



AGENDA: REGULAR SESSION

WEDNESDAY, JUNE 5, 2019

WASCO COUNTY BOARD OF COMMISSIONERS

WASCO COUNTY COURTHOUSE 511 WASHINGTON STREET, SUITE 302, THE DALLES, OR

**PUBLIC COMMENT:** *Individuals wishing to address the Commission on items not already listed on the Agenda may do so during the first half-hour and at other times throughout the meeting; please wait for the current speaker to conclude and raise your hand to be recognized by the Chair for direction. Speakers are required to give their name and address. Please limit comments from three to five minutes, unless extended by the Chair.*

**DEPARTMENTS:** Are encouraged to have their issue added to the Agenda in advance. When that is not possible the Commission will attempt to make time to fit you in during the first half-hour or between listed Agenda items.

**NOTE:** With the exception of Public Hearings, the Agenda is subject to last minute changes; times are approximate – please arrive early. Meetings are ADA accessible. For special accommodations please contact the Commission Office in advance, (541) 506-2520. TDD 1-800-735-2900. If you require and interpreter, please contact the Commission Office at least 7 days in advance.

*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.	<p><b>CALL TO ORDER</b></p> <p>Items without a designated appointment may be rearranged to make the best use of time. Other matters may be discussed as deemed appropriate by the Board.</p> <p><b>Corrections or Additions to the Agenda</b></p> <p><u>Discussion Items</u> (Items of general Commission discussion, not otherwise listed on the Agenda)</p> <p><u>Janitorial Agreement for Annex A</u>; <u>Building Codes Vehicle Purchase</u>; <u>Dispute Resolution Grant Award Selection</u>; <u>Prosecution Services Agreement</u>; <u>NACo Delegate</u></p> <p><u>Consent Agenda</u> (Items of a routine nature: minutes, documents, items previously discussed.)</p> <p><u>Minutes: 4.11.2019 Work Session</u>; <u>4.17.2019 Regular Session</u>; <u>5.15.2019 Regular Session</u></p>
9:30 a.m.	<u>Planning Ordinance Update</u> – Kelly Howsley-Glover
9:50 a.m.	<u>Tygh Valley Road Vacation Hearing</u> – Arthur Smith
10:15 a.m.	<u>Planning Commission Appeal Hearing</u> - Will Smith
11:10 a.m.	<u>FEMA Grant Application</u> – Angie Brewer/Will Smith/Kristin Dodd
11:20 a.m.	<u>Forest Classification IGA</u> – Kristin Dodd
11:30 a.m.	<div><div><u>MCEDD: Transportation Grant IGA</u></div><div><u>Transportation Services Contract</u></div></div> } Jessica Metta
11:40 a.m.	<u>Qlife Budget</u> – Mike Middleton
11:50 a.m.	<u>Community Development Block Grant Final Hearing</u> – Barbara Seatter
12:00 p.m.	<u>Executive Session</u> – Pursuant to ORS 192.660(2)(h) Conferring with Legal Counsel regarding litigation
1:00 p.m.	<u>Work Session</u> – To be held in the Deschutes Room (B08) located in the basement of the Courthouse
	<b>COMMISSION CALL</b>
	<b>NEW/OLD BUSINESS</b>
	<b>ADJOURN</b>

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



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
JUNE 5, 2019

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

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

At 11:00 a.m. Chair Kramer opened the Regular Session. Changes to the Agenda::

- The Hearing listed as an appeal is actually a Zone Change Review

<b>Discussion Item – Janitorial Service Contract</b>
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Facilities Manager Fred Davis explained that the Health Department needs a higher level of sanitation than the rest of the County offices. He stated that he has worked with our current service provider to try to achieve the necessary medical standards but they have not been able to meet the need. He stated that he will be moving their work from the Health Department to the Harding House and bring in Helping Hands to do the cleaning at the Health Department. He reported that Helping Hands already does the cleaning at Annex C; he expects to see an improvement in the level of cleaning once they are on board. He added that the Health Department approves of the new vendor.

Vice-Chair Hege said that there was a lot of disappointment with the work that had been done and he is hopeful that Helping Hands will be able to deliver what is needed for a medical facility.

Chair Kramer asked why the County is paying for cleaning services at the Health Department. Vice-Chair Hege replied that it is part of the in-kind services. He said that it is what we have been doing but not necessarily what we need to continue to do. He said that we also provide IT services to the Health Department.

Further discussion ensued regarding the Health Department staff reporting to the Board on a more regular basis. Commissioner Schwartz reported that she has



spoken to the Health Department's Director who talked about coming to give us a report.

