and boathouses, subject to the standards below:
 - a. New private docks and boathouses serving only one family and one property shall be allowed, up to 120 square feet in size;
 - b. New private docks and boathouses serving more than one family and property shall be allowed, up to 200 square feet in size;
 - c. Public docks open and available for public use shall be allowed.
 - d. Boathouses may be allowed under criteria a and b above only when accessory to a dwelling and associated with a navigable river or lake.
 17. Land Divisions and Replats subject to the property development standards listed in G below, [Section 21.100](#), and all other applicable provisions of [Chapter 21](#).
 18. Property line adjustments and Replats that would result in the potential to create additional parcels through subsequent land divisions subject to the property development standards listed in G below, [Section 21.200](#), and all other applicable provisions of [Chapter 21](#).
- E. Uses Permitted Conditionally
The following uses and activities may be allowed with conditions on a legal parcel designated Small Scale Agriculture subject to Subsection G - Property Development Standards, Chapter 5 – Conditional Use Review, Chapter 11 - Fire Safety Standards & Chapter 14 - Scenic Area Review, as well as any other listed or referenced standards.

FARM/FOREST USE

1. Wineries, in conjunction with on-site viticulture upon a showing that processing of wine is from grapes grown on the subject farm or in the local region.

2. Wine sales/tasting rooms, in conjunction with an on-site winery.
3. Boarding of horses. Findings shall be made on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings and the number of recommended animal units provided in the documentation by the OSU Extension Offices and the Natural Resource Conservation Service for the geographic area the application is located within.
4. Fruits and produce stands, upon a showing that:
 - a. Sales will be limited to agricultural products raised on the subject farm and other farms in the local region, and
 - b. The stand complies with licensing requirements of the Food and Dairy Division of the Oregon Department of Agriculture.
5. Agricultural product processing and packaging, upon demonstration that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.
6. Fish hatcheries and Aquaculture.

COMMERCIAL USE

7. Commercial events, subject to the [Commercial Events standards prescribed in Chapter 20](#).
8. Home occupations or cottage industry in existing residential or accessory structures subject to the [Home Occupations and Cottage Industries standards prescribed in Chapter 20](#).
9. Bed and Breakfast Inns may be permitted in a lawfully established single family dwelling subject to the [Bed and Breakfast Inn standards prescribed in Chapter 20](#).
10. Special Uses in Historic Buildings subject to Special Uses in [Historic Buildings standards prescribed in Chapter 20 \(GMA Only\)](#).

PUBLIC & QUASI-PUBLIC USE

11. Nonprofit resource-related environmental learning facility or nonprofit resource-related research facility.
12. Recreation Development subject to [Section 14.700](#).
13. Expansion of existing school or place of worship.

MISCELLANEOUS USE

14. Utility facilities and railroads necessary for public service upon a showing that:

- a.** There is no practicable alternative location with less adverse effect on agricultural or forest lands; and
- b.** the size is the minimum necessary to provide the service.

15. Personal-use airstrips including associated accessory structures such as a hangar.

- a.** A personal-use airstrip is an airstrip restricted, except for aircraft emergencies, to use by the owner and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations.
- b.** No aircraft may be based on a personal-use airstrip other than those owned or controlled by the owner of the airstrip.

16. Exploration, development and production of mineral and geothermal resources subject to the standards prescribed in [Chapter 10](#).

17. Temporary portable asphalt/batch plants related to public road projects, not to exceed six (6) months.

18. Cluster developments on lots or parcels forty (40) acres in size or larger in the "A-2(20)" zone, eighty (80) acres in size or larger in the "A-2(40)" zone, or one- hundred sixty acres in size or larger in the "A-2(80)" zone, that creates lots/parcels smaller than the designated minimum lot/parcel size, subject to the provisions of [Chapter 18](#).

19. Disposal sites managed and operated by the Oregon Department of Transportation, or the Wasco County Public Works Department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the Scenic Area, subject to the Disposal standards prescribed in [Chapter 10](#).

20. Construction, reconstruction, or modifications of roads not in conjunction with agriculture if designated in the Adopted [Wasco County Transportation System Plan](#) or designed and constructed as part of an approved, active development order.

F. Prohibited Uses

- 1.** Industrial Uses.
- 2.** All other uses not listed.

G. Property Development Standards

- 1. Property Size** - The creation or alteration of a parcel shall be subject to the following standards:

Zone	Minimum Parcel Size	Minimum Parcel Width
A-2(20)	Twenty (20) Acres	500'
A-2(40)	Forty (40) Acres	500'
A-2(60)	Sixty (60) Acres	500'
A-2(80)	Eighty (80) Acres	1,000'

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

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

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

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

- a. Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a minimum of eight (8) feet in height, and contoured at 3 to 1 slopes to look natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of fifteen (15) feet.
- b. The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.
- c. The necessary berming and/or planting must be completed during the first phase of development and maintained in good condition.
- d. If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.

- e. A variance to the setback requirements may be made in accordance with Chapter 6.
- 4. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to [Section 3.240, Flood Hazard Overlay](#).
- 5. Height - Maximum height for all structures shall be thirty-five feet (35') unless further restricted in accordance with [Chapter 14 - Scenic Area Review](#).
- 6. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
- 7. Parking - Off street parking shall be provided in accordance with [Chapter 4](#).

SECTION 3.140 "F-1" Industrial Forest Zone (GMA Only)

A. Purpose

The purpose of the Industrial-Forest Zone is to protect and enhance Industrial forest land for forest uses. Industrial forest land is land that:

1. Contains land in the industrial and public ownership classes which occur in large tracts, have few residences and are generally bounded by other lands in the same ownership classes or by lands in the large woodland class.
2. Contains land in the non-industrial ownership class which have few residences, no organized structural fire protection services, are capable of growing 85 cubic feet per acre per year or more of merchantable tree species and are generally bounded by lands in the large non-industrial, public or industrial ownership classes.

B. Uses Permitted Without Review

The uses and activities listed in [Section 3.100](#) may be allowed without review on lands designated Industrial Forest.

C. Uses Permitted Subject To Expedited Review

The uses and activities listed in [Section 3.110](#) may be allowed on a legal parcel designated Industrial Forest subject to [Expedited Review](#) and [Subsection G - Property Development Standards and Chapter 11 - Fire Safety Standards](#), as well as all other listed or referenced standards

D. Uses Permitted Subject to Review

The following uses and activities may be allowed on a legal parcel designated Industrial Forest subject to [Subsection G - Property Development Standards](#), [Chapter 11 - Fire Safety Standards](#) & [Chapter 14 - Scenic Area Review](#), as well as any other listed or referenced standards.

FOREST/FARM USE

1. New cultivation: Any operation that would cultivate land that has not been cultivated.
2. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. The structure shall be subject to the standards in [Chapter 8, Temporary Use Permit](#). An "auxiliary" use or structure shall meet the following standards:
 - a. The use or alteration of a structure or land provides help to or is directly associated with the conduct of a particular forest practice.
 - b. The auxiliary structure is located on-site, is temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting.
 - c. The auxiliary use is removed when a particular forest practice has concluded.

3. Temporary portable facility for the primary processing of forest products grown upon a parcel of land or contiguous land in the same ownership where the facility is to be located. The facility shall be subject to the standards in [Chapter 8, Temporary Use Permit](#), and be removed upon completion of the harvest operation.
4. Agricultural structures, except buildings, in conjunction with agricultural use. Noncommercial wind energy conversion systems which fit this category are subject to the applicable provisions of [Chapter 19](#).
5. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years and subject to the following:

The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use. The applicants shall submit a floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock) as well as a [Farm Management Plan defined in Section 1.200 with](#) their land use application:

6. A temporary mobile home in conjunction with a timber operation subject to a finding that security personnel are required to protect equipment associated with a harvest operation or the subject forest land from fire. The mobile home shall be subject to the standards in [Chapter 8, Temporary Use Permit](#), and must be removed upon completion of the subject harvest operation or the end of the fire season.

RESIDENTIAL USE

7. One single family dwelling customarily provided in conjunction with agricultural use, as defined, subject to the following standards:
 - a. There are no other dwellings on the subject farm or ranch, including all of its constituent lots/parcels, contiguous or otherwise, which are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and which could be used as the principal agricultural dwelling;
 - b. The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, as defined, where the day-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural use of the land. Current use includes a minimum area which would satisfy (c)(4) below; and
 - c. The operation is a commercial agricultural enterprise as determined by the submittal of a [Farm Management Plan defined in Section 1.200](#) and an evaluation of the following factors:
 - (1) Size of the entire unit including all land in the same ownership.

- (2) Type(s) of operation (crops, livestock) and acreage;
- (3) Operational requirements for the particular agricultural activity common to area agricultural operations; and
- (4) The farm or ranch, and all its constituent parcels, is capable of producing at least \$40,000 in gross annual income. This determination can be made using the following formula:

Average Yield Per Acre/Unit x Average Commodity/Unit Price x Total Acres for Production of Commodity/Units = Income Capability

- 8. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in 9 below. Noncommercial wind energy conversion systems which fit this category are subject to the applicable provisions of [Chapter 19](#).
- 9. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel:
 - a. Less than or equal to 10 acres in size are subject to the following additional standards:
 - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
 - (2) The height of any individual accessory building shall not exceed 24 feet.
 - b. Larger than 10 acres in size are subject to the following additional standards:
 - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
 - (2) The footprint of any individual accessory building shall not exceed 1,500 square feet.
 - (3) The height of any individual accessory building shall not exceed 24 feet.
- 10. The temporary use of a mobile home in the case of a family hardship subject to the standards for hardship dwellings prescribed in [Chapter 8, Temporary Use Permit](#).
- 11. A second single family dwelling for an agricultural operator's relative subject to the following standards:

- a. The dwelling would be occupied by a relative of the agricultural operator or of the agricultural operator's spouse who will be actively engaged in the management of the farm or ranch. Relative means grandparent, grandchild, parent, child, brother or sister of the agricultural operator;
- b. The dwelling would be located on the same lot or parcel as the dwelling of the principal operator; and
- c. The operation is a commercial agricultural enterprise as determined by and an evaluation of criterion D(7)(c) above.

12. Agricultural labor housing subject to the following standards:

- a. The proposed housing is necessary and accessory to a current agricultural use as evidenced by the submittal of a [Farm Management Plan, defined in Section 1.200](#), with the application;
- b. The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed nine (9) months.
- c. The housing will be located to minimize the conversion of lands capable of production of farm crops, livestock, or forest products and will not force a significant change in or significantly increase the cost of accepted agricultural or forest practices employed on nearby lands devoted to agricultural or forest use.
- d. The operation is a commercial agricultural enterprise as determined by and an evaluation of criterion D(7)(c) above.

13. Life Estate - A landowner who sells or otherwise transfers real property in an area designated Industrial Forest Land may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a lot/parcel as defined in this Ordinance. A second dwelling unit in a Forest Land designation may be allowed subject to the following standards.

- a. The proposed dwelling is in conjunction with agricultural use using the standards prescribed in Subsection D(7);
- b. Upon termination of the Life Estate, the original or second dwelling shall be removed.

14. Driveways, easement roads, and private roads serving a residence.

MISCELLANEOUS

15. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

16. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.
 17. Resource Enhancement Projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the [Resource Enhancement standards prescribed in Chapter 10.](#)
 18. Uninhabitable structures accessory to hunting and fishing operations.
 19. Towers and fire stations for forest fire protection.
 20. Recreation Development, subject to [Section 14.700.](#)
 21. Construction or reconstruction of roads or modifications not in conjunction with forest use or practices if designated in the Adopted [Wasco County Transportation System Plan](#) or designed and constructed as part of an approved, active development order.
 22. Docks and boathouses, subject to the standards below:
 - a. New private docks and boathouses serving only one family and one property shall be allowed, up to 120 square feet in size;
 - b. New private docks and boathouses serving more than one family and property shall be allowed, up to 200 square feet in size;
 - c. Public docks open and available for public use shall be allowed.
 - d. Boathouses may be allowed under criteria a and b above only when accessory to a dwelling and associated with a navigable river or lake.
 23. Land Divisions and Replats subject to the property development standards listed in G below, [Section 21.100](#), and all other applicable provisions of [Chapter 21.](#)
 24. Property line adjustments and Replats that would result in the potential to create additional parcels through subsequent land divisions subject to the property development standards listed in G below, [subject to 21.200](#) and all other applicable provisions of [Chapter 21.](#)
- E. Uses Permitted Conditionally
The following uses and activities may be allowed with conditions on a legal parcel designated Industrial Forest subject to Subsection G - Property Development Standards, [Chapter 5 – Conditional Use Review](#), [Chapter 11 - Fire Safety Standards](#) & [Chapter 14 - Scenic Area Review](#), as well as any other listed or referenced standards.

FOREST/FARM USE

1. Wineries in conjunction with on-site viticulture, upon a showing that processing of wine is from

grapes grown on the subject farm or in the local region.

2. Wine sales/tasting rooms, in conjunction with an on-site winery.
3. Fruits and produce stands upon a showing that:
 - a. Sales will be limited to agricultural products raised on the subject farm and other farms in the local region, and
 - b. The stand complies with licensing requirements of the Food and Dairy Division of the [Oregon Department of Agriculture](#).
4. Agricultural product processing and packaging upon demonstration that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.
5. Fish hatcheries and Aquaculture.
6. Boarding of horses. Findings shall be made on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings and the number of recommended animal units provided in the documentation by the OSU Extension Offices and the Natural Resource Conservation Service for the geographic area the application is located within.

COMMERCIAL USE

7. Home occupations or cottage industry in existing residential or accessory structures subject to the [Home Occupations and Cottage Industries standards prescribed in Chapter 20](#).
8. Bed and breakfast Inns may be permitted in a lawfully established single family dwelling subject to the [Bed and Breakfast Inn standards prescribed in Chapter 20](#).
9. Special Uses in Historic Buildings subject to Special Uses in [Historic Buildings standards prescribed in Chapter 20](#).

PUBLIC & QUASI-PUBLIC USE

10. Expansion of existing nonprofit group camps, retreats or conference or education centers.
11. Nonprofit, environmental learning or research facilities.

MISCELLANEOUS USE

12. Utility facilities and railroads necessary for public service upon a showing that:
 - a. There is no practicable alternative location with less adverse effect on the scenic, cultural,

natural, recreational, agricultural or forest lands values; and

b. the size is the minimum necessary to provide the service.

13. Exploration, development and production of mineral and geothermal resources subject to the standards prescribed in [Chapter 10](#).
14. Temporary portable asphalt/batch plants related to public road projects, not to exceed six (6) months.
15. Disposal sites managed and operated by the Oregon Department of Transportation or the Wasco County Public Works Department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the Scenic Area, subject to the Disposal Standards prescribed in [Chapter 10](#).
16. Construction, reconstruction, or modifications of roads not in conjunction with agriculture if not designated in the Adopted [Wasco County Transportation System Plan](#) or not designed and constructed as part of an approved, active development order. (GMA Only)

F. Prohibited Uses

1. Subdivisions, Cluster Developments, Industrial Uses.
2. All other uses not listed.

G. Property Development Standards

1. Property Size – The creation or alteration of a parcel shall not result in a parcel less than eighty (80) acres and having less than a 1,000' minimum lot width.
2. Structure Siting Standards
The approval of new dwellings and accessory structures on Industrial Forest shall comply with the following standards:
 - a. The dwelling and structures shall be sited on the lot/parcel so that they shall have the least impact on nearby or adjoining forest operations. Dwellings shall be set back at least two hundred (200) feet from adjacent properties unless they meet the requirements of criterion b below.
 - b. Clustering or locating proposed development closer to existing development, including roads, on adjacent lands may minimize the impact on nearby or adjacent forest operations and may be considered as an alternative to the two hundred (200) foot setback required in (a) above.

Dwellings and accessory buildings shall be setback at least fifty (50) feet from the right of

way of the road unless the road is a Scenic Travel Corridor, in which case the provisions of [Section 14.300](#) shall apply.

- c. The amount of forest land used to site dwellings, structures, access roads and service corridors shall be minimized. This can include locating new dwellings and structures as close to existing public roads as possible, thus minimizing the length of access roads and utility corridors; or locating the dwelling, access road and service corridors on portions of the lot/parcel that are least or poorly suited for forestry. Areas may not be suitable for forestry because of existing nonforest uses, adjacent dwellings and lastly, land productivity.
- d. Dwellings shall be located to minimize the risks associated with wildfire. Dwellings shall be located on level slopes when practical, and in any case not on slopes which exceed forty (40) percent. Narrow canyons and draws should be avoided. Dwellings should be located to minimize the difficulty in gaining access to the structure in the case of fire. Dwellings should be located to make the access roads as short and flat as possible.
- e. A variance to the Structure Siting Standards may be made in accordance with [Chapter 6](#).
- f. Agricultural Setbacks - All new buildings to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use, shall comply with the following setback standards:

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

- (1) Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a minimum of eight (8) feet in height, and contoured at 3 to 1 slopes to look natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of fifteen (15) feet.
- (2) The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.
- (3) The necessary berming and/or planting shall be completed during the first phase of development and maintained in good condition.

- (4) If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.
- (5) A variance to the setback requirements may be made in accordance with [Chapter 6](#).
- 3. Height - Maximum height for all structures shall be thirty-five feet (35') unless further restricted in accordance with [Chapter 14 - Scenic Area Review](#).
- 4. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to [Section 3.240, Flood Hazard Overlay](#).
- 5. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
- 6. Parking - Off street parking shall be provided in accordance with [Chapter 4](#).

SECTION 3.150 "F-3" Small Woodland Forest Zone (GMA Only)**A. Purpose**

The purpose of the Small Woodland-Forest Zone is to protect and enhance Small Woodland forest land for forest uses. Small woodland forest land is land that contains land in the nonindustrial ownership class which occur in smaller tracts, have organized structural fire protection services, are capable of growing fifty (50) cubic feet per acre per year or more of merchantable tree species and are generally bounded by other lands in the same ownership class or lands devoted to nonforest use.

B. Uses Permitted Without Review

The uses and activities listed in [Section 3.100](#) may be allowed without review on lands designated Small Woodland Forest.

C. Uses Permitted Subject To Expedited Review

The uses and activities listed in [Section 3.110](#) may be allowed on a legal parcel designated Small Woodland Forest subject to Expedited Review and Subsection G -Property Development Standards and [Chapter 11 - Fire Safety Standards](#), as well as all other listed or referenced standards

D. Uses Permitted Subject to Review

The following uses and activities may be allowed on a legal parcel designated Small Woodland Forest subject to Subsection G - Property Development Standards, [Chapter 11 - Fire Safety Standards](#) & [Chapter 14 - Scenic Area Review](#), as well as any other listed or referenced standards.

FOREST/FARM USE

1. New cultivation: Any operation that would cultivate land that has not been cultivated.
2. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. The structure shall be subject to the standards in [Chapter 8, Temporary Use Permit](#). An "auxiliary" use or structure shall meet the following standards:
 - a. The use or alteration of a structure or land provides help to or is directly associated with the conduct of a particular forest practice.
 - b. The auxiliary structure is located on-site, is temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting.
 - c. The auxiliary use is removed when a particular forest practice has concluded.
3. Temporary portable facility for the primary processing of forest products grown upon a parcel of land or contiguous land in the same ownership where the facility is to be located. The facility shall be subject to the standards in [Chapter 8, Temporary Use Permit](#), and be removed upon completion of the harvest operation.
4. Agricultural structures, except buildings, in conjunction with agricultural use. Noncommercial

wind energy conversion systems which fit this category are subject to the applicable provisions of [Chapter 19](#).

5. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years and meet the following:

The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use. The applicants shall submit a floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock) as well as a [Farm Management Plan defined in Section 1.200](#) with their land use application:

RESIDENTIAL USE

6. One (1) single family dwelling on a legally created lot/parcel upon enrollment in the forest deferral taxation by the County Assessor's Office, or subject to findings that the lot/parcel cannot qualify for forest deferral taxation, a lot/parcel is entitled to one (1) single family dwelling. In either case, a declaration shall be signed by the land owner and recorded into County deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated Forest or Agriculture.
7. One single family dwelling customarily provided in conjunction with agricultural use, as defined, subject to the following standards:
 - a. There are no other dwellings on the subject farm or ranch, including all of its constituent lots/parcels, contiguous or otherwise, which are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and which could be used as the principal agricultural dwelling;
 - b. The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, as defined, where the day-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural use of the land. Current use includes a minimum area which would satisfy (c)(4) below; and
 - c. The operation is a commercial agricultural enterprise as determined by an evaluation of the following factors:
 - (1) Size of the entire unit, including all land in the same ownership;
 - (2) Type(s) of operation (crops, livestock) and acreage;
 - (3) Operational requirements for the particular agricultural activity common to area agricultural operations; and

- (4) The farm or ranch, and all its constituent parcels, is capable of producing at least \$40,000 in gross annual income. This determination can be made using the following formula:

Average Yield Per Acre/Unit x Average Commodity/Unit Price x Total Acres for Production of Commodity/Units = Income Capability

8. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in 9 below. Noncommercial wind energy conversions systems which fit this category are subject to the applicable provisions of [Chapter 19](#).
9. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any parcel:
- a. Less than or equal to 10 acres in size are subject to the following additional standards:
 - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
 - (2) The height of any individual accessory building shall not exceed 24 feet.
 - b. Larger than 10 acres in size are subject to the following additional standards:
 - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
 - (2) The footprint of any individual accessory building shall not exceed 1,500 square feet.
 - (3) The height of any individual accessory building shall not exceed 24 feet.
10. The temporary use of a mobile home in the case of a family hardship, subject to the standards for hardship dwellings prescribed in [Chapter 8, Temporary Use Permit](#).
11. A second single family dwelling for an agricultural operator's relative subject to the following standards:
- a. The dwelling would be occupied by a relative of the agricultural operator or of the agricultural operator's spouse who will be actively engaged in the management of the farm or ranch. Relative means grandparent, grandchild, parent, child, brother or sister of the agricultural operator;

- b. The dwelling would be located on the same lot or parcel as the dwelling of the principal operator; and
- c. Criteria 7(c)(1) – (4) above.

12. Agricultural labor housing subject to the following standards:

- a. The proposed housing is necessary and accessory to a current agricultural use as evidenced by the submittal of a [Farm Management Plan, defined in Section 1.200](#), with the application;
- b. The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed nine (9) months.
- c. The housing will be located to minimize the conversion of lands capable of production of farm crops, livestock, or forest products and will not force a significant change in or significantly increase the cost of accepted agricultural or forest practices employed on nearby lands devoted to agricultural or forest use.

13. Life Estate - A landowner who sells or otherwise transfers real property in an area designated Small Woodland may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a lot/parcel as defined in this Ordinance. A second dwelling unit in a Forest Land designation may be allowed subject to the following standards.

- a. The proposed dwelling is in conjunction with agricultural use using the standards prescribed in Subsection D(7); or
- b. One (1) single family dwelling on a legally created lot/parcel upon enrollment in the forest deferral taxation by the County Assessor's Office, or subject to findings that the lot/parcel cannot qualify for forest deferral taxation, a lot/parcel is entitled to one (1) single family dwelling. In either case, a declaration shall be signed by the land owner and recorded into County deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated Forest or Agriculture.
- c. Upon termination of the Life Estate, the original or second dwelling shall be removed.

14. Driveways, easement roads, and private roads serving a residence.

MISCELLANEOUS USE

15. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

16. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.
 17. Resource Enhancement Projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the Resource Enhancement standards prescribed in Chapter 10.
 18. Uninhabitable structures accessory to hunting and fishing operations.
 19. Towers and fire stations for forest fire protection.
 20. Recreation development, subject to [Section 14.700](#) and the Recreation Development Plan.
 21. Construction or reconstruction of roads or modifications not in conjunction with forest use or practices if designated in the Adopted [Wasco County Transportation System Plan](#) or designed and constructed as part of an approved, active development order.
 22. Docks and boathouses, subject to the standards below:
 - a. New, private docks and boathouses serving only one family and one property shall be allowed, up to 120 square feet in size;
 - b. New, private docks and boathouses serving more than one family and property shall be allowed, up to 200 square feet in size;
 - c. Public docks open and available for public use shall be allowed.
 - d. Boathouses may be allowed under criteria a and b above only when accessory to a dwelling and associated with a navigable river or lake.
 23. Land Divisions and Replats subject to the property development standards listed in G below, [Section 21.100](#) and all other applicable provisions of [Chapter 21](#).
 24. Property line adjustments and Replats that would result in the potential to create additional parcels through subsequent land divisions subject to the property development standards listed in G below, [Section 21.200](#), and all other applicable provisions of [Chapter 21](#).
- E. Uses Permitted Conditionally
The following uses and activities may be allowed with conditions on a legal parcel designated Small Woodland subject to Subsection G - Property Development Standards, [Chapter 5 – Conditional Use Review](#), [Chapter 11 - Fire Safety Standards](#) & [Chapter 14 - Scenic Area Review](#), as well as any other listed or referenced standards.

FOREST/FARM USE

1. Wineries, in conjunction with on-site viticulture upon a showing that processing of wine is from

grapes grown on the subject farm or in the location region.

2. Wine sales/tasting rooms, in conjunction with an on-site winery.
3. Fruits and produce stands, upon a showing that:
 - a. Sales will be limited to agricultural products raised on the subject farm and other farms in the local region, and
 - b. The stand complies with licensing requirements of the Food and Dairy Division of the [Oregon Department of Agriculture](#).
4. Agricultural product processing and packaging, upon demonstration that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.
5. Fish hatcheries and Aquaculture.
6. Boarding of horses. Findings shall be made on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings and the number of recommended animal units provided in the documentation by the OSU Extension Offices and the Natural Resource Conservation Service for the geographic area the application is located within.

COMMERCIAL USE

7. Commercial Events, subject to [Commercial Events standards prescribed in Chapter 20](#).
8. Home occupations or cottage industry in existing residential or accessory structures subject to the [Home Occupations and Cottage Industries standards prescribed in Chapter 20](#).
9. Bed and breakfast Inns may be permitted in a lawfully established single family dwelling subject to the [Bed and Breakfast Inn standards prescribed in Chapter 20](#).
10. Special Uses in Historic Buildings subject to Special Uses in [Historic Buildings standards prescribed in Chapter 20](#).

PUBLIC & QUASI-PUBLIC USE

11. Expansion of existing nonprofit group camps, retreats, or conference centers.
12. Nonprofit resource-related environmental learning facility or nonprofit resource-related research facilities.

MISCELLANEOUS USE

13. Utility facilities and railroads necessary for public service upon a showing that:

- a. There is no practicable alternative location with less adverse effect on scenic, cultural, natural or recreation resources, agricultural lands, or forest lands; and
- b. the size is the minimum necessary to provide the service.

14. Exploration, development and production of mineral and geothermal resources subject to the standards prescribed in [Chapter 10](#).

15. Temporary portable asphalt/batch plants related to public road projects, not to exceed six (6) months.

16. Cluster developments on lots or parcels forty (40) acres in size or larger in the "F-3(20)" zone, eighty (80) acres in size or larger in the "F-3(40)" zone, or one-hundred sixty acres in size or larger in the "F-3(80)" zone, that creates lots/parcels smaller than the designated minimum lot/parcel size, subject to the provisions of [Chapter 18](#).

17. Disposal sites managed and operated by the Oregon Department of Transportation, or the Wasco County Public Works Department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the Scenic Area, subject to Disposal standards prescribed in [Chapter 10](#).

18. Construction, reconstruction, or modifications of roads not in conjunction with forest use or practices if not designated in the Adopted [Wasco County Transportation System Plan](#) or not designed and constructed as part of an approved, active development order . (GMA Only)

F. Prohibited Uses

All other uses not listed.

G. Property Development Standards

1. Property Size - The creation or alteration of a parcel shall be subject to the following standards:

Zone	Minimum Parcel Size	Minimum Parcel Width
F-3(20)	Twenty (20) Acres	500'
F-3(40)	Forty (40) Acres	500'
F-3(80)	Eighty (80) Acres	1,000'

2. Structure Siting Standards

The approval of new dwellings and accessory structures on Small Woodland lands shall comply with the following standards:

- a. The dwelling and structures shall be sited on the lot/parcel so that they shall have the least

impact on nearby or adjoining forest operations. Dwellings shall be set back at least two hundred (200) feet from adjacent properties unless they meet the requirements of criterion b below.

- b. Clustering or locating proposed development closer to existing development, including roads, on adjacent lands may minimize the impact on nearby or adjacent forest operations and may be considered as an alternative to the two hundred (200) foot setback required in criterion a above.

Dwellings and accessory buildings shall be setback at least fifty (50) feet from the right of way of the road unless the road is a Scenic Travel Corridor, in which case the provisions of [Section 14.300](#) shall apply.

- c. Developments subject to [Chapter 18](#) Cluster Development siting standards may be granted a variance to the two hundred (200) foot setback in order to best protect the scenic, natural, cultural and recreational resources of a site in accordance with [Chapter 6](#).
- d. The amount of forest land used to site dwellings, structures, access roads and service corridors shall be minimized. This can include locating new dwellings and structures as close to existing public roads as possible, thus minimizing the length of access roads and utility corridors; or locating the dwelling, access road and service corridors on portions of the lot/parcel that are least or poorly suited for forestry. Areas may not be suitable for forestry because of existing nonforest uses, adjacent dwellings and lastly, land productivity.
- e. Dwellings shall be located to minimize the risks associated with wildfire. Dwellings shall be located on level slopes when practical, and in any case not on slopes which exceed forty (40) percent. Narrow canyons and draws should be avoided. Dwellings should be located to minimize the difficulty in gaining access to the structure in the case of fire. Dwellings should be located to make the access roads as short and flat as possible.
- f. A variance to the Structure Siting Standards may be made in accordance with [Chapter 6](#).
- g. Agricultural Setbacks - All new buildings to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use, shall comply with the following setback standards:

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

- (1) Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a minimum of eight (8) feet in height, and contoured at 3 to 1 slopes to look natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of fifteen (15) feet.
 - (2) The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.
 - (3) The necessary berming and/or planting shall be completed during the first phase of development and maintained in good condition.
 - (4) If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.
 - (5) A variance to the setback requirements may be made in accordance with [Chapter 6, Variances](#).
3. Height - Maximum height for all structures shall be thirty-five feet (35') unless further restricted in accordance with [Chapter 14 - Scenic Area Review](#).
4. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to [Section 3.240, Flood Hazard Overlay](#).
5. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
6. Parking - Off street parking shall be provided in accordance with [Chapter 4](#).

SECTION 3.160 "R-R" Rural Residential Zone (GMA & SMA)**A. Purpose**

Residential development may locate outside Urban Areas so long as it does not adversely affect the scenic, cultural, natural and recreation resources. In addition to consideration of these factors, lands may be designated as residential if deemed suitable for residential development, taking into account the physical characteristics of the areas in question and their geographic proximity to transportation and commercial facilities and other amenities.

B. Uses Permitted Without Review

The uses and activities listed in [Section 3.100](#) may be allowed without review on lands designated Residential. (GMA & SMA)

C. Uses Permitted Subject To Expedited Review

The uses and activities listed in [Section 3.110](#) may be allowed on a legal parcel designated Residential subject to Expedited Review and subsection G - Property Development Standards and [Chapter 11 - Fire Safety Standards](#), as well as all other listed or referenced standards. (GMA & SMA)

D. Uses Permitted Subject to Review

The following uses and activities may be allowed on a legal parcel designated Residential subject to Subsection G - Property Development Standards, [Chapter 11 – Fire Safety Standards](#) & [Chapter 14 - Scenic Area Review](#), as well as any other listed or referenced standards.

RESIDENTIAL USE

1. One (1) single family dwelling per legally created lot/parcel. (GMA Only)
2. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in criterion 3 below. Noncommercial wind energy conversion systems which fit this category are subject to the applicable provisions of [Chapter 19](#). (GMA & SMA)
3. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards: (GMA & SMA)
 - a. The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
 - b. The height of any individual accessory building shall not exceed 24 feet.
4. The temporary use of a mobile home in the case of a family hardship, subject to the standards for hardship dwellings prescribed in [Chapter 8, Temporary Use Permit](#). (GMA & SMA)

Parcel must be 40 acres or greater. (SMA only)

FARM USE

5. New cultivation in the GMA and SMA, or new agricultural use in the SMA outside of previously disturbed and regularly worked fields or areas.

Clearing trees for new agricultural use is subject to [3.120\(D\)\(1\)](#) of the Large Scale Agriculture zone. (SMA Only).

6. Agricultural structures, except buildings, in conjunction with agricultural use. Noncommercial wind energy conversion systems which fit this category are subject to the applicable provisions of [Chapter 19](#). (GMA Only)
7. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the following standards:

The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use. The applicants shall submit a floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock) as well as a Farm Management Plan defined in Section 1.200 with their land use application. (GMA Only)

MISCELLANEOUS USE

8. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building. (GMA & SMA)
9. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks. (GMA & SMA)
10. Construction, reconstruction or modification of roads if designated in the Adopted [Wasco County Transportation System Plan](#) or designed and constructed as part of an approved, active development order (GMA & SMA) and railroads (SMA Only).
11. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, Resource Enhancement standards prescribed in [Chapter 10](#). (GMA & SMA)
12. Docks and boathouses, subject to the standards below: (GMA & SMA)
 - a. New, private docks and boathouses serving only one family and one property shall be allowed, up to 120 square feet in size;
 - b. New, private docks and boathouses serving more than one family and property shall be allowed, up to 200 square feet in size;

- c. Public docks open and available for public use shall be allowed.
 - d. Boathouses may be allowed under criteria a and b above only when accessory to a dwelling and associated with a navigable river or lake.
 - 13. Cluster developments on lots or parcels ten (10) acres in size or larger in the "R-R(5)", or twenty (20) acres in size or larger in the "R-R(10)" zone, that create lots/parcels smaller than the designated minimum lot/parcel size, subject to the provisions of [Chapter 18](#). (GMA Only)
 - 14. Land Divisions and Replats subject to the property development standards listed in G below, [Section 21.100](#) and all other applicable provisions of [Chapter 21](#). (GMA & SMA)
 - 15. Property line adjustments and Replats that would result in the potential to create additional parcels through subsequent land divisions subject to the property development standards listed in G below, [Section 21.100](#) and all applicable provisions of [Chapter 21](#). (GMA Only)
 - 16. Forest Practices subject to [3.120\(D\)\(2\)](#) of the Large Scale Agriculture zone. (SMA Only)
- E. Uses Permitted Conditionally
The following uses and activities may be allowed with conditions on a legal parcel designated Residential subject to Subsection G - Property Development Standards, [Chapter 5 - Conditional Use Review](#), [Chapter 11 - Fire Safety Standards](#) & [Chapter 14 - Scenic Area Review](#), as well as any other listed or referenced standards.

FARM USE

- 1. Wineries, in conjunction with onsite viticulture, upon a showing that processing of wine is from grapes grown on the subject farm or in the local region. (GMA Only)
- 2. Wine sales/tasting rooms in conjunction with an on-site winery, under the following conditions: (GMA Only)
 - a. The use shall comply with the criteria in [Chapter 20 for Home Occupations and Cottage Industries](#) as well as the following:
 - (1) The use may employ an unlimited number of outside employees.
 - (2) The wine sales/tasting room may include interior and/or exterior space, provided the combined interior and exterior spaces shall not exceed 1,000 square feet.
 - (3) The interior space may be located in an existing building or in a new building or addition to an existing building constructed for the primary purpose of housing the wine sales/tasting room.
 - (4) The exterior space may be a veranda, patio, or other similar type of structure.

COMMERCIAL USE

3. Commercial events, subject to the [Commercial Events standards prescribed in Chapter 20](#). (GMA Only)
4. Home occupations or cottage industry in existing residential or accessory structures subject to the [Home Occupations and Cottage Industries standards prescribed in Chapter 20](#). (GMA & SMA)
5. Bed and Breakfast Inns, may be permitted in a lawfully established single-family dwelling located subject to the [Bed and Breakfast Inn standards prescribed in Chapter 20](#). (GMA & SMA)
6. Special Uses in Historic Buildings subject to Special Uses in [Historic Buildings standards prescribed in Chapter 20](#) (GMA Only).
7. Accredited child care center within a RR-1 or RR-2 designation. A child care center may be permitted in other Residential designations within an existing church or community building. (GMA Only)
8. Boarding of horses on lands designated 10-acre Residential. Findings shall be made on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings and the number of recommended animal units provided in the documentation by the OSU Extension Offices and the Natural Resource Conservation Service for the geographic area the application is located within.

PUBLIC & QUASI-PUBLIC USE

9. School within an existing church or community building. (GMA Only)
10. Expansion of existing primary or middle schools on land purchased prior to June 8, 1999. For purposes of this section, existing schools means public schools that existed prior to adoption of the original Management Plan on October 15, 1991. (GMA Only)
11. Community parks and playgrounds, consistent with the standards of the National Park and Recreation Society regarding the need for such facilities. (GMA & SMA)
12. Recreation development, subject to [Section 14.300](#). (GMA Only)
13. Fire stations. (GMA & SMA)

MISCELLANEOUS USE

14. Utility facilities and railroads. (GMA & SMA)
15. Construction, reconstruction, or modifications of roads not in conjunction with agriculture if not

designated in the Adopted [Wasco County Transportation System Plan](#) or not designated and constructed as part of an approved, active development order. (GMA Only)

F. Prohibited Uses

All other uses not listed.

G. Property Development Standards

1. Property Size

- a. The creation or alteration of a parcel shall be subject to the following standards:

Zone	Minimum Parcel Size	Minimum Parcel Width
R-R(1)	One (1) Acre	125'
R-R(2)	Two (2) Acres	125'
R-R(5)	Five (5) Acres	300'
R-R(10)	Ten (10) Acres	330'

- b. In the SMA no land divisions are permitted unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and guidelines of the Management Plan. The provisions of Chapter 14 are not applicable.

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

Front Yard	25'
Interior Side Yard	15'
Exterior Side Yard	20'
Rear Yard	20'

3. All new structures to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use shall comply with the following setback standards:

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

- a. Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a minimum of eight (8) feet in height, and contoured at 3 to 1 slopes to look natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of fifteen (15) feet.
 - b. The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.
 - c. The necessary berming and/or planting must be completed during the first phase of development and maintained in good condition.
 - d. If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.
 - e. A variance to the setback requirements may be made in accordance with [Chapter 6](#).
- 4. Height - Maximum height for all structures shall be thirty-five feet (35') unless further restricted in accordance with [Chapter 14 - Scenic Area Review](#).
 - 5. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to [Section 3.240, Flood Hazard Overlay](#).
 - 6. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
 - 7. Parking - Off street parking shall be provided in accordance with [Chapter 4](#).

SECTION 3.170 "PR" Public Recreation Zone (GMA & SMA)

A. Purpose

To protect and enhance opportunities for publicly-owned, moderate and high intensity resource-based recreation uses on lands most suitable for such uses.

B. Uses Permitted Without Review

The uses and activities listed in [Section 3.100](#) may be allowed without review on lands designated Public Recreation. (GMA & SMA)

C. Uses Permitted Subject To Expedited Review

The uses and activities listed in [Section 3.110](#) may be allowed on a legal parcel designated Public Recreation subject to Expedited Review and Subsections H - Property Development Standards and [Chapter 11 - Fire Safety Standards](#), as well as all other listed or referenced standards. (GMA & SMA)

D. Uses Permitted Subject to Review

The following uses and activities may be allowed on a legal parcel designated Public Recreation, subject to Subsection H - Property Development Standards, [Chapter 11 - Fire Protection Standards & Chapter 14 - Scenic Area Review](#), as well as any other listed or referenced standards. (GMA & SMA)

1. Publicly-owned, resource based recreation uses, as defined, subject to [Section 14.700](#) (GMA Only).
2. Commercial uses and non-resource based recreation uses which are part of an existing or approved resource-based public recreation use consistent with the criteria for such uses contained in this section. (GMA Only)
3. New cultivation in the GMA and SMA, or new agricultural use in the SMA outside of previously disturbed and regularly worked fields or areas.

Clearing trees for new agricultural use is subject to the [3.120\(I\)\(5\)](#), Large Scale Agriculture Zone. (SMA Only)

E. Uses Permitted Conditionally

The following uses and activities may be allowed with conditions on a legal parcel designated Public Recreation subject to Subsection G – Conditional Use Approval Standards, Subsection H - Property Development Standards, [Chapter 5 - Conditional Use Review](#), [Chapter 11 - Fire Safety Standards & Chapter 14 - Scenic Area Review](#), as well as any other listed or referenced standards.

RESIDENTIAL USE

1. Single Family Dwelling

- a. GMA: The parcel must have been legally created prior to 15 October 1991. Exceptions may be considered to the limitation of one dwelling only upon demonstration that more than one residence is necessary for management of a public park.

- b.** SMA: The parcel must be 40 contiguous acres or larger and meet the standards required for a dwelling customarily provided in conjunction with an agricultural use in [3.120\(D\)\(5\)](#), or a dwelling customarily provided in conjunction with a forest use in [3.120\(D\)\(14\)](#), or show that it is necessary for public recreation site management purposes.
- 2.** Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in criterion 3 below. (GMA & SMA)
- 3.** Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards: (GMA & SMA)
 - a.** The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
 - b.** The height of any individual accessory building shall not exceed 24 feet.
- 4.** On a parcel of 40 acres or greater with an existing dwelling, the temporary use of a mobile home in the case of a family hardship, subject to the standards for hardship dwellings prescribed in [Chapter 8, Temporary Use Permit](#). (SMA Only)
- 5.** Agricultural labor housing subject to the following standards (SMA Only):
 - a.** The proposed housing is necessary and accessory to a current agricultural use as evidenced by the submittal of a [Farm Management Plan, defined in Section 1.200](#), with the application;
 - b.** The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed nine (9) months.
 - c.** The housing shall be located to minimize the conversion of lands capable of production of farm crops or livestock and will not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.
 - d.** The operation is a commercial enterprise as determined by an evaluation of the following:
 - (1)** Size of the entire unit, including all land in the same ownership;
 - (2)** Type(s) of operation (crops, livestock) and acreage;
 - (3)** Operational requirements for the particular agricultural activity common to area agricultural operations; and

- (4) The farm or ranch, and all its constituent parcels, is capable of producing at least \$40,000 in gross annual income. This determination can be made using the following formula: Average Yield Per Acre/Unit x Average Commodity/Unit Price x Total Acres for Production of Commodity/Units = Income Capability

- e. There is an existing dwelling on the parcel and the parcel is at least 40 acres. (SMA only)

FARM/FOREST USE

6. SMA Agricultural review uses only, as allowed for in [Section 3.120](#), Large Scale Agricultural Zone, except D(7) - (Accessory Buildings), E(17) - (Public Recreation), and E(24) - (ODOT Disposal Sites). (SMA Only)
7. Agricultural structures, except buildings, in conjunction with agricultural use. (GMA & SMA)
8. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings". (GMA & SMA)

The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use. The applicants shall submit a floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock) as well as a [Farm Management Plan defined in Section 1.200](#) with their land use application:

9. Fruits and produce stands, upon a showing that: (SMA Only)
- a. Sales will be limited to agricultural products raised on the subject farm and other farms in the local region, and
- b. The stand complies with licensing requirements of the Food and Dairy Division of the Oregon Department of Agriculture.
10. Agricultural product processing and packaging, upon demonstration that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation. "Primarily" means a clear majority of the product as measured by volume, weight, or value. (SMA Only)
11. Silvicultural nurseries. (SMA Only)
12. Fish hatcheries and aquaculture. (SMA Only)
13. Forest uses and practices as allowed on lands designated SMA Forest in the [Management Plan](#) (Part II, Chapter 2, SMA Guidelines), except SMA Forest Land review uses 1.I (public and

commercial recreation), 1. L (accessory buildings), 1.M (accessory buildings), and 1.V (disposal sites). (SMA Only)

COMMERCIAL USE

14. Commercial Events, subject to the [Commercial Events standards as prescribed in Chapter 20](#). (GMA Only)
15. Home occupations or cottage industry in existing residential or accessory structures subject to the [Home Occupations and Cottage Industries standards prescribed in Chapter 20](#). (SMA Only)
16. Bed and Breakfast Inns, may be permitted in a lawfully established single family dwelling subject to the [Bed and Breakfast Inn standards prescribed in Chapter 20 \(SMA Only\)](#).
17. Special Uses in Historic Buildings subject to Special Uses in [Historic Buildings standards prescribed in Chapter 20 \(GMA Only\)](#).

PUBLIC & QUASI-PUBLIC USE

18. Public nonprofit group camps, retreats, conference or educational centers, and interpretive facilities. (SMA Only)
19. Community facilities and nonprofit facilities related to agricultural or forest resource management. (SMA Only)
20. Public recreation facilities, consistent with the provisions of [Section 14.710](#). (SMA Only)
21. Public Trails subject to [Section 14.700](#) and [14.710](#). (GMA & SMA)

MISCELLANEOUS USE

22. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building. (GMA & SMA)
23. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks. (GMA & SMA)
24. Towers and fire stations for forest fire protection. (SMA Only)
25. Docks and boathouses, subject to the standards below: (GMA & SMA)
 - a. New, private docks and boathouses serving only one family and one property shall be allowed, up to 120 square feet in size;
 - b. New, private docks and boathouses serving more than one family and property shall be

allowed, up to 200 square feet in size;

- c. Public docks open and available for public use shall be allowed.
 - d. Boathouses may be allowed under criteria a and b above only when accessory to a dwelling and associated with a navigable river or lake.
26. Exploration, development, and production of sand, gravel, or crushed rock subject to that material being used only for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products on lands within the SMA (SMA Only)
27. Road and railroad construction and reconstruction. (SMA Only)
28. Temporary portable asphalt/batch plants related to public road projects, not to exceed six (6) months. (SMA Only)
29. Utility transmission, transportation, communications, and public works facilities for public service provided that: (GMA & SMA)
- a. There is no alternative location with less adverse effect on Public Recreation land; and
 - b. The size is the minimum necessary to provide the service.
30. Temporary portable facility for the primary processing of forest products grown upon a parcel of land or contiguous land in the same ownership where the facility is to be located. The facility shall be subject to the standards in [Chapter 8, Temporary Use Permit](#), and be removed upon completion of the harvest operation. (SMA Only)
31. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject subject to the [Resource Enhancement standards prescribed in Chapter 10](#). (GMA & SMA)
32. Land Divisions and Replats subject to the property development standards listed in H below, [Section 21.100](#), and all other applicable provisions of [Chapter 21](#). (GMA Only)
33. Property line adjustments and Replats subject to the property development standards listed in H below, [Section 21.200](#), and all other applicable provisions of [Chapter 21](#). (GMA Only)

F. Prohibited Uses

All other uses not listed.

G. Conditional Use Approval Standards (GMA Only)

In addition to the general standards and conditions that may be attached to the approval of a conditional use as provided by [Chapter 5](#) of this Ordinance, the following limitations shall apply to a

conditional use permitted in subsection D of this Section:

1. The proposed use will not interfere with existing or approved public recreation uses on the subject property or adjacent lands. Mitigative measures utilized to comply with this criterion may include provision of on-site buffers and seasonal or temporary closures during peak recreation use periods.
2. The proposed use will not permanently commit the majority of the site to a non-recreational use and will not remove all potential future resource-based public recreation uses. Careful siting and design of structures and other improvements may be utilized to comply with this criterion.

H. Property Development Standards

1. Property Size:

- a. GMA: Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance or otherwise improve recreational uses on the site.
- b. SMA: No land divisions are allowed unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and guidelines of the Management Plan. The provisions of [Chapter 14](#) are not applicable.

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

Front Yard	25'
Interior Side Yard	15'
Exterior Side Yard	20'
Rear Yard	20'

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

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

- a. Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a

- minimum of eight (8) feet in height, and contoured at 3 to 1 slopes to look natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of fifteen (15) feet.
- b. The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.
 - c. The necessary berming and/or planting must be completed during the first phase of development and maintained in good condition.
 - d. If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.
 - e. A variance to the setback requirements may be made in accordance with [Chapter 6](#).
- 4. Height - Maximum height for all structures shall be thirty-five feet (35') unless further restricted in accordance with [Chapter 14 - Scenic Area Review](#).
 - 5. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to [Section 3.240, Flood Hazard Overlay](#).
 - 6. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
 - 7. Parking - Off street parking shall be provided in accordance with [Chapter 4](#).

SECTION 3.180 “OS” Open Space Zone (GMA & SMA)

A. Purpose

Protect those most significant, sensitive and representative, scenic, cultural, natural and recreation resources on unimproved lands from conflicting uses and enhance them where appropriate.

B. Uses Permitted Without Review

The following uses and activities may be allowed without review on lands designated Open Space subject to the applicable property development standards. (GMA & SMA)

1. Repair, maintenance and operation of existing structures, including, but not limited to, dwellings, agricultural structures, trails, roads, railroads, and utility facilities.
2. The following transportation facilities:
 - a. Replace existing safety or protective structures, including guardrails, access control fences and gates, barriers, energy attenuators, safety cables, and traffic signals and controllers, as well as existing traffic detection devices, vehicle weighing devices, and signal boxes provided the replacement structures are:
 - (1) The same location and size as the existing structures and
 - (2) The same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the [Historic Columbia River Highway Master Plan](#) for the Historic Columbia River Highway or the scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the section of the Scenic Resources chapter of the [Management Plan](#) title “Scenic Travel Corridors
 - b. New raised pavement markers, guide posts, object markers, inlay markers, and pavement markings and striping.
 - c. Permanent public regulatory, guide, and warning signs, except those excluded below, provided:
 - (1) The signs comply with the Manual for Uniform Traffic Control Devices and
 - (2) The support structures and backs of all signs are dark brown with a flat, non-reflective finish. This category does not include specific service signs; destination and distance signs; variable message signs; or signs that bridge or are cantilevered over the road surface.
 - d. Extensions of existing guardrails less than or equal to 50 feet in length and new guardrail ends for existing guardrails, provided the guardrails and guardrail ends are

- (1) Located inside rights-of-way that have been disturbed in the past; and
 - (2) Constructed of materials that match the existing structure, natural wood, weathering steel (e.g., Corten), or materials consistent with the [Historic Columbia River Highway Master Plan](#) for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the section of the Scenic Resources chapter of the [Management Plan](#) titled “Scenic Travel Corridors.”
 - e. New guardrails and guardrail ends, provided the structures are
 - (1) Located inside rights-of-way that have been disturbed in the past and
 - (2) Constructed of natural wood, weathering steel (e.g., Corten), or materials consistent with the [Historic Columbia River Highway Master Plan](#) for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the section of the Scenic Resources chapter of the [Management Plan](#) titled “Scenic Travel Corridors.” This category does not include jersey barriers.
 - f. Replace and/or expand existing culverts, provided the entity or person owning or operating the culvert shall obtain all necessary federal and state permits that protect water quality and fish and wildlife habitat before construction. (GMA Only)
 - g. Replace and/or expand existing culverts for ephemeral streams or ditches, provided the visible ends of culverts shall be dark and non-reflective. (SMA Only)
 - h. Resurface or overlay existing paved roads, or grade and gravel existing road shoulders provided the activity does not:
 - (1) Increase the width of a road,
 - (2) Disturb the toe of adjacent embankments, slopes or cut banks, or
 - (3) Change existing structures or add new structures.
 - i. Apply dust abatement products to non-paved road surfaces.
 - j. Replace the superstructure of bridges (e.g., decks, beams) for bridges less than or equal to 30 feet in length and less than or equal to 1,000 square feet in area. This category does not include guardrails or the substructure of bridges (e.g., foundations, abutments).
- 3. The following underground utility facilities:
 - a. Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility

or railroad rights-of-way or easements that have been disturbed in the past, provided no excavation would extend beyond the depth and extent of the original excavation.

- b. Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided:

- (1) No excavation would extend more than 12 inches beyond the depth and extent of the original excavation;
- (2) No ditch for linear facilities would be more than 24 inches wide;
- (3) No excavation for non-linear facilities would exceed 10 cubic yards, and;
- (4) No recorded archaeological site is located within 500 feet of the development. To comply with (4), the entity or person undertaking the development shall contact the Oregon State Historic Preservation Office and obtain a letter or other document stating no recorded archaeological site is located within 500 feet of the development.

4. The following aboveground and overhead utility facilities:

- a. Replace existing aboveground and overhead utility facilities including towers, pole/tower-mounted equipment, cables and wires, anchors, pad-mounted equipment, service boxes, pumps, valves, pipes, water meters, and fire hydrants, provided the replacement facilities would have:

- (1) The same location and size as the existing facilities and;
- (2) The same building materials as the existing facilities, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the [Historic Columbia River Highway Master Plan](#) for the Historic Columbia River Highway or the scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the section of the Scenic Resources chapter of the [Management Plan](#) title "Scenic Travel Corridors

- b. Replace existing utility poles, provided the replacement poles are

- (1) Located within 5 feet of the original poles;
- (2) No more than 5 feet taller and 6 inches wider than the original poles, and;

- (3) Constructed of natural wood, weathering steel (e.g., Corten), materials that match the original poles, or materials that are dark brown with a flat, non-reflective finish.
 - c. New whip antennas for public service less than or equal to 8-feet in height and less than or equal to 2 inches in diameter, cables, wires, transformers, and other similar equipment, provided all such structures are on existing utility poles or towers.
5. The following signs:
- a. Election signs. Removal must be accomplished within 30 days of election day.
 - b. "For sale" signs not greater than 12 square feet. Removal must be accomplished within 30 days of close of sale.
 - c. Temporary construction site identification, public service company, safety, or information signs not greater than 32 square feet. Exceptions may be granted for public highway signs necessary for public safety and consistent with the [Manual for Uniform Traffic Control Devices](#). Removal must be accomplished within 30 days of project completion.
 - d. Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than 6 square feet in the GMA and 2 square feet in the SMA.
 - e. Temporary signs advertising civil, social, or political gatherings and activities, provided such signs do not exceed 12 square feet. Removal must be accomplished within 30 days of the close of the event.
 - f. Signs posted by governmental jurisdictions giving notice to the public. Such signs shall be no larger than that required to convey the intended message.
 - g. Signs associated with the use of a building or buildings, if placed flat on the outside walls of buildings (not on roofs or marquees). (GMA Only)
- C. Uses Permitted Subject To Expedited Review
The uses and activities listed in [Section 3.110](#) may be allowed on a legal parcel designated Open Space subject to Expedited Review and Subsection G - Property Development Standards, as well as all other listed or referenced standards
- D. Uses Permitted Subject to Review
The following uses and activities may be allowed on a legal parcel designated Open Space subject to [Chapter 14 - Scenic Area Review](#), Subsection G - Property Development Standards, as well as any other listed or referenced standards.

1. Low-intensity recreation uses and developments (GMA & SMA), including educational and interpretive facilities (SMA Only) subject to [Section 14.700](#) in the GMA and [Section 14.710](#) in the SMA.
2. Repair, maintenance, operation, and improvement and expansion of existing serviceable structures, including roads, railroads, hydro facilities and utilities that provide sewer, transportation, electric, gas, water, telephone, telegraph, telecommunications. (GMA Only)
3. Changes in existing use, including reconstruction, replacement, and expansion of existing structures and transportation facilities, except for commercial forest practices. (SMA Only)
4. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to subject to the Resource Enhancement standards prescribed in [Chapter 10](#). (GMA & SMA)
5. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks. (GMA & SMA)
6. Land Divisions and Replats subject to the property development standards listed in G below, [Section 21.100](#), and all other applicable provisions of [Chapter 21](#). In the GMA land division will only be allowed to facilitate efforts to protect and enhance scenic, cultural, natural, or recreation resources. (GMA & SMA)
7. Property line adjustments and Replats subject to the property development standards listed in G below, [Section 21.200](#), and all other applicable provisions of [Chapter 21](#). (GMA Only)
8. Utility facilities for public service, upon a showing that: (SMA Only)
 - a. There is no alternative location with less adverse effect on Open Space land.
 - b. The size is the minimum necessary to provide the service.
9. Treatment of noxious weeds shall be permitted without completion of an SMA Open Space plan when the following criteria have been met: (SMA Only)
 - a. Noxious weed infestation is new and eradication is still viable.
 - b. Delayed or deferred treatment could have widespread or major adverse impacts to one or more of the following resources:
 - (1) Displacement of native and traditionally gathered plants;
 - (2) Degradation of wildlife habitat and forage;
 - (3) Degradation or loss of agricultural uses of land, such as cropland or livestock forage;

(4) Limitation of recreational uses.

- c. For federal lands, treatment effects have been thoroughly evaluated in an environmental assessment.
- 10.** For those areas designated Gorge Walls and Canyonlands - The following uses may be authorized: (GMA Only)
- a. Livestock grazing;
 - b. Fish and wildlife management activities conducted by federal, tribal or state resource agencies;
 - c. Soil, water and vegetation activities performed in accordance with a conservation plan approved by a county conservation district;
 - d. Harvesting of wild crops;
 - e. Educational or scientific research;
 - f. Continued operation of existing quarries if determined to be consistent with guidelines to protect scenic, cultural, natural and recreation resources.
- 11.** For those areas designated Chenoweth Table Natural Area - The following uses may be authorized: In addition to those above. (GMA Only)
- a. Low-intensity recreation, subject to the guidelines for Recreation Intensity Classes and after consultation with the Oregon Natural Heritage Program;
 - b. Wildlife management activities conducted by federal, tribal or state resource agencies, after consultation with the Oregon Natural Heritage Program;
 - c. Educational or scientific research, after consultation with the Oregon Natural Heritage Program.
- 12.** For that area designated Squally Point Natural Area - The following uses may be authorized: In addition to those above. (GMA Only)
- a. Except in the upland dunes south of the railroad, low-intensity recreation, subject to the guidelines for the Recreation Intensity Classes and after consultation with the Oregon Natural Heritage Program;
 - b. Repair and maintenance of railroads except measures to stabilize dunes, only after consultation with the Oregon Natural Heritage Program;
 - c. Except as limited by Criterion 12(a), all those uses allowed in Section D, Uses Permitted

Subject to Review above.

13. For those areas designated State Park Recreation Areas - The following uses may be authorized on those portions of state park ownerships not suitable for major recreation facilities: In addition to those above. (GMA Only)

- a. Fish and wildlife management activities conducted by federal, tribal or state resource agencies;
- b. Soil, water or vegetation activities performed in accordance with a conservation plan approved by a local conservation district;
- c. Harvesting of wild crops;
- d. Educational or scientific research.

E. Special Management Area - Open Space

- 1. The primary managing agency for open space areas for the SMA shall prepare an open space management plan. The management plan shall be completed prior to any new land uses or development, and shall be reviewed by the Forest Service.
- 2. The open space management plan shall include the following:
 - a. Direction for resource protection, enhancement, and management.
 - b. Review of existing uses to determine compatibility with open space values.
 - c. Consultation with members of the public, and agency and resource specialists.
- 3. Upon request, the Forest Service will help located mapped boundaries of Open Space areas in cases of new land uses or developments.

F. Prohibited Uses

All other uses not listed.

G. Property Development Standards

1. Property Size:

- a. In the GMA there is no minimum property size.
- c. In the SMA land divisions are prohibited unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and guidelines of the Management Plan. The provisions of Chapter 14 are not applicable and there is no

minimum parcel size.

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

Front Yard	25'
Interior Side Yard	15'
Exterior Side Yard	20'
Rear Yard	20'

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

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

- a. Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a minimum of eight (8) feet in height, and contoured at 3 to 1 slopes to look natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of fifteen (15) feet.
 - b. The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.
 - c. The necessary berming and/or planting must be completed during the first phase of development and maintained in good condition.
 - d. If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.
 - e. A variance to the setback requirements may be made in accordance with [Chapter 6](#).
2. Height - Maximum height for all structures shall be thirty-five feet (35') unless further restricted in accordance with [Chapter 14 - Scenic Area Review](#).

3. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to [Section 3.240, Flood Hazard Overlay](#).
6. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
7. Parking - Off street parking shall be provided in accordance with [Chapter 4](#).

SECTION 3.190 “AS” Agriculture Special Zone (GMA Only)

A. Purpose:

1. Ensure that new uses do not adversely affect natural areas that are potentially eligible for the Oregon Register of Natural Heritage Resources.
2. Encourage landowners to enhance those portions of natural areas that are in fair or poor condition.

B. Uses Permitted Without Review

The following activities and uses may be allowed on lands designated Agriculture-Special without review:

1. Existing livestock grazing. A livestock operation ceases to be existing when the land on which it is conducted has lain idle for more than 5 years.
2. Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.
3. Low-intensity recreation uses that occur with the knowledge and permission of the landowner, including hunting, fishing, trapping, native plant study, bird watching, photography, horseback riding and hiking.
4. Temporary livestock facilities, such as portable livestock pens and corrals.
5. New fences that exclude livestock from lands that are not part of an existing livestock operation.

C. Uses Permitted Subject To Expedited Review

The uses and activities listed in [Section 3.110](#) may be allowed on a legal parcel designated Agriculture Special subject to Expedited Review and Subsections H - Property Development Standards and [Chapter 11 - Fire Safety Standards](#), as well as all other listed or referenced standards.

D. Uses Permitted Conditionally

The following uses and activities may be allowed on a legal parcel designated Agricultural-Special subject to [Chapter 5 - Conditional Use Review](#), [Chapter 14 - Scenic Area Review](#), and [Subsection D, Conditional Use Approval Standards](#), as well as any other listed or referenced standards.

1. New livestock grazing. Any operation that would introduce livestock to land that has not been grazed, or has lain idle, for more than 5 years shall be considered new livestock grazing.
2. New fences, livestock watering facilities, and corrals.
3. Soil, water, and vegetation conservation uses.
4. Replacement or minor expansion of existing and serviceable structures within a dedicated site.

Expansion shall be limited to the dedicated site.

5. Fish and wildlife management uses, educational activities, and scientific research.
6. Land divisions that facilitate livestock grazing or protect and enhance natural areas. No resulting parcel may be smaller than 160 acres, unless it would facilitate the protection of scenic, cultural, natural or recreation resources.
7. Single family dwellings that are not in conjunction with agricultural use, if a land owner demonstrates that:
 - a. The dwelling cannot be constructed on a portion of the parcel that is located outside of the natural area, and
 - b. The dwelling is sited and designed in a manner that minimizes adverse effects to the natural area.
 - c. All dwellings shall meet the following standards:
 - (1) The dwelling will not force a change in or increase the cost of accepted agricultural practices on surrounding lands;
 - (2) The subject lot/parcel is predominantly unsuitable for the production of farm crops and livestock, considering soils, terrain, location and size of the tract. Size alone shall not be used to determine whether a lot/parcel is unsuitable for agricultural use. An analysis of suitability shall include the capability of the subject lot/parcel to be utilized in conjunction with other agricultural operations in the area;
 - (3) The dwelling shall be setback from any abutting parcel designated as Agriculture as required in the setback standards listed in [3.120\(G\)](#), Large Scale Agriculture Zone. The dwelling shall be setback from any abutting parcel designated Forest as required setback standards in [3.140\(G\)](#) Property Development Standards for the Industrial Forest zone.
 - (4) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated Agriculture or Forest;
 - (5) All owners of land in areas designated Agriculture or Forest within five hundred (500) feet of the perimeter of the subject lot/parcel on which the dwelling is proposed to be located have been notified and given at least ten (10) days to comment prior to a decision;
 - (6) The County Assessor has been notified that the parcel is no longer being used as farmland; and
 - (7) Request has been made to the County Assessor to disqualify the parcel for special

assessment under [ORS 308.A.315](#), or [321.839](#);

(8) The lot or parcel on which the dwelling will be located has been legally created.

d. The buffer standards for dwellings may be varied according to [Chapter 6](#), if the standards prevent the optimum siting of a dwelling for scenic, cultural, natural or recreational resources.

8. Recreation uses, subject to [Section 14.510](#).

9. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

10. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to [Section 10.100](#) (Resource Enhancement Projects). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

11. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

12. Property line adjustments, subject to [Section 21.200 – \(Property Line Adjustments\)](#).

D. Conditional Use Approval Standards

In addition to the general standards and conditions that may be attached to the approval of a conditional use as provided by [Chapter 5](#) of this Ordinance, the following limitations shall apply to a conditional use permitted in Subsection C of this Section:

1. A range conservation plan is prepared in accordance with Subsection F, Range Conservation Plans before new livestock grazing commences; new fences, livestock watering facilities, and corrals are constructed; and soil, water and vegetation conservation activities are undertaken (Conditional Uses (C)(1),(2) and (3)). Range conservation plans are described below (see Subsection G, Range Conservation Plans).

2. The County shall submit all land use applications and range conservation plans to the Oregon Natural Heritage Program.

a. The state heritage program will have 20 days from the date that an application and/or plan is mailed to submit written comments to the County Planning Office.

b. The County shall record and address any written comments submitted by the state heritage program in its development review order.

3. Based on the comments from the state heritage program, the County shall make a final decision on whether the proposed use is consistent with the Agriculture-Special standards. If the final decision

contradicts the comments submitted by the state heritage program, the County shall justify how it reached an opposing conclusion.

E. Prohibited Uses:

Except for permitted and conditional uses, new uses shall be prohibited on lands designated Agriculture-Special. Prohibited uses include, but are not limited to:

1. Cultivation, including plowing, harrowing, leveling, tilling, or any activity that prepares land for raising crops by turning, breaking up, or loosening the soil.
2. Removal or clearing of native grasses, shrubs, and trees.
3. Single family dwellings and accessory structures, other than non-agricultural dwellings allowed as a conditional use.
4. Barns, silos, and other agricultural buildings.
5. Irrigation systems.
6. Exploration, development, and production of mineral resources.
7. Utility facilities, public use facilities, and roads.

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

G. Range Conservation Plans

If a range conservation plan is required as per subsection D of this section, before a use is allowed, the range conservation plan shall be prepared by landowners in cooperation with range scientists from local conservation districts. Specialists from the Oregon Natural Heritage Program should be consulted while the plan is being prepared.

1. Range conservation plans shall ensure that new uses do not adversely affect natural areas. They shall accomplish the following goals:
 - a. Maintain native rangeland that is in excellent or good condition; enhance rangeland that is in fair or poor condition.
 - b. Preserve native trees and shrubs.
 - c. Re-establish native grasses in degraded areas that have been invaded by non-native plants and weeds.

2. Range conservation plans shall include the following elements:
 - a. Range Inventory. Existing composition, carrying capacity, and condition of rangeland; the location of rare plants and non-native weeds; and existing fences, watering ponds, and other range improvements.
 - b. Rehabilitation Plan. Actions that will be taken to rehabilitate native rangeland that is in fair or poor condition, such as weed and soil erosion control, seeding, and prescribed burning.
 - c. Livestock Management Plan. Grazing system that will be used, including number and size of pastures, expected livestock numbers, and grazing/deferral periods and sequence. Management plans should project livestock movements for at least three years.
 - d. Monitoring Program. Track annual progress of the conservation plan and condition of the range. Monitoring techniques shall be described, such as line transects or photographic plots.

SECTION 3.200 Environmental Protection Districts

The purpose of the Environmental Protection District is to permit the regulation of environmental hazards, the qualification of lands for floodplain insurance programs and preferential taxation assessment, and the protection of the health, safety and welfare of residents of Wasco County. The specific intent of this district is:

- A. To combine with present zoning requirements certain restrictions to promote the general health, welfare, and safety of the County.
- B. To prevent the establishment of certain structures and land uses in areas unfit for human habitation because of the danger of flooding, unsanitary conditions, mass earth movement, unstable soils, or other hazards.
- C. To minimize danger to public health by protecting the water supply and promoting safe and sanitary drainage.
- D. To reduce the financial burden imposed on the public and governmental units by frequent and periodic flooding.
- E. To permit certain uses which can be located on flood plains and which will not impede the flow of flood waters, or otherwise cause danger to life and property at, above, or below their locations within the flood plain.
- F. To permit uses on lands subject to mass earth movement or unstable soils which will not increase the potential for environmental degradation.
- G. To require that uses vulnerable to hazards, including public facilities which serve such uses be provided with protection at the time of initial construction.
- H. To protect individuals, as much as possible through education and information from buying lands which are unsuited for intended purposes.

SECTION 3.210 Divisions

This district consists of several overlay divisions that provide additional development standards or special processes for development in protected areas.

- A. Division 1 - Flood hazard overlay
- B. Division 2 - Geologic hazards overlay

SECTION 3.230 Non-Liability Clause

The granting of approval of any structure or use shall not constitute a representation, guarantee or

warranty of any kind or nature by Wasco County, or the County Board of Commissioners, the Planning Commission, or by any officer or employee thereof, of the practicability or safety of any structure or use proposed and shall create no liability upon or cause action against such public body, officer or employee for any damage that may result pursuant thereto.

DETAILED TABLE OF CONTENTS

SECTION 3.240 FLOOD HAZARD OVERLAY

SECTION	TITLE	PAGE
3.240	<u>FLOOD HAZARD OVERLAY</u>	3-91
3.241	<u>SPECIAL DEFINITIONS</u>	3-93
3.242	<u>PLANNING DIRECTOR</u>	3-105
3.243	<u>DEVELOPMENT PERMIT</u>	3-108
3.244	<u>VARIANCES</u>	3-114
3.245	<u>APPEALS</u>	3-116
3.246	<u>COMPLIANCE REQUIRED</u>	3-116
3.247	<u>REVISING FIRM MAPS</u>	3-117
3.248	<u>NOTES ON INSURANCE</u>	3-119

SECTION 3.240 Division 1 – Flood Hazard Overlay

A. Background

1. Findings of Fact

- a. The Areas of Special Flood Hazard of Wasco County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. All of which adversely affects the public health, safety, and general welfare.
- b. These flood losses are caused by the cumulative effect of obstructions in the areas of special flood hazard which increase flood heights and velocities, which may damage uses in other areas. Uses that are inadequately protected from flood damage also contribute to the losses associated with the flood.

2. Statement of Purpose: It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by implementing provisions designed to:

- a. Protect human life and health;
- b. Minimize expenditure of public money for costly flood control projects;
- c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. Minimize prolonged business interruptions;
- e. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, and streets and bridges located in areas of special flood hazard;
- f. Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g. Ensure that potential buyers are notified that property is in an area of special flood hazard; and,
- h. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

- 3. Methods of Reducing Flood Losses:** In order to accomplish its purposes, this chapter includes methods and provisions for:
- a.** Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
 - b.** Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - c.** Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
 - d.** Controlling filling, grading, dredging, and other development which may increase flood damage; and,
 - e.** Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

B. Applicability

1. Lands to which this Chapter Applies:

- a.** This chapter shall apply to all Areas of Special Flood Hazards within the jurisdiction of Wasco County.
- b.** Although Wasco County holds and utilizes the official Flood Insurance Rate Maps (FIRMs) supplied by FEMA, there is no Flood Insurance Study (FIS) for the County. This FIS typically provides the detailed information and cross sections necessary to establish the Base Flood Elevation in a given area. For that reason, the Area of Special Flood Hazard as shown on the FEMA FIRMs is only an approximation of the floodplain boundary. Without the FIS, the Director may require additional information to determine that a proposed development, which may appear to be located outside of an Area of Special Flood Hazard based on the FIRMs, is in fact reasonably safe from flooding as required by [Section 3.242\(B\)](#) – Duties and Responsibilities of the Planning Director. In a situation where the Director determines that it is unclear if a proposed development lies in or out of the Area of Special Flood Hazard, it shall be the responsibility of the applicant to provide the Base Flood Elevation for the property using FEMA approved methodologies.

- 2. Basis for Establishing the Areas of Special Flood Hazard:** The Areas of Special Flood Hazards identified by the Federal Insurance Administration on its Flood Insurance Rate Map (FIRM), dated September 24, 1984, and any revision thereto, is adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Rate Map is on file at the Wasco County Planning and Development Office.

3. Abrogation and Greater Restrictions: This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter, ordinance, state building code, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- C. Interpretation: In the interpretation and application of this chapter, all provisions shall be:
1. Considered as minimum requirements;
 2. Liberally construed in favor of the governing body; and,
 3. Deemed neither to limit nor repeal any other powers granted under State statutes and rules including state building codes.
- D. Warning And Disclaimer Of Liability: The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Wasco County, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

SECTION 3.241 Special Definitions

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application. The words or phrases found below only apply to this Chapter of the Land Use and Development Ordinance.

Area of Special flood hazard (ASFH) – The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

Appeal – A request for a review of the interpretation of any provision of this ordinance.

Base Flood – The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". Designation on maps always includes the letters A or V.

Base Flood Elevation (BFE) – The computed elevation to which floodwater is anticipated to rise during the Base Flood. Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles.

The BFE is the regulatory requirement for the elevation or floodproofing of structures. The relationship between the BFE and a structure's elevation determines the flood insurance premium.

Basement – Any area of the building having its floor sub-grade (below ground level) on all sides.

Critical Facility – A facility where the potential for even minimal water damage might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire, and emergency response facilities, installations that produce, store or use hazardous materials or hazardous waste. (Approval of any new Critical Facility within the ASFH must be reviewed through the Administrative Variance provisions (Chapter 6) of the Wasco County Land Use and Development Ordinance.)

Development – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard. Development does not include low impact practices using hand based tools to perform habitat restoration activities, which **do not** result in: ...

- the potential destabilization and/or erosion of the designated floodplain by removal of bank stabilizing root systems or other means;
- alteration of the topography of the designated ASFH;
- the accumulation of woody vegetative debris within the ASFH;
- a violation of any prior condition of approval associated with a review on the subject property;
- a violation of any Wasco County or other agency natural resource regulations; or
- the siting of any structure.

Elevated Building (for Insurance Purposes) – A non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Flood or Flooding – A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) – The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study – The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary Map, and the water surface elevation of the Base Flood.

Flood-Resistant Material – Any building product capable of withstanding direct and prolonged (at least 72 hours) contact with floodwaters without sustaining significant damage (any damage requiring more than low-cost cosmetic repair such as painting.)

Improvement or Repair Cost – The cost to improve or repair a structure. This is used to determine if the proposed repairs and / or improvements constitute Substantial Damage and / or Substantial Improvement.

Improvement or Repair Costs **include** but are not limited to structural elements, footings, concrete slabs, attached decks and porches, interior partition walls, wall finishes, windows, doors, roofing materials, flooring, sub-flooring, cabinets, utility equipment, and labor.

Improvement or Repair Costs **exclude** plans, surveys, permitting costs, post-emergency debris removal and clean-up, landscaping, sidewalks, fences, yard lights, pools, detached structures, and landscape irrigation systems.

Lowest Floor – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at [Section 3.243\(D\) – Specific Standards](#).

Manufactured Home – A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” **does not** include a “recreational vehicle.”

Manufactured Home Park or Subdivision – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. (Approval of any New or expansion of a manufactured home park or subdivision within the ASFH must be reviewed through the Administrative Variance provisions ([Chapter 6](#)) of the Wasco County Land Use and Development Ordinance.)

New Construction – Structures for which the lawful “start of construction” commenced on or after the effective June 1, 2010

Raised Structure – A non-basement structure that has its lowest elevated floor raised a minimum of one foot above the Base Flood Elevation.

Recreational Vehicle (Flood Hazard Overlay Section only) – A vehicle which is:

- a. Built on a single chassis; and
- b. 400 square feet or less when measured at the largest horizontal projection; and
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Start of Construction – Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure (Flood Hazard Overlay Section only) – A walled and roofed building, as well as any gas or liquid storage tank, that is principally above ground.

Substantial Damage – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement – Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

- a. Before the improvement or repair is started, or
- b. If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- a. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- b. any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Variance – A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.”

Water Dependent – A structure for commerce or industry which cannot exist in any other location and

is dependent on the water by reason of the intrinsic nature of its operations, including but not limited to bridges, docks, piers, wharfs, certain fish and wildlife structures, boat launch facilities and marinas. Dwellings, parking lots, spoil and dump sites, restaurants, trailer parks, resorts, and motels are not water dependent.

SECTION 3.242 Planning Director

A. Designation of the Planning Director

The Planning Director is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

B. Duties and Responsibilities of the Planning Director

Duties of the Planning Director shall include, but not be limited to:

1. Review of Building Permits

Where elevation data is not available either through the Flood Insurance Study or from another authoritative source ([Section 3.242\(B\)\(4\)](#)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

2. Interpretation of ASFH Boundaries

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

3. Development Permit Review

- a.** Review all development permits to determine that the permit requirements and conditions of this chapter have been satisfied.
- b.** Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required. (added 4-87)
- c.** Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the Special Flood Hazard Area. For the purposes of this chapter, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.
 - i.** If it is determined that there is no adverse effect, then the permit shall be granted consistent with the provisions of this chapter.

- ii. If it is determined that there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.

4. Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 3.240.B.2 – Basis for Establishing the Areas of Special Flood Hazard, the Planning Director shall require, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer [Section 3.243\(D\)](#) – Specific Standards.

5. Alteration of Watercourses

- a. Notify adjacent communities, Department of State Lands, Department of Land Conservation & Development, and the Department of Water Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

6. Information to be Obtained and Maintained

- a. Where base flood elevation data is provided through the Flood Insurance Study or required as in [Section 3.242\(B\)\(4\)](#), obtain and record the actual (as-built) elevation (in relation to mean sea level) to the lowest floor (including basements and below grade crawl-spaces) of all new or substantially improved structures, and whether or not the structure contains a basement (Elevation Certificate).
- b. Maintain for public inspection all records pertaining base flood elevations and flood-proofing certificates required in [Section 3.242\(B\)\(6\)](#).
- c. Where base flood elevation data is changed via a restudy, limited map maintenance project, map revision amendment, those changes shall be obtained and recorded.
- d. Submit any new or revised map information that could affect the ASFH to FEMA when it becomes available.
- e. For all new or substantially improved floodproofed structures:
 - i. Obtain and record the actual elevation (in relation to mean sea level) to which the structure was flood proofed, and
 - ii. Maintain the floodproofing certifications required in [Section 3.243\(B\)](#) – Application Requirements. (Added 4-87)
- f. Maintain for public inspection all records and data pertaining to this chapter.

SECTION 3.243 Development Permit**A. Establishment of Development Permit**

1. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in [Section 3.240\(B\)](#) – Applicability. The permit shall be for all structures including manufactured homes, as set forth in the "DEFINITIONS", and for all development including fill and other activities, also as set forth in the "DEFINITIONS".
2. If the director determines that it is unclear if a proposed development lies in or out of the Area of Special Flood Hazard, then Establishment of the Development Permit shall be based on the following:
 - a. Within thirty (30) days of receiving an appropriate Land Use Application, the Director or the Director's designee shall conduct a site inspection on the proposed development. If during that site inspection, the Director is able to determine that the proposed development is reasonably safe from flooding based to topography or other pertinent data, then no ASFH Development Permit will be required.
 - b. If during the above mentioned site inspection, the Director cannot determine that the proposed development is reasonably safe from flooding, then the applicant will be required to establish the Base Flood Elevation for the Development using FEMA approved methodologies. Appropriate methodologies may include HEC, SMADA, SWWM, QUICK-2, or other FEMA approved hydraulic or hydrologic modeling programs.
 - c. If the Director determines that the BFE must be established for a development, then the applicant will be required to hire a competent consultant (engineer, surveyor, hydrologist, architect, etc.) with proof of suitable credentials to determine the BFE using appropriate FEMA approved methodologies.

- B. Application Requirements:** Any application for a Development Permit shall be made on forms furnished by the Planning Director and may include, but not be limited to: plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing structures, proposed structures, fill, storage of materials, utilities, septic facilities, and drainage facilities.

Specifically, the following information is required:

1. General elevation to mean sea level of building site using best information available.
2. Elevation of the lowest floor (including basement) of all structures.
3. Distance between ground elevation and level to which a structure is to be flood-proofed.

4. Certification by a registered professional engineer or architect that the flood-proofing methods for any non-residential structure meet the flood-proofing criteria in [Section 3.243\(D\)\(6\)](#) – Specific Standards.
 5. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 6. Copies of all permits required from any governmental agency, together with a certification under penalties of perjury that all certificates and permits requested have been obtained.
- C. General Standards: In all areas of special flood hazards the following standards are required:
1. Anchoring
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure.
 - b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, according to requirements set forth in the [Oregon Manufactured Dwelling Specialty Code](#). (See FEMA's [Protecting Manufactured Homes from Flood and Other Hazards](#) guidebook for additional information).
 2. Construction Materials and Methods
 - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. See FEMA 348 ([Protecting Building Utilities from Flood Damage](#)) for details.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - c. Electrical, heating, ventilation, plumbing, and air- conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 3. Utilities
 - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the North-Central Public Health District.
- D. Specific Standards: In all areas of special flood hazards where base flood elevation data has been provided as set forth in [Section 3.242\(B\)\(4\)](#) Use of Other Base Flood Data, the following standards are required:

1. Residential Construction

- a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot (1') above base flood elevation.
- b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - ii. The bottom of all openings shall be no higher than one foot above grade.
 - iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

2. Partition and Property Line Adjustment Proposals

- a. All partition and property line adjustment proposals shall be consistent with the need to minimize flood damage;
- b. Parcels created through these processes shall wherever practical include suitable sites for the construction of buildings, structures, sewage systems, and water supplies outside of the ASFH.
- c. Parcels created through these processes shall wherever practical be designed so that access to the proposed parcel does not traverse the ASFH.

3. Subdivision Proposals

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;

- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

4. Manufactured Homes

- a. All manufactured homes to be placed or substantially improved within the ASFH shall be elevated on a permanent foundation such that the bottom of the longitudinal chassis frame beam is elevated a minimum of eighteen inches (18") above the base flood elevation and be securely anchored to an adequately designed foundation system to resist floatation, collapse and lateral movement, and shall be in accordance with the provisions of subsection [3.243\(C\)\(1\)](#) – General Standards.
- b. Fully enclosed areas below the lowest floor that are subject to flooding shall comply with Sections A(2)(a – c) above. Non-structural metal or vinyl skirting does not constitute a “fully enclosed area”.

5. Recreational Vehicles

Recreational Vehicles placed on sites with an “A” zone (Areas of 100-year flood) as identified on the Flood Insurance Rate Maps (FIRM) must:

- a. Be on the site for fewer than 180 consecutive days; and
- b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- c. Meet the requirements of [Section 3.243\(D\)](#) – Specific Standards above.

6. Non-residential Construction

New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a. Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in [Section 3.242\(B\)\(6\)\(e\)](#).
- d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in [Section 3.243\(D\)\(1\)](#) – Specific Standards.
- e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level). (added 4-87)

7. Storage of Hazardous or Toxic Materials

The storage of hazardous or toxic materials shall be a minimum of one foot (1') above the BFE of the property. This may require alterations to a structure or development to ensure that the potential storage of such materials can be accommodated. Hazardous or toxic materials include but are not limited to those regulated by the EPA and DOT.

8. Critical Facilities

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Area Special Flood Hazard (ASFH) (100-year floodplain). Construction of new critical facilities shall be permissible subject to an Administrative Variance within the ASFH if no feasible alternative site is available. Critical facilities constructed within the ASFH shall have the lowest floor elevated three feet above the BFE. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

9. Development Within Riparian Areas

The Wasco County FIRMs do not designate regulatory floodways. No new construction, substantial improvements, or other development (including fill) shall be permitted within the ASFH unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated onsite development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The methodology for conducting this research must conform to the methodologies prescribed in the FEMA Region X Procedures for “No-Rise” Certification for Proposed Development s in the Regulatory Floodway.

10. Fish Habitat Structures

Projects for stream habitat restoration may be allowed provided:

- a. The project qualifies for a Department of the Army, Portland District *Regional General Permit for Stream Habitat Restoration* (NWP-2007-1023, and
- b. The applicant supplies a feasibility analysis and certification from a qualified professional that the project was designed to keep any rise in the 100-year flood levels as close to zero as practically as possible, and that no structures would be impacted by a potential rise, and
- c. No structures would be impacted by a potential rise in flood elevation, and
- d. An agreement to monitor the project, correct problems, and ensure that the flood carrying capacity remains unchanged is included with the application.
- e. Qualified professionals may include private hydrology or hydraulic consultants, or hydrology or hydraulic professionals from the Soil and Water Conservation District, Natural Resources Conservation Service, Oregon Department of Fish and Wildlife, or similar qualified agency.
- f. Other restrictions set forth in the most recent applicable Policy from FEMA may be required of such projects.

SECTION 3.244 Variances

- A. Variances to any Flood Hazard Overlay regulations shall be reviewed administratively unless the Planning Director elects the matter to be heard before the Planning Commission.
- B. In considering a variance to floodplain standards, the Planning Director or his designee shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. The importance of the services provided by the proposed facility to the community;
 5. The necessity to the facility of a waterfront location, where applicable;
 6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- C. Upon consideration of the factors in B., and the purposes of this ordinance, conditions may be attached to the granting of the variance as is deemed necessary to further the purposes of this ordinance.
- D. Records of all appeal actions shall be maintained by Wasco County and any variances shall be reported to the Federal Insurance Administration upon request.
- E. Conditions for Variances:
1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1-11) in Section 3744.A have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.
 2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section.
 3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
 4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 5. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

- C.** A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- 6.** Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
- 7.** Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except [3.244\(E\)\(1\)](#), and otherwise complies with [Sections 3.243\(C\)\(1\)](#) and [3.243\(C\)\(2\)](#) of the General Standards.
- 8.** Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 3.245 Appeals

Appeals shall be processed as described in [Chapter 2](#) of this Ordinance.

SECTION 3.246 Compliance Required

- A.** No person shall construct, erect, locate, maintain, repair, alter, enlarge, or change the use of a structure located within the ASFH in violation of this Ordinance.
- B.** No person shall initiate any development within the ASFH in violation of this Ordinance.
- C.** The, construction, erection, location, maintenance, repair, alteration, enlargement or change in use of any structure, or the initiation of any development in violation of this Ordinance or those conditions and limitations approved pursuant to the provisions of this Ordinance shall be deemed a nuisance and shall be subject to the provisions of the Wasco County Code Compliance and Nuisance Abatement Ordinance.

SECTION 3.247 Revising FIRM Maps

- A.** Reasons to Revise FIRMs
The Wasco County FIRMs were established in 1984. Advances in technology along with physical changes in a given flood situation may necessitate a FIRM map being updated, revised, corrected, or changed. Common reasons why a FIRM may need to be changed include correcting certain features,

including better ground elevation data, reflecting physical changes to the floodplain, submitting new or revised flood data, or to reflect a new flood control project.

Regardless of the reason a FIRM is changed, all changes must be submitted to FEMA and retained by Wasco County.

- B. Types of Changes: There are four approaches to changing FIRMs. They include restudies, limited map maintenance projects, amendments, and revisions. Any request for a restudy, amendment or revision must be reviewed by Wasco County for compliance with this chapter.

1. Restudy

- a. A restudy is a new Flood Insurance Study for a part or all of a community.
- b. Restudies are typically large scale projects conducted by FEMA

2. Limited Map Maintenance Project (LMMP)

- a. A LMMP is a small-scale restudy that is limited in size and cost. This type of study is often used for studies of unnumbered A Zones, like those found in Wasco County.
- b. A LMMP may be conducted by FEMA or the community.

3. Revision

- a. A revision is typically used for:
 - i. Scientifically based challenges to flood elevations, or
 - ii. Incorporation of new flood data, or
 - iii. Reflecting fill placed in the floodplain, or
 - iv. Changing floodplain boundaries,
- b. Revisions may be conducted by FEMA, requested by the community, or requested by property owner(s).

4. Amendment

- a. An amendment is only used to remove an area that was inadvertently included in the ASFH. Often the ground is higher than depicted on the base map used for the FIRM.
- b. FEMA will review map amendments based on information submitted by the applicant. An amendment does not challenge the Flood Insurance Study or FIRM; it simply removes certain portions of a property from the ASFH because they are higher than the Base Flood Elevation

C. Requesting Map Changes

FEMA may actually change a FIRM and publish new copies. A restudy or LMMP will generally result in a new map. Additionally, FEMA may issue a Letter of Map Change (LOMC) when a revision can be adequately described in writing or through use of a small annotated map panel.

There are two types of LOMCs; a Letter of Map Revision (LOMR) and a Letter of Map Amendment (LOMA).

1. Letters of Map Revision (LOMRs) address revisions to the FIRM as described in Section B.3 above. A LOMR may be requested of FEMA by the applicant. A copy of the final LOMR must be provided to the County. FEMA typically charges a processing fee for all LOMRs.
2. Letters of Map Amendment (LOMAs) address revisions to the FIRM as described in Section B.4 above. A LOMA may be requested of FEMA by the applicant. A copy of the final LOMA must be provided to the County. FEMA may not charge a processing fee for a LOMA.

SECTION 3.248 Notes on Insurance

The provisions of this section are provided for informational purposes and are subject to change without notice.

- A. Coverage: Flood insurance is available for insurable buildings and their contents to property owners within the ASFH
- B. Waiting Period: Unless a Flood Insurance Policy is purchased at the time of closing, a 30-day waiting period typically follows the purchase of that policy before it goes into effect.
- C. Mandatory Flood Insurance Purchase: If a building is located within the ASFH, a federally regulated lender is required by law to require the recipient of the loan to purchase a Flood Insurance Policy on the building. This policy is typically equal to the value of the mortgage on the building.
- D. Lender's Choice: Although a lender may not be required by law to secure a Flood Insurance Policy on a building or structure located outside of the ASFH, it may choose to require coverage as a condition of a loan for any property. Neither Wasco County, nor FEMA control this requirement.
- E. Flood Insurance for Contents: Mandatory Flood Insurance as described above typically does not cover the contents of the building unless an additional voluntary insurance policy is purchased specifically for the contents.
- F. Further elevation of a structure beyond the required one foot (1') above BFE may significantly reduce the cost of a Flood Insurance Policy.

SECTION 3.250 Division 2 - Geologic Hazards Overlay

The purpose of the Geologic Hazards Overlay District is to protect the public health, safety and welfare by assuring that development in hazardous or potential hazardous areas is appropriately planned to mitigate the threat to man's life and property.

A. Basis for Establishing the Geologic Hazards Overlay District

The Geologic Hazards Overlay District is intended to be applied to areas identified by the State of Oregon Department of Geology and Mineral Industries, Geologic Hazards of Parts of Northern Hood River, Wasco and Sherman Counties, Oregon, 1977. A complete explanation and maps showing the natural hazards and geologic units can be found in this document; however, this document may be superseded by a more site specific study conducted by a licensed engineer or geologist registered in the State of Oregon.

B. Approval Standards

Prior to development, the following measures shall be utilized:

1. Any proposed developments on slopes greater than twenty-five percent (25%) shall be reviewed to ensure site suitability. Such review shall be conducted in the process for building permit approval and, unless the site has been identified as a geologic hazard area, shall rely on provisions of the Uniform Building Code for the protection of the public health, safety and welfare.
2. Any proposed development in an identified geologic hazard area shall be preceded by a written report by an engineering geologist or an engineer who certifies he is qualified to evaluate soils for suitability. For purposes of this section, development shall include any excavation or change in topography, such as home construction, associated roads, driveways, septic tank disposal fields, wells and water tanks. The written report of the engineering geologist or engineer shall certify that the development proposed may be completed without threat to public safety or welfare and shall be used in ministerially reviewing the development proposal.
3. In approval of a development permit, whether ministerial or through the [Administrative Action procedures of Chapter 2](#) of this Ordinance, the following conditions may be imposed at the time of approval to ensure site and area stability:
 - a. Maintain vegetation and eliminate widespread destruction of vegetation.
 - b. Carefully design new roads and buildings with respect to:
 - (1) placement of roads and structures on the surface topography.
 - (2) surface drainage on and around the site.
 - (3) drainage from buildings and road surfaces.