**{{Vice-Chair Hege moved to approve the Personal Services Contract for janitorial services at 419 E. 7<sup>th</sup> Street, The Dalles, Oregon, between Wasco County and Helping Hands Janitorial. Commissioner Schwartz seconded the motion which passed unanimously.}}**

**Discussion Item – Building Codes Vehicles**

Finance Director Mike Middleton reviewed the memo included in the packet saying that since we need immediate delivery of the vehicles, the selection will have to be what is available on the lot. The Jeep is the least expensive option and has an average rating through Consumer Reports. He stated that the payment will come from the Capital Acquisition fund which will be reimbursed by the Building Codes fund when we take over the program July 1<sup>st</sup>.

Vice-Chair Hege asked if the vehicles will bear the County logo. Mr. Middleton replied affirmatively. Vice-Chair Hege pointed out that we usually acquire vehicles through the fleet process with the Sheriff. Mr. Middleton responded that the Sheriff ordered from the Fleet last August and we have still not gotten the vehicles. We need to have the cars for the program now. In addition, the State currently does not have a fleet contract as they are waiting for the new model.

**{{Vice-Chair Hege moved to approve the purchase of four Jeep Compass Sport 4x4's for \$94,560 from C.H. Urness Motors. Commissioner Schwartz seconded the motion which passed unanimously.}}**

**Discussion Item –Community Dispute Resolution Grant Award**

Ms. White explained that this is the final step in the five-county grant process to solicit and select an organization to receive grant funding for the provision of community dispute resolution services. She reported that Gilliam, Wheeler, Sherman and Hood River Counties have already approved 6 Rivers which is the only applicant. Once Wasco County expresses final approval, the State will work directly with 6 Rivers to contract for the services.

**\*\*\*The Board was in consensus to approve the selection of 6 Rivers to be awarded the Community Dispute Resolution Grant.\*\*\***

**Discussion Item –Prosecution Services IGA**

Mr. Stone explained that this is the final piece of the discussion regarding Municipal

Court cases coming to the County for prosecution. The intergovernmental agreement formalizes the arrangement and provides for annual renewal and payment.

Vice-Chair Hege asked if anything changed in the agreement. Mr. Stone replied that the annual increase is 3% rather than 2% and some of the language was modified to make it clear that it is a long-term agreement as that was the intent.

Vice-Chair Hege noted that the agreement states that the City will pay the County starting July 1<sup>st</sup>. He asked if we know what the additional work will cost us and if that expense is recognized in the budget. Mr. Middleton responded that it is not recognized in the budget; we will work on that in the new fiscal year. Mr. Stone added that he believes the District Attorney has an idea of what level of staff he will need to hire to meet the demand. He said that his guess is that it will be a paralegal as not a lot of the cases go to trial; many will be pled but that still takes a good deal of administrative work. The agreement provides for \$80,000 annually.

Vice-Chair Hege asked if this will be added to the budget when it is adopted next week. Mr. Middleton replied that we could make that change; however, he hesitates to predict the expense side and would prefer to make that adjustment after the budget is adopted. Vice-Chair Hege commented that his hope would be that the revenue will come close to meeting the expense.

**{{{Vice-Chair Hege moved Commissioner Schwartz seconded the motion which passed unanimously.}}}**

<b>Discussion Item – National Association of Counties (NACo) Delegate</b>
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Ms. White explained that each year the County is asked to designate a delegate to vote on behalf of Wasco County at the NACo annual conference. Generally, we have one attending Commissioner who is the voting delegate along with the Administrative Officer who is designated as the alternate. This year we have two elected officials – Vice-Chair Hege and County Treasurer Preston - attending along with the Administrative Officer. She said that the staff recommendation would be to designate Vice-Chair Hege as the voting delegate and then select either Mr. Preston or Mr. Stone as the alternate.

Chair Kramer commented that he does not think Mr. Preston would be comfortable with the assignment; the alternate should probably be Mr. Stone.

**\*\*\*The Board was in consensus to designate Vice-Chair Hege as the County's**

**voting delegate at the 2019 NACo Conference and designate Mr. Stone as the alternate.\*\*\***

**Consent Agenda – 4.11.2019, 4.17.2019 & 5.11.2019 Minutes**

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

**Agenda Item – Planning Ordinance Update**

At 9:30 a.m., Chair Kramer opened a legislative hearing to consider approving amendments to the Wasco County Comprehensive Plan primarily relating to policies and implementation strategies for Natural Resources, Scenic and Historic Areas and Open Spaces and Transportation. Amendments also include the adoption of a new format for the plan. These amendments relate to work task 9 and 11 of Wasco County's Periodic Review to update the Comprehensive Plan.

He reminded those present that the process for this amendment has been consistent with the notice procedures required by Chapter 2 of the Land Use and Development Ordinance; the hearing was advertised for today, June 5, 2019, 9:30 a.m. in this room. Notice was provided in the newspaper and on the County's website. He then briefly explained the criteria for approval and today's procedure and asked the following questions:

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

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

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

Wasco County Long-Range Planner Dr. Kelly Howsley-Glover reviewed the presentation included in the Board Packet. She noted that the Public Works Director had input on the transportation section to give clarity regarding road maintenance responsibilities. In addition, references to MCCOG have been removed as that organization no longer exists.

Mr. Stone asked how close we are to goal in the 2040 process overall. Dr. Howsley-Glover stated that we are a little more than halfway with a hope to conclude the process in the fall of 2020. Mr. Stone commented that it is impressive that the work is being completed at this pace – he would have expected it to take

more than twice that amount of time.

Vice-Chair Hege noted that Goal 5 includes maintaining an Historic Landmarks Commission. Dr. Howsley-Glover responded that we have not had that for 20 years; the Planning Commission has acted as proxy in that capacity. She stated that it needs to be a distinct body and part of the work plan is to identify a new process. The suggestion to the Board of Commissioners several months ago was to reform the Historic Landmark Commission with cities annually appointing representatives from their City Councils. She said that we are working on that with the incorporated cities throughout the County.

Commissioner Schwartz read the title of the Ordinance into the record as follows:

In the matter of the Wasco County Planning Commission's request to approve proposed periodic review legislative amendments to update the Comprehensive Plan related to land use planning Goals 5 and 12 or Wasco County 2040, the Comprehensive Plan (File Numbers 921-18-000109, 921-18-000215).

Chair Kramer closed the hearing at 9:48, announcing that the second hearing would take place on July 3, 2019.

<b>Agenda Item – Tygh Valley Road Vacation Hearing</b>
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Chair Kramer opened the hearing at 9:49 a.m. regarding a petition to vacate certain roads and parts of roads in Tygh Valley, Oregon and reviewed the hearing process.

Public Works Director Arthur Smith reported that in the fall of 2018 a land owner came in to begin the process to vacate some roads in Tygh Valley. In February of 2019, the Board of Commissioners ordered Mr. Smith to investigate and produce a report with a recommendation. That report was completed and submitted to the Board on April 17, 2019. He stated that nothing has changed since that time; however, since not all adjoining property owners signed the petition, the process requires a public hearing.

He reported that after several iterations of the application, the petitioner has submitted a plan that allows access from their property to the remaining roads; portions of Church and St. Charles would stay. He explained that statute required him to notice the public hearing through three different means. He stated that it was published in The Dalles Chronicle in two separate editions, posted copies in Dufur, Maupin and Tygh Valley as well as along the local roads; a certified copy was sent to the one adjacent landowner.

Chair Kramer opened the floor to anyone in support of the application. *There were none.*

Chair Kramer opened the floor to anyone in opposition to the application. Harold Lindell of Tygh Valley and owner of the adjacent property said that he is not completely opposed to the vacation but does not understand why the applicant should just be given the land. He said he thinks the County should survey the land where it borders his land; he believes there will be conflict. Chair Kramer commented that he would think the property owner would have to have the land surveyed through the planning process.

Associate Planner Brent Bybee, assigned to this application, said that the land will have to be surveyed as part of the subdivision process. Ms. Brewer stated that the lots have to be larger to accommodate drain fields and wells.

Mr. Lindell said that he just wants to make sure it is done correctly as he already has a mess on his hands with another adjoining property.

Vice-Chair Hege asked about the past development. Mr. A. Smith stated there is significant encroachment on Lawrence. In addition, there are some underground items that were placed on other people's property and in the public right-of-way.

Vice-Chair Hege said that looking at St. Charles, the right-of-way goes right through structures. Mr. A. Smith concurred saying there will definitely be a lot of surveying needed.

Commissioner Schwartz asked what happens when we discover an encroachment. Mr. Stone replied that it is a civil matter.

Ms. Brewer stated that the Planning Commission is not aware of the encroachment issues; land owners can come to Planning for help fixing the issues – it can go through the courts.

Chair Kramer reminded the Board that the matter before them today is the vacation petition.

Vice-Chair Hege observed that looking at the County's GIS map in that area, Leonard comes into the area, vacates and starts up again up the hill. Mr. A. Smith responded that there were some hodge-podge vacations, but sometimes all he had to go on was the original 1892 information. He said he wants to fix what he can and do it correctly. The portion of Leonard being vacated is past everyone's lot

line.