- (4) placement of septic tank disposal fields.
- c. Careful construction of roads and buildings.
 - (1) avoid cutting toeslopes of slump blocks.
 - (2) careful grading around the site, especially avoiding over-steepened cut banks.
 - (3) re-vegetating disturbed areas as soon as possible.
- d. Other conditions may be imposed to reasonably assure that the development is protected from damage by mass movement.

DETAILED TABLE OF CONTENTS

CHAPTER 4 SUPPLEMENTAL PROVISIONS

<u>SECTION</u>		<u>PAGE</u>
4.010	<u>MAINTENANCE OF OPEN SPACE</u>	4-1
4.020	<u>PROJECTIONS INTO YARDS</u>	4-1
4.030	<u>VISION CLEARANCE</u>	4-1
4.040	<u>OFF-STREET PARKING</u>	4-2
4.050	<u>BICYCLE PARKING REQUIREMENTS</u>	4-3
4.060	<u>PUBLIC PARKING AREA</u>	4-4
4.070	<u>OFF-STREET LOADING</u>	4-5
4.080	<u>GENERAL PROVISIONS-OFF-STREET PARKING AND LOADING</u>	4-5
4.090	<u>THROUGH LOTS</u>	4-6
4.100	<u>EXTERIOR FINISHING OF MOBILE HOMES</u>	4-6
4.110	<u>ACCESSORY BUILDINGS SERVING AS GUEST HOUSES</u>	4-7
4.120	<u>TRAFFIC IMPACT ANALYSIS</u>	4-7

CHAPTER 4 SUPPLEMENTAL PROVISIONS**SECTION 4.010 Maintenance of Open Space**

No lot area, yard, or other open space existing on or after the effective date of this Ordinance shall be reduced below the minimum required for it by this Ordinance, and no lot area, yard, off-street parking and loading area or other open space which is required by this Ordinance for one use shall be used as the required lot area, yard or other open space for another use. This section does not apply to area requirements reduced below the minimum as a result of the creation of cemetery lots. Any required yard shall not include any land dedicated, reserved or set aside for road, highway, street or other public purposes except as provided in this Ordinance.

SECTION 4.020 Projections Into Yards

Every part of a required yard shall be open from the ground to the sky unobstructed except for the following:

- A. Accessory buildings where permitted.
- B. Ordinary building projections such as cornices, eaves, belt courses, sills or similar architectural features may project into required side yards not more than eighteen (18) inches or into front and rear yards not more than twenty-four (24) inches.
- C. Chimneys may project into any required yard not more than eighteen (18) inches.
- D. Uncovered balconies or fire escapes may project into any required yard not more than three (3) feet.
- E. Uncovered terraces, decks or platforms may project or extend into a required setback not more than five (5) feet. Such terraces, decks or platforms including guardrails or fencing shall not extend thirty (30) inches above grade or ground level.

SECTION 4.030 Vision Clearance

A vision clearance area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad.

- A. A vision clearance area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in the appropriate zone, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides.
- B. A vision clearance area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2 1/2) feet in height, measured from the top of the curb or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area removed to a height of eight (8) feet above the grade.

C. The following measurements shall establish vision areas:

1. In an agricultural or residential zone, the minimum distance shall be thirty (30) feet, or, at intersections including an alley, ten (10) feet.
2. In all other zones where yards are required, the minimum distance shall be fifteen (15) feet or, at intersections including alley, ten (10) feet, except that when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.

SECTION 4.040 Off-Street Parking

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

The following are the uses and minimum standards provided for off-street parking unless specified otherwise:

A. Residential

1. Single-family dwelling: One (1) space per dwelling unit.
2. Residential hotel, rooming or boarding house: Four (4) spaces per five (5) guest accommodations, plus one (1) space per two (2) employees.
3. Two family or multi-family dwellings: Three (3) spaces per two (2) dwelling units.

B. Commercial

1. Motel: One (1) space per guest room plus one (1) space for owner or manager.
2. Club or Lodge: One (1) space per five (5) seats, or one (1) space for each fifty (50) square feet of floor area used for assembly, whichever is greater.
3. Retail store except as provided in subsection (2): One (1) space per two hundred (200) square feet of floor area plus one (1) space per employee.
4. Service or repair shop, retail store handling exclusively in bulk merchandise such as automobiles and furniture: One (1) space per six hundred (600) square feet of floor area plus one (1) space per employee.
5. Bank, office (except medical and dental): One (1) space per six hundred (600) square feet of floor

area plus one (1) space per employee.

6. Medical and dental clinic: One (1) space per three hundred (300) square feet of floor area plus one (1) space for every four (4) seats.
7. Eating and drinking establishment: One (1) space per two hundred (200) square feet of floor area, plus one (1) space for every four seats.
8. Mortuaries: One (1) space per four (4) seats or every (8) feet of bench length in chapels.

C. Institutional

1. Welfare or correctional institutions: One (1) space per five (5) beds for patients or inmates, plus one (1) space per employee.
2. Convalescent hospital, nursing home, sanitarium, rest home for the aged: One (1) space per five (5) beds for patients or residents, plus one (1) space per employee.
3. Hospital: Three (3) spaces per two (2) beds.

D. Places of Public Assembly

1. Church: One (1) space for four (4) seats or every eight (8) feet of bench length in the main auditorium.
2. Library, reading room, museum, art gallery: One (1) space per four hundred (400) square feet of floor area plus one (1) space per two employees.
3. Pre-school, nursery, kindergarten: Two (2) spaces per teacher; plus off-street loading and unloading facility.
4. Elementary or junior high school: One (1) space per classroom plus one (1) space per administrative employee or one (1) space per four (4) seats or every eight (8) feet of bench length in the main auditorium, whichever is greater.
5. High School: One (1) space per classroom plus one (1) space per administrative employee plus one (1) space for each six (6) students or one (1) space per four (4) seats or eight (8) feet of bench length in the main auditorium, whichever is greater.
6. Other auditorium, meeting room: One (1) space per four (4) seats or every eight (8) feet of bench length.

SECTION 4.050 Bicycle Parking Requirements

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, bicycle parking shall be provided in accordance with the following standards:

- A. Number of Bicycle Parking Spaces** - A minimum of two (2) bicycle parking spaces per use is required for all uses with greater than 10 permanent vehicle parking spaces. The following additional standards apply to specific types of development:
 - 1. Recreational Uses and Parks** - Where the proposed use is recreational, bicycle parking shall be provided one (1) bicycle parking space for every 10 motor vehicle spaces. Fifty percent (50%) of the bicycle parking spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.
 - 2. Schools** - Schools, both private and public, shall provide one (1) bicycle parking space for every 10 students and employees. All spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.
- B. Exemptions** - This Section does not apply to single family dwellings, home occupations, agriculture and livestock uses, or other developments with fewer than 10 permanent vehicle parking spaces.
- C. Location and Design** - Bicycle parking shall be conveniently located with respect to both the road right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, street lights, planters and other pedestrian amenities.
- D. Visibility and Security** - Bicycle parking shall be visible to cyclists from roadway sidewalks or building entrances, so that it provides sufficient security from theft and damage;
- E. Options for Storage** - Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building;
- F. Lighting** - Bicycle parking shall be least as well-lit as vehicle parking for security.
- G. Reserved Areas** - Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- H. Hazards** - Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located to avoid conflict with vision clearance standards ([Section 4.090 Vision Clearance](#)).

SECTION 4.060 Public Parking Area

Every parcel of land hereafter used as a public parking area or an automobile or trailer sales area shall be developed as follows unless otherwise specified:

- A.** Such areas shall be surfaced with permanent paving; they shall have bumper rails or curbs and be enclosed by a sturdy wall, fence or evergreen hedge not less than thirty (30) inches in height nor more than six (6) feet in height. Such wall, fence or hedge shall not enclose any required front yard or required side yard on the street side of a corner lot. Any such required front or side yard shall be properly maintained.

- B. Where a public parking area or automobile or trailer sales area is illuminated, the lights shall be fixed so as to reflect away from adjoining premises in residential zones.

SECTION 4.070 Off-Street Loading

- A. Schools: A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than twenty-five (25) students.
- B. Merchandise, materials or supplies: Buildings or structures to be built or substantially altered to receive and distribute materials or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

SECTION 4.080 General Provisions-Off-Street Parking and Loading

- A. The provisions and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use of off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this Ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.
- B. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Director of Planning based upon the requirements of comparable uses listed herein.
- C. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
- D. Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap.
- E. Off-street parking spaces shall be located on the same or abutting lot with the building or use they are intended to serve.
- F. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- G. Plans shall be submitted in sufficient detail so that they may be reviewed and approved by the

appropriate reviewing authority.

H. Design requirements for parking lots:

1. Areas used for standing and maneuvering of vehicles shall have a durable and dustless, but not necessarily paved, surface maintained adequately for all weather use.
 2. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.
 3. Access aisles shall be of sufficient width for all vehicle turning and maneuvering.
 4. Groups of more than four (4) parking spaces shall be served by a driveway so that no backing movement or other maneuvering will be required within a street.
 5. Lighting of the parking area shall be deflected from a residential zone.
- I. Required parking spaces shall be improved and available for use by the time the use to be served by the parking space is ready for occupancy.

SECTION 4.090 Through Lots

- A. On through lots one hundred fifty (150) feet or less in depth, the height of a building may be that permitted on either street on which the lot faces.
- B. On through lots more than one hundred fifty (150) feet in depth, the height regulations for the greater height shall not extend more than one hundred fifty (150) feet from that street.
- C. Through lots having a frontage on two streets shall provide the required front yard on each street.

SECTION 4.100 Exterior Finishing of Mobile Homes

- A. All mobile homes located on any lot or parcel in Wasco County shall be skirted with fire-proof, non-decaying and non-corroding materials or shall be provided with a cement or concrete block exterior foundation. If metal skirting is employed, it shall be painted and formed in a pattern complementary to the siding of the mobile home.
- B. All awnings carports, ramadas, cabanas, and garages shall be painted and designed in a style complementary to the design of the mobile home.
- C. Wheels shall be removed from all mobile homes at the time of installation on property. In addition, tongues, and hitches shall be removed from all mobile homes wider than ten (10) feet that are installed on any parcel of land, exclusive of licensed mobile home parks. The Director of Planning may exempt certain mobile homes from the last requirement when removal would damage the frame and weaken the structure.

SECTION 4.110 Accessory Buildings Serving as Guest Houses

Any accessory building built to function as a guest house for use in a manner subordinate and incidental to the main use may be allowed on a lot-of-record on which a primary dwelling is situated, subject to the setback requirements of the underlying district, and the provisions of this section;

- A. Only one (1) guest house shall be allowed on a lot-of-record.
- B. The maximum floor area of a guest house, including all levels and basement floor areas shall not exceed six hundred (600) square feet. Garage area shall not count toward the total floor area. In addition to the six hundred (600) square foot size limitation, guest houses shall also be subject to the height limitations and the combined footprint size limitation established for accessory buildings in each zone.
- C. A guest house shall be located within one hundred (100) feet of the primary dwelling on the subject lot-of-record. This distance shall be measured from the closest portion of each structure.
- D. Occupants of a guest house and the primary dwelling shall live together as one house keeping unit, sharing one kitchen and one laundry facility, to be located in the primary dwelling. A guest house shall be permitted one (1) bathroom, but not a refrigerator or freezer, range/stove/oven, or other cooking appliances.
- E. All public water, electricity, natural gas and sewer services for the guest house shall be extended from the primary dwelling service. No separate meters for the guest house shall be allowed. A separate telephone line for the guest house may be provided.
- F. A guest house shall use the same septic system as the primary dwelling. Approval from the County Sanitarian shall be required.
- G. The property owners shall sign and record a covenant letting future property owners know the guest house cannot be used as a single family dwelling.

SECTION 4.120 Traffic Impact Analysis (TIA)

- A. Purpose - The purpose of this section of the code is to implement [OAR 660-012-0045](#) (2) (e) of the State Transportation Planning Rule that requires the County to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Analysis; and who is qualified to prepare the Study.
- B. Typical Average Daily Trips - The latest edition of the Trip Generation Report, published by the Institute of Transportation Engineers (ITE), or a source deemed acceptable to the City Engineer through the pre-application process (Section 4.120(D)(3)) shall be used to gauge the trip generation potential of future development.

C. When Required - A Traffic Impact Analysis shall be required to be submitted to the County with a land use application when the following conditions apply:

1. The development application involves one or more of the following actions:
 - a. A change in zoning or a management plan amendment initiated at the county level; or
 - b. Any proposed development or land use action that ODOT states may result in operational or safety concerns along a state highway; and
 - c. The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:
 - (1) An increase in site traffic volume generation by 200 Average Daily Trips (ADT) or more (or as required by the Wasco County Roadmaster); or
 - (2) An increase in intersection traffic volume by 50 Average Daily Trips (ADT) or more (or as required by the Wasco County Roadmaster); or
 - (3) An increase in use of adjacent roads by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
 - (4) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the adjacent roadway, creating a safety hazard; or
 - (5) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
 - (6) A change in internal traffic patterns that may cause safety problems, such as back up onto the roadway or traffic crashes in the approach area.

D. Traffic Impact Analysis Requirements

1. Preparation - A Traffic Impact Analysis shall be prepared by a professional engineer. The traffic analysis will be paid for by the applicant.
2. Transportation Planning Rule Compliance - See Section 9.059 Transportation Planning Rule Compliance.
3. Pre-application Conference - The applicant will meet with the County Roadmaster prior to submitting an application that requires a Traffic Impact Analysis. ODOT will be invited to participate in the pre-application conference if a proposal is expected to have impacts to a

state transportation facility. The objective of this meeting is to prepare a scope of the TIA, including the required elements of the TIA and the level of analysis expected.

E. Approval Criteria

- 1. Criteria** - When a Traffic Impact Analysis is required, approval of the development proposal requires satisfaction of the following criteria:
 - a.** The Traffic Impact Analysis was prepared by a registered professional engineer in the State or Oregon; and
 - b.** If the proposed development shall cause one or more of the effects in Section C(1)(c), above, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Analysis includes mitigation measures that meet County's volume-to-capacity ratio of 0.85 and satisfactory to the County Road Master, and ODOT when applicable; and
 - c.** The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:
 - (1)** Have the least negative impact on all applicable transportation facilities; and
 - (2)** Accommodate and encourage non-motorized vehicular modes of transportation to the extent practicable; and
 - (3)** Make the most efficient use of land and public facilities as practicable; and
 - (4)** Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
 - (5)** Otherwise comply with applicable requirements of the Wasco County Land Development Ordinance.

F. Conditions of Approval. The County may deny, approve, or approve the proposal with appropriate conditions.

- 1.** Dedication of land for streets/roadways, transit facilities, sidewalks, bikeways, paths, or accessways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.
- 2.** Improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets/roadways that serve the proposed use where the existing transportation system may be burdened by the proposed use may be required.

DETAILED TABLE OF CONTENTS

CHAPTER 5 CONDITIONAL USE REVIEW

<u>SECTION</u>		<u>PAGE</u>
5.010	<u>PURPOSE</u>	5-1
5.020	<u>AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES, AND STANDARDS AND CRITERIA USED</u>	5-1
5.030	<u>CONDITIONS</u>	5-2
5.040	<u>REVOCATION OF CONDITIONAL USE PERMIT</u>	5-3
5.050	<u>CRITERIA FOR CERTAIN TRANSPORTATION FACILITIES AND IMPROVEMENTS</u>	5-3

CHAPTER 5 CONDITIONAL USE REVIEW**SECTION 5.010 Purpose**

A conditional use is an activity which is basically similar to the uses permitted in a particular zone but which may not be entirely compatible with the permitted uses. Therefore, a conditional use must be approved through the Administrative Action procedure to ensure that the use is compatible with the permitted uses in a zone and consistent with the general and specific purposes of this Ordinance, the Wasco County Comprehensive Plan, and the Management Plan for the Columbia River Gorge National Scenic Area. Conditions of approval may be imposed to ensure that any use may be made compatible with surrounding uses and that non-resource uses permitted in resource areas do not interfere with accepted resource management practices.

SECTION 5.020 Authorization to Grant or Deny Conditional Uses, and Standards and Criteria Used

Conditional uses listed in this Ordinance shall be permitted, enlarged or otherwise altered or denied upon authorization by Administrative Action in accordance with the procedures set forth in [Chapter 2](#) of this Ordinance. In judging whether or not a conditional use proposal shall be approved or denied, the Administrative Authority shall weigh the proposal's appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable.

- A. The proposal is consistent with the goals and objectives of the [Management Plan](#) for the Columbia River Gorge National Scenic Area, and consistent with the provisions of the County's implementing ordinances.
- B. Taking into account location, size, design and operational characteristics of the proposed use, the proposal is compatible with the surrounding area and development of abutting properties by outright permitted uses.
- C. The proposed use will not exceed or significantly burden public facilities and services available to the area, including, but not limited to: roads, fire and police protection, sewer and water facilities, telephone and electrical service, or solid waste disposal facilities.
- D. The proposed use will not unduly impair traffic flow or safety in the area.
- E. The effects of noise, dust and odor will be minimized during all phases of development and operation for the protection of adjoining properties.
- F. The proposed use will not significantly reduce or impair sensitive wildlife habitat, riparian vegetation along streambanks and will not subject areas to excessive soil erosion.
- G. The proposed use will not adversely affect the air, water, or land resource quality of the area.
- H. The location and design of the site and structures for the proposed use will not significantly detract

from the visual character of the area.

- I. The proposal will preserve areas of historic value, natural or cultural significance, including archaeological sites, or assets of particular interest to the community.

For properties located within or adjacent to farm or forest zones, or located nearby agricultural and forest operations, the following shall apply:

- J. The proposed use is compatible with agricultural uses and will not force a change in, or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to, or available for, farm or forest use.
- K. The proposed use or development will be sited in such a way as to minimize the loss of forest or agricultural land suitable for the production of crops or livestock and to minimize the chance of interference and not force a change in accepted farm or forest practices on surrounding lands devoted to, or available for, farm or forest use.
- L. The use or development will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel.
- M. A declaration shall be signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated Large-Scale or Small-Scale Agriculture, Agriculture-Special, Commercial Forest Land, or Large or Small Woodland.

SECTION 5.030 Conditions

Such reasonable conditions as are necessary to ensure the compatibility of a conditional use to surrounding permitted uses as are necessary to fulfill the general and specific purposes of this Ordinance may be imposed in approving an application, pursuant to [2.120\(C\)](#). Such conditions may include, but are not limited to, the following:

- A. Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor.
- B. Establishing a special yard or other open space or lot area or dimension.
- C. Limiting the height, size, or location of a building or other structure.
- D. Designating the size, number, location, and nature of vehicle access points.
- E. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.

- F. Limiting or otherwise designating the number, size, location, height and lighting of signs.
- G. Limiting the location and intensity of outdoor lighting and requiring its shielding.
- H. Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.
- I. Designating the size, height, location and materials for a fence.
- J. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural, historic, or cultural resources.
- K. Other conditions to permit the development of the County in conformity with the intent and purpose of the conditional classification of uses.

SECTION 5.040 Revocation of Conditional Use Permit

Noncompliance with any condition placed on a conditional use permit shall be grounds for revocation of the permit. Revocation of a conditional use permit shall be considered a land use action and reviewed by the Planning Commission. The following procedures shall be completed at least twenty (20) days prior to the date of the revocation hearing:

- A. A notice of violation pursuant to Section 15.090 shall be sent to the owner of the property on which the conditional use takes place.
- B. Notice of public hearing pursuant to [2.100\(B\)](#) shall be sent.

The opportunity for review of the Planning Commission decision, pursuant to [Section 2.160](#) shall be available.

SECTION 5.050 Criteria for Certain Transportation Facilities and Improvements.

- A. Construction, reconstruction, or widening of highways, roads, bridges or other transportation facilities that are (1) not designated in the adopted [Wasco County Transportation System Plan](#) ("TSP") or (2) not designed and constructed as part of an approved, active, development order, are allowed in all zoning districts subject to the Conditional Use Review provisions of this ordinance and satisfaction of all of the following criteria :
 - 1. The project and its design are consistent with the County's adopted TSP and consistent with the State Transportation Planning Rule, [OAR 660-012](#) ("the TPR").
 - 2. The project design is compatible with abutting land uses in regard to noise generation and public safety and is consistent with the applicable zoning and development standards and criteria for the abutting properties.

3. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 4. The project includes provisions for bicycle and pedestrian access and circulation consistent with the requirements of this ordinance, and the TSP.
- B.** State transportation system facility or improvement projects. The Oregon Department of Transportation (“ODOT”) shall provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in this Section. Where applicable, an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.
- C.** Proposal inconsistent with TSP/TPR. If the County determines that the proposed use or activity or its design is inconsistent with the TSP or TPR, then the applicant shall first attempt to amend the project so that it is consistent. If the applicant can justify this is not practicable they can apply for a Management Plan and/or Zoning amendment prior to or in conjunction with conditional use permit approval. The applicant shall choose one of the following options:
1. If the County’s determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall withdraw the conditional use application; or
 2. If the County’s determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall withdraw the conditional permit application, apply for a Management Plan/Zone amendment, and re-apply for a conditional use permit if and when the amendment is approved; or
 3. If the County’s determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall submit a Management Plan/Zoning amendment application for joint review and decision with the conditional use permit application, along with a written waiver of the [ORS 215.429](#) 120/150-day period within which to complete all local reviews and appeals once the application is deemed complete; or
 4. If the County’s determination of inconsistency is part of a final decision on the conditional use permit application, the applicant shall submit a new conditional use permit application, along with a Management Plan/Zoning amendment application for joint review and decision.

DETAILED TABLE OF CONTENTS

CHAPTER 6 VARIANCES FROM BUILDING HEIGHTS, SLOPE, SETBACKS AND BUFFERS

<u>SECTION</u>		<u>PAGE</u>
6.010	<u>PURPOSE</u>	6-1
6.020	<u>CRITERIA FOR DECISION</u>	6-1

**CHAPTER 6 VARIANCES FROM BUILDING HEIGHTS, SLOPE,
SETBACKS AND BUFFERS**

SECTION 6.010 Purpose

- A. When building height, setbacks, buffers or other review criteria specified in this Ordinance for protection of scenic, cultural, natural, recreational, agricultural or forestry resources overlap or conflict, building height, setbacks, or buffers should be varied in a manner to achieve, to the greatest extent possible, the overall protection of the affected resources.
1. Variances of setbacks from parcel boundaries imposed on lands designated Agriculture, Special Agriculture, Rural Residential, or Commercial, to protect adjacent property owners and variances to the maximum building height shall not allow a development to:
 - a. infringe on any buffers or setbacks or supersede any height constraints stipulated under [Chapter 14 - Scenic Area Review](#), or
 - b. encroach on setbacks established in and around land designated agriculture for the protection of lands that are used for or are suitable for agricultural uses.
 2. Setbacks established, in and around land designated agriculture, for the protection of lands that are used for or are suitable for agricultural uses shall not encroach on any buffer or setbacks stipulated under [Chapter 14 - Scenic Area Review](#). (SMA Only)
- B. Building height, setbacks and buffers specified in this Ordinance for protection of scenic, cultural, natural, recreational, agricultural or forestry resources shall not be applied in the General Management Area in such a manner as to deprive the owner of a tract of land of the opportunity to establish a residence on the land if that opportunity is otherwise authorized by the land use designation. (GMA Only)

SECTION 6.020 Criteria for Decision

A. Authority

1. Administrative Variance
The request shall be for a variance to a building height, setback or buffer which is less than 50% of the stated standard for the building height, setback or buffer as stated in this ordinance.
 2. Planning Commission Variance
The request shall be for a variance to a building height, setback or buffer which is 50% or greater of the stated standard for the building height, setback or buffer as stated in this ordinance.
- B. When building height, setbacks or buffers specified in the standards for protection of scenic, cultural, natural, recreational, agricultural or forestry resources overlap or conflict, the building height, slope setbacks or buffers may be varied upon a demonstration that: (GMA Only)

1. A building height, setback or buffer specified in this Ordinance to protect one resource would cause the proposed use to fall within a setback or buffer specified in this ordinance to protect another resource; and
 2. Variation from the specified building height, setbacks or buffer would, on balance, best achieve the protection of the affected resources.
- C. A building height, setback or buffer specified in the standards for protection of scenic, cultural, natural, recreational, agricultural, or forestry resources may be varied in the General Management Area in order to allow a residence to be built on a tract of land upon a demonstration that:
1. The land use designation otherwise authorizes a residence on the tract;
 2. There is no site on the tract (all contiguous lots or parcels under the same ownership) on which a residence could be placed practicably in full compliance with the building height, setback or buffer; and
 3. The variance from the specified building height, setback or buffer is the minimum necessary to allow the residence.
- D. All setbacks and buffer zones in the SMA shall remain undisturbed unless:
1. It has been shown that no practicable alternatives exist, as evidenced by completion of a practicable alternative test; and
 2. The [natural resources mitigation plan completed in accordance with Chapter 14](#) of this ordinance ensures that the development can be mitigated to ensure no adverse effects would result.

DETAILED TABLE OF CONTENTS

CHAPTER 7 RESERVED FOR EXPANSION

SECTION

PAGE

DETAILED TABLE OF CONTENTS

CHAPTER 8 TEMPORARY USE PERMIT

<u>SECTION</u>	<u>PAGE</u>	
8.010	<u>PURPOSE</u>	8-1
8.020	<u>PERMITTED TEMPORARY USES</u>	8-1
8.030	<u>CRITERIA FOR DECISION</u>	8-1
8.040	<u>CONDITIONS RELATIVE TO THE ISSUANCE OF TEMPORARY PERMITS</u>	8-1
8.050	<u>ISSUANCE OF PERMITS</u>	8-2
8.060	<u>TEMPORARY USE OF A MOBILE HOME (FAMILY HARDSHIP)</u>	8-2

CHAPTER 8 TEMPORARY USE PERMIT**SECTION 8.010 Purpose**

A temporary use permit may be approved to allow the limited use of structures or activities which are temporary or seasonal in nature and do not conflict with the zoning district in which they are located. No temporary use permit shall be issued which would have the effect of permanently rezoning or granting a special privilege not shared by other properties in the same zoning district.

SECTION 8.020 Permitted Temporary Uses

Temporary structures, activities or uses may be permitted, pursuant to [2.050\(A\)](#) of this Ordinance, [Chapter 3 – Basic Provisions](#), and [Chapter 14 - Scenic Area Review](#).

SECTION 8.030 Criteria for Decision

No temporary permits shall be issued except upon a finding that the proposed structure, activity or use would not permit the permanent establishment within a zoning district any use not permitted within the zoning district of any use for which a conditional use permit is required.

SECTION 8.040 Conditions Relative to the Issuance of Temporary Permits

- A.** Reasonable conditions may be imposed pursuant to 2.120(C) by the Approving Authority in connection with the temporary permit to minimize the potential impact of the proposed use to other uses in the vicinity. Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include, but are not limited to:
1. Special yards and spaces;
 2. Fences or walls;
 3. Control of points of vehicular ingress and egress;
 4. Special provisions on signs;
 5. Landscaping and maintenance thereof;
 6. Maintenance of the grounds;
 7. Control of noise, odors, or other nuisances;
 8. Limitation of time for certain activities.
- B.** Any temporary permit shall clearly set forth the conditions under which the permit is granted and shall clearly indicate the time period for which the permit is issued. No temporary permit shall be transferable to any other owner or occupant, but may be renewable through the Administrative Action process.
- C.** All structures for which a temporary permit is issued:

1. Shall meet all other requirements of the zoning district in which they are located;
2. Shall meet all applicable County health and sanitation requirements;
3. Shall meet all applicable County building code requirements;
4. Shall be removed upon expiration of the temporary permit unless renewed by the Director, or used in conjunction with a permitted use; and
5. Shall meet the appropriate requirements for the protection and enhancement of scenic, cultural, natural and recreation resources as required in [Chapter 14 - Scenic Area Review](#).

SECTION 8.050 Issuance of Permits

- A. Temporary permits shall be issued for the time period specified by the Approving Authority but may be renewable upon expiration as an Administrative Action if all applicable conditions can again be met. In no case shall a temporary permit be issued for a period exceeding two (2) years, unless the temporary permit is renewed.
- B. Renewal of a temporary permit shall follow the same procedure as the initial application.

SECTION 8.060 Temporary Use of a Mobile Home (Family Hardship)

- A. During a family hardship condition where the condition relates to the necessary care for aged, infirm or persons otherwise incapable of maintaining a separate residence, the Director may authorize the placement of a mobile home on a lot if the following criteria are met:
 1. The request for the mobile home is submitted in writing. Such request shall state the nature of the hardship, the names of the persons who will occupy such dwelling, the relationship of the occupants of such dwelling to the residents, and the estimated period of time the dwelling will remain on the property.
 2. The additional dwelling will use the same subsurface sewage disposal system used by the existing dwelling if that said sewage disposal system is adequate to accommodate the additional dwelling unless the additional dwelling can utilize a public sanitary sewer system.
 3. The additional dwelling is a mobile home or recreational vehicle as defined in [Section 1.200](#) of this Ordinance.
 4. A family hardship exists where conditions relate to the necessary care for a member of the family occupying the principal dwelling and where medical conditions relate to the infirm or aged.
 5. The location and use of the additional dwelling otherwise conforms to the provisions established for the zone, and is found to be consistent with Chapter 14 - Scenic Area Review.
- B. Temporary placement of an additional dwelling may be granted for the time period specified by the Director, subject to annual review for compliance with the provisions of this section and any other conditions of approval. A temporary use permit may be renewable upon expiration if all applicable conditions can be met. In no case shall a temporary placement be authorized for a period exceeding two (2) years, unless the temporary placement is renewed.

- C. The Director shall determine whether or not the conditions described in this section warrant approval of the request to place an additional dwelling on the property. The Director may require a Doctor's, Physician's Assistant or nurse Practitioner statement showing that the person is incapable of maintaining a separate residence and needs to be near a family member for care and supervision. The Director may also require the applicant to provide any other evidence as he deems necessary to make that determination.
- D. Upon expiration of the time period for which the temporary placement was authorized, or at such time as the hardship ceases to exist, whichever comes first, the property owner shall have thirty (30) days in which to remove the additional dwelling from the property, unless an extension is granted as prescribed above.

DETAILED TABLE OF CONTENTS

CHAPTER 9 ZONE CHANGE, ORDINANCE AMENDMENT AND REVISION OF URBAN AREA BOUNDARIES

<u>SECTION</u>		<u>PAGE</u>
9.010	<u>GORGE COMMISSION</u>	9-1
9.020	<u>APPLICATION FOR ZONE CHANGE</u>	9-1
9.030	<u>CRITERIA FOR DECISION</u>	9-1
9.040	<u>TRANSPORTATION PLANNING RULE COMPLIANCE</u>	9-2
9.050	<u>CONDITIONS RELATIVE TO THE APPROVAL OF A ZONE CHANGE</u>	9-3
9.060	<u>AMENDMENTS TO THE ZONING ORDINANCE</u>	9-3
9.070	<u>RECOMMENDATION ON ZONE CHANGE OR AMENDMENT TO THE LAND USE AND DEVELOPMENT ORDINANCE</u>	9-4
9.080	<u>NOTICE OF PLANNING COMMISSION RECOMMEDATION</u>	9-4
9.090	<u>ACTION BY COUNTY GOVERNING BODY</u>	9-4
9.100	<u>ACTION BY THE GORGE COMMISSION</u>	9-5
9.110	<u>AMENDMENT OF THE MANAGEMENT PLAN</u>	9-5
9.120	<u>REVISION OF URBAN AREA BOUNDARIES</u>	9-5

CHAPTER 9 ZONE CHANGE AND ORDINANCE AMENDMENT

SECTION 9.010 Gorge Commission

All zone changes shall first require an amendment to the Management Plan by the Gorge Commission. Upon receipt of an application for a zone change, the Gorge Commission shall schedule a hearing on the matter and take such action as may appear appropriate to that body. Amendments to the Management Plan shall be conducted by the Gorge Commission as specified in [Section 9.100](#), Amendment of the Management Plan.

Upon final approval of the zone change by the Gorge Commission and concurrence by the Secretary of Agriculture, the zone change shall be reviewed by the County pursuant to those procedures set out in [Sections 9.020](#), [9.030](#), [9.040](#), [9.060](#), [9.070](#) and [9.080](#).

SECTION 9.020 Application for Zone Change

Application for a zone change may be initiated as follows:

- A.** By resolution of the County Board of Commissioners referring to the Planning Commission a proposal therefore;
- B.** By a majority vote of the Planning Commission confirmed by the Wasco County Governing Body;
- C.** By application filed with the Director of Planning upon forms prescribed by the Director of Planning and signed by a property owner within the area of the proposed change, and containing such information as may be required to establish the criteria for the change (quasi-judicial only);
- D.** By petition filed with the Director of Planning upon forms prescribed by the Director and bearing the signatures of not less than two hundred (200) registered voters of the County.

Any petition for a Zone Change shall be accompanied by any additional information or material which petitioners feel justifies the need for action.

Within 90 days of receipt of the petition the Director of Planning shall present the petition to the County Governing Body and provide a recommendation. An authorized representative of the petitioners shall be notified of the date of the review and shall be allowed the opportunity to explain the petition. The County Governing Body may accept or reject the petition. If the petition is accepted the County Governing Body shall determine the timeframe to initiate the Zone Change process.

- E.** By request of the Planning Director, limited to changes required to implement the Comprehensive Plan, the Management Plan, or to eliminate spot zoning.

SECTION 9.030 Criteria for Decision

The Approving Authority may grant a zone change only if the following circumstances are found to exist:

- A.** The original zoning was the product of a mistake; or

B. It is established that:

1. The rezoning will conform with the Management Plan for the Columbia River Gorge National Scenic Area; and,
2. The site is suitable to the proposed zone;
3. There has been a conscious consideration of the public health, safety and welfare in applying the specific zoning regulations.

SECTION 9.040 Transportation Planning Rule Compliance

A. Review of Applications for Effect on Transportation Facilities - A proposed zone change or land use regulation change, when initiated by the County or by a private interest, shall include a transportation analysis concurrently with the application. The application 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:

1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
2. Change standards implementing a functional classification system; or
3. As measured at the end of the planning period identified in the adopted transportation system plan:
 - a. 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;
 - b. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or
 - c. 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.

B. Amendments That Affect Transportation Facilities - Amendments to the land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:

1. Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

2. Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of Section -0060 of the TPR.
 3. Altering land use designations, densities, or design requirements to reduce demand for vehicle travel and meet travel needs through other modes of transportation. This may require a Management Plan amendment.
 4. Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
- C. Traffic Impact Analysis - A Traffic Impact Analysis shall be submitted with a zone change application pursuant to [Section 4.120](#) Traffic Impact Analysis (TIA)

SECTION 9.050 Conditions Relative to the Approval of a Zone Change

Reasonable conditions may be imposed, pursuant to [Section 2.110](#)(D) as are necessary to insure the compatibility of a zone change to surrounding uses and as are necessary to fulfill the general and specific purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

- A. Special yards and spaces;
- B. Fences and walls;
- C. Special parking and/or loading provisions;
- D. Street dedication and improvements or bonds in lieu of improvements;
- E. Control of points of vehicular ingress and egress;
- F. Special provisions for signs;
- G. Lighting, landscaping and maintenance of grounds;
- H. Control of noise, vibration, odors, or other similar nuisances.

SECTION 9.060 Amendments to the Zoning Ordinance

Amendments to this Ordinance may be initiated as follows:

- A. By resolution of the County Governing Body referring a proposed amendment to the Planning Commission for its consideration, report and recommendations;
- B. By a majority vote of the Planning Commission confirmed by the Wasco County Governing Body;
- C. By petition filed with the Director of Planning upon forms prescribed by the Director and bearing the signatures of:

1. Not less than two hundred (200) registered voters of the County; or
2. Where the proposed amendment would affect a limited area within the County, at least sixty percent (60%) of the recorded owners of property within the area and three hundred (300) feet thereof, and accompanied by a list of the record owners of property within the area and three hundred feet thereof.

Any petition for Ordinance amendment shall be accompanied by any additional information or material which petitioners feel justifies the need for action.

Within 90 days of receipt of the petition the Director of Planning shall present the petition to the County Governing Body and provide a recommendation. An authorized representative of the petitioners shall be notified of the date of the review and shall be allowed the opportunity to explain the petition. The County Governing Body may accept or reject the petition. If the petition is accepted the County Governing Body shall determine the timeframe to initiate the Ordinance Amendment process.

- D. By request of the Director of Planning or the District Attorney to conform the Ordinance to changes in the State Law;
- E. Any Ordinance amendment that will require an amendment to the Management Plan shall first be reviewed by the Gorge Commission and concurred upon by the Secretary of Agriculture pursuant to those procedures set out in [Section 9.100, Amendment to the Management Plan](#). Upon amendment of the Management Plan, the application shall be reviewed by the County, pursuant to those procedures set out in Sections [9.050](#), [9.060](#), [9.070](#), [9.080](#) and [9.090](#) of this ordinance.
- F. Any Ordinance amendment that does not require an amendment to the Management Plan shall first be reviewed by the County, pursuant to those procedures set out in Sections [9.050](#), [9.060](#), [9.070](#), [9.080](#) and [9.090](#) of this ordinance.

SECTION 9.070 Recommendation on Zone Change or Amendment to the Land Use and Development Ordinance

After the hearing, the Approving Authority shall recommend that the proposed zone change or amendment to the Zoning Ordinance be granted or denied. The Planning Director or his/her assistants shall reduce to writing the Planning Commission's recommendations together with a brief statement of the facts and reasons upon which such recommendation is based.

SECTION 9.080 Notice of Planning Commission Recommendation

Within ten (10) days of the Planning Commission hearing, the Director of Planning or his assistants shall give notice thereof to any persons who signed in and testified at the hearing and to such other persons as may have requested the same in writing.

SECTION 9.090 Action by County Governing Body

Upon receipt of the Commission report, the County Governing Body shall take such action as may appear appropriate to that body, or as it feels the public interest requires, provided that in no event shall the County Board of Commissioners act until at least twenty (20) days after the Notice of Planning Commission Recommendation has been mailed.

SECTION 9.100 Action by the Gorge Commission

The Columbia River Gorge Scenic Area Act governs the process for counties to adopt land use ordinances consistent with the management plan. The following is a summary of [16 U.S.C. § 544e Section 7 \(b\)](#):

All ordinance amendments shall require review by the Gorge Commission, and approval, before the ordinance amendments can be implemented.

Upon receipt of the final order of the Ordinance amendment by the County Board of Commissioners, the Gorge Commission shall schedule a hearing on the matter and take such action as may appear appropriate to that body.

Within ninety (90) days after receipt of the final order by the County Board of Commissioners of the ordinance amendments, the Gorge Commission, by majority vote including at least three members from each State, shall approve the ordinance amendments, unless the Gorge Commission determines the ordinance amendments are inconsistent with the Management Plan for the Columbia River Gorge National Scenic Area.

Should the Gorge Commission fail to act within ninety (90) days, the ordinance amendments shall be deemed to be approved.

The commission shall submit amendments to the Special Management Area ordinance to the Secretary of Agriculture. If the Secretary fails to act within ninety (90) days the Secretary shall be deemed to have concurred on the Special Management Area ordinance amendments.

SECTION 9.110 Amendment of the Management Plan

Congress gave the Gorge Commission the authority to amend the Management Plan, after adoption, if the Gorge Commission determines that conditions within the Scenic Area have changed significantly it may amend the Management Plan pursuant to Commission Rule 350-50.

SECTION 9.120 Revision of Urban Area Boundaries

Congress designated 13 cities and towns as "Urban Area": Cascade Locks, Hood River, Mosier and The Dalles, Oregon, and Bingen, Carson, Dallesport, Home Valley, Lyle, North Bonneville, Stevenson, White Salmon and Wishram, Washington. Urban Areas are exempt from regulation under the Management Plan. Congress established the boundaries of the Urban Areas when it enacted the Scenic Area Act. However, it authorized the Gorge Commission to make minor revisions to the Urban Area boundaries. Congress also set forth in the Scenic Area Act a process and criteria for use by the Gorge Commission in carrying out the revision process. The Gorge Commission may revise Urban Area Boundaries pursuant to Commission Rule 350-40.

DETAILED TABLE OF CONTENTS

CHAPTER 10 RESOURCE ENHANCEMENT PROJECTS, DISPOSAL SITES, AND MINERAL AND AGGREGATE REVIEW

<u>SECTION</u>		<u>PAGE</u>
10.100	<u>RESOURCE ENHANCEMENT PROJECTS</u>	10-1
10.200	<u>DISPOSAL SITES</u>	10-2
10.300	<u>MINERAL AND AGGREGATE REVIEW</u>	10-2

**CHAPTER 10 RESOURCE ENHANCEMENT PROJECTS, DISPOSAL
SITES AND MINERAL & AGGREGATE REVIEW**

SECTION 10.100 Resource Enhancement Projects (GMA & SMA)

Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, which may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries) subject to the following criteria:

- A.** Applications for resource enhancement projects must describe the goals and benefits of the proposed enhancement project. They must also thoroughly document the condition of the resource before and after the proposed enhancement project.
- B.** In addition to other guidelines that protect scenic, cultural, recreation, and natural resources, quarry enhancement projects shall comply with the following:
 - 1.** Application Requirements. In addition to other applicable requirements, land use applications for quarry enhancement projects shall include a reclamation plan that provides all the applicable information specified in [10.300\(A\)](#) except the words "pre-reclamation" and "post-reclamation" should replace the words "pre-mining" and "post-mining," respectively, and the appropriate state agency or local government does not have to approve the reclamation plan and meet the requirements of [10.300\(B\)\(1\)](#) if any of the quarry enhancement project is visible from Key Viewing Areas.
 - 2.** Scenic Resource Standard. Quarry enhancement projects shall restore the site to a natural appearance that blends with and emulates surrounding landforms to the maximum extent practicable.
 - 3.** Natural Resource Standard. Sites shall be replanted using native plants found in the landscape setting or ecoregion to the maximum extent practicable.
 - 4.** Time Frames. The following time frames shall apply to quarry enhancement projects:
 - a.** All grading (e.g., excavating, filling and re-contouring) shall be completed within one (1) year of the date an applicant begins on-the-ground work.
 - b.** All landscaping shall be planted within one (1) year of the date an applicant completes the grading.
 - c.** An applicant may request one one-year extension to the one year grading time frame if a project is unexpectedly delayed by adverse weather or emergency/disaster. Such requests shall be considered an administrative action. An applicant shall submit such a request to the reviewing agency after grading has commenced and before the one year grading time frame has expired.
 - d.** An applicant may also request one six-month extension to the one (1) year landscaping time

frame if a project is unexpectedly delayed by adverse weather or emergency/disaster. Such requests shall be considered an administrative action. An applicant shall submit such a request to the reviewing agency after landscaping has commenced and before the one-year landscaping time frame has expired.

SECTION 10.200 Disposal Sites (GMA & SMA)

Disposal sites managed and operated by the Oregon Department of Transportation, or the Wasco County Public Works department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the Scenic Area, subject to the following:

- A. Application Requirements. In addition to other applicable requirements, land use applications for disposal sites shall include the same information that applicants are required to submit for expansion of existing quarries and production and/or development of mineral resources in the GMA which are indicated in [10.300\(A\)](#) & [\(B\)\(1\)](#). Mineral and Aggregate Review, in addition to the following:
 - 1. Cultural resource reconnaissance and historic surveys, as required by [Section 14.500](#). Disposal sites shall be considered a “large-scale use”.
 - 2. Field surveys to identify sensitive wildlife areas or sites and sensitive plants as described in [Section 14.600](#).
- B. Siting Standard. The proposed disposal site shall only be approved if the applicant demonstrates it is not practicable to locate the disposal site outside the Scenic Area or inside an Urban Area. At a minimum, the applicant shall submit a feasibility and suitability analysis that compares the proposed disposal site to existing or potential disposal sites located both outside the Scenic Area and inside an Urban Area.
- C. Scenic Resource Standards. Disposal sites shall comply with the same scenic resources protection standards as expansion of existing quarries and production and/or development of mineral resources in the GMA, in [10.300\(B\)\(2\)](#) through (5).

SECTION 10.300 Mineral and Aggregate Review (GMA Only)

A. All Mineral and Aggregate Operations

- 1. For all new production and/or development of mineral resources and expansion of existing quarries, a reclamation plan is required in addition to the site plan. The reclamation plan shall address the restoration of the site to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable. At a minimum, such reclamation plans shall include:
 - a. A map of the site, at a scale of 1" = 200' or a scale at greater detail with ten (10) foot contour intervals or less, showing pre-mining existing grades and post-mining, final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch-basins or

- similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing and equipment areas employed for the duration of the use;
- b. Cross-sectional drawings of the site showing pre-mining and post-mining grades;
 - c. Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, and processing activities;
 - d. A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating the species, number, size and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.
 - e. Descriptions of drainage/erosion control features to be employed for the duration of the use.
2. All reclamation plans for new quarries or expansion of existing quarries shall be sent to the Oregon Department of Geological and Mineral Industries (DOGAMI) for review and comment. DOGAMI shall have 30 calendar days from the date a reclamation plan is mailed to submit written comments on the proposal. DOGAMI comments shall address the following:
- a. whether the proposed mining is subject to state reclamation permit requirements;
 - b. if subject to state jurisdiction, whether an application has been received for a state reclamation permit and, if so, the current status of the application; and
 - c. for uses subject to state jurisdiction, any issues or concerns regarding consistency with state reclamation requirements, or any suggested modifications to comply with state reclamation requirements.

The County may request technical assistance from DOGAMI and other State Agencies on reclamation plans for proposed mining not within the state agency's jurisdiction.

B. Mineral and Aggregate Operations Visible from Key Viewing Areas

- 1. For proposed mining and associated activities on lands visible from Key Viewing Areas applicants shall submit perspective drawings of the proposed mining areas as seen from applicable Key Viewing Areas.
- 2. Expansion of existing quarries and new production and/or development of mineral resources proposed on sites more than three miles from the nearest Key Viewing Areas from which it is visible may be allowed upon a demonstration that:
 - A. The site plan requirements for such proposals that are pursuant to this chapter have been met.
 - B. The area to be mined and the area to be used for primary processing, equipment storage,

stockpiling, etc. associated with the use would be visually subordinate as seen from any key viewing areas.

- C. A reclamation plan to restore the site to a natural appearance that blends with and emulates surrounding landforms to the maximum extent practicable has been approved. At a minimum the reclamation plan shall comply with Sections 10.300.A.1 and 10.300.A.2 above.
- D. A written report on a determination of visual subordination has been completed, with findings addressing the extent of visibility of proposed mining activities from Key Viewing Areas, including:
 - 1. a list of Key Viewing Areas from which exposed mining surfaces (and associated facilities/ activities) would be visible;
 - 2. an estimate of the surface area of exposed mining surfaces which would be visible from those Key Viewing Areas;
 - 3. the distance from those Key Viewing Areas and the linear distance along those Key Viewing Areas from which proposed mining surfaces are visible;
 - 4. the slope and aspect of mining surfaces relative to those portions of Key Viewing Areas from which they are visible;
 - 5. the degree to which potentially visible mining surfaces are screened from Key Viewing Areas by existing vegetation, including winter screening and considerations;
 - 6. the degree to which potentially visible mining surfaces would be screened by new plantings, berms, etc., and approximate time frames to achieve such results, including winter screening considerations.
- 3. An interim time period to achieve compliance with visual subordination requirements in the GMA, for expansion of existing quarries and development of new quarries located more than three miles from the nearest visible Key Viewing Area shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed three years beyond the date of approval.
- 4. New production and/or development of mineral resources on sites less than 3 miles from the nearest Key Viewing Area may be allowed upon a demonstration that the area to be mined and the area used for primary processing, equipment storage, stockpiling, etc., associated with the use would be fully screened from any Key Viewing Area as described in 5 below. The applicant shall also meet the requirements of B(2) above.
- 5. An interim time period to achieve compliance with full screening requirements for new quarries located less than three miles from the nearest visible Key Viewing Area shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed one year beyond the date of approval. Quarrying activity

occurring prior to achieving compliance with full screening requirements shall be limited to activities necessary to provide screening, for example the creation of berms and planting of trees.

DETAILED TABLE OF CONTENTS

CHAPTER 11 FIRE SAFETY STANDARDS

<u>SECTION</u>		<u>PAGE</u>
11.010	<u>PURPOSE OF FIRE SAFETY STANDARDS</u>	11-1
11.020	<u>APPLICABILITY OF FIRE SAFETY STANDARDS</u>	11-1
11.030	<u>INTRODUCTION</u>	11-4
11.110	<u>SITING STANDARDS – LOCATING STRUCTURES FOR GOOD DEFENSIBILITY</u>	11-7
11.120	<u>DEFENSIBLE SPACE – CLEARING AND MAINTAINING A FIRE FUEL BREAK</u>	11-11
11.130	<u>CONSTRUCTION STANDARDS FOR DWELLINGS AND STRUCTURES – DECREASING THE IGNITION RISKS BY PLANNING FOR A MORE FIRE-SAFE STRUCTURE</u>	11-15
11.140	<u>ACCESS STANDARDS – PROVIDING SAFE ACCESS TO AND ESCAPE FROM YOUR HOME</u>	11-18
11.150	<u>FIRE PROTECTION OR ON-SITE WATER REQUIRED - ENSURING DWELLINGS HAVE SOME FIRE PROTECTION AVAILABLE THROUGH MANNED OR UNMANNED RESPONSE</u>	11-28
11.210	<u>FIRE SAFETY STANDARD REVIEW PROCESS</u>	11-31
11.220	<u>MODIFICATION OF FIRE SAFETY STANDARDS</u>	11-31
11.230	<u>FIRE SAFETY MITIGATION PLAN</u>	11-31
11.240	<u>REVIEW OF REQUESTED MODIFICATION(S)</u>	11-32

CHAPTER 11 FIRE SAFETY STANDARDS

SECTION 11.010 Purpose of Fire Safety Standards:

- A. To inform and notify rural residents that fire protection services are limited or nonexistent through much of Wasco County.
- B. Encourage residents to become familiar with the structural fire protection district that will respond to their property (if there is one).
- C. To notify them that the volunteer fire protection districts can only serve if they have sufficient trained volunteers to meet demands. **Please consider volunteering.**
- D. To reduce threats to life, safety, property, and resources by improving access to and defensibility of development in rural areas.
- E. To educate current and future property owners about fire safety standards and regulate fire standards in a manner that decreases review process where possible while communicating requirements as clearly as possible.
- F. To provide flexibility where necessary by providing for a review process that will allow modifications to fire safety standards where necessary with comment and recommendations from emergency responders.
- G. To establish consistency between standards currently listed in various zones, Oregon Department of Forestry regulations, and best available science.

SECTION 11.020 Applicability of Fire Safety Standards

- A. Applicability of Fire Safety Standards in Different Rural Zones:
County Ordinances affect all rural zones (all zones outside an Urban Growth Boundary). All rural zones are subject to fire standards but the applicability of the specific standards varies by zone and by use type. Zoning terms used to classify groups of land use designations in the Fire Safety Standard Checklist, Sections 11.110 to 11.150, are defined in the following table (any more specific distinctions based on parcel shape or specific zoning designation are also called out in the checklist):

Zoning Classifications Referred to in the Fire Safety Standards Checklist, Sections 11.110-11.150		Zones
All Zones – All rural zones anywhere outside an adopted Urban Growth Boundary	Exception Areas and Smaller Lot Residential - Exception areas with smaller lot residential, rural commercial, rural industrial or rural community land use designations.	RR-1, RR-2
	Resource Zones and Large Lot Residential - Resource or recreation zones and rural residential areas with larger minimum lot sizes.	RR-5, RR-10, A-1, A-2 F-1, F-3 & PR

Please also work with the County Planning Department if you are permitting only an accessory structure or replacing or adding onto an existing home, commercial, or industrial structure and they will help you determine which standards apply to that specific type of land use in accordance with (B) below.

B. Applicability of Fire Standards to Different Types of Land Uses

1. Zones affected by Fire Standards

Fire standards are applicable in all rural zones, but different standards may apply in different types of zones. The applicability of fire standards by zone is discussed in (A) above and noted in the fire safety standards checklist below, Sections 11.110 to 11.150. The checklist also highlights any specific differences in the applicability of the standard due to size of lot or specific zoning.

2. Uses affected by Fire Standards

Some fire standards are applicable only to new dwellings while others are applicable to all kinds of structures and alterations to structures. The following table lists the fire safety standards applicable to different types of development.

Applicability of Fire Safety Standards to Different Types of Land Uses	
All New Dwellings and Rural Commercial or Rural Industrial Buildings Conditional Use Permit, Subject to Standards, Site Plan Review, and Permitted Dwellings	<p>Siting – (A) Avoid slopes > 40% & (B) Set back from top of slopes > 30%</p> <p>Defensible Space – (A) Fire fuel break & (B) Minimum of 50 feet to unmanaged lands around structures</p> <p>Construction Standards – (A.1) Roofing, (A.2) Spark Arresters, (B.1) Clear Clean & Protected Decks, (B.2) Screened Exterior Openings, (B.3) Overhanging trees, (B.4) Underground Utilities, (B.5) Stand Pipe</p> <p>Access – (A) Improved Surface & Minimum Driveway widths, (B) Turn Radius, Maximum Slopes, & Pull Outs, (C) Physical Clearance & Fire Fuel Breaks on Driveways, (D) Turnarounds, (E) Bridges & Culverts, (F) Gates, (G) Signs & (H) Roads to the property</p> <p>Structural Fire Protection Required</p>
Relocated Dwellings (Replacement in a new location)	<p>Siting – (A) Avoid slopes > 40% & (B) Set back from top of slopes > 30%</p> <p>Defensible Space – (A) Fire fuel break & (B) Minimum of 50 feet to unmanaged lands around structures</p> <p>Construction Standards – (A.1) Roofing, (A.2) Spark Arresters, (B.1) Clear Clean & Protected Decks, (B.2) Screened Exterior Openings, (B.3) Overhanging trees, (B.4) Underground Utilities & (B.5) Stand Pipe</p> <p>Access – (A) Improved Surface & Minimum Driveway widths, (B) Turn Radius, Maximum Slopes, & Pull Outs, (C) Physical Clearance & Fire Fuel Breaks on Driveways, (D) Turnarounds, (E) Bridges & Culverts, (F) Gates & (G) Signs.</p>
Replacement Dwellings (In Kind – same size / same location)	<p>Defensible Space – (A) Fire fuel break & (B) Minimum of 50 feet to unmanaged lands around structures.</p> <p>Construction Standards – (A.1) Roofing, (A.2) Spark Arresters, (B.1) Clear Clean & Protected Decks, (B.2) Screened Exterior Openings, (B.3) Overhanging trees, (B.4) Underground Utilities, (B.5) Stand Pipe</p> <p>Access – (A) Improved Surface & Minimum Driveway widths, (B) Turn Radius, Maximum Slopes, & Pull Outs, (C) Physical Clearance & Fire Fuel Breaks on Driveways, (D) Turnarounds, (E) Bridges & Culverts, (F) Gates & (G) Signs</p>
Improved Expanded Dwellings	<p>Defensible Space – (A) Fire fuel break & (B) Minimum of 50 feet to unmanaged lands around structures</p> <p>Construction Standards – (A.1) Roofing, (A.2) Spark Arresters, (B.1) Clear Clean & Protected Decks, (B.2) Screened Exterior Openings, (B.3) Overhanging trees, (B.4) Underground Utilities& (B.5) Stand Pipe</p> <p>Access – (C) Physical Clearance and Fire Fuel Breaks on Driveways, (F) Gates& (G) Signs</p>
Accessory Buildings	<p>Siting – (A) Avoid slopes > 40% & (B) Set back from top of slopes > 30%</p> <p>Defensible Space – (A) Fire fuel break</p> <p>Construction Standards – (A.1) Roofing, (A.2) Spark Arresters, (B.1) Clear Clean & Protected Decks (B.2) Screened Exterior Openings, (B.3) Overhanging trees, (B.4) Underground Utilities & (B.5) Stand Pipe</p> <p>Access – (C) Physical Clearance & Fire Fuel Breaks on Driveways, (F) Gates & (G) Signs</p>

Accessory or Agricultural Structures/building	Construction Standards – (A.1) Roofing, (A.2) Spark Arresters, (B.1) Clear Clean & Protected Decks (B.2) Screened Exterior Openings, (B.3) Overhanging trees, (B.4) Underground Utilities, (B.5) Stand Pipe
Land Divisions	Fire Mitigation Plan shall be submitted identifying all home sites, building envelopes, and access as necessary to demonstrate compliance with all applicable fire standards on proposed lots.
Remodeling which does not require a Review	Construction Standards – (A.1) Roofing, (A.2) Spark Arresters, (B.1) Clear Clean & Protected Decks (B.2) Screened Exterior Openings

3. Applicability of Defensible Space Standards not associated with new development. Wasco County recognizes the benefits of thinning and hazardous fuel reductions not associated with new development and encourages land owners to work with local, state and federal agencies to achieve this subject to the following limitations:

a. General Management Area

- (1) This is allowed without review as long as there are no existing conditions on a review to prohibit it. Check with the Wasco County Planning Department to verify this.

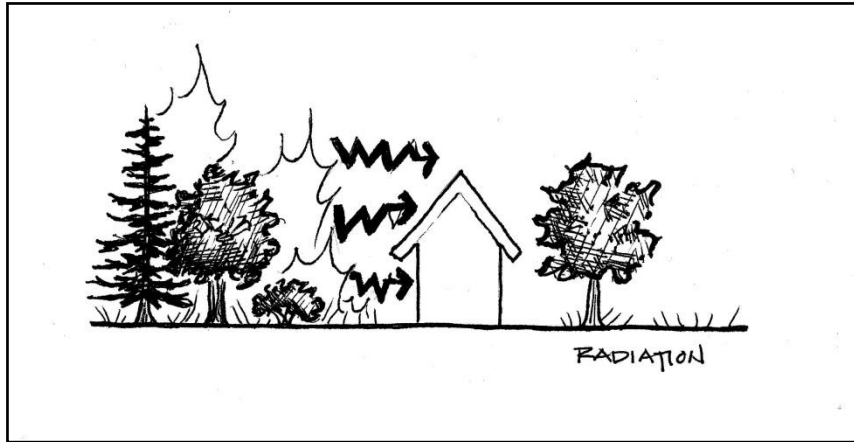
b. Special Management Area

- (1) Non-ground disturbing defensible space work within 50 feet of a lawfully established building consisting of brush pruning/trimming, tree limbing, removal of hazard trees (as defined in Section 1.200) and other activities outlined in [Section 11.120](#) (A) that are not considered forest practices is allowed without review as long as there are no existing conditions on a review to prohibit it. Check with the Wasco County Planning Department to verify this.
- (2) Ground disturbing activity or removal of non-hazard trees falls within the definition of a "Forest Practice" and must be approved through a review prior to the commencement of any work.

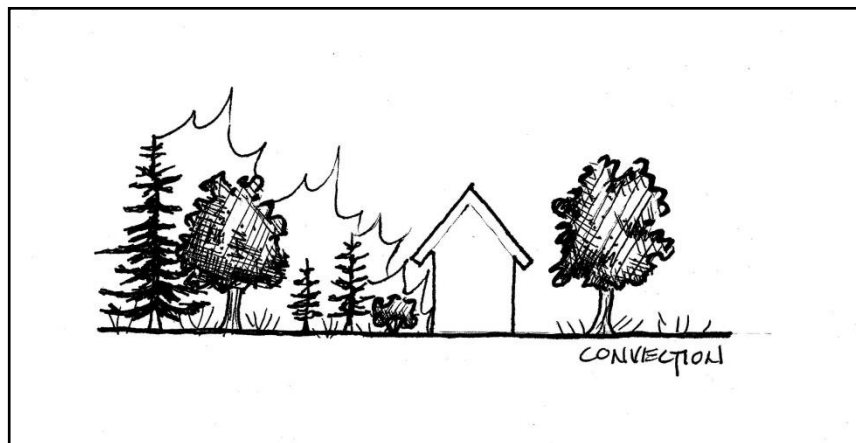
SECTION 11.030 Introduction

A. Cause of Wild Land and Fire Spread and Residential Starts

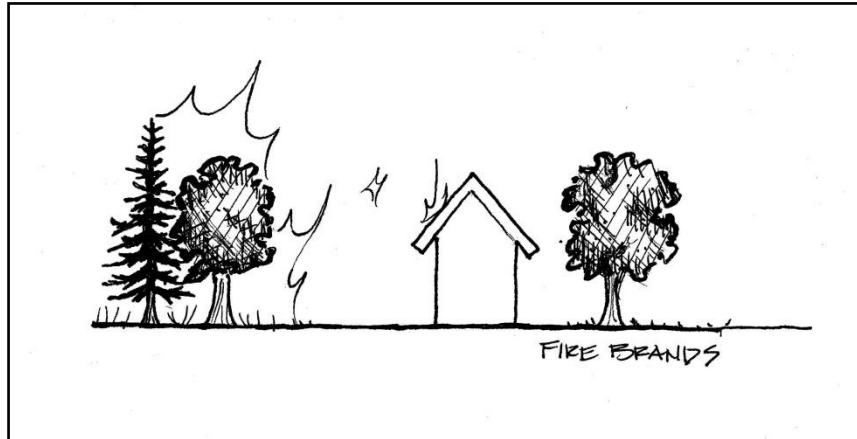
1. Radiated Heat – Fires are started by heat that radiates or spreads out from flames, (e.g., run your finger above a candle flame). Flames of every size radiate heat. Smaller ground level flames radiate less heat than larger flames generated by crown fires. The larger the flames near a structure the greater the chance of the structure being ignited by radiant heat. Radiant heat is also hotter above the flames than it is beside the flame so where a structure is located on a slope can also affect the risk of a structure igniting from radiated heat from a wild fire.



2. Convection or Direct Contact with Flames – Fires are also ignited by direct contact between the structure and the flame. When flammable material (wood piles, shrubbery, dead leaves, or grass) accumulates under eaves or decks or near the house, the structure is exposed to a much greater risk of ignition as the flammable fuel will feed the flames right at the structure.



3. Firebrands or Contact with Flying Embers – Fires can start from burning embers carried aloft from as far away as a mile or more. Fire brands are most dangerous when they:
 - a. Land on flammable roofs or decks,
 - b. Settle or are sucked into openings in eaves, soffits, roof vents, under decking, or in crawl spaces through foundation vents, or
 - c. Fall on and ignite nearby vegetation or flammable materials, especially if stored or accumulated under eaves, decks, or other structural extensions that can trap the heat generated by the burning of flammable materials.



B. What's Necessary to Defend Against Wild Land Fire?

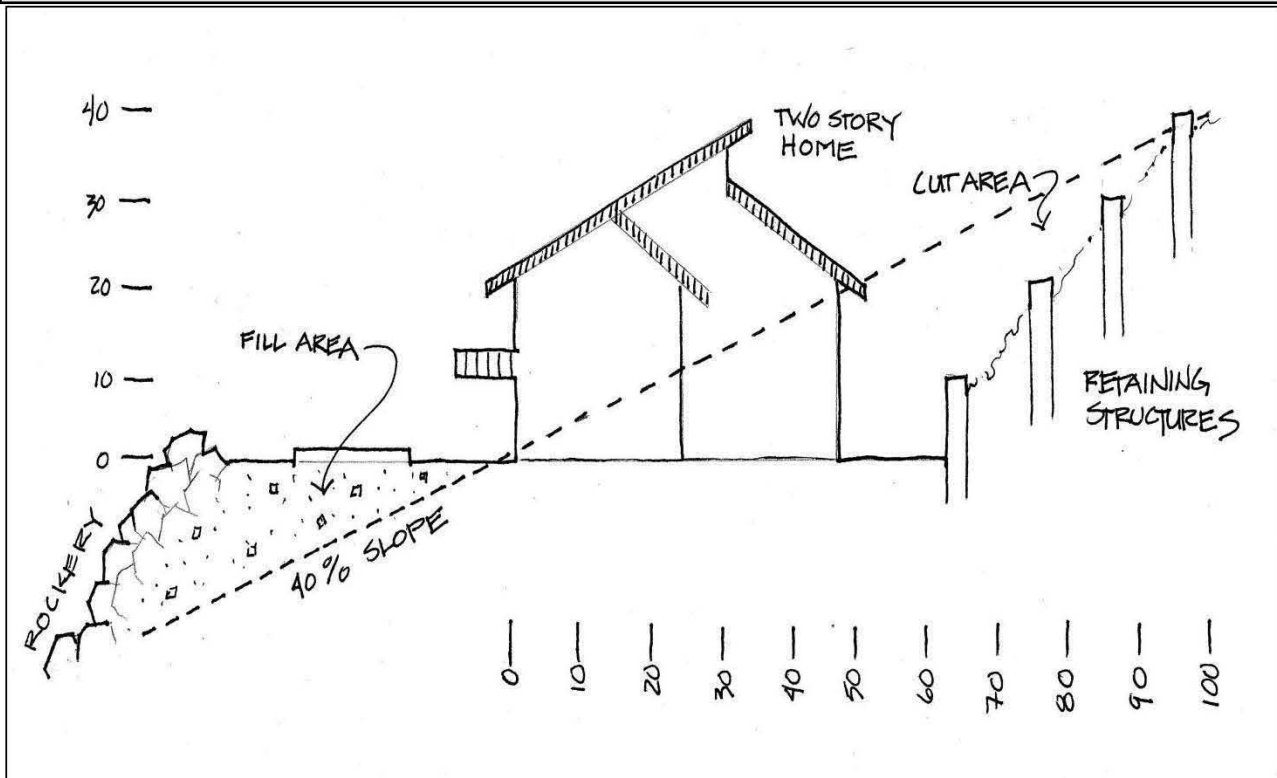
1. Access to structures and property.
2. Room to maneuver around structures.
3. Elimination and containment of fire fuels to limit ignition risks around the structure.
4. Use of fire resistant materials to decrease ignition risks at the dwelling or structure.
5. On-site water supplies to help extinguish a small fire before it requires a full response or becomes a wild land fire start.

C. Fire Safety Standards

Sections 11.110 to 11.150 of this chapter state the Fire Safety Standards on one page. The zones in which the safety standards apply, the benefits of compliance with safety standards, and the necessary actions if an applicable standard cannot be met are stated on the facing pages. Sections 11.210 to 11.240 describe the review and self-certification process and necessary steps to permitting a modification of fire safety standards.

SECTION 11.110 Siting Standards - Locating Structures for Good Defensibility

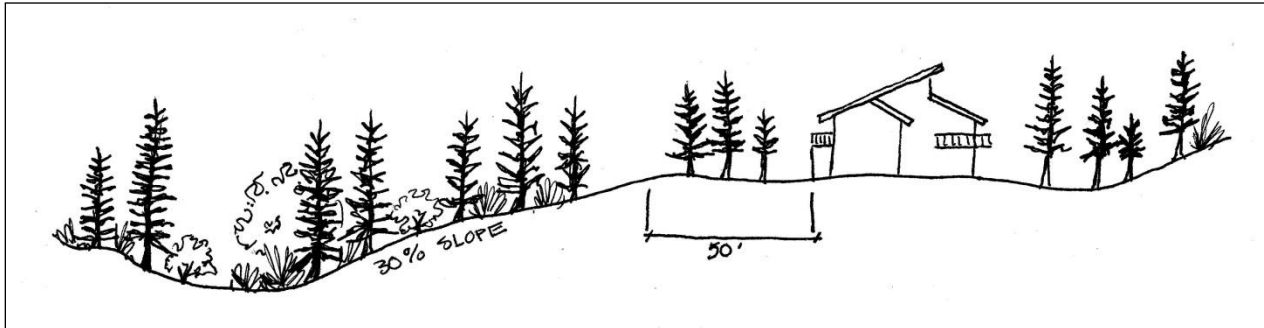
- A. Does your building avoid slopes steeper than 40% (more than 40-foot elevation gain over 100 feet horizontal distance)?



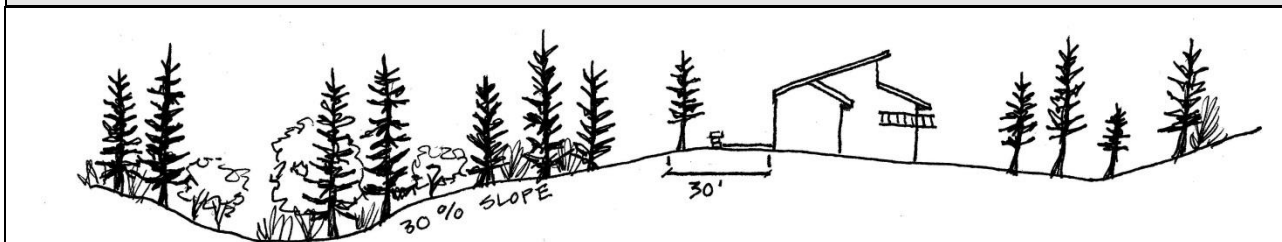
A. This Standard is applicable to dwellings, accessory buildings, and agricultural buildings in: -All zones	
A. If <u>Yes</u> Then	A. If <u>No</u> Then
<ul style="list-style-type: none"> • Extensive and costly grading and ground disturbance will be avoided • Emergency responders will have room to access and maneuver around all sides of the structure. • Structure will avoid exposure to the hottest side of fast moving flames climbing the slope • Structure will avoid potential of trapping heat rising off of flames on the slope below. 	<p>A modification of fire safety standards must be requested.</p> <p>The fire mitigation plan submitted with the request for modification must propose mitigation measures such as:</p> <ul style="list-style-type: none"> • Structural fire proofing (thermal windows, smaller windows, fire retardant building materials on all sides). • National Fire Protection Association (NFPA) Sprinkler system if access standards cannot be met. • Expanded fire fuel breaks. • Additional irrigation on all sides of the home and an onsite water supply capable of running the irrigation system for extended periods. • Evacuation plan.

B. Setbacks

1. Is your building set back from the top of slopes greater than 30% by at least 50 feet? -or-

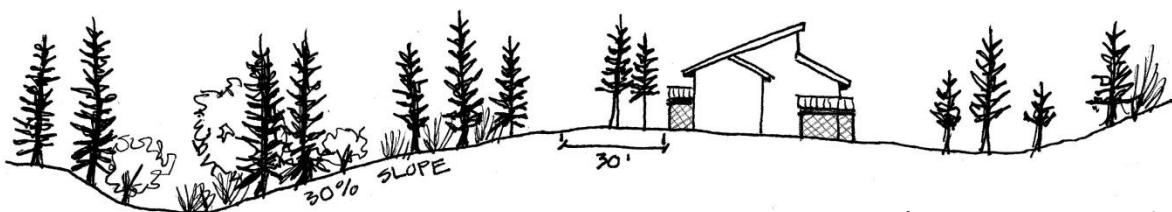


2. Is your building set back from the top of slopes greater than 30% at least 30 feet? -and-



No structures or other extensions closer than 30 feet from top of slope
 Stone or Concrete patio rather than above ground decking
 Enclosed soffits

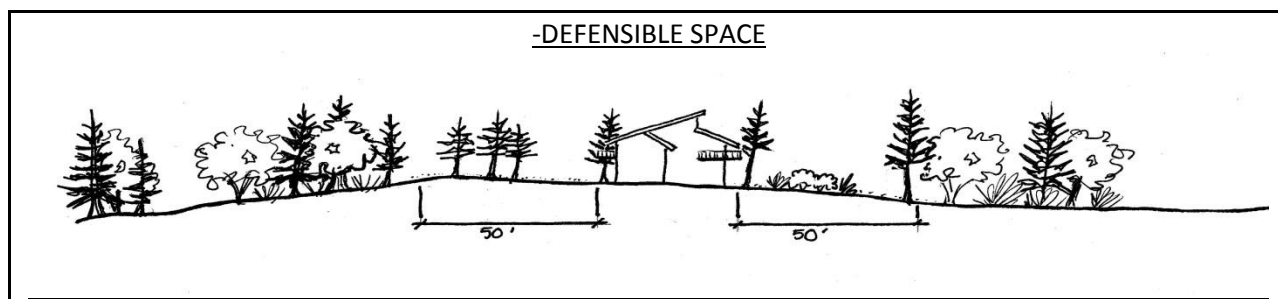
-OR-



Fire resistant or noncombustible exterior materials (siding, decking, roofing)
 Large timber or metal supports for decks or other extensions
 Decking area screened or enclosed
 Enclosed soffits

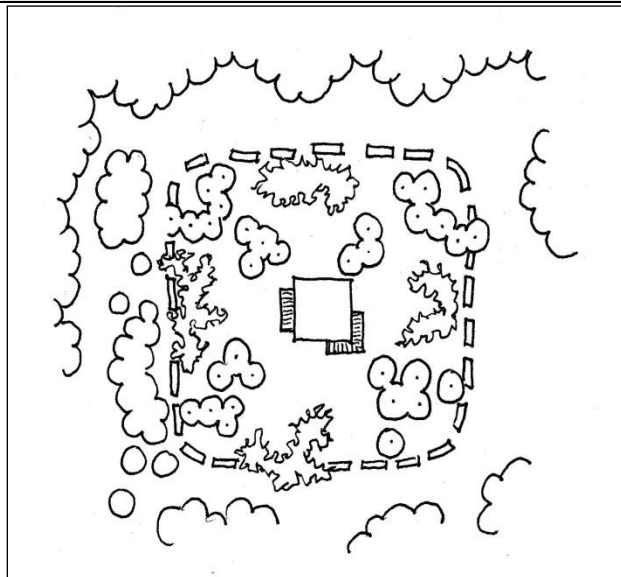
B. This Standard is applicable to dwellings, accessory buildings, and agricultural buildings in: -Resource and Large Lot Residential Zones	
B(1). If <u>Yes</u> Then	B(1). If <u>No</u> Then
<ul style="list-style-type: none"> • Emergency responders will have room to access and maneuver around all sides of the building. • Building will avoid exposure to the hottest side of fast moving flames climbing the slope. • Building will avoid trapping heat rising off flames below. 	<p>Refer to B(2) below.</p>
B(2) - If <u>Yes</u> Then	B(2) - If <u>No</u> Then
<ul style="list-style-type: none"> • Emergency responders can still access and maneuver around all sides of the building. • Building will be closer to the hottest side of fast moving flames climbing the slope but additional fire proofing of the building will help mitigate risks of ignition. • Flattening the design of the façade on the downhill side of the building will help avoid potential of trapping heat rising off of flames on the slope below allowing the building to be constructed nearer the top of slope. 	<p>A modification of fire safety standards must be requested.</p> <p>The fire mitigation plan submitted with the request for modification must propose mitigation measures such as:</p> <ul style="list-style-type: none"> • Eliminate decks and eaves. • Structural fire proofing (thermal windows, smaller windows, fire retardant building materials on all sides). • NFPA Sprinkler system if access standards cannot be met. • Expanded fire fuel breaks. • Additional irrigation on all sides of the home and an onsite water supply capable of running the irrigation system for extended periods. • Evacuation plan.

SECTION 11.120 Defensible Space – Clearing and Maintaining a Fire Fuel Break

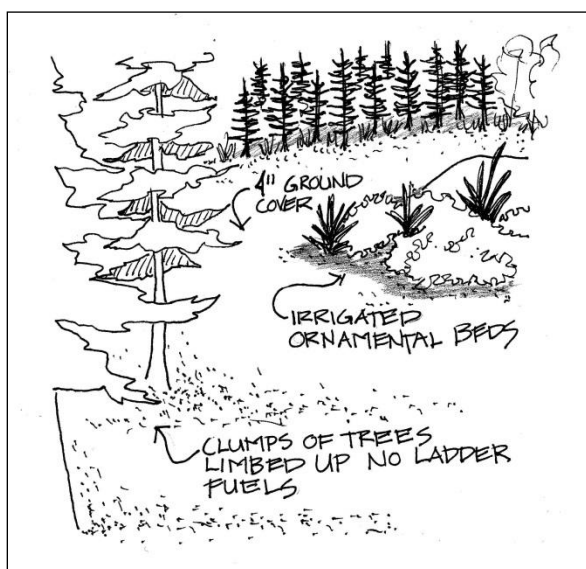


Fire Fuel Break Includes: Irrigated fire resistant domestic plantings, low volume slow burning plantings, and trees encouraged to provide shade and ground cooling. Trees should be grouped. Groups of trees shall be spaced to avoid creation of a continuous tree canopy. Trees shall be kept in healthy fire resistant condition. Trees shall be limbed up to create a vacant area between ground fuels and canopy fuels. Under story vegetation shall be minimized and ground cover shall be kept trimmed low to the ground.

A. Is your building surrounded by a 50-foot wide fire fuel break?



Fire Fuel Break Area Plan View



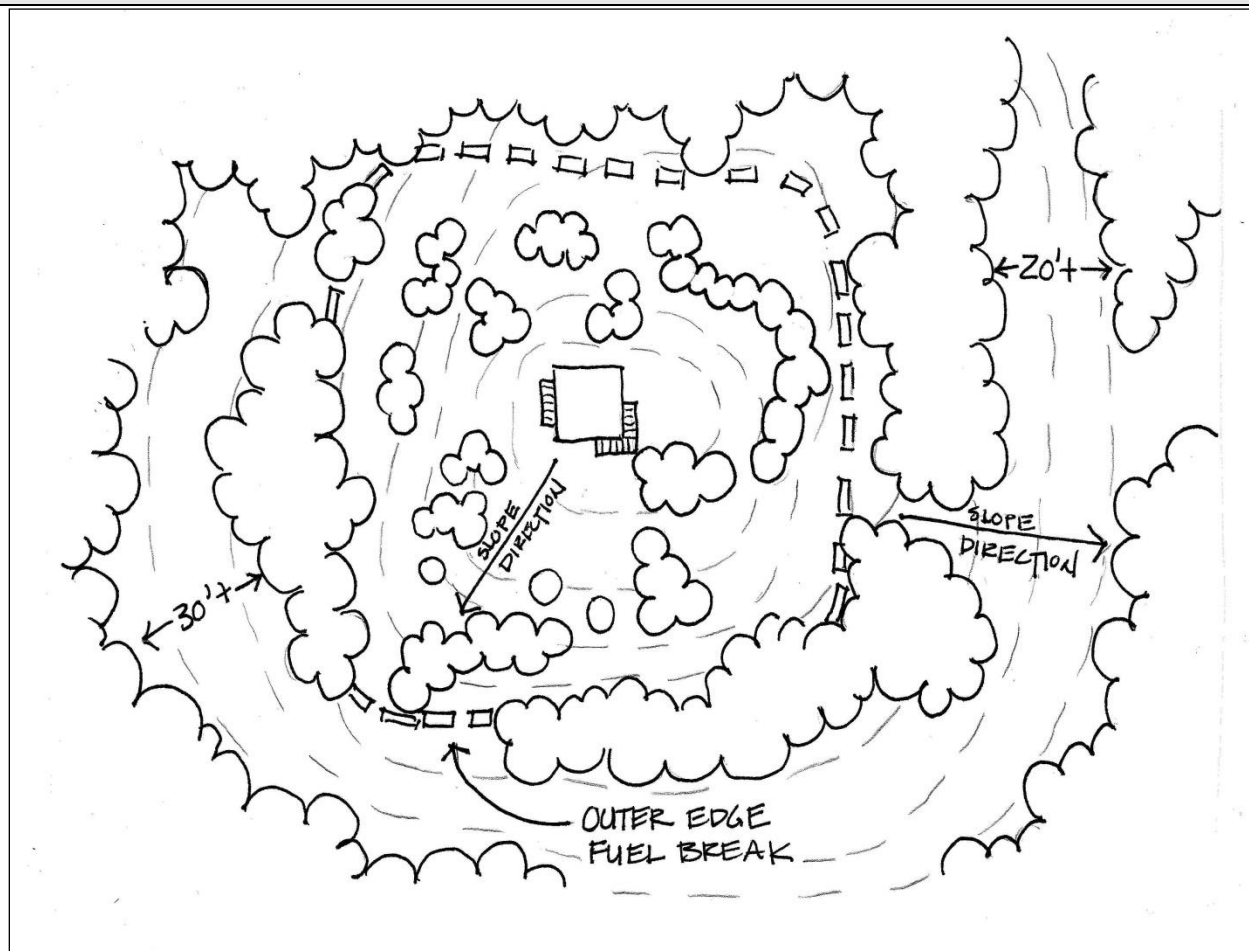
Fire Fuel Break Area Sample Illustration

MAINTENANCE STANDARDS FOR FIRE FUEL BREAK AREA:

- Ground cover maximum 4 inches tall;
- Trees limbed up approximately 8 feet from the ground,
- Trees kept free from dead, dry, or flammable material;
- Ladder fuels must be removed;
- No shrubs or tall plants under trees;

<ul style="list-style-type: none"> • Shrubs only in isolated groupings that maximize edges of ornamental beds to avoid continuous blocks of ground fuel; • Keep shrubs and ornamental beds 15 feet away from edge of buildings and drip line of tree canopy; and • Use well irrigated or flame resistant vegetation (See OSU Extension Service publication called "Fire Resistant Plants for Oregon Home Landscapes") 	
A. This standard is applicable to all dwellings, accessory buildings, and agricultural buildings in: -All Zones	
A. If <u>Yes</u> Then	A. If <u>No</u> Then
<ul style="list-style-type: none"> • Eliminating ladder fuels and limbing trees up helps keep fire on the ground. • Including trees in the fire fuel break can catch and deflect flying embers before they land on the structure. • Spacing between bedding plants or shrub groupings allows ornamental plantings that do not create a fuel bed. • Irrigation provides moisture during the dry months and shading from healthy limbed trees retains moisture longer. Moisture is key to helping dissipate fire energy. • Fire resistant vegetation also helps slow spread of fire toward the structure. 	<p>A modification of fire safety standards must be requested.</p> <p>The fire mitigation plan submitted with the request for modification must document that the fire fuel break cannot be met:</p> <ul style="list-style-type: none"> • Demonstration why an alternate site on the property cannot be used to allow for the full fire fuel break. • Demonstration that an easement allowing for the full fire fuel break cannot be provided for by easement on adjoining land • The fire mitigation plan submitted with the request for modification must also propose mitigation measures such as: <ul style="list-style-type: none"> • Eliminate decks and eaves. • Structural fire proofing (thermal windows, smaller windows, fire retardant building materials on all sides). • Additional irrigation on the side of the home where fire fuel break width requirements cannot be met and an onsite water supply capable of running the irrigation system for extended periods. • Evacuation plan.

- B. Is dense unmanaged vegetation beyond 50 feet from the outer edges of your buildings, including any extensions such as decks or eaves, kept to a MINIMUM? If located on steeper ground, have you created and maintained some clearings beyond the 50 feet fire fuel break?



- Those developing steeper properties are advised to provide breaks in the tree canopy across the slope at the outer edges and extending beyond the fire fuel breaks.
- Land beyond the fire fuel break can always be managed for additional safety.
- This is the place for tight trees, dense under-story vegetation, tall waving grass, and unmanaged or less managed lands.
- The outer edge of the fuel break zone can be feathered back into the unmanaged area to provide for a more natural appearing edge condition.

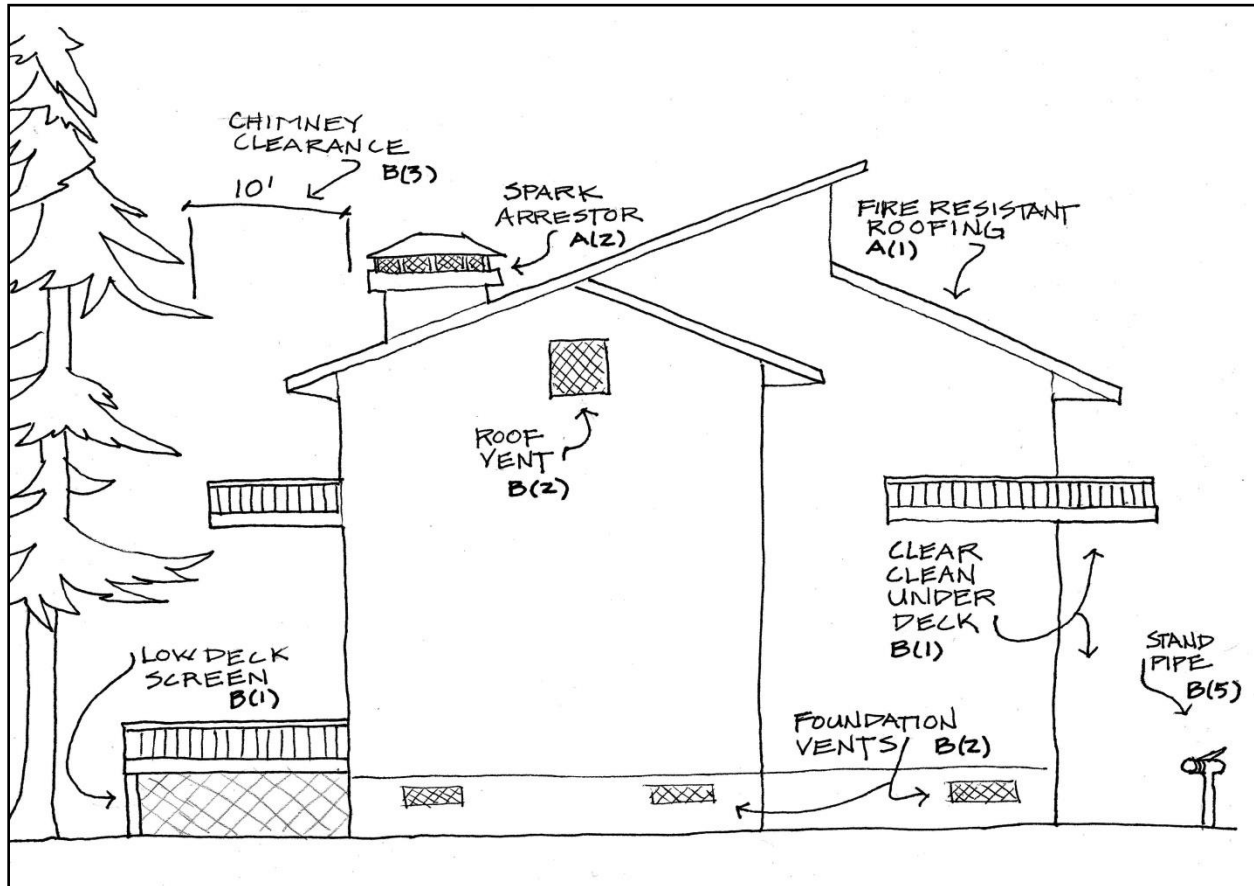
B. This Standard is applicable to all dwellings accessory buildings, and agricultural buildings in:

-Resource and Large Lot Residential Zones

This Standard does not apply to SMA Lands: Any defensible space work beyond 50 feet of a lawfully established building falls within the definition of a “Forest Practice” and must be approved through a review prior to the commencement any of work.

B. If <u>Yes</u> Then	B. If <u>No</u> Then
<ul style="list-style-type: none"> • If slopes cannot be avoided, providing for broad breaks in the canopy across the slope 20-30 feet and more can help limit the spread of a canopy fire up slope. • Keeping some wild unmanaged areas is OK if they are far enough from the structure that a wild fire’s progress will be slowed by the decrease in fire fuels as fire approaches developed areas. • NOTE: Slope hazards increase the threat of structural fire ignition by increasing the chance of a wild land fire getting into and traveling through the tree canopy. If you are developing in a wooded area with steep slopes, every attempt should be made to locate away from the steeper ground. (see 11.110(A) and (B) above) 	<p>This standard is advisory. No request for modification of fire safety standards is required if it cannot be met.</p>

SECTION 11.130 Construction Standards for Dwellings and Structures – Decreasing the ignition risks by planning for a more fire-safe structure.



A. Is your building designed, built, and maintained to include the following features and materials necessary to make the structure more fire resistant?

1. **Roof Materials:** Do you or will you have fire resistant roofing installed to the manufacturers specification and rated by Underwriter's Laboratory as Class A, B, or its equivalent (includes but not limited to: slate, ceramic tile, composition shingles, and metal)?

NOTE: Fire resistant materials are required to be used for all horizontal projections. To give your structure the best chance of surviving a wild fire, all structural projections such as balconies, decks and roof gables shall be built with fire resistant materials equivalent to that specified in the uniform building code.

2. **Spark Arrestors:** Will all chimneys and stove pipes be capped with spark arresters meeting NFPA standards (e.g., constructed of 12 USA gauge wire mesh with half-inch openings)?

A(1) & (2) These Standards are applicable to all dwellings, accessory buildings, and agricultural buildings in: -All Zones	
A(1). If <u>Yes</u> Then	A(1). If <u>No</u> Then
Your roof will resist ignition from fire brands. Fire resistant roofing is one of the most important standards of defensibility.	Fire resistant roofing is required. There is no way to mitigate risks of a wild land fire ignition related to use of more flammable roofing. Fire brands can be carried over a quarter mile to land on a roof.
A(2). If <u>Yes</u> Then	A(2). If <u>No</u> Then
Sparks and embers in the fire box of a fireplace or stove will not be allowed to escape through the chimney and start a wild land fire.	There is no alternative to the requirement that spark arrestors be installed and maintained. They are common and widely available.

B. Is your structure designed, built, and maintained to include the following features and materials necessary to make the structure more fire resistant?

- 1. Decks:** Will all decks be kept clear of fire wood, flammable building material, dry leaves and needles, and other flammable chemicals? Will decks less than three feet above ground also be screened with noncombustible corrosion resistant mesh screening material with quarter inch or smaller openings? Will decks, as required in accordance with [11.110\(B\)](#) above, be built of fire resistant material? Will all flammables be removed from the area immediately surrounding the structure to be stored 20 feet from the structure or enclosed in a separate structure during fire season?
- 2. Openings:** Will all openings into and under the exterior of the building including vents and louvers, be screened with noncombustible corrosion resistant mesh screening material with quarter inch or smaller openings.
- 3. Trees:** Will all trees overhanging the building be limbed up 8 feet in accordance with fire fuel break requirements in [11.120\(A\)](#) above, kept trimmed back 10 feet from any chimney or stove pipe, and be maintained free of all dead material.
- 4. Underground Utilities:** Telephone and power supply systems serving new development shall be underground whenever practical.

Do all new buildings and structures served by electricity include a clearly marked power disconnect switch at the pole or off-grid power source?

- 5. Stand Pipe:** Will a stand pipe be provided 50 feet from the dwelling or any structure served by a plumbed water system?