Vice-Chair Hege said that the vacation won't preclude making it right; the roads platted don't make a lot of sense. He said he wants to make sure it will be cleaned up.

Mr. A. Smith said the applicant has to leave legal access to others and has done so. He went on to say that as Road Master, his job is to make sure the vacation is in the public interest. He stated there are no conflicts with utilities and no land locking of others. Outside of that, he makes no judgement. He noted that since 1892, the County has done nothing with this right-of-way.

Mr. Lindell asked that if it is vacated and Mr. Coburn is given that land, will he (Mr. Lindell) get the other part that is vacated. Vice-Chair Hege asked if it is standard practice to divide the land.

Mr. A. Smith replied that it is unless the right-of-way is entirely out of one lot which in this case it is. Mr. Coburn owns all the land that has a right-of-way.

Vice-Chair Hege asked if our surveyor has looked at this. Mr. S. Smith stated that the surveyor will look at it as part of the Planning process. It will be his job to review the survey submitted by the applicant.

Vice-Chair Hege asked if there is a process for this subdivision. Ms. Brewer replied that there is an application on file pending today's action. Mr. Bybee added that some of the standards in the planning process look at if neighboring properties have adequate access. He said from what he has seen, there is adequate access but no conclusions have been drawn. He stated that Mr. Coburn will also have to get DEQ approval.

Chair Kramer expressed disappointment at Mr. Coburn's absence, saying that it would have been useful to have him here.

Ms. Brewer said Planning will have to look at the encroachment issue. She pointed out that if the roads are not vacated today, Mr. Coburn will have to alter his proposal. Planning cannot do much without some direction today.

Mr. Stone asked if the Board can approve the vacation pending the planning process. Mr. A. Smith replied negatively.

Chair Kramer asked if the planning process will guarantee getting proper lines and resolve the encroachment issue. Ms. Brewer responded that would be the

goal . . . if not resolved, they will not approve the application.

Mr. Lindell asked who owns the land. Mr. A. Smith replied that the County does not own the land, the private home owner gets the reversion. Ms. Brewer stated that public roads are not necessarily owned by the County. She said Mr. Coburn is not getting land from the County; he is just not being required to provide public access to those portions of roads being vacated.

Vice-Chair Hege said he thinks Mr. Coburn is trying to develop land that might not otherwise go forward. He will have to go through the legal process with Planning; this is just making sure that other landowners have adequate access.

Mr. Lindell said Mr. Coburn will have to fence. Chair Kramer replied that issue will have to be worked out between Mr. Lindell and Mr. Coburn.

**{{{Vice-Chair Hege moved to approve Order 19-078 in the matter of the vacation of certain roads and sections of roads in Tygh Valley, Oregon. Commissioner Schwartz seconded the motion which passed unanimously.}}}**

<b>Agenda Item – Wilson Rezoning Hearing</b>
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At 10:24 a.m., Chair Kramer opened a hearing:

“We will now open the Board of Commissioners Quasi-Judicial Hearing on agenda item 921-18-000086-PLNG, a request for a Comprehensive Plan Amendment, an Exception to Statewide Planning Goal #4 – Forest Lands, and a Zone Change from Forest, F-2 (80), to Forest-Farm, F-F (10).

The property involved is described as Tax Lot 2N 12E 22 4400; Account Number 884.

The criteria for approval of the land use decisions includes: Review Criteria: Oregon Administrative Rules (OAR) Division 4, Interpretation of Goal 2 Exception Process and Division 6, Goal 4 Forest Lands; Oregon Revised Statute (ORS) 197.732, Goal Exceptions; Wasco County Comprehensive Plan Chapter 11 – Revision Process, Sections A, B, C, E, H, I, and J; and Wasco County Land Use & Development Ordinance (LUDO) Chapter 2 – Development Approval Procedures, and Chapter 9 – Ordinance Amendments, Sections 9.010, 9.020, 9.030, 9.0404, 9.050, 9.070, and 9.080.

The proposal must comply with applicable provisions contained in the Wasco County Comprehensive Plan, and State Law. Generally, unless otherwise noted, if

a request is found to be consistent with the LUDO it is considered consistent with the Comprehensive Plan.

This is a record review hearing, and is not de novo. This means only those who have previously submitted comments on the record are permitted to participate, and their comments must be limited to what they previously put on the record. No new evidence or testimony will be accepted.

The procedure I would like to follow is:

- Disclosure of Interest, Ex Parte Contact or Potential Conflicts (see below)
- Reading of the Rules of Evidence (see below)
- Planning department staff will present their report
- Those who are already on the record who wish to speak in favor of the proposal
- Those who are already on the record who wish to speak in opposition of the proposal
- Applicant rebuttal
- Questions by Commissioners of staff, proponent, or opponent
- Close the hearing and record and begin deliberation (only Commissioners, or staff if questioned, may contribute to this discussion)

DISCLOSURE OF INTEREST, EX PARTE CONTACT OR POTENTIAL CONFLICTS:

- a. Does any commissioner wish to disqualify themselves for any personal or financial interest in this matter? ***There were none.***
- b. Does any commissioner wish to report any significant ex parte or pre-hearing contacts? ***Commissioner Schwartz disclosed that she met with Sheila Dooley to discuss and issue regarding notification. She reported that she directed Ms. Dooley to Planning. She further disclosed that she received emails this week from Ms. Dooley and Jill Barker but read neither.***

***Chair Kramer Disclosed that he has read letters from Ms. Dooley and Ms. Barker. He stated that at a recent meeting, he also recommended Ms. Dooley contact the Planning Department.***

- c. Does any member of the audience wish to challenge the right of any commissioner to hear this matter? ***There were none.***
- d. 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.***

COMMISSIONER DISCLOSURE OF SITE VISIT

For the record have any Commissioners conducted a site visit to the subject property? ***Vice-Chair Hege disclosed that he lives in this neighborhood and has been aware of the issue for some time.***

PARTY RECOGNITION

Only those who have already contributed verbal or written testimony can speak for or against the proposal today. Only those who have “party” status will be able to appeal a decision reached by this commission.

A party is defined in Section 1.090 as:

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

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

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

THE RULES OF EVIDENCE ARE AS FOLLOWS:

- No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence.
- Evidence received shall be of a quality that reasonable persons rely upon in the conduct of their daily affairs.
- Testimony and evidence must be directed toward the criteria applicable to the subject hearing or to criteria that the party believes apply to the decision.
- Failure to raise an issue with sufficient specificity may preclude raising it before the Land Use Board of Appeals.

- Failure to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow Wasco County to respond to the issue precludes an action for damages in circuit court.”

Senior Planner Will Smith reviewed the presentation included in the Board Packet. He explained that the potential impact of the rezoning would be as many as three new dwellings where there is now only one. He explained that in staff's presentation to the Planning Commission, they provided different perspectives for them to approve or deny findings.

Vice-Chair Hege stated that the practice of providing dual perspectives for findings seems fairly unusual. He asked why they chose to do that. Mr. W. Smith replied that they were trying to be pro-active with draft language for both decisions. He said they wanted to bolster two of the findings to support that this is a special case.

Commissioner Schwartz said she went through the packet several times and did not see the dual findings language.

Ms. Brewer said, for the record, all of the information is on the record, online and available. What is in the County Board of Commissioners' packet is the Planning Commission's recommendation. Mr. Stone noted that the dual finding language was part of the Planning Commission decision, not part of the Board of County Commissioners' decision.

Mr. W. Smith continued to review his presentation. He stated that the land has not been used for forestry during Mr. Wilson's ownership. It has two wells, each of which can support two homes. He said the Planning Commission wants to make sure it is clear that there are special circumstances – this property is surrounded on three sides by rural residential property and meets the standards to be irrevocably rezoned. He concluded by saying no conditions are included but can be added.

Commissioner Schwartz asked how it would impact the language if she has concerns. Mr. W. Smith replied that her concerns would have to be specific to a criteria – she would have to change the findings. For instance, she may determine there is not enough evidence to support a particular finding.

Mr. W. Smith concluded his presentation. Chair Kramer opened the floor to the applicant, Mr. Wilson, and his attorney, Mr. Summerfield.

Mr. Summerfield stated that he has never seen a staff report presented with dual findings. However, he pointed out, the Planning Commission approved all of the favorable findings with the only changes making the findings more favorable. He said the land is impracticable for use as resource land.

Mr. Summerfield went on to say that in the five to one Planning Commission decision, the one dissenting vote was concerned that Mr. Wilson would use this exception as a stepping stone for rezoning another area. Mr. Summerfield pointed out that you cannot use one exception to qualify for another exception.

Mr. Summerfield went on to say that the application stands on its own and is singular; zone changes are hard and they should be. He said the County is not being asked to convert a resource; it is being asked to look at the land and determine if it is still a resource. He stated that it is only borderline from the standpoint that there are so many applicable rules. He pointed out that this is the only land that touches Seven Mile Road still zoned as resource. He said they do not know how that happened, but it stands out.