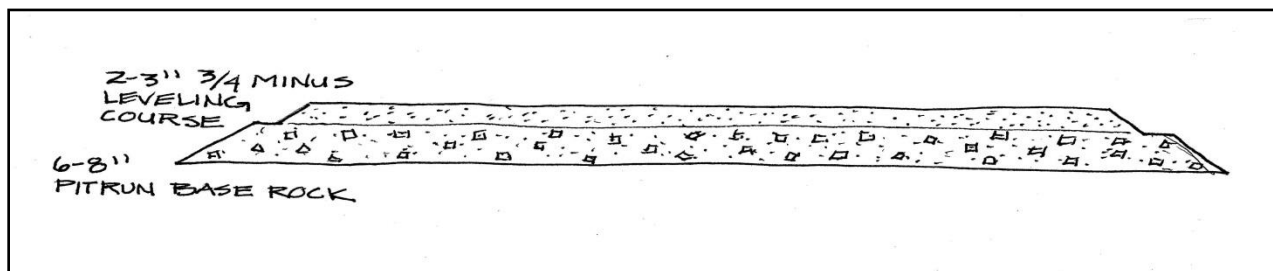
B. These Standards are applicable to dwellings, accessory buildings, and agricultural buildings or structures in: -All Zones	
B(1). If <u>Yes</u> Then	B(1). If <u>No</u> Then
Horizontal extensions, like decks, will be protected from the accumulation of fire fuel. Horizontal extensions create a heat trap for heat if flames are generated beneath them. Limiting fire fuels under horizontal extensions and screening to keep embers or fire bombs from getting in under lower decks will help eliminate the risk of heat being trapped under a deck or porch and igniting a structure.	There is no alternative to the screening and maintenance required under and around the exterior of a structure, its decks, and other horizontal extensions.
B(2). If <u>Yes</u> Then	B(2). If <u>No</u> Then
Vents are built to funnel air through enclosed areas of a structure. Screening on the vents or behind vent louvers ensures that embers are not sucked into the hard-to-reach recesses behind the vents.	There is no alternative to the screening of exterior vents and openings.
B(3). If <u>Yes</u> Then	B(3). If <u>No</u> Then
Healthy green trees around the house can be retained and may actually help shelter the dwelling from fire brands. Trees and their debris must be maintained in a clean healthy condition.	If maintenance of trees near or overhanging the house is too onerous the trees can be removed. NOTE: The presence of trees has been shown to have the benefits discussed in 11.120(A) , above, if properly maintained.
B(4). If <u>Yes</u> Then	B(4). If <u>No</u> Then
<ul style="list-style-type: none"> Threat of a fire start due to downed service lines will be minimized. Access to and around the structure will be simplified by limiting aerial access to the structure to a single location. Responders will be able to shut down main power so they can respond safely to the structure at the main service switch. 	<p>The fire mitigation plan submitted with the request for modification must document that it is not practical to underground utilities and propose measures such as:</p> <ul style="list-style-type: none"> Keeping the utility service routes clear to simplify access around the structure. Providing a single point of access to the structure. <p>There is no alternative to the requirement that private utility services have a clearly marked power disconnect switch at the pole or off grid power source.</p>
B(5). If <u>Yes</u> Then	B(5). If <u>No</u> Then
This stand pipe will be available to the homeowner for use to help contain smaller fires prior to emergency responders getting to the site.	There is no alternative allowed to the provision of a standpipe 50 feet from all combustible structures served by a plumbed water system. Rural response times are always longer than in town. Land owners must do what they can to provide immediate

response to small fire starts.

SECTION 11.140 Access Standards - Providing safe access to and escape from your home.

A. Does your residential driveway meet standards for improved, all weather driveway surface and minimum driveway widths?

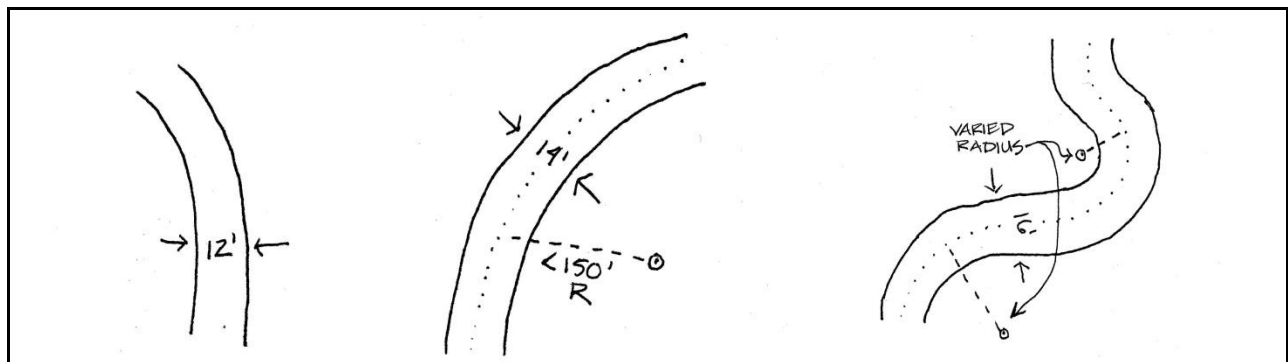
IMPROVED SURFACE REQUIREMENTS



90-95% Compaction

Driveway surface standards shall meet the specifications above or meet an alternate design standard established by a licensed engineer who will certify that the alternate design standard is capable of supporting 75,000 pound gross vehicle weight year round, wet or dry. Compliance shall be demonstrated prior to inspection by the County Road Department to confirm compliance with road approach permit.

MINIMUM DRIVEWAY WIDTHS



Minimum improved width is 12 feet on straight sections and through gentle curves.

Minimum improved width is 14 feet on single curves with less than 150-foot radius.

Minimum improved width is 16 feet when curves are linked or located on a slope in excess of 10%.

A. This Standard is applicable to residential driveways in:

-All Zones

A. If Yes Then

Emergency responders will be able to bring all vehicles onto your property and to your building site.

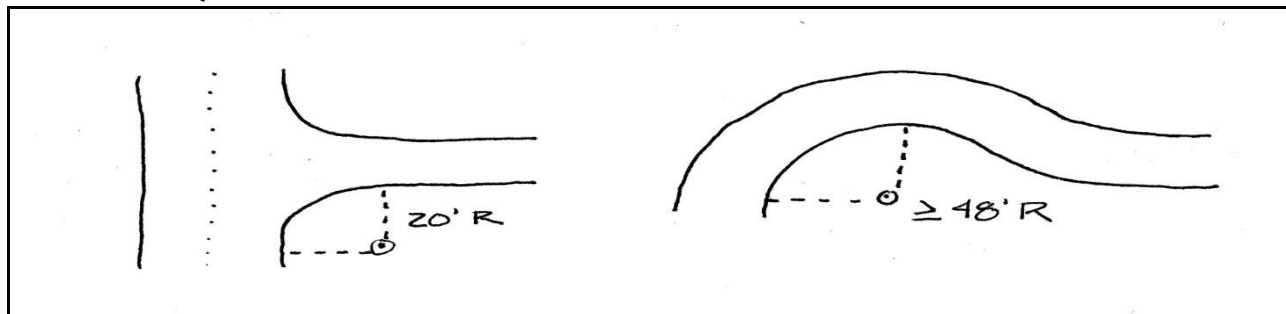
A. If No Then

A modification of fire safety standards must be requested.

The fire mitigation plan submitted with the request for modification must propose mitigation measures such as:

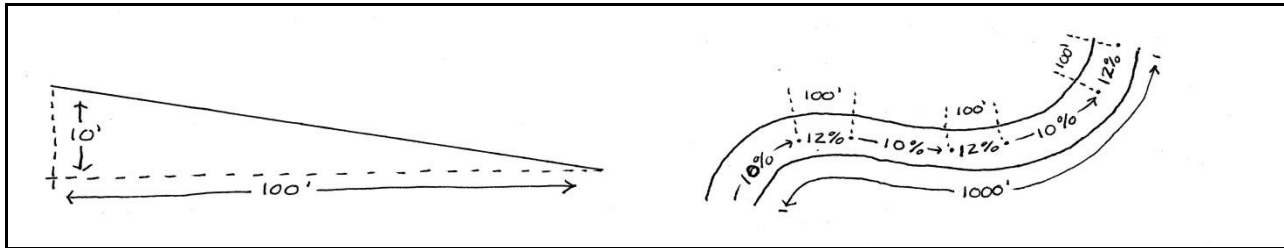
- A demonstration why standards cannot be met and that an alternate site will not allow standards to be met.
- Proposed alternate road lay out that can allow the best access possible to the building site.
- NFPA Sprinkler system if alternate access standards cannot provide for timely response.
- Expanded fire fuel breaks.
- Additional irrigation on all sides of the home and an on-site water supply capable of running the irrigation system for extended periods.
- Structural fire proofing (thermal windows, smaller windows, fire retardant building materials on all sides).
- Evacuation plan and acknowledgment that some or all fire equipment may not have sufficient access to your property to respond.

B. Is your dwelling accessed by a driveway with curves and slopes that are passable by emergency equipment? And are turnouts provided as needed to allow vehicles to pass safely?

CAN LARGE EQUIPMENT MAKE IT AROUND THE TURNS IN YOUR DRIVEWAY?

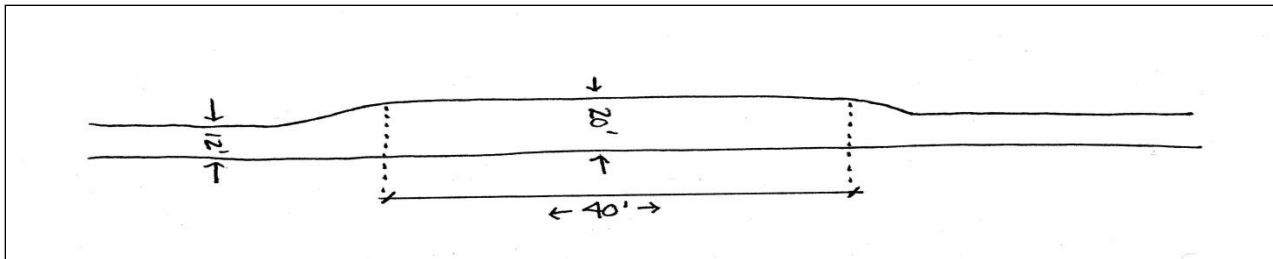
Minimum 20 foot turn radius onto driveway from road.

Minimum 48 foot turn radius for curves or switchbacks in the driveway. Larger radius, more gentle turns are desirable where possible.

IS THE SLOPE OF YOUR DRIVEWAY GENTLE ENOUGH FOR EQUIPMENT TO GET UP AND DOWN SAFELY?

Maximum steady grade of 10% or
10 feet of elevation gain over 100 feet of distance.

Maximum steady grade of 10% may be exceeded
for short pitches. Short (up to 100-foot lengths)
intermittent sections may be up to 12%.
No more than three 100-foot lengths in 1,000 feet.

IF YOUR DRIVEWAY IS LONGER THAN 200 FEET, ARE TURNOUTS PROVIDED ALONG ITS LENGTH?

Turnouts need to be provided at least every 400 feet. Turn outs are intended to allow vehicles to pass safely, especially during an emergency. This should be kept in mind when siting the turnouts. Steeper slopes or tighter corners may require turnouts to be located closer than every 400 feet.

B. This Standard is applicable to all residential driveways in:

-All Zones

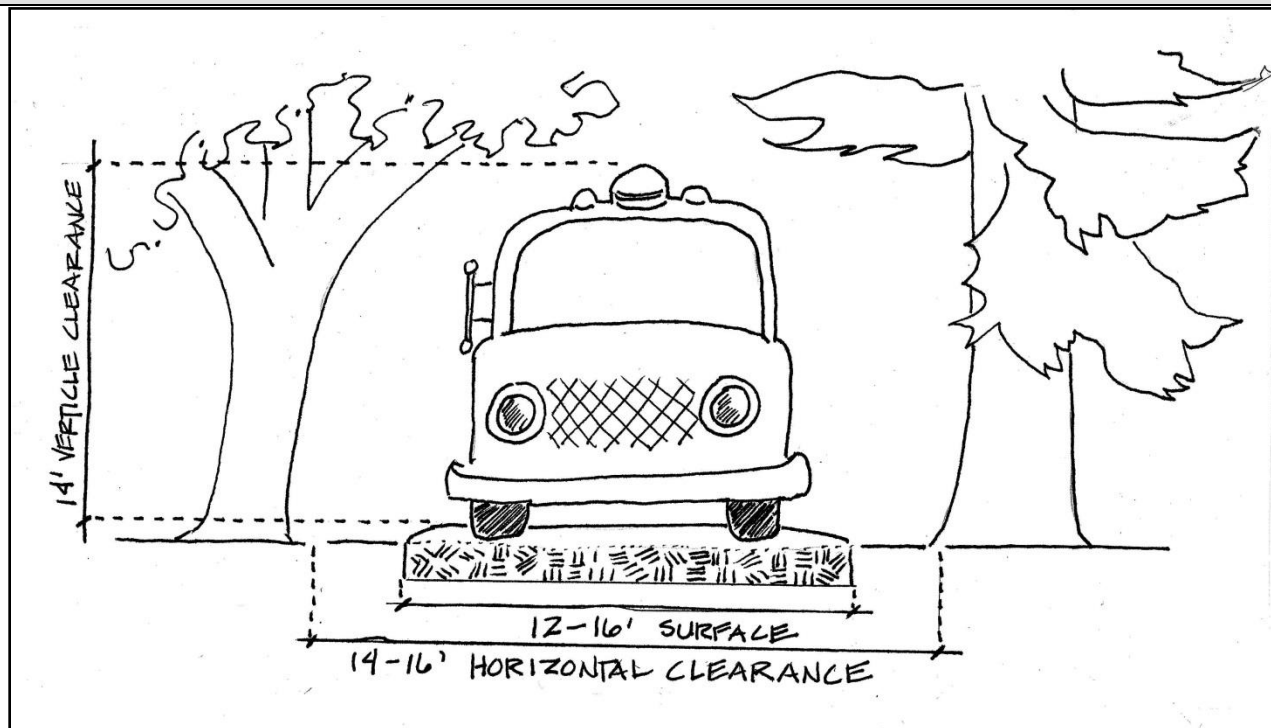
B. If Yes Then

- Emergency responders will be able to bring all vehicles onto your property and to your building site.
- You will be able to get off your property as the fire equipment accesses the site.

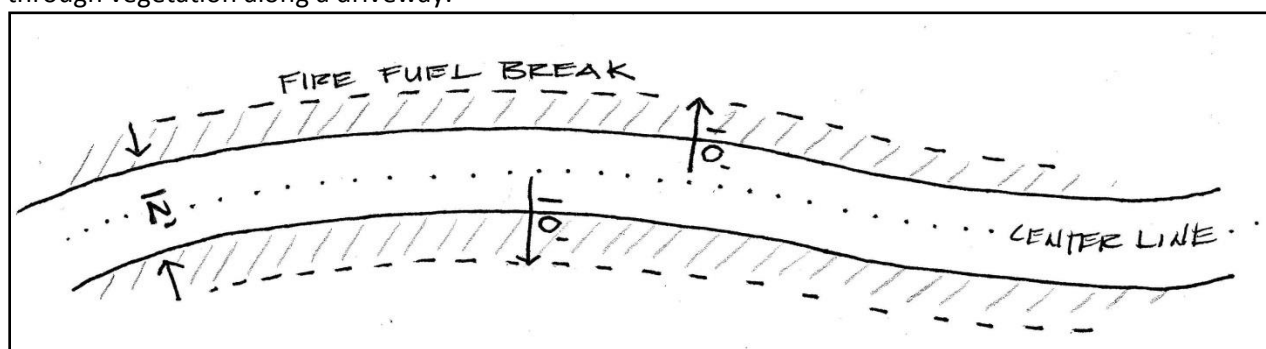
B. If No Then

See **(A) above**

C. Does your residential driveway provide adequate clearance for emergency vehicles and is there sufficient clear area along the driveway to allow responders to maneuver safely around their vehicles?



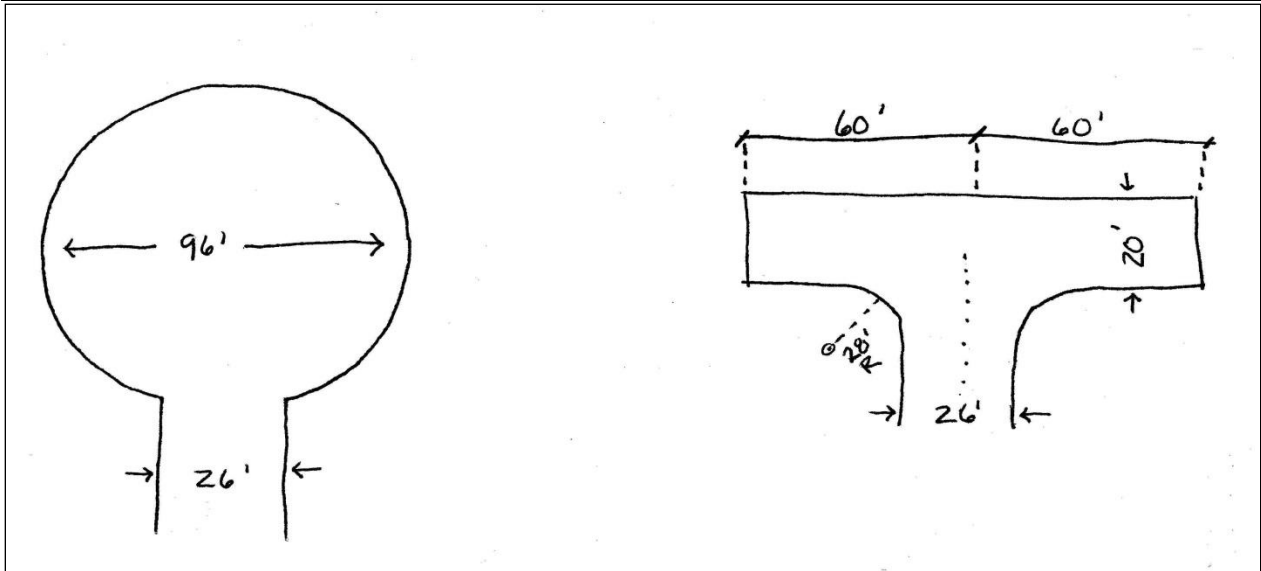
Responding vehicles need over 13 vertical feet and a minimum of 14 horizontal feet of clearance to pass through vegetation along a driveway.



A fire fuel break extending 10 feet either side of the center line of the driveway is required.

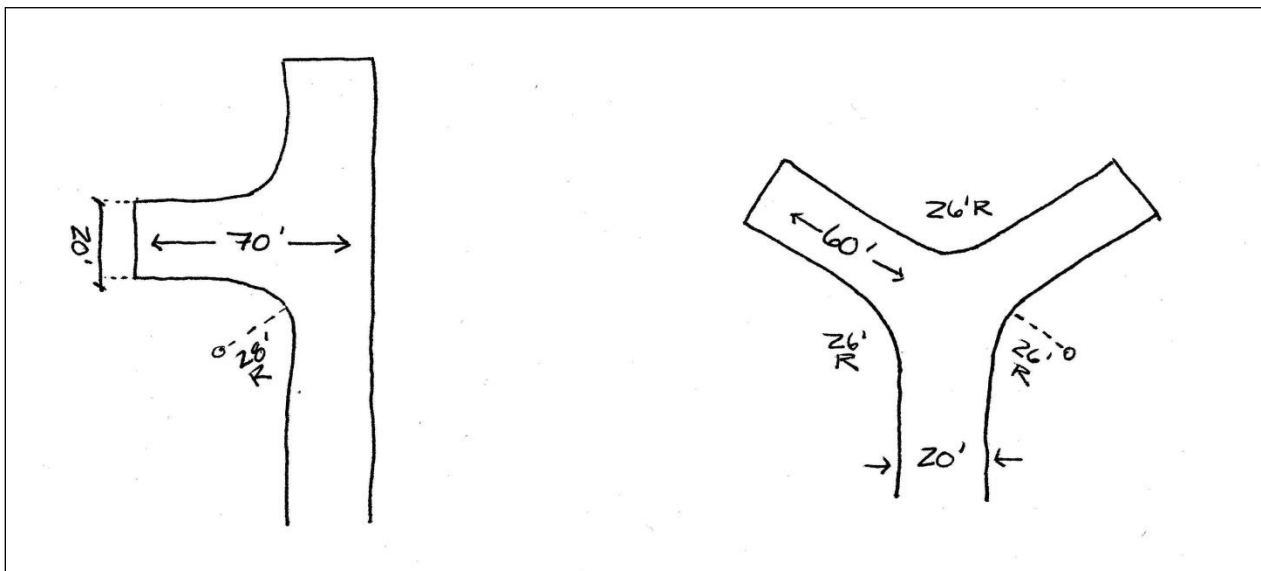
C. This Standard is applicable to all residential driveways in: -All Zones	
C. If <u>Yes</u> Then	C. If <u>No</u> Then
<ul style="list-style-type: none"> • Emergency responders will be able to access your property without damaging your landscaping, native trees, or their vehicles. • If there is a need to respond from the driveway, there will be room to maneuver more safely around the emergency vehicles. • If there is a major wild land fire, the fire fuel break along the drive will help ensure that the driveway remains passable during the response. 	See (A) above

D. If your residential driveway is longer than 150 feet, does it end with a turnaround that is passable for emergency responders?



95-foot-diameter cul-de-sac

120-foot hammerhead



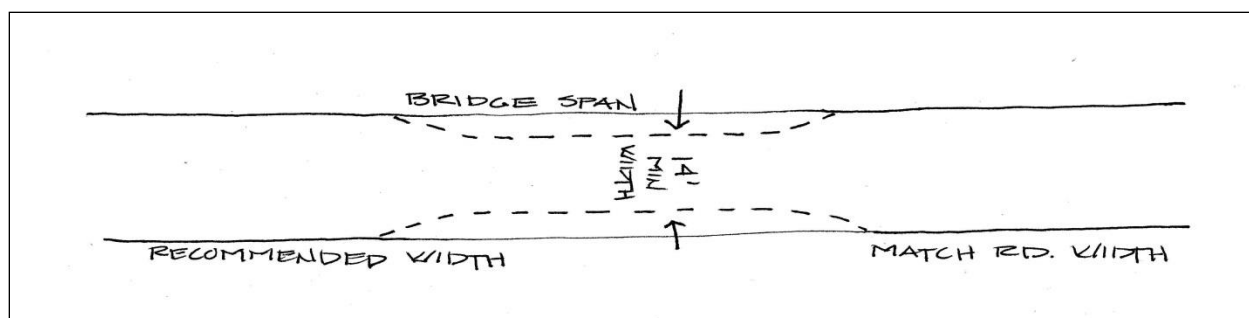
Acceptable alternative to 120' hammerhead
hammerhead

Acceptable alternative to 120-foot
hammerhead

D. This Standard is applicable to residential driveways in: -All Zones	
D. If <u>Yes</u> Then	D. If <u>No</u> Then
Responders accessing your property in an emergency will be able to get turned around to leave the property, make room for additional responders, or to refill tenders and return.	See (A) above

E. Can the bridges or culverts crossed to access your dwelling on your property accommodate emergency response vehicles?

Culverts larger than a 6-foot diameter and all bridges that are relied on to access development must be engineered constructed and maintained to support 75,000 pounds gross vehicle weight. Culverts less than a 6-foot diameter must be installed to manufacturer specifications, including requirements that the culvert be embedded sufficiently to maximize water flow and minimize risk of scouring or undercutting below the pipe.



Bridges should match the finished width of the road or driveway. A minimum bridge width of 14 feet is required and may be built if 7-foot-wide and 50-foot-long pullouts are provided on either side of the bridge.

F. Can emergency responders get through your gate?

- Gates need to swing or glide.
- Gates need to be operable by a single person and maintained in operable condition.
- The horizontal clearance through a gate must be a minimum of 14 feet.
- Electric or locked gates must be operable or removable by emergency responders.

G. Are the signs you've posted for emergency responders legible and in good repair?

Signs required to:

- Limit parking.
- Mark fire lanes.
- Direct responders to an on-site water source.
- Identify electrical service shut-off at the power pole or off grid power source.
- Post weight limits on existing bridges or culverts.

Must be made and maintained so that:

- Lettering is light colored and reflective against a dark background – except that red and white 12 inch by 18 inch fire lane, no parking signs Per Figure D(103.6) of the 2004 Oregon Fire Code.
- Letters are a minimum of 4 inches tall.
- Letters are a minimum of ½-inch-wide-letter strokes.

Signs are posted and kept clear of vegetation so they are fully visible.

E. This Standard is applicable to residential driveways in:

-All Zones

E. If Yes Then

Emergency responders will be able to get to or through your property without risk of damage to equipment or roadway structures.

E. If No Then

A modification of fire safety standards must be requested.

The fire mitigation plan submitted with the request for modification must propose mitigation measures including:

- Any culvert greater than a 6-foot diameter or bridge not capable of supporting 75,000 gross vehicle weight shall be signed at both entrances.
- Other applicable mitigation measures listed in **(A)** above.

F. This Standard is applicable to residential driveways in:

-All Zones

F. If Yes Then

Emergency responders will be able to access your property.

F. If No Then

No alternatives exist for the requirement for a passable gate.

G. This Standard is applicable to residential driveways in:

-All Zones

G. If Yes Then

Emergency responders will be able to access and navigate your property and the development site.

G. If No Then

No alternatives exist for the requirement for that clear and legible signage be installed and maintained.

H. Are the roads to your residential property maintained in a condition that is passable for emergency vehicles? Do you know who is responsible for required improvements and maintenance?**DEFINITIONS – WHO IMPROVES AND MAINTAINS WHICH EXISTING ROADS?**County Roads are:

- Fully dedicated public roads over which the County has full jurisdiction.
- The County is responsible for improvements and maintenance of county roads including bridges, culverts, ditches, etc.
- Most, if not all, public roads in the county meet the minimum access requirements for emergency vehicles.

Local Access Roads are:

- Public roads over which the County has limited jurisdiction.
- The County is not liable for failure to improve the local access road or keep it in repair.
- The County has limited ability to spend money on local access roads and expenditure on local access roads is made only in emergencies and is subject to special review process prior to the expenditure.
- Landowners served by the road must improve or maintain the road if it is to stay in good repair.
- Some local access roads have organized maintenance organizations but most do not.
- Many local access roads meet minimum access requirements but some will require improvements in order to be accessible to emergency responders and all will require maintenance.

Private Roads are:

- Neither public roads nor county roads.
- The County cannot improve or maintain private roads.
- Private roads serve more than one dwelling but are not required to be open to the public.
- The land owners served by the private road are solely responsible for its improvement and maintenance.
- Many private roads will require improvements in order to be accessible to emergency

responders and all will require maintenance.

Driveways are:

- Private access roads serving no more than two dwellings.
- The home owner bears sole responsibility for driveway improvement and maintenance.

Per [ORS 368.001-368.031](#)

ACCESS ROAD STANDARDS – WHAT MAY HAVE TO BE DONE TO ROADS LEADING TO BUT NOT PART OF YOUR PROPERTY?

If a legally created parcel is accessed by a County or State improved and maintained road, the applicant must demonstrate that driveway standards are met on the property and is responsible for continued maintenance of the driveway in accordance with standards.

If a legally created parcel is accessed by a local access or private road the road way will need to be determined to meet county road standards or minimum standards for a fire apparatus access road (defined in Chapter 5 of the 2004 Oregon Fire Code) prior to new construction. A fire apparatus access road needs to have an improved all-weather surface of 20-feet wide or sections of the road with a finished road surface width of 20 feet for a length of 40 feet at no greater than 400-foot intervals. All access standards, other than width, turn radius, and slope or grade that are applicable to driveways, **(A) – (H)**, are also applicable to local access and private roads. Improvements made within a local access road will require a permit to do work in a public right of way.

Land divisions creating new parcels need to improve roads up to the point of access to the proposed land division to meet public road standards prior to final land division approval.

H. This Standard is applicable to residential development in:

-All Zones

H. If <u>Yes</u> Then	H. If <u>No</u> Then
Emergency responders will be able to get to your property with any vehicle at a reasonable rate of speed with little risk of damage to equipment or roads.	<p>A modification of fire safety standards must be requested.</p> <p>The fire mitigation plan submitted with the request for modification must:</p> <ul style="list-style-type: none"> • Employ applicable mitigation measures listed in (A) above. -AND- • Demonstrate that county road or fire apparatus access road standards cannot feasibly be met. • Demonstrate that improvements achieve basic access (driveway standard) along sections determined incapable of meeting a higher standard.

	<ul style="list-style-type: none"> • If basic driveway standard is not met at any point, that section shall be clearly signed from both directions calling out the weight limit, width of narrow road section, or grade and length of steep road way. • Ability of responders to get to a site is limited by the ability of an applicant to make and maintain off-site improvements. • The land owner will be notified of service limitations resulting from substandard access and required to document acknowledgement of limitations to emergency services prior to receiving a building permit.
--	--

SECTION 11.150 Fire Protection or On-Site Water Required - Ensuring dwellings have some fire protection available through manned or unmanned response.

DEFINITION - FIRE DISTRICT FOR PURPOSE OF APPLICATION OF FIRE STANDARDS.

An actively trained and reporting structural fire protection district having a boundary on file with the State Fire Marshal and recognized as a qualified structural fire protection district by the State Fire Marshal's Office.

A. Are you proposing to construct a dwelling inside a structural fire protection district? -OR-

ON SITE WATER IS REQUIRED IN BOTH URBAN AND RURAL ENVIRONMENTS FOR FIRE SAFETY (Fire Flow Requirements).

Dwellings less than or equal to 3,500 square feet can rely on emergency responders to meet the on site water requirements if they are inside a fire protection district.

Dwellings in excess of 3,500 square feet require on-site water in excess of the amount of water that could reasonably be delivered to the site by emergency responders. Dwellings in excess of 3,500 square feet need to provide an NFPA sprinkler system to meet on site water requirements. Provision of an NFPA sprinkler system meets fire code fire flow requirements.

Structures must be located inside a structural fire protection district if possible. It is not possible to be in a fire protection district when it is demonstrated that the dwelling cannot locate within, annex into a district, or contract with a structural fire protection district for service

Agricultural structures and buildings and other accessory buildings in the Forest Zones, not otherwise provided with onsite water for fire protection, must meet the minimum standards for onsite water required by the Management Plan. A pond, stream, tank or sump with storage of not less than 1,000

gallons, or a well or water system capable of delivering 20 gallons per minute shall be provided.

A. This Standard is applicable in:

-All Zones - as specifically noted in the standard

A. If Yes Then

- A special taxing district exists and volunteer or professional fire fighters will respond to and defend a structure to the best of their ability.
- Installation of an NFPA-approved sprinkler system meets the fire flow requirements for rural structures when a responders' ability to bring water to the site cannot. (See other benefits of NFPA sprinkler systems in **(B)**, below.)

A. If No Then

Refer to **(B)**, Below

B. Are you proposing to construct a dwelling outside a structural fire protection district?

ON-SITE WATER IS REQUIRED IN BOTH URBAN AND RURAL ENVIRONMENTS FOR FIRE SAFETY EVEN OUTSIDE A STRUCTURAL FIRE PROTECTION DISTRICT (Fire Flow Requirements).

Dwellings can be located outside a structural fire protection district upon demonstration that the parcel or home site cannot locate within, annex into, or contract with a structural fire protection district for service. If a dwelling is proposed outside a structural fire protection district, you cannot rely on emergency responders to meet the fire code fire flow requirements. Providing an NFPA sprinkler system is required to meet fire flow requirements unless a request for modification of the fire safety standards has been requested and approved.

Dwellings in the Forest Zones and outside a structural fire protection district must provide a year-round on-site 4,000 gallon water source, or access to a stream or spring having continuous year-round flow of at least 1 cubic foot per second.

- The applicant must provide a written statement from Oregon Water Resources Department verifying that permits or registrations required for any water diversion or storage have been obtained or are not required.
- Driveway access and a turnaround meeting the access standards in [Section 11.140](#) must be extended to within 10 feet of the water source.
- Permanent signs shall be posted directing emergency vehicles to approved water sources.

Agricultural structures and buildings and other accessory buildings in the Forest Zones must meet the minimum standards for onsite water required by the Management Plan. (see **(A)**. above)

C. This Standard is applicable in: -All Zones - and as specifically noted in the standard	
B. If <u>Yes</u> Then	B. If <u>No</u> Then
<ul style="list-style-type: none"> Provision of an NFPA sprinkler system does not rely on a responder's presence to function and can often extinguish a small ignition before it grows to the point where a large-scale response is necessary. Meeting fire flow requirements for larger structures can require an on-site water source of 8,000 gallons or more (see alternatives to sprinkler system). Installation of a sprinkler system in site-built homes, particularly larger homes, is often the most affordable way to meet fire flow requirements. Installation of an NFPA approved sprinkler system can save home owners a significant amount on their fire insurance rates and will pay for itself over time. <p>NOTE: Manufactured homes and historic structures may substitute on site water provision for inclusion of a residential sprinkler system when otherwise required. The county recognizes the disproportionately high cost of installation of NFPA sprinkler systems in this type of structure and the limited ability to alter the design of structures when locating a historical structure or manufactured home. Applicants locating a manufactured home or historic structure on their property may elect to install an on-site water source meeting the on-site water requirements listed in this subsection. No request for modification needs to be made for these structures.</p>	<p>If a NFPA sprinkler system is required but cannot be provided, a modification of fire safety standards must be requested. This is necessary because either no structural fire protection will be provided by a recognized district or because the dwelling exceeds the size determined to be defensible by local responders.</p> <p>The fire mitigation plan submitted with the request for modification must include an on-site water source capable of meeting fire code requirements for water supplies in rural settings. Requirements for rural water supplies to meet fire flow requirements are generalized here:</p> <ul style="list-style-type: none"> Minimum on site water storage 2,000 gallons 1,500-3,500 square foot dwelling - 4,000 gallons >3,500-5,000 square foot dwelling - 8,000 gallons >5,000 square foot dwelling - 13,000 gallons <p>When on-site water is provided to meet fire flow requirements within a fire protection district, the on-site source must be made accessible to responders.</p> <p>When on-site water is provided to meet fire flow requirements outside a fire protection district, then the fire mitigation plan shall include provisions by the home owner for applying the water to the structure in the event of a fire.</p>

Section 11.210 Fire Safety Standard Review Process

- A. Compliance with applicable fire safety standards is required by the ordinance for new, replacement, and modified structures in all rural zones.
1. Fire standards shall be made a part of the **conditions** of approval when a conditional use permit, site plan or subject to standards review, partition, subdivision, or other land use action is required prior to construction.
 2. Structures or alterations to structures that are subject to ministerial review must also comply with all applicable fire standards prior to receiving zoning approval on a building permit application.
 3. In all cases compliance with applicable fire standards shall be self-certified prior to receiving zoning approval on a building permit.
 4. Certifications shall be verified within one year of approval and may be verified by staff site visits at any time.
- B. Continued compliance with fire safety standards is required.
1. Compliance is the responsibility of the land owner.
 2. An illustrative checklist will be provided to land use permit applicants and building permit applicants that explains all necessary steps to comply with applicable fire safety standards.
 3. Required compliance with fire safety standards shall be disclosed to future land owners prior to sale of any parcel.

Where fire safety standards, or a modification of the standards pursuant to 11.220 below, are applied through a land use review as conditions of approval, the conditions of approval shall be recorded along with the notice of decision.

Section 11.220 Modification of Fire Safety Standards

If one or more fire safety standard cannot be met, the applicant must request a modification to fire safety standards. The request for modification shall include a site specific fire safety mitigation plan. The modification of standards review shall be processed in accordance with the procedures in LUDO [Section 2.050\(A\)\(3\)](#). Notice prior to the decision shall be provided to fire responders with jurisdiction by the Planning Director. The decision to approve or deny the request for modification shall meet all public notice requirements.

Section 11.230 Fire Safety Mitigation Plan

A fire safety mitigation plan is required when an applicant needs to request a modification to one or more fire safety standards listed on the self-certification check list. A fire safety mitigation plan is also required for any land division creating lots that can accommodate dwellings. A fire mitigation plan shall include the following:

A. One or more maps and accompanying narrative statement addressing the following:

1. Site description.
2. Documentation of fire protection service or proposed plan for on-site fire protection.
3. Documentation of on-site water supply where required.
4. Driveway construction plan including gate features, size and locations of bridges or culverts and proposed signage.
5. Documentation of fuel break areas if land on adjoining properties is relied on to meet fuel break requirements.
6. Public or private road plans for new roads to serve proposed land divisions (including location, size, and type of bridges and culverts).
7. Other information deemed necessary to allow adequate review of the request for modification.

B. Statement of need

A clear statement of why the fire safety standards cannot feasibly be met.

C. Risk Assessment

An assessment of increased risk of wildfire damage if standard is modified. Risk assessments shall consider the purpose of the standard that cannot be met, the specific proposal, and site conditions to determine what, if any, additional exposure to wild land fire risks could be created by approval of the modification to fire safety standards. The consideration shall include increased risk of the proposed structure becoming a source of ignition and risks to the proposed structure from a wild land fire ignited elsewhere and traveling through the site.

D. Statement of Additional Action Proposed to Eliminate or Minimize Increased Risks

A clear list of additional measures proposed by the applicant to address any increased risks identified in the risk assessment.

Section 11.240 Review of Requested Modification(s)

A. Planning Director Shall Seek Review

1. The Planning Director shall request and consider the comments and recommendations of local emergency responders, including ODF and the State Fire Marshal's Office when making the final decision on a request for modification of fire safety standards. The complete fire safety mitigation plan shall be forwarded to all commenting responders including the Deputy State Fire Marshal.
2. Comments and recommendations by local responders shall be provided to the Planning Director within 15 days.

B. Responses to the Director's Request for Review

1. Responders' comments and recommendations shall do one of the following:
 - a. Support the modification with mitigation measures proposed by the applicant.

- b. Support the modification with a recommendation for alternate mitigation measures detailed by the responders.
- c. Accept the request for modification conditionally though minimum standards cannot be met. This will be done only when the responder commenting on the request cannot recommend feasible means to mitigate risks resulting from approval of the modification. Acceptance of a modification that cannot be fully mitigated or meet minimal standards will also include an assessment of any limitations of service that may accompany approval of the modification.

E.g., an existing off-site bridge is located along a private road accessing the applicant's dwelling and many existing dwellings. The bridge is weight limited but cannot be feasibly upgraded for the one new home. One or more responders may require that the weight limit of the existing bridge be determined and clearly posted and they may also elect to notify the current land owner and all other residents that larger responding vehicles will not respond to calls accessed by that bridge.

- d. Recommend denial of the requested modification(s) on the grounds that:
 - (1) The proposed modification is not necessary because standards can and should be met, including consideration and selection of an alternative location for the development.
 - (2) Approval of the proposed modification will result in undue risk to life and safety.
- 2. Comments and recommendations from emergency responders shall be supported by reasons sufficient to allow the Planning Director to weigh the evidence and arguments prior to deciding to grant, conditionally grant, or deny a request for modification of fire safety standards.
- 3. Approval or denial of a modification to standards is not subject to variance criteria in the LUDO.
- 4. A modification of standards can be reviewed and decided in conjunction with another land use decision where other land use permits are required.
- 5. Approval of a modification of standards is subject to administrative review, public notice, and the opportunity for further review on appeal under LUDO [Section 2.150](#).
- 6. Certifications shall be verified within one year of approval and may be verified by staff site visits at any time.

DETAILED TABLE OF CONTENTS

CHAPTER 12 RESERVED FOR EXPANSION

SECTION

PAGE

DETAILED TABLE OF CONTENTS

CHAPTER 13 NONCONFORMING USES, BUILDINGS AND LOTS & CONSOLIDATION OF UNDEVELOPED SUBDIVISIONS AND LEGAL PARCELS

<u>SECTION</u>		<u>PAGE</u>
13.010	<u>PURPOSE</u>	13-1
13.020	<u>CONTINUATION OF NONCONFORMING USES</u>	13-1
13.030	<u>CONVEYANCE OF NONCONFORMING USE</u>	13-1
13.040	<u>CONSTRUCTION ON AND CONVEYANCE OF NONCONFORMING LEGAL PARCELS</u>	13-1
13.050	<u>GORGE COMMISSION PRIOR APPROVED ACTIONS</u>	13-1
13.060	<u>VERIFICATION OF NONCONFORMING USE</u>	13-1
13.070	<u>RESTORATION OR REPLACEMENT OF LEGALLY CREATED NONCONFORMING STRUCTURE</u>	13-3
13.080	<u>CHANGE TO NONCONFORMING USES & STRUCTURES</u>	13-6
13.090	<u>MINERAL RESOURCE EXTRACTION – GMA ONLY</u>	13-6
13.100	<u>MINERAL RESOURCE EXTRACTION – SMA ONLY</u>	13-6
13.110	<u>SOLID WASTE DISPOSAL – SMA ONLY</u>	13-6
13.200	<u>CONSOLIDATION OF UNDEVELOPED SUBDIVISIONS & LEGAL PARCELS</u>	13-7

CHAPTER 13 NONCONFORMING USES, BUILDINGS AND LOTS

SECTION 13.010 Purpose

It is necessary and consistent with the establishment of this Ordinance, that all uses and structures incompatible with permitted uses or structures in each zone, be strictly regulated and permitted to exist only under rigid controls. The purpose of such regulation and control, is to change a nonconforming use or structure to a conforming status or to discontinue the use or structure.

SECTION 13.020 Continuation of Nonconforming Uses

Except as is hereinafter provided in this Ordinance, the lawful use of a building or structure or of any land or premises lawfully existing at the time of the effective date of this Ordinance or at the time of a change in the official zoning maps may be continued as long as it is used in the same manner and for the same purpose, although such use does not conform with the provisions of this Ordinance.

SECTION 13.030 Conveyance of Nonconforming Use

Nothing in this Ordinance shall be construed to limit the sale, transfer, or conveyance of property on which exists a nonconforming building, structure or use, so long as such sale, transfer, or other conveyance does not otherwise violate the provisions of this Ordinance.

SECTION 13.040 Construction on and Conveyance of Nonconforming Legal Parcels

Nothing in this Ordinance shall be deemed to prohibit construction or reconstruction of conforming uses on nonconforming legal parcels or limit the sale, transfer or conveyance of said legal parcels approved prior to the adoption of this Ordinance, so long as the construction, reconstruction, sale, transfer or conveyance is consistent with all applicable provisions of this Ordinance.

SECTION 13.050 Gorge Commission Prior Approved Actions

Any land use action that has been authorized by the Gorge Commission or Forest Service for the Columbia River Gorge National Scenic Area shall remain valid for the time period initially authorized or a time period granted by extension in accordance with Commission Rule 350-110 or the Interim Guidelines, as applicable. All land use actions authorized under Interim Guidelines shall maintain concurrent County approval to remain valid.

Nothing in the Ordinance will require the loss of a use, activity, structure or parcel of land that was approved by the Gorge Commission or Forest Service for the time period initially authorized or a time period granted by extension in accordance with Commission Rule 350-110 or the Interim Guidelines, as applicable. If an approval period has lapsed without extension, the development action shall be processed as a new action subject to current County Land Use Ordinance.

SECTION 13.060 Verification of Nonconforming Use

Must meet lawfully established and discontinuance or abandonment criteria below.

A. Lawfully Established: For a nonconforming use to be verified as lawfully established it shall be consistent with all of the following:

1. The nonconforming use has not been expanded in size or area or changed in purpose or use beyond what was lawfully established;
2. The property on which the nonconforming use is located meets the definition of legal parcel in Chapter 1 of this ordinance;
3. The nonconforming use was lawfully established on or before the effective date of the provisions of this ordinance prohibiting the use verified by either a or b below. No unlawful use of property existing at the time of the effective date of the provisions of this ordinance shall be deemed a nonconforming use.
 - a. Type I Verification: Lawfully established is verified by non-discretionary evidence including but not limited to zoning approval or County Assessor records verifying the date of establishment. This type of verification is not subject to any review process because it does not involve the exercise of any discretion or judgment. If the applicant wishes documentation of this it shall be done as a Land Use Verification Letter.
 - b. Type II Verification: Lacking non-discretionary evidence, lawfully established is verified by a discretionary process consistent with [Section 2.060\(A\)\(7\)](#).

It is the burden of the applicant to provide a preponderance of evidence which will allow the Planning Director to conclude the nonconforming use was lawfully established. Such evidence includes but is not limited to:

- Utility Bills and Records (phone, power, sewer, water)
- Aerial Photographs
- Dated Photos
- Notarized Letters or Affidavits affirming the date of establishment

B. Discontinuance or Abandonment: For a nonconforming use to be verified as lawfully established it must not have been discontinued or abandoned according to the following criteria. Based on the circumstances, the Director shall determine whether discontinuance or abandonment shall be reviewed as a Type I or Type II process as described in A above.

1. The reference period for determining whether an abandonment or interruption of a nonconforming use or an aspect thereof has occurred shall be twelve (12) consecutive months. Proof of intent to abandon is not required to determine that a nonconforming use has been discontinued or abandoned.
2. An abandonment or interruption of a use may arise from the complete cessation of the actual use for a twelve (12) month period even if improvements to support the use remain in place.

3. An interruption or abandonment for a twelve (12) month period that constitutes less than full cessation of the use or a portion thereof may result in a declaration of a continuing use, but of a lesser intensity or scope than what would have been allowable if the nature and extent of the use as of the date it became nonconforming had continued, even if improvements to support the full use remain in place.
4. If a use or structure is used in a different manner or for a different purpose for a twelve (12) month period than was lawfully established, such a change shall result in a determination that the use has been abandoned or has ceased.

Factors to be considered in determining whether there has been a change in the nature of a use shall include, but are not limited to, consideration of the type of activities being conducted, the operating characteristics of the activities associated with the use (including off-site impacts of those activities), changes in structures associated with the use and changes in the degree to which the activities associated with the use occupy the site.

SECTION 13.070 Restoration or Replacement of Legally Created Nonconforming Structure

- A. Replacement of Existing Structures Not Damaged or Destroyed by Disaster: Except as provided in criterion B below, an existing structure may be replaced if a complete land use application for a replacement structure is submitted to Wasco County within one year of the date the use of the original structure was discontinued. The replacement structure shall comply with the following standards:
 1. The replacement structure shall be used in the same manner and for the same purpose as the original structure.
 2. The replacement structure may have a different size and/or location than the original structure. An existing mobile home may be replaced with a framed residence and an existing framed residence may be replaced with a mobile home.
 3. The replacement structure shall be subject to the scenic, cultural, recreation and natural resources criteria; the treaty rights criteria; and the land use designations criteria for agricultural buffer zones, fire protection, and siting of dwellings on forest land.
 4. The original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the one year time frame.
- B. Replacement of Existing Structures Damaged or Destroyed by Disaster: An existing structure damaged or destroyed by fire, flood, landslide or other similar disaster may be replaced if a complete land use application for a replacement structure is submitted to the Wasco County within two years of the date the original structure was damaged or destroyed. The replacement structure shall comply with the following standards:
 1. The replacement structure shall be used in the same manner and for the same purpose as the original structure. An existing mobile home may be replaced with a framed residence.

- 2.** The replacement structure shall be in the same location as the original structure. An exception may be granted and the replacement structure may be sited in a different location if the following conditions exist:

 - a.** A registered civil engineer, registered geologist, or other qualified and licensed professional hired by the applicant demonstrates the disaster made the original building site physically unsuitable for reconstruction.
 - b.** The new building site is no more visible from key viewing areas than the original building site. An exception may be granted if a registered civil engineer, registered geologist, or other qualified and licensed professional hired by the applicant demonstrates the subject parcel lacks alternative building sites physically suitable for construction that are no more visible from key viewing areas than the original building site.
 - c.** The new building site complies with the cultural resources, natural resources, and treaty rights protection criteria.
- 3.** The replacement structure shall be the same size and height as the original structure, provided:

 - a.** The footprint of the replacement structure may be up to 10 percent larger than the footprint of the original structure.
 - b.** The walls of the replacement structure shall be the same height as the walls of the original structure unless a minor increase is required to comply with standards in the current jurisdictional building code.
- 4.** The replacement structure shall only be subject to the following scenic resources standards:

 - a.** The replacement structure shall comply with the scenic resources criteria regarding color and reflectivity. These criteria shall be applied to achieve the applicable scenic standard (visually subordinate or not visually evident) to the maximum extent practicable.
 - b.** Decks, verandas, balconies and other open portions of the original structure shall not be rebuilt as enclosed (walls and roof) portions of the replacement structure.
 - c.** In the General Management Area, the replacement structure shall comply with the scenic resources criteria regarding landscaping. These criteria shall be applied to achieve the applicable scenic standard (visually subordinate) to the maximum extent practicable, provided:

 - (1)** Except as provided in (2) below, the percent of the replacement structure screened by vegetation as seen from key viewing areas shall not exceed the percent of the original structure that was screened by vegetation as seen from key viewing areas. Coniferous vegetation shall be replaced with coniferous vegetation and deciduous vegetation shall be replaced with deciduous vegetation unless the applicant chooses to use all coniferous vegetation.

6. The original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the two year time frame.

SECTION 13.080 Change To Nonconforming Uses & Structures

Except as otherwise provided, any change to an existing use or modification to the exterior of an existing structure shall be subject to review and approval pursuant to this Ordinance.

- A. Expansion of Existing Industrial Uses in the GMA shall be prohibited:
- B. Conversion of Existing Industrial Uses in the GMA: In the GMA, existing industrial uses may convert to less intensive uses. For this section, a less intensive use is a commercial, recreation, or residential use with fewer adverse effects upon scenic, cultural, natural, and recreation resources.

SECTION 13.090 Mineral Resource Extraction (GMA Only)

In the General Management Area, existing development or production of mineral resources may continue unless the Gorge Commission determines that the uses adversely affect the scenic, cultural, natural or recreational resources of the Scenic Area. These uses will be considered discontinued and subject to the land use ordinances under this Ordinance if:

- A. The mined land has been reclaimed naturally or artificially to a point where it is revegetated to fifty (50) percent of its original cover (considering both basal and canopy) or has reverted to another beneficial use, such as grazing. Mined land shall not include terrain which was merely leveled or cleared of vegetation; or
- B. The site has not maintained both a required Department of Geology and Mineral Industries Permit and County permit; or
- C. The site has not operated legally within five (5) years prior to the date of adoption of the Management Plan.

SECTION 13.100 Mineral Resource Extraction (SMA Only)

Uses involving the exploration, development or production of sand, gravel or crushed rock in Special Management Areas may continue when:

- A. The sand, gravel, or crushed rock is used for construction or maintenance of roads used to manage or harvest forest products in Special Management Areas; and
- B. A determination by the Forest Service finds that the use does not adversely affect the scenic, cultural, natural or recreational resources.

SECTION 13.110 Solid Waste Disposal (SMA Only)

Solid waste disposal sites or sanitary landfills are not allowed in Special Management Areas.

SECTION 13.200 Consolidation of Undeveloped Subdivisions

A. Consolidation of Undeveloped Subdivisions

1. A unit of land shall be consolidated with adjacent lands in the same ownership if the subdivision within which the unit of land is located is undeveloped pursuant to [ORS 92](#), Undeveloped Subdivisions.
2. No portion of a consolidated plat shall be considered a separate parcel solely because an existing parcel overlays, and possibly fragments, that consolidated subdivision.
3. Criterion A shall not be applied to consolidate two or more units of land where each unit of land is developed with a dwelling that qualifies as an existing use. One or more undeveloped units of land shall be consolidated with one or more developed units of land.
4. Lots shall be consolidated through the process outlined in [ORS 92](#), Undeveloped Subdivisions, or through a Replat process as outlined in [Chapter 21](#).

DETAILED TABLE OF CONTENTS

CHAPTER 14 SCENIC AREA REVIEW

<u>SECTION</u>		<u>PAGE</u>
14.010	<u>PURPOSE</u>	14-1
14.020	<u>COMPLETE APPLICATION REQUIREMENTS FOR A SCENIC AREA REVIEW</u>	14-1
14.100	<u>PROVISIONS FOR ALL NEW DEVELOPMENT</u>	14-7
14.200	<u>KEY VIEWING AREAS</u>	14-10
14.300	<u>SCENIC TRAVEL CORRIDORS</u>	14-17
14.400	<u>LANDSCAPE SETTINGS</u>	14-21
14.500	<u>CULTURAL RESOURCES - GMA</u>	14-29
14.510	<u>CULTURAL RESOURCES - SMA</u>	14-50
14.600	<u>NATURAL RESOURCES - GMA</u>	14-56
14.610	<u>NATURAL RESOURCES - SMA</u>	14-82
14.700	<u>RECREATION RESOURCES - GMA</u>	14-89
14.710	<u>RECREATION RESOURCES – SMA</u>	14-96
14.800	<u>INDIAN TRIBAL TREATY RIGHTS AND CONSULTATION - GMA</u>	14-115
14.810	<u>INDIAN TRIBAL TREATY RIGHTS AND CONSULTATION - SMA</u>	14-117

CHAPTER 14 SCENIC AREA REVIEW

SECTION 14.010 Purpose

The purpose of the Scenic Area Review is to preserve, protect and enhance the scenic, natural, cultural and recreational values of the Gorge and to assure that development occurs in a manner which is compatible with its unique qualities.

SECTION 14.020 Complete Application Submittal Requirements for a Scenic Area Review

A. Application Form Requirements

1. Project applicant's name and address.
2. Property owner's name and address if different than 1 above.
3. Location of the proposed use, including township, range, section, and tax lot number.
4. A written description of the proposed use, including details on the height, dimensions, exterior color(s), and construction materials of proposed structures.
5. A list of Key Viewing Areas that are visible from the proposed development site and from which the proposed use would be visible.
6. Legal parcel documentation.
7. Legal structure documentation. Evidence that a structure was lawfully established shall include the following:
 - a. Wasco County Assessor records verifying the structure was built prior to 4 September 1974; or
 - b. Any one of the following:
 - (1) a valid Oregon State Building Codes permit signed by the Wasco County Planning Department between 4 September 1974 and 17 November 1986; or
 - (2) a valid Wasco Sherman Health Department septic permit before 1 January 1985; or
 - (3) a valid Land Use Compatibility Statement signed by the Wasco County Planning Department between 1 January 1985 and 17 November 1986, or
 - (4) National Scenic Area approval by either the Columbia River Gorge Commission, the USDA Forest Service, or the Wasco County Planning Department, after 17 November 1986, and a valid Oregon State Building Codes permit signed by the Wasco County Planning Department.

8. Signatures of the owners or authorized representatives.

B. Site Plan

A complete site plan shall be submitted for all new development, except for buildings smaller than 60 square feet in area and less than or equal to 10 feet in height, as measured at the roof peak.

The site plan shall be prepared at a scale of 1" = 200' or a scale providing greater detail which clearly indicates the following information:

ALL DEVELOPMENT

1. Boundaries, dimensions, and size of the subject parcel.
2. Location, size, and shape, of all existing and proposed buildings and structures on the subject parcel.
3. Access: Indicate all existing and proposed points of ingress and egress and whether they are public or private.
4. Location, dimensions and method of improvement of all roads, access drives, trails, and parking areas with individual parking spaces and internal circulation patterns.

Access drives shall be constructed to a minimum of twelve (12) feet in width and not exceed a grade of twelve (12) percent with turnouts provided at a minimum of every five hundred (500) feet.

5. Location of existing and proposed services, including wells or other water supplies, sewage disposal systems, telephone and power poles and lines. Telephone and power supply systems shall be underground whenever practical.
6. The location of the pond, stream, tank or sump with storage of not less than 1,000 gallons if the well or water system is not capable of delivering twenty (20) gallons per minute.
7. The location of a standpipe (water spigot) a minimum of fifty (50) feet from each flammable structure if the development includes a plumbed water system.
8. Location, size and dimension of all yards and setbacks and all spaces between buildings.
9. Lighting: General nature and location (not including interior building lighting).
10. Outdoor storage and activities, if permitted in the zone, showing type, location and height of screening devices, including trash and recycling storage locations and their pick up locations.
11. Location and depth of all proposed grading, filling, ditching and excavating unless a grading plan

is required by F below.

12. North arrow and map scale.
13. Significant terrain features and landforms.
14. Bodies of water and watercourses.

NON RESIDENTIAL DEVELOPMENT

15. Signs: Locations, size, height, material and method of illumination.
16. Loading: Location, dimensions, internal circulation and access from public right-of-way.
17. General locations for all temporary facilities associated with a commercial event.

C. Material Samples - As part of a complete application, material samples for all exterior surfaces of proposed structures shall be submitted. Material samples may be paint samples, stain samples, a piece of the physical construction material, brochures, manufactures specifications, or other material or information that is adequate to represent the final exterior appearance. Samples shall be required for all exterior parts of proposed structure(s) including but not limited to:

1. Main
2. Trim or Secondary
3. Roof. The roof shall be constructed of fire resistant material.
4. Window frames, sills, and sashes
5. Doors, including garage doors, and
6. Hooding for exterior lighting

D. Landscaping Plan - A detailed plan for landscaping which shall clearly illustrate:
(The landscaping plan may be included on the site plan if there is adequate detail to show all of the required information.)

1. The location, height and species of existing trees and vegetation. Indicate which are proposed to be removed. The landscaping plan shall include detailed information to the level of individual trees and groupings of vegetation for the proposed development area and all topographically visible corridors between the proposed development area and Key Viewing Areas. The landscaping information for the remainder of the property may be generalized.
2. The location, height and species of individually proposed trees and vegetation groupings.

3. Indicate the fifty (50) foot fuel break surrounding each new building and how this area will meet hazardous fuels reduction standards.

Irrigated or fire resistant vegetation may be planted within the fuel break. This could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced with greater than fifteen (15) feet between the crowns and pruned to remove dead and low [less than eight (8) feet] branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees.

4. The location of automatic sprinkler systems or other irrigation provisions to ensure survival of landscape planting for screening purposes.

- E. Elevation Drawing - Elevation drawings shall show the appearance of all sides of proposed structures and shall include natural grade, finished grade, and the geometrical exterior of at least the length and width of structures as seen from a horizontal view. Elevation drawings shall be drawn to scale.

F. Grading Plan

1. All applications for structural development, except for trails in the SMA, involving more than 100 cubic yards of grading with slopes greater than 10 percent shall include a grading plan.
2. All proposed structural development involving more than 200 cubic yards of grading on sites visible from Key Viewing Areas shall include a grading plan
3. All grading plans shall include the following:
 - a. A map of the site, prepared at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with contour intervals of at least 5 feet, including:
 - (1) Natural and finished grades.
 - (2) Location of all areas to be graded, with cut banks and fill slopes delineated.
 - (3) Estimated dimensions of graded areas.
 - b. A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:
 - (1) Its purpose.
 - (2) An estimate of the total volume of material to be moved.
 - (3) The height of all cut banks and fill slopes.

- (4)** Provisions to be used for compactions, drainage, and stabilization of graded areas. (Preparation of this information by a licensed engineer or engineering geologist is recommended.)
- (5)** A description of all plant materials used to revegetate exposed slopes and banks, including the species, number, size, and location of plants, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings.
- (6)** A description of any other interim or permanent erosion control measures to be used.

SECTION 14.100 Provisions For All New Development (GMA & SMA)

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

SITING

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

DESIGN/COLOR

- C. New buildings shall be compatible with the general scale (height, dimensions and overall mass) of existing nearby development. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
- D. Unless expressly exempted by other provisions, colors of all exterior surfaces of structures on sites not visible from Key Viewing Areas shall be earth-tones found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The Scenic Resources Implementation Handbook will include a recommended palette of colors.
- E. Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of dark earth-tone colors found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The *Scenic Resources Implementation Handbook* will include a recommended palette of colors.
- F. Outdoor lighting shall be directed downward, sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and the Columbia River as well as preventing the lighting from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting. Shielding and hooding materials shall be composed of non-reflective opaque materials. There shall be no visual pollution due to the siting or brilliance, nor shall it constitute a hazard for traffic.

LANDSCAPING

- G. All ground disturbance as a result of site development shall be revegetated no later than the next planting season (Oct-April) with native species. The property owners and their successors in interest shall be responsible for survival of planted vegetation, and replacement of such vegetation that does not survive.
- H. Except as is necessary for site development or fire safety purposes, the existing tree cover screening the development area on the subject parcel from Key Viewing Areas and trees that provide a back

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

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

1. All trees shall be at least 4 feet tall at planting, well branched, and formed.
2. Each tree shall be braced with 3 guy wires and protected from livestock and wildlife. The guy wires need to be removed after two winters.
3. The trees must be irrigated until they are well established.
4. Trees that die or are damaged shall be replaced with trees that meet the planting requirements above.

SECTION 14.200 Key Viewing Areas

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

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

SITING

- B.** New development shall be sited to achieve visual subordination from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, endemic and listed plants, sensitive wildlife sites or conflict with standards to protect cultural resources. In such situations, development shall comply with this standard to the maximum extent practicable. (GMA Only)
- C.** New development shall be sited to achieve visual subordination utilizing existing topography, and/or existing vegetation as needed in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA from Key Viewing Areas.
- D.** Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from Key Viewing Areas.
- E.** The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as seen from Key Viewing Areas. A variance in the General Management Area may be granted according to Chapter 6 if application of the guidelines would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use and may be applied only after all reasonable efforts to modify the design, building height and site to comply with the criteria have been made.
- F.** An alteration to a building built prior to November 17, 1986, which already protrudes above the skyline of a bluff, cliff or ridge as seen from a Key Viewing Area, may itself protrude above the skyline if:

 - 1.** The altered building, through use of color, landscaping and/or other mitigation measures, contrasts less with its setting than before the alteration; and
 - 2.** There is no practicable alternative means of altering the building without increasing the protrusion.
- G.** Except for water-dependent development and for water-related recreation development, development shall be set back 100 feet from the ordinary high water mark of the Columbia River below Bonneville Dam, and 100 feet from the normal pool elevation of the Columbia River above Bonneville Dam, unless the setback would render a property unbuildable. In such cases, variances to this guideline may be authorized according to Chapter 6 of this Ordinance. In the SMA the setbacks described above shall be 200 feet.
- H.** New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. Variances to this guideline may be authorized according to Chapter 6 of this Ordinance if its application would render a property unbuildable. In determining the slope, the average percent slope of the proposed building site shall be utilized.

Design/Color

- I.** Unless expressly exempted by other provisions in this chapter, colors of all exterior surfaces of

structures visible from Key Viewing Areas shall be dark earth-tones found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The Scenic Resources Implementation Handbook will include a recommended palette of colors.

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

Landscaping

- K. The following criteria shall apply to new landscaping used to screen development from Key Viewing Areas:
 1. New landscaping (including new earth berms) shall be required only when application of all other available guidelines in this chapter is not sufficient to make the development visually subordinate in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA from Key Viewing Areas. Alternate sites shall be considered prior to using new landscaping to achieve visual subordination. Development shall be sited to avoid the need for new landscaping wherever possible.
 2. If new landscaping is required to make a proposed development visually subordinate in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA from Key Viewing Areas, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this criterion shall be sized to provide sufficient screening to make the development visually subordinate within five years or less from the commencement of construction.
 3. Unless as specified otherwise by provisions in this chapter, landscaping shall be installed as soon as practicable, and prior to project completion.
 4. Conditions regarding new landscaping or retention of existing vegetation for new developments shall meet both scenic guidelines and the fuel break guidelines listed in the fire protection standards for each zone.

MISCELLANEOUS

- L.** Determination of potential visual effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments.
- M.** New main lines on lands visible from Key Viewing Areas for the transmission of electricity, gas, oil, other fuels, or communications, except for connections to individual users or small clusters of individual users, shall be built in existing transmission corridors unless it can be demonstrated that use of existing corridors is not practicable. Such new lines shall be underground as a first preference unless it can be demonstrated to be impracticable.
- N.** New communication facilities (antennae, dishes, etc.) on lands visible from Key Viewing Areas, which require an open and unobstructed site shall be built upon existing facilities unless it can be demonstrated that use of existing facilities is not practicable.
- O.** New communications facilities may protrude above a skyline visible from a Key Viewing Area only upon demonstration that:
 - 1. The facility is necessary for public service;
 - 2. The break in the skyline is seen only in the background; and
 - 3. The break in the skyline is the minimum necessary to provide the service.
- P.** Overpasses, safety and directional signs and other road and highway facilities may protrude above a skyline visible from a Key Viewing Area only upon a demonstration that:
 - 1. The facility is necessary for public service;
 - 2. The break in the skyline is the minimum necessary to provide the service.
- Q.** In addition to all applicable criteria above, all Mineral and Aggregate related uses on lands visible from Key Viewing Areas shall meet all applicable criteria in [Chapter 10](#).
- R.** In addition to the GMA standards, the following will be required in the SMA.
 - 1. New developments and land uses shall be evaluated to ensure that the required scenic standard is met and that scenic resources are not adversely affected, including cumulative effects, based on the degree of visibility from Key Viewing Areas.
 - 2. Sites approved for development to achieve scenic standards shall be consistent with guidelines to protect wetlands, riparian corridors, sensitive plant or wildlife sites and the buffer zones of each of these natural resources, and guidelines to protect cultural resources.
 - 3. In all landscape settings, scenic standards in Table below shall be met by blending new development with the adjacent natural landscape elements rather than with existing development.

REQUIRED SMA SCENIC STANDARDS		
LANDSCAPE SETTING	LAND USE DESIGNATION	SCENIC STANDARD
Coniferous Woodland, Oak-Pine Woodland	Forest (National Forest Lands), Open Space	Not Visually Evident
River Bottomlands	Open Space	Not Visually Evident
Gorge Walls, Canyonlands, Wildlands	Forest, Agriculture, Public Recreation, Open Space	Not Visually Evident
Coniferous Woodland, Oak-Pine Woodland	Forest, Agriculture, Residential, Public Recreation	Visually Subordinate
Residential	Residential	Visually Subordinate
Pastoral	Forest, Agriculture, Public Recreation, Open Space	Visually Subordinate
River Bottomlands	Forest, Agriculture, Public Recreation	Visually Subordinate

4. Structure height shall remain below the average tree canopy height of the natural vegetation adjacent to the structure, except if it has been demonstrated that meeting this criterion is not feasible considering the function of the structure.
 5. Seasonal lighting displays shall be permitted on a temporary basis, not to exceed 3 months.
 6. Proposed developments or land uses shall be sited to achieve the applicable scenic standard. Development shall be designed to fit the natural topography, to take advantage of landform and vegetation screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics. When screening of development is needed to meet the scenic standard from key viewing areas, use of existing topography and vegetation shall be given priority over other means of achieving the scenic standard such as planting new vegetation or using artificial berms.
- S. The following are not required to meet scenic standards:
1. Uses and activities in Developed Settings as specified in [14.400\(J\)](#), Landscape Settings.
 2. Rehabilitation of or modification of significant historic structures, carried out in compliance with the National Register of Historic Places guidelines (SMA)/National Parks Service regulations for such structures (GMA). To be eligible for such exemption, the structure must be included in or eligible for the National Register of Historic Places or be in the process of applying for a determination of significance pursuant to such regulations. Rehabilitation of or modifications to

structures meeting this guideline shall be consistent with National Park Service regulations for such structures.

3. Shoreline developments, uses and activities on the mainstream of the Columbia River that are adjoining Urban Areas.

SECTION 14.300 Scenic Travel Corridors (GMA & SMA)

- A.** Several state and federal highways, renowned as highly scenic travel and recreation corridors, traverse the National Scenic Area. These travelways parallel the Columbia River and several of its major tributaries. Among these well-known roads are the Historic Columbia River Highway and Interstate 84 (recently designated as one of the most scenic highways in America by Rand McNally).

The "Scenic Travel Corridors" program in the Management Plan acknowledges the importance of these travelways to the National Scenic Area. It provides measures to protect and enhance the scenic qualities of the landscapes within the foregrounds of these roads. Many of the standards included in this section require implementing actions from the state agencies charged with managing these scenic byways, in coordination with local governments.

- B.** The Historic Columbia River Highway and Interstate 84 are designated as Scenic Travel Corridors. Development along these corridors shall be subject to the following standards:
- 1.** For the purposes of implementing this section, the foreground of a Scenic Travel Corridor shall include those lands within one-quarter mile of the edge of pavement of the Scenic Travel Corridor roadway.
 - 2.** All new buildings and alterations to existing buildings shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway. A variance to this setback requirement may be granted pursuant to [Chapter 6](#). All new parking lots and expansions of existing parking lots shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway, to the maximum extent practicable.
 - 3.** Additions to existing buildings or expansion of existing parking lots located within 100 feet of the edge of pavement of a Scenic Travel Corridor roadway shall comply with standard 2 of this subsection to the maximum extent practicable.
 - 4.** All proposed vegetation management projects in public rights-of-way to provide or improve views shall include the following:
 - a.** An evaluation of potential visual impacts of the proposed project as seen from any Key Viewing Area;
 - b.** An inventory of any rare plants, special wildlife habitat, wetlands or riparian areas on the project site. If such resources are determined to be present, the project shall comply with applicable Management Plan guidelines to protect the resources.
 - 5.** When evaluating which locations to consider undergrounding of signal wires or powerlines, railroads and utility companies shall prioritize those areas specifically recommended as extreme or high priorities for undergrounding in the *Columbia River Gorge National Scenic Area Corridor Visual Inventory*, prepared in April, 1990.

6. New production and/or development of mineral resources proposed within one-quarter mile of the edge of pavement of a Scenic Travel Corridor may be allowed upon a demonstration that full visual screening of the site from the Scenic Travel Corridor can be achieved by use of existing topographic features or existing vegetation designed to be retained through the planned duration of the proposed project. An exception to this may be granted if planting of new vegetation in the vicinity of the access road to the mining area would achieve full screening. If existing vegetation is partly or fully employed to achieve visual screening, over 75 percent of the tree canopy area shall be coniferous species providing adequate winter screening. Mining and associated primary processing of mineral resources is prohibited within 100 feet of a Scenic Travel Corridor, as measured from the edge of pavement, except for access roads. An interim time period to achieve compliance with full screening requirements shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed one year beyond the date of approval. Quarrying activity occurring prior to achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).
 7. Expansion of existing quarries may be allowed pursuant to [Section 10.300\(B\)\(2\)](#). Compliance with visual subordination requirements shall be achieved within timeframes specified in [Section 10.300\(B\)\(3\)](#). **(GMA Only)**
- C. In the SMA the following additional criteria shall apply to development within the immediate foregrounds of Key Viewing Areas. Immediate foregrounds are defined as within the developed prism of a road or trail KVA or within the boundary of the developed area.
1. The proposed development shall be designed and sited to meet the applicable scenic standard from the foreground of the subject KVA. If the development cannot meet the standard, findings must be made documenting why the project cannot meet the requirements in the previous section and why it cannot be redesigned or wholly or partly relocated to meet the scenic standard.
 2. Findings must evaluate the following:
 - a. The limiting factors to meeting the required scenic standard and/or applicable guidelines from the previous section,
 - b. Reduction in project size;
 - c. Options for alternative sites for all or part of the project, considering parcel configuration and on-site topographic or vegetative screening;
 - d. Options for design changes including changing the design shape, configuration, color, height, or texture in order to meet the scenic standard.
 3. Form, line, color, texture, and design of a proposed development shall be evaluated to ensure that the development blends with its setting as seen from the foreground of key viewing areas:

- a.** Form and Line-Design of the development shall minimize changes to the form of the natural landscape. Development shall borrow form and line from the landscape setting and blend with the form and line of the landscape setting. Design of the development shall avoid contrasting form and line that unnecessarily call attention to the development.
 - b.** Color-Color shall be found in the project's surrounding landscape setting. Colors shall be chosen and repeated as needed to provide unity to the whole design.
 - c.** Texture-Textures borrowed from the landscape setting shall be emphasized in the design of structures. Landscape textures are generally rough, irregular, and complex rather than smooth, regular, and uniform.
 - d.** Design-Design solutions shall be compatible with the natural scenic quality of the Gorge. Building materials shall be natural or natural appearing. Building materials such as concrete, steel, aluminum, or plastic shall use form, line color and texture to harmonize with the natural environment. Design shall balance all design elements into a harmonious whole, using repetition of elements and blending of elements as necessary.
- 4.** Screening from key viewing areas shall be encouraged for existing and required for new road maintenance, warehouse, and stockpile areas.

SECTION 14.400 Landscape Settings(GMA & SMA)

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

Landscape Setting goals, policies and guidelines, as defined and identified in the Management Plan, represent a long-term vision of scenic protection as expressed in the landscape. The following design standards are provided to ensure that new developments are compatible with and maintain the character of their settings. These standards are not intended to limit imagination, variety or creative design solutions.

The Scenic Resources Implementation Handbook shall include recommended species for each landscape setting and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).

A. Pastoral Landscape Setting

GMA Only

1. Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.
2. In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development:
 - a. Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.
 - b. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas fir, Lombardy poplar (usually in rows), Oregon white oak, bigleaf maple, and black locust (primarily in the eastern Gorge).
 - c. At least one-quarter of any trees planted for screening shall be coniferous for winter screening.

SMA Only

3. Pastoral areas shall retain the overall appearance of an agricultural landscape. The use of plant species in rows as commonly found in the landscape setting is encouraged. The use of plant species common to the landscape setting shall be encouraged.

B. Coniferous Woodland Landscape Setting

GMA Only

1. Structure height shall remain below the forest canopy level.
2. In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development:
 - a. At least half of any trees planted for screening purposes shall be species native to the setting. Such species include: Douglas fir, grand fir, western red cedar, western hemlock, bigleaf maple, red alder, ponderosa pine and Oregon white oak, and various native willows (for riparian areas).
 - b. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

SMA Only

3. Woodlands areas shall retain the overall appearance of a woodland landscape. New developments and land uses shall retain the overall visual character of the natural appearance of the Coniferous Woodland landscape.
 - a. Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native appearing characteristics.
 - b. Buildings shall be encouraged to have a vertical overall appearance.

C. Oak-Pine Woodland Landscape Setting

GMA Only

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

For substantially wooded portions:

- c. Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from Key Viewing Areas shall be retained.

For treeless portions or portions with scattered tree cover:

- d. Structures shall be sited on portions of the property which provide maximum screening from Key Viewing Areas utilizing existing topographic features.
- e. Patterns of plantings for screening vegetation shall be in character with the surroundings. Residences in grassy, open areas or savannahs shall be partly screened with trees in small groupings and openings between groupings.
- f. Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.

SMA Only

- 3. Woodland areas should retain the overall appearance of a woodland landscape. New developments and land uses shall retain the overall visual character of the natural appearance of the Oak/Pine Woodland landscape.
 - a. Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native appearing characteristics.
 - b. Buildings shall be encouraged to have horizontal overall appearance.

D. Grassland Landscape Setting

GMA Only

- 1. Accessory structures, outbuildings and accessways shall be clustered together as much as possible. Exceptions to this criterion, where necessary for farming operations, are permitted.
- 2. In portions of this setting visible from Key Viewing Areas, the following standard shall be employed to achieve visual subordination standards for new development and expansion of existing development:
 - a. Structures shall be sited on portions of the property which provide maximum screening from Key Viewing Areas utilizing existing topographic features.
 - b. Lower structures which emphasize horizontal lines and blend with this sweeping landscape shall be encouraged rather than very tall structures.
 - c. Planting of trees for screening shall not be extensive, in character with the openness of this

setting. Where utilized, screening vegetation shall either tie in with near-by riparian vegetation in seasonal drainages or emulate windrows. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include: Oregon white oak, Lombardy poplar, black locust, black cottonwood (wet locations), Russian olive and ponderosa pine.

E. Rural Residential Landscape Setting

GMA Only

1. In portions of this setting visible from Key Viewing Areas, and not exempt from visual subordination standards (see J below), the following standards shall be employed to achieve visual subordination for new development:
 - a. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.
 - b. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

F. Rural Residential/Pastoral, Coniferous Woodland or Oak-Pine Woodland Landscape Setting

GMA Only

1. New development in this setting shall meet the design standards described for both the Rural Residential setting and the more rural setting with which it is combined (either Pastoral, Coniferous Woodland, or Oak-Pine Woodland), unless it can be demonstrated that compliance with the guidelines for the more rural setting is impracticable. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
2. In the event of a possible conflict between the two sets of standards, the standards for the more rural setting (Coniferous Woodland, Pastoral, or Oak-Pine Woodland) shall apply, unless it can be demonstrated that application of such standards would not be practicable.

G. Residential Landscape Setting

GMA Only

1. In portions of this setting visible from Key Viewing Areas *and not exempt from visual subordination* standards (see J below), the following standards shall be employed to achieve visual subordination for new development and expansion of existing development:
 - a. Structures' exteriors shall be non-reflective unless fully screened from Key Viewing Areas with existing vegetation and/or topography.

- b. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.
- c. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

SMA Only

- 2. The Residential setting is characterized by concentrations of dwellings.
 - a. Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native appearing characteristics.
 - b. At Rowena Dell, new buildings shall have a rustic appearance and use natural materials.

H. River Bottomlands Landscape Setting

GMA Only

- 1. In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development:
 - a. At least half of any trees planted for screening purposes shall be species native to the River Bottomland setting. Public recreation developments are encouraged to maximize the percentage of planted screening vegetation native to this setting. Such native species include: black cottonwood, bigleaf maple, red alder, Oregon white ash, Douglas fir, western red cedar and western hemlock (west Gorge) and various native willow species.
 - b. At least one-quarter of any trees planted for screening purposes shall be coniferous for winter screening.

SMA Only

- 2. River bottomlands shall retain the overall visual character of a floodplain and associated islands:
 - a. Buildings shall have an overall horizontal appearance in areas with little tree cover.
 - b. Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native-appearing characteristics.

I. Gorge Walls, Canyonlands and Wildlands Landscape Setting

GMA Only

1. New development and expansion of existing development shall be screened so as to not be seen from Key Viewing Areas to the maximum extent practicable.
2. All trees planted to screen permitted development and uses from Key Viewing Areas shall be native to the area.
3. All buildings shall be limited in height to 1 1/2 stories.
4. The exteriors of structures shall be non-reflective.
5. Signage shall be limited to natural materials such as wood or stone, and natural colors or earth-tone colors, unless public safety concerns or federal or state highway standards require otherwise.

SMA Only

6. New developments and land uses shall retain the overall visual character of the natural appearing landscape:
 - a. Structures, including signs, shall have a rustic appearance, use non-reflective materials, have low contrast with the surrounding landscape, and be of Cascadian architectural style.
 - b. Temporary roads must be promptly closed and revegetated.
 - c. New utilities must be below ground surface, where feasible.
 - d. Use of plant species non-native to the Columbia River Gorge shall not be allowed.
7. Signage shall be limited to natural materials such as wood or stone, and natural colors or earth-tone colors, unless public safety concerns or federal or state highway standards require otherwise.

J. Special Settings

GMA Only

1. Two landscape settings in Wasco County are considered developed settings: Rural Residential and Residential. Of all General Management Area lands in these two settings, two particular areas which are not visually sensitive have been identified. New development in these settings shall be compatible with the setting, but not necessarily visually subordinate. New developments in these settings are exempt from the color and siting guidelines in the Key Viewing Areas section of this chapter. These areas are:
 - a. Murray's Addition subdivision, The Dalles (Residential)

Section 14.500 Cultural Resources (GMA Only)

A. Purpose:

1. Protect and enhance cultural resources.
2. Ensure that proposed development and uses do not have an adverse effect on significant cultural resources.

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

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

a. Each proposed use or element of a proposed use within an application shall be evaluated independently to determine whether a reconnaissance survey is required; for example, an application that proposes a land division and a new dwelling would require a reconnaissance survey if a survey would be required for the dwelling

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

(1) The modification, expansion, replacement, or reconstruction of existing buildings and structures.

(2) Proposed uses that would not disturb the ground, including:

(a) land divisions and lot-line adjustments/replats;

(b) storage sheds that do not require a foundation;

(c) low-intensity recreation uses, such as fishing, hunting, and hiking;

(d) installation of surface chemical toilets;

(e) hand treatment of brush within established rights-of-way; and

(f) new uses of existing structures.

(3) Proposed uses that involve minor ground disturbance, as defined by depth and extent, including:

(a) repair and maintenance of lawfully constructed and serviceable structures;

(b) home gardens;

- (c) live-stock grazing;
- (d) cultivation that employs minimum tillage techniques, such as replanting pastures using a grassland drill;
- (e) construction of fences;
- (f) new utility poles that are installed using an auger, post-hole digger, or similar implement; and
- (g) placement of mobile homes where septic systems and underground facilities are not involved.

The Gorge Commission will review all land use applications and determine if proposed uses would have a minor ground disturbance.

- (4) Proposed uses that occur on sites that have been disturbed by human activities, provided the proposed uses do not exceed depth and extent of existing ground disturbance.
 - (a) To qualify for this exception, a project applicant must demonstrate that land disturbing activities occurred in the project area.
 - (b) Land disturbing activities include grading and cultivation.
- (5) Proposed uses that would occur on sites that have been adequately surveyed in the past.
 - (a) The project applicant must demonstrate that the project area has been adequately surveyed to qualify for this exception.
 - (b) Past surveys must have been conducted by a qualified professional and must include a surface survey and subsurface testing.
 - (c) The nature and extent of any cultural resources in the project area must be adequately documented.
- (6) Proposed uses occurring in areas that have a low probability of containing cultural resources, except:
 - (a) residential development that involves two or more new dwellings for the same project applicant;
 - (b) recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and

environmental education facilities;

- (c) public transportation facilities that are outside improved rights-of-way;
- (d) electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and
- (e) communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

Areas that have a low probability of containing cultural resources will be identified using the results of reconnaissance surveys conducted by the Gorge Commission, the U.S. Forest Service, public agencies, and private archaeologists.

- c. A reconnaissance survey shall be required for all proposed uses within 500 feet of a known cultural resource, including those listed above in (a)(1) through (6). The location of known cultural resources are shown in the cultural resource inventory.
 - d. The Gorge Commission may choose to conduct a reconnaissance survey for proposed uses listed in the exceptions if, in its professional judgement, a reconnaissance survey may be necessary to ensure protection of cultural resources.
2. A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or compromise features of the surrounding area that are important in defining the historic or architectural character of the buildings or structures that are 50 years old or older.
3. The Gorge Commission will conduct and pay for all reconnaissance and historic surveys for small-scale uses in the General Management Area.
- a. When archaeological resources or traditional cultural properties are discovered, the Gorge Commission also will identify the approximate boundaries of the resource or property and delineate a reasonable buffer zone.
 - b. Reconnaissance surveys and buffer zone delineations for large-scale uses shall be the responsibility of the project applicant.
 - c. The Gorge Commission will conduct and pay for evaluations of significance and mitigation plans for cultural resources that are discovered during construction, subsection G, for small and large-scale uses in the General Management Area.
 - d. For this Ordinance, large-scale uses include development involving:
 - (1) two or more new residential dwellings;

- (2) recreation facilities;
 - (3) commercial and industrial development;
 - (4) public transportation facilities;
 - (5) electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater;
 - (6) communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances; and
 - (7) disposal sites
4. The primary responsibility and cost of preparing an Evaluation of Significance, D; Assessment of Affect, E; or Mitigation Plan, F, shall be borne by the project applicant.
- a. If the applicant has no practicable alternative, according to (7) below, Practicable Alternative Test, allowing them to avoid an affected cultural resource, or is seeking to make a change or addition to a historic resource, the Forest Service has agreed to provide services to aid in the preparation of the Evaluation of Significance, Assessment of Effect, or Mitigation Plan to the greatest extent possible.
 - b. The responsibility for and cost of any development necessary to protect or mitigate effects on the cultural resource shall be borne by the project applicant.
5. All cultural resource surveys, evaluations, assessments, and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published in [36 Code of Federal Regulations \(CFR\) Part 61](#) and *Guidelines for evaluating and Documenting Traditional Cultural Properties* (Parker and King, no date).
- 1. If cultural resources may be affected by a proposed use, an evaluation shall be performed to determine if they are significant. Cultural resources are significant if one of the following criteria is satisfied:
 - A. The cultural resources are included in, or eligible for inclusion in, the National Register of Historic Places.
- The criteria for evaluating the eligibility of cultural resources for the National Register of Historic Places appear in the "National Register Criteria for Evaluation" ([36 CFR 60.4](#)). Cultural resources are eligible for the National Register of Historic Places if they possess integrity of location, design, setting, materials, workmanship, feeling, and association. In addition, they must meet one or more of the following criteria:
- (1) Have an association with events that have made a significant contribution to the

broad patterns of the history of this region.

- (2) Have an association with the lives of persons significant in the past.
- (3) Embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction.
- (4) Yield, or may be likely to yield, information important in prehistory or history.

- B. The cultural resources are determined to be culturally significant by an Indian tribal government, based on criteria developed by that Indian tribal government and filed with the Gorge Commission.
- 2. If a project applicant's and Indian tribal government's evaluations of significance contradict, the Cultural Advisory Committee (CAC) shall review the applicant's evaluation and Indian tribal government's substantiated concerns. The CAC will submit a recommendation to the local government as to whether affected cultural resources are significant.
 - 3. If cultural resources are determined to be significant, there shall be a professional assessment of the effects of the proposed use. The assessment shall be based on the criteria published in "Protection of Historic Properties" ([36 CFR 800.5](#)).
 - 4. A mitigation plan shall be prepared if a proposed use would have an adverse effect on significant cultural resources. The criteria published in "Resolution of Adverse Effects" ([36 CFR 800.6](#)) shall be used to determine if a proposed use would have an adverse effect.
 - 5. Mitigation measures shall ensure that a proposed use would have no adverse effect on significant cultural resources. Uses that would adversely affect significant cultural resources shall be prohibited.
 - 6. Avoidance is the preferred method of cultural resource protection. Other mitigation measures to reduce the effect of a proposed use on cultural resources shall be used only if avoidance is not practicable.
 - 7. The state historic preservation officer (SHPO) shall have an opportunity to review all cultural resource surveys, evaluations, assessments, and mitigation plans. Based on comments submitted by the SHPO and interested persons, the local government shall make a final decision on whether the proposed use would be consistent with the cultural resource goals, policies, and guidelines.
 - 8. The SHPO may delegate all or a portion of his/her responsibilities under these goals,

objectives, policies, and guidelines to a local government that establishes a Certified Local Government, as provided in the National Historic Preservation Act of 1966.

- 9.** If cultural resources are discovered during construction activities, all construction shall cease until the resources are inventoried and evaluated. If the resources are determined to be significant, a mitigation plan shall be prepared.
 - 10.** If human remains are discovered during a cultural resource survey or during construction activities, all activities shall cease and the proper officials and governments shall be notified. Human remains shall be treated in accordance with state laws. A mitigation plan shall be prepared if the remains are reinterred or preserved in their original position.
 - 11.** Provide incentives to protect and enhance historically significant buildings by allowing uses of such buildings that are compatible with their historic character and that provide public appreciation and enjoyment of them as cultural resources.
- 6.** Determination of potential effects to significant cultural resources shall include consideration of cumulative effects of proposed developments that are subject to any of the following: 1) a reconnaissance or historic survey; 2) a determination of significance; 3) an assessment of effect; or 4) a mitigation plan.

7. Practicable Alternative Test

An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.

A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:

- a.** The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on cultural resources;
- b.** The basic purpose of the use cannot be reasonably accomplished by reducing its size, scope, configuration, or density as proposed, or by changing the design of the use in a way that would avoid or result in less adverse effects on cultural resources; and
- c.** Reasonable attempts were made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. Such constraints include inadequate infrastructure, parcel size, and land use designations. If a land use designation or recreation intensity class is a constraint, an applicant must request a management plan amendment to demonstrate that practicable alternatives do not exist.

C. Cultural Resource Reconnaissance and Historic Surveys

1. Gorge Commission/Tribal Government Notice

- a.** In addition to other public notice requirements that may exist, the County shall notify the Indian tribal governments when:
 - (1)** a reconnaissance survey is required; or
 - (2)** cultural resources that are prehistoric or otherwise associated with Native Americans exist in the project area.
- b.** Notices sent to Indian tribal governments shall include a site plan as stipulated in Section 14.040.
- c.** Indian tribal governments shall have 20 calendar days from the date a notice is mailed to submit written comments to the County Planning Office.
 - (1)** Written comments should describe the nature and extent of any cultural resources that exist in the project area and identify individuals with specific knowledge about them.
 - (2)** The County shall send a copy of all comments to the Gorge Commission.

2. Consultation and Ethnographic Research

- a.** When written comments are submitted to the County Planning Office in a timely manner, the project applicant shall offer to meet with the interested persons within 10 calendar days.
 - (1)** The 10 day consultation period may be extended upon agreement between the project applicant and the interested persons.
 - (2)** Consultation meetings should provide an opportunity for interested persons to explain how the proposed use may affect cultural resources. Recommendations to avoid potential conflicts should be discussed.
 - (3)** All written comments and consultation meeting minutes shall be incorporated into the reconnaissance or historic survey report. In instances where a survey is not required, all such information shall be recorded and addressed in a report that typifies a survey report; inapplicable elements may be omitted.
- b.** A project applicant who is proposing a large-scale use or development shall conduct interviews and other forms of ethnographic research if interested persons submit a written request for such research.
 - (1)** All requests must include a description of the cultural resources that may be affected by

the proposed use and identify of knowledgeable informants.

- (2) Ethnographic research shall be conducted by qualified specialists. Tape recordings, maps, photographs, and minutes shall be used when appropriate.
- (3) All written comments, consultation meeting minutes and ethnographic research shall be incorporated into the reconnaissance or historic survey report. In instances where a survey is not required, all such information shall be recorded and addressed in a report that typifies a survey report.

3. Notice of Survey Results

- a. The County shall submit a copy of all cultural resource survey reports to the State Historic Preservation Office and the Indian tribal governments.
 - (1) Survey reports may include measures to avoid affected cultural resources, such as a map that shows a reasonable buffer zone.
 - (2) The State Historic Preservation Office and the tribes shall have 30 calendar days from the date a survey report is mailed to submit written comments to the County Planning Office.
 - (3) The County shall record and address all written comments in its development review order.

4. Conclusion of the Cultural Resource Protection Process

- a. The County Planning Office will make a final decision on whether the proposed use would be consistent with the cultural resource goals, policies, guidelines, and standards.
- b. If the final decision contradicts the comments submitted by the State Historic Preservation Office, the County must justify how it reached an opposing conclusion.
- c. The cultural resource protection process may conclude when one of the following conditions exist:
 - (1) The proposed use does not require a reconnaissance or historic survey, no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 20 calendar days of the date that a notice was mailed.
 - (2) A reconnaissance survey demonstrates that cultural resources do not exist in the project area and no substantiated concerns were voiced by interested persons within 20 calendar days of the date that a notice was mailed.

- (3)** The proposed use would avoid archaeological resources and traditional cultural resources that exist in the project area.

 - (a)** To meet this standard, a reasonable buffer zone must be established around the affected resources or properties;
 - (b)** All ground disturbing activities shall be prohibited within the buffer zone.
 - (c)** Buffer zones must preserve the integrity and context of cultural resources. They will vary in width depending on the eventual use of the project area, the type of cultural resources that are present, and the characteristics for which the cultural resources may be significant.
 - (d)** A deed covenant, easement, or other appropriate mechanism shall be developed to ensure that the buffer zone and the cultural resources are protected.
 - (e)** An evaluation of significance shall be conducted if a project applicant decides not to avoid the affected cultural resource. In these instances, the reconnaissance survey and survey report shall be incorporated into the evaluation of significance.
- (4)** A historic survey demonstrates that the proposed use would not have an effect on historic buildings or structures because:

 - (a)** The State Historic Preservation Office concludes that the historic buildings or structures are clearly not significant, as determined using the criteria in the "National Register Criteria for Evaluation" ([36 CFR Part 60.4](#)); or
 - (b)** The proposed use would not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as determined by the guidelines and standards in [The Secretary of the Interior's Standards for Rehabilitation](#) (U.S. Department of the Interior 1990) and [The Secretary of the Interior's Standards for Historic Preservation Projects](#) (U.S. Department of the Interior 1983).
- (5)** The historic survey conducted by the Gorge Commission may provide sufficient information to satisfy these standards.

 - (a)** If it does not, architectural and building plans, photographs, and archival research may be required; and
 - (b)** The project applicant shall be responsible for providing information beyond that included in the survey conducted by the Gorge Commission.
- (6)** The historic survey and report must demonstrate that these standards have been clearly

and absolutely satisfied. If the State Historic Preservation Office or the County Planning Office question whether these standards have been satisfied, the project applicant shall conduct an evaluation of significance, according to D below, Evaluation of Significance.

D. Evaluation of Significance

1. Evaluation Criteria

Cultural resources are significant if one of the following criteria is satisfied.

- a.** The cultural resources are included in, or eligible for inclusion in, the National Register of Historic Places.