Mr. Summerfield continued by saying that looking at it holistically, this land is developed. It has structures and wells and the structures are placed in such a way as to not be practical to create a commercial forest – it really is an anomaly. He stated that the impracticable standard does not mean it is impossible, but that it is not practical. It has never been used in its known history as timber resource, dating back to the early 1900's.

He said that he believes there was a mistake made in the Comprehensive Plan; the Planning Commission agreed. He reported that there are two wells on the property, each certified to produce 50-60 gallons a minute. He observed that the Board is not being asked to approve houses; development is a separate process. He said that he and Mr. Wilson ask that the Board affirm the Planning Commission's decision.

Mr. Wilson stated that there is a home in the ravine that he started cleaning up 20 years ago. He had noticed that the old 1880's homestead was failing and started blocking it up. He said he was allowed to continue just enough to keep it from falling. He stated that he cannot get a permit to do anything unless the rezoning goes through. He said the reason he has not pursued this previously is because Ken Thomas was pursuing a rezoning that would have also encompassed his land. That process has concluded and he is now pursuing the rezoning for just his own piece of property. He stated that the property does not support a stand of trees; there are only oaks and pines on the perimeter. He said the valley behind the

house must have been farmed.

Commissioner Schwartz asked how his land got swept up in the Thomas process. Mr. Wilson explained that he shared a border with Mr. Thomas who was trying to have everything north of the power line rezoned; that included his property. He said it would have meant that nearly 70 or his acres could be developed.

County Counsel Brad Timmons asked Mr. Summerfield to address Exception A – does it mean there needs to be a development from the adoption of the Plan to present. Mr. Summerfield responded that the house that was built was subject to a conditional use permit; the rest would have been other structures. The Driveway went in and some outbuildings. Mr. Wilson added the others are a house, corrals and a log cabin. He said he built the driveway.

Mr. Timmons asked if the conditional use permit was after the Plan. Mr. Summerfield replied affirmatively.

Mr. Timmons asked what their position is with respect to the properties around the subject properties. Mr. Summerfield replied that they have mostly focused on the subject property. He said the lands around it make it harder to use as a resource land.

Commissioner Schwartz asked if there is any logging nearby. Mr. Wilson replied that a few miles to the southwest has had some logging.

Chair Kramer opened the floor to opposition remarks.

Sheila Dooley submitted and reviewed written comments (attached). She noted that the zone change was denied in the Thomas process; why even consider it now? She pointed out that although it is surrounded on three sides by rural residential land, there is development on only two sides. She added that the buildings are unusable and the wells could be used for fire suppression. She commented that just because it is not being used as forest, doesn't mean that it couldn't be used for that. She stated that most fires are caused by people – placing more humans there increases the danger.

Jill Barker stated that the aquifers are declining at the rate of two feet per year and there is wide spread concern about new residences. She said the north side has an excessive number of lots. Ms. Barker went on to say that the Oregon Department of Forestry has identified Seven Mile as high fire risk – residences are fire hazards. She observed that the soil type is Class 4 which can support commercial

forestry.

Ms. Barker referenced the denial language in the staff report provided to the Planning Commission which said it can be planted and support commercial timber; it is not impracticable. She said that just because he does not want to use it for forest, does not mean that it cannot be used for that. She reported that where there has been no mowing, it is now tree covered despite it previously being hay.

Ms. Barker continued by saying that the applicant asserts that just because adjoining properties are zoned rural residential, this should be the same. She said that practice should be halted. There is risk to the water supply. She said this is also a winter range for wildlife; the rezone would negatively impact that. Referencing several more of the Planning Commission's staff report's possible finding denials, she said that there are several criteria not met that should result in a denial. She stated she believes the Board should have had the same denial/approval information the Planning Commission had.

Vice-Chair Hege pointed out that the Planning Commission materials were available to the Board and he did review them.

Ms. Brewer said that staff is clearly presenting the Planning Commission's recommendation to the Board. The Planning Commission's recommendation was to remove all of the denials from the recommendation.

Mr. Summerfield stated that this site-specific request has not been before the Board before today. He pointed out that the DLCD and Oregon Department of Fish and Wildlife both commented on the Thomas application but did not comment on Mr. Wilson's application. He reiterated that in recent memory there has been no logging on this property. The well report shows output of 50-60 gallons per minute. He added that the reason the Board did not see the denial findings is because they were excluded by the Planning Commission. He stated that this decision is not precedent-setting because you cannot use one exception to support another.