The criteria for evaluating the eligibility of cultural resources for the National Register of Historic Places appear in the "National Register Criteria for Evaluation" ([36 CFR 60.4](#)). Cultural resources are eligible for the National Register of Historic Places if they possess integrity of location, design, setting, materials, workmanship, feeling, and association. In addition, they must meet one or more of the following criteria.

- (1)** Have an association with events that have made a significant contribution to the broad patterns of the history of this region.
 - (2)** Have an association with the lives of persons significant in the past.
 - (3)** Embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic components may lack individual distinction.
 - (4)** Yield, or may be likely to yield, information important in prehistory or history.
- b.** The cultural resources are determined to be culturally significant by an Indian tribal government, based on criteria developed by that Indian tribal government and filed with the Gorge Commission.

2. Evaluation Process and Information Needs

If cultural resources would be affected by a new use, an evaluation of their significance shall be conducted. Evaluations of significance shall meet the following standards:

Evaluations of significance shall follow the procedures in [How to Apply the National Register Criteria for Evaluation](#) (U.S. Department of the Interior 2002) and [Guidelines for the Evaluation and Documentation of Traditional Cultural Properties](#) (Parker and King 1998). They shall be presented within local and regional contexts and shall be guided by previous research and current research designs that are relevant to specific research questions for the Columbia River Gorge.

- a. To evaluate the significance of cultural resources, the information gathered during the reconnaissance or historic survey may have to be supplemented. Detailed field mapping, subsurface testing, photographic documentation, laboratory analyses, and archival research may be required.
- b. The project applicant shall contact Indian tribal governments and interested persons, as appropriate. Ethnographic research shall be undertaken as necessary to fully evaluate the significance of the cultural resources.
- c. The evaluation of significance shall follow the principles, guidelines, and report format recommended by the State Historic Preservation Office. It shall incorporate the results of the reconnaissance or historic survey and shall illustrate why each cultural resource is or is not significant. Findings shall be presented within the context of relevant local and regional research.
- d. All documentation used to support the evaluation of significance shall be cited.
 - (1) Evidence of consultation with Indian tribal governments and other interested persons shall be presented.
 - (2) All comments, recommendations, and correspondence from Indian tribal governments and interested persons shall be appended to the evaluation of significance.

3. Notice of Evaluation Results

If the evaluation of significance demonstrates that the cultural resources are not significant, the County shall submit a copy of the evaluation of significance to the State Historic Preservation Office and the Indian tribal governments.

- a. The State Historic Preservation Office, Indian tribal governments, and interested persons shall have 30 calendar days from the date the evaluation of significance is mailed to submit written comments to the County Planning Office.
- b. The County Planning Office shall record and address all written comments in its development review order.

4. Cultural Resources are Culturally Significant

If an Indian tribal government believes that the affected cultural resources are culturally significant, contrary to the evaluation submitted by the project applicant, the Cultural Advisory Committee shall make an independent review of the applicant's evaluation and the Indian tribal government's substantiated concerns.

- a. The Cultural Advisory Committee will formulate a recommendation regarding the significance of the cultural resources.

- b.** The Indian tribal government must substantiate its concerns in a written report.
 - (1)** The report must be submitted to the County Planning Office, Cultural Advisory Committee, and the project applicant within 15 calendar days from the date the evaluation of significance is mailed.
 - (2)** The Cultural Advisory Committee must submit its recommendation to the County Planning Office within 30 calendar days from the date the evaluation of significance is mailed.

5. Conclusion of the Cultural Resource Protection Process

The County will make a final decision on whether the affected resources are significant.

- a.** If the final decision contradicts the comments or recommendations submitted by the State Historic Preservation Office or Cultural Advisory Committee, the County must justify how it reached an opposing conclusion.
- b.** The cultural resource protection process may conclude if the affected cultural resources are not significant.
- c.** If the project applicant or the County determines that the cultural resources are significant, the effects of the proposed use shall be assessed according to E below, Assessment of Effect.

E. Assessment of Effect

1. Evaluation Criteria and Information Needs

If a use could affect significant cultural resources, an assessment shall be made to determine if it would have no effect, no adverse effect, or an adverse effect. The assessment shall meet the following standards:

- a.** The assessment of effect shall be based on the criteria published in "Protection of Historic Properties" ([36 CFR Part 800.5](#)) and shall incorporate the results of the reconnaissance or historic survey and the evaluation of significance. All documentation shall follow the requirements listed in [36 CFR Part 800.11](#).
 - (1)** Proposed uses have an effect on cultural resources when they alter or destroy characteristics of the resources that make them significant [[36 CFR Part 800.5](#)].
 - (2)** Proposed uses are considered to have an adverse effect when they may diminish the integrity of the cultural resource's location, design, setting, materials, workmanship, feeling, or association [[36 CFR Part 800.5](#)]. Adverse effects on cultural resources

include, but are not limited to:

- (a)** Physical destruction, damage, or alteration of all or part of the cultural resource;
 - (b)** Isolation of the cultural resource from its setting or alteration of the character of the resource's setting when that character contributes to the resource's qualification as being significant;
 - (c)** Introduction of visual, audible, or atmospheric elements that are out of character with the cultural resource or its setting;
 - (d)** Neglect of a significant cultural resource resulting in its deterioration or destruction, except as described in [36 CFR 800.5](#); and
 - (e)** Transfer, lease, or sale of the cultural resource.
- b.** The assessment of effect shall be prepared in consultation with Indian tribal governments and interested persons, as appropriate. The concerns and recommendations voiced by Indian tribal governments and interested persons shall be recorded and addressed in the assessment.
- c.** The effects of a proposed use that would otherwise be determined to be adverse may be considered to not be adverse in the following instances:
 - (1)** The cultural resources are of value only for their potential contribution to archeological, historical, or architectural research, and when such value can be substantially preserved through the conduct of appropriate research before development begins, and such research is conducted in accordance with applicable professional standards and guidelines;
 - (2)** The undertaking is limited to the rehabilitation of buildings and structures, and is conducted in a manner that preserves the historical and architectural character of affected cultural resources through conformance with [The Secretary of the Interior's Standards for Rehabilitation](#) (U.S. Department of the Interior 1990) and [The Secretary of the Interior's Standards for Historic Preservation Projects](#) (U.S. Department of the Interior 1983); or
 - (3)** The proposed use is limited to the transfer, lease, or sale of cultural resources, and adequate restrictions or conditions are included to ensure preservation of the significant features of the resources.

2. Notice of Assessment Results

If the assessment of effect concludes that the proposed use would have no effect or no adverse effect on significant cultural resources, the County shall submit a copy of the assessment to the

State Historic Preservation Office and the Indian tribal governments.

- a. The State Historic Preservation Office, Indian tribal governments, and interested persons shall have 30 calendar days from the date the assessment of effect is mailed to submit written comments to the County Planning Office.
- b. The County shall record and address all written comments in its development review order.

3. Conclusion of the Cultural Resource Protection Process

The County will make a final decision on whether the proposed use would have no effect, no adverse effect, or an adverse effect.

- a. If the final decision contradicts the comments submitted by the State Historic Preservation Office, the County must justify how it reached an opposing conclusion.
- b. The cultural resource protection process may conclude if the proposed use would have no effect or no adverse effect on significant cultural resources.
- c. A mitigation plan shall be prepared if a project applicant or the County determines that the proposed use would have an adverse effect on significant cultural resources according to F below, Mitigation Plans.

F. Mitigation Plans

1. Mitigation Plan Criteria and Information Needs

Mitigation plans shall be prepared when proposed uses would have an adverse effect on significant cultural resources. The plans must reduce an adverse effect to no effect or no adverse effect. Mitigation plans shall meet the following guidelines:

- a. Mitigation plans shall be prepared in consultation with persons who have concerns about or knowledge of the affected cultural resources, including Indian tribal governments, Native Americans, local governments whose jurisdiction encompasses the project area, and the State Historic Preservation Office.
- b. Avoidance of cultural resources through project design and modification is preferred. Avoidance may be effected by reducing the size, scope, configuration, and density of the proposed use.
- c. Alternative mitigation measures shall be used only if avoidance is not practicable.
 - (1) Alternative measures include, but are not limited to, burial under fill, stabilization, removal of the cultural resource to a safer place, and partial to full excavation and recordation.

- (2) If the mitigation plan includes buffer zones to protect cultural resources, a deed covenant, easement, or other appropriate mechanism must be developed and recorded in county deeds and records.
 - d. Mitigation plans shall incorporate the results of the reconnaissance or historic survey, the evaluation of significance, and the assessment of effect, and shall provide the documentation required in [36 CFR Part 800.11](#), including, but not limited to:
 - (1) A description and evaluation of any alternatives or mitigation measures that the project applicant proposes for reducing the effects of the proposed use;
 - (2) A description of any alternatives or mitigation measures that were considered but not chosen and the reasons for their rejection;
 - (3) Documentation of consultation with the State Historic Preservation Office regarding any alternatives or mitigation measures;
 - (4) A description of the project applicant's efforts to obtain and consider the views of Indian tribal governments, interested persons, and local governments; and
 - (5) Copies of any written recommendations submitted to the County Planning Office or project applicant regarding the effects of the proposed use on cultural resources and alternatives to avoid or reduce those effects.

2. Notice of Mitigation Plan Results

If a mitigation plan reduces the effect of a use from an adverse effect to no effect or no adverse effect, the local government shall submit a copy of the mitigation plan to the State Historic Preservation Office and the Indian tribal governments.

- a. The State Historic Preservation Office, Indian tribal governments, and interested persons shall have 30 calendar days from the date the mitigation plan is mailed to submit written comments to the County Planning Office.
- b. The local government shall record and address all written comments in its development review order.

3. Conclusion of the Cultural Resource Protection Process

The County will make a final decision on whether the mitigation plan would reduce an adverse effect to no effect or no adverse effect.

- a. If the final decision contradicts the comments submitted by the State Historic Preservation Office, the County must justify how it reached an opposing conclusion.

- b. The cultural resource protection process may conclude if a mitigation plan would reduce an adverse effect to no effect or no adverse effect.
- c. The proposed use shall be prohibited when acceptable mitigation measures fail to reduce an adverse effect to no effect or no adverse effect.

G. Cultural Resources Discovered After Construction Begins

The following procedures shall be effected when cultural resources are discovered during construction activities. All survey and evaluation reports and mitigation plans shall be submitted to the local government and the SHPO. Indian tribal governments shall also receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.

1. Halt Construction: All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
2. Notification: The project applicant shall notify the County Planning Office and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.
3. Survey and Evaluation: The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the State Historic Preservation Office (see, [ORS 358.905](#) to [358.955](#)).
 - a. The Commission will gather enough information to evaluate the significance of the cultural resources.
 - b. The survey and evaluation will be documented in a report that generally follows the criteria in the "Reconnaissance Survey Reports--Large Scale Uses" and "Evaluation of Significance, Evaluation Criteria and Information Needs" of this chapter.
 - c. Based on the survey and evaluation report and any written comments, the County will make a final decision on whether the resources are significant.
 - d. Construction activities may recommence if the cultural resources are not significant.
 - e. A mitigation plan will be prepared by the Gorge Commission if the affected cultural resources are significant.
4. Mitigation Plan: Mitigation plans shall be prepared according to the information, consultation, and report guidelines contained in F above, Mitigation Plans.
5. All survey and evaluation reports and mitigation plans shall be submitted to the County Planning

Office and the State Historic Preservation Office.

6. Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.
7. Construction activities may recommence when the conditions in the mitigation plan have been executed.

H. Discovery of Human Remains

The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.

1. Halt Activities: All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
2. Notification: Local law enforcement officials, the County Planning Office, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.
3. Inspection: The county coroner, or appropriate official, shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.
4. Jurisdiction: If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.
5. Treatment: Prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in [ORS 97.740](#) to [97.760](#).
6. If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report requirements specified in F above, Mitigation Plans.
 - a. The mitigation plan shall accommodate the cultural and religious concerns of Native Americans.
 - b. The cultural resource protection process may conclude when the conditions set forth in F above, Mitigation Plans, are met and the mitigation plan is executed.

I. Reconnaissance Surveys -- Small Scale Uses

Reconnaissance surveys for small-scale uses shall generally include a surface survey and subsurface testing. They shall meet the following guidelines:

1. A surface survey of the project area shall be conducted, except for inundated areas and

impenetrable thickets.

2. Subsurface testing shall be conducted if the surface survey reveals that cultural resources may be present.
3. Subsurface probes will be placed at intervals sufficient to determine the absence or presence of cultural resources.

J. Reconnaissance Survey Reports--Small Scale Uses

The results of a reconnaissance survey shall be documented in a confidential report that includes:

1. A description of the fieldwork methodology used to identify cultural resources, including a description of the type and extent of the reconnaissance survey.
2. A description of any cultural resources that were discovered in the project area, including a written description and photographs.
3. A map that shows the project area, the areas surveyed, the location of subsurface probes, and if applicable, the approximate boundaries of the affected cultural resources and a reasonable buffer zone.

K. Reconnaissance Surveys--Large Scale Uses

Reconnaissance surveys for large-scale uses shall be designed by a qualified professional. A written description of the survey shall be submitted to and approved by the Gorge Commission's designated archaeologist.

Reconnaissance surveys shall reflect the physical characteristics of the project area and the design and potential effects of the proposed use. They shall meet the following standards:

1. Archival research shall be performed prior to any field work. It should entail a thorough examination of tax records; historic maps, photographs, and drawings; previous archaeologic, historic, and ethnographic research; cultural resource inventories and records maintained by federal, state, and local agencies; and primary historic accounts, such as diaries, journals, letters, and newspapers.
2. Surface surveys shall include the entire project area, except for inundated areas and impenetrable thickets.
3. Subsurface probes shall be placed at intervals sufficient to document the presence or absence of cultural resources.
4. Archaeological site inventory forms shall be submitted to the State Historic Preservation Office whenever cultural resources are discovered.

L. Reconnaissance Survey Reports--Large Scale Uses

The results of a reconnaissance survey for large-scale uses shall be documented in a confidential report. Reconnaissance survey reports shall include:

1. A description of the proposed use, including drawings and maps.
2. A description of the project area, including soils, vegetation, topography, drainage, past alterations, and existing land use.
3. A list of the documents and records examined during the archival research and a description of any prehistoric or historic events associated with the project area.
4. A description of the fieldwork methodology used to identify cultural resources, including a map that shows the project area, the areas surveyed, and the location of subsurface probes. The map shall be prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.
5. An inventory of the cultural resources that exist in the project area, including a written description, photographs, drawings, and a map. The map shall be prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.
6. A summary of all written comments submitted by Indian tribal governments and other interested persons.
7. A preliminary assessment of whether the proposed use would or would not have an effect on cultural resources. This assessment shall incorporate concerns and recommendations voided during consultation meetings and information obtained through archives and ethnographic research and field surveys.

M. Historic Surveys and Reports

Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures.

1. Historic surveys shall include original photographs and maps. Archival research, blueprints, and drawings should be used as necessary.
2. Historic surveys shall describe any uses that will alter or destroy the exterior architectural appearance of the historic buildings or structures, or compromise features of the site that are important in defining the overall historic character of the historic buildings or structures.
3. The project applicant shall provide detailed architectural drawings and building plans that clearly illustrate all proposed alterations.

N. Cultural Advisory Committee

The Gorge Commission will establish a Cultural Advisory Committee. The Cultural Advisory Committee will be comprised of cultural resource professionals, interested individuals, and at least one representative from each of the four Indian tribes.

The Cultural Advisory Committee will perform six principal functions:

- 1.** Monitor cultural resource surveys, evaluations, impact assessments, and mitigation plans;
- 2.** Periodically formulate and submit recommendations to the State Historic Preservation Office, local governments, and the Gorge Commission regarding cultural resource surveys, evaluations, impact assessments, and mitigation plans;
- 3.** Monitor cultural resource decisions made by the State Historic Preservation Office and the local governments;
- 4.** Recommend procedural and administrative changes to the Gorge Commission that would improve the cultural resource protection process;
- 5.** Advise the Gorge Commission on the design and implementation of future cultural resource inventories, including oral history programs and survey strategies; and
- 6.** Review evaluations of significance when a disagreement arises between a project applicant and an Indian tribal government.
 - a.** In these instances, the Cultural Advisory Committee will submit written recommendations to the local government.
 - b.** Recommendations will be based on the evaluation prepared by the project applicant, reports submitted by Indian tribal governments, and comments submitted by interested persons, including the State Historic Preservation Office.

Section 14.510 Cultural Resources (SMA Only)

In addition to the standards and conditions listed in this chapter for the GMA, the following standards apply to all lands in the Special Management Area:

- A. If a standard or condition of this Section is more restrictive than other sections of this chapter, this section is controlling;
- B. This section is applicable to all Federal agencies for new developments and land uses on all Federal lands, federally assisted projects and forest practices. The Forest Service will provide for completing the requirements of this Section for forest practices and National Forest system lands.
- C. All projects that are not included for review in B above shall be reviewed under [Section 14.500](#) of this Chapter.
- D. All cultural resource surveys, evaluations, assessments, and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal Investigators shall meet the professional standards published in [36 CFR Part 61](#).
- E. For federal or federally assisted undertakings, the reviewing agency will complete its consultation responsibilities under Section 106 of the Historic Preservation Act of 1966. [[36 CFR 800.2](#)]
- F. Discovery During Construction:
 - 1. All authorizations for new developments or land uses shall be conditioned to require the immediate notification of the reviewing agency in the event of the inadvertent discovery of cultural resources during construction or development.
 - 2. In the event of the discovery of cultural resources, particularly human bone or burials, work in the immediate area of discovery shall be suspended until a cultural resource professional can evaluate the potential significance of the discovery, and recommend measures to protect and/or recover the resource.
 - 3. If the discovered material is suspected to be human bone or a burial, the following procedure shall be used:
 - a. Stop all work in the vicinity of the discovery.
 - b. The applicant shall immediately notify the Forest Service, the applicant's cultural resource professional, the County coroner, and appropriate law enforcement agencies.
 - c. The Forest Service shall notify the tribal governments if the discovery is determined to be an Indian burial or a cultural resource.
- G. Effects to Cultural Resources

Reviewing agencies shall use the following steps under [36 CFR 800.4](#) for assessing potential effects to cultural resources and [36 CFR 800.5](#) for assessing adverse effects to cultural resources

1. Literature Review and Consultation

- a.** An assessment of the presence of any cultural resources, listed on the National Register of Historic Places at the national, state or local level, on or within the area of potential direct and indirect impacts.
- b.** A search of state and County, National Scenic Area/Forest Service and any other pertinent inventories, such as archives and photographs, to identify cultural resources, including consultation with the State Historic Preservation Office and tribal governments. State and tribal government response to the consultation request shall be within 30 days.
- c.** Consultation with cultural resource professionals knowledgeable about the area.

2. Field Inventory

- a.** As determined by G(1) above, the presence of a recorded or known cultural resource, including those reported in consultation with the tribal governments on or within the immediate vicinity of a new development or land use, shall require a field inventory by a cultural resource professional.
- b.** Tribal representatives shall be invited to participate in the field inventory.
- c.** The field inventory shall consist of one or the other of the following standards, as determined by the cultural resource professional:

(1) Complete Survey:

- (a)** The systematic examination of the ground surface through a controlled procedure, such as walking an area in evenly-spaced transects.
- (b)** A complete survey may also require techniques such as clearing of vegetation, auguring or shovel probing of subsurface soils for the presence of buried cultural resources.

(2) Sample Survey:

- (a)** The sampling of an area to assess the potential of cultural resources within the area of proposed development or use.
- (b)** This technique is generally used for large or difficult to survey parcels, and is generally accomplished by a stratified random or non-stratified random sampling strategy.

- (c) A parcel is either stratified by variables such as vegetation, topography or elevation, or by non-environmental factors such as a survey grid.
 - (d) Under this method, statistically valid samples are selected and surveyed to indicate the probability of presence, numbers and types of cultural resources throughout the sampling strata.
 - (e) Depending on the results of the sample, a complete survey may or may not subsequently be recommended.
- d. A field inventory report is required, and shall include the following:
 - (1) A narrative integrating the Literature Review in G(1) with the Field Inventory G(2).
 - (2) A description of the Field Inventory methodology utilized under G(2), describing the type and extent of field inventory, supplemented by maps which graphically illustrate the areas surveyed, not surveyed, and the rationale for each.
 - (3) A statement of the presence or absence of cultural resources within the area of the new development or land in use.
 - (4) When cultural resources are not located, a statement of the likelihood of buried or otherwise concealed cultural resources shall be included.
 - (5) Recommendations and standards for monitoring, if appropriate, shall be included.
- e. Report format shall follow that specified by the Oregon State Historic Preservation Office.
- f. The field inventory report shall be presented to the Forest Service for review.

3. Evaluations of Significance

- a. When cultural resources are found within the area of the new development or land use, an evaluation of significance shall be completed for each cultural resource relative to the criteria of the National Register of Historic Places ([36 CFR 60.4](#)).
- b. Evaluations of cultural resource significance shall be guided by previous and current research designs relevant to specific research questions for the area.
- c. Evaluations of the significance of traditional cultural properties shall follow National Register Bulletin 38, "[Guidelines for the Evaluation and Documentation of Traditional Cultural Properties](#)", within local and regional contexts.
- d. Recommendations for eligibility of individual cultural resources under National Register Criteria A through D ([36 CFR 60.4](#)) shall be completed for each identified resource. The

Forest Service shall review evaluations for adequacy.

- e. Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources in the project area, and documentation of their concerns, shall be included as part of the evaluation of significance.

4. Assessment of Effect

- a. For each significant (i.e., National Register eligible) cultural resource inventoried within the area of the proposed development or change in use, assessments of effect shall be completed, using the criteria outlined in [36 CFR 800.5](#) "Assessing Effects". Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources of the project area shall be included for (b) through (d) below. The Forest Service shall review each determination for adequacy.
- b. If the proposed development or change in use will have "No Adverse Effect" ([36 CFR 800.4](#)) to a significant cultural resource, documentation for that finding shall be completed, following the "Documentation Standards" of [36 CFR 800.11](#). If the proposed development or change in use will have an effect then the criteria of adverse effect must be applied ([36 CFR 800.5](#)).
- c. If the proposed development or change in use will have an "Adverse Effect" as defined by [36 CFR 800.5](#) to a cultural resource, the type and extent of "Adverse Effect" upon the qualities of the property that make it eligible to the National Register shall be documented ([36 CFR 800.6](#) "Resolution of Adverse Effects"). This documentation shall follow the process outlined under [36 CFR 800.11](#), ("Failure to Resolve Adverse Effects").
- d. If the "effect" appears to be beneficial (i.e., an enhancement to cultural resources), documentation shall be completed for the recommendation of that effect upon the qualities of the cultural resource that make it eligible to the National Register. This documentation shall follow the process outlined under [36 CFR 800.11](#) "Standards ".

5. Mitigation

- a. If there will be an effect on cultural resources, measures shall be provided ([36 CFR 800.6](#) "Resolution of Adverse Effects") for mitigation of effects. These measures shall address factors such as avoidance of the property through project design or modification and subsequent protection, burial under fill, data recovery excavations, and other appropriate measures.
- b. Evidence of consultation with tribal governments and individuals with knowledge of the resources to be affected, and documentation of their concerns, shall be included for all mitigation proposals.
- c. The Forest Service shall review all mitigation proposals for adequacy.

- H.** Determination of potential effects to significant cultural resources shall include consideration of cumulative effects of proposed developments that are subject to any of the following: 1) a reconnaissance or historic survey; 2) a determination of significance; 3) an assessment of effect; or 4) a mitigation plan.

SECTION 14.600 Natural Resources (GMA Only)

A. Wetlands

1. Purpose

- a. Achieve no overall net loss of wetlands acreage and functions.
- b. Increase the quantity and quality of wetlands.

2. Rules for Delineating Wetlands Boundaries

- a. The approximate location and extent of wetlands in the Scenic Area is shown on the National Wetlands Inventory (U.S. Fish and Wildlife Service 1987). In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands.

Some wetlands may not be shown on the wetland inventory or soil survey maps. Wetlands that are discovered by the County planning staff during an inspection of a potential site shall be delineated and protected unless the proposed development is clearly sited beyond the wetland buffers as stated in A(3).

- b. Determining the exact location of a wetlands boundary shall be the responsibility of the project applicant.

(1) Wetlands boundaries shall be delineated using the procedures specified in the [Corps of Engineers Wetlands Delineation Manual](#) (Wetlands Research Program Technical Report Y-87-1, on-line edition, updated through March 21, 1997)

(2) All wetlands delineations shall be conducted by a professional who has been trained to use the federal delineation procedures, such as a soil scientist, botanist, or wetlands ecologist.

- c. The County may verify the accuracy of, and may render adjustments to, a wetlands boundary delineation.

In the event the adjusted boundary delineation is contested by the project applicant, the County shall, at the applicant's expense, obtain professional services to render a final delineation.

3. Wetlands Buffer Zones

- a. The width of wetlands buffer zones shall be based on the dominant vegetation community that exists in a buffer zone.
- b. The dominant vegetation community in a buffer zone is the vegetation community that

covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland. Vegetation communities are classified as forest, shrub, or herbaceous.

- (1) A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent.

A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community.

- (2) A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.

- (3) A herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and nonwoody vines.

- c. Buffer zones shall be measured outward from a wetlands boundary on a horizontal scale that is perpendicular to the wetlands boundary. The following buffer zone widths shall be required.

- (1) Forest communities: 75 feet

- (2) Shrub communities: 100 feet

- (3) Herbaceous communities: 150 feet

- d. Except as otherwise allowed, wetlands buffer zones shall be retained in their natural condition.

When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.

4. Modification to Serviceable Structures and Placement of Minor Water Dependent and Water-Related Structures in Wetlands

The following uses may be allowed in wetlands and wetland buffer zones, subject to (5) below, Approval Criteria for Modifications to Serviceable Structures and Minor Water-Dependent and Water-Related Structures in Wetlands, (7) below Site Plans, and the remaining applicable sections of this Chapter.

- a. The modification, expansion, replacement, or reconstruction of serviceable structures, if such actions would not:

- (1) Increase the size of an existing structure by more than 100 percent;

(2) Result in a loss of wetlands acreage or functions; and

(3) Intrude further into a wetland or wetlands buffer zone.

New structures shall be considered to be intruding further into a wetland or wetlands buffer zone if any portion of the structure is located closer to the wetland or wetlands buffer zone than the existing structure.

- b.** The construction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to boardwalks; trails and paths, provided their surface is not constructed of impervious materials; observation decks; and interpretive aids, such as kiosks and signs.
- c.** The construction of water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal resource agencies.

5. Approval Criteria for Modifications to Serviceable Structures and Minor Water-Dependent and Water-Related Structures in Wetlands. The uses listed in (4) above may only be allowed upon findings that:

- a.** Practicable alternatives, as determined by E below, Practicable Alternative Test, minimizing the impacts of the structure do not exist;
- b.** All reasonable measures have been applied to ensure that the structure will result in the minimum feasible alteration or destruction of a wetland's functions, existing contour, vegetation, fish and wildlife resources, and hydrology;
- c.** All wetlands that are altered or destroyed shall be restored, replaced, or enhanced according to (8) below, Wetlands, Compensation Plan
- d.** The structure will be constructed using best management practices;
- e.** Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable; and
- f.** The structure complies with all applicable federal, state, and local laws.

6. Other Uses and Activities Located in Wetlands or Wetland Buffer Zones.

Except for uses permitted without review in [Section 3.100](#) and [3.180\(B\)](#) (Open Space) and Modifications to Serviceable Structures and Placement of Minor Water-Dependent and Water-Related Structures in Wetlands as specified in (4) above, other uses authorized by the applicable

zoning designation may be allowed in wetlands and wetland buffer zones subject to (7) below, Site Plans, the remaining applicable sections of this Chapter and the following criteria:

- a. The proposed use is water-dependent, or is not water-dependent but has no practicable alternative as determined by E, Practicable Alternative Test.
- b. The proposed use is in the public interest as determined by F, Public Interest Test.
- c. Measures will be applied to ensure that the proposed use results in the minimum feasible alteration or destruction of the wetland's functions, existing contour, vegetation, fish and wildlife resources, and hydrology.
- d. Groundwater and surface-water quality will not be degraded by the proposed use.
- e. Those portions of a proposed use that are not water-dependent or have a practicable alternative will not be located in wetlands or wetlands buffer zones.
- f. The proposed use complies with all applicable federal, state, and local laws.
- g. Areas that are disturbed during construction of the proposed use will be rehabilitated to the maximum extent practicable.
- h. Unavoidable impacts to wetlands will be offset through the deliberate restoration, creation, or enhancement of wetlands. Wetlands restoration, creation, and enhancement are not alternatives to the guidelines listed above; they shall be used only as a last resort to offset unavoidable wetlands impacts. Wetlands restoration, creation, and enhancement shall be in accordance with Subsection (8) below, Wetlands Compensation Plans.

The following wetlands restoration, creation, and enhancement guidelines shall apply:

- (1) Impacts to wetlands shall be offset by restoring or creating new wetlands or by enhancing degraded wetlands. Wetlands restoration shall be the preferred alternative.
- (2) Wetlands restoration, creation, and enhancement projects shall be conducted in accordance with a wetlands compensation plan.
- (3) Wetlands restoration, creation, and enhancement projects shall use native vegetation.
- (4) The size of replacement wetlands shall equal or exceed the following ratios. The first number specifies the acreage of wetlands requiring replacement and the second number specifies the acreage of wetlands altered or destroyed.
 - (a) Restoration: 2:1
 - (b) Creation: 3:1

(c) Enhancement: 4:1

- (5)** Replacement wetlands shall replicate the functions of the wetland that will be altered or destroyed such that no net loss of wetlands function occurs.
 - (6)** Replacement wetlands should replicate the type of wetland that will be altered or destroyed. If this standard is not feasible or practical due to technical constraints, a wetland type of equal or greater benefit may be substituted, provided that no net loss of wetlands functions occurs.
 - (7)** Wetlands restoration, creation, or enhancement should occur within 1,000 feet of the affected wetland. If this guideline is not practicable due to physical or technical constraints, replacement shall occur within the same watershed and as close to the altered or destroyed wetland as practicable.
 - (8)** Wetlands restoration, creation, and enhancement efforts should be completed before a wetland is altered or destroyed. If it is not practicable to complete all restoration, creation, and enhancement efforts before the wetland is altered or destroyed, these efforts shall be completed before the new use is occupied or used.
 - (9)** Five years after a wetland is restored, created, or enhanced at least 75 percent of the replacement vegetation must survive. The project applicant shall monitor the hydrology and vegetation of the replacement wetland and shall take corrective measures to ensure that it conforms with the approved wetlands compensation plan and this guideline.
- 7.** Proposed uses in wetlands and wetland buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

8. Site Plans

In addition to the information required in all site plans, site plans for proposed uses in wetlands or wetlands buffer zones shall include: a site plan map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail; the exact boundary of the wetland and the wetlands buffer zone; and a description of actions that would alter or destroy the wetland.

9. Wetlands Compensation Plans

Wetlands compensation plans shall be prepared when a project applicant is required to restore, create, or enhance wetlands. They shall satisfy the following guidelines:

- a.** Wetlands compensation plans shall be prepared by a qualified professional.
- b.** The primary responsibility and cost of preparing wetland compensation plans shall be borne

by the applicant. If the applicant has no practicable alternative, according to E below, Practicable Alternative Test, to locating within the wetland or wetland buffer area, the Forest Service has agreed to provide assistance in the preparation of the plan, to the greatest extent possible.

- c. Wetland compensation plans shall provide for land acquisition, construction, maintenance, and monitoring of replacement wetlands.
- d. Wetlands compensation plans shall include an ecological assessment of the wetland that will be altered or destroyed and the wetland that will be restored, created, or enhanced. This assessment shall include information on flora, fauna, hydrology, and wetlands functions.
- e. Compensation plans shall also assess the suitability of the proposed site for establishing a replacement, wetland, including a description of the water source and drainage patterns, topography, wildlife habitat opportunities, and value of the existing area to be converted.
- f. Compensation plans shall provide plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals no greater than 1 foot, slope percentages, and final grade elevations; and other technical information shall be provided in sufficient detail to explain and illustrate:
 - (1) Soil and substrata conditions, grading, and erosion and sediment control needed for wetland construction and long-term survival.
 - (2) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.
 - (3) Water-quality parameters, water source, water depths, water-control structures, and water-level maintenance practices needed to achieve the necessary hydrologic conditions.
- g. A 5-year monitoring, maintenance, and replacement program shall be included in all plans. At a minimum, a project applicant shall provide an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor the replacement wetland.
- h. A project applicant shall demonstrate sufficient fiscal, technical, and administrative competence to successfully execute a wetlands compensation plan.
 - (1) The Director may require the owner of the property to sign a contract with the County for enforcement of the Wetland Compensation Plan. Such contract shall be executed within thirty (30) days after approval is granted, provided, however, that the Director

may grant time extensions due to practical difficulty. The Director shall have the authority to execute such contracts on behalf of the County. If a contract is required, no building permit shall be issued for the use covered by the application, nor construction commence until the executed contract is recorded on the real property records of Wasco County and filed in the County Journal. Such contract shall not restrict the power of subsequent administrative action, with or without conditions. Such contracts shall be enforceable against the signing parties, their heirs, successors, and assigns by Wasco County by appropriate action in law or suit in equity for the benefit of public health, safety and welfare.

- (2)** A bond, in a form acceptable to the Director or, upon appeal or review, by the Commission or County Board of Commissioners or a cash deposit from the property owner(s) or contract purchaser(s) in such amount as will assure compliance with the Wetland Compensation Plan may be required. Such bond or deposit shall be posted before any building permits will be issued or construction may commence.

B. Streams, Ponds, Lakes, and Riparian Areas

1. Purpose

- a.** Protect water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas.
- b.** Enhance aquatic and riparian areas.

2. Stream, Pond, and Lake Buffer Zones

- a.** Buffer zones shall generally be measured landward from the ordinary high water-mark on a horizontal scale that is perpendicular to the ordinary high water-mark. On the main stem of the Columbia River above Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer widths shall be required:
 - (1)** Streams used by anadromous or resident fish (tributary fish habitat), special streams, intermittent streams that include year-round pools, and perennial streams: 100 feet.
 - (2)** Intermittent streams, provided they are not used by anadromous or resident fish: 50 feet.
 - (3)** Ponds and lakes:
 - (a)** The pond or lake buffer zones shall be based on the dominant vegetation community that exists in a buffer zone.
 - (b)** The dominant vegetation community in a buffer zone is the vegetation community

that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected pond or lake. Vegetation communities are classified as forest, shrub, or herbaceous.

- (i) A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent.

A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community.

- (ii) A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.

- (iii) A herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and nonwoody vines.

- (c) Buffer zones shall be measured outward from a pond or lake boundary on a horizontal scale that is perpendicular to the pond or lake boundary. The following buffer zone widths shall be required.

- (i) Forest communities: 75 feet

- (ii) Shrub communities: 100 feet

- (iii) Herbaceous communities: 150 feet

- (d) When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.

- b. Determining the exact location of the ordinary highwater-mark or normal pool elevation shall be the responsibility of the project applicant. The County may verify the accuracy of, and may render adjustments to, an ordinary high water-mark or normal pool delineation. In the event the adjusted boundary delineation is contested by the project applicant, the County shall, at the project applicant's expense, obtain professional services to render a final delineation.

- c. Except as otherwise allowed, buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.

3. Modifications to Serviceable Structures and Placement of Minor Water-Dependent and Water-Related Structures in Aquatic Riparian Areas.

The following uses may be allowed in streams, ponds, lakes, and riparian areas, and their buffer

zones subject to (4) below, Approval Criteria for Modifications to Serviceable Structures and Placement of Minor Water-Dependent and Water-Related Structures in Aquatic Riparian Areas, (6) below, Site Plans, the remaining applicable sections of this Chapter and the following:

- a. The modification, expansion, replacement or reconstruction of serviceable structures, provided that such actions would not:
 - (1) Increase the size of an existing structure by more than 100 percent,
 - (2) Result in a loss of water quality, natural drainage, and fish and wildlife habitat, or
 - (3) Intrude further into a stream, pond, lake, or buffer zone.

New structures shall be considered intruding further into a stream, pond, lake, or buffer zone if any portion of the structure is located closer to the stream, pond, lake, or buffer zone than the existing structure.

- b. The construction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to boardwalks; trails and paths, provided their surface is not constructed of impervious materials; observation decks; and interpretive aids, such as kiosks and signs.
 - c. The construction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state or tribal resource agencies.
4. Approval Criteria for Modifications to Serviceable Structures and Minor Water-Dependent and Water-Related Structures in Aquatic and Riparian areas. The uses listed in (3) above may only be allowed upon findings that:
- a. Practicable alternatives, as determined by E below, Practicable Alternative Test, minimizing the impacts of the structure do not exist;
 - b. All reasonable measures have been applied to ensure that the structure will result in the minimum feasible alteration or destruction of water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas;
 - c. All aquatic and riparian areas that are altered or destroyed shall be restored, replaced, or enhanced according to (7) below, Rehabilitation and Enhancement Plans;
 - d. The structure will be constructed using best management practices;
 - e. Areas disturbed during construction of the structure will be rehabilitated to the maximum

extent practicable; and

- f. The structure complies with all applicable, federal, state and local laws.

5. Other Uses and Activities Located in Aquatic and Riparian Areas

Except for uses permitted without review in [3.100](#) and [3.180\(B\)](#) (Open Space) and modifications to serviceable structures and placement of minor water-dependent and water-related structures in aquatic and riparian areas as specified in (3) above, other uses authorized by the applicable zoning designation may be allowed in aquatic and riparian areas subject to (6) below, Site Plans, the remaining applicable sections of this Chapter, and the following criteria:

- a. The proposed use is water-dependent, or is not water-dependent but has no practicable alternative as determined by E below, Practicable Alternative Test of this section.
- b. The proposed use is in the public interest as determined by F below, Public Interest Test of this section.
- c. Measures have been applied to ensure that the proposed use results in minimum feasible impacts to water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake and/or buffer zone.

As a starting point, the following mitigation measures shall be considered when new uses are proposed in streams, ponds, lakes, and buffer zones:

- (1) Construction shall occur during periods when fish and wildlife are least sensitive to disturbance. Work in streams, ponds, and lakes shall be conducted during the periods specified in "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Department of Fish and Wildlife 2000) unless otherwise coordinated with and approved by the Oregon Department of Fish and Wildlife.
- (2) All natural vegetation shall be retained to the greatest extent practicable, including aquatic and riparian vegetation.
- (3) Nonstructural controls and natural processes shall be used to the greatest extent practicable.
- (4) Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.
- (5) Stream channels shall not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to streams, ponds, lakes, and their banks. When culverts are necessary, oversized culverts with open bottoms that maintain the channel's width and grade should be used.

- (6)** Temporary and permanent control measures shall be applied to minimize erosion and sedimentation when riparian areas are disturbed, including slope netting berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.
- d.** Groundwater and surface-water quality will not be degraded by the proposed use.
- e.** Those portions of a proposed use that are not water-dependent or have a practicable alternative will be located outside of stream, pond, and lake buffer zones.
- f.** The proposed use complies with all applicable federal, state, and local laws.
- g.** Unavoidable impacts to aquatic and riparian areas will be offset through rehabilitation and enhancement.

Rehabilitation and enhancement shall achieve no net loss of water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone. When a project area has been disturbed in the past it shall be rehabilitated to its natural condition to the maximum extent practicable.

When a project area cannot be completely rehabilitated, such as when a boat launch permanently displaces aquatic and riparian areas, enhancement shall also be required.

The following rehabilitation and enhancement standards shall apply:

- (1)** Rehabilitation and enhancement projects shall be conducted in accordance with a rehabilitation and enhancement plan.
- (2)** Natural hydrologic conditions shall be replicated, including current patterns, circulation, velocity, volume, and normal water fluctuation.
- (3)** Natural stream channel and shoreline dimensions shall be replicated, including depth, width, length, cross-sectional profile, and gradient.
- (4)** The bed of the affected aquatic area shall be rehabilitated with identical or similar materials.
- (5)** Riparian areas shall be rehabilitated to their original configuration, including slope and contour.
- (6)** Fish and wildlife habitat features shall be replicated, including pool-riffle ratios, substrata, and structures. Structures include large woody debris and boulders.
- (7)** Stream channels and banks, shorelines, and riparian areas shall be replanted with native plant species that replicate the original vegetation community.

- (8) Rehabilitation and enhancement efforts shall be completed no later than 90 days after the aquatic area or buffer zone has been altered or destroyed, or as soon thereafter as is practicable.
 - (9) Three years after an aquatic area or buffer zone is rehabilitated or enhanced, at least 75 percent of the replacement vegetation must survive. The project applicant shall monitor the replacement vegetation and take corrective measures to meet this standard.
- 6. Proposed uses in streams, ponds, lakes, and riparian areas and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

7. Site Plans

In addition to the information required in all site plans, site plans for proposed uses in streams, ponds, lakes, and their buffer zones shall include: a map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail; the exact boundary of the ordinary high water-mark or normal pool elevation and the prescribed buffer zone; and a description of actions that would alter or destroy the stream, pond, lake, or riparian area.

8. Rehabilitation and Enhancement Plans

Rehabilitation and enhancement plans shall be prepared when a project applicant is required to rehabilitate or enhance a stream, pond, lake, and/or buffer zone. They shall satisfy the following standards:

- a. Rehabilitation and enhancement plans shall be primarily the responsibility of the applicant. If the applicant has no practicable alternative, according to E below, Practicable Alternative Test, to locating within the stream, pond, lake, riparian zone, or buffer area, the Forest Service has agreed to provide assistance in the preparation of the plan, to the greatest extent possible.
- b. Rehabilitation and enhancement plans shall be prepared by qualified professionals, such as fish or wildlife biologists.
- c. All plans shall include an assessment of the physical characteristics and natural functions of the affected stream, pond, lake, and/or buffer zone. This assessment shall include hydrology, flora, and fauna.
- d. Plans shall include plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals of at least 2 feet, slope percentages, and final grade elevations; and other technical information shall be provided in sufficient detail to explain and illustrate:

- (1) Soil and substrata conditions, grading and excavation, and erosion and sediment control needed to successfully rehabilitate and enhance the stream, pond, lake, and buffer zone.
 - (2) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.
 - (3) Water-quality parameters, construction techniques, management measures, and design specifications needed to maintain hydrologic conditions and water quality.
- e. A 3-year monitoring, maintenance, and replacement program shall be included in all rehabilitation and enhancement plans. At a minimum, a project applicant shall prepare an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitoring shall be used to monitor all rehabilitation and enhancement efforts.
- f. A project applicant shall demonstrate sufficient fiscal, administrative, and technical competence to successfully execute and monitor a rehabilitation and enhancement plan.
- (1) The Director may require the owner of the property to sign a contract with the County for enforcement of the Rehabilitation and Enhancement Plan. Such contract shall be executed within thirty (30) days after approval is granted, provided, however, that the Director may grant time extensions due to practical difficulty. The Director shall have the authority to execute such contracts on behalf of the County. If a contract is required, no building permit shall be issued for the use covered by the application, nor construction commence, until the executed contract is recorded on the real property records of Wasco County and filed in the County Journal. Such contract shall not restrict the power of subsequent administrative action, with or without conditions. Such contracts shall be enforceable against the signing parties, their heirs, successors, and assigns by Wasco County by appropriate action in law or suit in equity for the benefit of public health, safety and welfare.
- (2) A bond, in a form acceptable to the Director or, upon appeal or review, by the Commission or County Board of Commissioners or a cash deposit from the property owner(s) or contract purchaser(s) in such amount as will assure compliance with the Rehabilitation and Enhancement Plan may be required. Such bond or deposit shall be posted before any building permits will be issued or construction may commence.

C. Wildlife Habitat

1. Purpose:

- a. Ensure that new uses do not adversely affect sensitive wildlife areas and sites.

"Sensitive wildlife areas" means the 17 land and water areas that are included in the wildlife inventory of the Management Plan.

"Sensitive wildlife sites" is used here in a generic sense to refer to sites that are used by species that are:

- (1) Listed as endangered or threatened pursuant to federal or state endangered species acts,
- (2) Listed as sensitive by the Oregon Fish and Wildlife Commission, or
- (3) Considered to be of special interest to the public, limited to great blue heron, osprey, mountain goat, golden eagle, and prairie falcon.
- (4) Updated lists of species included in (1), (2), and (3) above can be found on the website for the Wildlife Division of Oregon Department of Fish and Wildlife. A list also is maintained by the USDA Forest Service – Scenic Area Office and available at the Gorge Commission office and on its website.

b. Enhance wildlife habitat that has been altered or destroyed by past uses.

2. Approval Criteria for Fences in Deer and Elk Winter Range

New fences in deer and elk winter range shall comply with the following standards.

- a. New fences in deer and elk winter range shall be allowed only when necessary to control livestock or exclude wildlife from specified areas, such as gardens or sensitive wildlife sites. The areas fenced shall be the minimum necessary to meet the immediate needs of the project applicant.
- b. New and replacement fences that are allowed in winter range shall comply with the guidelines in *Specifications for Structural Range Improvements* (Sanderson et. al. 1990), as summarized below, unless the project applicant demonstrates the need for an alternative design:
 - (1) To make it easier for deer to jump over the fence, the top wire shall not be more than 42 inches high.
 - (2) The distance between the top two wires is critical for adult deer because their hind legs often become entangled between these wires. A gap of at least 10 inches shall be maintained between the top two wires to make it easier for deer to free themselves if they become entangled.
 - (3) The bottom wire shall be at least 16 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire because barbs often injure animals as

they crawl under fences.

- (4) Stays, or braces placed between strands of wire, shall be positioned between fence posts where deer are most likely to cross. Stays create a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires.
 - c. Woven wire fences may be authorized only when a project applicant clearly demonstrates that such a fence is required to meet his/her specific and immediate needs, such as controlling hogs and sheep.
- 3. Uses and Activities Permitted within 1,000 feet of a Sensitive Wildlife Area or Site.

Except for uses permitted without review in [Section 3.100](#) and [3.180\(B\)](#) (Open Space), uses and activities authorized by the applicable designation may be allowed within 1,000 feet of a sensitive wildlife area or site subject to (4) below, Site Plans and Field Surveys, the remaining applicable sections this Chapter and the following criteria:

- a. Uses that are proposed within 1,000 feet of a sensitive wildlife area or site shall be reviewed by the Oregon Department of Fish and Wildlife.
 - (1) The approximate locations of sensitive wildlife areas and sites are shown in the wildlife inventory.
 - (2) State wildlife biologists will help to determine if a new use would adversely affect a sensitive wildlife area or site.
- b. The Site plan shall be submitted to the Oregon Department of Fish and Wildlife by the County. State wildlife biologists will review the site plan and their field survey records. They will:
 - (1) Identify/verify the precise location of the wildlife area or site,
 - (2) Ascertain whether the wildlife area or site is active or abandoned,
 - (3) Determine if the proposed use may compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance, such as nesting or rearing seasons, and
 - (4) In some instances, state wildlife biologists may conduct field surveys to verify the wildlife inventory and assess the potential effects of a proposed use.
- c. The following factors may be considered when site plans are reviewed:
 - (1) Biology of the affected wildlife species.

- (2) Published guidelines regarding the protection and management of the affected wildlife species. Examples include: the Oregon Department of Forestry has prepared technical papers that include management guidelines for osprey and great blue heron; the Washington Department of Wildlife has prepared similar guidelines for a variety of species, including the western pond turtle, the peregrine falcon, and the Larch Mountain salamander (Rodrick and Milner 1991).
 - (3) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.
 - (4) Historic, current, and proposed uses in the vicinity of the sensitive wildlife area or site.
 - (5) Existing condition of the wildlife area or site and the surrounding habitat and the useful life of the area or site.
- d. The wildlife protection process may terminate if the County, in consultation with the state wildlife agency, determines:
 - (1) The sensitive wildlife area or site is not active, or
 - (2) The proposed use would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance.
- e. If the County, in consultation with the State wildlife agency, determines that the proposed use would have only minor effects on the wildlife area or site that could be eliminated through mitigation measures recommended by the state wildlife biologist, or by simply modifying the site plan or regulating the timing of new uses:
 - (1) A letter shall be sent to the project applicant that describes the effects and measures needed to eliminate them.
 - (2) If the project applicant accepts these recommendations, the County will incorporate them into its development review order, and
 - (3) The wildlife protection process may conclude.
- f. If the County, in consultation, with Oregon Department of Fish and Wildlife, determines that the proposed use would adversely affect a sensitive wildlife area or site and the effects of the proposed use cannot be eliminated through site plan modifications or project timing, the project applicant shall prepare a wildlife management plan as specified in 5, Wildlife Management Plans.
- g. The County shall submit a copy of all field surveys and wildlife management plans to

Oregon Department of Fish and Wildlife.

- (1)** The state wildlife agency will have 20 days from the date that a field survey or management plan is mailed to submit written comments to the County Planning Office.
- (2)** The county shall record and address any written comments submitted by the state wildlife agency in its development review order.
- (3)** Based on the comments from the state wildlife agency, the County will make a final decision on whether the proposed use would be consistent with the wildlife policies and guidelines.

If the final decision contradicts the comments submitted by the state wildlife agency, the County shall justify how it reached an opposing conclusion.

- h.** The County shall require the project applicant to revise the wildlife management plan to ensure that the proposed use would not adversely affect a sensitive wildlife area or site.
- i.** Proposed uses within 1,000 feet of a sensitive wildlife area or site shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

4. Site Plans and Field Surveys

- a.** In addition to the information required for all site plans, site plans for uses within 1,000 feet of a sensitive wildlife area or site shall include a map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.
- b.** A field survey to identify sensitive wildlife areas or sites shall be required for:
 - (1)** Land divisions that create four or more parcels;
 - (2)** Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;
 - (3)** Public transportation facilities that are outside improved rights-of-way;
 - (4)** Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and
 - (5)** Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances and other project related activities, except when all of their impacts will occur inside previously disturbed

road, railroad or utility corridors, or existing developed utility sites, that are maintained annually.

- c. Field surveys shall cover all areas affected by the proposed use or recreation facility. They shall be conducted by a professional wildlife biologist hired by the project applicant. All sensitive wildlife areas and sites discovered in a project area shall be described and shown on the site plan map.

5. Wildlife Management Plans

Wildlife management plan shall be prepared when a proposed use is likely to adversely affect a sensitive wildlife area or site. Their primary purpose is to document the special characteristics of a project site and the habitat requirements of affected wildlife species. This information provides a basis for the project applicant to redesign the proposed use in a manner that protects sensitive wildlife areas and sites, maximizes his/her development options, and mitigates temporary impacts to the wildlife area or site and/or buffer zone.

Wildlife management plans shall meet with the following standards:

- a. Wildlife management plans shall be prepared by a professional wildlife biologist.
- b. The primary responsibility and cost of preparing wildlife management plans shall be borne by the applicant. If the applicant has no practicable alternative, according to E below, Practicable Alternative Test, to locating within 1,000 feet of a sensitive wildlife area or site, the Forest Service has agreed to provide assistance in the preparation of the plan, to the greatest extent possible.
- c. All relevant background information shall be documented and considered, including biology of the affected species, published protection and management guidelines, physical characteristics of the subject parcel, past and present use of the subject parcel, and useful life of the wildlife area or site.
- d. The core habitat of the sensitive wildlife species shall be delineated. It shall encompass the sensitive wildlife area or site and the attributes, or key components, that are essential to maintain the long-term use and integrity of the wildlife area or site.
- e. A wildlife buffer zone shall be employed. It shall be wide enough to ensure that the core habitat is not adversely affected by new uses, or natural forces, such as fire and wind. Buffer zones shall be delineated on the site plan map and shall reflect the physical characteristics of the project site and the biology of the affected species.
- f. The size, scope, configuration, or density of new uses within the core habitat and the wildlife buffer zone shall be regulated to protect scenic wildlife species. The timing and duration of all uses shall also be regulated to ensure that they do not occur during the time of the year when wildlife species are sensitive to disturbance. The following

standards shall apply:

- (1) New uses shall generally be prohibited within the core habitat. Exceptions may include uses that have temporary and negligible effects, such as the installation of minor underground utilities or the maintenance of existing structures. Low intensity, non-destructive uses may be conditionally authorized in the core habitat.
 - (2) Intensive uses shall be generally prohibited in wildlife buffer zones. Such uses may be conditionally authorized when a wildlife area or site is inhabited seasonally, provided they will have only temporary effects on the wildlife buffer zone and rehabilitation and/or enhancement will be completed before a particular species returns.
- g. Rehabilitation and/or enhancement shall be required when new uses are authorized within wildlife buffer zones.
 - (1) When a buffer zone has been altered or degraded in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable.
 - (2) When complete rehabilitation is not possible, such as when new structures permanently displace wildlife habitat, enhancement shall also be required.
 - (3) Enhancement shall achieve no net loss of the integrity of the wildlife area or site.
 - (4) Rehabilitation and enhancement actions shall be documented in the wildlife management plan and shall include a map and text.
- h. The project applicant shall prepare and implement a 3-year monitoring plan when the affected wildlife area or site is occupied by a species that is listed as endangered or threatened pursuant to federal or state wildlife lists.
 - (1) It shall include an annual report and shall track the status of the wildlife area or site and the success of rehabilitation and/or enhancement actions.
 - (2) At the end of 3 years, rehabilitation and enhancement efforts may conclude if they are successful.
 - (3) In instances where rehabilitation and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the rehabilitation and enhancement standards.

D. Rare Plants

1. Purpose

- a. Ensure that new uses do not adversely affect plant species that are, according to lists kept current by the Gorge Commission:
 - (1) endemic to the Columbia River Gorge and vicinity,
 - (2) listed as endangered or threatened pursuant to federal or state endangered species acts, or
 - (3) listed as endangered or threatened on list (1) or list (2), by the Oregon Natural Heritage Program. (For brevity, these species will be referred to as "sensitive" plant species.)
- b. Encourage the protection of plant species that are classified "Review" {list 3}, or "Watch" {list 4} by the Oregon Natural Heritage Program.
- c. Enhance the natural habitat of rare plant species.

2. Sensitive Plant Buffer Zones:

- a. A 200 foot buffer zone shall be maintained around sensitive plants. Buffer zones shall remain in an undisturbed, natural condition.
- b. Buffer zones may be reduced if a project applicant demonstrates that intervening topography, vegetation, manmade features, or natural plant habitat boundaries negate the need for a 200 foot radius. Under no circumstances shall the buffer zone be less than 25 feet.
- c. Requests to reduce buffer zones shall be considered if a professional botanist or plant ecologist hired by the project applicant:
 - (1) identifies the precise location of the sensitive plants,
 - (2) describes the biology of the sensitive plants, and
 - (3) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected plants and the surrounding habitat that is vital to their long-term survival.
 - (4) All requests shall be prepared as a written report. Published literature regarding the biology of the affected plants and recommendations regarding their protection and management shall be cited. The report shall include detailed maps and photographs.
- d. The County shall submit all requests to reduce sensitive plant species buffer zones to the Oregon Natural Heritage Program.

- (1) The state heritage program will have 20 days from the date that such a request is mailed to submit written comments to the County Planning Office.
- (2) The County shall record and address any written comments submitted by the state heritage program in its development review order.
- (3) Based on the comments from the state heritage program, the County will make a final decision on whether the reduced buffer zone is justified. If the final decision contradicts the comments submitted by the state heritage program, the County shall justify how it reached an opposing conclusion.

3. Uses and Activities Permitted Within 1,000 Feet of a Sensitive Plant

Except for uses permitted without review in [Section 3.100](#) and [3.180\(B\)](#) (Open Space) uses and activities authorized by the applicable zoning designation may be allowed within 1,000 feet of a sensitive plant subject to (4) below, Site Plans and Field Surveys, the remaining applicable sections of this Chapter and the following criteria:

- a. Uses that are proposed within 1,000 feet of a sensitive plant shall be reviewed by the Oregon Natural Heritage Program.
 - (1) The approximate locations of sensitive plants are shown in the rare plant species inventory.
 - (2) State heritage staffs will help determine if a new use would invade the buffer zone of sensitive plants.
- b. Site plans shall be submitted to the State Natural Heritage Program by the County.
 - (1) The State Heritage staff will review the site plan and their field survey records.
 - (2) The State Heritage Office will identify the precise location of the affected plants and delineate a 200 foot buffer zone on the project applicant's site plan.
 - (3) If the field survey records of the state heritage program are inadequate, the project applicant shall hire a person with recognized expertise in botany or plant ecology to ascertain the precise location of the affected plants.
- c. The rare plant protection process may conclude if the County, in consultation with the State Heritage Program, determines that the proposed use would be located outside of a sensitive plant buffer zone.
- d. New uses shall be prohibited within sensitive plant species buffer zones, except for those uses that are allowed outright.

- e. If a proposed use must be allowed within a sensitive plant buffer zone in accordance with Chapter 6, Variances the project applicant shall prepare a protection and rehabilitation plan that complies with the standards in (7) below, Protection and Rehabilitation Plans.
- f. The County shall submit a copy of all field surveys and protection and rehabilitation plans to the Oregon Natural Heritage Program.
 - (1) The state heritage program will have 20 days from the date that a field survey is mailed to submit written comments to the County.
 - (2) The County shall record and address any written comments submitted by the state heritage program in its development review order.
- g. Based on the comments from the State Heritage Program, the County will make a final decision on whether the proposed use would be consistent with the rare plant policies and guidelines. If the final decision contradicts the comments submitted by the state heritage program, the County shall justify how it reached an opposing conclusion.
- h. Proposed uses within 1,000 feet of a sensitive plant shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

4. Site Plans and Field Surveys

- a. In addition to the information required in all site plans, site plans for uses within 1,000 feet of a sensitive plant shall include a map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.
- b. A field survey to identify sensitive plants shall be required for:
 - (1) land divisions that create four or more parcels;
 - (2) recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;
 - (3) Public transportation facilities that are outside improved rights-of-way;
 - (4) electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and
 - (5) communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment and appurtenances and other project related activities, except when all of their impacts will occur inside previously disturbed road, railroad or utility corridors, or existing developed utility sites, that are maintained annually.

- c. Field surveys shall cover all areas affected by the proposed use or recreation facility.
 - (1) Field surveys shall be conducted by a person with recognized expertise in botany or plant ecology hired by the project applicant.
 - (2) Field surveys shall identify the precise location of the sensitive plants and delineate a 200 foot buffer zone.
 - (3) The results of a field surveys shall be shown on the site plan map.

5. Protection and Rehabilitation Plans

Protection and rehabilitation plans shall minimize and offset unavoidable impacts that result from a new use that occurs within a sensitive plant buffer zone as the result of a variance granted according to [Chapter 6](#). All plans shall meet the following guidelines:

- a. Protection and rehabilitation plans shall be prepared by a professional botanist or plant ecologist.
- b. The primary responsibility and cost of preparing protection and rehabilitation plans shall be borne by the applicant. Recognizing the limited number of situations in which an applicant will be forced to locate within a sensitive plant buffer area, the Forest Service has agreed to provide assistance in the preparation of these plans, to the greatest extent possible.
- c. Construction, protection, and rehabilitation activities shall occur during the time of the year when ground disturbance will be minimized and protection, rehabilitation, and replacement efforts will be maximized.
- d. Sensitive plants that will be destroyed shall be transplanted or replaced to the maximum extent practicable.
 - (1) Replacement is used here to mean the establishment of a particular plant species in areas of suitable habitat not affected by new uses.
 - (2) Replacement may be accomplished by seeds, cuttings, or other appropriate methods.
 - (3) Replacement shall occur as close to the original plant site as practicable.
 - (4) The project applicant shall ensure that at least 75 percent of the replacement plants survive three years after the date they are planted.
- e. Sensitive plants and their surrounding habitat that will not be altered or destroyed shall be protected and maintained. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation buffers, livestock management, and noxious weed control.

- f.** Habitat of a sensitive plant that will be affected by temporary uses shall be rehabilitated to a natural condition.
- g.** Protection efforts shall be implemented before construction activities begin. Rehabilitation efforts shall be implemented immediately after the plants and their surrounding habitat are disturbed.
- h.** Protection and rehabilitation plans shall include maps, photographs, and text. The text shall:
 - (1)** Describe the biology of sensitive plant species that will be affected by a proposed use.
 - (2)** Explain the techniques that will be used to protect sensitive plants and their surrounding habitat that will not be altered or destroyed.
 - (3)** Describe the rehabilitation and enhancement actions that will minimize and offset the impacts that will result from a proposed use.
 - (4)** Include a 3-year monitoring, maintenance, and replacement program. The project applicant shall prepare and submit to the County an annual report that documents milestones, successes, problems, and contingency actions.

E. Practicable Alternative Test

An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.

A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:

1. The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands, streams, ponds, lakes, riparian areas, wildlife, or plant areas and sites; and
2. The basic purpose of the use cannot be reasonably accomplished by reducing its size, scope, configuration, or density, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands, streams, ponds, lakes, riparian areas, wildlife or plant areas and sites.; and
3. Reasonable attempts were made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. Such constraints include inadequate infrastructure, parcel size, and land use designations. If a land use designation or recreation intensity class is a constraint, an applicant must request a management plan amendment to demonstrate that practicable alternatives do not exist.

F. Public Interest Test

The following factors shall be considered when determining if a proposed use is in the public interest:

1. The extent of public need for the proposed use.
2. The extent and permanence of beneficial or detrimental effects that the proposed use may have on the public and private uses for which the property is suited.
3. The functions and size of the wetland, stream, pond, lake, or riparian area that may be affected.
4. The economic value of the proposed use to the general area.
5. The ecological value of the wetland, stream, pond, lake, or riparian area and probable effect on public health and safety, fish, plants, and wildlife.

SECTION 14.610 Natural Resources (SMA Only)

A. Water Resources (Wetlands, Streams, Ponds, Lakes, and Riparian Areas)

1. Purpose - Protect and enhance the quantity and quality of water resources and their functions.
2. All new developments and uses, as described in a site plan prepared by the applicant, shall be evaluated using the following guidelines to ensure that natural resources are protected from adverse effects. Cumulative effects analysis is not required for expedited review uses or development. Comments from state and federal agencies shall be carefully considered.
 - a. All Water Resources shall, in part, be protected by establishing undisturbed buffer zones as specified in (2)(a) and (b) below. These buffer zones are measured horizontally from a wetland, stream, lake, or pond boundary as defined below.
 - (1) All buffer zones shall be retained undisturbed and in their natural condition, except as permitted with a Mitigation Plan as described in E below.
 - (2) Buffer zones shall be measured outward from the bank full flow boundary for streams, the high water mark for ponds and lakes, the normal pool elevation for the Columbia River, and the wetland delineation boundary for wetlands on a horizontal scale that is perpendicular to the wetlands, stream, pond or lake boundary. On the main stem of the Columbia River above Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer zone widths shall be required:
 - (a) A minimum 200 foot buffer on each wetland, pond, lake, and each bank of a perennial or fish bearing stream, some of which can be intermittent.
 - (b) A 50-foot buffer zone along each bank of intermittent (including ephemeral), non-fish bearing streams.
 - (c) Maintenance, repair, reconstruction and realignment of roads and railroads within their rights-of-way shall be exempted from the wetlands and riparian guidelines upon demonstration of all of the following:
 - i. The wetland within the right-of-way is a drainage ditch not part of a larger wetland outside of the right-of-way.
 - ii. The wetland is not critical habitat.
 - iii. Proposed activities within the right-of-way would not adversely affect a wetland adjacent to the right-of-way.
- (3) The buffer width shall be increased for the following:

- (a) When the channel migration zone exceeds the recommended buffer width, the buffer width shall extend to the outer edge of the channel migration zone.
 - (b) When the frequently flooded area exceeds the recommended riparian buffer zone width, the buffer width shall be extended to the outer edge of the frequently flooded area.
 - (c) When an erosion or landslide hazard area exceeds the recommended width of the buffer, the buffer width shall be extended to include the hazard area.
 - (4) Buffer zones can be reconfigured if a project applicant demonstrates all of the following:
 - (a) the integrity and function of the buffer zones is maintained,
 - (b) the total buffer area on the development proposal is not decreased,
 - (c) the width reduction shall not occur within another buffer, and
 - (d) the buffer zone width is not reduced more than 50% at any particular location. Such features as intervening topography, vegetation, manmade features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.
 - (5) Requests to reconfigure buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant
 - (a) identifies the precise location of the sensitive wildlife/plant or water resource,
 - (b) describes the biology of the sensitive wildlife/plant or hydrologic condition of the water resource, and
 - (c) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or water resource and its long term function.
 - (6) The County shall submit all requests to re-configure sensitive wildlife/plant or water resource buffers to the Forest Service and the appropriate state agencies for review. All written comments shall be included in the project file. Based on the comments from the state and federal agencies, the County will make a final decision on whether the reconfigured buffer zones are justified. If the final decision contradicts the comments submitted by the federal and state agencies, the County shall justify how it reached an opposing conclusion.
- b. When a buffer zone is disturbed by a new use, it shall be replanted with only native plant

species of the Columbia River Gorge.

- c. The applicant shall be responsible for identifying all water resources and their appropriate buffers. (see above)
- d. Wetlands Boundaries shall be delineated using the following:
 - (1) The approximate location and extent of wetlands in the Scenic Area is shown on the National Wetlands Inventory (U. S. Department of the Interior 1987). In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands.
 - (2) Some wetlands may not be shown on the wetlands inventory or soil survey maps. Wetlands that are discovered by the local planning staff during an inspection of a potential project site shall be delineated and protected.
 - (3) The project applicant shall be responsible for determining the exact location of a wetlands boundary. Wetlands boundaries shall be delineated using the procedures specified in the '[1987 Corps of Engineers Wetland Delineation Manual](#) (on-line Edition)'.
 - (4) All wetlands delineations shall be conducted by a professional who has been trained to use the federal delineation procedures, such as a soil scientist, botanist, or wetlands ecologist.
- e. Stream, pond, and lake boundaries shall be delineated using the bank full flow boundary for streams and the high water mark for ponds and lakes. The project applicant shall be responsible for determining the exact location of the appropriate boundary for the water resource.
- f. The County may verify the accuracy of, and render adjustments to, a bank full flow, high water mark, normal pool elevation (for the Columbia River), or wetland boundary delineation. If the adjusted boundary is contested by the project applicant, the County shall obtain professional services, at the project applicant's expense, or the County will ask for technical assistance from the Forest Service to render a final delineation.
- g. Buffer zones shall be undisturbed unless the following criteria have been satisfied:
 - (1) The proposed use must have no practicable alternative as determined by the practicable alternative test.

Those portions of a proposed use that have a practicable alternative will not be located in wetlands, stream, pond, lake, and riparian areas and/or their buffer zone.
 - (2) Filling and draining of wetlands shall be prohibited with exceptions related to public safety or restoration/enhancement activities as permitted when all of the following criteria have been met:

- (a)** A documented public safety hazard exists or a restoration/ enhancement project exists that would benefit the public and is corrected or achieved only by impacting the wetland in question, and
 - (b)** Impacts to the wetland must be the last possible documented alternative in fixing the public safety concern or completing the restoration/enhancement project, and
 - (c)** The proposed project minimizes the impacts to the wetland.
 - h.** Unavoidable impacts to wetlands and aquatic and riparian areas and their buffer zones shall be offset by deliberate restoration and enhancement or creation (wetlands only) measures as required by the completion of a Mitigation Plan as described in E below.
 - i.** Proposed uses and development within wetlands, streams, ponds, lakes, riparian areas and their buffer zones shall be evaluated for cumulative effects to natural resources and cumulative effects that are adverse shall be prohibited.

B. Wildlife and Plants

1. Purpose

- a.** Protect (ensure that new uses do not adversely affect, including cumulative effects) and enhance the wildlife and plant diversity of the Gorge.
- b.** Encourage the protection of plant species that are classified as "List 3 (Review)" or "List 4 (Watch)" by the Oregon Natural Heritage Program.
- c.** Ensure that new uses do not adversely affect natural areas that are potentially eligible for the Oregon Register of Natural Heritage Resources.

2. All new developments and uses, as described in a site plan prepared by the applicant, shall be evaluated using the following guidelines to ensure that natural resources are protected from adverse effects. Comments from state and federal agencies shall be carefully considered.

- a.** Protection of sensitive wildlife/plant areas and sites shall begin when proposed new developments or uses are within 1000 ft of a sensitive wildlife/plant site and/or area.

Sensitive Wildlife Areas and endemic plants are those areas depicted in the wildlife inventory and listed in the Priority Habitats Table below, including all Priority Habitats listed in this Chapter. The approximate locations of sensitive wildlife and/or plant areas and sites are shown in the wildlife and rare plant inventory.

- b.** The County shall submit site plans (of uses that are proposed within 1,000 feet of a sensitive wildlife and/or plant area or site) for review to the Forest Service and Oregon Department of Fish and Wildlife and Oregon Natural Heritage Program for plant issues.

- c. The Forest Service wildlife biologists and/or botanists, in consultation with the appropriate state biologists, shall review the site plan and their field survey records. They shall:
- (1)** Identify/verify the precise location of the wildlife and/or plant area or site,
 - (2)** Determine if a field survey will be required,
 - (3)** Determine, based on the biology and habitat requirements of the affected wildlife/plant species, if the proposed use would compromise the integrity and function of or result in adverse affects (including cumulative effects) to the wildlife or plant area or site. This would include considering the time of year when wildlife or plant species are sensitive to disturbance, such as nesting, rearing seasons, or flowering season, and
 - (4)** Delineate the undisturbed 200 ft buffer on the site plan for sensitive plants and/or the appropriate buffer for sensitive wildlife areas or sites, including nesting, roosting and perching sites.
 - (a)** Buffer zones can be reconfigured if a project applicant demonstrates all of the following:
 - i. the integrity and function of the buffer zones is maintained,
 - ii. the total buffer area on the development proposal is not decreased,
 - iii. the width reduction shall not occur within another buffer, and
 - iv. the buffer zone width is not reduced more than 50% at any particular location. Such features as intervening topography, vegetation, manmade features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.
 - (b)** Requests to reduce buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant,
 - i. identifies the precise location of the sensitive wildlife/plant or water resource,
 - ii. describes the biology of the sensitive wildlife/plant or hydrologic condition of the water resource, and
 - iii. demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or water resource and its long term function.

- (c) The County shall submit all requests to re-configure sensitive wildlife/plant or water resource buffers to the Forest Service and the appropriate state agencies for review. All written comments shall be included in the record of application and based on the comments from the state and federal agencies, the County will make a final decision on whether the reduced buffer zone is justified. If the final decision contradicts the comments submitted by the federal and state agencies, the County shall justify how it reached an opposing conclusion.
- d. The County, in consultation with the State and federal wildlife biologists and/or botanists, shall use the following criteria in reviewing and evaluating the site plan to ensure that the proposed developments or uses do not compromise the integrity and function of or result in adverse affects to the wildlife or plant area or site:
 - (1) Published guidelines regarding the protection and management of the affected wildlife/plant species. Examples include: the Oregon Department of Forestry has prepared technical papers that include management guidelines for osprey and great blue heron.
 - (2) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.
 - (3) Historic, current, and proposed uses in the vicinity of the sensitive wildlife/plant area or site.
 - (4) Existing condition of the wildlife/plant area or site and the surrounding habitat and the useful life of the area or site.
 - (5) In areas of winter range, habitat components, such as forage, and thermal cover, important to the viability of the wildlife must be maintained or, if impacts are to occur, enhancement must mitigate the impacts so as to maintain overall values and function of winter range.
 - (6) The site plan is consistent with the "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Department of Fish and Wildlife 2000).
 - (7) The site plan activities coincide with periods when fish and wildlife are least sensitive to disturbance. These would include, among others, nesting and brooding periods (from nest building to fledgling of young) and those periods specified.
 - (8) The site plan illustrates that new developments and uses, including bridges, culverts, and utility corridors, shall not interfere with fish and wildlife passage.
 - (9) Maintain, protect, and enhance the integrity and function of Priority Habitats (such as old growth forests, talus slopes, and oak woodlands) as listed on the following Priority Habitats Table. This includes maintaining structural, species, and age diversity,

maintaining connectivity within and between plant communities, and ensuring that cumulative impacts are considered in documenting integrity and function.

PRIORITY HABITATS TABLE	
Priority Habitats	Criteria
Aspen stands	High fish and wildlife species diversity, limited availability, high vulnerability to habitat alteration.
Caves	Significant wildlife breeding habitat, limited availability, dependent species.
Old-growth forest	High fish and wildlife density, species diversity, breeding habitat, seasonal ranges, and limited and declining availability, high vulnerability.
Oregon white oak woodlands	Comparatively high fish and wildlife density, species diversity, declining availability, high vulnerability
Prairies and steppe	Comparatively high fish and wildlife density, species diversity, important breeding habitat, declining and limited availability, high vulnerability.
Riparian	High fish and wildlife density, species diversity, breeding habitat, movement corridor, high vulnerability, dependent species.
Wetlands	High species density, high species diversity, important breeding habitat and seasonal ranges, limited availability, high vulnerability.
Snags and logs	High fish and wildlife density, species diversity, limited availability, high vulnerability, dependent species.
Talus	Limited availability, unique and dependent species, high vulnerability.
Cliffs	Significant breeding habitat, limited availability, dependent species.
Dunes	Unique species habitat, limited availability, high vulnerability, dependent species.

- e. The wildlife/plant protection process may terminate if the County, in consultation with the

Forest Service and state wildlife agency or Heritage program, determines

- (1) the sensitive wildlife area or site is not active, or
 - (2) the proposed use is not within the buffer zones and would not compromise the integrity of the wildlife/plant area or site, and
 - (3) the proposed use is within the buffer and could be easily moved out of the buffer by simply modifying the project proposal (site plan modifications). If the project applicant accepts these recommendations, the County shall incorporate them into its development review order and the wildlife/plant protection process may conclude.
- f. If the above measures fail to eliminate the adverse affects, the proposed project shall be prohibited, unless the project applicant can meet the Practicable Alternative Test in D below, and prepare a Mitigation Plan pursuant to E below to offset the adverse effects by deliberate restoration and enhancement.
- g. The County shall submit a copy of all field surveys (if completed) and mitigation plans to the Forest Service and appropriate state agencies. The County shall include all comments in the record of application and address any written comments submitted by the state and federal wildlife agency/heritage programs in its development review order.

Based on the comments from the state and federal wildlife agency/heritage program, the County shall make a final decision on whether the proposed use would be consistent with the wildlife/plant policies and guidelines. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the County shall justify how it reached an opposing conclusion.

- h. The County shall require the project applicant to revise the mitigation plan as necessary to ensure that the proposed use would not adversely affect a sensitive wildlife/plant area or site.
- i. Proposed uses and developments within 1,000 feet of sensitive wildlife areas and sites or within 1,000 feet of rare plants shall be evaluated for cumulative effects to natural resources and cumulative effects that are adverse shall be prohibited.
- C. Soil Productivity

Soil productivity shall be protected using the following criteria:

1. A description or illustration showing the mitigation measures to control soil erosion and stream sedimentation.
2. New developments and land uses shall control all soil movement within the area shown on the

site plan.

3. The soil area disturbed by new development or land uses, except for new cultivation, shall not exceed 15 percent of the project area.
4. Within 1 year of project completion, 80 percent of the project area with surface disturbance shall be established with effective native ground cover species or other soil-stabilizing methods to prevent soil erosion until the area has 80 percent vegetative cover.

D. Practicable Alternative Test

An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.

A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:

1. The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife or plant areas and/or sites.
2. The basic purpose of the use cannot be reasonably accomplished by reducing its proposed size, scope, configuration, or density, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife or plant areas and/or sites.
3. Reasonable attempts were made to remove or accommodate constraints that caused a project applicant to reject alternatives to the proposed use. Such constraints include inadequate infrastructure, parcel size, and land use designations. If a land use designation or recreation intensity class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.

E. Mitigation Plan

1. Mitigation Plan shall be prepared when:
 - a. The proposed development or use is within a buffer zone (wetland, pond, lakes, riparian areas, wildlife or plant areas and/or sites)
 - b. There is no practicable alternative according to D below, Practicable Alternative Test.
2. In all cases, Mitigation Plans are the responsibility of the applicant and shall be prepared by an appropriate professional (botanist/ecologist for plant sites, a wildlife/fish biologist for wildlife/fish sites, and a qualified professional for water resource sites).

3. The primary purpose of this information is to provide a basis for the project applicant to redesign the proposed use in a manner that protects sensitive water resources, and wildlife/plant areas and sites, that maximizes his/her development options, and that mitigates, through restoration, enhancement, and replacement measures, impacts to the water resources and/or wildlife/plant area or site and/or buffer zones.
4. The applicant shall submit the mitigation plan to the County. The County shall submit a copy of the mitigation plan to the Forest Service, and appropriate state agencies. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the County shall justify how it reached an opposing conclusion.
5. A project applicant shall demonstrate sufficient fiscal, technical, and administrative competence to successfully execute a mitigation plan involving wetland creation.
6. Mitigation plans shall include maps, photographs, and text. The text shall:
 - a. Describe the biology and/or function of the sensitive resources (eg. Wildlife/plant species, or wetland) that will be affected by a proposed use. An ecological assessment of the sensitive resource to be altered or destroyed and the condition of the resource that will result after restoration will be required. Reference published protection and management guidelines.
 - b. Describe the physical characteristics of the subject parcel, past, present, and future uses, and the past, present, and future potential impacts to the sensitive resources. Include the size, scope, configuration, or density of new uses being proposed within the buffer zone.
 - c. Explain the techniques that will be used to protect the sensitive resources and their surrounding habitat that will not be altered or destroyed (for examples, delineation of core habitat of the sensitive wildlife/plant species and key components that are essential to maintain the long-term use and integrity of the wildlife/plant area or site).
 - d. Show how restoration, enhancement, and replacement (creation) measures will be applied to ensure that the proposed use results in minimum feasible impacts to sensitive resources, their buffer zones, and associated habitats.
 - e. Show how the proposed restoration, enhancement, or replacement (creation) mitigation measures are NOT alternatives to avoidance. A proposed development/use must first avoid a sensitive resource, and only if this is not possible should restoration, enhancement, or creation be considered as mitigation. In reviewing mitigation plans, the County, appropriate state agencies, and Forest Service shall critically examine all proposals to ensure that they are indeed last resort options.
7. At a minimum, a project applicant shall provide to the County a progress report every 3-years that documents milestones, successes, problems, and contingency actions. Photographic

monitoring stations shall be established and photographs shall be used to monitor all mitigation progress.

8. A final monitoring report shall be submitted to the County for review upon completion of the restoration, enhancement, or replacement activity. This monitoring report shall document successes, problems encountered, resource recovery, status of any sensitive wildlife/plant species and shall demonstrate the success of restoration and/or enhancement actions. The County shall submit copies of the monitoring report to the Forest Service; who shall offer technical assistance to the County in helping to evaluate the completion of the mitigation plan. In instances where restoration and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the restoration and enhancement guidelines.
9. Mitigation measures to offset impacts to resources and/or buffers shall result in no net loss of water quality, natural drainage, fish/wildlife/plant habitat, and water resources by addressing the following:
 - a. Restoration and enhancement efforts shall be completed no later than one year after the sensitive resource or buffer zone has been altered or destroyed, or as soon thereafter as is practicable.
 - b. All natural vegetation within the buffer zone shall be retained to the greatest extent practicable. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation buffers, livestock management, and noxious weed control. Within five years, at least 75 percent of the replacement vegetation must survive. All plantings must be with native plant species that replicate the original vegetation community.
 - c. Habitat that will be affected by either temporary or permanent uses shall be rehabilitated to a natural condition. Habitat shall be replicated in composition, structure, and function, including tree, shrub and herbaceous species, snags, pool-riffle ratios, substrata, and structures, such as large woody debris and boulders.
 - d. If this standard is not feasible or practical because of technical constraints, a sensitive resource of equal or greater benefit may be substituted, provided that no net loss of sensitive resource functions occurs and provided the County, in consultation with the appropriate State and Federal agency, determine that such substitution is justified.
 - e. Sensitive plants that will be destroyed shall be transplanted or replaced, to the maximum extent practicable. Replacement is used here to mean the establishment of a particular plant species in areas of suitable habitat not affected by new uses. Replacement may be accomplished by seeds, cuttings, or other appropriate methods.

Replacement shall occur as close to the original plant site as practicable. The project applicant shall ensure that at least 75 percent of the replacement plants survive 3 years after the date they are planted

- f. Nonstructural controls and natural processes shall be used to the greatest extent

practicable.

- (1)** Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.
- (2)** Stream channels shall not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to hydrologic and biologic functions. Culverts shall only be permitted if there are no practicable alternatives as demonstrated by the 'Practical Alternative Test'.
- (3)** Fish passage shall be protected from obstruction.
- (4)** Restoration of fish passage should occur wherever possible.
- (5)** Show location and nature of temporary and permanent control measures that shall be applied to minimize erosion and sedimentation when riparian areas are disturbed, including slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.
- (6)** Groundwater and surface water quality will not be degraded by the proposed use. Natural hydrologic conditions shall be maintained, restored, or enhanced in such a manner that replicates natural conditions, including current patterns (circulation, velocity, volume, and normal water fluctuation), natural stream channel and shoreline dimensions and materials, including slope, depth, width, length, cross-sectional profile, and gradient.
- (7)** Those portions of a proposed use that are not water-dependent or that have a practicable alternative will be located outside of stream, pond, and lake buffer zones.
- (8)** Streambank and shoreline stability shall be maintained or restored with natural revegetation.
- (9)** The size of restored, enhanced, and replacement (creation) wetlands shall equal or exceed the following ratios. The first number specifies the required acreage of replacement wetlands, and the second number specifies the acreage of wetlands altered or destroyed.

Restoration: 2:1

Creation: 3:1

Enhancement: 4:1

- g.** Wetland creation mitigation shall be deemed complete when the wetland is self-functioning for 5 consecutive years. Self-functioning is defined by the expected function of the wetland as written in the mitigation plan. The monitoring report shall be submitted to the County to ensure compliance. The Forest Service, in consultation with appropriate state agencies,

shall extend technical assistance to the County to help evaluate such reports and any subsequent activities associated with compliance.

- h.** Wetland restoration/enhancement can be mitigated successfully by donating appropriate funds to a non-profit wetland conservancy or land trust with explicit instructions that those funds are to be used specifically to purchase protection easements or fee title protection of appropriate wetlands acreage in or adjacent to the Columbia River Gorge meeting the ratios given above in (f)(9) above. These transactions shall be explained in detail in the Mitigation Plan and shall be fully monitored and documented in the monitoring report.

SECTION 14.700 Recreation Resources (GMA Only)

A. Purpose

1. Protect and enhance recreation resources consistent with Indian treaty rights.
2. Protect scenic, natural, cultural and recreation resources when providing new recreation opportunities.

B. Recreation Intensity Classes

The following uses are permitted in the applicable Recreation Intensity Class designation, subject to compliance with Subsections (C) Approval Criteria for Recreation Uses and (D) Facility Design Standards for all Recreation Projects.

1. Recreation Intensity Class 1 (Very Low Intensity)

- a. Parking areas for a maximum of 10 cars for any allowed uses in Recreation Intensity Class 1.
- b. Trails for hiking, equestrian, and mountain biking use.
- c. Pathways for pedestrian and bicycling use.
- d. Trailheads (with provisions for hitching rails and equestrian trailers at trailheads accommodating equestrian use).
- e. Scenic viewpoints and overlooks.
- f. Wildlife/botanical viewing and nature study areas.
- g. River access areas.
- h. Simple interpretive signs and/or displays, not to exceed a total of 50 square feet.
- i. Entry name signs, not to exceed 10 square feet per sign.
- j. Boat docks, piers, or wharfs.
- k. Picnic areas.
- l. Restrooms/comfort facilities.

2. Recreation Intensity Class 2 (Low Intensity)

- A. All uses permitted in Recreation Intensity Class 1.

- B.** Parking areas for a maximum of 25 cars, to serve any allowed uses in Recreation Intensity Class 2. Parking spaces for campground units are to be included in this number.
 - C.** Simple interpretive signs and displays, not to exceed a total of 100 square feet.
 - D.** Entry name signs, not to exceed 20 square feet per sign.
 - E.** Boat ramps, not to exceed two lanes.
 - F.** Campgrounds for 20 units or less, tent sites only.
- 3. Recreation Intensity Class 3 (Moderate Intensity)**
 - A.** All uses permitted in Recreation Intensity Classes 1 and 2.
 - B.** Parking areas for a maximum of 75 cars, to serve any allowed uses in Recreation Intensity Class 3. Parking spaces for campground units are to be included in this number.
 - C.** Interpretive signs, displays and/or facilities.
 - D.** Visitor information and environmental education signs, displays or facilities.
 - E.** Entry name signs not to exceed 32 square feet per sign.
 - F.** Boat ramps, not to exceed three lanes.
 - G.** Concession stands, pursuant to applicable policies in this chapter.
 - H.** Campgrounds for 50 individual units or less for tents and/or recreational vehicles, with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). Class 3 campgrounds may also include one group campsite area, in addition to the individual campground units or parking area maximums allowed as described herein.
- 4. Recreation Intensity Class 4 (High Intensity)**
 - A.** All uses permitted in Recreation Intensity Classes 1, 2, and 3.
 - B.** Parking areas for a maximum of 250 cars to serve any allowed uses in Recreation Intensity Class 4. Parking spaces for campground units are to be included in this number.
 - C.** Horseback riding stables and associated facilities.
 - D.** Entry name signs, not to exceed 40 square feet per sign.

- E. Boat ramps.
- F. Campgrounds for 175 individual units or less for tents and/or recreation vehicles with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). Class 4 campgrounds may also include up to 3 group campsite areas, in addition to individual campsite units or parking area maximums allowed as described herein.

Approval Criteria for Recreation Uses

1. For all proposed recreation projects outside of Public or Commercial Recreation designations, project applicants shall demonstrate compliance with the following criteria (if applicable) as a condition of project approval:

- A. Compliance with all applicable guidelines in the Management Plan for the protection of scenic, cultural, recreation, and natural resources. Cumulative effects of proposed recreation projects on landscape settings shall be based on the "Compatible Recreation Use Guideline" for the landscape setting in which the proposed project is located (see Part I, Chapter 1: Scenic Resources of the [Management Plan](#))

Cumulative effects of proposed recreation projects on landscape settings shall be based on the stated "compatible recreation use" for the designated landscape setting in which the proposed project is located.

- B. For proposed recreation projects in or adjacent to lands designated Large or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland:

- (1) The use would not seriously interfere with accepted forest or agricultural practices on surrounding lands devoted to forest or farm uses. Provision of on-site buffers may be used to partially or fully comply with this criterion, depending upon project design and/or site conditions.

- (2) A declaration has been signed by the project applicant or owner and recorded with County deeds and records specifying that the applicant or owner is aware that operators are entitled to carry on accepted forest or farm practices on lands designated Large or Small-Scale Agriculture, Commercial Forest Land or Large or Small Woodland.

- C. For proposed projects including facilities for outdoor fires for cooking or other purposes, or proposed campgrounds:

- (1) The project applicant shall demonstrate that a sufficient quantity of water necessary for fire suppression (as determined pursuant to applicable fire codes or the County fire marshal) is readily available to the proposed facility, either through connection to a community water system or on-site wells, storage tanks, sumps, ponds or similar storage devices. If connection to a community water system is proposed, the project applicant shall

demonstrate that the water system has adequate capacity to meet the facility's emergency fire suppression needs without adversely affecting the remainder of the water system with respect to fire suppression capabilities.

- (2) To provide access for fire-fighting equipment, access drives shall be constructed to a minimum of 12 feet in width and a maximum grade of 12 percent. Access drives shall be maintained to a level that is passable to fire-fighting equipment.
- D. For proposed trail or trailhead projects: compliance with applicable trail policies in the Management Plan.
- E. For proposed projects providing boating or windsurfing access to the Columbia River or its tributaries: compliance with applicable "River Access and Protection of Treaty Rights" objectives in the [Management Plan](#).
- F. For proposed projects on public lands or proposed projects providing access to the Columbia River or its tributaries shall comply with guidelines for protection of tribal treaty rights, as defined in [Sections 14.800](#) and [14.810](#), Indian Tribal Treaty Rights and Consultation.
- G. Proposed projects which include interpretation of natural or cultural resources shall demonstrate that the interpretive facilities will not adversely affect natural or cultural resources and that appropriate and necessary resource protection measures shall be employed.
- H. For proposed Recreation Intensity Class 4 projects (except for projects predominantly devoted to boat access), demonstration that the project accommodates provision of mass transportation access to the site. The number and size of the mass transportation facilities shall reflect the physical capacity of the site. This requirement may be waived upon a demonstration that providing such facilities would result in overuse of the site, either degrading the quality of the recreation experience or adversely affecting other resources at the site.

Facility Design Standards for All Recreation Projects

- 1. Recreation facilities which are not resource-based in nature may be included at sites providing resource-based recreation uses consistent with the standards and criteria contained herein, as long as such facilities comprise no more than one-third of the total land area dedicated to recreation uses and/or facilities. Required landscaped buffers may be included in calculations of total land area dedicated to recreation uses and/or facilities.
- 2. The facility design standards contained herein are intended to apply to individual recreation facilities. For the purposes of these standards, a recreation facility is considered a cluster or grouping of recreational developments or improvements located in relatively close proximity to one another.

To be considered a separate facility from other developments or improvements within the same Recreation Intensity Class, recreation developments or improvements must be separated by at

least one-quarter mile of undeveloped land (excluding trails, pathways, or access roads) from such developments or improvements.

3. Parking areas, access roads, and campsites shall be sited and designed to fit into the existing natural contours as much as possible, both to minimize ground-disturbing grading activities and utilize topography to screen parking areas and associated structures. Parking areas, access roads, and campsites shall be sited and set back sufficiently from bluffs so as to be visually subordinate as seen from Key Viewing Areas.
4. Existing vegetation, particularly mature trees, shall be maintained to the maximum extent practicable, and utilized to screen parking areas and campsites from Key Viewing Areas and satisfy requirements for perimeter and interior landscaped buffers.
5. Parking areas providing over 50 spaces shall be divided into discrete "islands" separated by unpaved, landscaped buffer areas.
6. Lineal frontage of parking areas and campsite loops to Scenic Travel Corridors shall be minimized to the greatest extent practicable.
7. Ingress/egress points shall be consolidated to the maximum extent practicable, providing for adequate emergency access pursuant to applicable fire and safety codes.
8. Signage shall be limited to that necessary to provide relevant, recreation or facility information, interpretive information, vehicular and pedestrian direction, and for safety purposes.
9. Exterior lighting shall be shielded, designed, and sited in a manner that prevents such lighting from projecting offsite or being highly visible from key viewing areas.
10. Innovative designs and materials which reduce visual impacts (such as "turf blocks" instead of conventional asphalt paving) shall be encouraged through incentives such as additional allowable parking spaces and reduce required minimum interior or perimeter landscaped buffers. Upon determination that potential visual impacts have been substantially reduced by use of such designs and materials, the County shall allow either reductions in required minimum interior or perimeter landscape buffers up to 50 percent of what would otherwise be required, or additional parking spaces not to exceed 10 percent of what would otherwise be permitted.
11. A majority of trees, shrubs, and other plants in landscaped areas shall be species native or naturalized to the landscaped setting in which they occur. The landscape setting design guidelines [Section 14.400](#) specify appropriate species.
12. All structures shall be designed so that height, exterior colors, reflectivity, mass, and siting enable them to blend with and not noticeably contrast with their setting.
13. Landscape buffers around the perimeter of parking areas accommodating more than 10 vehicles shall be provided. Minimum required widths are 5 feet for 20 vehicles or less, 20 feet for 50

vehicles or less, 30 feet for 100 vehicles or less, and 40 feet for 250 vehicles or less.

14. Interior landscaped buffers breaking up continuous areas of parking shall be provided for any parking areas over 50 spaces in size. The minimum width of interior landscaped buffers between each parking lot of 50 spaces or less shall be 20 feet.
15. Within required perimeter and interior landscaped buffer areas, a minimum of one tree of at least 6 feet in height shall be planted for every 10 lineal feet as averaged for the entire perimeter width. A minimum of 25 percent of planted species in perimeter buffers shall be coniferous to provide screening during the winter. Project applicants are encouraged to place such trees in random groupings approximating natural conditions. In addition to the required trees, landscaping shall include appropriate shrubs, groundcover and other plant materials.
16. Minimum required perimeter landscape buffer widths for parking areas or campgrounds may be reduced by as much as 50 percent, at the discretion of the County, if existing vegetation stands and/or existing topography are utilized such that the development is not visible from any Key Viewing Area.
17. Grading or soil compaction within the "drip line" of existing mature trees shall be avoided to the maximum extent practicable, to reduce risk of root damage and associated tree mortality.
18. All parking areas and campsites shall be set back from Scenic Travel Corridors, and the Columbia River and its major tributaries at least 100 feet.
 - a. Required perimeter landscaped buffers may be included when calculating such setbacks.
 - b. Setbacks from rivers shall be measured from the ordinary high water mark.
 - c. Setbacks from Scenic Travel Corridors shall be measured from the edge of road pavements.
19. Project applicants shall utilize measures and equipment necessary for the proper maintenance and survival of all vegetation utilized to meet the landscape standards contained herein, and shall be responsible for such maintenance and survival.
20. All parking areas shall be set back from property boundaries by at least 50 feet. All campsites and associated facilities shall be set back from property boundaries by at least 100 feet.
21. All proposed projects at levels consistent with Recreation Intensity Class 4 (except proposals predominantly devoted to boat access) shall comply with C(9) above regarding provision of mass transportation access.

Variances and Plan Amendments

1. The County may grant a variance to the setback and buffer requirements contained in this Chapter in accordance with [Chapter 6](#) and upon findings that the following conditions exist:

- A.** The proposed project is a public use, resource-based recreation facility providing or supporting either recreational access to the Columbia River and its tributaries, or recreational opportunities associated with a Scenic Travel Corridor;
 - B.** All reasonable measures to redesign the proposed project to comply with required setbacks and buffers have been explored, and application of those setbacks and buffers would prohibit a viable recreation use of the site as proposed;
 - C.** Resource impacts have been mitigated to less than adverse levels through design provisions and mitigation measures.
 - D.** The variance is the minimum necessary to accommodate the use.
- 2.** The County may grant a variance of up to 10 percent to the standards of Recreation Intensity Class 4 for parking and campground units upon demonstration that:

(The provisions of Chapter 6, Variances shall not apply)
 - A.** Demand and use levels for the proposed activity(s), particularly in the area where the site is proposed, are high and expected to remain so and/or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from Scenic Area recreation demand studies shall be relied upon to meet this criterion in the absence of current applicable studies.
 - B.** The proposed use is dependent on resources present at the site.
 - C.** Reasonable alternative sites, including those in nearby Urban Areas, offering similar opportunities have been evaluated and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.
 - D.** The proposed use is consistent with the goals, objectives and policies for recreation in the Management Plan.
 - E.** Through site design and/or mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural or cultural resources, and adjacent land uses.
 - F.** Through site design and/or mitigation measures, the proposed use can be implemented without affecting treaty rights.
- 3.** Proposals to change the Recreation Intensity Class of an area to a different class shall require a plan amendment, pursuant to Policies 1 through 4 in "Amendment of the Management Plan" (Part IV, Chapter 1, Gorge Commission Role) of the [Management Plan](#) for the Columbia River Gorge National Scenic Area.

F. Proposed development on properties Adjacent to Listed Recreation Sites

Recreation sites shall be protected from adjacent uses that would detract from their use and enjoyment. If new buildings or structures may detract from the use and enjoyment of established recreation sites on adjacent parcels, an appropriate buffer shall be established between the building/structure and the parcel.

SECTION 14.710 Recreation Resources (SMA Only)

The following standards apply to the lands in the Special Management Area:

- A.** If a standard or condition of this subsection is more restrictive than other subsections of this section, this subsection is controlling;
- B.** New developments and land uses shall not displace existing recreational use.
- C.** Protect recreation resources from adverse effects by evaluating new developments and land uses as proposed in the site plan. An analysis of both on- and off-site cumulative effects shall be required.
- D.** New pedestrian or equestrian trails shall not have motorized uses, except for emergency services.
- E.** Mitigation measures shall be provided to preclude adverse effects on the recreation resource.
- F.** The facility guidelines are intended to apply to individual recreation facilities. For the purposes of these standards, a recreation facility is considered a cluster or grouping of recreational developments or improvements located in relatively close proximity to one another. Recreation developments or improvements to be considered a separate facility from other developments or improvements within the same Recreation Intensity Class must be separated by at least one-quarter mile of undeveloped land (excluding trails, pathways, or access roads) from such developments or improvements.
- G.** New development and reconstruction of scenic routes (see Part III, Chapter 1: Recreation Development Plan in the [Management Plan](#)) shall include provisions for bicycle lanes.
- H.** New interpretive or education programs and/or facilities shall follow the recommendations of the "Interpretive Strategy for the Columbia River Gorge National Scenic Area."
- I.** Only natural resource-based recreation shall be allowed.
- J.** Recreation resources shall be protected by limiting development and uses as per the Recreation Intensity Classes.
- K. Recreation Intensity Classes - (RIC)**

The following uses are permitted in the applicable Recreation Intensity Class designation.

1. Recreation Intensity Class 1(Very Low Intensity)

Emphasis is to provide opportunities for semi-primitive recreation opportunities.

- A.** Uses permitted are those in which people participate in outdoor activities to realize experiences such as solitude, tension reduction, and nature appreciation.
- B.** Maximum site design capacity shall not exceed 35 people at one time on the site. Maximum design capacity for parking areas shall be 10 vehicles.
- C.** The following uses may be permitted:
 - (1)** Trails and trailheads.
 - (2)** Parking areas.
 - (3)** Dispersed campsites accessible only by a trail.
 - (4)** Viewpoints and overlooks.
 - (5)** Picnic areas.
 - (6)** Signs.
 - (7)** Interpretive exhibits and displays.
 - (8)** Restrooms.

2. Recreation Intensity Class 2 (Low Intensity)

Emphasis is to provide semi-primitive recreation opportunities.

- A.** Permitted uses are those that provide settings where people can participate in activities such as physical fitness, outdoor learning, relaxation, and escape from noise and crowds.
- B.** The maximum site design capacity shall not exceed 70 people at one time on the site. The maximum design capacity shall be 25 vehicles.
- C.** All uses permitted in Class 1 are permitted in Class 2. The following uses may also be permitted:
 - (1)** Campgrounds for twenty (20) units or less, tent sites only.
 - (2)** Boat anchorages designed for no more than 10 boats at one time.

(3) Swimming areas.

3. Recreation Intensity Class 3 (Moderate Intensity)

Emphasis is on facilities with design themes emphasizing the natural qualities of the area. Developments are complementary to the natural landscape, yet can accommodate moderate numbers of people.

- A.** Permitted uses are those in which people can participate in activities to realize experiences such as group socialization, nature appreciation, relaxation, cultural learning, and physical activity.
- B.** Maximum site design capacity shall not exceed 250 people at the site. The maximum design capacity shall be 50 vehicles. The GMA vehicle capacity level of 75 vehicles would be approved if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 10% of the site.
- C.** Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new (Recreation Intensity Class 3 day-use recreation sites, except for sites predominantly devoted to boat access.
- D.** All uses permitted in Classes 1 and 2 are permitted in Class 3. The following uses may also be permitted:
 - (1)** Campgrounds improvement may include water, power, sewer, and sewage dump stations.
 - (2)** Boat anchorages designed for not more than 15 boats.
 - (3)** Public visitor, interpretive, historic, and environmental education facilities.
 - (4)** Full service restrooms, may include showers.
 - (5)** Boat ramps.
 - (6)** Riding stables.

4. Recreation Intensity Class 4 (High Intensity)

Emphasis is on providing roaded natural, rural, and suburban recreation opportunities with a high level of social interaction.

- A.** Permitted uses are those in which people can participate in activities to realize experiences such as socialization, cultural and natural history appreciation, and physical activity.

- B.** The maximum design capacity shall not exceed 1,000 people at one time on the site. The maximum design capacity for parking areas shall be 200 vehicles. The GMA vehicle capacity level of 250 vehicles would be approved if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 20% of the site.
- C.** Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new Recreation Intensity Class 4 day-use recreation sites, except for sites predominantly devoted to boat access.
- D.** All uses permitted in Classes 1, 2, and 3 are permitted in Class 4.
- E.** The County may grant a variance of up to 10 percent to the guidelines of Recreation Intensity Class 4 for parking and campground units upon demonstration that all of the following conditions exist:

(The provisions of Chapter 6, Variances shall not apply)

 - (1)** Demand and use levels for the proposed activity(s), particularly in the area where the site is proposed, are high and expected to remain so and/or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from National Scenic Area recreation demand studies shall be relied upon to meet the criterion in the absence of current applicable studies.
 - (2)** The proposed use is dependent on resources present at the site.
 - (3)** Reasonable alternative sites offering similar opportunities, including those in Urban Areas, have been evaluated, and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.
 - (4)** The proposed use is consistent with the goals, objectives, and policies in this chapter.
 - (5)** Through site design and/or mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural, or cultural resources and adjacent land uses.
 - (6)** Though site design and/or mitigation measures, the proposed use can be implemented without affecting treaty rights.
- F.** Mass transportation shall be considered and implemented, if feasible, for all proposed variances to Recreation Intensity Class 4.
- L.** Proposals to change the recreation intensity class of an area shall require a Management Plan amendment pursuant to policies listed in [Section 9.090](#) of this Ordinance and in accordance with applicable Gorge Commission Rules.
- M.** Proposed development on properties Adjacent to Listed Recreation Sites

Recreation sites shall be protected from adjacent uses that would detract from their use and enjoyment. If new buildings or structures may detract from the use and enjoyment of established recreation sites on adjacent parcels, an appropriate buffer shall be established between the building/structure and the parcel.

SECTION 14.800 Indian Tribal Treaty Rights and Consultation (GMA Only)

A. Purpose

Ensure that the Scenic Area Act, the Management Plan, and these implementing ordinances do not affect or modify any treaty or other rights of any Indian tribe.

B. Tribal Government Notice and Comment Period

1. The County shall send a notice to the four tribal governments when new uses are:

- a.** proposed on public lands, or
- b.** proposed in or adjacent to the Columbia River or its tributaries that support anadromous or resident fish.

Public lands include lands owned by cities, counties, states, and the United States. Lands adjacent to the Columbia River or its fish-bearing tributaries are those lands that are situated directly between the Columbia River or its fish-bearing tributaries and the closest public access point. Public access points include state highways and parks. The wildlife inventory in the "Streams, Ponds, Lakes and Riparian Areas" section of the [Management Plan](#) for the Columbia River Gorge National Scenic Area identifies all tributaries in the Scenic Area that support anadromous and resident fish.

2. Notices sent to the Indian tribal governments shall include a site plan. As specified in standards 3 and 4 below, the notices also may require supplemental information and treaty rights protection plans.

3. New uses located in, or providing recreation river access to, the Columbia River or its fish-bearing tributaries, shall include supplemental information:

- a.** The site plan map also shall show adjacent river areas at least one-half mile upstream and downstream from the project site, the locations at which river access is planned, and the locations of all tribal fishing sites known to the project applicant.
- b.** The site plan text also shall include an assessment of the potential effects that new uses may have on Indian treaty rights. The assessment shall:
 - (1)** Describe the type of river access and uses proposed, estimated period when the development would be used, and anticipated levels of use--people, boats, and other uses--during peak use periods.
 - (2)** List tribal commercial fishing seasons in the project vicinity, as established by the four treaty tribes.

- (3) List tribal ceremonial fishing seasons in the project vicinity.
 - (4) Assess, based on the above factors the potential effects that the proposed uses may have on Indian treaty rights.
4. Notices also shall include a treaty rights protection plan if new uses may affect Indian treaty rights.
 - a. The protection plan shall specify measures that will be used to avoid effects to Indian treaty rights.
 - b. These measures may include reducing the size and modifying the location or design of the proposed uses, seasonal closures, stringent on-site monitoring, information signs, and highly visible buoys or other markers delineating fishing net locations.
5. Indian tribal governments shall have 20 calendar days from the date a notice is mailed to submit substantive written comments to the County Planning Office. Indian tribal governments must identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the new uses.

C. Tribal Government Consultation

1. When substantive written comments are submitted to the County Planning Office in a timely manner, the project applicant shall offer to meet with the County Planning Office and the Indian tribal government that submitted comments within 10 calendar days. The 10 day consultation period may be extended upon agreement between the project applicant and the Indian tribal government.

Consultation meetings should provide an opportunity for the project applicant and tribal representatives to identify potential conflicts and explore options to eliminate them. The project applicant must demonstrate this his/her proposed use would not affect or modify treaty or other rights of any Indian tribe.

2. Any substantive comments, recommendations, or concerns expressed by Indian tribal governments during the consultation meeting shall be recorded and addressed by the project applicant in a treaty rights protection plan. The protection plan shall include measures to avoid treaty and other rights of any Indian tribe.
3. The County shall submit all protection plans to the Indian tribal governments. Indian tribal governments shall have 30 calendar days from the date a protection plan is mailed to submit written comments to the County Planning Office.

D. Conclusion of the Treaty Rights Protection Process

- 1. The County will decide whether the proposed uses would affect or modify any treaty or other**

rights of any Indian tribe.

- a. The final decision shall integrate findings of fact that address any substantive comments, recommendations, or concerns expressed by Indian tribal governments.
 - b. If the final decision contradicts the comments, recommendations or concerns of Indian tribal governments, the County must justify how it reached an opposing conclusion.
2. The treaty rights protection process may conclude if the County determines that the proposed uses would not affect or modify treaty or other rights of any Indian tribe. Uses that would affect or modify such rights shall be prohibited.
3. A finding by the County that the proposed uses would not affect or modify treaty or other rights, or a failure of an Indian tribe to comment or consult on the proposed uses as provided in these guidelines, in no way shall be interpreted as a waiver by the Indian tribe of a claim that such uses adversely affect or modify treaty or other tribal rights.

SECTION 14.810 Indian Tribal Treaty Rights and Consultation (SMA Only)

For all new development or new uses in the SMA, the Forest Service is responsible for consulting with Indian tribal governments at the government-to-government level. The purpose of this process is to ensure that its management activities will not affect treaty rights, and to provide meaningful participation in the identification, evaluation and protection of cultural resources.

[Section 17](#) (Savings Provisions of the Scenic Area Act) contains several provisions regarding the need to avoid potential effects to treaty rights. Treaty rights are defined by the Treaties of 1855 between the Congress and Indian Tribal governments. These rights are not subject to negotiation. Potential effects to treaty rights must be avoided. The Forest Service has no authority to interpret or negotiate in the area of treaty rights.

Cultural resources are protected by the Scenic Area Act and the Historic Preservation Act of 1966. Indian tribal governments are identified as parties to be consulted during the inventory, evaluation and protection of cultural resources.

DETAILED TABLE OF CONTENTS

CHAPTER 15 ADMINISTRATION AND ENFORCEMENT

<u>SECTION</u>		<u>PAGE</u>
15.010	<u>ADMINISTRATION</u>	15-1
15.020	<u>ZONING APPROVAL</u>	15-1
15.030	<u>AUTHORITY</u>	15-1
15.040	<u>CIVIL RELIEF</u>	15-1
15.050	<u>VIOLATION OF ORDINANCE</u>	15-2
15.060	<u>VIOLATION OF ORDINANCE AS A NUISANCE</u>	15-2
15.070	<u>WASCO COUNTY CODE COMPLIANCE AND NUISANCE ABATEMENT ORDINANCE</u>	15-2

CHAPTER 15 ADMINISTRATION AND ENFORCEMENT

SECTION 15.010 Administration

It shall be the duty of the Director, or the Director's designee, to enforce the provisions of this ordinance pertaining to property use and to the construction, erection, location or enlargement of any structure located within the National Scenic Area portion of Wasco County, Oregon, under the jurisdiction of this Ordinance.

SECTION 15.020 Zoning Approval

- A.** The Director, the Director's designee or other Approving Authority shall not give zoning approval on any development or use of land, including land divisions and property line adjustments on a property that is not in full compliance with all applicable provisions of this ordinance, regardless of whether the applicant(s) or current owner(s) created the violation.
- B.** Zoning approval may be authorized if:
 - 1.** It results in the property coming into full compliance with all applicable provisions of the Wasco County Land Use and Development Ordinance. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or
 - 2.** It is necessary to protect public safety; or
 - 3.** It is for work related to and within a valid easement over, on or under an affected property.
- C.** For the purpose of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

SECTION 15.030 Authority

Whenever necessary to enforce the provisions of this Ordinance, the Director, or the Director's designee, shall have the authority in addition to other remedies provided by law, to issue compliance notices and orders, assess penalties, record violations and liens with the County Clerk, issue citations, to institute injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin or abate a violation.

SECTION 15.040 Civil Relief

When a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered, or used, or any land is, or is proposed to be, used in violation of this Ordinance, the County Board of Commissioners, the District Attorney or any person whose interest in real property within the County is or may be affected by the violation, may, in addition to other remedies provided by law, institute injunction,

mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or remove the unlawful location, construction, maintenance, repair, alteration or use. When a temporary restraining order is granted in a suit instituted by a person who is not exempt from furnishing bonds or undertakings as provided under ORS 32.010 to 32.060, the person shall furnish undertakings as provided under O.R.S. 32.010 to 32.060.

SECTION 15.050 Violation of Ordinance

No person shall construct, erect, locate, maintain, repair, alter, enlarge, use or change the use or uses of any structure or property or shall transfer any property in violation of this Ordinance.

SECTION 15.060 Violation of Ordinance as a Nuisance

The construction, erection, location, maintenance, repair, alteration, enlargement or use or change in use or uses of any structure or property or transfer of any property in violation of this Ordinance or those conditions and limitations approved pursuant to the provisions of this Ordinance shall be deemed a nuisance and may be enjoined, abated or removed.

SECTION 15.070 Wasco County Code Compliance and Nuisance Abatement Ordinance

The Wasco County Code Compliance and Nuisance Ordinance is a separate County Board of Commissioners adopted ordinance that implements land use, nuisance and health violations. Please refer to that ordinance for further details related to enforcement of the provisions of the Wasco County National Scenic Area Land Use and Development Ordinance.

DETAILED TABLE OF CONTENTS

CHAPTER 16 EMERGENCY/ DISASTER RESPONSE ACTIONS

<u>SECTION</u>		<u>PAGE</u>
16.010	<u>PURPOSE</u>	16-1
16.020	<u>RESPONSIBLE PARTY</u>	16-1
16.030	<u>EMERGENCY/DISASTER ACTION REQUIREMENTS</u>	16-1
16.040	<u>POST EMERGENCY/DISASTER RESPONSE DEVELOPMENT REVIEW APPLICATION REQUIREMENTS</u>	16-3
16.050	<u>POST-EMERGENCY/DISASTER RESPONSE DEVELOPMENT REVIEW REQUIREMENTS</u>	16-4
16.060	<u>POST-EMERGENCY/DISASTER CONSTRUCTION</u>	16-11

CHAPTER 16 - EMERGENCY/DISASTER RESPONSE ACTIONS**SECTION 16.010 Purpose**

Post-emergency/disaster response development review is required in order to evaluate whether such response actions have impacted scenic, natural, cultural or recreation resources. Adverse impacts of the response actions shall be mitigated to the greatest extent practicable. The review process shall be expedited to facilitate timely mitigation/restoration efforts, where needed.

SECTION 16.020 Responsible Party

The party(ies) submitting the post-emergency/disaster response application shall be responsible for implementing any required mitigation/restoration, unless:

- A. Other responding parties agree to assume such responsibility, upon mutual agreement of the parties; or
- B. The landowner denies access for mitigation/restoration activities, in which case the landowner assumes responsibility.

SECTION 16.030 Emergency/Disaster Action Requirements**A. Responsible Party Operational Requirements:**

- 1. Following emergency/disaster response actions, best management practices (BMPs) to prevent sedimentation and provide erosion control shall be utilized whenever disaster response actions necessitate vegetation removal, excavation, and/or grading. BMPs may include but are not limited to: use of straw bales, slash windrows, filter fabric fences, sandbags, straw cover, jute netting, etc.
- 2. Structures or development installed or erected for a temporary use (e.g. sandbags, check dams, plastic sheeting, chain link fences, debris walls, etc.) shall be removed within one year following an emergency event. If it can be demonstrated that the continued use of these devices is necessary to protect life property, public services or the environment, an extension of no more than two years may be granted by the Wasco County Planning Department or the Forest Service for federal agency actions.
- 3. The new exploration, development (extraction or excavation), and production of mineral resources, used for commercial, private or public works projects, shall not be conducted as an emergency/disaster response activity.
- 4. No spoils resulting from grading or excavation activities shall be deliberately deposited into a wetland, stream, pond, lake or riparian area within the National Scenic Area (NSA) as a part of an emergency/disaster response action. The only exception to this is for construction of a fire line during a wildfire, where avoiding the aquatic area or its buffer zone has been considered

and determine to not be possible without further jeopardizing life or property.

B. Responsible Party Notification Requirements

Actions taken in response to an [emergency/disaster event, as defined in the Section 1.200](#), are allowed in all GMA and SMA land use designations, subject to the following notification requirements.

1. Notification of an emergency/disaster response activity shall be submitted either within 48 hours of the commencement of a response action, or by the next business day following the start of such an action, whichever is sooner. Notification shall be submitted by the party conducting an emergency/disaster response activity or their representatives. In the case of multiple responding parties, the first party to respond shall provide the required notification, unless, upon mutual agreement of responding parties, another responder elects to assume this responsibility.
2. Notification shall be submitted by mail, fax, telephone, e-mail or in person. If notification occurs by telephone, a hard copy of the notification shall be submitted by mail or in person within 7 days.
3. Notification shall be furnished to the Wasco County Planning Department, or the Forest Service for federal agency actions.
4. At a minimum, the following information shall be required at the time of notification:
 - a. Nature of emergency/disaster event.
 - b. Description of emergency/disaster response activities and magnitude of response actions to be taken, if applicable (such as extent of earth movement, erection of structures, etc.).
 - c. Location of emergency/disaster response activities.
 - d. Estimated start and duration of emergency/disaster response activities.
 - e. Contact person and phone number for the parties conducting emergency/disaster response actions.
5. Repair and maintenance of an existing serviceable structure to its previously authorized and undamaged condition are not subject to the above referenced notification requirements.

C. Agency Responsibility

1. Upon notification of an emergency/disaster response action, the Wasco County Planning Department or Forest Service shall, as soon as possible:
 - a. Review its natural resource inventory data and notify the contact person for the emergency/disaster response actions of all inventoried natural resource sites and their

buffers, that are within or adjacent to the response area or that may be adversely affected by response activities;

- b. Notify the Oregon Department of Fish and Wildlife of all noticed emergency/disaster response actions, to provide that agency an opportunity to consult with responding agencies during the event, and;
 - c. Notify the Forest Service, the Oregon Historic Preservation Office and the tribal governments of all emergency/disaster response activities. The Forest Service will review their cultural resource inventory data and notify the contact person for the emergency/disaster response action as soon as possible of all inventoried cultural resource sites, or their buffers, that are within, or adjacent to, emergency/disaster response areas.
2. Upon notification of a response action, the Forest Service shall, as soon as possible, offer the services of a resource advisor to the agency(ies) conducting the response action. The resource advisor will provide on-site advice to minimize impacts to resources from emergency/disaster response actions.

SECTION 16.040 Post-Emergency/Disaster Response Development Review Application Requirements

- A. Within 30 days following notification, a post-emergency/disaster response application shall be submitted by the party conducting the response action to the Wasco County Planning Department, or Forest Service for federal agency actions. In the case of an event with multiple responding parties, the agency providing initial notification as required herein shall submit the application. An exception to this may occur if another responding party, by mutual agreement with the other respondents, elects to submit the application. Requests to extend this submittal deadline may be made in writing and shall include the reason why an extension is necessary. Extensions shall not exceed 30 days in duration and not more than two (2) extensions shall be granted.
- B. Post-emergency/disaster response applications shall only address development activities conducted during an emergency/disaster response. Applications shall specify if development placed during an emergency/disaster event is permanent or temporary. The terms "development activities" and "development" include the disposal of any spoil materials associated with an emergency/disaster response action. Applicants shall be responsible for operations under their control and that of other responders, upon mutual agreement. Responders not agreeing to have another responder address their actions shall be responsible to submit an application for those actions.
- C. Emergency/disaster response actions not involving structural development or ground disturbance with mechanized equipment are exempt from these requirements, except for those actions within 500 feet of a known cultural resource (as determined in the notification process).
- D. Applications shall include the following information:
 - 1. Applicants name and address.
 - 2. Location of emergency/disaster response.
 - 3. A written description of the emergency/disaster response, including any structures erected, excavation or other grading activities, or vegetation removal.
 - 4. A map of the project area drawn to scale, at a scale of 1 inch = 200 feet or a scale providing

greater detail. The map shall include:

- a. North arrow and scale.
 - b. Boundaries, dimensions and size of subject parcel(s).
 - c. Bodies of water, watercourses, and significant landforms.
 - d. Existing roads and structures.
 - e. New structures placed and any vegetation removal, excavation or grading resulting from the response actions.
5. An exception to the scale requirements in D(4) above may be granted for an event encompassing an area greater than one square mile. In such cases, a clear sketch map of the entire response action area shall be provided. In addition, a map of 1 inch = 200 feet or a scale providing greater detail shall be provided that shows a section of the response area exemplifying the specific actions taken.

SECTION 16.050 Post-Emergency/Disaster Response Development Review Requirements

- A. Emergency/disaster response review uses may be allowed pursuant to a process that provides at minimum the following:
 - 1. Notice of the application to landowners within 200 feet of the perimeter of the subject parcel, the Forest Service, Gorge Commission, four tribal governments and interested parties.
 - 2. A written decision with findings of fact and conclusions of law.
 - 3. An opportunity to request a hearing.
- B. Actions taken in all land use designations within the GMA/SMA that are in response to an [emergency/disaster event, as defined in Section 1.200](#), shall be reviewed for compliance with the following guidelines.
 - 1. Scenic Resources
 - a. Impacts of emergency/disaster response actions shall be evaluated to ensure that scenic resources are not adversely affected. In the GMA, such actions shall be rendered visually subordinate in their landscape setting as seen from key viewing areas to the greatest extent practicable, except for actions located in areas exempted from visual subordination requirements in [14.400\(J\)](#), Special Settings. In the SMA, such actions shall meet the scenic standard to the greatest extent practicable.
 - b. Vegetation shall be used to screen or cover road cuts, structural development, landform alteration, and areas denuded of vegetation, as a result of emergency/disaster response actions.
 - c. Areas denuded of vegetation as a result of emergency/disaster response actions shall be revegetated with native plant species, or species commonly found within the applicable landscape setting, to restore the affected areas to its pre-response condition to the greatest extent practicable. Revegetation shall occur as soon as practicable, but no later than one year after the emergency/disaster event. An exception to the one-year requirement may be granted upon demonstration of just cause, with an extension up to one year.

- d.** The painting, staining or use of other materials on new structural development shall be used to ensure that the structures are non-reflective, or of low reflectivity, and visually subordinate in their landscape setting as seen from key viewing areas, unless the structure is fully screened from key viewing areas by existing topographic features.
- e.** Additions to existing structures, resulting from an emergency/disaster response action, which are smaller in total height, bulk or area than the existing structures may be the same color as the existing development. Additions larger than the existing development shall be visually subordinate in their landscape setting as seen from key viewing areas to the greatest extent practicable.
- f.** In the General Management Area, spoil materials associated with grading, excavation and slide debris removal activities in relation to an emergency/disaster response action shall comply with the following standards:
 - (1)** The spoil materials shall either be:
 - (a)** Removed from the NSA,
 - (b)** Deposited at a site within the NSA permitted by the Wasco County Planning Department, or
 - (c)** (Re)contoured, to the greatest extent practicable, to retain the natural topography, or a topography which emulates that of the surrounding landscape.
 - (2)** The Wasco County Planning Department shall decide whether an applicant removes the spoil materials, deposits the spoil materials, or (re)contours the spoils materials. The applicant does not make this decision.
 - (3)** The Wasco County Planning Department shall select the action that, to the greatest extent practicable, best complies with the provisions of Chapter 14 that protect scenic, cultural, recreation, and natural resources.
 - (4)** Disposal sites created according to f(1)(b) above shall only be used for spoil materials associated with an emergency/disaster response action. Spoil materials from routine road maintenance activities shall not be deposited at these sites.
- g.** In the Special Management Area, spoil materials associated with grading, excavation and slide debris removal activities in relation to an emergency/disaster response action shall comply with the following standards:
 - (1)** The spoil materials shall either be:
 - (a)** Removed from the NSA, or
 - (b)** Deposited at a site within the NSA permitted by the Wasco County Planning Department within two years of the emergency.
 - (2)** After the spoils materials are removed, the emergency disposal site shall be rehabilitated to meet the scenic standard.
 - (3)** All grading (i.e., recontouring) shall be completed within 30 days after the spoils materials are removed.

- (4) Sites shall be replanted using native plants found in the landscape setting or ecoregion to the maximum extent practicable.
- (5) All revegetation shall take place within one (1) year of the date an applicant completes the grading.
- (6) This provision shall take effect two years after the date of Management Plan concurrence by the U.S. Secretary of Agriculture, or approval of a disposal site, whichever comes first.

2. Cultural Resources and Treaty Rights

- a. To the greatest extent practicable, emergency/disaster response actions shall not adversely affect cultural resources. Emergency/disaster response actions shall not affect tribal treaty rights.
- b. The USDA Forest Service shall determine if a reconnaissance survey or historic survey is necessary within three days after receiving notice that a post-emergency land use application has been received by the Wasco County Planning Department.
 - (1) Reconnaissance surveys shall be conducted by the USDA Forest Service and comply with the criteria in [Section 14.500](#). Reconnaissance survey reports shall comply with the criteria in [Section 14.500](#).
 - (2) Historic surveys shall be conducted by the USDA Forest Service and shall describe any adverse effects to historic resources resulting from an emergency/disaster response action. Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures. Such surveys shall also include original photographs, if available, and maps, and should use archival research, blueprints, and drawings as necessary.
- c. Following the submittal of a post-emergency land use application, in addition to other public notice requirements that may exist, the tribal governments shall be notified by the development review offer when a reconnaissance survey is required or cultural resources exist in the project area. Notices shall include a site plan. Tribal governments shall have 15 calendar days from the date a notice is sent to submit written comments. Written comments should describe the nature and extent of any cultural resources that exist in the project area or treaty rights that exist in the project area and how they have been affected, and identify individuals with specific knowledge about them. The Wasco County Planning Department shall send a copy of all comments to the Gorge Commission.
- d. When written comments are submitted in compliance with (c) above, the project applicant shall offer to meet within five calendar days with the interested persons. The five day consultation period may be extended upon agreement between the project applicant and the interested persons. A report shall be prepared by the Wasco County Planning Department following the consultation meeting. Consultation meetings and reports shall comply with the standards in [Section 14.500](#).
- e. If cultural resources are discovered within the area disturbed by emergency response

actions, the project applicant shall have a qualified professional conduct a survey to gather enough information to evaluate the significance of the cultural resources and what effects the action had on such resources. The survey and evaluation shall be documented in a report that generally follows the standards in [Section 14.500](#).

- f. A mitigation plan shall be prepared by the project applicant if the affected cultural resources are significant. The mitigation plan shall be prepared according to the information, consultation, and report guidelines in Mitigation Plan Criteria and Information Needs in [Section 14.500](#).
- g. The Wasco County Planning Department shall submit a copy of all reconnaissance and historic survey reports and treaty rights protection plans to the SHPO and the tribal governments. Survey reports shall include measures to mitigate adverse effects to cultural resources resulting from emergency/disaster response actions. The SHPO and tribal governments shall have 15 calendar days from the date a survey report is mailed to submit written comments to the agency conducting the post-emergency development review. The agency shall record and address all written comments in the development review order.
- h. The Wasco County Planning Department shall make a final decision on whether the emergency/disaster response actions are consistent with the applicable cultural resource goals, policies, and guidelines. If the final decision contradicts the comments submitted by the SHPO, or those submitted by a tribal government regarding treaty rights, the agency shall justify how it reached an opposing conclusion.
- i. The cultural resource protection process may conclude when it has been determined that tribal treaty rights have not been not affected and one of the following conditions exists:
 - (1) The emergency/disaster response action does not require a reconnaissance or historic survey, or a reconnaissance survey demonstrates that no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 15 calendar days of the date that a notice was mailed.
 - (2) The emergency/disaster response action avoided cultural resources that exist in the project area.
 - (3) Adequate mitigation measures to affected cultural resources have been developed and will be implemented.
 - (4) A historic survey demonstrates that emergency/disaster response actions, and associated development, had no effect on historic buildings or structures because:
 - (a) The SHPO concluded that the historic buildings or structures are clearly not eligible, as determined by using the criteria in the “National Register Criteria for Evaluation” ([36 CFR 60.4](#)), or
 - (b) The emergency/disaster response actions did not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as determined by the guidelines and standards in [The Secretary of the Interior’s Standards for Rehabilitation](#) [U.S. Department of the Interior 1990] and [The Secretary of the Interior’s Standards for Historic](#)

[Preservation Projects](#) [U.S. Department of the Interior 1983].

3. Natural Resources

- a. To the greatest extent practicable, emergency/disaster response actions shall not adversely affect natural resources.
- b. Buffer zones for wetlands, streams, ponds, riparian areas, sensitive wildlife sites or areas, and sites containing rare plants, shall be the same as those established in [Sections 14.600 and 14.610, Natural Resources](#).
- c. Wetlands, Streams, Ponds, Lakes, Riparian Areas
 - (1) Emergency/disaster response actions occurring within a buffer zone of wetlands, streams, pond, lakes or riparian areas shall be reviewed by the Oregon Department of Fish and Wildlife (ODFW). These areas are also referred to in this section as aquatic areas. State biologists will help determine if emergency/disaster response actions have affected or have a potential to affect these aquatic areas or their bigger zones. State biologists shall respond within 15 days of the date the application is mailed.
 - (2) When emergency/disaster response activities occur within wetlands, streams, ponds, lakes, riparian areas, or the buffer zones of these areas, the applicant shall demonstrate the following:
 - (a) All reasonable measures have been applied to ensure that the response actions have resulted in the minimum feasible alteration or destruction of the functions, existing contours, vegetation, fish and wildlife resources, and hydrology of wetlands, streams, ponds, lakes or riparian areas.
 - (b) Areas disturbed by response activities and associated development will be rehabilitated to the maximum extent practicable.
 - (3) Impacts to wetlands, streams, ponds, lakes and riparian areas, and their buffers will be offset through mitigation and restoration to the greatest extent practicable. Mitigation and restoration efforts shall use native vegetation, and restore natural functions, contours, vegetation patterns, hydrology and fish and wildlife resources to the maximum extent practicable.
 - (4) If The Wasco County Planning Department, in consultation with ODFW, determines that the emergency/disaster response actions had minor effects on the aquatic area or its buffer zone that could be eliminated with simple modifications, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state biologist, or a Forest Service natural resource advisor (as available) in consultation with the state biologist, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the agency administering the Scenic Area ordinance shall incorporate them into its development review order and the aquatic area protection process may conclude.
 - (5) Unless addressed through (4) above, mitigation and restoration efforts shall be delineated in a Rehabilitation Plan. [Rehabilitation Plans](#) shall satisfy the standards

in [Section 14.600](#). Rehabilitation plans shall also satisfy the following:

- (a) Plans shall include a plan view and cross-sectional drawing at a scale that adequately depicts site rehabilitation efforts. Plans will illustrate final site topographic contours that emulate the surrounding natural landscape.
- (b) Planting plans shall be included that specify native plant species to be used, specimen quantities and plant locations.
- (c) The project applicant shall be responsible for the successful rehabilitation of all areas disturbed by emergency/disaster response activities.

d. Wildlife Habitat

- (1) Emergency/disaster response actions occurring within 1,000 feet of a sensitive wildlife area or site, shall be reviewed by the Oregon Department of Fish and Wildlife. State wildlife biologists will help determine if emergency/disaster response actions have affected or have a potential to affect a sensitive wildlife area or site.
- (2) Site plans for emergency/disaster response sites shall be submitted by the Wasco County Planning Department to ODFW for review as prescribed in [Section 14.600](#). The wildlife agency shall respond within 15 days of the date the application is mailed.
- (3) The wildlife protection process may terminate if the Wasco County Planning Department, in consultation with the state wildlife agency, determines the sensitive wildlife area or site was not active, or the emergency/disaster response did not compromise the integrity of the wildlife area or site or occurred at a time when wildlife species are not sensitive to disturbance.
- (4) If The Wasco County Planning Department, in consultation with ODFW, determines that the emergency/disaster response activities had minor effects on the wildlife area or site that could be eliminated with simple modifications, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state wildlife biologist, or a Forest Service natural resource advisor (as available) in consultation with the state wildlife biologist, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the agency administering the Scenic Area ordinance shall incorporate them into its development review order and the wildlife protection process may conclude.
- (5) If the Wasco County Planning Department, in consultation with the ODFW, determines that the emergency/disaster response activities had adverse effect on a sensitive wildlife area or site, the project applicant shall prepare a Wildlife Management Plan. Wildlife Management Plans shall comply with standards in [Section 14.600](#). Upon completion of the Wildlife Management Plan, the agency shall:
 - (a) Submit a copy of the Wildlife Management Plan to the state wildlife agency for review. ODFW will have 15 days from the date that a plan is mailed to submit written comments to the agency conducting the post-emergency development review;
 - (b) Record any written comments submitted by the ODFW in its development review order. Based on these comments, the agency conducting the post-emergency

development review shall make a final decision on whether the proposed use would be consistent with the wildlife policies and guidelines. If the final decision contradicts the comments submitted by ODFW, the Wasco County Planning Department shall justify how it reached an opposing conclusion.

- (c) Require the project applicant to revise the Wildlife Management Plan as necessary to ensure that the proposed use would not adversely affect a sensitive wildlife area or site.

e. Deer and Elk Winter Range

Any fencing permanently erected within deer and elk winter range, as a result of an emergency/disaster response, shall comply with the standards in [Section 14.600](#).

f. Rare Plants

- (1) Emergency/disaster response actions occurring within 1,000 feet of a sensitive plant, shall be reviewed by the Oregon Natural Heritage Program. State heritage staff will help determine if emergency/disaster response actions have occurred within the buffer zone of a rare plant.
- (2) Site plans for emergency/disaster response sites shall be submitted to the Oregon or Natural Heritage Program by the agency conducting the post-emergency development review. State natural heritage staff will, within 15 days from the date the application is mailed, identify the location of the affected plants and delineate a 200 foot buffer zone on the applicant's site plan.
- (3) The rare plant protection process may conclude if the Wasco County Planning Department, in consultation with the state natural heritage program, determines that emergency/disaster response activities occurred outside of a rare plant buffer zone.
- (4) If the Wasco County Planning Department, in consultation with the state natural heritage program, determines that the emergency/disaster response activities had minor effects on rare plants or the rare plant buffer zone, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state natural heritage staff, or a Forest Service natural resources advisor (as available) in consultation with the state natural heritage staff, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the Wasco County Planning Department shall incorporate them into its development review order and the rare plant protection process may conclude.
- (5) If emergency/disaster response activities occurred within a rare plant buffer zone that had adverse effects on rare plants or their buffer zone, the project applicant shall prepare a protection and rehabilitation plan that meets the standards in [Section 14.600](#).
- (6) The Wasco County Planning Department shall submit a copy of all protection and rehabilitation plans to the state heritage program for review. The state natural heritage program will have 15 days from the date the protection and rehabilitation plan is mailed to submit written comments to the Wasco County Planning Department.

The Wasco County Planning Department review shall record any written comments submitted by the state natural heritage program in its development review order.

Based on these comments, it shall make a final decision on whether the proposed use would be consistent with the rare plant policies and guidelines. If the final decision contradicts the comments submitted by the state natural heritage program, the Wasco County Planning Department shall justify how it reached an opposing conclusion.

- (7) The Wasco County Planning Department shall require the project applicant to revise the protection and rehabilitation plan as necessary to ensure that the proposed use would not adversely affect a rare plant site.

4. Recreational Resources

- (a) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect recreational resources.
- (b) Mitigation measures shall be implemented to mitigate any adverse effects on existing recreation resources caused by emergency/disaster response activities to the maximum extent practicable.

16.060 Post-Emergency/Disaster Construction

- A. The following review uses are allowed in all land use designations subject to a full Scenic Area Review.
 - 1. Placement of structures necessary for continued public safety and the protection of private property and essential public services damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use applications shall be submitted within 12 months following an emergency/disaster event.

DETAILED TABLE OF CONTENTS

CHAPTER 17 RECREATIONAL VEHICLE PARKS

<u>SECTION</u>	<u>PAGE</u>	
17.010	<u>REVIEW</u>	17-1
17.020	<u>INFORMATION REQUIRED – PRELIMINARY SITE PLAN REVIEW</u>	17-1
17.030	<u>SITE PLAN AND SUBMISSION REQUIREMENTS</u>	17-2
17.040	<u>GENERAL DESIGN STANDARDS</u>	17-2
17.050	<u>EXCEPTIONS</u>	17-4
17.060	<u>OCCUPANCY PERMIT</u>	17-4
17.070	<u>FACILITIES</u>	17-5
17.080	<u>CERTIFICATE REQUIRED</u>	17-5
17.090	<u>SERVICE BUILDINGS</u>	17-5
17.100	<u>ACCOMMODATION OF HANDICAPPED</u>	17-5

CHAPTER 17 RECREATIONAL VEHICLE PARKS

SECTION 17.010 Review

In addition to the general provisions of this Ordinance, special provisions for the establishment of a new recreational vehicle park, the expansion of an existing recreational vehicle park or the expansion of an existing mobile home park to contain recreational vehicle sites shall be met. No Recreational vehicle park shall be established or expanded and no plan for said park or expansion shall be filed or recorded until submitted to and approved by the Approving Authority, in accordance with standards set forth in this section, [Chapter 14 - Scenic Area Review](#), and the underlying zone. Recreational Vehicles are only allowed in Recreation Intensity Classes three (3) and four (4). In the event of conflicting requirements to comply with this section and the underlying zones or [Chapter 14](#), the requirements of the underlying zone or [Chapter 14](#) shall be met.

SECTION 17.020 Information Required for Preliminary Site Plan Review

The application for a preliminary site plan review for a recreational vehicle park shall be filed with the Planning Office in the form described by the Director and shall be accompanied by five (5) copies of the site plan showing the general layout of the entire recreational vehicle park and drawn at a scale not smaller than one inch (1") representing fifty feet (50'). The drawing shall show the following information:

- A.** Name of the property owner, applicant, and person who prepared the plan;
- B.** Name of the Recreational Vehicle park and address;
- C.** Scale and north point of the plan;
- D.** Vicinity map showing relationship of Recreational Vehicle park to adjacent properties and surrounding zoning;
- E.** Boundaries and dimensions of the Recreational Vehicle park;
- F.** Location and dimensions of each Recreational Vehicle site; designate each site by number, letter or name;
- G.** Location and dimensions of each existing or proposed building;
- H.** Location and width of park streets;
- I.** Location and width of walkways;
- J.** Location of each lighting fixture for lighting the mobile home park;
- K.** Location of recreational areas and buildings, and area of recreational space;
- L.** Location and type of landscaping plantings, fence, wall, or combination of any of these, or other

screening materials;

- M. Extent, location, arrangement and proposed improvements of all off-street parking and loading facilities;
- N. Location of available fire and irrigation hydrants;
- O. Location of public telephone service for the park;
- P. Location and number of toilets provided for men and for women.
- Q. Location of all public water facilities.
- R. Location of all sanitary dumping stations.
- S. Enlarged plot plan of a typical Recreational Vehicle space, showing location of the stand, parking, sidewalk, trails, utility connections and landscaping.

SECTION 17.030 Final Site Plan and Submission Requirements

At the time of application for final approval to construct a recreational vehicle park, or expansion of an existing recreational vehicle park or mobile home park to provide additional recreational vehicle sites, the applicant shall submit copies of the following required detailed plans to the appropriate reviewing departments and agencies as required by law or Ordinance:

- A. New structures.
- B. Public water systems approved by the Department of Human Resources, Health Division, State of Oregon.
- C. Methods of sewage disposal approved by the Department of Environmental Quality, State of Oregon.
- D. Method of garbage disposal.
- E. Plan of electrical service.

SECTION 17.040 General Design Standards

- A. Access: A recreational vehicle park shall not be established on any site that does not have access to any public street on which the potential paving width is less than thirty-six (36) feet.
- B. Park Street: A park street shall connect each recreational vehicle site to a public street. The park street shall be a minimum of thirty-five (35) feet in width, with a service width of at least twenty-five (25) feet if no parking is allowed, and thirty-five (35) feet if parking is allowed on one side only.
- C. Walkways: Pedestrian walkways of not less than three (3) feet in width shall be separated from

vehicular ways and maintained for safe and convenient movement to all parts of the park and connect to ways leading to destinations outside the park.

D. Off Street Parking:

1. Two off-street parking spaces shall be provided for each recreational vehicle site, either on the site or within one hundred (100) feet thereof in the recreational vehicle park, which shall be nine by twenty (9x20) feet in size per space.
2. Guest parking shall also be provided in every recreational vehicle park, based on a ratio of one parking space for each four (4) recreational vehicle sites.

E. Signs: Signs may be installed according to [Chapter 23, Sign Provisions](#).

F. Fencing and Landscaping:

1. Every recreational vehicle park shall provide a sight-obscuring fence, wall, evergreen or other suitable screening/planting along all boundaries of the recreational vehicle park site abutting public roads or property lines that are common to other owners of property, except for points of ingress and egress.
2. Walls or fences shall be six (6) feet in height. Evergreen planting shall not be less than five (5) feet in height, and shall be maintained in a healthy, living condition for the life of the recreational vehicle park.
3. There shall be suitable landscaping provided within the front and side yard setback areas, and all open areas in the recreational vehicle park not otherwise used.

G. Lighting: Lighting shall be designed to produce a minimum of 0.1 foot-candle throughout the street system. Potentially hazardous location such as a major street intersection and steps or stepped ramps shall be individually illuminated with a minimum of 0.3 foot-candle. Such lighting shall meet the provisions for all new development in [14.100\(F\)](#).

H. Area:

1. Size of a recreational vehicle park site: No recreational vehicle park shall be created on a lot or parcel of land of less than the minimum required to accommodate the density of the underlying zoning regulations.
2. Recreational vehicle sites: The average area of a recreational vehicle site within a recreational vehicle park shall not be less than 3,000 square feet, and in no case shall any one recreational vehicle site be less than 2,500 square feet, providing that the dwelling unit density for a new recreational vehicle park shall not exceed the allowable density of the district in which it is located.
3. Setbacks: Shall comply with those established by the underlying zone.

4. Spacing: A recreational vehicle shall be separated from an adjoining recreational vehicle a minimum of fifteen (15) feet.
5. Overnight Spaces (for expansion of existing mobile home parks): Not more than ten (10) percent of the total mobile home park area may be used to accommodate persons wishing to park their recreational vehicle overnight.

I. Other Site Requirements:

1. Permitted Uses: No building, structure or land within the boundaries of a recreational vehicle park shall be used for any purpose except for the uses permitted as follows:
 - a. Recreational vehicle for temporary detached residential use only.
 - b. Private and public utilities.
 - c. Community recreation facilities, including swimming pools, for residents of the park and guests only.
 - d. One residence for the use of a caretaker or a manager responsible for maintaining or operating the property.
2. Recreational Area: A minimum of two hundred (200) square feet of recreation area shall be provided for each recreational vehicle space. The recreation area may be in one or more locations in the park. At least one recreation area shall have a minimum size of 5,000 square feet, and be of a shape that will make it usable for its intended purpose, and at least fifty percent (50%) of the required recreation area shall be provided for use by residents of the entire park. Swimming pools shall be set back at least fifty (50) feet from the nearest residential area and will have a fence surrounding it at least eight (8) feet high which does not obscure vision into the pool area. Rescue devices such as buoyant rings, poles, etc., shall be provided and easily accessible.
3. State Requirements: Rules and regulations governing mobile home facilities as contained in [ORS 446.310](#) to [446.350](#) and [446.435](#), of "Rules and Regulations Governing the Construction and Statutory Operation of Travelers' Accommodations and Tourist Parks", adopted by the Oregon State Department of Human Resources, Health Division, shall be applicable in the development and operation of a recreational vehicle park, provided, that the provision of this Ordinance shall prevail where said provisions are more stringent than those imposed by state law, rules or regulations.

SECTION 17.050 Exceptions

No recreational vehicle shall be permanently attached to the land, or otherwise finished with accessories as provided for in [Section 4.100](#) of this Ordinance.

SECTION 17.060 Occupancy Permit

No permit for occupancy of any recreational vehicle park, building, or facility located within said park shall

be issued by the Building Official until such time as the development has been completed according to the finished plan approved by the Approving Authority. Deviations from the approved plan must be submitted to the Director for approval as revisions of the Plan.

SECTION 17.070 Facilities

Recreational vehicle parks shall be designed to accommodate recreational vehicles. For this purpose recreational vehicle parks shall provide the following facilities, in addition to meeting all other development standards in this section:

- A. Toilets at the ratio of one toilet for men and women each for every ten (10) vehicle sites.
- B. Public water facilities at a ratio of one faucet for every five (5) vehicle sites.
- C. Sanitary dumping stations as required by the Approving Authority.

SECTION 17.080 Certificate Required

No recreational vehicle park shall be operated in Wasco County without a certificate of sanitation provided by an agent of the Department of Human Resources, Health Division, State of Oregon, and no occupancy permit shall be issued by the Building Official until such certification is obtained pursuant to O.R.S. 446.320.

SECTION 17.090 Service Buildings

Service buildings housing sanitation facilities shall be permanent structures, complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems. Such buildings shall be maintained in a sanitary and orderly condition.

SECTION 17.100 Accommodation of Handicapped

At least one (1) service building housing sanitation facilities shall be accessible to paraplegics or persons confined to wheelchairs. The stalls of said building shall be wide enough to permit entrance and shall be provided with assist bars. Ramps shall be provided over curbs. Such buildings shall be clearly marked and signed.

DETAILED TABLE OF CONTENTS

CHAPTER 18 CLUSTER DEVELOPMENT

<u>SECTION</u>		<u>PAGE</u>
18.010	<u>PURPOSE</u>	18-1
18.020	<u>DEFINITIONS</u>	18-1
18.030	<u>CLUSTER DEVELOPMENT PRELIMINARY DEVELOPMENT PLAN APPROVAL</u>	18-2
18.040	<u>DEVELOPMENT STANDARDS FOR PRELIMINARY DEVELOPMENT PLAN</u>	18-4
18.050	<u>MINIMUM SITE SIZE</u>	18-4
18.060	<u>FINDINGS</u>	18-4
18.070	<u>RESIDENTIAL DENSITY</u>	18-5
18.080	<u>BUILDING SPACING</u>	18-5
18.090	<u>DEDICATED OPEN SPACE</u>	18-5
18.100	<u>ENVIRONMENTAL DESIGN STANDARDS</u>	18-6
18.110	<u>TRAFFIC CIRCULATION</u>	18-7
18.120	<u>PERIMETER DESIGN</u>	18-7
18.130	<u>DEVELOPMENT PHASING</u>	18-8
18.140	<u>DURATION OF CLUSTER DEVELOPMENT PRELIMINARY DEVELOPMENT PLAN APPROVAL</u>	18-8
18.150	<u>CLUSTER DEVELOPMENT FINAL DEVELOPMENT PLAN APPROVAL</u>	18-8
18.160	<u>EXPIRATION OF FINAL DEVELOPMENT PLAN APPROVAL</u>	18-10
18.170	<u>AMENDMENTS TO APPROVED PRELIMINARY AND FINAL DEVELOPMENT PLANS</u>	18-11

CHAPTER 18 CLUSTER DEVELOPMENT (GMA Only)

SECTION 18.010 Purpose

The purposes of the Cluster Development are to provide a means of creating harmonious planned environments through the application of flexible and diversified land development standards; to encourage the application of new development techniques and technology which will result in superior living or development arrangements; to promote the efficient use of land to facilitate more economic provision of housing, circulation systems, utilities and their maintenance; to promote energy conservation and use of renewable energy resources; to preserve to the greatest extent possible significant landscape features and to utilize such features in a harmonious fashion; and to provide for more usable and suitably located open space and recreation facilities than would otherwise be provided under conventional land development procedures.

SECTION 18.020 Definitions

The following definitions apply only to this chapter:

Gross Acreage: The acreage of the entire Cluster Development, less the acreage devoted to streets, public or semi-public buildings, kindergarten or day-care centers, and commercial uses.

Homeowners' Association: A nonprofit corporation, membership in which is mandatory for owners of Cluster Development residences, and which is responsible for maintaining common open space and private streets.

Landscape Features: Natural features of the Cluster Development site, including waterways, wetlands, rock outcroppings, forest areas and significant wildlife habitat areas.

Net Acreage: The acreage of the Cluster Development devoted to residential use, including residential building sites, private open space and driveways.

Dedicated Open Space: Undeveloped land not covered by buildings or structures, except minor recreational structures, and protected permanently. Open Space does not include streets, driveways, parking lots, or loading areas.

Common Open Space: open space reserved primarily for the leisure and recreational use of all Cluster Development residents, and owned and maintained in common by them through a homeowner's association.

Private Open Space: open space located immediately adjacent to an individual dwelling unit, owned and maintained by the owners of the dwelling unit, and reserved exclusively for the use of the residents of the dwelling unit.

Public Open Space: open space designed primarily for use by residents of a Cluster Development, dedicated in fee to a public agency, and maintained by the agency.

SECTION 18.030 Cluster Development Preliminary Development Plan Approval

Approval of a Cluster Development preliminary development plan is a development request subject to [2.050\(B\)](#) of this Ordinance.

A. An application for a Cluster Development preliminary development plan approval shall be initiated as provided in Chapter 2 of this ordinance.

B. The Cluster Development preliminary development plan shall consist of the following:

1. Written documents

- a.** A legal description of the total site proposed for development, including a statement of present and proposed ownership and present and proposed zoning.
- b.** The names and addresses of all owners of adjacent property.
- c.** A statement of planning objectives to be achieved by the Cluster Development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and adjacent areas, discussion of how the proposed development will relate to the natural environment and significant landscape features of the site and adjacent areas, and the rationale behind the assumptions and choices made by the applicant.
- d.** A development schedule indicating the approximate date when construction of the Cluster Development or stages of the Cluster Development can be expected to begin and be completed.
- e.** A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the Cluster Development, such as land areas, dwelling units, etc.
- f.** If common open space is to be deeded to a Homeowners' Association, a declaration of covenants and restrictions that will govern the Association.
- g.** Quantitative data for the following: total number and type of dwelling units; parcel sizes; proposed lot coverage of buildings and structures; approximate gross and net residential acreages; total amount of open space; amounts of private, common and public open space; total area and types of non-residential construction; economic feasibility studies or market analysis where necessary.

2. Site Plan and Supporting Maps

A site plan and any maps necessary to show the major details of the proposed Cluster Development, containing the following information in addition to that information required by [14.020\(B\)](#) of this Ordinance:

- a. The existing site conditions, including contours at five (5) foot intervals, water courses, floodplains and other areas subject to natural hazards, significant landscape features, and forest cover.
 - b. Proposed lot lines and layout design.
 - c. The location and floor area size of all existing and proposed buildings, structures, and other improvements, including maximum heights, types of dwelling units, and non-residential structures, including commercial facilities.
 - d. The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common or public open spaces or recreational areas, school sites, and similar public and semi-public uses.
 - e. The existing and proposed circulation system of arterial, collector, and local streets, including off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way. Notations of proposed ownership, public or private, should be included where appropriate.
 - f. The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system indicating proposed treatments of points of conflict.
 - g. The existing and proposed systems for providing sewage disposal, water, electricity, gas, fire protection and telephone services.
 - h. A general schematic landscape plan indicating the technique and materials to be used for private, common and public open spaces.
 - i. A preliminary subdivision or partition plan if the land is to be divided.
 - j. Information on land areas adjacent to the proposed Cluster Development, including land uses, zoning classifications, densities, circulating systems, public facilities, and significant landscape features, to show the relationships between the proposed development and the adjacent areas.
 - k. The proposed treatment of the perimeter of the Cluster Development, including materials and techniques to be used, such as screens, fences and walls.
3. The Approving Authority shall decide on the Cluster Development preliminary development plan application as provided in [Chapter 2](#) of this Ordinance; and shall approve the preliminary development plan if it finds:
- a. The proposed Cluster Development is consistent with applicable Comprehensive Plan and the Management Plan for the Columbia River Gorge National Scenic Area goals, policies and map designations, and with the purpose set forth in [Section 18.010](#).

- b. The preliminary development plan meets the development standards of Section 18.040 to Section 18.120.
- c. If the preliminary development plan provides for phased development, pursuant to [Section 18.130](#) of this chapter, that each phase meets the standard of [18.130\(C\)](#) and that the applicant has the capability to obtain final development plan approval in the time limits imposed.
- d. Any conditions or modifications imposed by the Approving Authority on the preliminary development plan approval are necessary to meet the requirements of Section 18.040 to Section 18.120, to further the purposes of Section 18.010, or to comply with the Comprehensive Plan or the Management Plan for the Columbia River Gorge National Scenic Area.

SECTION 18.040 Development Standards for Preliminary Development Plan

A Cluster Development preliminary development plan must meet the Development Standards in Section 18.050 through 18.120 of this Chapter.

SECTION 18.050 Minimum Site Size

The Cluster Development site must be of such a size that at least two (2) dwelling units would be permitted by the underlying district.

SECTION 18.060 Findings

Findings to justify the approval of a cluster development must demonstrate that the cluster development will provide a siting opportunity not available through conventional parcel-by-parcel development. These opportunities include siting the new dwellings to:

- A. Be located in areas with screening vegetation or other features which reduce visibility of development as seen from Key Viewing Areas; or
- B. To avoid significant landscape features; or
- C. Protect the existing character of the landscape setting; or
- D. To reduce interference with movement of deer or elk in areas of inventoried winter range; or
- E. To avoid areas of known cultural resources; or
- F. To consolidate road access, septic drainfields or other development features in order to reduce impacts associated with grading or ground disturbance; or
- G. To reduce adverse effects to riparian areas, wetlands, natural areas, rare plants, sensitive wildlife sites or other natural resources; or

- H. To increase the likelihood of agricultural or forest management on the undeveloped land left by the cluster development.

SECTION 18.070 Residential Density

- A. In the GMA, a cluster development may create up to 25 percent more parcels than otherwise allowed by the minimum parcel size on lands designated 5-acre Residential or 10-acre Residential and up to 50 percent more on lands designated Small-Scale Agriculture or Small Woodland. Any division in a cluster development under this guideline may create at least one additional parcel.
- B. No lot or parcel in a cluster development may be smaller than 1 acre in a 5-Acre or 10-Acre Residential designation or 2 acres in a Small-Scale Agriculture or Small Woodland designation.
- C. In the GMA, following cluster development, there may be no further division of any resulting parcel for residential purposes until the subject parcel is included within the boundary of an Urban Area.

SECTION 18.080 Building Spacing

- A. A preliminary development plan shall provide for reasonable light, ventilation, and visual and acoustic privacy for residences and other structures. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views, and reduction of noise.
- B. If the Approving Authority finds it necessary to meet the perimeter design standards of [Section 18.120](#), it may require a special setback from all or a portion of the perimeter of the Cluster Development.

SECTION 18.090 Dedicated Open Space

- A. At least seventy-five percent (75%) of the gross acreage of the Cluster Development must be dedicated open space. At least twenty-five percent (25%) of the total open space required shall be private and at least fifty percent (50%) of the total open space required shall be common or public. Not more than one-half of the common or public open space provided may be areas covered with water.
- B. Locations, shapes, sizes, and other characteristics of open spaces shall be consistent with their proposed uses and the purposes of the Cluster Development. Unless the Approving Authority requires otherwise meeting the Environmental Design Standards of [Section 18.100](#), common or public open space shall be distributed equitably throughout the Cluster Development in relation to the dwelling units of the residents they are intended to serve.
- C. Dedicated open spaces shall be suitably improved for the intended use. Dedicated open spaces containing significant landscape features may be left unimproved or may be improved to assure protection of the features, subject to requirements imposed by the Approving Authority pursuant to [Section 18.100](#).
- D. The development schedule required by [18.030\(B\)\(1\)\(d\)](#) shall provide for coordination of the improvement of dedicated open spaces with the construction of other proposed site improvements.

- E. The Approving Authority shall require that the applicant assure the permanence of the common or public open space required by this section in one of the following ways:
1. By conveying the dedicated open space to a public agency which will agree to maintain the dedicated open space and any buildings, structures, or improvements which have been placed on it; or
 2. By conveying the dedicated open space to a Homeowners' Association, subject to covenants running with the land which restrict the common open space to the uses specified in the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.
- F. If the common open space is to be deeded to a Homeowners' Association, the declaration of covenants and restrictions required by [18.030\(B\)\(1\)](#)(f) shall include the following:
1. The Homeowners' Association must be set up before the homes are sold. Prior to such sale, the property owner assumes the responsibility of that share attributable to each unsold home defined in the Homeowners' Association.
 2. Membership must be mandatory for each home buyer and any successive buyer.
 3. The dedicated open space restrictions must be permanent, not just for a period of years.
 4. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
 5. Residence owners must pay their pro rata share of the cost. The assessment levied by the Association can become a lien on their property.
 6. The association must be able to adjust the assessment to meet changed needs.
- G. If the common open space is to be deeded to a Homeowners' Association, the Approving Authority shall require that one of the following enforcement methods be provided by the applicant:
1. Conveyance to the County of the legal right to develop the common open space for uses not specified in the final development plan; or
 2. Inclusion in the conveyance of the common open space, a condition that the fee title of the common open space shall vest in the County in the event of a substantial default in the conditions and restrictions governing the use and maintenance of the common open spaces; or
 3. Inclusion in the conveyance of the common open space a condition that, in the event a common open space is permitted to deteriorate or is not used and maintained consistently with the final development plan, the County may, at its own option, cause such maintenance to be done and assess the cost to members of the association.

SECTION 18.100 Environmental Design Standards

- A. The preliminary development plan shall provide, to the greatest extent possible, for the preservation of significant landscape features, historic sites, and landmarks and for the integration of the proposed development with the environmental characteristics of the site and adjacent areas. The Approving Authority may require that significant landscape features and historical sites be preserved as part of the common or public open space of the project.
- B. Excessive site clearing of topsoil, trees and natural features before the commencement of construction operations shall be discouraged. The Approving Authority may require the applicant to submit a grading plan detailing proposed excavation, earth-moving procedures, and other changes to the landscape, in order to ensure preservation of the character of the area to be retained in open space.
- C. Sites for residential and non-residential buildings shall be discouraged in areas of natural hazards, such as floodplains, areas subject to landslides, areas with average slopes greater than twenty-five percent (25%) and areas with unstable soil formations. The Approving Authority shall require that all floodplains be preserved as permanent common or public open space, and may require that other natural hazard areas be included in the common or public open space of the proposed development and be left unimproved or improved to assure minimization of the hazard.
- D. All manufactured slopes, other than those constructed in rock, shall be planted or otherwise protected from the effects of storm runoff erosion, and shall be of a character to cause the slope to blend with the surrounding terrain and development. The applicant shall provide for maintenance of the planting until growth is established.
- E. The preliminary development plan shall promote the conservation of energy and use of solar or other renewable energy resources through such factors as the location and extent of site improvements, the orientation and exposure of buildings and usable open spaces, the types of buildings, and the selection of building materials.

SECTION 18.110 Traffic Circulation

The location and number of points of access to the site, the interior circulation pattern of streets and pedestrian ways, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and uses shall be designed to maximize safety and convenience and be compatible with neighboring road systems, buildings and uses.

SECTION 18.120 Perimeter Design

- A. The preliminary development plan shall minimize adverse impacts of proposed uses and structures in the Cluster Development on existing and anticipated uses and structures in the adjacent area.
- B. If topographical or other barriers do not provide reasonable privacy for existing uses adjacent to the development, the Approving Authority shall require one or more of the following:

1. A special setback, or setbacks, of residential and non-residential structures shall be located on the perimeter.
2. Residential and non-residential structures located on the perimeter of the development shall be screened by fencing, landscaping, or other natural or man-made materials.

SECTION 18.130 Development Phasing

- A. The applicant may provide in the preliminary development plan for development of the project in up to three (3) phases.
- B. In acting to approve the preliminary development plan, the Approving Authority may require that development be completed in up to three (3) specific phases, if it finds that public facilities would not otherwise be adequate to serve the entire development.
- C. If the preliminary development plan provides for phased development, each phase shall provide for the same ratio of open space and/or recreational facilities to dwelling units as the over-all project.
- D. The following time limitations shall be observed in phased development proposals:
 1. Phase 1--final development plan must be approved within twelve (12) months of the date of preliminary plan approval.
 2. Phase 2--final development plan must be approved within twenty-four (24) months of the date of preliminary plan approval.
 3. Phase 3--final development plan must be approved within thirty-six (36) months of the date of preliminary plan approval.

SECTION 18.140 Duration of Cluster Development Preliminary Development Plan Approval

- A. Approval of the preliminary development plan shall be valid for twelve (12) months from the date of approval, provided that if an approved preliminary development plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the time limitations of [18.130\(D\)](#).
- B. If any time limit for obtaining final development plan approval is exceeded, the approved preliminary development plan, or phase of the preliminary development plan and any subsequent phase, shall be void. Any subsequent proposal by the applicant for planned development of the subject property shall be deemed a new development request.

SECTION 18.150 Cluster Development Final Development Plan Approval

Approval of a Cluster Development final development plan is subject to [2.050\(B\)](#) of this Ordinance.

- A. Within twelve (12) months of the date of approval of the preliminary development plan, unless otherwise specified pursuant to [Section 18.130](#), the applicant shall submit a final development plan, prepared by an Oregon registered engineer, and supporting documents to the Director.
- B. The final development plan shall include:
1. The site plan and maps submitted pursuant to [18.030\(B\)\(2\)](#) in their final, detailed form, and including reasonable assurance that an adequate, potable, year-round water supply is available for the development.
 2. The documents submitted pursuant to [18.030\(B\)\(1\)](#) amended to incorporate any conditions imposed on the preliminary development plan approval.
 3. Final subdivision plat or partition map, if the land is to be divided.
 4. Except as permitted by the Approving Authority pursuant to (F) of this section, documents conveying common open space to a Homeowners' Association, including the restrictive covenants and conditions required by [18.090\(E\)](#) to (G).
 5. Articles of Incorporation of the Homeowners' Association formed to maintain common open space and other common improvements.
- C. The Director shall require the applicant to enter into an agreement with the County to complete all improvements required by the final development plan according to a schedule set forth in the agreement.
- D. Agreement for Improvements:
1. Before approval of the final development plan, the applicant shall either install the improvements required by the preliminary plan approval and repair existing streets and other public facilities damaged in the development of the Cluster Development, or shall execute and file with the Court an agreement between himself/herself and the County specifying the period within which required improvements and repairs will be completed. The agreement may provide for the construction of the required improvements in phases. The agreement shall provide that if work is not completed within the period specified, the County may complete the work and recover the full cost and expense thereof from the applicant.
 2. An applicant may request an extension of time for completion of required improvements. Such request will be considered an application for Administrative Action. Such extension shall be approved only if changed conditions for which the applicant is not responsible have made it impossible for him/her to fulfill the agreement within the original time limit(s).
- E. Performance Bond:
1. To assure full performance of the improvement agreement, an applicant shall file one of the following:

- a. A surety bond executed by a surety company authorized to transact business in the State of Oregon on a form approved by the District Attorney; or
 - b. Cash deposit with the County Treasurer; or
 - c. Certification or letter of assurance by a bank or other reputable lending institution that money is being held to cover the cost of improvements and incidental expenses, and that said money will be released only upon the direction of the County Board of Commissioners. The bank certification or letter of assurance shall be approved by the District Attorney; or
 - d. Cash deposit with an escrow agent authorized to transact business in the State of Oregon subject to escrow instructions that require the escrow agent to release the money only upon the direction of the County Board of Commissioners. Escrow instructions shall be approved by the District Attorney.
2. Such assurance of full and faithful performance shall be for a sum determined by the County Board of Commissioners to be sufficient to cover the cost of the improvements and repairs that may be required prior to approval of the final plan, including related engineering, and may include an additional percentage as determined by the County Roadmaster to cover any inflationary costs which may be incurred during the construction period prior to the full and final completion of the project.
3. If the applicant fails to carry out provisions of the improvement agreement and the County has unreimbursed costs or expenses resulting from such failure, the County shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred, the applicant shall be liable to the County for the difference.

F. Action by the Approving Authority:

The Approving Authority shall take action on the application for final approval in accordance with the procedures outlined in [Chapter 2](#) of this Ordinance, and shall approve the final development plan if:

1. The applicant has submitted all information and documents required pursuant to (B), (C) and (D) of this section; and
2. The final development plan is in substantial compliance with the approved preliminary development plan and any conditions imposed by the Approving Authority. Substantial compliance means that any differences between the final and preliminary plan are "minor amendments" as defined in [18.170\(A\)\(1\)](#).

G. Recording a Final Development Plans:

The approved final development plan shall be recorded in the County Clerk's office within thirty (30) days of the date of approval.

SECTION 18.160 Expiration of Final Development Plan Approval

- A. If the Director determines that no substantial construction or development has occurred within two (2) years of the date of approval of the final development plan for a Cluster Development, or for a phase thereof, the Director shall initiate an Administrative Action to consider invalidating the final development plan approval.
- B. The Approving Authority shall invalidate such final development plan approval unless it determines that the applicant was not responsible for the failure to complete substantial construction, and that the applicant will be able to complete the development within two (2) years.
- C. If final development approval is invalidated, any subsequent proposal by the applicant for planned development of the subject property shall be deemed a new application for preliminary development plan approval.

SECTION 18.170 Amendments to Approved Preliminary and Final Development Plans

A. Definitions:

- 1. "Minor Amendment" means a change which:
 - a. Does not increase residential densities;
 - b. Does not enlarge the boundaries of the approved plan;
 - c. Does not change any use;
 - d. Does not change the general location or amount of land devoted to a specific land use, including open space;
 - e. Does not eliminate the preservation of a significant landscape feature; and
 - f. Includes only minor shifting of the location of buildings, proposed public or private streets, pedestrian ways, utility easements, or common or public open spaces.
- 2. "Major Amendment" is any change which does not meet the definition of a "Minor Amendment".

- B. A minor amendment to an approved preliminary or final development plan may be approved ministerially by the Director.
- C. A major amendment to an approved preliminary or final development plan shall be considered a new development request subject to the provisions of [Chapter 2](#) of this ordinance.

DETAILED TABLE OF CONTENTS

CHAPTER 19 STANDARDS FOR A NON-COMMERCIAL WIND ENERGY CONVERSION SYSTEM (WECS) ACCESSORY TO PERMITTED USES

<u>SECTION</u>		<u>PAGE</u>
19.010	<u>PURPOSE</u>	19-1
19.020	<u>REVIEW CRITERIA AND CONDITIONS</u>	19-1

CHAPTER 19 STANDARDS FOR A NON-COMMERCIAL WIND ENERGY CONVERSION SYSTEM (WECS)
ACCESSORY TO PERMITTED USES

SECTION 19.010 Purpose

This chapter describes how to apply for county approval of a proposed non-commercial WECS accessory to a permitted use and its associated transmission lines as specified in designated zones.

SECTION 19.020 Review Criteria and Conditions

In addition to the applicable criteria listed in [Chapter 3](#) and [Chapter 14](#), a non-commercial WECS and its associated transmission lines may be permitted in the designation zones subject to the following additional criteria and conditions:

- A. Accessory Use. The applicant(s) shall demonstrate how the WECS is accessory to another permitted use on the subject tract.
- B. Size Limitation. The production of energy shall not exceed the needs of the use on the tract. The applicant(s) shall demonstrate how much energy is needed and how the proposed size and number of WECS match this. No more than two WECS shall be allowed on the same tract. Net-metering may be allowed, however, no energy may be sold for profit.
- C. Height.
 - 1. Maximum Height. The total WECS height shall not exceed 200 feet.
 - 2. Minimum Height. The lowest point in the sweep of a WECS blade shall be a minimum height above the tallest current or foreseeable obstruction within a horizontal, 500 foot radius of a WECS or a radius of 10 rotor diameters (for horizontal axis) and 5 WECS heights (for vertical axis), whichever is greater, as described in (a), (b), and (c) below. The radius shall be measured from the center point of the tower.
 - a. At least 30 feet for a horizontal axis WECS on a site without site-specific wind direction data or representative off-site data.
 - b. At least 30 feet above current or foreseeable obstructions within 45 degrees of the direction(s) of prevailing wind for a horizontal axis WECS on a site with site-specific wind direction data or representative off-site data.
 - c. At least six feet for a vertical axis WECS.
- D. Setbacks.
 - 1. A WECS shall be setback from all adjoining property lines as described in (a) and (b) below. An easement that complies with [ORS 105.900](#) through [105.915](#) may be substituted for required setbacks. The setback shall be measured from the center point of the tower or pedestal.

- a. A horizontal axis WECS shall be setback at least five rotor diameters.
 - b. A vertical WECS shall be setback the total WECS height.
- 2. The furthest horizontal extension of a WECS (including guy wires) shall not extend into yards required in the underlying zones or be closer than twelve feet to any major structure, or right-of-way or easement for above-ground telephone, electrical transmission and distribution lines.
- E. Notice. The following signs shall be clearly visible on the WECS tower and accessory facilities.
 - 1. "No Trespassing" signs shall be attached to any perimeter fence.
 - 2. "Danger" signs shall be posted at the height of five feet on WECS towers and accessory structures.
 - 3. A sign shall be posted on the tower showing an emergency telephone number.
 - 4. The manual electrical and/or overspeed shutdown disconnect switch(es) shall be clearly labeled.
- F. Public Access. Public access to a vertical axis WECS shall be limited. Public access to a horizontal axis WECS shall be limited using one or a combination of the following methods:
 - 1. Removal of tower climbing fixtures to 12 feet from the ground,
 - 2. Installation of a locking, anti-climb device on the tower, or
 - 3. Installation of a protective fence at least six feet tall with a locking gate.
- G. Air Safety. The Oregon Department of Aviation, Federal Aviation Administration, and local aerial sprayers shall be notified of the WECS. The WECS shall comply with the air hazard rules based on a written action by those agencies.
- H. Grounding. All WECS which may be charged with lightning shall be grounded according to the Oregon State Electrical Specialty Code.
- I. Electrical Safety. Transmission lines associated with the facility shall not generate an electrical field greater than 9 kV per meter measured at grade and shall comply with the National Electrical Safety Code, based on a written decision by the Public Utility Commissioner.
- J. Noise. Construction and operation of the proposed WECS shall comply with the noise regulations of the Oregon Department of Environmental Quality (DEQ) in [OAR 340-35](#), based on a written decision by DEQ. In addition, the application shall identify noise sensitive property(ies) and ambient noise levels prior to construction.
- K. Communications. The proposed WECS shall not unduly reduce or interfere with electromagnetic communication signals. If undue reduction or interference occurs, the applicant shall return reception

levels to pre-facility levels.

- L. Coordination:** The applicant shall demonstrate that all necessary state and federal permits, licenses, exemptions, variances, or authority are approved before initiating construction of the WECS.
- M. Removal:** An abandoned WECS shall be removed by the owner of the subject tract, or by Wasco County at the owner's expense, if after notice of abandonment by Wasco County, the WECS does not resume production of electricity within 6 months.

DETAILED TABLE OF CONTENTS

**CHAPTER 20 HOME OCCUPATIONS AND COTTAGE INDUSTRIES, BED &
BREAKFAST INNS, COMMERCIAL EVENTS, AND SPECIAL USES
IN HISTORIC BUILDINGS**

<u>SECTION</u>		<u>PAGE</u>
20.100	<u>HOME OCCUPATIONS AND COTTAGE INDUSTRIES</u>	20-1
20.200	<u>BED AND BREAKFAST INNS</u>	20-1
20.300	<u>COMMERCIAL EVENTS</u>	20-3
20.400	<u>SPECIAL USES IN HISTORIC BUILDINGS</u>	20-4

CHAPTER 20 HOME OCCUPATIONS, COTTAGE INDUSTRIES, BED & BREAKFAST INNS, COMMERCIAL EVENTS AND SPECIAL USES IN HISTORIC BULDINGS

SECTION 20.100 Home Occupations and Cottage Industries (GMA & SMA)

Home occupations and cottage industries may be established as authorized in specified land use designations and consistent with the following.

- A. A home occupation may employ only residents of the home.
- B. A cottage industry may employ up to three (3) outside employees.
- C. There will be no interference with existing uses on nearby land or with other uses permitted in the zone in which the property is located.
- D. There will be an annual review by the Approving Authority. The approval shall continue if the home occupation or cottage industry continues to comply with the requirements of this Subsection and all conditions of approval.
- E. No more than twenty-five percent (25%) of the total actual living space of the dwelling may be utilized for the home occupation or cottage industry.
- F. No more than five hundred (500) square feet of an accessory structure may be utilized for a home occupation or cottage industry.
- G. There shall be no outside, visible evidence of the home occupation or cottage industry, including outside storage.
- H. Exterior structural alterations to the residence for the home occupation or cottage industry shall not be permitted. New structures shall not be constructed for the primary purpose of housing a home occupation or cottage industry.
- I. No retail sales may occur on the premises except incidental sales at lodging establishments authorized in this chapter.
- J. One (1) small, non-animated, non-illuminated sign, not exceeding two (2) square feet in area may be permitted on the subject structure or within the yard containing the home occupation or cottage industry.
- K. Parking not associated with residential use shall be screened so it is not visible from Key Viewing Areas.

SECTION 20.200 Bed and Breakfast Inns (GMA & SMA)

Bed and Breakfast Inns may be permitted in a lawfully established single family dwelling as authorized in

specified zoning designations and consistent with the following:

A. Residential zones (GMA & SMA)

1. Bed and Breakfast Inns with up to two (2) bedrooms may be permitted in all residential zones.
2. Bed and Breakfast Inns with between three (3) and five (5) bedrooms may only be permitted in R-R(5) and R-R(10) and SMA Residential zones.

B. Agricultural and Forest zones (GMA & SMA)

1. Bed and Breakfast Inns with up to two (2) bedrooms may be permitted in specified agricultural and forest zones.
2. Bed and Breakfast Inns with between three (3) and five (5) bedrooms may only be permitted in specified agricultural and forest zones when the dwelling is listed or is eligible to be listed on the National Register of Historic Places or, identified and protected under local landmark status as approved pursuant to Oregon State land use regulations protecting historic structures.
3. The owners or operators of the bed and breakfast inn shall post an 8 1/2" x 11" "NOTICE" that will be located in a conspicuous location inside the bed and breakfast inn. Such "NOTICE" shall generally state:
 - a. In large, one (1) inch tall lettering at the top of the page, "N-O-T-I-C-E"; and
 - b. That the bed and breakfast inn is located in an agricultural or forest area; and
 - c. That guests should use care when out of doors to avoid injury by adjacent and nearby agricultural or forest operations; and
 - d. That adjacent and nearby agricultural or forest operations may from time to time cause noise, odor and sights that are associated with agricultural or forest operations.
 - e. That guests should be aware that adjacent and nearby operators are entitled to carry on accepted agricultural or forest practices on lands designated Agricultural or Forest.
4. Buffer zones should be considered to protect agricultural practices from conflicting uses (SMA Only).
5. The Bed and Breakfast shall be compatible with agricultural use. (SMA Only)

- C. In the Public Recreation zone Bed and Breakfast Inns with up to five (5) bedrooms may be permitted in the SMA only.**

- D. Guests may not occupy a facility for more than fourteen (14) consecutive days;
- E. One (1) non-animated, non-illuminated sign, not exceeding four (4) square feet in area, may be authorized on the structure or within the yard containing the facility;
- F. Parking areas shall be screened so as to not be visible from Key Viewing Areas.
- G. No retail sales may occur on the premises except incidental sales to the bed and breakfast operation.
- H. In the SMA, Bed and breakfast inns shall be allowed only in dwellings that are included in, or eligible for inclusion in, the National Register of Historic Places.
- I. In addition to the criteria above, all proposed Bed and Breakfast Inn with up to two (2) bedrooms shall meet A, E, F, G, H, J and K in [Section 20.100](#).

Section 20.300 Commercial Events (GMA Only)

Commercial events include weddings, receptions, parties and other small-scale gatherings that are incidental and subordinate to the primary use on a parcel and may be allowed except on lands designated Open Space, Industrial Forest, or Agriculture Special, subject to compliance with the following:

- A. The use must be in conjunction with a lawful winery, wine sales/tasting room, bed & breakfast inn, or commercial use. If the use is proposed on a property with a building on or eligible for the National Register of Historic Places, it shall be subject to the provisions of Section 20.400 and not this Section.
- B. The owner of the subject parcel shall live on the parcel and shall operate and manage the use.
- C. A single commercial event shall host no more than 100 guests.
- D. The use shall comply with the following parking requirements:
 - 1. A single commercial event shall include no more than 50 vehicles for guests.
 - 2. All parking shall occur on the subject parcel.
 - 3. At least 200 square feet of parking space shall be required for each vehicle.
 - 4. Parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other imperious materials shall be prohibited.
 - 5. All parking areas shall be fully screened from Key Viewing Areas.

- E. The owner of the subject parcel may conduct 18 single events up to one day in length per year.
- F. The owner of the subject parcel shall notify Wasco County and all owners of land within 500 feet of the perimeter of the subject parcel of each planned event. The notice shall be in writing and shall be mailed at least seven calendar days before an event.
- G. Tents, canopies, portable restrooms and other similar temporary structures necessary for a commercial event may be allowed, provided all such structures are erected or placed on the subject parcel no more than two days before the event and removed no more than two days after the event. Alternatively, temporary structures may remain in place for up to 90 days if they are fully screened from Key Viewing Areas.
- H. To protect any nearby agricultural and forest operations the use may be allowed upon demonstration that it would be set back from any abutting parcel designated Large-Scale or Small-Scale Agriculture, as required in "Agricultural Buffer Zones," or designated Commercial Forest Land or Large or Small Woodland, as required in the "Siting of Dwellings on Forest Land" in Chapter 3 of this Ordinance.
- I. Land use approvals for commercial events shall not be valid for more than two years. Landowners must reapply for the use after a land use approval expires.

Section 20.400 Special Uses in Historic Buildings (GMA Only)

- A. Special uses in historic buildings may be allowed as authorized in specified land use designations subject to the provisions of Section 20.400(B), [Chapter 5](#), [Chapter 14](#), as well as any other listed or referenced provisions.
 - 1. For the purposes of this section, the term "historic buildings" refers to buildings either on or eligible for the National Register of Historic Places. Eligibility for the National Register shall be determined pursuant to B(1)(a) below.
 - 2. The following review uses may be allowed on parcels with building(s) included on the National Register of Historic Places:
 - a. Public viewing, interpretive displays, and an associated gift shop that is no larger than 100 square feet and incidental and subordinate to the primary use of the property. Voluntary donations and/or fees to support maintenance, preservation and enhancement of the cultural resource may be accepted by the landowner. Criteria B(1)(a) and B(1)(b)(3) & (4) below and the parking limits and associated "Facility Design Guidelines" in the Recreation Intensity Classes are not applicable to this use.
 - b. Former restaurants and/or inns shall be permitted to re-establish these former uses. The capacity of restaurant use and overnight accommodations shall be limited to that existing in the former use, and the former use shall be contained within the limits of the building as of January 1, 2006. Banquets, private parties and other special events that take place entirely

within an approved restaurant facility shall be considered a restaurant use allowed under this section. Criteria B(1)(a) and B(1)(b)(3) & (4) below are not applicable to this use.

- c. Commercial events in the building or on the subject parcel. Criterion B(1)(a) below is not applicable to this use.
3. The following additional review uses may be allowed on parcels with building(s) either on or eligible for the National Register for Historic Places and that was 50 years old or older as of January 1, 2006:
- a. Establishments selling food and/or beverages, limited to historic buildings that originally had kitchen facilities. The seating capacity of such establishments shall be limited to the building, as the building existed as of January 1, 2006, including any decks, terraces or patios also existing as of that date. Banquets, private parties and other special events that take place entirely within approved establishments selling food and/or beverages shall be considered a part of the approved use.
 - b. Overnight accommodations. The room capacity of such accommodations shall be limited to the total number of existing rooms in the historic building as of January 1, 2006.
 - c. Commercial events in the building or on the subject property.
 - d. Wineries upon a showing that processing of wine is from grapes grown on the subject parcel or the local region, within a historic building, as the building existed as of January 1, 2006.
 - e. Sales/tasting rooms in conjunction with an on-site winery, within a historic building, as the building existed as of January 1, 2006.
 - f. Conference and/or retreat facilities within a historic building, as the building existed as of January 1, 2006.
 - g. Artist studios and galleries within a historic building, as the building existed as of January 1, 2006.
 - h. Gift shops within a historic building, as the building existed as of January 1, 2006 that are:
 - (1) incidental and subordinate to another approved use included in A(3) above; and
 - (2) no larger than 100 square feet in area.
 - i. Interpretive displays, picnic areas or other recreational day use activities on the subject parcel. The parking limits and associated "Facility Design Guidelines" in the Recreation Intensity Classes are not applicable to this use.
 - j. Parking areas on the subject property to support any of the above uses.

4. Land use approvals for special uses in historic buildings shall be subject to review by Wasco County every five years from the date the original approval was issued. As part of this review, the applicant shall submit documentation to Wasco County on the progress made in implementing the “Protection and Enhancement Plan” required in B(1) below. Wasco County shall submit a copy of the applicant’s documentation to the State Historic Preservation Office (SHPO). SHPO shall have 30 calendar days from the date this information is mailed to submit written comments to Wasco County. If Wasco County’s determination contradicts comments from the SHPO, Wasco County shall justify how it reached an opposing conclusion. Wasco County shall revoke the land use approval if the owner has failed to implement the actions described in the “Protection and Enhancement Plan” according to the schedule for completing such actions in this plan. Wasco County may, however, allow such a use to continue for up to one additional year from the date Wasco County determines the applicant has failed to implement the actions if the applicant submits a written statement describing unforeseen circumstances that prevented the applicants from completing the specified actions according to the approved schedule, what progress the applicants have made towards completing such actions, and a proposed revised schedule for completing such actions.
5. Commercial events allowed in this section are not subject to the provisions of [Section 20.300](#). Commercial events allowed in this section are subject to the following:
 - a. Commercial events include weddings, receptions, parties and other gatherings that are incidental and subordinate to the primary use on a parcel.
 - b. The owner of the parcel shall notify the reviewing agency and all owners of land within 500 feet of the perimeter of the subject property of each event. The notice shall be in writing and shall be mailed at least seven calendar days before an event.
 - c. Applications for commercial events shall include all information in the “Operational Plan for Commercial Events” as specified in B(1)(b)(4) below.

B. Additional Resource Protection Provisions for Special Uses in Historic Buildings.

1. Cultural Resources

- a. All applications for uses listed in A(3) above, shall include a historic survey and evaluation of eligibility for the National Register of Historic Places, to be prepared by a qualified professional hired by the applicant. The evaluation of eligibility shall not be required for buildings previously determined to be eligible. For such properties, documentation of a prior eligibility determination shall be included in the application. The historic survey shall meet the requirements specified in “Historic Surveys and Reports”, [Section 14.500\(M\)](#). The evaluation of eligibility shall follow the process and include all information specified in the National Register Bulletin “[How to Apply the National Register Criteria for Evaluation](#)” [National Park Service, National Register Bulletin #15].

Eligibility determinations shall be made by Wasco County based on input from SHPO. Wasco County shall submit a copy of any historic survey and evaluation of eligibility to SHPO. SHPO shall have 30 calendar days from the date this information is mailed to submit written comments on the eligibility of the property to Wasco County. If Wasco County's determination contradicts comments from SHPO, Wasco County shall justify how it reached an opposing conclusion.

- b.** Applications for Special Uses for Historic Buildings shall include a "Protection and Enhancement Plan" which shall include the following:
 - (1)** A description of how the proposed use will significantly contribute to the protection and enhancement of the historic resource, including specific actions that will be taken towards restoration, protection and enhancement, and adequate maintenance of the historic resource, and a proposed schedule for completion of such actions.
 - (2)** A statement addressing consistency of the proposed use with the [Secretary of the Interior's Standards for Rehabilitation of Historic Properties](#) and the *Secretary of the Interior's Standards for Preservation of Historic Properties*.
 - (3)** Detailed architectural drawings and building plans that clearly illustrate all proposed exterior alterations to the building associated with the proposed use. Any exterior additions to the building or outdoor components of the proposed use (e.g. parking areas, site for temporary structures, interpretive displays) shall be shown on the site plan.
 - (4)** Any proposal for commercial events at a historic property shall include an Operation Plan for Commercial Events, to be incorporated into the "Protection and Enhancement Plan". The Operational Plan shall include sufficient information to demonstrate how the commercial events will remain incidental and subordinate to the primary use of the property, and shall, at minimum, address:
 - (a)** Number of events to be held annually.
 - (b)** Maximum size of events, including number of guests and vehicles at proposed parking area.
 - (c)** Provision for temporary structures, including location and type of structures anticipated.
 - (d)** How the proposed commercial events will contribute to protection and enhancement of the historic resource.
- c.** Wasco County shall submit a copy of the "Protection and Enhancement Plan" to the SHPO. SHPO shall have 30 calendar days from the date this information is mailed to submit written comments to Wasco County. SHPO's comments shall address consistency of the proposed

use with the [*Secretary of the Interior's Standards for Rehabilitation of Historic Properties*](#) and the *Secretary of the Interior's Standards for Preservation of Historic Properties*, and the effect of the proposed use on the historic resource.

- d. Any alterations to the building or surrounding area associated with the proposed use have been determined by Wasco County to be consistent with the [*Secretary of the Interior's Standards for Rehabilitation of Historic Properties*](#) and the *Secretary of the Interior's Standards for Preservation of Historic Properties*. If Wasco County's final decision contradicts the comments submitted by SHPO, Wasco County shall justify how it reached an opposing conclusion.
- e. The proposed use has been determined by Wasco County to have no effect or no adverse effect on the historic character of the property, including features of the property contributing to its historic significance. If Wasco County's final decision contradicts the comments submitted by SHPO, Wasco County shall justify how it reached an opposing conclusion.