Commissioner Schwartz asked if this piece of property is not resource land. Mr. Summerfield replied that it is currently zoned forest but was used for haying. He said it is impracticable for forest land.

Commissioner Schwartz asked for an explanation of the reference to a mistake in the Comprehensive Plan. Mr. W. Smith replied that the ordinance requires consideration of a mistake in the Comprehensive Plan. The debate was about the

Transition Land Study Area (TLSA) and a possible mistake when rezoning in the 1990's; the applicant argued that it was a mistake to not rezone this piece at that time.

Mr. Summerfield added that TLSA suggested a variety of zoning and they really just punted it by not making a decision at all. Our argument is that it is just a mistake. Mr. W. Smith commented that it is not necessarily a mistake but needs to be updated.

Commissioner Schwartz asked if there are pieces in the surrounding area zoned for development but currently undeveloped. Mr. W. Smith confirmed that there are, saying that there are dwellings on two sides with the third side zoned for development.

Vice-Chair Hege asked Mr. W. Smith to talk about FF10 and what the next steps would be. Mr. W. Smith replied that Mr. Wilson would have to apply for a division or subdivision. He said that new dwellings are conditional use permitting requiring Planning to review for special conditions.

Commissioner Schwartz asked for an example of those conditions. Mr. W. Smith stated that there is an entire chapter available for special conditions.

At 11:50 a.m. Chair Kramer recessed the hearing to open Mid-Columbia Center for Living's Community Development Block Grant's final hearing for the mental health clinic construction project.

<b>Agenda Item – Community Development Block Grant Final Hearing</b>
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Mid-Columbia Center for Living Executive Director Barbara Seatter shared a picture of the completed building located on 10<sup>th</sup> and Webber in The Dalles, Oregon. She explained that Wasco County has supported the project by applying for the \$2 million grant and loaning MCCFL the funds necessary to complete the project. She reviewed the memo included in the Board Packet and expressed gratitude to the County for their support.

Vice-Chair Hege announced that Ms. Seatter will be moving on and thanked her for her nine years of service here. He also thanked County staff for their work on this project. Ms. White recognized the significant contributions of Wasco County's Finance Department and MCEDD.

Chair Kramer opened the floor to questions or comments from the public; there being none, he closed the hearing at 11:57 a.m. and re-opened the rezoning

hearing.

<b>Agenda Item – Wilson Rezoning Hearing Continued</b>
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Mr. Wilson explained that water on Seven Mile is not exclusively dependent on an aquifer. He said that water runs through the basalt and he is not hitting an underground river to access water. He added that as far as fire risks, each property owner should be managing their property to mitigate that risk. Mr. W. Smith added that with new developments we have fire safety standards that are applied.

Commissioner Schwartz commented that when we talk about physically developed, it is relatively subjective . . . there is no criteria for that reflected in the percentages. She said that if the building is dilapidated, we could consider that as not a structure. Ms. Brewer stated that she is sure it has been challenged at LUBA, but at this point it is under the Board's discretion.

Chair Kramer asked if there was any further testimony. There being none, he closed the testimony portion of the hearing and opened deliberations.

Vice-Chair Hege commented that the two biggest issues he heard were fire risk and water supply which is always an issue. Regarding the fire risk, he said his thoughts are that a residence can be the source of fire but if property owners manage their property, they can do a lot to reduce the spread of fire. He said there actually could be a benefit to adding residences.

Vice-Chair Hege went on to say that he finds the water issue less concerning since there are already two wells. He said he spoke to Water Master Robert Wood regarding the possibility of three new residences on the property. He reported that Mr. Wood advised that three new residences would not affect the current situation. Vice-Chair Hege stated that he has lived there for 20 years and knew the former owner. He said the soils may be reasonably good, the problem is precipitation. He stated you don't see a lot of forest operations in that area – it is not viable.

Commissioner Schwartz noted that there is no guarantee that new wells won't be drilled. She said with two wells and a spring, you could probably grow a forest if you wanted to. She said she has not heard any compelling reason to take it out of resource and place it in residential.

Vice-Chair Hege asked if when going through the conditional use process could well-sharing be required. Mr. W. Smith replied that they do have the ability to

impose a condition on this decision to include easements for water. He said in a partition application, wells are on one property.

Vice-Chair Hege pointed out that wells are not water rights; you cannot irrigate trees with well water. Irrigated forest land is not a viable option.

Commissioner Schwartz said she feels any time we are taking land out of resource, we need to have a compelling reason to do so. She said this sets precedence. She stated we can talk about it in the context of today, but we cannot know what its value will be for future users.