2. Scenic Resources

- a. New parking areas associated with the proposed use shall be located on the subject property as it existed as of January 1, 2006. Such parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other impervious materials shall be prohibited.
- b. New parking areas associated with the proposed use shall be visually subordinate from Key Viewing Areas, and shall to the maximum extent practicable, use existing topography and existing vegetation to achieve visual subordination. New screening vegetation may be used if existing topography and vegetation are insufficient to help make the parking area visually subordinate from Key Viewing Areas, if such vegetation would not adversely affect the historic character of the building's setting.
- c. Temporary structures associated with a commercial event (e.g. tents, canopies, portable restrooms) shall be placed on the subject property no sooner than two days before the event and removed within two days after the event. Alternatively, temporary structures may remain in place for up to 90 days after the event if the local government determines that they will be visually subordinate from Key Viewing Areas.

3. Recreation Resources

The proposed use shall not detract from the use and enjoyment of existing recreation resources on nearby lands.

4. Agricultural and Forest Lands

All owners of land in areas designated Large-Scale or Small-Scale Agriculture, Agriculture-Special, Commercial Forest Land, or Large or Small Woodland that are within 500 feet of the perimeter of the subject property on which the use is proposed to be located have been notified

and given at least 10 days to comment prior to a decision on an application for a Special Use for a Historic Building.

DETAILED TABLE OF CONTENTS

CHAPTER 21 LAND DIVISIONS

<u>SECTION</u>		<u>PAGE</u>
21.010	<u>PURPOSE</u>	21-1
21.020	<u>DEFINITIONS</u>	21-1
21.030	<u>BASIC PROVISIONS AND DESIGN STANDARDS</u>	21-1
21.100	<u>LAND PARTITIONING APPROVAL</u>	21-6
21.110	<u>AMENDMENTS TO PRELIMINARY PLANS AND FINAL PLATS OR MAPS</u>	21-13
21.200	<u>PROPERTY LINE ADJUSTMENTS/REPLATS</u>	21-13
21.300	<u>PRELIMINARY SUBDIVISION PLAN APPROVAL</u>	21-16
21.310	<u>FINAL SUBDIVISION PLAT APPROVAL</u>	21-19
21.400	<u>PRIVATE ROAD APPROVAL AND PUBLIC ROAD OR STREET DEDICATIONS</u>	21-28
21.410	<u>IMPROVEMENTS</u>	21-30
21.420	<u>PUBLIC STREETS AND ROADS</u>	21-32
21.430	<u>PRIVATE ROADS</u>	21-36
21.440	<u>ROADWAY IMPROVEMENT STANDARDS</u>	21-38
21.450	<u>ACCESS CONTROL</u>	21-39
21.460	<u>PEDESTRIAN ACCESS AND CIRCULATION</u>	21-42
21.470	<u>PENALTY AND ENFORCEMENT ON VIOLATION</u>	21-46
21.480	<u>REPEAL AND TRANSFERRAL PROVISIONS</u>	21-46

CHAPTER 21 LAND DIVISIONS

As authorized by law, including ORS Chapters [92](#), [197](#), and [215](#), subdivisions, partitions plats, replats, property line adjustments and streets shall be approved in accordance with this Chapter and applicable provisions of [Chapter 3 - Basic Provisions](#), and [Chapter 14 - Scenic Area Review](#). The Chapter applies to all land within the unincorporated territory of the Columbia River Gorge National Scenic Area portion of the County. A person desiring to subdivide, partition, replat, adjust a common boundary line, or to create a street or a private road shall submit preliminary plans and final documents for approval as provided in this Chapter and state statutes. Land divisions in the Special Management Area shall not be allowed, unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and guidelines in the Management Plan.

SECTION 21.010 Purpose

In accordance with the provisions of ORS Chapters [92](#), [197](#), and [215](#), this Ordinance sets forth the minimum standards governing the approval of land development, including subdivisions, partitions, replats, and property line adjustments, as necessary to carry out the Wasco County Comprehensive Plan and the Management Plan for the Columbia River Gorge National Scenic Area and to promote the public health, safety and general welfare. The purpose of these provisions and regulations are to:

- A. Encourage well planned development to the end that good livable neighborhoods with all needed amenities and community facilities may be created.
- B. Encourage development in harmony with the natural environment and within resource carrying capacities.
- C. Safeguard the interest of the public, the applicant, and the future legal parcel owner.
- D. Improve land records and boundary monumentation.
- E. Ensure equitable processing of plats and plans, and accomplish to the greatest extent possible the goals and objectives of the Comprehensive Plan for Wasco County and the [Management Plan](#) for the Columbia River Gorge National Scenic Area.

SECTION 21.020 Definitions

The definitions set forth in [Section 1.200](#) of this Ordinance shall be utilized for the purposes of this chapter.

SECTION 21.030 Basic Provisions and Design Standards

- A. Compliance required: No land within the unincorporated territory of the Columbia River Gorge National Scenic Area portion of Wasco County shall be subdivided or partitioned, and no plat shall be filed or recorded until submitted to and approved by the Approving Authority in accordance with ORS Chapter [92](#).

- B. Minimum standards: The requirements and standards set forth in this chapter are the minimum ones to which a subdivision, partition, or boundary adjustment must conform before approval by the Approving Authority. Scenic, Natural, Cultural and Recreational resource buffers set forth in [Chapter 14](#) - Scenic Area Review shall not be altered or varied to allow design standards to be met.
- C. Conformity with the plan: All divisions of land and boundary adjustments shall conform to and be in harmony with the Wasco County Comprehensive Plan and National Scenic Area Land Use Designation Map and the Management Plan for the Columbia River Gorge National Scenic Area and map of that portion of the Columbia River Gorge National Scenic Area within which the subdivision and partition lies.
- D. Conformity with zoning chapter: All divisions of land and boundary adjustments, regardless of the number of lots or parcels, shall comply with all specifications authorized by [Chapter 3](#) of this Ordinance. All lots created shall conform in all respects with the applicable regulations of [Chapter 3](#), including uses of land, lot size and dimensions, space for off-street parking, landscaping and other requirements as may be set forth. Variances from minimum parcel sizes shall not be granted.

Land divisions shall also be made only in full compliance with standards set in [Chapter 14 - Scenic Area Review](#).

- E. Relation to Adjoining Street System: A subdivision or partition shall provide for the continuation of the principal streets existing in the adjoining subdivisions or of their proper projection when the adjoining property is not subdivided, and such streets shall be of a width not less than the minimum requirements for streets set forth in these regulations.
- F. Redevelopment Plan:
 - 1. In subdividing or partitioning tracts of land into large lots which at some future time could be further divided, the Director may require that blocks and lots shall be of such size and shape, be so divided into lots, and meet such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of a smaller size which shall have the minimum lot frontage on a street.
 - 2. No lot in a platted subdivision shall be reduced in size from that shown on the recorded plat if the newly created lot will have less than the minimum lot area for the zone in which it is located.
 - 3. Any lot in a platted subdivision may be enlarged to approximate more closely the minimum lot area for the zone in which the lot is located, provided that no leftover lot areas shall be less than the minimum lot area for the zone.
 - 4. Any person dividing tracts of land into large lots which at some future time could be further divided and still meet the minimum lot size requirement of the zone in which the land is located shall provide suitable road access to each created parcel so that the future development of each parcel will provide access for redevelopment parcels or lots.
- G. Access: A unit of land shall be considered to have access by way of a public road or street, private

road, or private easement road, if the following criteria are satisfied:

1. The unit of land abuts on the road or street.
2. There is a legal right appurtenant to the unit of land to use the road or street for ingress and egress. A legal right to use a private road or private easement road may be evidenced by: (a) an express grant or reservation of an easement in a document recorded with the County Clerk; (b) a decree or judgment issued by a court of competent jurisdiction; (c) an order of the County Governing Body; or, (d) an express easement set forth in a duly recorded plat.
3. The road or street provides actual physical access for the unit of land.

H. Access Requirements for Land Divisions: Each unit of land shall be provided with access by a public road meeting standards noted in Table 1 (Rural Public Roadway Design Standards) & 2 (Urban Public Roadway Design Standards), except as provided below and in Table 3 (Private Access Standards):

1. Private Easement Road - In all zones a unit of land may have access by way of a private easement road upon a finding that such road provides access for not more than three (3) units of land and serves not more than three (3) units of land.

The requirements of Section 21.300 are not applicable to a Private Easement Road.

If the private easement road could provide access for more than three (3) units of land based on existing zoning, structural setbacks shall be established from the potential right of way of the public or private road and not the right of way of the private easement road.

2. Private Road - In resource areas only (areas zoned F-1, F-3, A-1 and A-2), a unit of land may have access by way of a private road upon findings of the Approving Authority that:
 - a. Such private road provides access for not more than ten (10) units of land and serves not more than ten (10) units of land;
 - b. Private road approval is obtained pursuant to [Section 21.400](#);
 - c. Private road is constructed to standards of [Section 21.430](#) when more than three (3) units of land use roadway;
 - d. The primary use of the road is to provide access for resource activities. Conflicting uses shall be minimized;
 - e. When service to more than ten (10) units of land is possible, provision shall be made to serve the area by public road, including but not limited to: (a) dedication of right-of-way; (b) extension and improvement of the roadway to public road standards such that not more than ten (10) units of land may be served.

If the private road could provide access for more than ten (10) units of land based on existing

zoning, structural setbacks shall be established from the potential right of way of the public road and not the right of way of the private road.

- I. Alignment: As far as practical, streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall wherever practical leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than one hundred twenty-five (125) feet.
- J. Half Streets: Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the requirements of this Ordinance and when possible to require the dedication of the other half when the adjoining property is subdivided. Whenever an existing half street is adjacent to land to be subdivided, the remaining half of the street shall be dedicated within such subdivision. Reserve strips and street plugs may be required to insure the objectives of obtaining full width streets.
- K. Streets Adjacent to Railroads, Freeways and Parkways: When a subdivision or partition contains or is adjacent to a railroad, a parallel street may be required on each side of such railroad. A land strip of not less than twenty-five (25) feet in width shall be provided along a railroad right-of-way for screen planting or park purposes between the railroad and residential lots. Parallel, local service streets shall be provided on each side of a freeway or parkway either within or abutting their right-of-way. When such parallel streets are less than eighty (80) feet from such freeway or parkway the intervening property shall be used for only park or thoroughfare purposes. Streets paralleling railroads, at those cross streets where grade separations are proposed, shall be located at a distance from the railroad that provides for such grade separation structure.
- L. Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision or partitioning.
- M. Future Extension of Streets: Where necessary to give access to or permit a satisfactory future subdivision or partitioning of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead-end streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions.
- N. Alleys: The minimum width of alleys, when provided in residential blocks, shall be twenty (20) feet. Alleys shall be provided in commercial and industrial districts and shall not be less than twenty (20) feet in width. The corners of all alleys at their intersection with streets and other alleys shall be rounded and have a radius of not less than ten (10) feet.
- O. Pedestrian Ways: When desirable for public convenience, pedestrian ways may be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks.
- P. Cul-De-Sacs: In general, dead-end (cul-de-sac) streets are not desirable, but if provided, shall terminate in a turnaround that is consistent with [Chapter 11](#) and the local fire department.
- Q. Street Intersections:

1. All streets shall intersect at right angles (90 degrees) one to the other; where an intersection at ninety (90) degrees cannot be secured by reason of physical conditions of the site an angular intersection of not less than sixty (60) degrees may be permitted.
 2. Property corners at street intersections shall be rounded and with a radius of not less than ten (10) feet.
 3. Major thoroughfares intersections shall have roadway curb radii of not less than twenty-five (25) feet; all other street intersections shall have roadway curb radii of not less than twenty (20) feet.
- R. Reserve Strips: Reserve strips or street plugs dedicated to the County and controlling the access to a street may be approved or required when necessary to:
1. Prevent access to the street on a side where additional width is required to meet the minimum right-of-way standards;
 2. Prevent access to abutting property at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street; or
 3. Prevent the uncontrolled development of land.
- S. Marginal Access Streets: Where a subdivision or partition abuts or contains an existing or proposed arterial street, the Approving Authority may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- T. Utility Lines: Easements for sewers, water mains, electrical lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least twelve (12) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six feet in width.
- U. Water Courses: If a subdivision or partition plat is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to major water courses may be required.
- V. Environmental Hazards: If a subdivision or partition contains known hazards resulting from potential for flooding, land movement, high water tables, erosion, or similar natural phenomena, the Approving Authority may require dedication of protective easements for uses that would minimize aggravation of the environmental hazard.
- W. Blocks: No block shall exceed twelve hundred (1200) feet in length between streets. In blocks over eight hundred (800) feet in length there shall be a cross walkway of not less than ten (10) feet in width, near the middle of the block. The width of blocks shall be such as to allow two tiers of lots, except where in the opinion of the Approving Authority a relatively short length of double frontage lots are

unavoidable.

X. Lots:

1. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the types of use permitted. Lot dimensions shall not include part of existing or proposed streets. All lots shall be buildable, except a public utility lot. Depth and width of utility lots shall be adequate to provide for standard setbacks for service structures, and to furnish off-street parking facilities required by the kind of use contemplated. In no other case shall the width or area be less than that prescribed for the zone in which the lot is proposed.
2. Each side lot line shall be at right angles to the adjacent street line or radial to a curved street line, unless the Approving Authority determines that variation from these requirements is necessitated by unusual circumstances such as topography and site location.
3. Lots with double frontage shall be avoided, except where the Approving Authority determines that such lots are essential to provide separation or residential development from major traffic arterials or adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide, across which there shall be no rights of access, may be required along the line of lots abutting such a traffic arterial or other incompatible use. Such area shall be considered the rear portion of the lot.
4. Flag lots shall not be permitted, except when unusual circumstances exist. Such circumstances may include characteristics of topography and site which affect construction on the property or access to the property. Approval of the creation of flag lots by the Approving Authority shall be based on specific findings indicating what unusual circumstances exist.

Y. Public Open Space: School sites, neighborhood playgrounds, parks and recreation areas shall be located in accordance to the development pattern of the County or the County area. When such public school or recreation sites are within the area of an approved subdivision they may be dedicated to the County or shall be reserved until such time as the County is able to acquire them. Parks and recreation areas shall be provided at the rate of one (1) acre of recreation area to every one hundred people.

Z. Subdivision Name: The name of any subdivision shall not duplicate or be so similar as to be confused with the name of any existing subdivision or parcel or area within the County.

AA. Street Names: Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and, if near a city, to the pattern in the city, and shall be subject to the approval of the Approving Authority.

BB. Street Signs: All street and highway signs shall meet the County standards for such signs.

SECTION 21.100 Land Partitioning Approval

A. Approval of Preliminary Partition Plans:

1. An application for preliminary partition plan approval shall be initiated as provided in [Chapter 2](#).
2. In addition to the complete application requirements for [Chapter 14 - Scenic Area Review](#), a preliminary partition application, plan and supporting documentation shall include the following:
 - a. a vicinity map of such scale to clearly locate the proposed partitioning in relation to adjacent subdivisions, partitions, roadways and other land parcels;
 - b. any existing permanent structures and their setbacks to existing and proposed property lines;
 - c. all existing and proposed means of utilities for each tract including but not limited to water, primary and secondary septic drainfields, sewer lines, telephone lines, and electrical lines;
 - d. predominant topographical features such as bluffs and rock outcroppings;
 - e. areas subject to sliding or other natural hazards;
 - f. areas subject to flooding and all water courses and their directional flows, including marshes and wetlands;
 - g. north point, scale and date;
 - h. zoning classification and plan map designation of the land;
 - i. a plan of the proposed partitioning, showing boundaries of the total contiguous ownership, boundaries of each proposed tract, the number assigned to each tract, acreage of each tract and location and name of existing and proposed streets and roads;
 - j. all existing and proposed public and private easements, restrictions, and covenants providing for, or affecting all services, utilities, or access must be shown on the face of the map along with the legal description. If it is a pre-existing easement or if the easement has been filed with the County Clerk prior to the final approval of the land partition, then the Recorder's number shall appear on the face of the map; and
 - k. if not sewered and located in an "F-1", "F-3", "A-1" or "A-2" zone, a statement signed by an authorized representative of the Department of Environmental Quality, State of Oregon, or County Sanitarian regarding the suitability of each parcel to be partitioned for subsurface sewage disposal; or a signed statement shown on the face of the final partition plan that no investigation has been made of the suitability of any given parcel by an authorized representative of the Department of Environmental Quality, and that no warranty is made that any parcel will be usable for subsurface sewage disposal; or
 - l. if not sewered and located in an "RR" or "PR" zone, a statement signed by an authorized representative of the Department of Environmental Quality approving each parcel to be

partitioned for subsurface sewage disposal; or a statement signed by the County Sanitarian or an officer of a public sewer district or corporation warranting the availability of sewer hook-ups for each parcel to be partitioned.

3. Standards for approval of a preliminary partition plan.

- a.** A decision on a preliminary partition plan application shall be made by the Approving Authority as provided in [Chapter 2](#) of this Ordinance.
 - b.** The preliminary partition plan shall be approved if the Approving Authority finds that the information required by this subsection has been provided, if the proposal complies with [Chapter 3 - Basic Provisions](#), and [Chapter 14 - Scenic Area Review](#), and if the standards of [Section 21.030](#) have been met.
- 4.** The Approving Authority may require dedication or reservation of land and utility or drainage easements; and may impose conditions promoting redevelopment of the parcels if, in view of the zoning and plan map designation, the acreage of a parcel or parcels in contiguous ownership make additional partitioning of the subject property feasible.

B. Approval of Final Partition Plat:

- 1.** Within twenty four (24) months from the date of preliminary partition approval, the applicant shall initiate a request for final partition plat approval by filing with the Director a final plat prepared in accordance to those standards in this section.
- 2.** The approval of a final partition map by the Director is a ministerial action. The Director shall grant final approval if he determines that:
 - a.** the final plat and any supporting documents are in substantial conformance with the approved preliminary partition plan;
 - b.** any conditions imposed by the Approving Authority have been met;

Substantial conformance means that any differences between the preliminary and final plans are "minor amendments", as defined in [Section 21.110](#) that clearly will not adversely affect scenic, natural, cultural or recreational resources.

- 3.** All access easements created as part of land partitioning become effective when the plat is recorded by the County Clerk. If an access easement is pre-existing or if the access easement has been recorded with the County Clerk prior to the final approval of the land partition, then the recorded Document Number shall appear on the face of the plat.
- 4.** The granting of final plat approval shall not be affected by a change in the zone or plan map designation of the subject property made after approval of the preliminary partition plat.
- 5.** After approval of the final partition plat, the Director, County Surveyor, Assessor/Tax Collector, and

Clerk shall endorse their approval on the original plat. The original plat shall be recorded with the County Clerk and a copy with the County Surveyor's Office.

6. Pursuant to [ORS 92.055](#) a parcel larger than ten (10) acres is not required to be surveyed and monumented but shall comply with the following:
 - a. The approximate acreage of each unsurveyed parcel shall be shown.
 - b. Any unsurveyed parcel shall have the word "unsurveyed" placed in bold letters adjacent to the parcel number on the plat as provided in (5) above.
 - c. Unsurveyed parcels need not comply with [ORS 92.050\(5\)](#), (7) and (8).
7. Pursuant to [ORS 92.095](#), prior to recordation of the final partition map, the current years' taxes must be paid in full. (The tax year runs from July 1st through June 30th).

C. Final Land Partition Plat Requirements:

1. Conformance to preliminary plan. The map shall substantially conform to the preliminary plan as approved.
2. Preparation of the Plat.
 - a. A plat shall be prepared on 4 mill (minimum) double matte polyester film, approved by the County Surveyor, on a standard 18" x 24" sheet, with archival permanent black ink, in a format available at the Wasco County Surveyors Office.
 - b. All signatures on the original must be in archival quality black ink.
 - c. The lettering shall be a size or type to be clearly legible when copies are made.
 - d. A face sheet and index must be included for a plat with 3 or more sheets.
3. Compliance with [ORS 209.250](#). A plat shall comply with all requirements of [ORS 209.250](#) including:
 - a. Narrative
 - b. Location of the survey by one-fourth section, Township and Range.
 - c. Date of the survey.
 - d. Scale and North Arrow. The plat shall be drawn to a standard engineering scale sufficient to depict the change, approved by the County Surveyor.
 - e. The distance and course of all lines traces or established, giving the basis of bearing.
 - f. Measured bearings and distances used as a basis for establishing or reestablishing lines or

- monuments separately indicated from those of record.
- g.** Monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included and all monuments set shall be separately indicated from those found.
 - h.** The surveyor's seal and original signature.
 - i.** The surveyor's business name and address.
- 4.** Compliance with ORS 92.050. A person shall not submit a plat of a partition for record until all the requirements of ORS 209.250 and the plat requirements of the partition have been met.
 - a.** The survey for the plat shall be done in a manner to achieve sufficient accuracy that measurements may be taken between monuments within one-tenth of a foot or one ten-thousandth of the distance shown on the plat, whichever is greater.
 - b.** The plat shall be made by professional land surveyor.
 - c.** The plat shall be of sufficient scale and lettering size, approved by the County Surveyor, so that:
 - (1)** The survey and mathematical information and all other details are clearly and legibly shown on the plat.
 - (2)** Each lot or parcel is numbered consecutively.
 - (3)** The lengths and courses of the boundaries of each lot or parcel are shown on the plat.
 - (4)** Each street is named and shown on the plat.
 - d.** The locations and descriptions of all monuments found or set must be carefully recorded upon the plat and the proper courses and distances of all boundary lines, conforming to the Surveyor's Certificate, must be shown.
 - e.** The location, dimensions and purpose of all recorded and proposed public and private easements must be shown on the plat along with the County Clerk's recording reference if the easement has been recorded with the County Clerk. Private easements become effective upon the recording of the plat.
 - f.** The area of each lot or parcel must be shown on the plat, to the nearest one-hundredth of an acre.
 - g.** In addition to showing bearings in degrees, minutes and seconds, and distances in feet and hundredths of a foot, the following curve information must be shown on the plat:
 - (1)** Arc length

- (2) Chord length
 - (3) Chord bearing
 - (4) Radius
 - (5) Central Angle
- h. The final plat may not be required to show any information or requirement that is or may be subject to administrative change or variance by the county, or any other information unless authorized by the County Surveyor. Examples of authorized information include:
 - (1) Parcels located in an "F-1", "F-3", "A-1" or "A-2" zone shall contain the following statement" "No investigation has been made of the suitability of any given parcel by an authorized representative of the Department of Environmental Quality, and no warranty is made that any given parcel will be used for subsurface sewage disposal. If subsurface sewage disposal evaluations have been completed, a copy shall be filed with the Wasco County Planning Department.
 - (2) Parcels located in any other zone shall contain the following statement: "The parcels have been approved for subsurface sewage disposal by an authorized representative of the Oregon Department of Environmental Quality."
 - (3) Planning Department File Number
 - (4) Tax lot Information
 - (5) Zoning classification and Plan Designation
 - (6) Table indicating the acreages of all existing and newly created parcels.
 - (7) Assessor Account Number for each existing property
- 5. Monuments.
 - a. The Initial Point of a plat must be on the exterior boundary of the plat and must be marked with a monument meeting the specifications of [ORS 92.060\(1\)](#). The location of the monument shall be with reference by survey to a known corner, per [ORS 92.060](#) and shown on the plat.
 - b. The exterior boundary and all parcel corners must be monumented per [ORS 92.060](#).
 - c. For partitions involving land in a flood plain, the provisions of [21.310\(B\)\(8\)\(e\)](#) shall apply.
- 6. Surveyor's Certificate. The plat must include a Surveyor's Certificate, together with the seal and signature of the surveyor of record, to the effect that the surveyor has correctly surveyed and

marked with proper monument the lands represented, including the initial point of the plat and its location, and accurately describing by metes and bounds, or other description as approved by the County Surveyor, the tract of land upon which the parcels are laid out.

7. Declaration.

- a.** The plat shall include a declaration, taken before a notary public, stating that the declarant has caused the plat to be prepared in accordance with the provisions of [ORS 92](#).
- b.** Any dedication of land to public purposes or any public or private easements create, or any other restrictions made, shall be included in the Declaration.
- c.** If the declarant is not the fee owner of the property, the fee owner and the vendor under any instrument of sale shall also execute the Declaration for the purpose of consenting to the property being partitioned.
- d.** If the plat contains any dedication or donation of land to public purposes, the holder of any mortgage or trust deed shall also execute the Declaration
- e.** Notwithstanding the provisions of subsection a. to d., the fee owner, vendor or the mortgage trust deed holder may record an affidavit consenting to the declaration, pursuant to [ORS 92.075\(4\)](#).

8. General Information.

- a.** Streets or Road for public use are dedicated without reservation or restriction other than reversionary rights upon vacation.
- b.** All easements provided for public services, utilities, or access are shown on the face of the plat along with the legal description and any limitations of the easements. If it is a pre-existing easement or if the easement has been filed with the County Clerk prior to the final approval of the land partition, then the Recorders number shall appear on the face of the plat.
- c.** Names and addresses of the partitioner, owner, mortgagee, if any, and the person preparing the plat are shown.
- d.** The names of any streets intersecting or within the parcels are shown.
- e.** All easements provided for public services, utilities, or access must be shown on the face of the map along with the legal description and any limitations of the easements. If it is a pre-existing easement or if the easement has been filed with the County Clerk prior to the final approval of the land partition, then the Recorder's number shall appear on the face of the map.
- f.** Zoning classification and Plan Designation
- g.** Space for date and signatures of the following officials for maps of partitions:

(1) County Planning Director or designee

(2) County Surveyor

(3) County Assessor/Tax Collector

9. County Surveyor Fees: In the cases where partitions are required to be surveyed, if the interior monuments are not set prior to the approval of the plat, the subdivider shall pay an additional fee to the County Surveyor equal to fifty percent (50%) of that fee provided in [ORS 92.100\(2\)](#), to cover the second field check as provided in post monumentation. In the event a second field and/or office check becomes necessary because of substantial discrepancies found in the first check, the County Surveyor may, at his discretion, charge a second fee or partial fee.

SECTION 21.110 Amendments to Preliminary Plans and Final Plats or Maps

A. Definitions:

1. "Minor Amendment" means a change which:

- a. Does not change the number of parcels created by the subdivision or partition;
- b. Does not enlarge the boundaries of subdivided partitioned, or boundary adjusted area;
- c. Does not change the general location or amount of land devoted to a specific land use; or
- d. Includes only minor shifting of the established lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces; or
- e. Shall not adversely affect scenic, natural, cultural or recreational resources.

2. "Major Amendment" means any change which is not a minor amendment.

B. Approval of Minor Amendments: A minor amendment to an approved preliminary subdivision, partition, or boundary adjustment plan or to an approved final subdivision, partition, or boundary adjustment plat or map may be approved by the Director.

C. Approval of Major Amendments: Approval of a major amendment to an approved preliminary subdivision partition, or boundary adjustment plan or to an approved final subdivision, partition, boundary adjustment plat shall be subject to the provisions of [Chapter 2](#).

SECTION 21.200 Property Line Adjustments & Replats

A. Property Line Adjustments

1. Application - The decision on a request for a Property Line Adjustment shall be under [Chapter 2](#). A

completed application, as prescribed by the Director, shall be filed prior to any action on a Property Line Adjustment. A completed application shall contain the same information required for preliminary partition plans in [Section 21.100\(A\)](#).

2. Approval Standards for all zones except Agriculture Special, Open Space and Public Recreation: The request for a property line adjustment shall be approved by the Director if the following criteria are met;

- a. The adjustment will not result in the creation of any new parcel(s).
- b. GMA Only: The adjustment shall not result in the potential to create a new parcel(s) or residential development in excess of the maximum density allowed by the land use designation(s) for the affected parcels.

Adjustments that would result in the potential to create additional parcels through subsequent land divisions, shall be subject to the full provisions of [Chapter 14 Scenic Area Review](#).

- c. The proposal will not render any property unusable, nor shall the usefulness, utility or viability of the property be reduced from the designated purpose statement of the zoning district in which the property is located.
- d. GMA Only: Property which presently conforms to the lot size requirements of the zoning district in which it is located shall not become nonconforming as a result of the property line adjustment, except to allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

SMA Only: The adjustment shall not result in a parcel greater than or equal to 40 acres becoming less than 40 acres.

- e. SMA Only: The adjustment shall not result in a parcel less than 40 acres becoming 40 acres or greater.
- f. Property line adjustments shall result in greater conformity where it can be achieved. Property line adjustments to nonconforming property (less than the current minimum lot size in the GMA and less than 40 acres in the SMA) shall not result in greater nonconformity, except to accomplish one of the following purposes:

- (1) Resolve boundary disputes, correct physical encroachments, provide reasonable access, or meet buffer or set back requirements, provided:

- (a) in the GMA, the parcel to be enlarged would not become eligible for a subsequent land division and in the SMA the parcel to be enlarged would not become 40 acres or greater, and

- (b) the amount of land transferred would be the minimum necessary to resolve the issue.
 - (2) Allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions (in the GMA) and residential development.
- g. (GMA Only): Adjusted property lines may cross zoning district boundaries unless
 - (1) The adjustment will increase the number of parcels or lots which could potentially be created, based on the density requirements of the applicable zoning district; or
 - (2) The adjustment will allow the boundary of a parcel designated Large-Scale Agriculture, Agriculture Special, Commercial Forest, Large Woodland or Open Space to be extended into another land use designation for the purpose of establishing a dwelling under less stringent guidelines (e.g., extending a parcel designated GMA Large-Scale Agriculture into a parcel designated Rural Center or Residential).
- h. The adjustment will not cause any previously approved parcels or developments to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection criteria, including, but not limited to, requirements for setbacks, buffer zones and landscaping.
- i. The adjustment shall not result in a parcel that cannot comply with existing land use and resource protection criteria, including, but not limited to requirements for setbacks, buffer zones and landscaping.
- j. Proposed property line adjustments which have the net result of physically relocating a parcel to a new location beyond an existing common boundary line or which requires the creation of a private or public road will not be acted on, and must be reviewed under [Section 21.100](#) of the Wasco County Land Use and Development Ordinance.
- 5. (GMA Only): Approval Standards for Agriculture Special, Open Space and Public Recreation zones

In addition to meeting the standards of 2(a), (g), (h), & (i) above, adjustments shall comply with the following standards:

- a. Agriculture Special & Open Space: The adjustment may be allowed upon demonstration that it is necessary to facilitate efforts to protect and enhance scenic, cultural, natural, or recreation resources. (Note: There is no specified minimum parcel size for parcels designated Agriculture Special or Open Space.)

The approval of a preliminary subdivision plan is reviewed by the Planning Commission subject to the provisions of [Chapter 2](#).

1. An application for preliminary subdivision plan approval shall be initiated as provided in [Chapter 2](#) of this Ordinance.
2. In addition to the complete application requirements for [Chapter 14 - Scenic Area Review](#) the applicant shall file with the Director a preliminary subdivision plan, together with improvement plans and other supplementary information required by B below to demonstrate the design and objectives of the subdivision.
3. The preliminary plan shall be clearly and legibly drawn. It shall show all required information to scale so that the Approving Authority may have an adequate understanding of what is proposed. Under ordinary circumstances, the scale of the drawing is to be one (1) inch equals one hundred (100) feet, or one (1) inch equals fifty (50) feet.

1. All existing and proposed means of utilities for each tract including but not limited to water, sewer, telephone lines, and electrical lines.
2. Any existing permanent structures and their setbacks to existing and proposed subdivision lot lines.

3. Predominant topographical features such as bluffs and rock outcroppings.
4. Typical cross-sections of proposed streets, showing all improvements proposed within the street right-of-way at such scale to clearly show the details thereof.
5. Contour lines may be required at intervals to be determined by the Director.
6. The names of adjacent subdivisions or the names of recorded owners of adjoining parcels of unsubdivided land.
7. The location, width and names of all existing or plotted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights-of-way and other important features such as section lines, political subdivisions or corporation lines and school district boundaries.
8. Vicinity sketch showing how the proposed streets and alleys may connect with existing streets in neighboring subdivisions or undeveloped property.
9. Zoning classification and plan map designation of the land.
10. The location of any environmental hazard; area unsuitable for building purposes; or land subject to mass movement, excessive erosion, or similar natural phenomena.
11. The proposed name of the subdivision.
12. North point, scale, date of preparation, and basis of bearing.
13. Areas subject to flooding, storm water overflow and all water courses and their directional flows, including marshes and wetlands;
14. Names and addresses of the subdivider, owner, mortgagee, if any and of the engineer, surveyor or land planner or landscape architect.
15. The tract description according to the real estate records of Wasco County.
16. The boundary lines (accurate in scale) of the tract to be subdivided.
17. All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservation, if any.
18. All existing and proposed public and private easements, restrictions, and covenants providing for, or affecting all services, utilities, or access must be shown on the face of the map along with the legal description. If it is a pre-existing easement or if the easement has been filed with the County Clerk prior to the final approval of the land partition, then the Recorder's number shall appear on the face of the map; and

19. Proposed lots, approximate lot dimensions, and lot numbers. Where lots are to be used for purposes other than residential, it shall be indicated upon such lots.
20. Parks, playgrounds, recreation areas, parkways, and other open space for public use.
21. Locations of proposed tree plantings or other plantings. Appropriate information clearly stating the map is a tentative plan.
22. Proposed source of water supply, if any; estimated volume to be available, together with data regarding the location, type, and size of all storage facilities, distribution lines, fire hydrants, and gate valves.
23. If domestic water supply proposed by the developer includes the drilling of wells, information on the feasibility of well drilling. Such information will be provided even if the developer is not required by the Commission to drill the wells.
24. The proposed method of sewage disposal.
 - a. If to be served by a community sewer system, data regarding the location, type, size, approximate grade, and capacity of all collection lines, feeder lines, trunk lines, pumping stations, storage facilities, backflow prevention devices, and gate valves. If treatment is to be accomplished by an existing municipal or public sewage facility, a statement regarding the ability of the facility to accommodate the projected increased load. If treatment is to be accomplished by a new installation or privately owned treatment facility, a statement regarding conformity to applicable regulations of the Oregon State Department of Environmental Quality.
 - b. If to be served by a community collection and storage system, data regarding the location, type, size, approximate grade, and capacity of all lines, holding tanks, storage facilities, pumping facilities, and valves.
 - c. If to be served by subsurface sewage disposal, a statement from an authorized representative of the Department of Environmental Quality, State of Oregon, or the County Sanitarian regarding the approval of each lot or parcel to be sold for installation of septic tank facilities.
25. Proposed building setback lines.

C. Development Phasing:

1. A preliminary subdivision plan may provide for platting in as many as three (3) phases. The preliminary plan must show each phase and be accompanied by proposed time limitations for approval of the final plat for each phase.
2. Time limitations for the various phases must meet the following requirements:
 - a. Phase 1 final plat shall be approved within twenty four (24) months of preliminary approval.

- b. Phase 2 final plat shall be approved within thirty six (36) months of preliminary approval.
- c. Phase 3 final plat shall be approved within forty eight (48) months of preliminary approval.

D. Criteria for Approval of Preliminary Subdivision Plan:

1. A decision on the preliminary subdivision plan application shall be made by the Approving Authority as provided in [Chapter 2](#).
2. The preliminary subdivision plan shall be approved if the Approving Authority finds the following:
 - a. The information required by this Chapter has been provided;
 - b. The standards of [Section 21.030](#) have been met; and
 - c. If the preliminary plan provides for development in more than one phase, the Approving Authority makes findings and conclusions that such phasing is necessary due to the nature of the development, and that the applicant will be able to comply with the proposed time limitations.

E. Duration of Preliminary Subdivision Plan Approval:

1. Approval of a preliminary subdivision plan shall be valid for twenty four (24) months from the date of approval of the preliminary plan, provided that if the approved preliminary plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the limitations of (C)(2) above.
2. If any time limitation is exceeded, approval of the preliminary subdivision plan, and any subsequent phases, shall be void. Any subsequent proposal by the applicant for division of the property shall require a new development request.

F. Granting of Extensions:

1. An applicant may request an extension of the validity of a preliminary subdivision plan approval, or, if the preliminary plan provides for phased development, an extension of the validity of preliminary approval with respect to the phase the applicant is then developing. Such request shall be considered an Administrative Action and shall be submitted to the Director, in writing, prior to expiration of such approval, stating the reason why an extension should be granted.
2. The Director may grant one extension of up to twelve (12) months in the validity of a preliminary subdivision plan approval or, if the preliminary plan provides for phased development, one extension of up to twelve (12) months in the validity of a preliminary subdivision plan approval with respect to the phase then being developed, if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the

applicant from obtaining final plat approval within the original time limitation.

SECTION 21.310 Final Subdivision Plat Approval

Approval of a final subdivision plat is reviewed by the Planning Commission and subject to the provision of [Chapter 2](#).

A. Application for Final Subdivision Approval:

1. Before expiration of the validity of the preliminary subdivision plan approval obtained pursuant to [21.300](#), the applicant shall cause an Oregon licensed land surveyor to survey the subdivision and to prepare a final plat, in conformance with the approved preliminary plan.
2. The applicant shall initiate a request for final plat approval by filing with the Director a final plat, an exact reproducible copy, other supporting documents as described in B, [Final Subdivision Plat Requirements](#) through D, [Performance Bond](#), below, and the appropriate fees as established by the County Governing Body.

B. Final Subdivision Plat Requirements:

1. The final plat shall be prepared in conformance with all provisions of this Section.
2. Prior to submission for final approval, the final subdivision plat shall be signed by all persons who own land in the subdivision and the mortgagees, or by their authorized representatives or any title-holder. The plat shall bear the signature and seal of the licensed land surveyor responsible for its preparation and certification that the plat has been correctly surveyed and properly monumented. All signatures must be with black ink.
3. Conformance to preliminary plan. The plat map shall substantially conform to the preliminary plan as approved.
4. Preparation. All plat maps shall be prepared by a professional land surveyor registered with the State of Oregon.
5. Format. The plats shall be drawn with an archival quality black permanent ink, approved by the County Surveyor, on 4 mil (minimum) thick polyester based transparent drafting film, or an equivalent, matted on both sides, eighteen inches by twenty-four inches (18"x24") in size. The quality of said drafting film and any other drafting particulars will be subject to the County Surveyor's approval. No diazo process may be used.
6. Scale. The plat shall be drawn to a standard engineering scale sufficient to depict the subdivision of land approved by the County Surveyor.
7. Survey Accuracy. The survey for the plat shall be done in such a manner to achieve sufficient accuracy that measurements may be taken between monuments within one-tenth of a foot or one ten-thousandth of the distance shown on the plat, whichever is greater.

8. Measurements. The subdivision plat shall contain the following measurements:

- a. The boundary lines with distance and bearing of the exact location and width of existing or recorded streets intersecting the boundary.
- b. The arc, length, chord length, chord bearing, radii, and central angles of curves.
- c. Block indications, lot numbers and lot lines with dimensions in feet and hundredths and bearings and angles to street and alley lines.
- d. The area of each lot in either acres, to the nearest 1/100th of an acre, or square feet.
- e. All measured bearings or angles and distances separately indicated from those of record.
- f. All monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included and all monuments set shall be separately indicated from those found.

Any additional information shall be typed or printed in narrative form.

9. Monuments. The subdivision plat shall contain the location, material, and size of all monuments which have been set. A monument shall be set at each of the following locations.

- a. The Initial Point, which must be on the exterior boundary of the plat and must be marked with a monument meeting the specifications of [ORS 92.060\(1\)](#). The location of the monument shall be with reference by survey to a known corner per [ORS 92.060](#).
- b. The exterior boundary including every angle point or curve point along the boundary lines. Any exceptions shall be allowed only with approval of the County Surveyor. All monuments for the exterior boundaries of a subdivision shall be set and referenced on the plat before the plat is offered for approval.
- c. All lot corners, except lot corners of a cemetery. All monuments for the interior boundaries of a subdivision shall be set and referenced on the plat before the plat is offered for approval, unless the surveyor certifies the remaining monuments will be set. If the interior monuments are not set prior to the approval of the plat:
 - (1) The person performing the survey work shall, by affidavit, certify that the interior monuments will be set by a date specified by him, such a date not exceeding one year from the date of submission of the plat for approval. The County Surveyor may extend the one year period and such extension shall be in writing. The County Surveyor shall submit a written copy of the extension to the Director.
 - (2) The subdivider shall furnish to the Wasco County Surveyor's Office a bond or cash deposit, at the option of the Wasco County Surveyor's Office in the amount equal to not more than

120 percent of the County Surveyor's estimate of the cost to perform the work for the interior monumentation.

- (3) Space will be provided on the face of the plat for endorsement of the recording reference to the plat copy to be filed upon completion of such interior monumentation.
 - (4) Upon completion of the interior monumentation, the person performing the survey shall indicate upon a copy of the plat that monumentation has been completed.
 - (5) The County Surveyor shall check the interior monumentation, and, if the conditions required on the tentative plan have been complied with, he shall so certify on the plat copy and file it with the County Clerk.
 - (6) The County Clerk shall file the plat copy and reference the filing number on the original plat. The County Clerk shall advise the County Surveyor of such number for notation on the plat previously filed with him.
- d. Flood Plain Monumentation for Subdivisions and Partitions. For subdivisions and partitions involving land in a flood plain, the following specifications shall apply:
- (1) A standard Bench Mark shall be a minimum of thirty-six inches (36") in depth and eight inches (8") in diameter, constructed of concrete with a brass cap set in the center. The brass cap shall bear the name of the Bench Mark, the year set and the agency or Registered Land Surveyor's license number. The Bench Mark shall be set at least thirty inches (30") in the ground in a stable, protected area of the partition or subdivision. The elevation established shall be 3rd order or higher.
 - (2) The Bench Mark location shall be indicated on the face of the Plat or Final Survey Map along with its name and elevation and the name, year, and elevation of the Bench Mark upon which the elevation is based.
 - (3) The level notes or a copy thereof shall be filed with the final map. Any exceptions shall be allowed only with the approval of the County Surveyor.
 - (4) Field notes and closure copies to County Surveyor:
 - (a) Copies of all lot closures, block closures and plat closures of the subdivision shall be furnished to the County Surveyor upon his request.
 - (b) If the interior monuments are not set prior to the approval of the plat, the field notes or legible copies for the original survey of the subdivision shall be furnished to the County Surveyor upon his request.
10. Surveyor's Certificate. The plat must include a Surveyor's Certificate, together with the seal and signature of the surveyor of record, to the effect that the surveyor has correctly surveyed and marked with proper monument the lands represented, including the initial point of the plat and its

location, and accurately describing by metes or bounds, or other description as approved by the County Surveyor, the tract of land upon which the parcels are laid out.

11. Declaration

- a.** The plat shall include a declaration, taken before a notary public, stating that the declarant has caused the plat to be prepared in accordance with the provisions of [ORS 92](#).
- b.** Any dedication of land to public purposes or any public or private easements created, or any other restrictions made, shall be included in the Declaration.
- c.** If the declarant is not the fee owner of the property, the fee owner and the vendor under any instrument of sale shall also execute the Declaration for the purpose of consenting to the property being partitioned.
- d.** If the plat contains any dedication or donation of land to public purposes, the holder of any mortgage or trust deed shall also execute the Declaration.
- e.** Notwithstanding the provisions of subsections a. to d., the fee owner, vendor or the mortgage or trust deed holder may record an affidavit consenting to the declaration, pursuant to ORS 92.075 (4).

12. General Information. The map shall comply with [ORS 209.250](#) and contain the following information in addition to the preliminary plan information except that 21.3 00(B)(1) – (8) shall not be required to be on the face of the plat:

- a.** Table indicating the approximate acreages of all existing and newly created parcels and lots.
- b.** Assessor Account Number for each existing property.
- c.** Planning Department File Number.
- d.** Legal description of the subdivision boundaries, area of the subdivision in acres, and the location of the subdivision by one-fourth section and Donation Land Claim, Township and Range.
- e.** Subdivision block and lot boundary lines and street right-of-way and center lines with dimensions to the nearest 1/100th of a foot, bearings or deflection angles, radii, arcs, points of curvature, chord bearings and distances, and tangent bearings. Subdivision boundaries, lot boundaries, and street bearings shall be shown to the nearest thirty (30) seconds with basis of bearings.
- f.** Names and width of the portion of streets being dedicated, the width of any existing right-of-way, and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.

- g.** Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not of record, a certified copy of the easement shall be provided. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's declaration.
- h.** Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets or along the edge of partial width streets on the boundary of the subdivision.
- i.** Numbering of blocks and lots, as follows:

 - (1)** Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure or lot numbers. In an addition to a subdivision of the same name, numbers shall be a continuation of the numbering in the original subdivision.
 - (2)** Lot numbers beginning with the number "1" and numbered consecutively in each block.
- j.** Ties to any city, county, or adjacent subdivision boundary lines.
- k.** The course of all lines traced or established, giving the basis of bearing and the distance and course to a section corner, one-sixteenth corner or Donation Land Claim corner in Township and Range.
- l.** Space for date and signature of the County officials specified in I below.
- m.** Any conditions specified by the Approving Authority upon granting preliminary approval.
- n.** A copy of the covenants, if any, that will be placed on the subdivision, including the volume and page(s) of recording with Wasco County.
- o.** A copy of all documents relating to establishment and maintenance of private facilities, common areas and easements, including the volume and page(s) of recording with Wasco County.
- p.** A copy of all documents relating to additional requirements or restrictions required by the County as a condition of approval.
- q.** A declaration signed and acknowledged by all parties having any record title interest in the land consenting to the preparation and recording of the plat.
- r.** A declaration signed and acknowledged by all parties having any record title interest in the land dedicating all land intended for public use and common improvements, including but

not limited to streets, roads, parks, sewage disposal and water supply systems the donation of which was made a condition of the approval of the tentative plan.

- s. A narrative per [ORS 209.250\(2\)](#).
- t. All subdivisions outside the boundaries of an irrigation district, drainage district, water control district, or district improvement company must file a statement of water rights. If a water right is appurtenant to the lands of the subdivision, the statement of water right and a copy of the subdivision plan must be submitted to the Oregon Water Resources Department. A copy of the acknowledgment from the Water Resources Department must be submitted with the final subdivision plat.
- u. Any additional information made a condition of approval of the tentative plan.

13. Supplemental Information with Final Plat. The following data shall accompany the final plat if requested by the Director or County Surveyor:

- a. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
- b. Sheets and drawings showing the following:
 - (1) Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.
 - (2) The computation of all distances, angles, and courses shown on the final map.
 - (3) Ties to existing monuments, proposed monuments, adjacent subdivision, street corners, and state highway stationing.
- c. A copy of any dedication requiring separate documents.
- d. A Plan and Profile showing the following:
 - (1) Widths of the proposed dedication throughout the length of the proposal.
 - (2) Centerline alignment showing P.C. and P.T. stationing on all curves, necessary curve data and bearings of tangents.
 - (3) Ground line and grade line profile on the centerline of the proposed street or road.
 - (4) Vertical curve data showing P.I. elevations and stations, length of vertical curve and tangent grades.
 - (5) Proposed drainage structures, showing both size and type of structure.

- (6) Earthwork distribution, i.e., volume of cuts and fills shown in appropriate haul distribution brackets.
 - (7) Provisions for waste or borrow areas if widened cuts or fills do not provide the desired balance of material.
 - (8) Toe of slope and top of cut lines showing the limits of the construction area within the dedication.
 - (9) Typical section of roadbed to be constructed.
 - (10) Sections lines, fractional section lines and/or Donation Land Claim lines tied to corner from which dedication description is prepared.
 - (11) Vicinity map in the upper left hand corner of the first plan sheet showing roughly the relationships of the proposed road to cities, state highways, county roads, or other well-defined topographical features.
 - (12) The stamp and signature of the registered Professional Engineer or qualified land surveyor preparing the plans.
- e. Cross Sections
- (1) Shall be platted on standard 10-square inch or CAD cross-section print-outs.
 - (2) Shall show proposed widened cuts or fill if these are needed for material balance.
- f. If sewer and/or water facilities are required as the condition of approval of the Final Plat, the following may be required to be submitted with the Final Plat:
- (1) Plans and profiles of proposed sanitary, and storm-water sewers, with grades, pipe sizes and the location of manholes indicated.
 - (2) Plans and profiles of the proposed water distribution system showing pipe sizes and the location of valves and fire hydrants.
 - (3) Specification for the construction of all proposed sewer and water lines and other utilities.
 - (4) Grading plans and specifications as required for areas other than streets and ways.
 - (5) Planting plans and specifications for street trees and other plantings in public areas.
14. County Surveyor Fees: The subdivider shall pay a subdivision review fee to the County Surveyor as provided in [ORS 92.100\(2\)](#) which is included in the cost at the time of application. In the event a second field and/or office check becomes necessary because of substantial discrepancies found in the first check, the County Surveyor may, at his discretion, charge a second fee or partial fee.

C. Agreement for Improvements

1. Before approval of the final subdivision plat, the applicant shall either install the improvements required by the preliminary plan approval and repair existing streets and other public facilities damaged in the development of the subdivision, or shall execute and file with the County Governing Body an agreement between himself and the County specifying the period within which required improvements and repairs will be completed. The agreement may provide that if work is not completed within the period specified, the County may complete the work and recover the full cost and expense thereof from the applicant.
2. An applicant may request an extension of time for completion of required improvements. Such request will be considered an application for administrative action. Such extension shall be approved only if changed conditions for which the applicant is not responsible have made it impossible for him to fulfill the agreement within the original time limit(s).

D. Performance Bond

1. To assure full performance of the improvement agreement, an applicant shall provide one of the following:
 - a. A surety bond executed by a surety company authorized to transact business in the State of Oregon on a form approved by the District Attorney; or
 - b. cash deposit with the County Tax Collector; or
 - c. certification or letter of assurance by a bank or other reputable lending institution that money is being held to cover the cost of improvements and incidental expenses, and that said money will be released only upon the direction of the County Roadmaster. The bank certification or letter of assurance shall be approved by the District Attorney; or
 - d. cash deposit with an escrow agent authorized to transact business in the State of Oregon subject to escrow instructions that require the escrow agent to release the money only upon the direction of the County Roadmaster. Escrow instructions shall be approved by the District Attorney.
2. Such assurance shall be for a sum determined by a qualified licensed engineer or in the case of survey monuments, a licensed land surveyor as sufficient to cover the costs of included improvements and repairs or monuments and including related County expenses; and
3. Such assurance provides that: If the applicant fails to carry out provisions of the agreement or the County has unreimbursed costs or expenses resulting from such failure, the County shall call on the bond or cash deposit for reimbursement; if the amount of the bond or cash deposit exceeds the cost and expense incurred by the County, the County shall release the remainder; and if the amount of the bond or cash deposit is less than the cost and expense incurred by the County, the applicant shall be liable to the County for the difference.

- E. Parks, Playgrounds, or Recreational Areas: The Approving Authority may require parks, playgrounds, or recreational areas be provided in the final subdivision plan and dedicated to the County in locations and of size indicated by the Plan for the area in which the subdivision is located.
- F. Recreational Fund: Where no parks, playgrounds or recreational areas are required by the Commission, the subdivider shall pay to the County a sum equal to six and two-thirds percent (6 2/3%) of the assessed value of the land area, exclusive of streets, within the subdivision. Such sum shall be paid to the County Clerk prior to recording of the final subdivision plan and such sum shall be held by him in a special fund for acquisition and development of parks, playgrounds, and recreational areas within the immediate area of the subdivision.

- 6. Development Phasing: If the preliminary subdivision plan approval, pursuant to [Section 21.300](#), provided for phasing of development, the applicant may request final plat approval for an individual phase of the subdivision by filing with the Director a final plat and supporting documents, as provided in A through D above, for that phase only.

H. Standards for Final Subdivision Plat Approval

- 1. The Planning Commission shall grant final subdivision plat approval if they determine that the final plat and supporting documents are in substantial conformance with the approved preliminary plan, including any conditions imposed by the Approving Authority. Substantial conformance means that any differences between the preliminary and final plans are "minor amendments", as defined in [21.110\(A\)\(1\)](#).
- 2. The granting of final plat approval shall not be affected by a change in the zone or plan map designation of the subject property made after approval of the preliminary subdivision plan.
- 3. Approval of a final plat by the Approving Authority shall constitute an acceptance by the public of the dedication of any street shown on the plat. Acceptance of a street by approval of the final plat shall not constitute an acceptance to maintain the street. Acceptance for maintenance of any street by virtue of approval of the final plat shall be by a separate process of petitioning the County Governing Body for acceptance of road maintenance. Approval of the final plat shall not act as an acceptance by the public of any other land for public purposes.

I. Filing and Recording of Final Plat

- 1. After final plat approval, the applicant shall submit without delay the final plat for signatures of the following County officials, in the order listed:
 - a. Planning Commission Chairman;
 - b. County Surveyor;
 - c. County Assessor/Tax Collector;

- d. An authorized representative of the Department of Environmental Quality, State of Oregon, or the County Sanitarian;
 - e. County Sheriff;
 - f. County Commissioners;
 - g. County Clerk.
2. The final plat shall be recorded within thirty (30) days of the date that the approvals and signatures required by H, Standards and Recording of Final Plat and (1) above were obtained.

SECTION 21.400 Private Road Approval and Public Road or Street Dedications

Any person desiring to create a public street or private road not part of a subdivision or land division shall make written application to the Director. Approval of a public or private road is reviewed by the County Governing Body. Public or private roads being created as part of a subdivision or land division shall be reviewed by the Planning Commission subject to the provisions of [Chapter 2](#).

A. Application for Tentative Plan

- 1. An application for tentative plan approval for road or street dedication or private road approval shall be initiated as provided in [Chapter 2](#) of this Ordinance.
- 2. The applicant shall submit to the Director a written application and of a Tentative Plan prepared in accordance with B below, Information Required on Tentative Plan.
- 3. The Director shall distribute a copy of the Tentative Plan to the County Roadmaster and obtain their recommendation on the proposed action.

B. Information Required on Tentative Plan. Tentative Plans shall include the following information presented in the following form:

- 1. The Tentative Plan shall be clearly and legibly drawn to an appropriate scale so that the Approving Authority may have an adequate understanding of what is proposed.
- 2. A vicinity map showing the proposal in relationship to other existing or proposed streets.
- 3. Date, north point and scale.
- 4. Name and address of applicant and the person preparing the Tentative Plan.
- 5. Appropriate identification of the drawing as a Tentative Plan.
- 6. Location of the proposed dedication or private road abutting the unit of land proposed to be approved by the Section, Township and Range sufficient to define its location and, if available, a centerline description or right-of-way boundary description.

7. Zoning classification and Plan Map designation.
8. The names of adjacent subdivisions and the names of recorded owners of adjoining lots, parcels or units of land and the amount of frontage each owner has on the proposed dedication or on the private road.
9. Existing roads or street(s) intersecting or meeting the proposed dedication or private road.

C. Approval of Road or Street Dedication

1. After considering the recommendation by the County Roadmaster, the Approving Authority shall approve the Tentative Plan for road or street dedication and recommend to the County Governing Body the dedication of a public road if it determines that:
 - a. the information required by this section has been provided;
 - b. the road or street is or will be improved to meet all applicable standards of these regulations; and
 - c. dedication of the road or street to the public is consistent with the goals, policies and map of the Plan.
3. If Tentative Plan to dedicate a road or street is recommended to the County Governing Body, and the street to be dedicated has not been improved, the Approving Authority shall recommend conditional approval on improvements of the road or street to the improvement standards recommended by the County Roadmaster.

D. Acceptance of Dedication by the County Board of Commissioners

1. Before the County Governing Body may accept the dedication, the applicant must have completed any improvements required as a condition of the approval of the dedication or have complied with [21.310\(D\)](#).
2. Prior to acceptance by the County Governing Body, the owner of the land to be dedicated shall submit a preliminary title report issued by a title insurance company in the name of the owner of the interest in the land.
3. Upon acceptance of the dedication by the County Governing Body, the owner of the land to be dedicated shall prepare a warranty deed dedicating the land to the public.
4. The County Governing Body shall indicate their approval of the dedication by an order accepting the deed and by recording such order with the recording of the deed.
5. No road or street will be accepted for maintenance as part of the county road system unless it meets the standards of subsection (B) and (C) of this Section and is ordered accepted by the County

Governing Body pursuant to law.

E. Approval of a Private Road

1. The County Roadmaster shall determine if the private road meets the improvement standards and shall submit his findings as a written recommendation to the Approving Authority.
2. The Approving Authority shall approve a private road if it finds that the private road meets the standards of [Section 21.030](#) and also the improvement standards for private roads.
3. Upon approval of such private road, the applicant shall submit a boundary line or centerline survey of the road, unless the location of the road is already established by existing property line surveys recorded with the County Surveyor. The boundary line survey shall be submitted to the Director and the Wasco County Surveyor.

SECTION 21.410 Improvements

The improvement standards contained in Sections 21.410 through 21.440 shall apply to all subdivisions, street dedications and private road approvals in Wasco County.

- A. Improvement Requirements:** The following improvements shall be installed at the expense of the subdivider partitioner, or person(s) creating the road:
1. Roadways in all cases shall conform with the improvement standards set forth herein.
 2. Sidewalks shall be constructed in dedicated pedestrian ways along streets where determined necessary by the Approving Authority for pedestrian safety.
 3. The applicant shall undertake on-site grading and construction or installation of drainage facilities necessary for the purpose of proper drainage of the subdivision partition or properties adjacent to the dedicated road.
 4. The applicant shall make improvements to existing County or public roads determined necessary by the Approving Authority at connections and intersections with subdivision streets and at locations where additional subdivision lots or partition parcels are created which front on County maintained roads.
 5. Road signs shall be required as an improvement in a subdivision or partition. Wasco County shall install and maintain such road or street signs, provided the person(s) creating the road pays the expense of the initial improvement.
 6. When necessary, and consistent with all applicable standards including those in [Chapter 14](#), sidewalks shall be required as part of a new road when a proposed development or land division is within an urban growth boundary, or when:
 - a. The subject property is located within one-quarter mile of a school, shopping center,

recreation area, or other use likely to create pedestrian traffic; or

- b. The surrounding area is developed with sidewalks or is zoned for commercial, industrial or urban residential uses.
- 7. Sidewalk(s) shall be constructed to applicable standards (see Table 2 Urban Wasco County Roadway Design Standards in the [Wasco County Transportation System Plan](#)). Sidewalk requirements may be waived, or may be deferred through a road improvement agreement when, in the opinion of the County, sidewalks would not be immediately necessary to accommodate pedestrian traffic.
- 8. Bicycle facilities shall be required along new roads when necessary to extend an existing bicycle route, or when a bicycle route or way is proposed within an adopted Transportation System Plan.

B. Improvement Policies and Standards

The improvement policies and standards contained herein shall apply to development conducted under provisions of this Ordinance. They are primarily intended to govern the design and construction of streets and roads which are to be accepted into the Wasco County maintained road system. These policies and standards also apply to other roads, both public and private, as determined appropriate by the Approving Authority.

It shall be the duty of the Wasco County Roadmaster to interpret the provisions and requirements of these standards in such a way as to carry out their intent and purposes.

SECTION 21.420 Public Streets and Roads

- A. General Design Policies: The design of improvements governed by these standards shall, in general, conform to policies set forth in the current editions of the following publications by the American Association of State Highway and Transportation Officials (AASHTO):

- 1. "A Policy on Geometric Design on Highways and Streets".
- 4. "Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT < 400)"

B. Design Criteria

- 1. Improvement of public streets and roads shall conform to the design standards designated for the particular classifications indicated in [Table 21-1 \(Rural Public Roadway Design Standards\)](#) & [21-2 \(Urban Public Roadway Design Standards\)](#) of this Chapter
- 2. Roadway sections shall conform to the sections designated for the particular road classifications.
- 3. The design of structural sections of all roadways required by this Ordinance, including arterials, collectors, local access roads and principal highways shall conform with the General Design

Policies in A above and the standard specifications which are applicable to construction of improvements in E(2) below, Construction. Any deviation from these standards shall be approved by the County Roadmaster.

4. The design standards listed and referenced in this section may only be varied only through a request to the Wasco County Public Works Director by a Professional civil engineer.

C. Standard Drawings

1. The County Roadmaster shall have the authority to publish "Standard Drawings" for the design of public streets and roads. These drawings may be included in the separately adopted document listed in B(1) above.
2. The applicant's design shall conform to the "Standard Drawings".

D. General Considerations

1. The County Roadmaster may impose additional design requirements as are reasonably necessary to provide safe and adequate access.
2. There shall be provided a cul-de-sac at the end of each street or road that ends within the confines of a proposed subdivision or partition. Any proposed street or road that terminates at a proposed subdivision or development boundary will be provided with a temporary cul-de-sac or turnaround which may be discontinued at such time as the road or street is extended.
3. Any road or street which does not connect directly to a County maintained road, city maintained street or state highway shall not be accepted for maintenance by the County. No other road or street shall be accepted for maintenance as a part of the County road system unless it is ordered accepted by the County Governing Body pursuant to law.

E. Development Requirements

1. Engineering:
 - a. Plans - Construction plans may be required for improvements governed by these standards. Such construction plans shall be prepared under the direction of a consultant engineer registered in the State of Oregon, and shall be submitted for approval to the County Roadmaster and shall include the following information:
 - (1) Widths of all proposed road right-of-way dedication.
 - (2) Centerline alignment showing P.C. and P.T. stationing on all curves, necessary curve data and bearing of tangents.
 - (3) Original ground line and grade line profile on the centerline of the proposed road.

- (4) Vertical curve data showing P.I. elevations and stations, length of vertical curve and tangent grades.
 - (5) Proposed drainage structures, showing both size and type of structure.
 - (6) Toe of fill and top of cut lines.
 - (7) Typical structural section of roads to be constructed.
 - (8) Section lines, fractional section lines and/or Donation Land Claim lines. Also, bearing and distance from which the centerline description is prepared, and basis of bearings.
 - (9) A vicinity map in the upper left hand corner of the first plan sheet showing the relationships of the proposed road to cities, state highways, county roads, or other well-defined topographical features.
 - (10) Proposed utilities, showing location and type. Also, a written statement that locations have been approved by affected utility companies. A composite map shall be furnished by the consultant engineer to all affected utilities.
 - (11) The plans shall contain a standard symbol sheet approved by the County Roadmaster.
 - (12) The stamp and signature of a consultant engineer preparing the plans.
 - (13) The location and dimensions of the pedestrian circulation system.
 - (14) The location and dimensions of bicycle parking, when required.
- b. Cost Estimates - The consultant engineer shall submit, with his proposed construction plans, a construction cost estimate. This estimate shall include all related road-work and affected utility installation and/or relocation.
- c. Monumentation - All horizontal curve points shall be referenced with a 5/8" x 30" steel rod set perpendicular to the tangents at the right-of-way line and witnessed by a white 4" x 4" x 4' cedar post or a four foot section of steel fence post painted white. In the case of a curbed street, the witness posts may be omitted.
2. Construction:
- a. Standard Specifications - The Standard Specifications which are applicable to the construction of improvements governed by these standards are the following (except as they may be modified, supplemented or superseded by Wasco County):
- (1) "Oregon Standard Specifications for Construction", most recent edition, published by the Oregon Department of Transportation, and the American Public Works Association, Oregon Chapter.

- (2) "Oregon Standard Specifications for Construction", most recent edition, published by the Oregon Chapter of the American Public Works Association (APWA) and the Oregon Department of Transportation (ODOT).

References to "Oregon Transportation Commission" shall be construed to mean Wasco County and the Wasco County Governing Body, respectively. "Engineer" and "Director" shall be construed to mean the County Roadmaster, or his properly authorized agent(s) acting within the scope of his/her particular duties.

- b. Permits - A permit to occupy and perform operations shall be obtained from the County Roadmaster prior to commencing construction within the right-of-way of any County maintained road.
- c. Bond Requirements - Before the dedication or deed to the public for street or road right-of-way is accepted by the County Governing Body, the applicant shall provide a performance bond or other security, as set forth in [21.310\(D\)](#).
- d. Inspection Schedule - After financial assurance is received by the County, the applicant shall arrange for periodic inspection by his consultant engineer. At a minimum, such inspection shall occur at the following stages of construction:
- (1) After clearing and grubbing is completed.
 - (2) After grading and drainage is completed.
 - (3) After rock surface is completed.
 - (4) After paving is completed.
- e. Certification and Warranty Requirements -
- (1) When the project is completed, the consultant engineer shall certify to the County, in writing, that the project has been constructed in substantial conformance with the plans and specifications. The certification shall include a copy of the results of all conformance tests performed in conjunction with the design and construction of the project.
 - (2) Upon receiving said certification, the County will accept the project for normal and routine maintenance, provided the applicant posts a warranty bond equal to twenty percent (20%) of the performance bond required in (c) above for the correction of any deficiencies that may arise within a period of one (1) year.
 - (3) Upon receiving the warranty bond for the correction of deficiencies and upon certification by the County Roadmaster that the provisions of the improvement agreement are complete, the performance bond required by (c) above shall be released to the applicant.

- (4) The County Roadmaster shall inspect the project at the end of one (1) year and list the deficiencies to be corrected and shall notify the applicant of such deficiencies. In the event no deficiencies are found, the warranty bond will be released to the applicant at that time.
 - (5) Upon notification of the deficiencies, the applicant shall commence corrective work within thirty (30) days and shall complete such work at the earliest possible date. Upon satisfactory completion, the warranty bond shall be released to the applicant.
 - (6) In the event the applicant fails to commence corrective work within thirty (30) days of notification of deficiencies, the County shall cause the corrective work to be accomplished and call on the warranty bond for reimbursement. If the amount of the warranty bond exceeds cost and expenses incurred by the County, the County shall release the remainder; and if the amount of the warranty bond is less than the cost and expenses incurred by the County, the applicant shall be liable to the County for the difference.
- f. As-Constructed Plans - The County Roadmaster, at the completion of the project, may require the consultant engineer to furnish permanent reproducible plans of the work or an "as-constructed" modification of the original permanent reproducible plans previously submitted, as may be required under (1)(a) above, Plans.
- (1) The title sheet shall contain the consultant engineer's signed P.E. (Professional Engineer) stamp and a certification signed by the engineer "that the project has been constructed in substantial conformance with the plans and specifications".
 - (2) The title sheet shall contain in the title block the name of the street or road; the name of the subdivision; the names of the applicant and consultant engineer preparing the plan; the location of the street or road according to Section, Township and Range; a typical section showing surfacing, thickness and types, side slopes and cut and fill slopes; and, a vicinity map of approximately 1"= 1 mile showing where the street or road is located in relation to Sections, Townships and Ranges and surrounding topographical features and its connections to existing County or State highways.
 - (3) The plans shall show the centerline alignment and all curve data, and direction of tangents, the location and monumentation of the street or road, right-of-way widths, drainage easements, section lines, lot lines of the subdivision, and all drainage structures, their sizes, lengths and locations, and underground utilities, their types, sizes and locations.
 - (4) The plans shall show the original ground line and the finish grade on the centerline, all P.I. (Point of Interest) elevations and stations, elevations of vertical curves and tangent grades.
 - (5) The plans shall have a title block in the lower right hand corner giving the name of the street or road, the subdivision, the name of the consultant engineer preparing the plans and the name of the applicant.
 - (6) The consultant engineer will provide accurate "as-constructed" plans to all affected utility companies.

- g. Signing - Permanent traffic control and street or road identification signs will be required for all subdivisions.

- (1) The applicant shall deposit (in cash) with the County Roadmaster, an amount determined by the Roadmaster adequate for the construction and installation of permanent signing required. Upon receiving said cash deposit, the County will prepare, place and maintain required permanent signing.
- (2) Temporary construction signing will be required on all streets and roads under construction which are being used by the public. Temporary construction signing shall be in conformance with the "Manual on Uniform Traffic Control Devices", as published by the Department of Transportation, Federal Highway Administration, and supplemented by State of Oregon "Standard Practice and Interpretations", and shall be furnished, installed, maintained and removed at the expense of the applicant.

SECTION 21.430 Private Roads

- A. General Design Policies: Private roads shall conform to the requirements outlined in Table 3 of this Chapter.

- B. Design Criteria

Private roads shall conform to the requirements outlined in the Wasco County Road Standards document indicated in [21.420\(B\)\(1\)](#) as well as the criteria below:

The design standards listed and referenced in this section may only be varied only through a request to the Wasco County Public Works Director by a registered Professional civil engineer.

1. Finished top surface width of roads shall be a minimum of twelve (12) feet.
2. The roadbed shall have an all-weather surface of suitable material, in good repair and of sufficient depth to ensure a solid roadbed, but in no case less than four (4) inches of crushed rock.
3. Turnouts shall be provided no further than six hundred (600) feet apart and not less than fifty (50) feet in length and eight (8) feet in width excluding taper, unless further restricted by fires safety standards.
4. The County Roadmaster may require paving for road profile grades exceeding fifteen percent (15%), and in no case shall a grade exceed twenty percent (20%).
5. Cross culverts of adequate size (minimum eighteen inches in diameter) shall be provided to carry storm run-off under the roadway.
6. All cut and fill slopes shall be 1.5:1 or flatter; unless steeper slopes are determined feasible by a

consultant engineer. A fallout area may be necessary for any slope steeper than 1.5:1.

7. Adequate roadside ditches shall be provided to carry storm run-off. Roadside ditches in excess of seven percent (7%) grade and in erodible soils shall be lined with suitable material to prevent erosion.

C. General Considerations

1. The Approving Authority, upon recommendation of the County Roadmaster, may impose additional requirements as are reasonably necessary to provide a safe and adequate access.
2. Private roads shall be maintained by the benefited property owners and shall not be accepted by the County for maintenance.

D. Certification and Special Considerations

1. The County Roadmaster may require the applicant to retain a consultant engineer to inspect his private road project. When the project is completed, that engineer shall certify to the County, in writing, that the project has been constructed in substantial conformance to the County's current improvement standards.
2. In the event an existing road is to be used for access to a land division, it shall be inspected by a consultant engineer retained by the applicant and, if found adequate for the intent and purposes of the private road requirements, shall be approved.

E. Signing: Permanent traffic control and street or road identification signs will be required at the intersections of private roads with County maintained roads.

1. The applicant shall deposit (in cash) with the County Roadmaster, an amount determined by the Director adequate to cover the costs of construction and installation of required permanent signing required. Upon receiving said cash deposit, the County will prepare, place and maintain required permanent signing.
2. Temporary construction signing will be required on all streets and roads under construction which are being used by the public. Temporary construction signing shall be in conformance with the "Manual on Uniform Traffic Control Devices", as published by the Department of Transportation, Federal Highway Administration, and supplemented by State of Oregon "Standard Practice and Interpretations", and shall be furnished, installed, maintained and removed at the expense of the applicant.

SECTION 21.440 Roadway Improvement Standards

A. Roadway Requirements: No development shall occur unless the roadways adjacent to the development meet the standards of this section, unless the following applies:

1. A development may be approved if the adjacent roadway does not meet the standards but half-

street improvements meeting the standards of this title are constructed adjacent to the development.

2. Roadways under the jurisdiction of the Oregon Department of Transportation shall be improved to state standards.
- B. Minimum Right-of-Way Width** - The width of street right-of-way provided in Table 1 shall be the minimum widths of rights-of-way for streets existing along and adjacent to any boundary of the subdivision or partition which is the natural or planned continuation of the alignment of the existing or proposed streets. Unless otherwise indicated on the official roadway map, the width of all rights-of-way and roadway improvements shall be in compliance with the following:
1. Arterials: A minimum right-of-way width of sixty (60) feet.
 2. Collectors: A minimum right-of-way width of sixty (60) feet.
 3. Local Roads: A minimum right-of-way width of fifty (50) feet.
- C. Partial street improvements** - Partial street improvements resulting in a pavement width of less than 16 feet; while generally not acceptable, may be approved where essential to reasonable development when in conformity with the other requirements of these regulations, and when it will be practical to require the improvement of the other half when the adjoining property developed.
- D. Improvements Guarantee in Lieu of Improvements** - If the County could and would otherwise require the applicant to provide street improvements, the County Roadmaster may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist:
1. A partial improvement is not feasible due to the inability to achieve proper design standards;
 2. A partial improvement may create a potential safety hazard to motorists or pedestrians;
 3. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;
 4. The improvement would be in conflict with an adopted capital improvement plan;
 5. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets; or
 6. Additional planning work is required to define the appropriate design standards for the street and the application is for a project which would contribute only a minor portion of the anticipated future traffic on the street.

- E. Off-site Improvements - Off-site improvements, such as pavement construction or re-construction of existing street(s) proposed for access to the subdivision or partition, which are inadequate or in failing condition, may be required. Off-site transportation improvements will include bicycle and pedestrian improvements, as identified in the adopted [Wasco County Transportation System Plan](#).

SECTION 21.450 Access Control

- A. Purpose. The following access control standards apply to industrial, commercial and residential developments including land divisions. Access shall be managed to maintain an adequate level of service and to maintain the functional classification of roadways as required by the [Wasco County Transportation System Plan](#). Major roadways, including arterials and collectors, serve as the primary system for moving people and goods within and through the county. Access management is a primary concern on these roads. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. The regulations in this section further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision or partitioning of land.
- B. Access Control Standards.
1. Traffic Impact Analysis Requirements. The County or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also, Section 4.180 Traffic Impact Analysis.)
 2. The County or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.
 3. Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required).
 - a. Option 1. Access to the lower order roadway.
 - b. Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., "shared driveway"). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.
 - c. Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Subsection e., below.

4. Subdivisions and Partitions Fronting Onto an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide secondary (local or collector) streets for access to individual lots.
5. Access Spacing. Minimum access spacing standards apply to newly established public street intersections, private drives, and non-traversable medians.
 - a. Standards are found in Table 7.2, Rural Wasco County Roadway Design Standards and Table 7-3 Urban Wasco County Roadway Design Standards, in the [Wasco County Transportation System Plan](#).
 - b. Access to State Highways and Interchanges. Access to a transportation facility under the jurisdiction of the Oregon Department of Transportation (ODOT) shall be subject to the applicable standards and policies contained in the Oregon Highway Plan and the requirements of [OAR 734-051](#).
6. Number of Access Points. For single-family housing types, one street access point is permitted per lot, when secondary (local or collector) street access cannot otherwise be provided. The number of street access points for commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Subsection (g) below, in order to maintain the required access spacing, and minimize the number of access points.
7. Shared Driveways. The number of driveway and the frequency with which private streets intersect with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The County shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:
 - a. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. “Stub” means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. “Developable” means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).
 - b. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.
 - c. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

- C. Notwithstanding [Section 21.450](#), upon the recommendation of the County Roadmaster the County may reduce access spacing standards if the following conditions are met:
1. Joint access (shared) driveways and cross access easements are provided in accordance with the standards;
 2. The site plan incorporates an integrated access and circulation system in accordance with the standards;
 3. The property owner enters into a written agreement with the County that pre-existing connections on the site will be closed and eliminated after construction of each side of the shared driveway;
 4. The proposed access plan for redevelopment properties moves in the direction of the spacing standards; and
 5. The reduced access spacing is consistent with all applicable provisions of [Chapter 14](#).
- D. The County Roadmaster may modify or waive the access spacing standards for roadways under County jurisdiction where the physical site characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical and would make meeting the access standards infeasible, subject to the following:
1. The application of the location of access standard will result in the degradation of operational and safety integrity of the transportation system.
 2. The granting of the modification or waiver shall meet the purpose and intent of these standards and shall not be considered until every feasible option for meeting access standards is explored.
 3. Applicants for modification or waivers from these standards must provide proof of unique or special conditions that make strict application of the standards impractical. Applicants shall include proof that:
 - a. Indirect or restricted access cannot be obtained;
 - b. No engineering or construction solutions can be applied to mitigate the condition;
 - c. No alternative access is available from a road with a lower functional classification than the primary roadway;
 - d. The hardship is not self-created; and
 - e. The modification or waiver is necessary to protect scenic, natural, cultural or recreation resources in [Chapter 14](#) or is at a minimum consistent with the standards to protect them.
- E. Street/roadway Connectivity and Formation of Blocks Required. In order to promote efficient

vehicular and pedestrian circulation throughout the county, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private roads, in accordance with AASHTO design standards. For residential and commercial developments, the maximum block length shall not exceed 600 feet, with the maximum perimeter not to exceed 1,400 feet.

SECTION 21.460 Pedestrian Access and Circulation

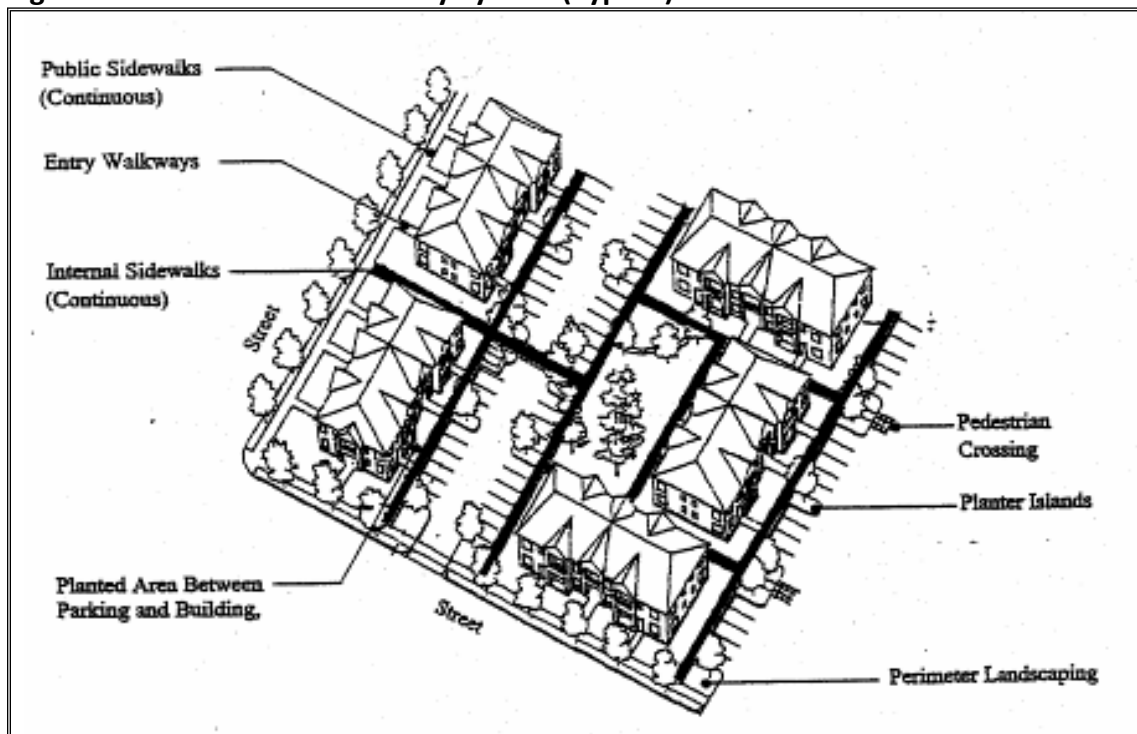
A. Site Layout and Design - To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards in subsections 1-4, below:

- 1. Continuous Walkway System** - The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets or roads and to private property with a previously reserved public access easement for this purpose, in accordance with the provisions of [Section 21.030\(E\)](#) (Relation to Adjoining Street System).
- 2. Safe, Direct, and Convenient** - Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets/roadways, based on the following definitions:
 - a.** Reasonably direct - A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
 - b.** Safe and convenient - Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
 - c.** "Primary entrance" for commercial, mixed use, and office buildings is the main public entrance to the building. In the case where no public entrance exists, street/roadway connections shall be provided to the main employee entrance.
 - d.** "Primary entrance" for residential buildings is the front door (i.e., facing the street or road). For multifamily buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway which serves as a common entrance for more than one dwelling.
- 3. Connections Within Development** - Connections within developments shall be provided as required in subsections a-c, below:
 - a.** Walkways shall connect all building entrances to one another to the extent practicable, as generally shown in Figure 21-1;
 - a.** Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable.

Topographic or existing development constraints may be cause for not making certain walkway connections; and

- c. Large parking areas shall be broken up so that no contiguous parking area exceeds three (3) acres or the space required for the maximum number of cars allowed by the applicable provisions of this ordinance. Parking areas may be broken up with plazas, large landscape areas with pedestrian access ways (*i.e.*, at least 20 feet total width), streets/roadways, or driveways with street-like features. Street-like features, for the purpose of this section, means a raised sidewalk of at least 4-feet in width, 6-inch curb, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting. The parking areas shall be designed consistent with all applicable provisions of this ordinance including but not limited to [Section 14.200](#) (Key Viewing Areas), [14.600](#) (Natural Resources) and [14.700](#) (Recreation Resources).

Figure 21-1 – Pedestrian Pathway System (Typical)



B. Walkway Design and Construction - Walkways, including those provided with pedestrian access ways, shall conform to all of the standards in subsections 1-4, as generally illustrated in Figure 21-2:

1. Vehicle/Walkway Separation. Except for crosswalks (subsection 2), where a walkway abuts a driveway or street, it shall be raised 6 inches and curbed along the edge of the driveway/street. Alternatively, the Approving Authority may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed for withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.
2. Crosswalks - Where walkways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.

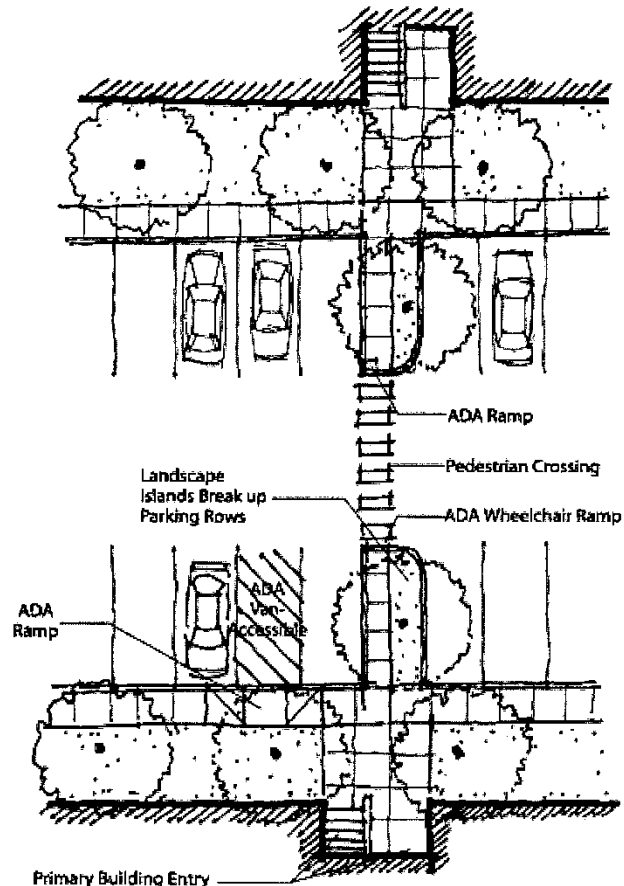


Figure 21-2 – Pedestrian Walkway Detail (Typical)

3. Walkway Width and Surface - Walkway and accessway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the Public Works Director, at least six (6) feet wide. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, at least 10 feet wide.
4. Accessible Routes - Walkways shall comply with applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.

SECTION 21.470 Penalty and Enforcement on Violation

- A. Violation of any provision of this Ordinance is punishable upon conviction under the provisions of [ORS 92.990\(1\)](#).
- B. In addition to the criminal penalties provided for by subsection (1) of this Section, Wasco County may seek equitable relief for violations of this Chapter.

SECTION 21.480 Repeal and Transferal Provisions

- A. The Wasco County Subdivision and Land Development Ordinance adopted February 3, 1982, is repealed upon the effective date of this Ordinance.
- B. Actions approved under the provisions or regulations repealed by subsection (A) of this Section shall continue to be governed by the terms and conditions of such approval.
- C. Violations of the provisions or regulations repealed by subsection (A) of this Section shall be deemed violations of this Chapter.

Table 21-1 – Rural Wasco County Public Roadway Design Standards

	Rural Local Roads									Rural Minor Collector			Rural Major Collector			Rural Arterial		
	Unpaved			Unpaved			Paved			Paved			Paved			Paved		
Design ADT	<25			25-250			25-250			250-400			400 – 2,000			>2,000		
Terrain ¹	L	R	M	L	R	M	L	R	M	L	R	M	L	R	M	L	R	M
Design Speed (mph)	30	30	20	30	30	20	30	30	20	40	30	20	50	40	30	60	50	40
Max Grade (%)	7	10	12	7	10	12	7	10	12	7	9	12	6	8	10	3	4	8
Stopping Sight Distance (ft)	220	235	135	220	235	135	220	235	135	340	230	135	475	350	235	600	610	350
Passing Sight Distance (ft)	-	-	-	-	-	-	1,090	²	²	1,470	²	²	1,835	²	²	2,135	²	²
Traveled Way Width (ft)	18	18	18	22	22	22	22	22	22	22	22	22	24	24	24	24	24	24
Paved Shoulder Width (each side)																		
- Non Bike Route	-	-	-	-	-	-	-	-	-	1	1	1	1	1	1	2	2	2
- Bike Route (ft)	-	-	-	-	-	-	-	-	-	2	2	2	5	5	5	6	6	6
Gravel Shoulder Width (each side)	-	-	-	-	-	-	2	2	2	2	2	2	2	2	2	2	2	2
Roadway Width (Non Bike / Bike Route) (ft)	18	18	18	22	22	22	26	26	26	28 30	28 30	28 30	30 38	30 38	30 38	32 40	32 40	32 40
Number of Lanes	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Minimum ROW Width (ft)	50	50	50	50	50	50	50	50	50	60	60	60	60	60	60	60	60	60
Preferred Access Spacing ³	75			100			100			150			300			500		

¹ L= Level, R=Rolling, M=Mountainous² See AASHTO manual for guidance.³ Lower spacing may be allowed when supported by a traffic study and/or approved by the County Engineer.

Table 21-2 – Urban Wasco County Public Roadway Design Standards

	Local Street	Urban Minor Collector	Urban Major Collector	Urban Arterial
Design ADT	<1,000	1,000-3,000	3,000–6,000	>6,000
Design Speed (mph)	25	25-30	25-35	25-35
Max Grade	12%	10%	10%	6%
Minimum ROW Width (ft)	58	64	63-76	90
Number and Width of Lanes	2 12' Travel Lanes	2 12' Travel Lanes	2 12' Travel Lanes	3 Two 12' Travel Lanes 14' Center Turn Lane
Traveled Way Width (ft)	36	40	52	50 or 66
On-Street Parking (ft)	Not striped	8 (each side)	8 (each side)	8 (each side), optional
Sidewalk Width (ft)	5 (each side)	5 (each side)	5 (each side)	5 (each side)
Bike Lane Width (ft)	-	-	6	6
*Preferred Access Spacing (ft)	50	150-300	150-300	300-600

Note: The urban roadway design standards apply to all County roadways in urban areas (incorporated communities). However, local roadway design standards may be utilized when deemed appropriate.

*Lower spacing may be allowed when supported by a traffic study and/or approved by the local jurisdiction

Table 21-3 – Private Access Standards

Location in Zones	Designation	Responsibilities for Maintenance	Minimum Improvements Standards	Minimum Width of Easement	Maximum Number of Lots, Parcels or Units of Land
All Zones	Driveway	Property Owners	Fire Safety Standards	No Easement Required	One
All Zones	Private Easement Road	Property Owners	Fire Safety Standards	30 Feet	Three (3) provided the service to additional lots parcels or units of land is improbable
Non-Residential Zones Only (A-1, A-2, F-1, F-3, AS, PR OS)	Private Road	Property Owners	*Improve with minimum of four inches (4") of base rock	*30 Feet with 12 feet of travel surface.	Ten (10) provided that no more than three (3) lots are less than ten (10) acres in size and the primary use is resource related.

*See Section 21.420 for complete standards.

Figure 21-3 – Hierarchy of Property Access (See Figures 21-4 – 21-7 Below)

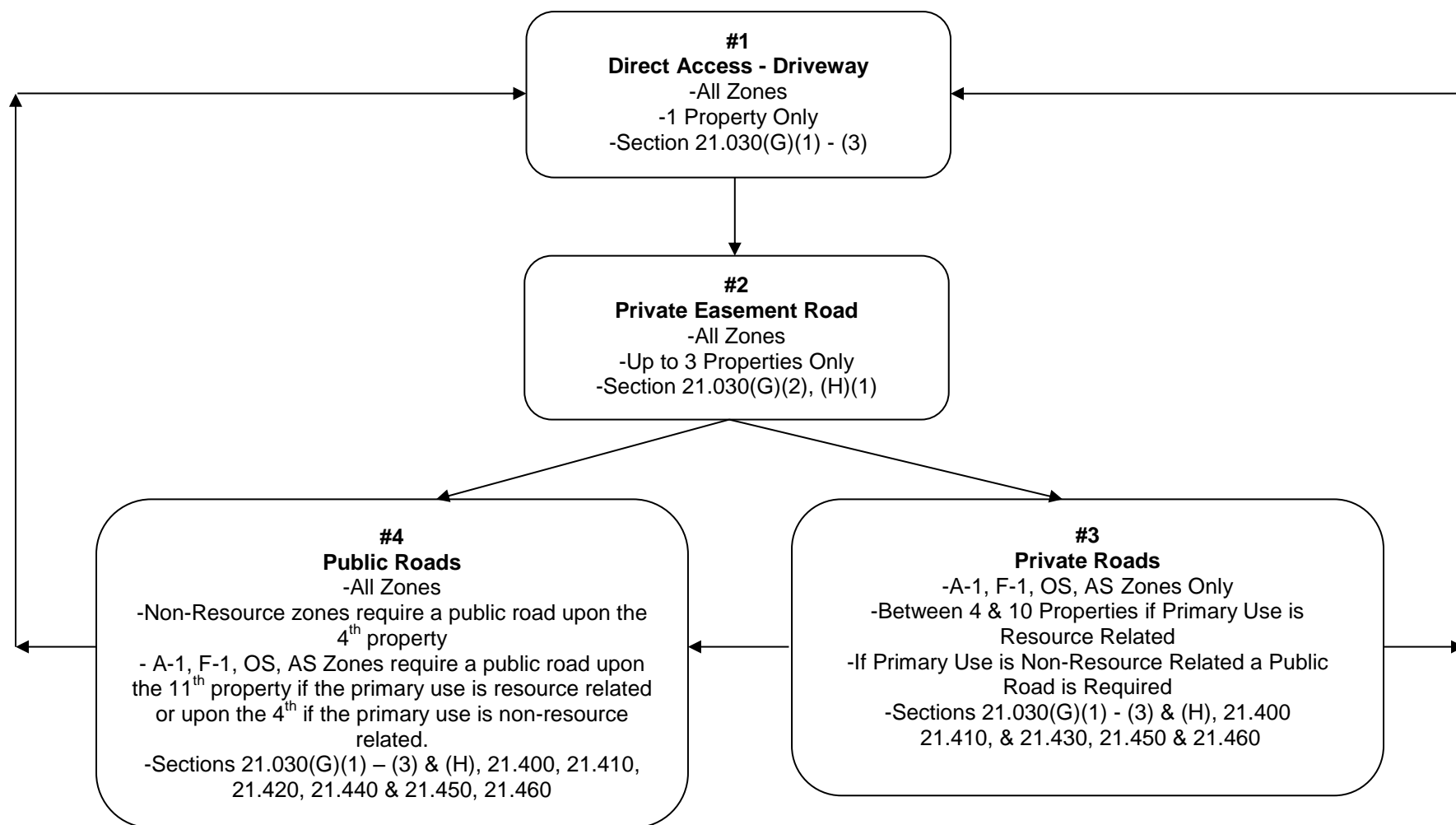


Figure 21-4 – Direct Access via a “Public Road” or “Private Road” (Driveway). In all zones, a single property is considered to have direct access via a “Public Road” or “Private Road” if the property intersects a lawfully established “Public Road” or “Private Road” and has a legal right to enter and exit the “Public Road” or “Private” road.

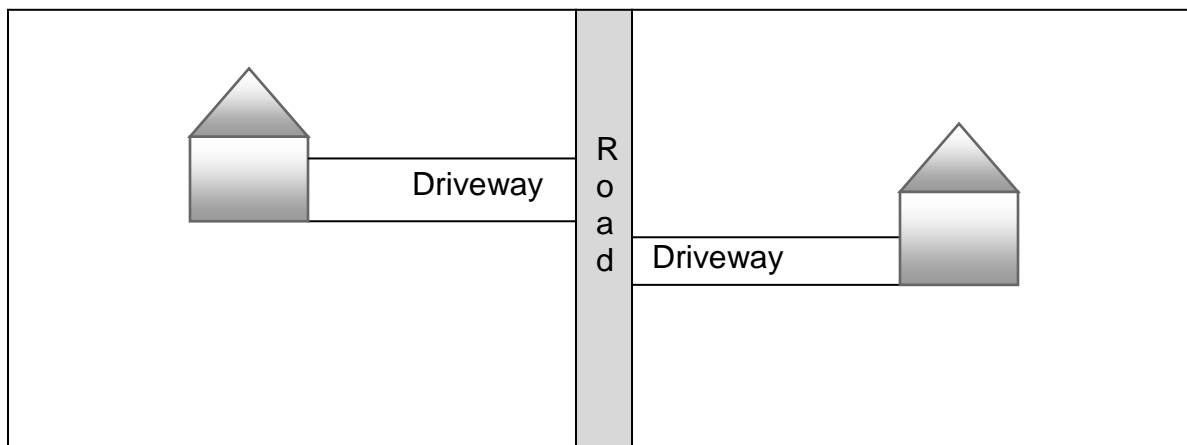


Figure 21-5 – Private Easement Road. In all zones, up to but not exceeding 3 properties may have their primary access by way of a “Private Easement Road”. Upon the fourth, it must become “Public Road” or “Private Road” depending on the zone and the primary use of the properties.

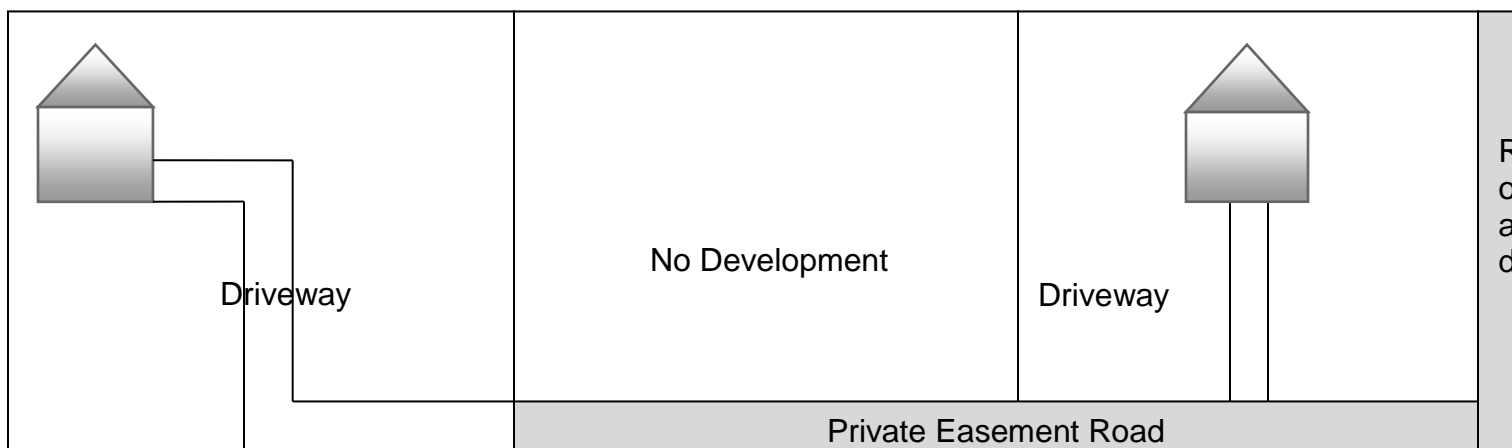


Figure 21-6 – Private Road. In A-1, F-1, OS, AS zones only, between 4 and 10 properties may have their primary access via a “Private Road” if the primary use of the properties is resource related. If the primary purpose is residential the access shall become a “Public Road” upon the 4th property using it as its primary access.

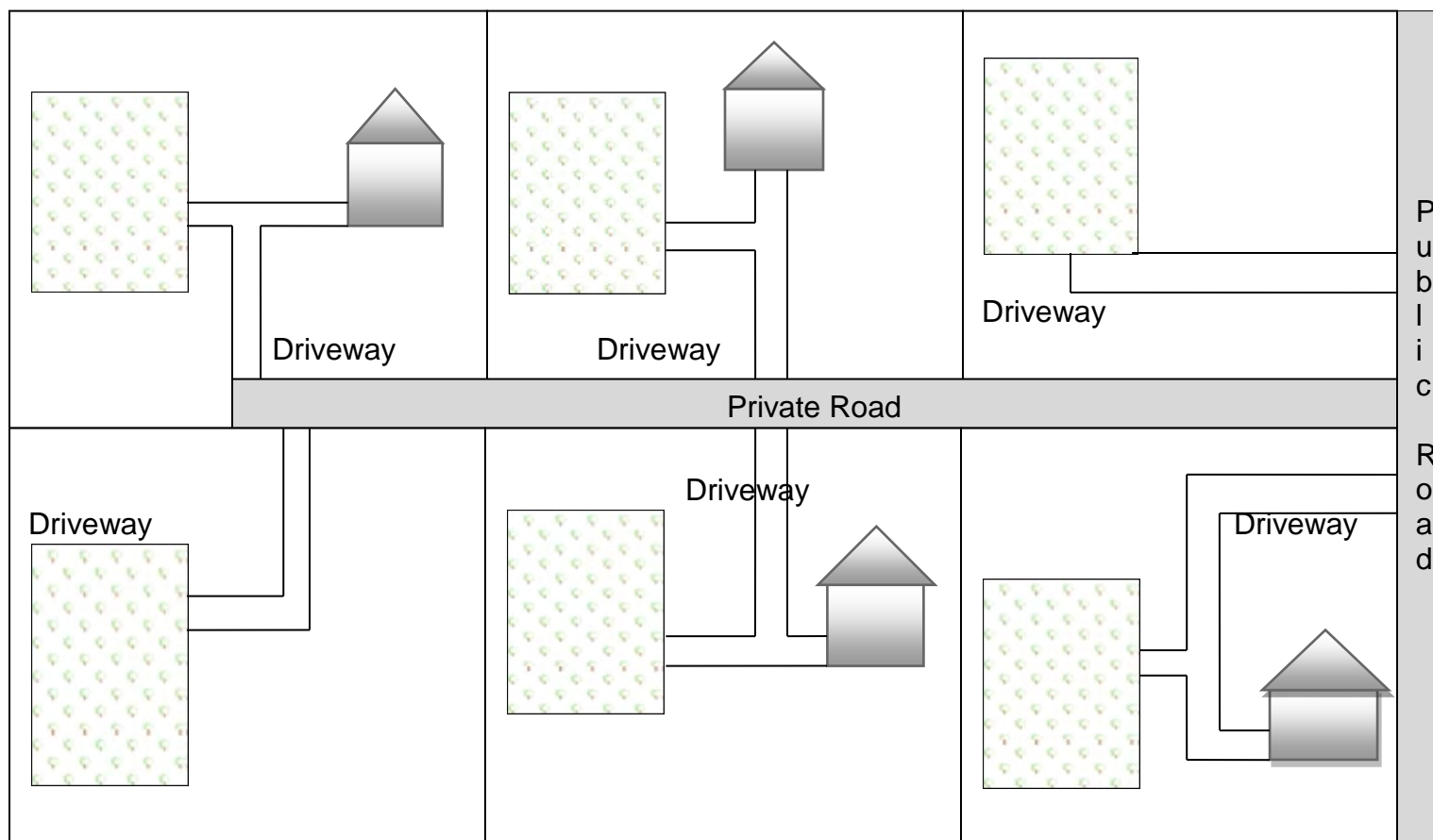
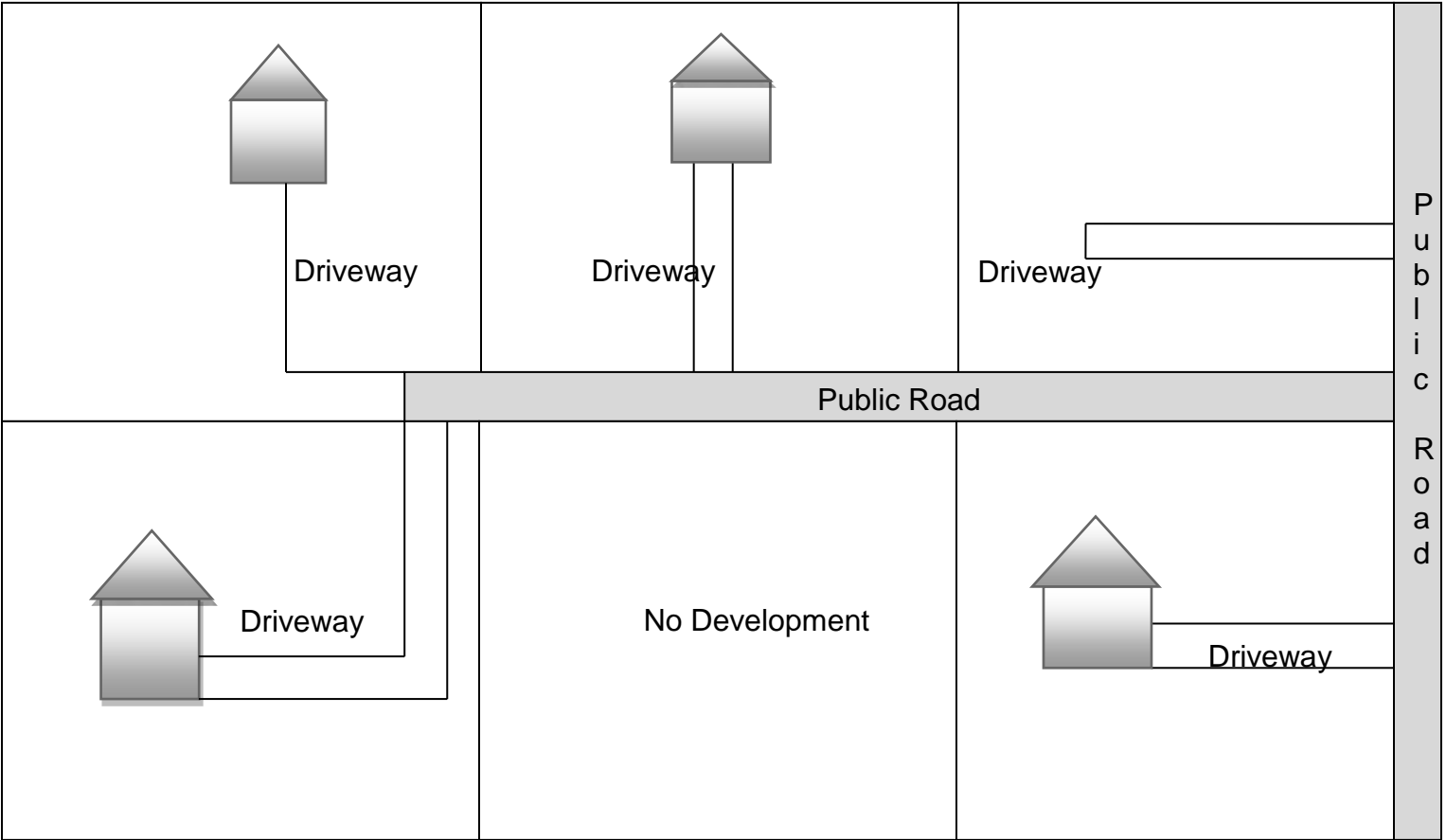


Figure 21-7 – Public Road. In non-resource zones an access shall become a “Public Road” if it provides primary access to more than 3 properties. In A-1, F-1, OS, AS Zones an access shall become a “Public Road” upon the 11th property if the primary use is resource related or upon the 4th if the primary use is non-resource related. There are no limitations to the number of properties having their primary access via a publicly dedicated road.



DETAILED TABLE OF CONTENTS

CHAPTER 22

[Reserved for Future Expansion]

DETAILED TABLE OF CONTENTS

CHAPTER 23 SIGN PROVISIONS

<u>SECTION</u>		<u>PAGE</u>
23.010	<u>PURPOSE</u>	23-1
23.020	<u>SIGNS - GENERAL MANAGEMENT AREA</u>	23-1
23.030	<u>SIGNS - SPECIAL MANAGEMENT AREA</u>	23-2

CHAPTER 23 SIGN PROVISIONS

Section 23.010 Purpose

- A.** Protect and enhance scenic resources by minimizing visual impacts of signage, while authorizing signage necessary for commerce, recreation, safety and public information.
- B.** Encourage the use of the Columbia River Gorge National Scenic Area Graphic Signing System for public signs in and adjacent to public rights-of-way.

Section 23.020 Signs (GMA Only)

- A.** Except for signs allowed without review pursuant to [Sections 3.100](#) and [3.180\(B\)](#), all new signs must meet the following standards unless these guidelines conflict with the Manual for Uniform Traffic Control Devices for public safety, traffic control or highway construction signs. In such cases, the standards in the Manual for Uniform Traffic Control Devices shall supersede these guidelines.
 - 1.** The support structure shall be unobtrusive and have low visual impact.
 - 2.** Lettering colors with sufficient contrast to provide clear message communication shall be allowed. Colors of signs shall blend with their setting the maximum extent practicable.
 - 3.** Backs of all signs shall be unobtrusive, nonreflective, and blend in with the setting.
 - 4.** Spot lighting of signs may be allowed where needed for night visibility. Backlighting is not permitted for signs.
 - 5.** Except for signs along public highways necessary for public safety, traffic control, or road construction and consistent with the Manual for Uniform Traffic Control Devices, the following signs are prohibited:
 - a.** Luminous signs or those with intermittent or flashing lights. These include neon signs, fluorescent signs, light displays, and other signs that are internally illuminated, exclusive of seasonal holiday light displays.
 - b.** New billboards.
 - c.** Signs with moving elements.
 - d.** Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle.
- B.** Any sign which does not conform with a provision of these guidelines and has existed prior to their adoption is subject to the following provisions.
 - 1.** Alteration of existing nonconforming signs shall comply with these standards.

2. Any nonconforming sign used by a business must be brought into conformance concurrent with any expansion or change in use which requires a development permit.

Section 23.030 Signs (SMA Only)

- A. All public signs subject to review located in SMA, must be designed and located in compliance with the standards described in the Columbia River Gorge National Scenic Area Graphic Signing System and conform to the Manual for Uniform Traffic Control Devices standards.
- B. New signs shall meet the minimum provisions of these standards in all cases where these provisions do not conflict with other regulations intended for public safety and information.
- C. All signs shall meet the following standards:
 1. New signs shall be allowed as specified in the applicable land use designations.
 2. No sign shall be erected or placed in such a manner that it may interfere with, be confused with, or obstruct the view of any traffic sign, signal or device.
 3. Pre-existing signs are allowed to continue provided no changes occur in size, structure, color or message.
 4. Except for signs allowed without review pursuant to Section 3.100 and 3.180(B) all new signs shall meet the following guidelines, and be consistent with the Manual for Uniform Traffic Control Devices:
 - a. Signs shall be maintained in a neat, clean and attractive condition.
 - b. The character and composition of sign materials shall be harmonious with the landscape and/or related to and compatible with the main structure upon which the sign is attached.
 - c. Signs shall be placed flat on the outside walls of buildings, not on roofs or marquees.
 - d. Signs shall be unobtrusive and have low contrast with the setting.
 - e. The visual impact of the support structure shall be minimized.
 - f. Outdoor sign lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display, except for road safety signs.
 - g. Backs of all signs shall be visually unobtrusive, non-reflective, and blend in with the setting.
 - h. Sign internal illumination or backlighting shall not be permitted except for highway construction, warning or safety.
 5. Public signs shall meet the following standards in addition to standards C(1) through C(4).
 - a. The Graphic Sign System provides design standards for public signs in and adjacent to public

- road rights-of-way. All new and replacement public signs, except those transportation regulatory, guide, and warning signs allowed outright, shall conform to the guidelines in this system. Types of signs addressed include recreation site entry, interpretive, specific service signs, destination and distance signs, variable message signs, or signs that bridge or are cantilevered over the road service.
- b. Signs located outside public road rights-of-way are encouraged to be designed in such a way as to be consistent with similar purpose signs described in the Graphic Signing System.
 - c. Signs posted by governmental jurisdictions giving notice to the public shall be no larger than that required to convey the message intended.
6. Signs for public and commercial recreation facilities, home occupations, cottage industries, and commercial uses shall meet the following guidelines in addition to standards C(1) through C(4) and C(7).
- a. Any sign advertising or relating to a business which is discontinued for a period of 30 consecutive days shall be presumed to be abandoned and shall be removed within 30 days thereafter, unless permitted otherwise by the jurisdictional authority.
 - b. Any signs relating to or advertising for a business shall be brought into conformance with these sign guidelines prior to any expansion or change in use which is subject to review by the county.
 - c. Off-site and on-site directional signs on approach roads to recreational facilities may be permitted. Name and interpretive signs may be permitted on-site, but should be kept to the minimum required to achieve the purpose(s) of the facilities.
 - d. Commercial recreation businesses approved in conjunction with a recreational facility may have a name sign not exceeding 16 square feet.
 - e. Recreation developments may be permitted one on-premise name sign at each principal entrance. Such signs are encouraged to be of a low profile, monument type, and shall conform to the Graphic Sign System.
7. Prohibited Signs
- a. Billboards.
 - b. Signs that move or give the appearance of moving except signs used for highway construction, warning or safety.
 - c. Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle, except for signs used for highway construction, warning or safety.
8. Sign clutter and other negative visual effects from excessive signs along all roads and highways, and at parking lots and recreation facilities, shall be reduced.



MEMORANDUM

SUBJECT: National Scenic Area Land Use and Development Ordinance – Motion Language

TO: BOARD OF COUNTY COMMISSIONERS

FROM: KATHY WHITE

DATE: 4/11/2018

ORDINANCE 18-001: I move to approve Ordinance 18-001 in the matter of the Wasco County Planning Department's request to approve the revised proposed legislative amendments to update the Wasco County National Scenic Area Land Use and Development Ordinance to create consistency with updates to the Management Plan of the Columbia River Gorge National Scenic Area and make other amendments appropriate for Wasco County (File # PLALEG-17-10-0001).



AGENDA ITEM

MCCFL Construction Contract

[OWNER/CONTRACTOR AGREEMENT](#)

[EXHIBIT A](#)

[EXHIBIT B](#)

AIA® Document A101™ – 2007

Standard Form of Agreement Between Owner and Contractor where the basis of payment is a Stipulated Sum

AGREEMENT made as of the 17 day of April in the year 2018
(In words, indicate day, month and year.)

BETWEEN the Owner:
(Name, legal status, address and other information)

Wasco County
511 Washington Street, Suite 101
The Dalles, OR 97058

and the Contractor:
(Name, legal status, address and other information)

Griffin Construction, LLC 1537 Bargeway Road
The Dalles, OR 97058

for the following Project:
(Name, location and detailed description)

Mid-Columbia Center for Living
1040 Webber Street
The Dalles, OR 97058

The Architect:
(Name, legal status, address and other information)

Scott|Edwards Architecture, LLP
2525 E Burnside St.
Portland, OR 97214

ADDITIONS AND DELETIONS:

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

AIA Document A201™–2007, General Conditions of the Contract for Construction, is adopted in this document by reference. Do not use with other general conditions unless this document is modified.

The Owner and Contractor agree as follows.

Init.

TABLE OF ARTICLES

1	THE CONTRACT DOCUMENTS
2	THE WORK OF THIS CONTRACT
3	DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION
4	CONTRACT SUM
5	PAYMENTS
6	DISPUTE RESOLUTION
7	TERMINATION OR SUSPENSION
8	MISCELLANEOUS PROVISIONS
9	ENUMERATION OF CONTRACT DOCUMENTS
10	INSURANCE AND BONDS

ARTICLE 1 THE CONTRACT DOCUMENTS

The Contract Documents consist of this Agreement, Conditions of the Contract (General, Supplementary and other Conditions), Drawings, Specifications, Addenda issued prior to execution of this Agreement, other documents listed in this Agreement and Modifications issued after execution of this Agreement, all of which form the Contract, and are as fully a part of the Contract as if attached to this Agreement or repeated herein. The Contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations or agreements, either written or oral. An enumeration of the Contract Documents, other than a Modification, appears in Article 9.

ARTICLE 2 THE WORK OF THIS CONTRACT

The Contractor shall fully execute the Work described in the Contract Documents, except as specifically indicated in the Contract Documents to be the responsibility of others.

The work shall also include maintaining in good order and marked currently 2 sets of Record Documents (or 'as-builts') to precisely record locations of systems not limited to structural members, plumbing, electrical, communications, HVAC, and other utilities who's location will be difficult to determine after completion as well as field changes and selections either not shown on the Drawings and Specifications or constructed at locations different than specified in the Drawings and Specifications. Contractor shall demonstrate compliance with the requirement upon every application for payment. Contractor shall deliver both sets prior to and as a condition of Final Completion.

ARTICLE 3 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

§ 3.1 The date of commencement of the Work shall be the date of this Agreement unless a different date is stated below or provision is made for the date to be fixed in a notice to proceed issued by the Owner.

(Insert the date of commencement if it differs from the date of this Agreement or, if applicable, state that the date will be fixed in a notice to proceed.)

If, prior to the commencement of the Work, the Owner requires time to file mortgages and other security interests, the Owner's time requirement shall be as follows:

§ 3.2 The Contract Time shall be measured from the date of commencement. Contractor shall be responsible for posting and recording Notices of Substantial Completion for the Work in accordance with ORS 87.045 within 3 days of the Architect certifying Substantial Completion.

Init.

§ 3.3 The Contractor shall achieve Substantial Completion of the entire Work not later than 335 (Three Hundred Thirty Five) days from the date of commencement, or as follows:

(Insert number of calendar days. Alternatively, a calendar date may be used when coordinated with the date of commencement. If appropriate, insert requirements for earlier Substantial Completion of certain portions of the Work.)

Portion of Work

Substantial Completion Date

, subject to adjustments of this Contract Time as provided in the Contract Documents.

(Insert provisions, if any, for liquidated damages relating to failure to achieve Substantial Completion on time or for bonus payments for early completion of the Work.)

Five hundred dollars (\$500) per calendar day until the date of Substantial Completion of the Work and the Contractor has met all prerequisite items specified in Section 01 77 00 and has provided to Owner an occupancy permit issued by the Building Department having jurisdiction.

ARTICLE 4 CONTRACT SUM

§ 4.1 The Owner shall pay the Contractor the Contract Sum in current funds for the Contractor's performance of the Contract. The Contract Sum shall be a firm fixed price, not to exceed <Six Million Four Hundred and Nine Thousand Dollars< >> (\$6,409,000.00<< >>), including direct reimbursables.

§ 4.2 The Contract Sum is based upon the following alternates, if any, which are described in the Contract Documents and are hereby accepted by the Owner:

(State the numbers or other identification of accepted alternates. If the bidding or proposal documents permit the Owner to accept other alternates subsequent to the execution of this Agreement, attach a schedule of such other alternates showing the amount for each and the date when that amount expires.)

§ 4.3 Unit prices, if any:

(Identify and state the unit price; state quantity limitations, if any, to which the unit price will be applicable.)

Item

Units and Limitations

Price Per Unit (\$0.00)

§ 4.4 Allowances included in the Contract Sum, if any:

(Identify allowance and state exclusions, if any, from the allowance price.)

Item

Price

ARTICLE 5 PAYMENTS

§ 5.1 PROGRESS PAYMENTS

§ 5.1.1 Based upon Applications for Payment submitted to the Architect by the Contractor and Certificates for Payment issued by the Architect, the Owner shall make progress payments on account of the Contract Sum to the Contractor as provided below and elsewhere in the Contract Documents.

§ 5.1.2 The period covered by each Application for Payment shall be one calendar month ending on the last day of the month, or as follows:

§ 5.1.3 Provided that an Application for Payment is received by the Architect not later than the last day of a month, the Owner shall make payment of the certified amount to the Contractor not later than the last day of the following

Init.

month. If an Application for Payment is received by the Architect after the application date fixed above, payment shall be made by the Owner not later than thirty (30) days after the Architect receives the Application for Payment. *(Federal, state or local laws may require payment within a certain period of time.)*

§ 5.1.4 Each Application for Payment shall be based on the most recent schedule of values submitted by the Contractor in accordance with the Contract Documents. The schedule of values shall allocate the entire Contract Sum among the various portions of the Work. The schedule of values shall be prepared in such form and supported by such data to substantiate its accuracy as the Architect may require. This schedule, unless objected to by the Architect, shall be used as a basis for reviewing the Contractor's Applications for Payment.

- .1 As a condition of each progress and the final payment, Contractor shall provide to Owner in a form acceptable to Owner partial and final releases and waivers of claims from Contractor, each subcontractor, and every material or equipment supplier on whose labor or materials any part of the pay request is based. The releases will apply to all work performed through the payment date and may be conditional upon payment of the amount of the pay request.

§ 5.1.5 Applications for Payment shall show the percentage of completion of each portion of the Work as of the end of the period covered by the Application for Payment.

§ 5.1.6 Subject to other provisions of the Contract Documents, the amount of each progress payment shall be computed as follows:

- .1 Take that portion of the Contract Sum properly allocable to completed Work as determined by multiplying the percentage completion of each portion of the Work by the share of the Contract Sum allocated to that portion of the Work in the schedule of values, less retainage of five percent (5%). Pending final determination of cost to the Owner of changes in the Work, amounts not in dispute shall be included as provided in Section 7.3.9 of AIA Document A201™-2007, General Conditions of the Contract for Construction;
- .2 Add that portion of the Contract Sum properly allocable to materials and equipment delivered and suitably stored at the site for subsequent incorporation in the completed construction (or, if approved in advance by the Owner, suitably stored off the site at a location agreed upon in writing), less retainage of five percent (5%);
- .3 Subtract the aggregate of previous payments made by the Owner; and
- .4 Subtract amounts, if any, for which the Architect has withheld or nullified a Certificate for Payment as provided in Section 9.5 of AIA Document A201-2007.

§ 5.1.7 The progress payment amount determined in accordance with Section 5.1.6 shall be further modified under the following circumstances:

- .1 Add, upon Substantial Completion of the Work, a sum sufficient to increase the total payments to the full amount of the Contract Sum, less such amounts as the Architect shall determine for incomplete Work, retainage applicable to such work and unsettled claims; and
(Section 9.8.5 of AIA Document A201-2007 requires release of applicable retainage upon Substantial Completion of Work with consent of surety, if any.)
- .2 Add, if final completion of the Work is thereafter materially delayed through no fault of the Contractor, any additional amounts payable in accordance with Section 9.10.3 of AIA Document A201-2007.

§ 5.1.8 Reduction or limitation of retainage, if any, shall be as follows:

(If it is intended, prior to Substantial Completion of the entire Work, to reduce or limit the retainage resulting from the percentages inserted in Sections 5.1.6.1 and 5.1.6.2 above, and this is not explained elsewhere in the Contract Documents, insert here provisions for such reduction or limitation.)

§ 5.1.9 Except with the Owner's prior approval, the Contractor shall not make advance payments to suppliers for materials or equipment which have not been delivered and stored at the site.

§ 5.2 FINAL PAYMENT

§ 5.2.1 Final payment, constituting the entire unpaid balance of the Contract Sum, shall be made by the Owner to the Contractor when

Init.

- 1 the Contractor has fully performed the Contract except for the Contractor's responsibility to correct Work as provided in Section 12.2.2 of AIA Document A201-2007, and to satisfy other requirements, if any, which extend beyond final payment; and
- 2 a final Certificate for Payment has been issued by the Architect.
- 3 and the conditions for Final Payment specified in the General Conditions Article 9.10.2 have been satisfied including but not limited to an affidavit from Contractor that all indebtedness related to the Work has been paid, evidence that insurance will remain in effect, consent of any surety, and final and complete releases and waivers of claim from Contractor, all subcontractors, and all material and equipment suppliers.

§ 5.2.2 Provided that the conditions set forth in 5.2.1 are met, and that no claims have been filed, the Owner's final payment to the Contractor shall be made 75 days after Substantial Completion and the posting and recording of Notices of Substantial Completions as required in 3.3

ARTICLE 6 DISPUTE RESOLUTION

§ 6.1 INITIAL DECISION MAKER

The Architect will serve as Initial Decision Maker pursuant to Section 15.2 of AIA Document A201-2007, unless the parties appoint below another individual, not a party to this Agreement, to serve as Initial Decision Maker.

(If the parties mutually agree, insert the name, address and other contact information of the Initial Decision Maker, if other than the Architect.)

§ 6.2 BINDING DISPUTE RESOLUTION

For any Claim subject to, but not resolved by, mediation pursuant to Section 15.3 of AIA Document A201-2007, the method of binding dispute resolution shall be as follows:

(Check the appropriate box. If the Owner and Contractor do not select a method of binding dispute resolution below, or do not subsequently agree in writing to a binding dispute resolution method other than litigation, Claims will be resolved by litigation in a court of competent jurisdiction.)

☐ Arbitration pursuant to Section 15.4 of AIA Document A201-2007

☐ Litigation in a court of competent jurisdiction

☒ Other *(Specify)*

Litigation in the Wasco County Circuit Court.

ARTICLE 7 TERMINATION OR SUSPENSION

§ 7.1 The Contract may be terminated by the Owner or the Contractor as provided in Article 14 of AIA Document A201-2007.

§ 7.2 The Work may be suspended by the Owner as provided in Article 14 of AIA Document A201-2007.

ARTICLE 8 MISCELLANEOUS PROVISIONS

§ 8.1 Where reference is made in this Agreement to a provision of AIA Document A201-2007 or another Contract Document, the reference refers to that provision as amended or supplemented by other provisions of the Contract Documents.

§ 8.2 Payments due and unpaid under the Contract shall bear interest from the date payment is due at the rate stated below, or in the absence thereof, at the legal rate prevailing from time to time at the place where the Project is located.

(Insert rate of interest agreed upon, if any.)

Init.

%

§ 8.3 The Owner's representative:
(Name, address and other information)

Tyler Stone, Administrator
Wasco County
511 Washington Street, Suite 101
The Dalles, OR 97058

§ 8.4 The Contractor's representative:
(Name, address and other information)

Sam Griffin
Griffin Construction, LLC
1537 Bargeway Rode
The Dalles, OR 97058

§ 8.5 Neither the Owner's nor the Contractor's representative shall be changed without ten days written notice to the other party.

§ 8.6 Other provisions:

ARTICLE 9 ENUMERATION OF CONTRACT DOCUMENTS

§ 9.1 The Contract Documents, except for Modifications issued after execution of this Agreement, are enumerated in the sections below.

§ 9.1.1 The Agreement is this executed AIA Document A101-2007, Standard Form of Agreement Between Owner and Contractor.

§ 9.1.2 The General Conditions are AIA Document A201-2007, General Conditions of the Contract for Construction.

§ 9.1.3 The Supplementary and other Conditions of the Contract:

Document	Title	Date	Pages
Project Specifications 00 73 00	Supplementary General Conditions		
Project Specifications 00 73 13	Supplementary General Conditions - CDBG		

§ 9.1.4 The Specifications:
(Either list the Specifications here or refer to an exhibit attached to this Agreement.)
Attached as Exhibit A

Section	Title	Date	Pages
---------	-------	------	-------

§ 9.1.5 The Drawings:
(Either list the Drawings here or refer to an exhibit attached to this Agreement.)
Attached as Exhibit B

Init.

Number	Title	Date
--------	-------	------

§ 9.1.6 The Addenda, if any:

Number	Date	Pages
1	2/19/18	6
2	3/1/18	11
3	3.2.18	1

Portions of Addenda relating to bidding requirements are not part of the Contract Documents unless the bidding requirements are also enumerated in this Article 9.

§ 9.1.7 Additional documents, if any, forming part of the Contract Documents:

- .1 AIA Document E201™–2007, Digital Data Protocol Exhibit, if completed by the parties, or the following:
- .2 Other documents, if any, listed below:
(List here any additional documents that are intended to form part of the Contract Documents. AIA Document A201–2007 provides that bidding requirements such as advertisement or invitation to bid, Instructions to Bidders, sample forms and the Contractor's bid are not part of the Contract Documents unless enumerated in this Agreement. They should be listed here only if intended to be part of the Contract Documents.)

ARTICLE 10 INSURANCE AND BONDS

The Contractor shall purchase and maintain insurance and provide bonds as set forth in Article 11 of AIA Document A201–2007.

(State bonding requirements, if any, and limits of liability for insurance required in Article 11 of AIA Document A201–2007.)

Type of insurance or bond	Limit of liability or bond amount (\$0.00)
Performance and Payment Bond	Full value of this contract.

This Agreement entered into as of the day and year first written above.

OWNER (Signature)

Tyler Stone, Administrator

(Printed name and title)

CONTRACTOR (Signature)

Sam Griffin, Owner

(Printed name and title)

Init.

Additions and Deletions Report for **AIA® Document A101™ – 2007**

This Additions and Deletions Report, as defined on page 1 of the associated document, reproduces below all text the author has added to the standard form AIA document in order to complete it, as well as any text the author may have added to or deleted from the original AIA text. Added text is shown underlined. Deleted text is indicated with a horizontal line through the original AIA text.

Note: This Additions and Deletions Report is provided for information purposes only and is not incorporated into or constitute any part of the associated AIA document. This Additions and Deletions Report and its associated document were generated simultaneously by AIA software at 14:10:48 on 04/17/2018.

PAGE 1

AGREEMENT made as of the 17 day of April in the year 2018

...

Wasco County
511 Washington Street, Suite 101
The Dalles, OR 97058

...

Griffin Construction, LLC 1537 Bargeway Road
The Dalles, OR 97058

...

Mid-Columbia Center for Living
1040 Webber Street
The Dalles, OR 97058

...

Scott|Edwards Architecture, LLP
2525 E Burnside St.
Portland, OR 97214

PAGE 2

The work shall also include maintaining in good order and marked currently 2 sets of Record Documents (or 'as-builts') to precisely record locations of systems not limited to structural members, plumbing, electrical, communications, HVAC, and other utilities who's location will be difficult to determine after completion as well as field changes and selections either not shown on the Drawings and Specifications or constructed at locations different than specified in the Drawings and Specifications. Contractor shall demonstrate compliance with the requirement upon every application for payment. Contractor shall deliver both sets prior to and as a condition of Final Completion.

...

§ 3.2 The Contract Time shall be measured from the date of commencement. Contractor shall be responsible for posting and recording Notices of Substantial Completion for the Work in accordance with ORS 87.045 within 3 days of the Architect certifying Substantial Completion.

§ 3.3 The Contractor shall achieve Substantial Completion of the entire Work not later than 335 (Three Hundred Thirty Five) days from the date of commencement, or as follows:

PAGE 3

Five hundred dollars (\$500) per calendar day until the date of Substantial Completion of the Work and the Contractor has met all prerequisite items specified in Section 01 77 00 and has provided to Owner an occupancy permit issued by the Building Department having jurisdiction.

...

§ 4.1 The Owner shall pay the Contractor the Contract Sum in current funds for the Contractor's performance of the Contract. The Contract Sum shall be (\$—), ~~subject to additions and deductions as provided in the Contract Documents.~~
a firm fixed price, not to exceed <Six Million Four Hundred and Nine Thousand Dollars<>> (\$6,409,000.00<<>>), including direct reimbursables.

...

§ 5.1.3 Provided that an Application for Payment is received by the Architect not later than the last day of a month, the Owner shall make payment of the certified amount to the Contractor not later than the last day of the following month. If an Application for Payment is received by the Architect after the application date fixed above, payment shall be made by the Owner not later than thirty (30) days after the Architect receives the Application for Payment.

PAGE 4

- .1 As a condition of each progress and the final payment, Contractor shall provide to Owner in a form acceptable to Owner partial and final releases and waivers of claims from Contractor, each subcontractor, and every material or equipment supplier on whose labor or materials any part of the pay request is based. The releases will apply to all work performed through the payment date and may be conditional upon payment of the amount of the pay request.
- ...

- .1 Take that portion of the Contract Sum properly allocable to completed Work as determined by multiplying the percentage completion of each portion of the Work by the share of the Contract Sum allocated to that portion of the Work in the schedule of values, less retainage of five percent (5%). Pending final determination of cost to the Owner of changes in the Work, amounts not in dispute shall be included as provided in Section 7.3.9 of AIA Document A201™-2007, General Conditions of the Contract for Construction;
- .2 Add that portion of the Contract Sum properly allocable to materials and equipment delivered and suitably stored at the site for subsequent incorporation in the completed construction (or, if approved in advance by the Owner, suitably stored off the site at a location agreed upon in writing), less retainage of five percent (5%);

PAGE 5

- .3 and the conditions for Final Payment specified in the General Conditions Article 9.10.2 have been satisfied including but not limited to an affidavit from Contractor that all indebtedness related to the Work has been paid, evidence that insurance will remain in effect, consent of any surety, and final and complete releases and waivers of claim from Contractor, all subcontractors, and all material and equipment suppliers.

§ 5.2.2 ~~The~~ Provided that the conditions set forth in 5.2.1 are met, and that no claims have been filed, the Owner's final payment to the Contractor shall be made ~~no later than 30 days after the issuance of the Architect's final Certificate for Payment, or as follows:~~ 75 days after Substantial Completion and the posting and recording of Notices of Substantial Completions as required in 3.3

...

[X] Other (Specify)

Litigation in the Wasco County Circuit Court.

PAGE 6

Tyler Stone, Administrator
Wasco County
511 Washington Street, Suite 101
The Dalles, OR 97058

...

Sam Griffin
Griffin Construction, LLC
1537 Bargeway Rode
The Dalles, OR 97058

...

<u>Project Specifications</u>	<u>Supplementary General</u>
<u>00 73 00</u>	<u>Conditions</u>
<u>Project Specifications 00</u>	<u>Supplementary General</u>
<u>73 13</u>	<u>Conditions - CDBG</u>

...

Attached as Exhibit A

...

Attached as Exhibit B
PAGE 7

<u>1</u>	<u>2/19/18</u>	<u>6</u>
<u>2</u>	<u>3/1/18</u>	<u>11</u>
<u>3</u>	<u>3.2.18</u>	<u>1</u>

...

<u>Performance and Payment Bond</u>	<u>Full value of this contract.</u>
-------------------------------------	-------------------------------------

...

Tyler Stone, Administrator

Sam Griffin, Owner

Certification of Document's Authenticity

AIA® Document D401™ – 2003

I, Lisa McClellan, hereby certify, to the best of my knowledge, information and belief, that I created the attached final document simultaneously with its associated Additions and Deletions Report and this certification at 14:10:48 on 04/17/2018 under Order No. 9159245723 from AIA Contract Documents software and that in preparing the attached final document I made no changes to the original text of AIA® Document A101™ – 2007, Standard Form of Agreement Between Owner and Contractor where the basis of payment is a Stipulated Sum, as published by the AIA in its software, other than those additions and deletions shown in the associated Additions and Deletions Report.

(Signed)

(Title)

(Dated)

Exhibit A

AIA A101

Standard Form of Agreement Between Owner and Contractor

Section 9.1.4 -The Specifications

Dated 01.24.2018

Section	Title	Pages
DIVISION 0	BIDDING AND CONTRACTING REQUIREMENTS	
00 11 13	Advertisement for Bids	3
00 11 21	Plan Centers	1
00 21 00	Instructions to Bidders [AIA Document A701-1997]	1
00 22 00	Supplementary Instructions to Bidders	4
00 41 00	Bid Form	3
00 43 13	Bid Bond [AIA Document A310]	1
00 43 25	Pre-Bid Substitution RequestForm	3
00 45 21	First Tier Subcontractor Discosure Form	3
00 52 00	Contract for Construction [AIA Document A101-2007]	3
00 53 00	Amendments to Contract for Construction	1
00 61 13	Performance Bond & Payment Bond [AIA Document A312-1984]	1
00 72 00	General Conditions [AIA Document A201-2007]	1
00 73 00	Supplementary General Conditions	11
00 73 13	Supplementary General Conditions – CDBG	3
00 73 43	Prevailing Wage Rates	2
00 73 73	State of Oregon – Public Contracting Clauses	2
DIVISION 1	GENERAL REQUIREMENTS	
01 11 00	Summary of Work	4
01 23 00	Bid Alternates	2
01 25 00	Product Substitution	2
01 26 00	Modification Procedures	5
01 29 00	Application for Payment	2
01 29 73	Schedule of Values	2
01 31 00	Coordination	2
01 31 19	Project Meetings	3
01 32 00	Construction Schedules and Daily Reports	3
01 33 00	Submittals	3
01 33 50	Bidder Designed and Engineered Systems	2
01 42 16	Explanations and Definitions	5
01 42 19	Reference Specifications and Standards	6
01 43 00	Quality Assurance	1
01 45 00	Quality Control	2
01 56 00	Temporary Facilities & Security Controls	2
01 60 00	Materials and Equipment	3
01 61 16	Special Requirements – Sustainable Building Practices	4
01 71 23	Field Engineering	1
01 73 29	Cutting and Patching	2
01 74 00	Cleaning and Waste Management	3
01 77 00	Contract Closeout	3
01 78 23	Operation and Maintenance Data	4

Exhibit A

AIA A101

Standard Form of Agreement Between Owner and Contractor

Section 9.1.4 -The Specifications

Dated 01.24.2018

Section	Title	Pages
01 78 36	Warranties	2
01 78 39	Project Record Documents	2
DIVISION 2	EXISTING CONDITIONS	
02 24 00	Phase 1 Environmental Assessment	1
02 32 00	Soils Investigation	1
02 41 50	Minor Site Demolition	2
DIVISION 3	CONCRETE	
03 10 00	Concrete Formwork	3
03 20 00	Concrete Reinforcing	2
03 30 00	Cast-In-Place Concrete	4
03 35 00	Concrete Finishing	2
03 35 19	Concrete Slab Grinding and Finishing	4
03 40 00	Precast Concrete	3
03 54 13	Gypsum Underlayment	3
DIVISION 4	MASONRY	
04 21 00	Mechanically Attached Masonry Veneer	4
04 22 00	Concrete Unit Masonry	4
DIVISION 5	METALS	
05 12 00	Structural Steel	4
05 50 00	Metal Fabrications	4
DIVISION 6	WOOD AND PLASTICS	
06 10 00	Rough Carpentry	6
06 17 00	Prefabricated Wood Joists and Beams	2
06 18 00	Glue Laminated Lumber	2
06 20 00	Finish Carpentry	3
06 41 00	Custom Cabinetry	7
06 64 00	Plastic Paneling	2
DIVISION 7	THERMAL AND MOISTURE PROTECTION	
07 10 00	Waterproofing	2
07 14 00	Interior Membrane Waterproofing	2
07 17 00	Bentonite Waterproofing	2
07 21 00	Insulation	4
07 25 00	Weather Resistive Barriers	3
07 42 13	Metal Siding	4
07 42 43	Composite Panel Siding	3
07 46 45	Fiber Reinforced Hybrid Siding	3
07 54 23	Single-Ply Roofing: TPO	6

Exhibit A

AIA A101

Standard Form of Agreement Between Owner and Contractor

Section 9.1.4 -The Specifications

Dated 01.24.2018

Section	Title	Pages
07 60 00	Flashing and Sheet Metal	3
07 72 00	Roof Hatch and Access Ladders	2
07 84 13	Through Penetration Firestopping	3
07 90 00	Sealants	5
DIVISION 8	DOORS AND WINDOWS	
08 11 00	Steel Doors & Frames	2
08 14 00	Wood Doors	4
08 34 00	Access Doors	2
08 40 00	Aluminum Entrances, Curtain Wall & Storefronts	5
08 56 19	Interior Transaction Windows	2
08 71 00	Finish Hardware	4
08 80 00	Glass & Glazing	6
08 87 00	Glazing Surface Films	2
DIVISION 9	FINISHES	
09 28 00	Fiber Reinforced Cement Board	1
09 29 00	Gypsum Board	6
09 30 00	Tile	4
09 51 00	Acoustical Ceilings	4
09 54 26	Specialty Wood Ceilings	4
09 65 00	Resilient Flooring	6
09 68 00	Carpeting	4
09 84 13	Acoustic Sound Absorptive Panels	2
09 90 00	Painting	6
DIVISION 10	SPECIALTIES	
10 11 16	Marker Boards	2
10 11 23	Tack Boards	2
10 14 00	Identifying Plaques and Signage	3
10 21 13.19	Solid Phenolic Toilet Partitions	2
10 22 26	Operable Partitions	2
10 26 00	Wall Protection	2
10 28 00	Toilet Accessories	2
10 30 00	Fireplaces	1
10 44 00	Fire Extinguishers and Cabinets	2
10 51 00	Lockers	3
DIVISION 11	EQUIPMENT	
11 31 00	Residential Appliances	2
<u>11 52 00</u>	<u>Audio Visual Equipment</u>	2

Exhibit A

AIA A101

Standard Form of Agreement Between Owner and Contractor

Section 9.1.4 -The Specifications

Dated 01.24.2018

Section	Title	Pages
DIVISION 12	FURNISHINGS	
12 05 13	Upholstery and Fabrics	1
12 21 00	Window Blinds	2
12 22 00	Curtains and Drapes	2
12 93 00	Site Furnishings	2
DIVISION 13	SPECIAL CONSTRUCTION	
	Not Used	
DIVISION 14	CONVEYING EQUIPMENT	
14 20 00	Passenger Elevators	4
DIVISION 21	FIRE SUPPRESSION	
21 00 00	Fire Suppression Basic Requirements	18
21 05 00	Common Work Results for Fire Suppression	25
21 13 00	Fire Suppression Sprinkler Systems	8
DIVISION 22	PLUMBING	
22 00 00	Plumbing Basic Requirements	14
22 05 19	Plumbing Devices	4
22 05 23	General-Duty Valves for Plumbing Piping	9
22 05 53	Identification for Plumbing Piping and Equipment	4
22 07 00	Plumbing Insulation	6
22 10 00	Plumbing Piping	17
22 30 00	Plumbing Equipment	5
22 40 00	Plumbing Fixtures	8
DIVISION 23	HEATING, VENTILATION AND AIR-CONDITIONING (HVAC)	
23 00 00	Heating, Ventilating and Air Conditioning (HVAC) Basic Requirements	15
23 05 29	Hangers and Supports for HVAC Piping, Ductwork and Equipment	11
23 05 48	Vibration and Seismic Controls for HVAC Equipmeny	11
23 05 53	Identification for HVAC Piping, Ductwork and Equipment	4
23 05 93	Testing, Adjusting and Balancing for HVAC	15
23 07 00	HVAC Insulation	8
23 09 00	Instrumentation and Control Performance Specifications	37
23 11 23	Facility Fuel – Natural Gas Piping and Systems	6
23 21 13	HVAC Piping	3
23 31 00	HVAC Ducts and Casings	9
23 33 00	Air Duct Accessories	10
23 34 00	HVAC Fans	4
23 36 00	Air Terminal Units	3
23 37 00	Air Outlets and Inlets	4

Exhibit A

AIA A101

Standard Form of Agreement Between Owner and Contractor

Section 9.1.4 -The Specifications

Dated 01.24.2018

Section	Title	Pages
23 74 00	Rooftop Packaged Air Conditioning Units	14
23 81 26	Small Split System and Unitary HVAC Equipment	3
23 82 00	Terminal Heat Transfer Equipment	2
DIVISION 26	ELECTRICAL	
26 00 00	Electrical Basic Requirements	13
26 05 09	Equipment Wiring	3
26 05 19	Low-Voltage Electrical Power Conductors and Cables	6
26 05 26	Grounding and Bonding for Electrical Systems	4
26 05 29	Hangers and Supports for Electrical Systems and Equipment	6
26 05 33	Raceways	9
26 05 34	Boxes	6
26 05 53	Identification for Electrical Systems	5
26 05 73	Electrical Distribution System Studies	7
26 09 23	Occupancy and Vacancy Sensors	6
26 09 25	Digital Lighting Controls	13
26 22 00	Low-Voltage Transformers	3
26 24 16	Panelboards	5
26 27 13	Electrical Metering	2
26 27 26	Wiring Devices	5
26 28 00	Overcurrent Protective Devices	3
26 28 16	Enclosed Switches and Circuit Breakers	4
26 33 23	Central Battery Equipment	4
26 43 00	Surge Protective Devices	3
26 51 00	Lighting	12
DIVISION 27	COMMUNICATIONS	
27 00 00	Communications Basic Requirements	14
27 05 28	Pathways for Communications Systems	7
27 11 01	Communication Equipment Rooms	5
27 15 00	Communications Horizontal Cabling	7
27 41 16	Integrated Audio-Visual Systems and Equipment	12
27 51 30	Area of Refuge Two-Way Communication System	6
DIVISION 28	ELECTRONIC SAFETY AND SECURITY	
28 00 00	Electronic Safety and Security Basic Requirements	12
28 10 00	Access Control and Intrusion Detection	8
28 31 00	Fire Detection and Alarm	17
DIVISION 31	EARTHWORK	
31 05 01	General Site Construction Requirements	2
31 10 00	Site Clearing	3

Exhibit A

AIA A101

Standard Form of Agreement Between Owner and Contractor

Section 9.1.4 -The Specifications

Dated 01.24.2018

Section	Title	Pages
31 22 15	Rough Grading	1
31 22 20	Finish Grading	2
31 23 25	Granular Base	2
31 23 50	Excavating, Backfilling and Compaction	6
32 25 00	Erosion and Sedimentation Control	2
DIVISION 32	EXTERIOR IMPROVEMENTS	
32 12 15	Asphaltic concrete Paving	3
32 13 15	Portland Cement Concrete Paving	3
32 14 00	Gravel Paving	3
32 17 13	Parking Bumpers	1
32 17 25	Pavement Marking	2
32 32 24	Basalt Rubble	2
32 84 00	Irrigation	20
32 93 00	Plants	18
32 94 13	Root Barrier	3
DIVISION 33	UTILITIES	
33 05 50	Trenching	3
33 11 20	Water Distribution	10
33 40 50	Storm Sewerage and Sanitary Sewerage	5
33 46 15	Foundation Drainage Systems	2
33 51 50	Gas Distribution	2

Exhibit B

AIA A101 Standard Form of Agreement Between Owner and Contractor

Article 9, Section 9.1.5

The Drawings

Number	Title	Date
G0.01	Project Information	01.24.2018
G1.01	First Floor Life Safety Plan and Code Summary	01.24.2018
G1.02	Second Floor Life Safety Plan	01.24.2018
C1.00	Notes and Abbreviations	01.24.2018
T1.00	Existing Conditions Plan	02.21.2017
C2.00	Onsite Utility Plan	01.24.2018
C2.01	Onside Grading Plan	01.24.2018
C3.00	Civil Details	01.24.2018
C3.01	Civil Details MCCFL Erosion and Sediment Control Plan (ESCP) Drawings Existing Conditions, Clearing and Mass Grading ESCP Utility, Grading and Stabilization Construction ESCP Sheet ESCO53 details	01.24.2018
L1.01	Landscape Material and Planting Plan	01.24.2018
L1.02	Storm Water Planting Plan	01.24.2018
L2.00	Details	01.24.2018
L3.01	Irrigation Plan	01.24.2018
L4.00	Irrigation Details	01.24.2018
A0.01	Architectural Notes, Symbols Abbreviations and Diagrams	01.24.2018
A0.02	Assemblies	01.24.2018
A1.01	Architectural Site Plan	01.24.2018
A1.11	Trash Enclosure and Site Details	01.24.2018
A2.01	First Floor Plan	01.24.2018
A2.02	Second Floor Plan	01.24.2018
A2.03	Roof Plan	01.24.2018
A2.11	First Floor Reflected Ceiling Plan	01.24.2018
A2.12	Second Floor Reflected Ceiling Plan	01.24.2018
A2.51	First Floor Finish Plan	01.24.2018
A2.52	Second Floor Finish Plan	01.24.2018
A3.01	Exterior Elevations	01.24.2018
A4.01	Building Sections	01.24.2018
A4.02	Building Sections	01.24.2018
A5.01	Wall Sections	01.24.2018
A5.02	Wall Sections	01.24.2018
A6.01	Vertical Circulation Plans and Sections	01.24.2018
A6.02	Vertical Circulation Plans and Sections	01.24.2018
A6.03	Vertical Circulation Details	01.24.2018

A6.11	Enlarged Toilet Room Plans	01.24.2018
A6.12	Enlarged Plans and Elevations	01.24.2018
A6.13	Enlarged Reception Plans and Elevations	01.24.2018
A7.01	Exterior Details	01.24.2018
A7.02	Exterior Details	01.24.2018
A7.05	Exterior Details	01.24.2018
A7.06	Exterior Details	01.24.2018
A7.07	Exterior Details	01.24.2018
A7.10	Exterior Details	01.24.2018
A7.11	Window Sequencing Diagram	01.24.2018
A8.01	Interior Elevations	01.24.2018
A8.02	Interior Elevations	01.24.2018
A8.03	Interior Elevations	01.24.2018
A8.04	Interior Elevations	01.24.2018
A8.05	Interior Elevations	01.24.2018
A8.06	Interior Elevations	01.24.2018
A8.07	Interior Elevations	01.24.2018
A8.08	Interior Elevations	01.24.2018
A8.09	Interior Elevations	01.24.2018
A8.21	Toilet Room Elevations	01.24.2018
A9.01	Interior Details	01.24.2018
A9.02	Interior Details	01.24.2018
A9.03	Interior Details	01.24.2018
A9.11	Interior Details - Casework	01.24.2018
A9.12	Interior Details - Casework	01.24.2018
A10.01	Door Schedule and Door Types	01.24.2018
A10.02	Window Types	01.24.2018
A10.21	Finish Schedule and Legend	01.24.2018
S1.01	Structural Notes and Abbreviations	01.24.2018
S1.02	Structural Schedules	01.24.2018
S2.01	Foundation Plan	01.24.2018
S2.02	Second Floor Framing Plan	01.24.2018
S2.03	Roof Framing Plan	01.24.2018
S3.01	Foundation Details	01.24.2018
S4.01	Floor Framing Details	01.24.2018
S4.02	Floor Framing Details	01.24.2018
S4.03	Floor Framing Details	01.24.2018
S5.01	Roof Framing Details	01.24.2018
S5.02	Roof Framing Details	01.24.2018
M0.01	Symbols Lists and General Notes – Mechanical	01.24.2018
M0.02	Schedules – HVAC	01.24.2018
M0.03	Schedules – HVAC	01.24.2018

M1.01	First Floor Plan – Zoning	01.24.2018
M1.02	Second Floor Plan – Zoning	01.24.2018
M2.01	First Floor Plan – HVAC	01.24.2018
M2.02	Second Floor Plan – HVAC	01.24.2018
M2.03	Roof Plan- HVAC	01.24.2018
M6.01	Details – Mechanical	01.24.2018
P0.01	Symbols Lists and General Notes – Plumbing	01.24.2018
P0.02	Schedules – Plumbing	01.24.2018
P2.00	Underground Plan – Plumbing	01.24.2018
P2.01	First Floor Plan – Waste and Vent	01.24.2018
P2.02	Second Floor Plan – Waste and Vent	01.24.2018
P3.01	First Floor Plan – Water and Gas	01.24.2018
P3.02	Second Floor Plan – Water and Gas	01.24.2018
P3.03	Roof Plan – Plumbing	01.24.2018
P6.01	Details – Plumbing	01.24.2018
E0.01	Symbols Lists and General Notes – Electrical	01.24.2018
E0.02	Luminaire Schedule	01.24.2018
E1.00	Site Plan – Electrical	01.24.2018
E1.01	Site Plan – Lighting Photometrics	01.24.2018
E2.01	First Floor Plan – Power and Signal	01.24.2018
E2.02	Second Floor Plan – Power and Signal	01.24.2018
E2.03	Roof Plan – Power and Signal	01.24.2018
E2.11	First Floor Plan - Lighting	01.24.2018
E2.12	Second Floor Plan - Lighting	01.24.2018
E4.01	Server Room 144 Enlarged Plan	01.24.2018
E5.01	Single Line Diagram – Electrical	01.24.2018
E6.01	Schedules – Electrical	01.24.2018
E6.02	Schedules – Electrical	01.24.2018
E7.01	Details - Electrical	01.24.2018



AGENDA ITEM

Quarterly Internal Audit

[CONSULTANT'S MEMO](#)



To: Wasco County Board of Commissioners
From: Debbie Smith-Wagar, Smith-Wagar Brucker Consulting
Re: Audit Findings/Follow-up
Date: 4/18/2018

Background

Last fall the audit did not go smoothly. There were a number of reasons for this – there has been significant turnover in Finance Department staffing; the Finance Director relied too much on certain staff without providing significant oversight; the audit created a sense of urgency that resulted in incorrect documents being sent to the auditors, which then exacerbated the problem.

I began providing assistance in late fall. Significant changes were put in place, and the audit was successfully completed in February.

County Administrator Tyler Stone requested that I continue to provide a regular overview of procedures in the Finance Department to make sure this doesn't happen again. He requested that I provide quarterly updates to you, beginning with the first quarter of calendar year 2018.

Currently

Finance Director Mike Middleton has implemented a number of monthly reconciliations so he can stay on top of activities in the Finance Department. He has incorporated the County Treasurer, Elijah Preston, to assist in making sure these reconciliations are completed in a timely manner, and has trained staff to prepare the reconciliations so that he is reviewing them.

Small entities (as Wasco County once was) typically reconcile cash on a monthly basis and reconcile everything else annually. As populations, and dollars, grow, most entities move to a more frequent reconciliation process. The advantage to monthly reconciliations is both to provide current data for more accurate decision-making, and to make the annual audit process easier. When errors are discovered quickly they can be resolved quickly.

The auditors reported ten material weaknesses in internal control. Mike Middleton has addressed all of those, and I am reviewing the work done each month to make sure that his responses are truly being incorporated into the monthly work of the Finance Department. I can say that he has followed through for the first quarter of this year.

Although we just finished the first quarter of the calendar year, we are actually three-quarters of the way through the fiscal year, and the next annual audit will be starting soon. I will be reviewing all trial balances and lead sheets prepared for the auditors prior to their release. As a former

auditor I understand the frustration of receiving incorrect reports from clients, and I will help to ensure that this does not happen at Wasco County again. A challenge for governments the size of Wasco County is to have someone who can review high-level work. When the Finance Director prepares so much of what goes to the auditors, there isn't anyone on staff who can effectively review that work. I can fill in that gap.

Here is a list of processes that we are committed to:

- I. Reconciliations of all balance sheet accounts (cash, accounts receivable, accounts payable, etc.) will be completed monthly and reviewed by the elected Treasurer.
- II. Monthly financial reports will be provided to Commissioners at their second meeting every month. I will assist in this process as needed.
- III. The Finance Department and the independent auditors will jointly agree on an audit schedule so that the audit is completed by the State of Oregon's deadline (December 31, 2018), with no extensions.
- IV. I will provide assistance throughout the fall for the audit, as needed, to make sure this timeline is adhered to.
- V. I will provide the Commissioners with quarterly updates on the status of all of the items in this memo.

Although turnover is a challenge for departments, I believe the Finance Department currently has a very well-trained, enthusiastic group of individuals, and I believe that everyone there is committed to doing the best job possible and putting the last audit behind them.

Please feel free to contact me at any time with questions or concerns.

Phone: 503-686-3527

Email: Debbie@Smith-WagarBrucker.com



AGENDA ITEM

Oregon Records Management Solution

[CHAVES CONSULTING PROGRAM OVERVIEW](#)

[OREGON RECORDS MANAGEMENT SOLUTION PROGRAM](#)


[HOME](#) [SOLUTIONS](#) [PARTNERS](#) [CCI IN THE NEWS](#)
[Home > Projects > ORMS](#)

Oregon Records Management System ORMS

Chaves Consulting, Inc. (CCI), Arikkan, and Oregon Secretary of State Archives Division have formed a unique public-private partnership to implement the first statewide electronic records management solution of its kind in the country.

With the ever-increasing 1) Requests by the public for records and discovery, 2) Need to organize and search electronic and paper documents, and 3) Cost of electronic and paper records storage, Oregon's Records Management Solution meets those needs through an innovative SaaS (Software as a Service) model. The model has been designed to fulfill agencies' records management hardware, software, training, and support needs without the requirement of an up-front investment.

Advantages

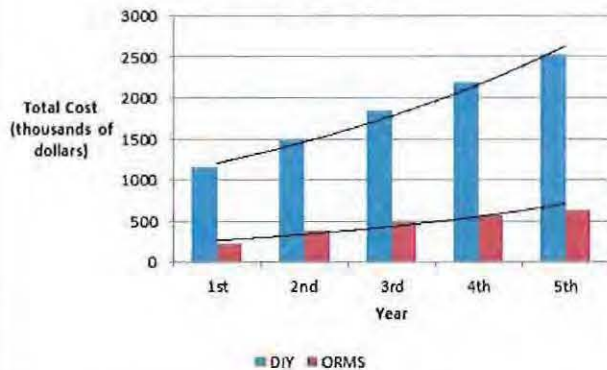
- Partnership with the Oregon Archives Division ensures legally compliant records rules and configuration
- Solution proven effective through previous implementations at the Oregon Secretary of States' Offices and Oregon Pilot Agencies
- Shifts agencies investment from a capital to an operational expense
- Most cost-effective records management solution available based on monthly per-user cost which includes:
 - Software, hardware, 24/7 Oregon-based ORMS Help Desk, ongoing training, data storage, ongoing hardware and software maintenance and upgrades
 - No upfront infrastructure costs or maintenance required by the agencies
 - Updates, webinars, newsletters, conference calls, and remote access sessions which allows Arikkan to work with agencies on their desktop
- Single point of contact to answer agency questions and resolve issues

Use of Hewlett Packard TRIM® Records Management Software which delivers the most comprehensive tools and interfaces available. Features include:

- Department of Defense 5015.2 certified to provide highest level of information security
- Scheduled and automated destruction of records to reduces legal risk and liability
- Robust search and retrieval capabilities
- Central data repository located in state-of-the-art Tier 3+ data center located in a secure Oregon location
- Additional records management services available through CCI and Arikkan as part of ORMS Master Agreement
- Oregon-based CCI and Arikkan have a combined forty seven year history of serving Oregon State and Local government agencies with a proven track record of delivering service that goes Beyond the Call®
- ORMS Help Desk provides Oregon agencies ongoing:
 - 24/7 support
 - Up-dates, webinars, newsletters, conference calls, and Go To Meeting sessions which allow CCI to remotely work with agencies on their desktop
 - Single point of contact to answer agency questions and resolve issues

For more information about Record Management please visit: <http://ormsonline.synergycds.com/ormsportal/>

Cost Comparison by year for Agency with 500 Users



Cost Comparison by year for Agency with 1000 Users

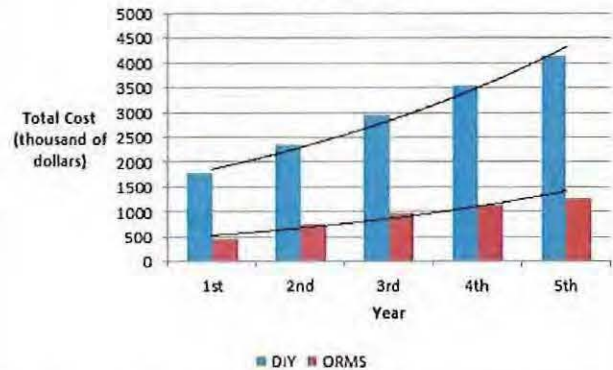


Figure 1: The two graphs above show the comparison of total cost over a period of 5 years between an agency having their own records management system (DIY) and joining ORMS. The graph on the left illustrates agencies with 500 users, and the graph on the right illustrates agencies with 1,000 users. There is a clear trend in both graphs that the cost for an agency purchasing their own records management system is higher than the cost of joining ORMS. The difference in cost significantly increases over time, making ORMS a more cost effective solution.

CUSTOMER SOLUTIONS

Help Desk

Call Center

Billing/Printing/Mailing

Utility Billing Services

HOSTING

Business Solutions

Colocation

Business Continuity

Data Center

SaaS Hosting

PARTNERED SOLUTIONS

Records Management (CRMS)

Elections Support

Projects Map

Product Development

ENR Reporting

ELECTUS

OUR PROJECTS

Oregon Records Management (ORMS)

Oregon Health Authority (OHA)

Oregon Health Plan Premium Billing Office

Washington Dept. of Early Learning

MAJIC for Oregon Courts

Local Government Suite

COMPANY

Overview

Leadership

What Customers Say

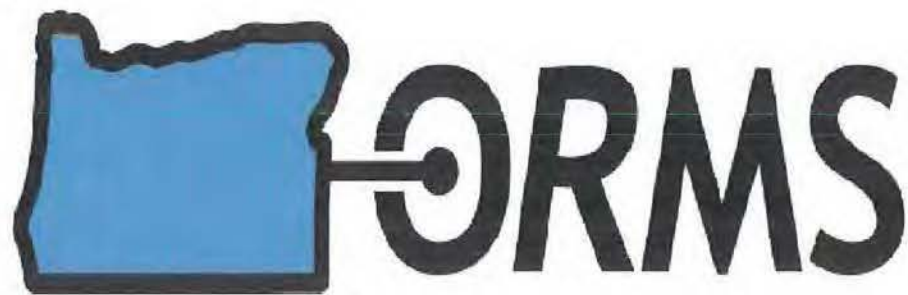
Core Operating Principles

Community Commitment

Infrastructure Support

Differentiators

CCI in the News



Oregon Records Management Solution

Transforming Business Operations

**Public Private Partnership:
Oregon Secretary of State Archives
Chaves Consulting, Inc. / Arikkan, Inc.**

Information: We all have it...



**“By 2020 information will
double every 73 days.”**
-- G. Starkweather (Microsoft), 1992



An “ideal” information management software solution supports electronic records to be made from:

- Paper documents
- Documents stored on:
 - Your PC and
 - Shared networks in your agency
- Emails
- Boxes housed in storage facilities
- Scanned images
- Text images
- Audio recordings
- Video recordings

Information Management Solutions:

Why are government agencies investing time and money ?

"Drivers"

- Streamline business operations by reducing manual tasks
- Increase productivity:
 - Sharing information across the organization and with the public quickly and easily
- Reduce legal liabilities
- Ease and timeliness of E-discovery and Legal Hold
- Increase security:
 - Attach security rules, assigning access and permissions:
 - To provide the RIGHT information to the RIGHT people with the RIGHT permissions
 - Attach retention and disposal rules that comply with Oregon State law:
 - Reduce building "silos" of ever increasing information
 - In Oregon: store information in a secure environment instead of on stand-alone computers and in unlocked file cabinets
 - Prevent security breaches
 - Information stored and shared through Tier 3 data center
- Be in compliance with information legislation / regulations
- Reduce costs by:
 - Reducing storage space: electronic and physical (stand-alone computers, shared servers, file cabinets, off-site...)
 - Reducing supplies: paper, file folders, labels...
 - Increasing available square footage for employees
 - Increasing employee productivity

The Oregon Vision

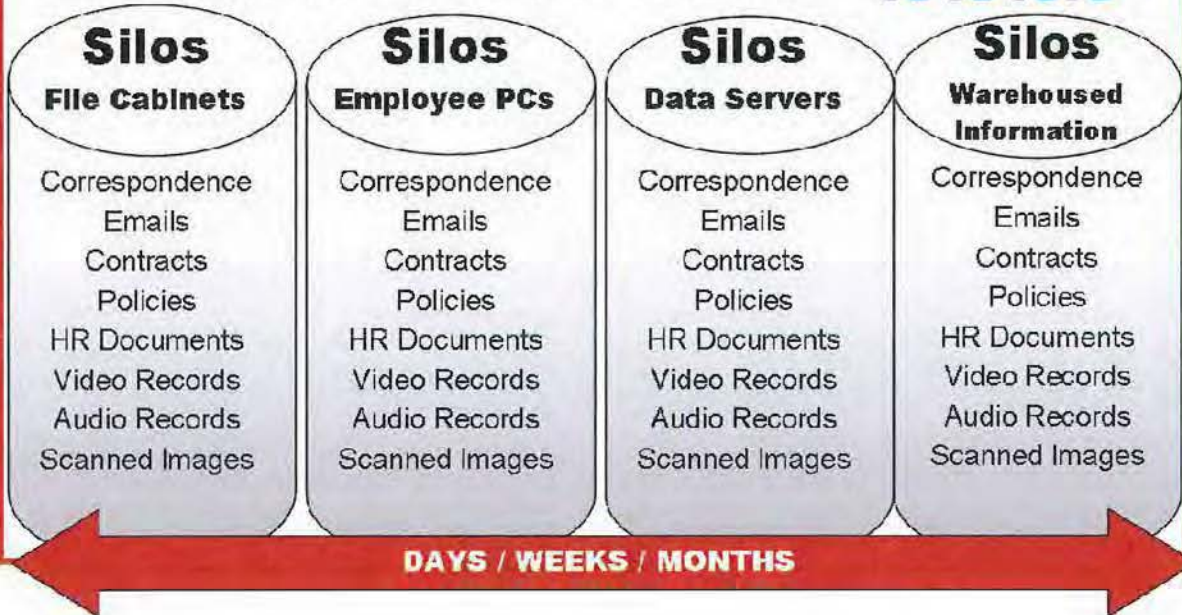
Mary Beth Herkert

Oregon State Archivist

- **1995: Began managing electronic records**
- **2001: Began seeking a secure, electronic management solution**
- **2007: Chose and implemented Tower TRIM SOS's office with licenses for all staff:**
 - Chose TOWER Trim:
 - Began development of records management software in 1985
 - Developed with *interlocking* capabilities that work together
 - U.S. Department of Defense (DoD) 5015.2 certification; ISO standard 15489 for records management (International version of DoD)
- **2010: Issued RFP with Vision:**
 - Every Oregon state, county, city, higher ed and K-12 agency could implement a cost effective, comprehensive, electronic information management solution with security, retention and disposal rules attached
 - Make government information easily accessible to the public, and within and across agencies
- **2011: Chose Chaves Consulting, Inc's (CCI) "Solution as a Service" to implement**

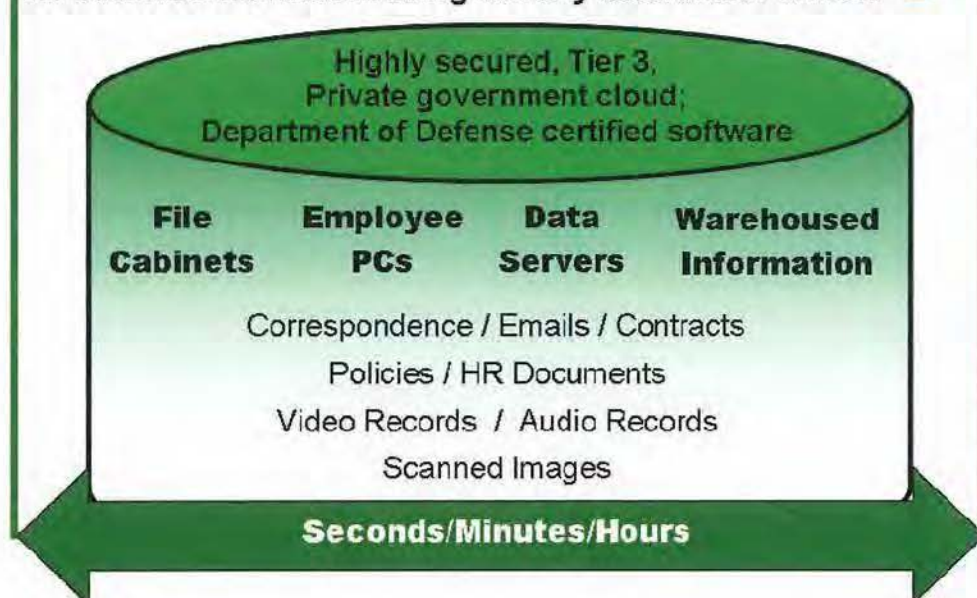
BEFORE ORMS: Information Search

To fulfill: Public Information Requests and any requests for business information being actively used and/or stored



AFTER ORMS: Information Search

To fulfill: Public Information Requests and any requests for business information being actively used and/or stored.



Benefits of Oregon's Public-Private Partnership with CCI/Arikkan

"Solution as a Service" (SaaS) Model: Matches Oregon Needs and Budget Requirements

- Eliminates agency's up-front expenses for: hardware, software, maintenance, technical and end user support
- Low per user per month fee
- Comprehensive, "Subscription Services"
- State's Contract: No RFP's required

Value to agencies

Tested & Proven Implementations

- ▶ 10 pilot agencies: State and local government, higher education, K-12
- ▶ Lessons learned? What worked? Didn't? Need to be successful?

▶ ORMS Support Desk:

Providing software use and technical support

Coordinating all support resources forever

360 Degree Support

ORMS Implementation Approach

One Team. One Purpose.

STATE OF OREGON ARCHIVES



- Everything Archives
 - Customized for agencies
 - Software configuration / set-up
 - Initial Training

CCI

- Everything Customer Support
 - Single point of contact before, during and after implementation
 - 360 degree Support Desk
 - Project Management

ARIKKAN

- Everything Technical Support
 - Technical implementation
 - Network engineering
 - Ongoing application maintenance

ORMS Project Manager: Karen Kolb-Schoeningh
Contact at: 800-435-4633 or karen@chavesconsulting.com

Why HPRM Software?

One application developed with INTERLOCKING capabilities that work together



GOVERN



ORGANIZE



FIND



SHARE

HPRM HIGHLIGHTS

GOVERNANCE: SECURITY

- **Compliance with DoD Certification 5015.2:**
 - Best Practices for security, retention and disposition
 - Application portability

- **Archives works with Agency Administrator and Agency End Users to:**
 - Customize security levels according to agency needs:
 - Assign access and permissions:
 - View only? Create? Modify? Share?

- **Audit trails recorded automatically:**
 - Captures and documents who did what on what date and at what exact time

GOVERNANCE: RETENTION & DISPOSITION

- **Archives works with Agency Users to:**
 - Apply retention and disposition rules that comply with Oregon State law:

HPRM HIGHLIGHTS

ORGANIZE:

➤ Archives works with you to:

- Create folder structures with attached security, retention, disposition rules
 - Included E-mail

FIND/SEARCH:

➤ Flexible, robust search filters:

- Use any combination of search words:
 - Most common searches built-in
 - Custom search creation
 - If it's in HPRM - you can find it!

➤ Save and share searches!

SHARE

➤ Collaboration and Version Control:

- Versions are tracked including:
 - Who created them, date, time, and what was done
 - Choose any version or revert it to the original document

Customized Implementation Strategy

We (Archives, Chaves, Arikkan)
work with you to design your customized
step-by-step approach to fulfill your
business needs and **priorities**.

Our implementation goals:
To implement using the
most supportive and **least disruptive**
process possible.

Our Implementation Team's intention:
to make improvements
in how your work is accomplished,
not to add an additional burden.

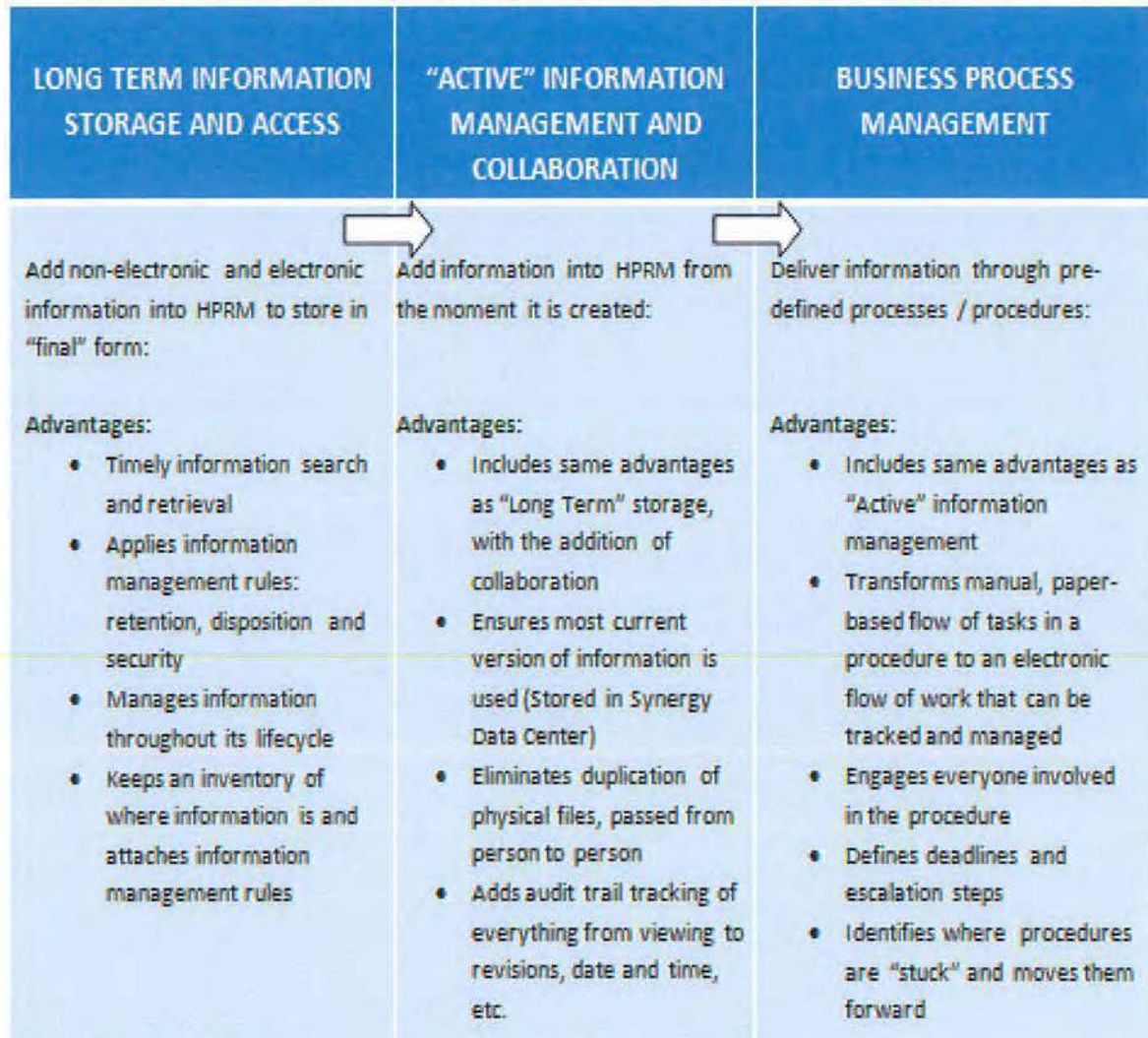
Where to start?

Decide first implementation approach(es):

- Long term information storage and access
- “Active” information management and collaboration
- Business process / procedure implementation and management

HPRM Implementation Approaches:

A comprehensive software suite with features supporting a wide-variety of business scenarios.
The ORMS Team will work with you to customize the HPRM software features to meet your needs.



EXAMPLES OF INFORMATION BEING MANAGED:

Inactive personnel	Current personnel	HR Hiring and Removing Process
Expired contracts	Active contracts	Contracting Process
Settled invoices	Outstanding invoices	Invoicing Process
Expired license agreements	Active license agreements	Licensing Process
Graduated student records	Current student records	Student Admissions Process

ORMS Solution Includes:

- Meetings with agencies to provide high-level ORMS project overviews, and detailed implementation planning
- HPRM software licenses and upgrades
- ***Customized agency implementations*** including:
 - Connectivity set-up between Synergy Data Center and the agency
 - Archives team providing agency:
 - System ADMINISTRATION and FILE STRUCTURE configuration/ set-up of agency's security, data classification, retention and disposal rules
 - One-on-one AGENCY ADMINISTRATOR training to learn some system administration basics
 - One-on-one END USER training, sitting side-by-side to set-up user's workstation and provide software training
- ORMS 360 degree Support Desk providing "single point of contact" providing ongoing software and technical support
- Synergy Tier 3 Data Center storage infrastructure, maintenance , upgrades and support @ 10 GB per licensed user (cumulative for the agency)
- Simple Data Migration and Data Integration
- Government entity participation through "Subscription Services Agreement"; **No additional RFP required**
- Fee: monthly, per seat

Examples of:
**ORMS Fee-Based,
“Non-Subscription Services”**

Available upon request:

➤ **Facilitated Business Process Sessions:**

- Agency team representatives to identify:
 - Tasks and information involved
- No charge for first “Happy Path” process session for first ORMS business procedure

➤ **“Workflow” HPRM software tool:**

- Requires business process configuration and testing prior to designing the flow with the tool
- Requires Workflow software design expertise

➤ **Complex Software Integrations**

➤ **Complex Data Migrations**

CCI/Arikkan

Proven Reputation

➤ **30+ year proven track record of exceptional reliability for:**

- Providing customer service that goes “Beyond the Call®” earning long-term government clients’ trust and A+ ratings
- Designing complex, innovative software and support solutions for state and local government agencies throughout the United States including:
 - First U.S. Private Government Cloud for Records Management Solutions (CRMS™)
 - State-wide Elections Solutions (Electus in the Cloud)
- Leading complex technology integrations
- Being on-time and budget

www.chavesconsulting.com
www.arikkan.com
www.synergydcs.com

WHAT is the MOTIVATION of bringing STRUCTURE to INFORMATION?

“Many organizations today do not have a definitive picture of how their information is stored; where it’s located; what legal or businesses value it has; how to most effectively access and use it; or when and if they can dispose of it. This lack of clarity leads to unnecessary effort, cost, and risk.”

“The time for organizations to learn that their records policy, retention schedule, or legal hold practice is broken is not in the middle of a lawsuit or investigation.”

-- 2014, Barclay T. Blair,
President and Founder of ViaLumina

Consultants to Fortune 500 companies, software and hardware vendors, and government institutions; internationally recognized authorities on policy, compliance, and management issues related to information governance and technology.

WHAT'S IN IT FOR OREGON AGENCIES?

STATEMENTS MADE BY OREGON AGENCIES

PRODUCTIVITY IMPROVEMENTS:

- Increases level of government transparency by fulfilling public requests for public information through the Internet,
- Fulfills public record requests in a timely manner having access to electronic documents,
- Increases efficiency to respond to eDiscovery requests,
- Increases security rule that protects agency information from inappropriate access,
- Stores audio, video and other files electronically and allows access by the public through the Internet,
- Includes ability to search a wide variety of electronic documents through meta data and content in an efficient manner,
- Includes ability to view over 1,000+ electronic document types without having the actual software installed,
- Decreases staff manual tasks and frustration through electronic document storage and search capabilities,
- Reduces amount of time it takes to find and share information that is currently being stored on individual employee hard drives by storing one copy in the ORMS private government cloud,
- Provides a collaboration tool through the ability to share one document with multiple versions:
 - Choose the final version from input received or choose the original version,
 - Provide traceability of documents,
- Implements procedures for tracking hard-copy records in inventory,
- Increases information sharing between departments,
- Improves business procedures through automation of manual steps,
- Opens up lines of communication between departments who now understand there is a cross-departmental need to access the same information,
- Increases efficiency by integrating with another software application,
- Provides field staff ability to upload work to the Cloud for immediate agency-wide use,
- Ensures getting the correct record to the correct person in the least amount of time,
- Allows remote workers access to records and office staff access to remote workers information,
- Provides solution for unstructured data,
- Provides a uniform approach to information management within an agency and the State,
- Eliminates the need for every agency to learn and perform records management tasks, Oregon Archives works with agencies to:
 - Apply retention and destruction rules to their information,
 - Apply security rules that protects their information from inappropriate access,
 - Advise when records may be legally destroyed through sending each agency a quarterly destruction report for the agency's approval.

WHAT'S IN IT FOR OREGON AGENCIES?

STATEMENTS MADE BY OREGON AGENCIES

SECURITY AND LIABILITY ADVANTAGES:

- Ensures agencies are in compliance with Oregon Public Records laws by tying information to Oregon information retention and destruction laws,
- Integrates with E-mail delivery systems to manage E-mail for retention and disposition (permanent storage or destruction) purposes, ensuring compliance with public record laws,
- Reduces liability through HPRM software's eDiscovery functionality,
- Decreases legal liability by implementing legal hold functionality,
- Creates audit trails automatically upon information being accessed, recording who did what, on what date and at what time,
- Stores data in a Tier 3 secured data center.

COST SAVINGS:

- Provides a complete information management solution (long term hardware, software, maintenance, software configuration, training, services and support) for a fraction of what it would cost an individual agency to purchase and implement,
- Oregon Archives meets with every agency to configure the HPRM software according to each agency's information security, retention and destruction rules instead of every agency having to be trained about Oregon State information laws and the HPRM software, and having to perform the software configurations themselves,
- Increases an agency's local drive space by storing documents and high resolution images in the Synergy Data Center ORMS private government cloud,
- Reduces costs of purchasing additional storage media,
- Reduces the number of software applications used that perform similar functions,
- Reduces server storage costs,
- Decreases folder and paper use and costs,
- Decreases on-site and off-site storage locations and costs,
- Decreases paper and ink cartridge costs and use of printers,
- Increases office space by reducing space needed for storage,
- Integrates with other software applications,
- Reduces software support costs.

Lessons Learned: Examples of successful , entity -wide implementations

- **Australia - Fully implemented country-wide:**
 - Archivist set Enterprise Information Management standards twenty years ago:
 - 2015 = country going paperless
- **Canada: 9 out of 10 Provinces have fully implemented - Province of Newfoundland-Labrador:**
 - Priorities:
 - Keep information secure (personal i.d. numbers, financial, personnel data)
 - Spend tax dollars wisely
 - Leadership:
 - Required implementation
 - Held management accountable for implementation
 - Provided funding
- **Department of the U.S. Navy: Fully implemented**
- **Oregon Secretary of State's Office: Fully implemented**
 - ORMS supported by SOS Brown:
 - Every employee licensed to use HPRM
 - Example of results: Request by public for 4 years of E-mails sent or received by SOS Brown:
 - Would have taken weeks to sort and redact
 - 87,000 downloaded in under 3 minutes
 - Only 256 had to be sent to DOJ for a ruling
- **Oregon City of Milwaukie: In process of fully implementing**
 - Due to successful outcomes of initial ORMS implementations, City Manager has named ORMS as the Enterprise Information Management standard for all departments to implement
- **International Corporations: Fully implemented**
 - Shell
 - Hewlett Packard

Oregon Records Management Solution

Subscription Pricing

300+ Subscriptions:

\$24.06 per user subscription available for agencies
who commit to purchase 300 licenses before 6/30/16

Total Number of ORMS Users (all agencies)	Cost per Month per Additional User	Cost per Month for 1-10 Users
1 to 3000	\$37.02	\$370.20
3,001 to 4,000	\$29.74	\$297.40
4,001 to 5,000	\$26.66	\$266.60
5,001 to 6,000	\$24.06	\$240.60
6,001 to 7,000	\$21.61	\$216.10
7,001 to 8,000	\$19.62	\$196.20
8,001 to 9,000	\$18.81	\$188.10
9,001 to 10,000	\$17.53	\$175.30
10,001 to 11,000	\$16.55	\$165.50
11,001 to 12,000	\$15.71	\$157.10
12,001 to 13,000	\$14.68	\$146.80
13,001 to 14,000	\$14.02	\$140.20
14,001 to 15,000	\$13.55	\$135.50
15,001 to 16,000	\$12.54	\$125.40
16,001 to 17,000	\$11.96	\$119.60
17,001 to 18,000	\$11.44	\$114.40
18,001 to 19,000	\$10.99	\$109.90
19,001 to 20,000	\$10.54	\$105.40



Oregon Records Management Solution (ORMS) Data Storage and Transfer

Included in the monthly per user cost:

- 10GB of data storage per user
- 1GB of data transfer per user per month.

These amounts will be metered *at the agency level*. These amounts are based on an average of standard user disk space and data transfer required.

For example, if there were a total of 1,000 users in the State or Authorized Purchaser agency, the amount of disk storage allocated would be 10,000GB (10TB) and the amount of data transfer per month would be 1,000GB (1TB).

If the agency were to *exceed* those amounts in a month, the cost for those Additional Services will be:

- \$7.00 per 10GB of additional storage per month and
- \$1.20 per 1GB of additional data transfer per month

The amount of data storage included in the monthly per user price increases as the number of users in the agency grows.



AGENDA ITEM

Gorge Commission Updates

[NOTES FROM URBAN AREA BOUNDARY – REPORT SUMMARY](#)

Urban Area Boundary notes

Page 1 In 1998, the Commission has approved two applications—in Cascade Locks and Stevenson—which made changes where Congress's mapping did not reflect clear congressional intent. Those applications and Commission decisions are not models for counties or the Commission to follow for future revisions. *Why not? At least should be able to use the size of the changes as acceptable.*

Page 19 from statewide planning goals Urbanization A. Planning 2.

2. The size of the parcels of urbanizable land that are converted to urban land should be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of services to such parcels

Page 23 Memorandum August 8 1990 from Richard Benner Edit lies within Hood River's It appears Congress intended that its urban area lines be coterminous with the urban growth boundaries of the Oregon cities.

Page 33 same memo Public Comment from Glenn Taylor, Hood River

Taylor said the city has more demand and a diminished land base and is faced with the issue of affordability. *Issue of affordability not new and has aggravated ever since*

Page 38 Meeting on Revision of Urban Area Boundaries July 12, 1991

Several planners suggested that an acreage figure or a percentage of the acres already in the Urban Area might be set to distinguish a "minor" proposed revision from a "major" proposal.

Page 39 There was some discussion of the term "significant" in criterion D. What would constitute a "significant" loss of agricultural or forest land)

Page 39 Ibid.

Commission planners pointed out that Congress must have anticipated at least some minor loss of farm and forest land in the process of Urban Area revisions or criterion D would not set as a test that a revision not lead to a "significant" loss of farm or forest land.

Draft Urban Areas Boundary Division Handbook December 13, 1991

Page 43

Criterion A: "A demonstrable need exists to accommodate long-range urban population growth requirements or economic needs consistent with the Management Plan" Criterion 4(t) (2) (a) should be treated as a two-part criterion. Compliance with the criterion may be achieved by meeting one of the two parts. In either case, a need for the additional land proposed for inclusion in the Urban Area must be demonstrated.

This need may be based on the long-range urban population growth requirements **or** an economic need of the jurisdiction.

Page 45 Ibid

As with "minor revisions", it is recommended that quantitative formulas determining what constitutes a "significant" reduction of agricultural lands, forest lands, or open spaces be avoided, since significance may be a function of values which are not related to the size of an area. A case-by-case evaluation is recommended.

Page 46 Ibid

In evaluating whether lands containing sensitive and/ or significant resources would be adversely affected by inclusion in an Urban Area, also consider whether application of any existing local, state or federal laws and regulations would adequately protect those resources.

Page 53-54 Ibid

The Commission will consider whether an Urban Area boundary revision would adversely affect adjacent lands designated Large or Small-Scale Agriculture, Commercial Forest Land, Large or Small Woodland, or Open Space. These lands are shown on the Land Use Designation map that is included in the Management Plan.

Page 54-55 Ibid

Criterion C(2)

Contiguity of areas targeted for urban development with areas having existing urban development and services: This factor encourages compact, orderly growth patterns and discourages scattered, "leapfrog" development and lowdensity sprawl. Skipping over lands contiguous with existing urban development to focus on outlying areas often results in a land use pattern that is very costly to service.

Wasco County Comments on the draft urban areas boundary revision handbook and proposed rule Chapter 350, Division 40 Revision of Urban Area Boundaries

Page 58

However, the Draft Urban Area Handbook is more complicated than necessary and in some areas reaches beyond the statutory authority granted to the Columbia River Gorge Commission as authorized by The Columbia River Gorge National Scenic Area Act.

The overall flavor of the Handbook is that the Handbook will be used to monitor and control growth and development within Urban Areas. This was not the intent of the National Scenic Area Act. The Act establishes Urban Areas as lands for which the Gorge Commission is not to adopt guidelines.

The Draft Handbook goes into great detail about what good urban planning should entail. However, the Gorge Commission is not an urban planning body. The Gorge Commission is a regional planning body and without jurisdiction in the Urban Areas.

Page 59 Ibid

First and foremost, this section, defining what is a "Minor Boundary Revision", is redundant and not authorized by the National Scenic Area Act. Section 4(f) of the Act defines a "minor revision" as any revision that meets the standards of Section 4(f) (2). Therefore, there is no need to define what constitutes a "minor revision", Congress already did that for the Commission.

Secondly, if the Commission decides that it is necessary to redefine what is a "minor revision" then that definition should only be a quantitative figure and not include subjective standards such as "character". The subjective criteria for evaluation of an Urban Area expansion are listed in Section 4(f) (2) and are sufficient to protect the resources that the Gorge Commission is authorized to protect and enhance.

Page 60 Ibid

The third paragraph, starting with "Section 6 also establishes . . .", states that the Gorge Commission has authority to evaluate the effect that new uses will have on scenic, cultural, recreational or natural resources. The Gorge Commission does not have this authority in regard to Urban Boundary adjustments. The Gorge Commission only has the authority to evaluate what effect planning and development will have on lands located outside of an Urban Area.

The Gorge Commission can only evaluate the resources of the land that is proposed for expansion and not look at the type of activity that is proposed to be placed on the expanded land base. The subject matter of the expansion is not relevant. Once land is designated Urban Area, the Gorge Commission no longer has jurisdiction.

Page 63 Ibid

If it is your intent to make the handbook a rule, do so, but do not call it a handbook and then treat it as a rule.

Skamania County comment January 16, 1992

Page 68

The applicant is entitled to the first and the last word as a matter of due process, given that the applicant bears the burden of proof.

Page 68 Ibid

The County's position is that the term "minor" should not be either defined nor described in a manner which raises that term to the level of a fifth, independent and additional Section 4(f) criterion.

Page 68-69 Ibid

First, the term "could" is a poor one because it refers to hypothetical circumstances.

Page 69 Ibid

The phrase "general region" is a poor descriptive term, because the phrase could be construed to include the entire Gorge, the Washington side of the Gorge, the County, a 10-square mile radius around the area proposed to be added to the existing urban area or any other spatial measure.

Page 75 Ibid

The County objects to any "recommended" analytical devices which could be construed as precluding other, equally sound methods of proving needs for an enlarged urban area land base and requests that the Handbook make very clear that its discussion of various means of proof are not exclusive. As presently worded, the Handbook appears to establish the methods of analysis rather than simply setting out potentially helpful suggestions as to how a municipality may prove its need for additional lands.

Page 76 Ibid

The County concurs with staff's conclusions that municipalities do not have control over the extent to which privately owned lands within the urban area will be voluntarily subdivided or redeveloped by private parties and, therefore, has limited, if any control over the density of development within the urban area.

Page 77 Ibid

The final sentence at the bottom of page 11 should be eliminated. The phrase "easy commuting distance" raises more questions than it answers.

Minutes 01/28/1992

Page 10

Allen Bell reminded the Commission that the handbook does not bind the applicants or the Commission. He said it offers information on how the 4f criteria can be interpreted. Bell said the handbook is only a guide. He said that it does include some advance planning concepts but staff is trying to bridge the gaps between general and technical information.

Urban Areas Boundary Revisions Handbook February 11, 1992

Page 103

This handbook serves as a guide, offering recommended interpretation and analysis tools. It is not intended to be used as mandatory rules or policies, nor is it exhaustive. The Commission may use other factors thought applicable to the key terms and provisions. Similarly, applicants may wish to pursue additional issues or analysis techniques they feel are applicable. The factors and analyses recommended herein are offered as suggestions which may assist in demonstrating consistency with the 4(t) criteria. Some of these recommended factors and analyses may not be relevant

to a particular proposal and thus need not be addressed in such cases.

Page 104 Ibid

The Urban Areas are exempt from regulation under the Scenic Area Act and the Management-Plan [Scenic Area Act, Sections 6(c)(S) and 8(e)(2)].

Review of Mapping discrepancies in Urban Area Boundaries Nov 10, 1997

Page 125

In 14 cases, the boundaries established in the Urban Area maps referenced in the Scenic Area Act do not follow either previously-established city limits or Urban Growth Boundaries (for Oregon municipalities). These situations occur in six of the thirteen Urban Areas.

Page 128 Ibid

First, in one case there is a discrepancy between Forest Service and Congressional maps, in which case the Congressional maps should control. Second, in some cases, discrepancies were intentional because of some conflict between city limits or urban area boundaries and other Scenic Area objectives. Finally, there are a number of instances where the evidence shows Congressional staff did not follow existing city limits or urban growth boundaries, but there is no information supporting a rationale for the final map line. In many of these last instances there appears to have been a lack of available information at the time and place where maps were drawn.

Columbia River Gorge National Scenic Area Urban Area Boundary Review Area 6B

Page 148

omitting a section of 1-84.

Conclusion

A drafting error was made when transferring the line drawn by Congress to the January 1 1987 Forest Service maps. This situation is not a discrepancy between the UGB and the Urban Area line, but rather a discrepancy between the map adopted by Congress and the subsequent Forest Service redrafting. This should be corrected by updating the Forest Service map to reflect the original map. No formal boundary change is required.

Area 6C Page 149

Conclusion

The Urban Area line reflects the UGB as it was officially mapped in 1983. The Urban Area map appears to have carried forward an error from the 1983 UGB map omitting the school grounds.

Area 6D page 150

Conclusion

Congressional intent was to use the UGB as the Urban Area boundary on uplands in

The Dalles. The urban area boundary along the southern side of West Thirteenth Street constitutes a simple mapping error. It should be corrected.

Meeting minutes 11/18/97

Page 159

[John Reynolds, Friends of the Columbia Gorge] He said Friends supports strong communities in the Gorge and that strong economic development is an important ingredient in those communities.

Page 160 Ibid

Brian Litt said staff feels that the 4f process is appropriate. He said it is important to recognize that potential for a precedent is obviated because the Commission is addressing only those areas where lands within the city limits or urban growth boundaries were excluded from the urban areas. Litt said this makes these areas very distinct from other areas that someone might want to include in urban areas, because the same argument could not be made. He said Oregon has a very deliberate process for developing urban growth boundaries and that the information used there supports including the land in the urban area.

Page 163 Ibid

The Commission noted that no action is needed on The Dalles area 6b. The Congressional map is correct and the Forest Service map needs to be corrected.

Jurgen Hess said the Forest Service will take care of the 6b correction. Blair Batson moved that The Dalles area 6c, Dry Hollow Elementary, be referred to the 4f process based on evidence that a mapping error occurred. Joyce Reinig seconded the motion and it was passed unanimously. Blair Batson moved that The Dalles area 6d be referred to the 4f process based on evidence a mapping error occurred. Joyce Reinig seconded the motion and it was unanimously passed.

Letter from HR County, City of Cascade Locks and Friends of the Columbia Gorge
April 2, 2001

Page 175

The 1999 decision is currently under appeal before the Washington State Superior Court in Klickitat County.

2. Background

In 1998, Hood River County and the City of Cascade Locks applied for a minor revision to the urban area boundary of Cascade Locks. The Commission approved the application at the March 9, 1999 Commission meeting. The revision restored the Urban Area Boundary to its preNational Scenic Area Act location. The revision added 127.5 acres of land to the Cascade Locks Urban Area that was within the Special Management Area (except for 0.5 acres within the GMA). These lands were within the Urban Growth Boundary in existence prior to the passage of the National

Scenic Area Act. The revision also removed 171 acres of publicly owned land from the Urban Area. A written order approving the revision was issued by the Commission on June 22, 1999. Friends of the Columbia Gorge appealed this decision to the Klickitat County Superior Court within the sixty-day appeal deadline.

Superior Court of the State of Washington for the County of Yakima Judge C. James
Lust November 4, 2002 affirms the decision of the Commission
Pages 180-193

108 PACIFIC REPORTER, 3d SERIES

Page 195

4 The 36 acres comprise parts of three parcels that were split by the boundary between the urban and general management areas. The largest piece, 17.6 acres, has already been developed after the Commission granted a variance in 1991 to extend the Skamania Lodge golf course. The remaining two parcels are 16.2 acres and 2.2 acres, respectively.

Page 198 Ibid

The city also called attention to the administrative difficulties caused by tracts that are within the city limits but outside the city's management jurisdiction.

Page 199 Ibid

[9] 11 33 Ms. Duncan-Cole described the soil as mostly "steep rock outcrop," virtually useless for agriculture. She specified the soil classifications and cited the United States Department of Agriculture Skamania County Soils map in support of her testimony. Moreover, the standard here is substantial evidence, not substantiated evidence.

Oral testimony is substantial evidence, documented or not. See, e.g., Thornton Creek Legal Defense Fund v. City of Seattle, 113 Wash.App. 34, 56, 52 P.3d 522 (2002). This is so even in the face of contrary evidence. See, e.g., Wash. Cedar & Supply Co. v. Dep't of Labor & Indus., 119 Wash.App. 906, 915, 83 P.3d 1012, review denied, 152 Wash.2d 1003, 101 P.3d 866 (2004).

11 35 The Commission's findings and order are supported by substantial evidence and we affirm the trial court's ruling to that effect.

WE CONCUR: KATO, C.J., and BROWN, J.

.

Memorandum from Jeff Litwak to the Rules Committee March 1, 2004

Page 203

The current handbook is advisory to staff only, but forms the basis for staff's recommendations to the Commission on boundary revision applications.

Page 204 Ibid

For example, the process specified in the handbook does not take employment patterns and existing vacancy rates into account when calculating whether there is a need for the revision.

Minutes of the Rules Committee March 8, 2004

Page 235

Jeff Litwak told the Committee that he believed that if the Commission would treat the handbook as binding on applicants, then the handbook should be adopted as a rule.

Commission work session December 11 2007

Page 240

[CRGC planner Jennifer] Kaden said while the Commission is charged to evaluate impacts on the Scenic Area, there may be tradeoffs between Scenic Area land and other land, such as agricultural land. She said the question of whether some Scenic Area land is more valuable than other land needs to be addressed.

Page 241 Ibid

Commissioner Middaugh said the issue of maximum efficiency needs to be addressed. He said a key issue is whether to prescribe required density levels in existing Urban Areas. He said it will be informative to look at a broader or a regional approach as well. Commissioner Reinig said another issue is the Commission's ability to weigh the pros

Page 245 Ibid

[CRGC attorney Jeff] Litwak said there is a question to the Oregon Attorney General's office to address the question posed as to who brings the application forward but there has not been an answer on this item.

Memo from Jennifer Ball Kaden, planner to Gorge Commission

June 10, 2008 Work Session Urban Area Boundary Revisions

Page 250

Maximum Efficiency of Land Uses: Criterion C requires boundary revisions to demonstrate the revision will result "in maximum efficiency of land uses within and on the fringe of existing Urban Areas". At the December work session, **several Commissioners raised the question of whether and how to prescribe density levels in existing Urban Areas.**

The UA Handbook guides local governments about information that could be used to demonstrate a boundary revision will be consistent with Criterion C, such as: comparing existing densities with those allowed in a comprehensive plan, developing lands contiguous with existing development, infilling into areas with existing urban services prior to developing lands not yet served, and policies to develop

lands inside existing city limits prior to areas outside city limits. The UA Handbook does **not** suggest specific densities for existing or proposed urban areas.

Page 251 Ibid

At the time the Act was passed, it appears the boundaries for urban areas were established individually - in general, one UA boundary was not dependent upon or affected by the boundary drawn for another urban area. It does not appear that regional coordination of future urban area growth was contemplated at the time the Act was drafted.

The Scenic Area Act does not prohibit regional consideration of boundary revisions. It also is not clear the Act requires such analysis.

Note: This part of the Act was NOT included in the 500 page memo from Jeff
PUBLIC LAW 99-663—NOV. 17, 1986

Section 544 d(C)(5)(b)

The management plan shall—

(1) be based on the results of the resource inventory developed pursuant to subsection (a)(1) of this section;

(2) include land use designations developed pursuant to subsection (b) of this section;

(3) be consistent with the standards established in subsection (d) of this section;

(4) incorporate without change the management direction for the use of Federal lands within and the land use designations for the special management areas adopted by the Secretary pursuant to section 8 of this Act; and

(5) include guidelines for the adoption of land use ordinances for lands within the scenic area. The guidelines—

(A) shall incorporate without change the guidelines for the development of special management area land use ordinances developed by the Secretary pursuant to section 8 of this Act; and

;
' (B) **shall not apply to urban areas designated in section designated in section 544b(e) of this title.**

Promosed Columbia River Gorge National Scenic Area Legislation

Oregon and Washington Columbia River Gorge Commissions

May 22, 1986

Page 266

Urban Areas

The Commissions are concerned that no standard criteria were use for establishing urban area boundaries. Such criteria are essential to hlep ensure consitency and equity in setting urban area boundaries. Urban areas should include those lands pysi-

cally committed to the range and intensity of land uses normally associated with cities and towns, plus adjacent lands needed and suitable for accommodating reasonable expansion of those uses. While most of the designated urban areas fit this general criteria, the Stevenson, Carson and Dallesport urban areas appear to be exceptions. These areas seem to contain a large number of acres which are neither physically committed to nor needed for urban areas.

The Commissions are not particularly concerned with the Carson urban area, since it falls outside the Gorge watershed. They recommend, however, that the Stevenson and Dallesport urban areas be reviewed based on current uses and anticipated growth, and that the boundaries be revised if it is found that lands included exceed projected growth needs.

-267

Also Page 266

While it would be clearly inappropriate to impose the same standards on urban and rural areas, it would also be inappropriate to ignore urban areas based on their high visibility.

Provisions for urban areas should not prohibit or unduly interfere with normal urban activities or land uses. They should be directed toward helping urban areas to be more attractive places to live, work and visit. They should allow urban areas to maintain their own unique identity and character.

Position Paper on Gorge Legislation

Oregon and Washington Columbia River Gorge Commissions

February 1986

III Boundaries

One boundary issue which has garnered the most attention is whether incorporated cities should be excluded from any Gorge management area.

The incorporated cities and special use areas are an integral part of the Gorge and contribute to the region's character. While it may be politically expedient to exempt cities, such an exemption fails to recognize the contribution or impact of urban areas on the region's character and overall integrity.

Granted cities and even unincorporated communities are not pristine or undisturbed areas. They should not be judged by the same standards as the open and rural areas of the Gorge, but they should not be exempted. Legislation should recognize the urban nature of the cities and provide specific standards which are tailored to such urban qualities.

Wasco County's Testimony to the Senate Subcommittee on Public Lands, Reserved Water and Resource Conservation Relating to Senate Bill 2055

Page 276

SECOND: We do not want legislation which will forever restrict cities and all of the gorge area from growing economically. Many of the counties in the gorge have been experiencing the highest unemployment rate, for both Oregon and Washington, for sev-

eral years and rate high on the national scale of unemployment. Restricting economic growth by not allowing for planned development in the area would be a tragedy for our citizens and their families and would further hurt the economies of our States and of this Nation. Communities must have the ability to expand their existing urban areas

Page 275 Ibid

Federal legislation should bring with it sufficient funds to pay the costs.

Page 278 IbidA

Also, the Community of Rowena in Wasco County should be exempt as other similar communities in Washington and Oregon have been.

Port of Cascade Locks testimony 6/10/86

to Senate Subcommittee

Page 283

Urban growth boundaries is another unknown. Are they set properly?,,Under our local rules, they can be changed on review; this bill makes it very tough to change them. We hope they are accurate for the future.

Klickitat County Commissioners Subcommittee testimony June 9, 1986

Page 286

8 . URBAN AREAS MUST BE TOTALLY EXEMPT : Presently, S.2055 exempts lands within Klickitat County that are within and adjacent to existing communities that are zoned for urban types of uses. It is vital that the existing communities have the freedom to grow and prosper without "compatibility" standards to inhibit them. Any argument made to control urban areas under such standards should be summarily rejected. Communities need to be able to maintain and develop individual character. Compatibility with the purpose of the Act in this case is completely inappropriate and should not be an issue simply because of the difference in function between the urban environment and the rural environment. They should be considered mutually exclusive.

272 Ibid

It is vital that the entire Dallesport Peninsula be designated an exempt area,

Statement of Ed Callahan, Skamania County Commissioner to Subcommittee on Public Lands, Reserved Water and Resource Conservation July 17, 1986

Page 288

The urban areas, all existing communities should be established as urban areas. Section 4(c) designates all the incorporated towns and some of the unincorporated communities in the Gorge as urban areas. Some of the unincorporated communities,

including Home Valley in Skamania County that have similar characteristics to designate unincorporated communities have been excluded from the urban area designation.

Despite requests to congressional staffs involved with this bill, no one has been able to provide me with the criteria used for the designation or the decision of which unincorporated communities to include as urban areas it has been nothing less than arbitrary. Home Valley already has an industrial, residential, and commercial use, and the Home Valley area also is an important source of rock for the timber mills, roadbuilding, and other economic uses. Mapping for zoning has been completed and approved by the Planning Commission following the 1985 passage of the zoning ordinance.

Minutes from June 10, 2008 Gorge Commission meeting

Page 306

Mike Salsgiver [former member Mark Hatfield staff] said the law was developed with a certain amount of flexibility for the Commission with the overarching intent of resource protection. He said he could not recollect when the term "minor" was included but the intent for a "minor revision" is to allow economic growth but not a dramatic expansion. They did not expect urban areas to double in size or even increase by 25% in size. No numbers were ever affixed to this idea. He said Portland has just expanded their UA after 30 years. Salsgiver also stated that because of the Oregon experience in land use planning, it was expected that over time, a policy body like the Gorge Commission would undergo an extensive review of land use patterns, population patterns, and economic activity. This review would be looked at in context, while protecting the resources. **He said there was strong intent to allow the United States Forest Service (USFS) and the Commission to implement the law as you see fit.**

Page 307 Ibid

Mr. Salsgiver said they worked closely with the House members and staff. At this time the area was coming out of a severe depression, and both purposes of the Act were in the framers' minds. There was always the intent to balance protection and economic development. The UAs and the General Management Areas (GMA) were identified as areas with some flexibility to provide the vehicle balancing economic development and resource protection.

Page 307 as well

Chair Condit asked if it was a conscious decision for UAs to be exempt from SA regulation.

Mr. Salsgiver said allowing UAs to be exempt from NSA regulation, certainly mitigated political issues.

Page 307 as well

Jeff Breckel, former director of Oregon and Washington Columbia River Gorge Commissions

Mr. Breckel said UAs are a part of the Gorge and it was recognized that communication with those communities and a relationship was necessary.

Page 308 Ibid

Mary Ann Duncan-Cole said at the time the Act was being drafted, the City of Stevenson, WA had a part-time planner working 6 days a month. She said there was no concept of UA in Washington as it existed in Oregon. **She said in Washington they determined UAs using a 'sphere of influence' concept and a 50-75 year time frame.**

308 also

Mr. Breckel said there was acknowledgement of the diverse economic bases unique to certain communities. There is probably not a way to quantify these communities and this approach would not be consistent with the flexibility provided in the Act. He said the **UAs were not intended to become a cancer within the NSA** and protection of resources is a key principle.

Page 312

Commissioner Reinig said Congress must have intended that some changes would be needed to UA boundaries; otherwise the term "minor" revision would not be included.

URBAN AREAS BOUNDARY REVISIONS HANDBOOK

February 11, 1992

Page 339

The Act's requirements for minor boundary revisions include several substantive provisions. **Practical application of these provisions requires some interpretation. In particular, the four criteria in Section 4(f)(2) include terms which may be interpreted in different ways by reasonable people.** The nature of such interpretations will influence the type of analysis required to demonstrate compliance with the criteria.

Draft Guiding principles for Urban Area Boundary Revisions

- The Gorge Commission encourages urban area boundary revision proposals to be developed as part of comprehensive processes of visioning an urban area's future and developing a growth management strategy.

Thomas Nicolai

June 9, 2009 Letter to Commission commending on proposed revisions to urban area boundary revisions handbook

Page 358

2. The Act does not require that the concept of "cumulative impacts" be applied to Urban Area boundary revisions, notwithstanding contrary assertions in the Handbook.

3. The Act does not authorize use of the concept of "cumulative impacts" to condition approval of a boundary revision for one Urban Area upon considerations relating to another Urban Area, whether nearby or not.

4. The Act authorizes the Commission to determine whether a proposed boundary revision "adversely affects" Gorge resources on a single Urban Area-specific basis only, not with reference to other Urban Areas, whether nearby or not.

Page 359 Ibid

the proposed new section is suggestive of mandatory policies or rules. For example, throughout the recommendations, it is stated that a county "should" perform certain analyses; the word "should" connotes duty or obligation. Better would be to say that the Gorge Commission urges or encourages counties to do or take into account various things when proposing a boundary revision. The change from "a county shall" in earlier drafts of the recommended additional analysis to the phrase "a county should" in the current draft is insufficient to minimize the possibility that recommendations will become or at least be perceived as requirements or conditions of approval.

Page 359 also

Add a statement to the Guiding Principles and the new section of recommended additional analysis to the effect that they are not conditions of approval for an Urban Area boundary revision; only a Rule formally adopted by the Commission can establish conditions of approval.

Letter from Thomas Nicolai to Commission

May 4, 2009

Page 361

In Part I of the Handbook, it is stated that Section 4(f)(2) of the National Scenic Area Act (the "Act") contains "several key terms that may be interpreted in different ways. * * * The handbook recommends interpretations of these key terms* * * This handbook serves as a guide, offering recommended interpretation and analysis tools. It is **not** intended to be used as **mandatory** rules or policies, nor is it exhaustive." (emphasis added)

Page 362 Ibid

First, the plain language of the definition of "adversely affect" simply does not fit Urban Area boundary revisions. As a practical matter given their very nature and context, it is difficult if not impossible to imagine an Urban Area boundary revision which is likely to be considered "individually insignificant", let alone several Urban Area boundary revisions which are each "individually insignificant but which may have cumulatively significant impacts." Recognizing the materially different character and context between Urban Area boundary revisions and project-specific development actions, "cumulative effects" analysis does not apply to Urban Area boundary revisions under the "adversely affect" standard, nor should it.

Wasco County Memorandum for June 9, 2009 hearing on urban area boundary revision

Page 366

Regional Analysis: We are in support of the requirement to conduct an alternatives analysis on nearby lands outside of the National Scenic Area. However, we are not in support of requiring an analysis of nearby urban areas as a possibility for accommodating future growth. This would not simply be one jurisdiction taking another's growth. It would be forcing a regional approach to urban development. Urban areas have distinct and varying visions of the future with regards to density and growth. Requiring two urban areas in the same state to reach a shared vision on the intricacies of land use needs, economic development and the provision of urban services is analogous to an arranged marriage between two incompatible people. Put one of those jurisdictions in a separate state and the marriage is now between two incompatible people who do not even speak the same language. Wasco County is concerned this requirement will be interpreted too strictly and be a thinly veiled way to preclude urban area boundary revisions.

Rural Reserve: An innovative strategy that should be considered is the use of Rural Reserves. A Rural Reserve is a concept that is currently being explored in the Portland Metro area. In short, jurisdictions designate lands that would be off limits for future urban area expansions for the next 50 years. The benefit in the Portland Metro area will be to ensure the retention of prime agricultural ground and eliminate those areas from consideration every time there is a need to expand urban areas. Concern has been expressed that urban area revisions will impact identified resources and lead to a significant reduction in National Scenic Area acreage. If Rural Reserves were an option that could be employed as part of the application and approval, local jurisdictions could help alleviate the fear of continual reductions of the National Scenic Area and impacts to its identified resources by putting certain areas off limits. A simplified version of what is being used in the Portland Metro area should be considered by the Commission as an option to local jurisdictions as part of an urban area boundary revision process.

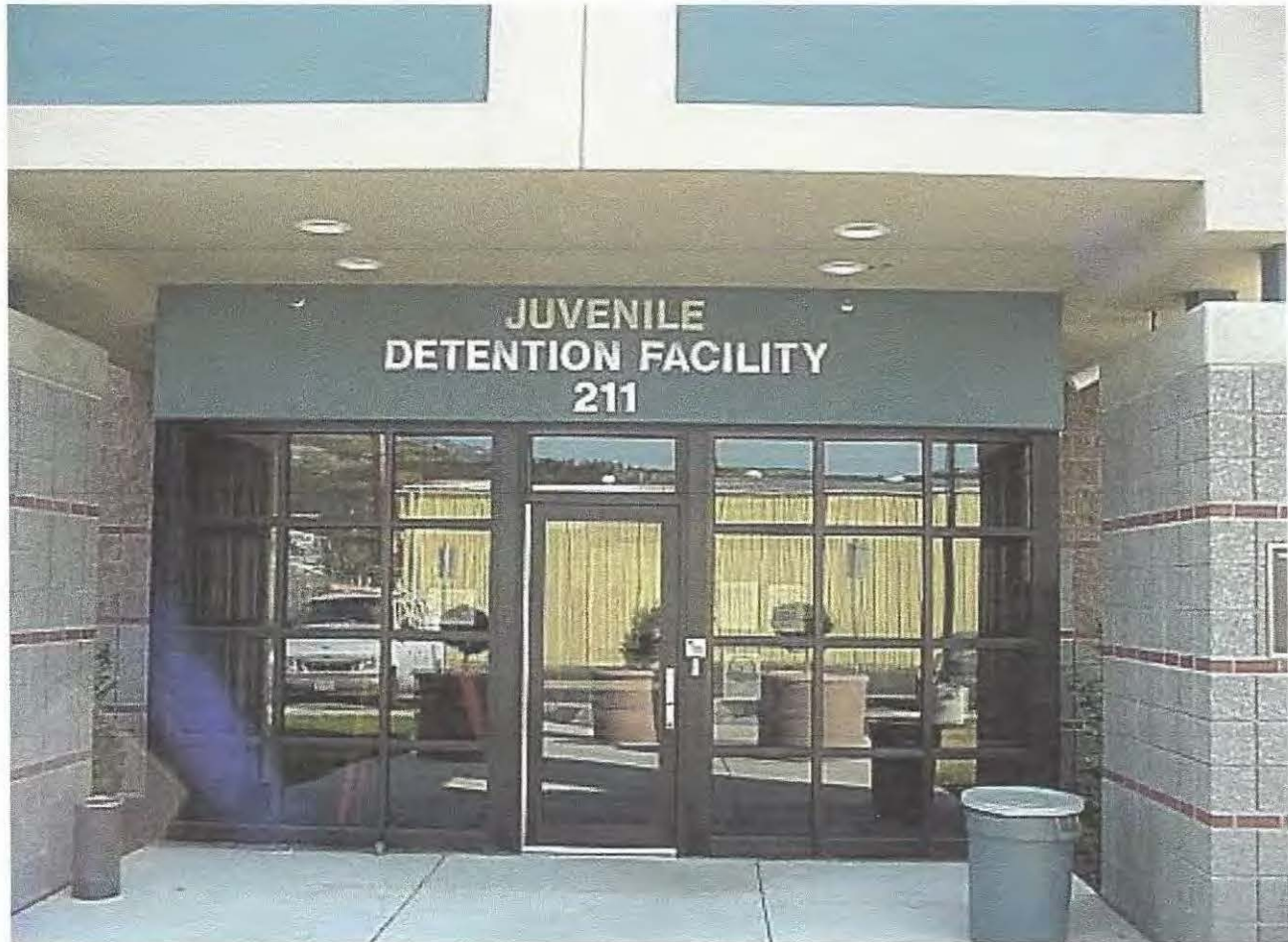


AGENDA ITEM

NORCOR Juvenile Facility

[NORCOR JUVENILE SERVICES FINAL REPORT](#)

**Evaluation of NORCOR
Juvenile Detention Facility
211 Webber Street
The Dalles, Oregon 97058**



by
Mel Brown and Associates
"Quality Service is Our Only Product"
490 Charleston Park, Conroe, Texas 77302
www.melbrown.org



Northern Oregon Regional Correction Facilities Juvenile Detention Center The Dalles Oregon

A Report on the Findings and Recommendations From the Assessment of the NORCOR Juvenile Detention Center

Prepared by
Mel Brown and Associates

490 Charleston Park
Conroe Texas 77302

Quality Service is our only Product"
www.melbrown.org

936-273-0919
ceo@melbrown.org

Table of Contents

Subject	Tab
Executive Summary	1
Introduction	2
A. Background	2-1
B. Methodology.....	2-2
C. Acknowledgements	2-4
Findings and Recommendations	3
General Observations	3-2
The Necessity of Having a Juvenile Detention Center	3-4
Facility Design	3-5
Policy, Procedure and Practice	3-5
Governance and Administration	3-12
Moving Forward Toward Excellence	3-17
Appendix A	4
Biographical Sketches on Project Team	
Appendix B	5
Structured Interview Questionnaire for Detention Staff	
Structured Interview Questionnaire for Detained Juveniles	
Appendix C	6
NORCOR Plan of Action	
Appendix D	7
Length of stay	
Appendix E	8
Training Materials Available for National Partnership for Juvenile Services	

Tab 1

Executive Summary

1-1

In response to a request from NORCOR officials Mel Brown and Associates (MBA) acted as an objective third party to evaluate the operations of the NORCOR juvenile facility in light of the Disability Rights Oregon's Report, *Don't Look Around*. MBA was asked to examine the accuracy of the DRO Report, to determine what progress is being made by NORCOR to address findings in the DRO Report, and to make additional recommendations regarding improving operations of the NORCOR juvenile facility.

The MBA Project Team reviewed the juvenile detention center's policy and procedures along with numerous other documents. The Project Team visited the facility viewed operations during all three shifts and was on-site during both week days and a Saturday. In addition, the Project team spoke with numerous Juvenile Justice Stakeholders (See pages 4 and 5 of the introduction to this report) for a list of individuals who provided input to the report.

The members of the MBA Project Team wish to express our appreciation to all the stakeholders who contributed to this report by so generously and willingly shared their time, concerns and ideas.

While the DRO Report misinterpreted some information because (1) there was a lack of understanding of the juvenile justice system and (2) during interviews some juveniles admittedly seized an opportunity to exaggerate what was happening within the detention center, the DRO Report did call attention to a number of issues that NORCOR needed to address and NORCOR Juvenile Detention Facility will be better because of the attention brought to bear upon its operation because of the DRO Report.

It should be noted that NORCOR officials, including the Juvenile Directors Oversight Committee, acted quickly to address areas of concern listed in the report and the response of NORCOR was verified by DRO in a subsequent visit to the facility on February 8, 2018.

MBA was impressed by (1) a facility atmosphere that was safe, open and hospitable, (2) the positive interactions the Project Team observed between detention staff and detained youth, (3) the design of the facility which provides a line of sight from the control room to most areas of the facility and also allows movement of youth with staff between program areas without having to go through locked doors. The design of the facility greatly enhances the staff's capability to effectively supervise the detained youth

Programming in the facility exceeds what was characterized in the DRO report and the education services meet State of Oregon guidelines (see page 3 of the "Findings and Recommendations" section of the report for a list of the programs offered).

No stakeholder, parent or youth contacted by MBA voiced concern about the safety or well-being of youth held at the facility.

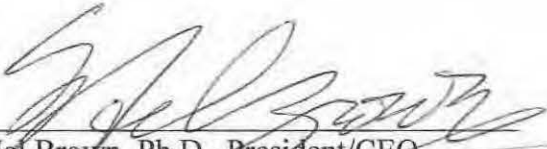
This summary will not contain every recommendation in the report, but will highlight what MBA feels are the most important. To enable the reader to more easily find the recommendations in "Findings and Recommendations" Section of the report, all recommendations are in a blue, bold font which makes them stand out from the surrounding material.

While the policies and procedures of the staff are rapidly being revised, MBA found there is still much work to be done in this area; therefore a large number of the recommendation.in the report deal with policies. While numerous recommendations regarding policies were made throughout this report, the Project Team understands that writing policies and procedures is a laborious and time consuming process and hopes the recommendations provided in this report will contribute to NORCOR's efforts to revise and update the manual. Having a well-written, comprehensive Policy and Procedure contributes to a more effective training program, increases employees' knowledge of performance expectations and helps protect the facility from lawsuits.

1. NORCOR Administration develop a Strategic Plan with participation of all juvenile justice stakeholders, including NORCOR staff, residents, parents, NORCOR Juvenile Directors, CEOJJC members and other entities that work with the NORCOR facility. The group should use a prescriptive process to identify agency values, goals, mission statement and program philosophy the finished product should promote inclusiveness with all stakeholders.
2. The NORCOR Board and the Administrator provide adequate staffing for key management functions by allocating additional budgetary resources to hire a Program Manager /Case Manager and one additional Supervisor. The Program Manager/Case Manager position, if properly credentialed, could also address any behavioral health needs not already covered by contract personnel.
3. A Juvenile Director be placed on the NORCOR Board and given full voting privileges.
4. The NORCOR Board establish a Juvenile Services Executive Committee to provide linkage to the NORCOR Board and that the committee consist of the NORCOR Juvenile Directors Oversight Committee, the County Judges from Gilliam and Sherman Counties, County Administrative Officers from Wasco and Hood River counties, a representative from the Oregon Youth Authority and a liaison representative from the Central and Eastern Oregon Juvenile Justice Consortium (CEOJJC).
5. The committee be charged with developing the NORCOR Juvenile Facility budget, assessing areas of concern regarding Risk Management and providing policy oversight.
6. In the absence of a legislatively assigned licensing agency for the state of Oregon, NORCOR administration take action on an annual basis to ensure juvenile justice stakeholders that the facility is in compliance with nationally recognized standards for the detention of children and youth by measuring the conditions of confinement in NORCOR

Juvenile Detention Facility and addressing any findings of noncompliance with those standards..

- a. The instrument used could be of NORCORs' choosing, with several options available, including; the JDAI Facility Assessment tool, Oregon Juvenile Detention Facility Guidelines, American Correctional Association standards, or other nationally recognized juvenile corrections standards.
- b. The audit should be done by a separate entity from NORCOR.
- c. The focus of the audit should be on the progress toward exceeding standards, not just meeting them.



Mel Brown, Ph.D., President/CEO
Mel Brown and Associates
490 Charleston Park
Conroe, Texas 77302
www.melbrown.org

Tab 2

Introduction

Background

Disability Rights Oregon (DRO) officially released their report, *Don't Look Around*, on December 5, 2017. The report (hereinafter referred to as the DRO report) called for an extensive reform initiative addressing the secure confinement of youth in locally operated juvenile detention facilities including; uniform standards, licensing and oversight of secure juvenile residential programs, state leadership to find alternatives to secure incarceration of youth, especially those children with behavioral health problems, collection of data regarding the use of secure detention in Oregon, establishment of core principles to focus on research supported intervention for youth involved in the juvenile justice system and enhanced oversight by the Oregon Department of Education to ensure quality education for confined youth.

The DRO report singled out the juvenile detention facility operated by Northern Oregon Regional Correctional Facility (NORCOR) questioning the policies and practices used to hold youth at the facility. DRO visited the NORCOR facility on three occasions in 2017. Findings of the report included the concerns: absence of a clinically driven program; the manner staff interact with youth, policies that were overly restrictive, the lack of licensed clinical personnel, inadequate staff training regarding verbal de-escalation and crisis intervention and a punitive behavior management system. The DRO report was especially critical of facility practices involving excessive room confinement, restrictive phone and visitation privileges and harsh disciplinary practices. Other concerns addressed in the report included; lack of documentation regarding discipline, restraint and room confinement, need to promote family involvement and expand behavioral health services.

NORCOR officials and stakeholders across Oregon disputed many of the findings of the DRO report. They characterized the findings as misrepresentations from lack of knowledge of the Oregon juvenile justice process and over dramatization of issues related to the care and well-being of detained youth at the NORCOR facility.

DRO officials sent a preliminary copy of the report to NORCOR on November 20, 2017. The Detention Manager responded with clarification to many issues noted in the draft report on November 27, 2017. The report was released noting only one of the clarification points addressed in the response letter.

NORCOR officials contracted with Mel Brown and Associates (MBA) as an objective third party to evaluate the operations of the NORCOR juvenile facility in light of the DRO Report to examine the accuracy of the DRO Report, to determine what progress is being made by NORCOR to address findings in the DRO Report, and to make additional recommendations regarding improving operations of the NORCOR juvenile facility.

Methodology

The MBA Project Team consisted of MBA President/CEO Dr. Mel Brown and MBA Senior Associate for Technical Assistance and Client Relations, Mike Griffiths. Both Dr. Brown and Mr. Griffiths have extensive backgrounds in juvenile justice (see biographical sketches in Appendix A).

The MBA Project Team divided the NORCOR project into five distinct, yet overlapping phases -- e.g. MBA had already begun collecting data prior (Phase 2) prior to the meeting described in Phase 1. Some work on report writing (Phase 4) had begun before all the Data Collection (Phase 3) was completed.

1. Planning and Organization, -- Phase 1 of the project included a telephonic meeting with the members of the Juvenile Directors Oversight Committee, NORCOR Detention Manager Jeff Justesen, and NORCOR Administrator, Bryan Brandenburg. The purpose of the meeting was to provide a clear understanding between NORCOR administration and the MBA team as to what is to be accomplished during the study, what areas of the study have the highest priorities.
2. Assessment Development -- During Phase 2 of the project, MBA identified and accumulated assessment instruments to be used in collecting data and developed additional assessment instruments needed to collect data in each of the areas identified in phase one as an area of focus to be examined during the study (See structured Detention Staff Structured Interview Questionnaire and Juvenile Structured Interview Questionnaire in Appendix B)
3. Data Collection -- Phase 3 consisted of on-site visits to the facility. In order to obtain a thorough understanding of the operations of the detention facility, the MBA project team conducted on-site visits on all three shifts and both weekdays and weekends. The MBA Project Team interviewed staff, facility residents, families of detained youth and other juvenile justice stakeholders.

In addition, the MBA team examined various documents of the department including, but not necessarily limited to, policy and procedure manuals, personnel files, employee training records, daily schedules, employee handbooks, the youth manual, admission packets, grievance reports, incident reports, and monitoring reports.

4. Report Writing -- During the first part of phase 4 the MBA team began the preparation of a document containing findings and recommendations to be included in the final report.

Prior to the submission of the final report to NORCOR officials , a member of the MBA team will conduct a debriefing session with Mr. Brandenburg, Mr. Justesen and the members of the Directors Oversight Committee with those in attendance. MBA staff will discuss the report and explain the findings and recommendations included in the report. Any issues that need further examination will be identified and addressed prior to the submission of the final report.

5. Final Report, Phase 5 consists of the submission of three copies of the final report to NORCOR Officials

Acknowledgements

The MBA Project Team wishes to acknowledge and express their appreciation to the various stakeholders who generously shared the time and willing and openly responded to the questions raised by the Project Team during the evaluation process.

Tom McCoy, Chairman
NORCOR Board
County Commissioner
Sherman County

Sheriff Brad Lohrey
Sherman County

Tyler Stone
Administrative Officer
Wasco County

Molly Rogers, Director
Wasco County Youth Services

Amber Degrange, Director
Sherman County Juvenile Department

Jim Patterson, Director
Hood River Juvenile Department

Amy Nation, Director
Gilliam County Juvenile Department

Debra Patterson, Director
Crook County Juvenile Department

Dale Primmer, Director of Community Justice
Umatilla County Youth Services

Digna Moreno, Supervisor
Umatilla County Youth Services

Joe Ferguson, Deputy Director
Jackson County Community Justice

Laura Ward, Program Analyst
Oregon Youth Authority

Jim Kramer, Chief of Parole/Probation
Operations
Oregon Youth Authority

Candy Armstrong, Superintendent
North Wasco County School District 21

Sam Ko, Educational Specialist
Oregon Department of Education

Al Barton, Deputy Director
Mid-Columbia Center for Living

Sarah Radcliffe
Disability Rights of Oregon

Ryan Shands, Compliance Monitor
Youth Development Council

Tara Koch, Executive Director
Haven

Jenna Cohan, Sexual Assault Advocate
Haven

C.J. Toole, former NORCOR Employee

Deirdre Kasberger, Director of Operations
J Bar J Youth Services

Staci Erickson, Supervisor
Baker County Juvenile Department

Ed Pierson, Parole Supervisor
Oregon Youth Authority

Troy Fuller, Superintendent,
Riverbend Youth Correctional Facility,
Oregon Youth Authority

Ronni Smith, Volunteer
Wasco County Master Garden Association

Family of Detained Youth

Family member # 1 Mother of Detained Youth
Family member # 2 Grandfather of Detained Youth

Detained Youth

The MBA Project Team had conversations of varying lengths with nearly every detained youth and conducted interviews with seven of them using a "Structured Interview Questionnaire" (See Attachment B)

NORCOR Staff

Bryan Brandenburg	Administrator
Jeff Justesen	Detention Manager
Dylan May	Supervisor
Barb Harris	Clerk
Aimee Gray	Registered Nurse
Enrique Esquivias	Detention Officer
Beri Gorsuch	Detention Officer
Stephanie Henderson	Detention Officer
Jeff Hull	Detention Officer
Barbara Morris	Detention Officer
Gina Moss	Detention Officer
Grace Watkins	Detention Officer

Tab 3

FINDINGS AND RECOMMENDATIONS

3-1

While the DRO Report misinterpreted some information because (1) there was a lack of understanding of the juvenile justice system and (2) during interviews some juveniles admittedly seized an opportunity to exaggerate what was happening within the detention center, the DRO Report did call attention to a number of issues that NORCOR needed to address and NORCOR Juvenile Detention Facility will be better because of the attention brought to bear upon its operation because of the DRO Report.

It should be noted that NORCOR officials, including the Juvenile Directors Oversight Committee, acted quickly to address areas of concern listed in the DRO report. An Action Plan addressing the hiring of outside consultants for independent review and technical assistance, policy revisions, revamping resident intake and orientation processes, enhancing documentation standards, revamping the resident discipline and grievance process, improving youth programming and education, promoting family engagement and staff development was developed by the Juvenile Directors Oversight committee in conjunction with NORCOR Administration (see Appendix C).

The response of NORCOR was verified by DRO in a subsequent visit to the facility on February 8, 2018. Sarah Radcliffe, principle author of the original report, noted marked improvement in the areas of use of room confinement (Room Lock), visitation, development of a client centered discipline system – grievance process, and the material allowed in resident rooms. The practice of residents taking a rules test to be eligible for program services has been discontinued. Journals and flex pens are now allowed in resident rooms. Strict rules such as “do not look around” or “do not look out of windows” have been discontinued. Reading material is only removed from resident rooms if youth damage them.

Self-esteem and character development posters are placed throughout the facility. Visits and phone calls are no longer suspended for youth on disciplinary status.

A youth manual is in the final stages of development and a draft copy is available for resident use in the common areas of the facility and clocks are now visible throughout the facility. The Juvenile Directors Oversight committee meets biweekly to oversee the progress made by NORCOR Administration to address items listed on the Action Plan and other matters germane to the operation of the NORCOR program.

GENERAL OBSERVATIONS

In responding to the findings of the DRO Report, notable issues voiced by stakeholders included; while state licensing and monitoring is not a single function of any state regulatory agency, NORCOR and other local detention facilities are visited annually by the State Fire Marshall, Public Health authority, Grand Jury, County Court and the State Department of Corrections. In addition, the NORCOR facility receives bi-annual audits by the Oregon Youth Authority (OYA) for programming provided to youth in the longer term program. There are also narrowly focused compliance audits by the Oregon Youth Authority (OYA) and the Oregon Department of Education.

The report over generalized "Length of Stay" data comparing state averages to all types of admissions to NORCOR facility statistics. It is important to note that NORCOR has no control over length of stay. It is a function of the judicial system placing the youth into care. An accurate representation of Length of Stay based on the multitude of admission categories including OYA residents, detainees held for new offenses, etc. is included in Appendix D.

It has been noted by NORCOR officials that all youth receive initial and on-going screenings for self-harm. Medical care is under the guidance of a Medical Director and

designated mental health professionals are readily available in addition to making weekly visits to the facility. A Registered Nurse is on staff and weekly consultations are done with mental health professionals regarding at-risk youth.

Programming in the facility exceeds what was characterized in the DRO report. Education services meet State of Oregon guidelines. Programming offered to youth includes; Master Gardeners Program, YOGA, Alcohol Anonymous, Girls Group, Religious groups and an Alcohol and Drug Education Group conducted by a CADC counselor. In addition Youth Care Center (YCC) residents have the availability to participate in additional programming based on their case plan. The case plan may include any of the of following curricula; Cognitive Self-change, What Got Me Here program, Criminal Attitudes Program, Coping with stress, Forward Thinking program, Employment Skills and additional Alcohol Education services. YCC youth are also allowed off campus to participate in community service work crews and outpatient treatment such as alcohol and drug counseling and mental health and sex offender treatment groups,

No stakeholder, parent or youth contacted by MBA voiced concern about the safety or well-being of youth held at the facility. Oregon Youth Authority officials state that in the years that they have placed youth (approximately 255) at NORCOR they have only received one complaint to their Professional Standards Office concerning the NORCOR facility. That complaint was related to food. NORCOR administration in partnership with the Juvenile Directors Oversight committee and with the help of other stakeholders has made significant progress in correcting the items in the DRO report that warranted attention.

NORCOR staff and administration, with the assistance of the Juvenile Directors Oversight committee, have made positive changes to the program and to the facility culture since the release of the Disability Rights Oregon report.

MBA was impressed by a facility atmosphere that was safe, open and hospitable. The facility designed allows movement of youth with staff between program areas without doors having to go through locked doors. Youth move with the facility accompanied by staff members. The MBA Project Team observed facility staff having supportive interactions with youth.

Residents and visitors were interviewed by the MBA Project Team acknowledged and were appreciative of the changes they noticed in the facility.

That being said, NORCOR personnel are feeling the effects of these rapidly applied policy changes. Policies currently being developed and not yet ratified have been installed as practice without sufficient training. Change is difficult and takes time to assimilate with staff accustom to a set pattern of rules and regulations.

THE NECESSITY OF HAVING A JUVENILE DETENTION CENTER

A frequent comment from many stakeholders was the routine reoccurring conversation questioning the necessity of having a Juvenile Detention Center in rural eastern Oregon. While the cost of providing secure care for youthful offenders is complex and high, taxpayers and decision makers should consider

1. the benefits a facility like NORCOR provides compared to:
 - a. The cost and inconvenience of transporting detained youth back and forth for court between the local jurisdiction and a facility hundreds of miles from the facility, and
 - b. The impact it will have on both the detained youth and his/her family if the youth in detained at another facility

2. The cost to families, the taxpayer, and the community at large associated with not diverting youth away from the adult criminal justice system.
3. The positive impact that a facility adds to the provision of public safety.

As one stakeholder stressed to the MBA Project Team, "These are our kids, they belong in rural eastern Oregon, not in a facility hundreds of miles from their community."

FACILITY DESIGN

The MBA Project Team wishes to compliment the NORCOR Board of Directors for choosing an architectural design that maximizes youth observation. MBA was impressed with the design because it provides a direct line of sight to almost anywhere in the secure setting with the exception of the individual resident rooms which are audibly monitored. The design contributes more effectively to the staff's capability of supervising detained youth better than any other detention center MBA has seen.

POLICY, PROCEDURE AND PRACTICE

Policies reviewed by MBA were in the final stages of drafting. NORCOR officials are awaiting MBA's recommendations before sending them for ratification. The creation of a youth manual is very positive.

Classification System and Intake

Policies in this section have been updated to adhere to relevant standards in the JDAI Facility Assessment Guidelines.

Admission and release of youth at the NORCOR facility are made by jurisdictions outside the purview of NORCOR officials.

With regard to “Classification System and Intake” MBA recommends that:

- 1. Policy 2.05 (Parent Notification) be amended to require NORCOR staff to notify parent of a youth’s admission regardless of whether the referring jurisdiction has already made contact with the parents.**
- 2. Policy 2.06 (Speedy Hearing) be amended to require NORCOR staff to notify a detain youth’s parents of the youth’s initial detention hearing.**
- 3. Policy 2.12 (Measure 11) be modified to include procedures to follow to carry out the intent of the policy.**
- 4. NORCOR personnel routinely verify that the telephonic language line used for assistance in translating for youth and parents has the capacity to meet facility needs,**
- 5. the resident’s rights listed in the youth manual be placed on posters in common areas of the facility, including the Lobby, the wall near the visiting area, admission area and other common gathering areas of the building.**

Health Care

Policies in this section have been updated to adhere to relevant standards in the JDAI Facility Assessment Guidelines. Protocols used by NORCOR medical personnel reflect approaches prescribed by the National Commission on Correctional Health Care. NORCOR employs a Medical Director and ancillary medical professionals. None of the stakeholders MBA interviewed voiced concern about the Health Care provided by NORCOR.

Access

Policies in this section have been updated to adhere to relevant standards in the JDAI Facility Assessment Guidelines.

With regard to "Access" MBA recommends that

1. NORCOR use the JJIS module relevant to visitation to note individuals visiting residents. This would allow authorized juvenile justice stakeholders to access this information.
2. NORCOR personnel utilize the Incident Report module of the JJIS System and also give stakeholders access to that information.

Programming

There are three different types of programming within the NORCOR Juvenile Detention Facility: (1) programming for juveniles in the facility who are pending court, (2) programming for juveniles in a sentenced to a 30 day treatment program, (3) programming for juveniles sentences to a longer treatment which takes approximately 90 days based upon how fast juvenile completes the stages of the program.

The educational program in the NORCOR Juvenile Detention Facility is provided by North Wasco County School District 21 and is staffed by a teacher certified in special education. Superintendent Candy Armstrong takes great pride in the district providing the educational program for NORCOR Juvenile Detention Facility. The Education services provided meet State of Oregon guidelines.

In addition, youth are involved in physical education in the covered area adjacent to the building .This education component is supervised by detention staff. Outside of the main facility is a greenhouse which allows the incorporation of classroom learning with hands-on experience in growing plants with the Wasco County Master Gardeners. Each spring the plants are sold that serve as a fundraiser for both of the programs.

.Students who complete the gardening program receive a “Certificate of Achievement” 3-8
issued by the Oregon State University Extension Service - Wasco County.

As mentioned early in this report the programming also includes YOGA, Alcohol Anonymous, Girls Group, Religious groups and an Alcohol and Drug Education Group conducted by a CADC counselor. In addition Youth Care Center (YCC) residents have the availability to participate in additional programming based on their case plan. The case plan may include any of the of following curricula; Cognitive Self-change”, “What Got Me Here “program, Criminal Attitudes Program, Coping with Stress, Forward Thinking program, Employment Skills and additional Alcohol Education services. YCC youth are also allowed off campus to participate in outpatient Alcohol and Drug counseling, and community service work crews.

Policies in the “Programming” section, like so many of the new policies in other sections of the Policy and Procedure Manual are lacking sufficient details in in the procedures. Many of them fail to address the “who, what, when, and where” that provide specificity to how the policy is to be carried out. This will be addressed in the recommendations under Administration and Governance section of the report.

With regard to “Programming” MBA recommends that:

- 1. Policy 5.01 Level System, Policy 5.01 Level System Addendum, and 5.01 Rule Violations Addendum be combined into a single policy.**
- 2. NORCOR submit a formal request to Superintendent Candy Armstrong seeking a Teaching Aide for the educational program.** While the program is meeting the State of Oregon requirements it is extremely difficult to provide adequate attention to

the educational needs of each student when there are so many grade levels in the class at the same time.

3-9

3. **NORCOR develop and utilize the outdoor area.** Adolescents need to participate in large muscle activities. In addition, keeping youth productively active reduces supervision problems within the detention facility.
4. **All eligible youth be able to participate in the gardening program on a regular basis.** If youth enrolled in the gardening program cannot attend the gardening class because a lack of staff this may increase frustration and acting out on the part of those youth. It may also prevent them from completing the requirements for the certificate of achievement prior to being released from the facility.

Training and Supervision

NORCOR should be commended for its adoption of the web-based learning programs provided through Relias Learning which recently established a partnership with the National Partnership for Juvenile Services (NPJS). The curriculum in the Relias Learning Management System (RLMS) meets many of the critical areas needed by NORCOR personnel. However, while RLMS provides a certificate for completing the on-line courses, does not provide a method for measuring staff's effectiveness in applying the learning in performance of their duties.

RLMS does not adequately provide training for verbal de-escalation and physical restraint techniques, two critical training areas.

Due to a lack of staff, responsibility for training appears to be shared by the Detention Manager and the Shift Supervisor. Both have a number of other duties that occupy their time in addition to the duties in their descriptions. In addition to all their other duties – both written and

unwritten, they now have the additional responsibility of rewriting all the policies and procedures.

While policies and procedures for the training and supervision area have been developed (though not yet approved by administration), they are somewhat sketchy and lacking in detail.

With regard to "Training and Supervision," MBA recommends that:

1. **In addition to the use of RLMS on-line material, NORCOR develop a system to measure whether staff are correctly applying on the job what they have learned.**
2. **Implement a routine schedule of restraint training and verbal de-escalation training by certified trainers using credentialed methods (CPI, Handle with Care, or some other recognized restraint and verbal de-escalation methods).** **It might be wise to explore partnering with OYA to access this training.**
3. **Designate one employee to be responsible for the training function to include but not necessarily limited to, maintaining accurate, organized training records, ensures each employee completes the required training in a timely manner, and employees are proficient in the skills they were trained.**
4. **Expand training beyond just the use of RLMS.** e.g.
 - a. Partner with local agencies such as fire fighters and emergency services certified in disaster who provide training in these areas,
 - b. Download training lesson plans, videos and training materials from the NPJS website for use in on-site training (see Appendix E).
 - c. Access statewide resources through OYA and Oregon Juvenile Department Directors Association for training opportunities.

Much has been said throughout this report about the improved environment of the NORCOR Juvenile Detention Facility. One of the most revealing indicators of a healthy detention environment is the positive relationships between staff and detained youth. The MBA Project Team observe numerous positive interaction between the youth and the staff, indicating NORCOR staff genuinely care about the youth they supervise. In addition, during the structured interview questionnaire process youth spoke very positively about staff.

In most juvenile detention centers, the facility's policies on environment are much stronger than the practice. The opposite is true of the NORCOR facility. While there are policies regarding the environment, most lack the specificity needed for someone reading the policy to clearly understand what is required of them. Since this appears to be a problem throughout the policy manual, recommendations for improvement will be addressed in the section on "Administration".

Restraints, Isolation, Due Process, and Grievances

Policies in this section are in the process of being updated to adhere to relevant standards in the JDAI Facility Assessment Guidelines.

With regard to "Restraints, Isolation, Due Process, and Grievances," MBA recommends that:

1. **Policy 8:04 be updated to reflect current practice. Change language from "will" to "may" pertaining to non-night time situations.** Staff should strive to keep youth out of rooms as much as possible. Current policy language appears restrictive.
2. **Policy 8.05 be amended to staff conducting visual room checks at random intervals not to exceed 15 minutes between check.** We cannot overemphasize the

importance of this. Standards promulgated by American Correctional Association (ACA) and standards in most of the states MBA has had detention projects also require a minimum of 15 minute checks while youth are in their rooms.

3. NORCOR remove the restraint chair from the juvenile facility and not use a restraint chair under any circumstances.
4. Implement a routine schedule of restraint training and verbal de-escalation training by certified trainers using credentialed methods (CPL, Handle with Care, or some other recognized restraint and verbal de-escalation methods).

This recommendation was also included in the section on "Training."

Safety

The MBA Project Team did not observe any safety violations during the on-site visit and the team was informed of inspections by the State Fire Marshal, Public Health, Grand Jury County Court Commissioners, and the State Department of Corrections.

The NORCOR Policy and Procedure Manual contains no Policies regarding safety issues.

GOVERNANCE AND ADMINISTRATION

Administration

NORCOR Administration has not given sufficient attention to establishing a comprehensive strategic plan for the NORCOR juvenile program. Providing clarity of program philosophy, goals, and outcomes is essential to ensure employee and stakeholder support.

MBA has serious concerns about the management staffing level at the NORCOR Juvenile Facility. It is highly irregular that a facility that operates a pre-adjudication detention center and two post-adjudication secure programs functions without a licensed case manager. In addition, a

32-bed program warrants the support of at least one additional supervisory staff position. These two positions were funded in prior year budgets but is not in the current budget.

The Detention Manager is respected and praised by every stakeholder MBA interviewed for his hard work and commitment to the staff and residents served by NORCOR, however he cannot handle the entire management workload alone.

The same can be said for the existing Supervisor who appears to spend as much time on the floor working with staff and residents as he does performing assigned supervisory duties. In addition, lately the responsibility for developing policies and procedures for certain areas of operation has been assigned to him.

MBA recommends

1. NORCOR Administration develop a Strategic Plan with participation of all juvenile justice stakeholders, including NORCOR staff, residents, parents, NORCOR Juvenile Directors, CEOJJC members and other entities that work with the NORCOR facility. The group should use a prescriptive process to identify agency values, goals, mission statement and program philosophy. The finished product should promote inclusiveness with all stakeholders.
2. The NORCOR Board and the Administrator provide adequate staffing for key management functions by allocating additional budgetary resources to hire a Program Manager /Case Manager and one additional Supervisor. The Program Manager/Case Manager position, if properly credentialed, could also address any behavioral health needs not already covered by contract personnel.
3. NORCOR form a policy and procedure committee and bring in someone knowledgeable in policy and procedure writing to:

- a. educate the committee on policy writing (e.g. what is a policy, what is a procedure, how to write procedures that include the “who, what, when and where” of procedures so that staff can easily take the policy and know exactly how to correctly perform the procedure
 - b. facilitate the writing of a few policies and procedures to ensure they know how to write policies and procedures, and
 - c. to be available for a specified time for the committee to email policies and procedures for his/her review and feedback.
4. NORCOR establish a policy of reviewing every policy in its manual at least annually. It is suggested that
- a. The policy committee have representatives from NORCOR administration, the Juvenile Directors Oversight Committee, and representatives from Detention staff who work on the floor who will be performing the tasks required in the policy.
 - b. When health care policies, education policies, food service policies, emergency prepared policies, etc. are being consider input from persons knowledgeable in those areas be sought out for input and review of the policy.
 - c. Rather than adopting a laborious process to review all the policies at the same time each year, that a policy committee meet twice each month to review four to five percent of the policies each meeting and make recommendations regarding any needed changes or updates. The date each policy is adopted and the date it is reviewed should be documented.
5. NORCOR expand their policies and procedures to include all the following areas:
- a. Administration, Organization and Management

- b. Fiscal Management
- c. Personnel
- d. Management Information and Research
- e. Juvenile Records
- f. Physical Plant
- g. Safety and Emergency Procedures
- h. Security and Control
- i. Food Service
- j. Sanitation and Hygiene
- k. Medical and Health Care Services
- l. Juvenile Rights
- m. Rules and Discipline
- n. Intake
- o. Admission Procedures
- p. Programs
- q. Communication : Mail, Visitation and Telephone
- r. Release Preparation and Transfer Program
- s. Citizen and Volunteer Involvement.

Governance

The current governance structure of the NORCOR Board and Administration has not provided sufficient resources to address critical needs for the juvenile facility.

The MBA Project Team interview a wide variety of Juvenile Justice Stakeholders and most of them felt that NORCOR Administration has failed to provide sufficient oversight of the

Juvenile Facility by not providing NORCOR Board members ample information to make informed decisions with what many stakeholders feel is a bias toward NORCOR Adult Facility operations. This lack of impartial oversight results in a disproportionate allocation of funding as evidenced by budgetary recommendations.

Juvenile justice stakeholders feel that without a true voice on the NORCOR Board, with full voting authority, issues critical to the welfare of youthful offenders will not get proper attention.

Many stakeholders felt NORCOR Administration was unresponsive to the findings of the 2015 JDAI Facility Assessment. Juvenile Justice Stakeholders feel disenfranchised from decision-making processes by the NORCOR Administrator. Stakeholders report a lack of transparency and communication regarding issues and policy decisions that affect the juvenile facility operations.

With regard to "Governance," MBA recommends that:

1. **A Juvenile Director be placed on the NORCOR Board and given full voting privileges.**
2. **The NORCOR Board establish a Juvenile Services Executive Committee to provide linkage to the NORCOR Board and that the committee consist of the NORCOR Juvenile Directors Oversight Committee, the County Judges from Gilliam and Sherman Counties, County Administrative Officers from Wasco and Hood River counties, a representative from the Oregon Youth Authority and a liaison representative from the Central and Eastern Oregon Juvenile Justice Consortium (CEOJJC).**

3. The committee be charged with developing the NORCOR Juvenile Facility budget, assessing areas of concern regarding Risk Management and providing policy oversight.

Moving Forward Toward Excellence

MBA used the 2015 JDAI Facility self- assessment as a baseline to measure institutional quality of life and found that agency practice had made substantial improvements in addressing issues listed as non-conforming areas in the 2015 audit. However,

1. There are areas in which policies have yet to be developed,
2. Many of the Policies that have been started are not complete and other are do not have adequate detail to provide clear direction to staff, and
3. Those that have been develop have not been ratified by NORCOR Administration and the Juvenile Directors Oversight Committee. Committee members are aware of this challenge and are developing strategies to assist NORCOR to accomplish this task.

With regard to “Moving Forward Toward Excellence,” MBA recommends that

1. The adoption of the recommendations in each of the areas in the this report
2. In the absence of a legislatively assigned licensing agency for the state of Oregon, NORCOR administration take action on an annual basis to ensure juvenile justice stakeholders that the facility is in compliance with nationally recognized standards for the detention of children and youth by measuring the conditions of confinement in NORCOR Juvenile Detention Facility and addressing any findings of noncompliance with those standards.,
 - a. The instrument used could be of NORCORS’ choosing with several options available, including: the JDAI Facility Assessment tool, Oregon Juvenile Detention Facility

Guidelines, American Correctional Association standards, or other nationally recognized juvenile corrections standards.

- b. The audit should be done by a separate entity from NORCOR.
- c. The focus of the audit should be on the progress toward exceeding standards, not just meeting them.

Appendix A

**Project Team
Biographical Sketches**

Mel Brown, Ph.D.
President/CEO
Mel Brown and Associates

Dr. Mel Brown is a nationally recognized professional as an administrator, teacher, trainer, consultant and author. After a successful career working for governmental agencies, he left the public sector to form his own consulting company. In addition to his work as a trainer/consultant and Executive Coach, Dr. Brown

- is Past-President of the Board of Trustees for Conroe Independent School District which has 68 campuses, more than 60,000 students and more than 6000 full-time employees;
- Has served as an adjunct faculty member in the Criminal Justice Department at the University of Texas at Arlington, in the College of Criminal Justice at Sam Houston State University and in the College of Juvenile Justice and Psychology at Prairie View A&M University;
- Has written extensively for state and national publications;
- Served on the Texas Governor's Juvenile Justice Advisory Committee during the terms of Republican Governor William P. Clements and Democratic Governor Ann Richards;
- Served as a member of the Commission on Accreditation for Corrections (an accrediting body for prisons, probation agencies, parole agencies, juvenile detention facilities, jails, halfway houses and other correctional programs);
- Served as a member of Texas Judicial Advisory Council—appointed by the Presiding Judge of the Texas Court of Criminal Appeals;
- Served as chair of the committee that developed the first set of juvenile detention standards for the State of Texas
- Has provided expert testimony in court cases, as well as before committees of the U.S. Senate, the Texas Senate and the Texas House of Representatives.,
- Served as a consultant on the Congressionally mandated "Conditions of Confinement of Juveniles" Study,
- Wrote his doctoral dissertation on the training needs of juvenile detention personnel, and
- Received the National Juvenile Detention Association's "Don Hammergren" Award for outstanding contributions to the field of juvenile detention,

An avid learner, he has earned five academic degrees including a doctorate and three masters degrees. His graduate studies are reflective of his diverse interests and include courses in the fields of education, criminal justice, social work, theology, psychology, counseling and administration.

Mike Griffiths
Senior Associate
Technical Assistance and Client Relation
Mel Brown and Associates

Mike Griffiths brings to the MBA team a strong background in the Juvenile Justice arena. Not only has he served as Executive Director of the Texas Department of Juvenile Justice but also as Director of the Dallas County Juvenile Department. He assumed the latter position at a time when the average tenure of that department was less than two year. With a quiet leadership style, a depth of experience, and significant knowledge of the field of probation, Griffiths led the department for approximately 15 years. Under his leadership, Dallas County was the first jurisdiction in Texas to adopt the Juvenile Detention Alternatives Initiative sponsored by the Annie E. Case Foundation.

Widely recognized in the juvenile justice arena, Griffiths served on the Governor's State Juvenile Justice Task Force and was a member of the Juvenile Justice Leadership Network of the Center for Juvenile Justice Reform at Georgetown University Public Policy Institute as well as a seasoned leader on the Annie E. Case Foundation's Applied Leadership Network.

In addition to his work with TJJD and DCJD, Griffiths' experience also includes serving as Chief Juvenile Probation Officer for Nueces County, Assistant Director for Juvenile Services for the Montgomery County Probation Department and Program Administrator for Tarrant County Mental Health- Mental Retardation.

Griffiths' academic credentials include a Master of Public Administration from Texas Christian University and a Bachelor of Science degree in psychology from Sam Houston State University.

Appendix B
Structured Interview Questionnaires

**NORCOR Juvenile Detention Center
Staff Interview Form**

Name: _____

Title: _____

1. How long have you been employed at this facility in your current position?

_____ Years _____ Months

a) How long have you worked at this facility in any position?

_____ Years _____ Months

b) What was your prior job before coming to this facility?

c) How long did you work in that position?

_____ Years

2. What is the purpose of this facility?

3. What is the facility's strongest point?

• What has enable it to do so well on this point? _____

4. What is the facility's weakest point?

- What keeps it from improving as much as you would like on this point?

5. Do you have input into decisions made by the administration in the following area?

- a) Formation of rules
- b) Discipline of juveniles
- c) Wages and compensation
- d) Hiring
- e) Work schedules
- f) Other (DESCRIBE) _____

6. Are there any aspects of training you would like to see improved?

7. What aspects of training are particularly good?

8. What challenges do you face here in dealing with juveniles?

a) _____

b) _____

c) _____

9. Do you have access to an employee assistance program to help you deal with stress or problems of your position (Circle one)

- a) Yes
- b) No

10. We would like you to provide us with a rating on how well this facility deals with staffing issues. Please rank the following issues on an A-F scale. A meaning the facility does an outstanding job coping with this issues and F meaning the facility does an unacceptable job dealing with issues here at the facility? (Show Staffer Ranking Scale Card)

How does this facility do in this area?

Outstanding A	Very Good B	Satisfactory C	Unsatisfactory, Needs Improvement D	Unacceptable F
------------------	-------------------	-------------------	--	-------------------

_____	Providing Adequate staff compensation
_____	Preventing staff burnout / reducing job pressure
_____	Preventing staff turnover
_____	Providing staff training
_____	Promoting good staff/juvenile relations
_____	Promoting good staff/administration relations

11. We are interested in your opinion on a number of issues that pertain to confinement of juveniles in correctional or detention environments. For each item, I will ask you two different questions. To answer these questions, I would like you to use two scales (SHOW STAFF SCALES ON CARD).

Begin with questions:

1. How important is it to you that juveniles in this facility (READ TOPIC 1)
2. How well do you think your facility does in providing (READ TOPIC 1) to juveniles?

(PROCEED SLOWLY. MAKE SURE STAFF UNDERSTANDS THE EXERCISE)

How important is it to you that juveniles in this facility:

Essential	Very Important	Moderately Important	Slightly Improvement	Not at all Important
1	2	3	4	5

How well does this facility do?

Outstanding	Very Good	Satisfactory	Unsatisfactory, Needs Improvement	Unacceptable
A	B	C	D	F

1. Feel Safe

Importance _____ How well facility does _____

2. Talk with a staff member about a problem

Importance _____ How well facility does _____

3. Get a chance to exercise

Importance _____ How well facility does _____

4. Learn something useful/worthwhile

Importance _____ How well facility does _____

5. Have good food to eat

Importance _____ How well facility does _____

6. Get the chance to be left alone

Importance _____ How well facility does _____

7. Have their own space to decorate as they choose

Importance _____ How well facility does _____

8. Are able to wear what they want

Importance _____

How well facility does _____

9. Get visits

Importance _____

How well facility does _____

10. Are treated fairly

Importance _____

How well facility does _____

11. Are able to talk on the phone

Importance _____

How well facility does _____

12. Are able to see or go outside

Importance _____

How well facility does _____

13. Have a clean place to live

Importance _____

How well facility does _____

14. Know when they will be released

Importance _____

How well facility does _____

15. Talk to a lawyer

Importance _____

How well facility does _____

16. Get help with their problems during counseling or treatment

Importance _____

How well facility does _____

17. Describe the daily programming

18. Explain the level system. (Follow up with “does it work?”)

19. Do you feel supported by management?

a) Yes (if yes, ask them why or how they feel supported)

b) No (If no, ask, “why not?” and get some examples)

NORCOR Juvenile Detention Center
Juvenile Interview Form

Date: _____

Could you tell me:

Your first name: _____

Your age: _____

How long you have been in this facility: _____ months

What kind of living unit you are in: _____

Consultant (Observe:)

Gender _____

Size/Maturity _____

1. Feeling Safe

Importance: _____ How well facility does: _____

2. Talking with a staff member about a problem

Importance: _____ How well facility does: _____

3. Getting a chance to exercise

Importance: _____ How well facility does: _____

4. Learning something useful/worthwhile while you are here

Importance: _____ How well facility does: _____

5. Having good food to eat

Importance: _____ How well facility does: _____

6. Getting the chance to be left alone

Importance: _____ How well facility does: _____

7. Having you own space to decorate as you choose

Importance: _____ How well facility does: _____

8. Being able to wear what you want

Importance: _____

How well facility does: _____

9. Getting visits

Importance: _____

How well facility does: _____

10. Being treated fairly

Importance: _____

How well facility does: _____

11. Being able to talk on the phone

Importance: _____

How well facility does: _____

12. Being able to see or go outside

Importance: _____

How well facility does: _____

13. Having a clean place to live

Importance: _____

How well facility does: _____

14. Knowing when you will be released

Importance: _____

How well facility does: _____

15. Talking to a lawyer

Importance: _____

How well facility does: _____

16. Getting help with my problems during counseling or treatment

Importance: _____

How well facility does: _____

1. Do you feel safe here? (Circle One)

- a) Yes (Skip to question 2)
- b) No

If not, what makes it unsafe?

2. Are rules here evenly enforced? (Circle One)

- a) Yes (Skip to question 3)
- b) No

If not, do the same rules apply for everyone or do staff play favorites?

3. Do you get enough to eat here? (Circle One)

- a) Yes (Skip to question 4)
- b) No

4. Do you get visitors (Not from lawyers, but from family and friends? (Circle One)

- a) Yes,
- b) No

5. What keeps you from getting more visitors?

6. Do you know when you are going to be release? (Circle One)

- a) Yes
- b) No

7. Who determines when you will be released?

8. Have you ever been in other facilities—detention centers, training schools, residential placement facilities? (Circle One)

- a) Yes
- b) No (skip to question 9)

8a If yes, which one did you like best? (Circle One)

- a) This one
- b) Another facility

8b Why did you like it best?

9) If you could change only one thing at this facility, what would that be?

10) Can you explain the level system?

11) The purpose of this study is to improve conditions of confinement for residents of juvenile facilities. If you were going to visit a lot of places like this, what would be the first thing you would look at to decide if it was a good place or a bad place for kids to be?

12) Do you have any other comments you would like to make?

Appendix C
Plan of Action

NORCOR Juvenile Detention Facility Action Plan

Description of Action	Action Steps	Responsible Contributor	Dates of Progress	Outcome	Timeline
Independent Consultation	1. Create an action plan/job description for and independent consultant.	1. JDOC & BB & JJ	3/22/2018 Consultants were on sight and met with youth, staff, and stakeholders. There has been communication regarding the report and follow-up. The report seems to be on track.	Practices and Policies align with current industry best practices and NORCOR Juvenile is able to operate a high-fidelity facility.	Report April 2018
	2. Enter into an agreement for services	2. NORCOR Board	3/7/2018 Dr. Brown and Mike arrive on the 8 th . The group reviewed the schedule.		
	3. Schedule and implement the agreement.	3. Molly			February 2018
	4. Assist in creating a list of stakeholders	4. JDOC			
	5. Report to OYA and YDC on progress for payment.	5. MBA	2/20/18 – Phone call with Dr. Brown and Mike Griffiths to review the plan for contract and pre-work. Dr. Brown will send something to BB next week and contract signed by the end of next week. Timeframe for completion – first week of April.		
	6. Report submitted to the Chair of NORCOR	6. JDOC	2/2/18 – Confirmation from YDC on funds and steps to contact for services. An amendment to JCP Prevention with Sherman County will be the mechanism to access the funding.		
	7. JDOC Create steps to implement recommendations	7.	02/1/18 – Letter to the NORCOR Board was completed and sent to the Board members for consideration.		

NORCOR Juvenile Detention Facility Action Plan

			<p>1/23/18 – Developing a proposal for the Board of NORCOR. Letter to be reviewed by 2/2/18 – Consider an electronic vote or and special meeting by the 7th.</p> <p>1/23/18 Confirmation that DYC and OYA will match funds for Independent Consultant totaling \$6000. DRO was approached and responded that they do not have a grant process.</p> <p>1/10/18 – Letter presented to be delivered to YDC on Friday at the hearing. Minor changes made, JJ will print and arrange for signing.</p> <p>12/27/2107 – Phone conference with Mike Griffiths and JDOC. Proposal with modules will be completed by 1/5/18.</p> <p>12/27/2017 – Contacted Mike Griffith and he has agreed to assist in Evaluation and update on implemented changes. Molly will check on some funds to support.</p>		
Policy Revision	1. Review of the JDAI Standards section by section.	1. BB & JJ to bring forward policies.	3/22/2018 – JDOC requested progress report on policy revisions in response to the email delaying presentation. Jeff provided – at the direct request of the JDOC – his timeline for completion. The	All policies are updated and reviewed on a	Section 1 4/18/18 Section 2 5/2/18

NORCOR Juvenile Detention Facility Action Plan

	<p>2. Create action steps for each of the standards that is noted as "non-compliant".</p> <p>3. Report back to the Board on progress</p> <p>4. Create training modules, both in writing and verbally for staff as policies are updated</p>	<p>2. JDOC to review, provide input</p> <p>3. BB and JDOC to sign off</p> <p>4. DM will create training modules and plan.</p>	<p>structure of the review will be to send each section to the JDOC prior to a meeting, review at one meeting and approved the following meeting.</p> <p>3/7/2018 – Barb sent Mike and Dr. Brown the policies that have been gone through as a group, policies, with clean-up, and policies that were condensed. The policies were put into a zip drive. There is only one hard copy on Bryan's desk. The new structure is based on the JDAI categories.</p> <p>More work to go on Medical and training and operations.</p> <p>***Next steps are to train to the policy***</p> <p>2/20/18 – 8.10 First review of the Use of Force, Roomlock, and Isolation. The group directed that the policy clarify that this policy is not inclusive of self-harm or suicidal ideations. This will be in the policy statement and direct to the other policy. – bring back next meeting</p> <p>2/20/18 – 10.4 Level system, approved with one addition to clarify that points</p>	<p>schedule to ensure best practices and changing protocols.</p> <p>Goal: forms available in reception office and living units. Update the website to include the grievance process.</p> <p>Train staff to the new policies.</p>	<p>Section 3 5/16/18 Section 4 5/30/18 Section 5 6/13/18 Section 6 6/28/18 Section 7 7/11/18 Section 8 7/25/18 Section 9 8/8/18</p>
--	--	---	---	--	---

NORCOR Juvenile Detention Facility Action Plan

			<p>cannot be taken away once earned. – Ready to Sign</p> <p>1/24/18 JJ will be continuing to work on policies – combining the discipline policies including level system. JDOC will be able review the new policies by 1/31 and move to approve on 2/7.</p> <p>1/24/18 – edits pending on NCR paper to be taken to Bohn's. Temporary forms are located are located in the control room and classroom.</p> <p>1/10/18 Grievance policy signed. 1/24/18 – Small update needed.</p> <p>1/10/18 JDOC & staff received Mult. Co. policies. BB cross-referenced the policies with NORCOR.</p> <p>12/27/17 – Final (signed copy) of 15.3 was handed out – Visitation is updated to 5 days a week – 15 minute rule eliminated.</p> <p>12/27/17 – First section of JDAI Report will be Restraints, Room Confinement, Due Process, and Grievances. At meeting on 01/10/18 Jeff will propose</p>		
--	--	--	---	--	--

NORCOR Juvenile Detention Facility Action Plan

			<p>some action steps. This may include working with consultant.</p> <p>BB shared that there are 118 policies and we have updated 14.</p>		
Intake Process	<ol style="list-style-type: none"> 1. Review current practice and policy. 2. Replace with Handbook and review with recommendations current policies. 3. Remove all old "flags" from rooms and place new youth manual in living units and common areas. – COMPLETE 4. Create training and ongoing awareness of manual for youth placed in detention. 	<ol style="list-style-type: none"> 1. BB, JJ, & JDOC 2. JJ, Staff, and youth to be presented to JDOC and Board 3. JJ and DM creating and training staff with the new manual 	<p>3/22/2018 – DM shared that 8 out the 11 youth had signed copies acknowledging review of the youth manual. Staff are reporting that they are taking time to review the document.</p> <p>3/7/2018 - DM handed out the PREA, policies, and hand washing. The manual is getting used on the wings. By May or June we can have laminated copies . Barb and Dylan will update the handbook before the next meeting.</p> <p>2/10/18 - Manual is out and available at each wing table. DM has added some things to the manual. – DM will bring changes to the next meeting. Use of force/Sanitation/PREA</p> <p>1/24/18 - Review Youth Manual – Grievance Process. (non-literary or writing)</p>	<p>Youth transition into NORCOR general population in a timely manner with clear understanding of expectations to maintain a safe and therapeutic environment.</p>	<p>12/20/2017 Feedback due 12/27/2017</p> <p>Final Adoption January 2018</p> <p>Implementation January 2018</p> <p>Revision and review March 2018</p>

NORCOR Juvenile Detention Facility Action Plan

	<p>5. Develop a weekly group.</p>		<p>1/24/18 – Template for acceptable accountability letter by 2/7/18</p> <p>12/25/18 - Youth Manuals are In the classroom and control room. Youth Manual needs to be in the booking area for staff to go over with youth when entering the intake.</p> <p>1/24/18 Amber will bring the Code of Conduct for the adults working with youth to be considered in the youth manual.</p> <p>1/23/18 – Youth reviewed the Youth Manual and recommended two things – more food and updates to the discipline process.</p> <p>12/27/17 – Newest draft of Youth Manual was handed out. JJ had made a couple of changes since last electronic version.</p> <p>12/27/17 - Flags need to be removed and new laminated tools created for communication tools. – Request an update on this no later than 1/10/18</p>		
--	-----------------------------------	--	---	--	--

NORCOR Juvenile Detention Facility Action Plan

			<p>12/13/2017 – Draft example was handed out to be reviewed by JDOC members with feedback to JJ by 12/20/2017.</p> <p>Final “draft” to be reviewed on 12/27/2017 for adoption by JDOC</p>		
Improved Documentation	<ol style="list-style-type: none"> 1. Determine data points to be documented in Unit Log and other data systems. 2. Inform staff about importance of data entry 1. Document all episodes of room confinement for disciplinary purposes. <ul style="list-style-type: none"> • Ensure that time of start and end of any room “time out” or discipline 2. Document visitation including exceptions to visitation policy and practice 	<ol style="list-style-type: none"> 1. JJ 2. JJ, BB and report to JDOC 	<p>3/7/2018 – Discussion about Incident reports. Jim Kramer will find the workflow practices in the facilities and we will review at the next meeting.</p> <p>2/10/18 – Getting better – moving more to the Unit log. Reviewing the JJIS incident log . Supervisor & Detention Manager will continue to monitor.</p> <p>1/24/18 - Increased use of Unit Log. Training still needs to occur on the difference from “Time out” and directing youth to go to his room.</p> <p>JJ will work with training each staff member. JJ will reach out to Dustin and schedule a training with 30 days.</p> <p>1/24/18 – JDOC members are reviewing unit logs and incidents.</p>	<p>NORCOR Juvenile Detention will be able to accurately account for youth’s time, movement, and programming.</p>	<p>Initial email – 12/13/2017.</p> <p>Review progress 12/27/2017 and then ongoing</p>

NORCOR Juvenile Detention Facility Action Plan

			<p>12/27/2017 – All JDOC members have access to unit logs. DM was asked to review logs for consistency. Coach staff on appropriate data entries.</p> <p>12/13/2017 – email to staff to document all facility movements in JJIS Unit log. JDOC members spoke to staff about the logging of movements on a facility tour.</p>		
Implement Disciplinary system that is strengths-based and re-integrates youth as soon as possible into a safe environment	<ol style="list-style-type: none"> 1. Review current practices. 2. Set expectations for IR's review. 3. Report on and implement a grievance procedure 4. Research and consult with subject-matter experts in the field of detention 	<ol style="list-style-type: none"> 1. JJ and Supervisor 2. JJ and Staff 3. JJ report to BB & JDOC 4. JJ & JDOC 	<p>3.7.2018 – The level system is in policy and the next step is training staff.</p> <p>2/20/18 – Jeff will explore what other facilities are doing for family input/grievances.</p> <p>2/10/18 – grievance process is working – slowing down, and still focused on food.</p> <p>2/6/18 – Grievance forms translated to Spanish and put into living units.</p> <p>2/5/18 – Disciplinary Policy and actions reviewed by Juvenile Directors.</p> <p>2/2/18 – Grievance forms and receptacle placed in classroom, forms also available on living units.</p>	Facility safety and security is maintained while supporting behavior management through a developmental approach.	March 2018

NORCOR Juvenile Detention Facility Action Plan

			<p>1/24/18 – JDOC will become familiar with JJIS Unit Log and Incident report.</p> <p>1/24/18 – Incident report need to be reviewed within 2 business days – and follow the law on notifications. This is in the Supervisors job description.</p> <p>12/27/2017 – JJ gave a verbal update on his intentions for a pretty simple and straightforward approach. Draft of plan will be reviewed on 01/10/18.</p> <p>Pending research - follow up on discussion 12/27/2017</p>		
<p>Programming</p> <ol style="list-style-type: none"> 1. Detention Youth 2. 30 day Extended Detention 3. Youth Care Center 	<ol style="list-style-type: none"> 1. Establish a guide for the three distinct populations 2. Implement curriculum based on best practices that meet Oregon standards in SB 267. 3. Engage Oregon Youth Authority for training and follow-up for youth in Youth Care Center. 4. Seek partnerships with community 	<ol style="list-style-type: none"> 1. JJ, BB, & JDOC 	<p>1/10/18 – Amber brought Carey Guides for NORCOR to review.</p> <p>12/13/17 BB created and handed out an information sheet outlining some programmatic structure for the distinct populations in detention. BB & JJ shared the Daily Schedules for the facility that will be posted in the facility for youth and staff to have access.</p>	<p>Clear and descriptive policies and communication about the services and opportunities for youth in detention and within the treatment program.</p>	<p>03/1/2018</p>

NORCOR Juvenile Detention Facility Action Plan

	based programs to offers services				
Family Engagement and Programming	<ol style="list-style-type: none"> 1. Determine best practices and facility Standards 2. Align Policy with Practice and review visitation logs monthly 3. Research and engage community based services that are evidence-based to offer services in the facility. 	<ol style="list-style-type: none"> 1. JJ & JDOC 2. JJ & BB 3. JDOC 	<p>3/22/2018 – continued increase in visits for youth from Wasco County – Contact visits and even opportunities for “celebrations” have been offered. Youth gave an idea for youth who do not get as many in person visits to increase phone calls for youth from Tuesday & Thursday to an additional time on the weekend. Staff are working on this recommendation.</p> <p>12/27/2017 – First Step Complete and policy distributed.</p> <p>Increase visitation by one day a week. Updated policy statement removing the language around 15 minutes. Board will be presented the policy on 12/14/2017 – with the changes to 15.3 and Amber will sign.</p>	Youth and Families will remain connected during youth’s placement in the NORCOR Juvenile Detention facility. NORCOR Juvenile Detention will benefit from the input of youth and families.	December 2017
Education	<ol style="list-style-type: none"> 1. Maintain ongoing communication with North Wasco School District and Oregon Department of Education to align and support the NORCOR Juvenile 	<ol style="list-style-type: none"> 1. JDOC & JJ 	<p>3/22/2018 – JJ and DM have set up a weekly scheduled meeting with the teacher to review and support the education program in NORCOR.</p> <p>3.7.2018 – Jeff updated the group on education. Letter to D21 to codify the relationship in the hiring and support of the education. It is also appropriate to</p>	Youth are integrated into the school setting in a timely manner and have the tools they need to benefit from NORCOR education services	

NORCOR Juvenile Detention Facility Action Plan

	Detention education program.		<p>start a conversation about a MOU between NORCOR and D21 for roles/responsibilities. Jim will start the letters for D21.</p> <p>Amy Hampton is the new Special Ed contact for NORCOR replacing Paula – who retired.</p> <p>School Teacher reached out to community to display some artwork of one of the students. -</p>		
Staff Development/training	<ol style="list-style-type: none"> 1. Create a baseline curriculum for all staff. 2. Create a schedule for ongoing training annually. 3. Create a budget for the juvenile facility to maintain minimum levels of training including trainings to reduce risk management. 		<p>3/22/2018 – JJ created a table to estimate the cost of full day and half day trainings for NORCOR. Full day training will incur approximately 53 hours of overtime and half-day training approximately 30 hours. JJ has been in touch with OYA for Escort/transition training and self-defense. Next steps will be scheduling. Quarterly training was agreed upon to present as an appropriate level of training in collaboration with Relias.</p> <p>3.7.2018 - DM has been working on training files for BIA and ICE. This is also for the review. The plan will be written by Friday the 9th. Detailed plan for the first 40 hours – initial training.</p>	Staff are trained and evaluated for consistent treatment of youth in detention with a positive youth development framework	

NORCOR Juvenile Detention Facility Action Plan

			3mo/6mo/12 mo and Annual. Plan needs to address sustainability and ongoing training.		
--	--	--	---	--	--

Appendix D
Length of Stay

NORCOR 2017 Average Length of Stay by Admission Category

Placement Category	Number of Youth Placed	Average Length of Stay
Court Ordered (1-8 day) Sanction	3	11.86
Court Order (30 day) Sanction	15	27.66
YCC (1-90 day Sanction)	20	70.35
Measure 11 Classification	1	161.48
ICE	4	108.76
New Law Violations	64	13.71
Out of State Housing	64	6.36
Probation Violation (Law Violation)	16	5.62
Probation Violation (Technical Condition)	54	24.66
Out of State Runaway	2	6.91
Secure Custody Transport	5	0.43
Temporary Hold - Release Planning	3	0.79
Bureau of Indian Affairs	20	22.21
Violation of Conditional Release	7	34.54
Waived	2	0.02
Warrant	13	22.82
Total	293	21.03

Appendix E
National Partnership for Juvenile Services Training Materials

National Partnership for Juvenile Services Training Materials

- 1. Adolescent Development**
 - a. Adolescent Development Participant's Guide
 - b. Adolescent Development Lesson Plan
 - c. Adolescent Development PowerPoint
 - d. Act Stages of Adolescence chart
 - e. 3 video clips of Dr, Rodney Irwin
- 2. Behavior Management**
 - a. Behavior Management Lesson Plan
 - b. Behavior Management Participant's Guide
 - c. Behavior Management PowerPoint
 - d. Photos for Physical Environment Activity
 - e. Why is it important for you to develop strong relationships with residents Chart
 - f. 5 video clips of Kathy Starkovich, M.S.
- 3. Building Healthy Relationships**
 - a. Building Relationships Lesson Plan
 - b. Building Relationships Participant's Guide
 - c. Building Relationships PowerPoint
 - d. 6 video clips of Hassan Davis, J.D.
- 4. Mental Health**
 - a. Mental Health Participants Guide
 - b. Youth and Mental Health Disorders
 - c. Booklet: *Youth with Mental Health Disorders in Custody: What You Need to Know*
 - d. Mental Health PowerPoint
 - e. 3 Video clips of Dr. Lisa Boesky
- 5. Using Positive Youth Development Strategies to Engage Youth**
 - a. Positive Youth Development Lesson Plan
 - b. Positive Youth Development Participants Guide
 - c. Positive Youth Development Training Aids
 - d. Case Study – Jessie
 - e. 4 video clips of Pam Clark, MSW, LSW
- 6. Suicide Prevention**
 - a. Suicide Prevention Lesson Plan
 - b. Suicide Prevention Among Youth Participant's Guide
 - c. Suicide Prevention PowerPoint
 - d. 7 video clips of Dr. Lisa Boesky
- 7. Trauma Responsive Custody**
 - a. Trauma Responsive Custody Participants Manual
 - b. Trauma Responsive Custody Supervisors Manual
 - c. Trauma Responsive Custody PowerPoint
 - d. Trauma Responsive Design

FINAL ORDER OF THE COLUMBIA RIVER GORGE COMMISSION
MINOR URBAN AREA BOUNDARY REVISION - CITY OF CASCADE LOCKS
UA-98-01

Columbia River Gorge Commission
June 22, 1999

I. Introduction

As provided for in Commission Rule 350-40-020, the Hood River County Board of Commissioners applied to the Columbia River Gorge Commission for a minor revision to the Urban Area boundary of the City of Cascade Locks (City), Oregon. The application proposed to revise the Urban Area (UA) boundary to coincide with the Urban Growth Boundary (UGB) in existence at the time of passage of the Scenic Area Act. In November 1997, the Columbia River Gorge Commission determined there was evidence a mapping error inconsistent with Congressional intent had occurred in not following the UGB for the Urban Area boundary. This application was submitted by Hood River County to correct this mapping error.

II. Adopted Minor Urban Area Boundary Revision

The adopted boundary revision added to the Cascade Locks Urban Area 127.5 acres previously in the Special Management Area (SMA). Eighty-seven and one-half acres of the 127.5 acres are also inside the corporate limits of the city. The adopted revision also would remove 171 acres from the Cascade Locks UA and place them within the SMA. This change becomes effective upon the effective date on which such lands receive SMA land use designations through an adopted plan amendment.

III. Authority and Requirements

- A. The authority for making minor revisions to Urban Area boundaries comes from Section 4(f) of the Scenic Area Act (and Commission Rule 350-40-020):

(1) Upon an application of a county and in consultation with the Secretary, the Commission may make minor revisions to the boundaries of any urban area identified in subsection 4(e) of this section. A majority vote of two-thirds of the members of the Commission, including a majority of the members appointed from each State, shall be required to approve any revision of urban area boundaries.

(2) The Commission may revise the boundaries of an urban area only if it finds that-

(A) a demonstrable need exists to accommodate long-range urban population growth requirements or economic needs consistent with the management plan;