Vice-Chair Hege stated he thinks this is more of an exception than anything else. He said he thinks the Planning Commission did a good job of vetting this.

Commissioner Schwartz commented that staff and commission membership change.

Chair Kramer stated he thinks this piece was overlooked in the 1990's and will help address our housing shortage.

**{{Vice-Chair Hege moved to approve Mr. Wilson's request for a Comprehensive Plan Amendment, an Exception to Statewide Planning Goal #4 – Forest Lands, and a Zone Change from Forest, F-2 (80), to Forest-Farm, F-F (10) as presented by staff and recommended by the Wasco County Planning Commission. Chair Kramer seconded the motion. Chair Kramer and Vice-Chair Hege voted "Yay," Commissioner Schwartz voted "Nay." Motion passed.}}}**

The hearing was closed at 12:18 p.m.

#### **Agenda Item – Executive Session**

At 12:18 p.m. Chair Kramer opened an Executive Session pursuant to ORS 192.660(2)(h) – conferring with legal counsel regarding litigation. Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room.

Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session. At the end of the executive session, we will return to open session and welcome the audience back into the room.



The regular session resumed at 12:45 p.m.

**Agenda Item – FEMA Grant**

Mr. W. Smith announced that the Wasco County Natural Hazards Mitigation Plan has been officially approved by FEMA. He said staff is ready to move on to the Community Wildfire Protection Plan. The grant application before the Board will fund that work and the money is available. He stated Planning is asking the Board's approval to move forward with the application which is due by July 9, 2019. He explained that the grant match requirement will be met with staff time. Additionally, they will be soliciting letters of support. He stated that staff will be working with the Oregon Department of Forestry on the update process which they were going to do anyway. It is great to be able to get funding to support the work.

Ms. White suggested the Board consider consensus on a letter of support now to allow the process to move forward without a second presentation to make that request at a future Board Session.

**{{Vice Chair Hege moved to approve Resolution 19-004 in the matter of submitting a grant application to the Federal Emergency Management Agency for the Community Wildfire Protection Plan Update Project. Commissioner Schwartz seconded the motion which passed unanimously.}}**

**\*\*\*The Board was in consensus to provide a letter of support for the Community Wildfire Protection Plan update process.\*\*\***

**Agenda Item – Forest Classification Agreement**

Chair Kramer reported that each Commissioner individually met with Unit Forester Kristin Dodd to learn more about this process which had been presented to them at a previous session.

Ms. Dodd said she is here to follow-up for support of convening jointly with Hood River County. She reported that Hood River has already approved the Intergovernmental Agreement. She said she would also like to move forward with Wasco County's appointment of an at-large member for the committee. She said if a Commissioner is interested in serving, they can determine that now. If not, she will look for a list of names to bring back to the Board for consideration.

Vice-Chair Hege asked if Mr. Stone is comfortable with the agreement. Mr. Stone replied affirmatively.

**{{{Vice-Chair Hege moved to approve the Cooperative Agreement between Wasco County Board of Commissioners, Hood River County Board of Commissioners and Oregon Department of Forestry, State Forester to reconvene the joint Wasco/Hood River Forestland Classification Committee. Commissioner Schwartz seconded the motion which passed unanimously.}}}**

Chair Kramer said the initial concern was the geographical differences between the counties; but we are looking at ground, not lines. He said he would be willing to serve on the Committee.

**\*\*\*The Board was in consensus for Chair Kramer to serve as a Wasco County representative on the Wasco/Hood River Forestland Classification Committee.\*\*\***

<b>Agenda Item – MCEDD Transportation Agreements</b>
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Mid-Columbia Economic Development District Deputy Director Jessica Metta reminded the Board that they had approved applications for the grants associated with these two agreements. The agreements will provide the pass-through funding for the Special Transportation Fund (STF) and Statewide Transportation Fund (STIF) programs. She noted that the STIF program is new; the current 5310 grant agreement for the STF program expires June 30, 2019.

**{{{Vice Chair Hege moved to approve the Wasco County Statewide Transportation Improvement Fund Services Contract with Mid-Columbia Economic Development District for the implementation of the Wasco County Statewide Transportation Improvement Fund Plan as adopted by Wasco County. Chair Kramer seconded the motion which passed unanimously.}}}**

**{{{Vice-Chair Hege moved to approve the Wasco County Transportation Agreement Mid-Columbia Economic Development District for the provision of public transportation to seniors, individual with disabilities and the general public in Wasco County, specifically in The Dalles area. Commissioner Schwartz seconded the motion which passed unanimously.}}}**

Mr. Stone announced that the Link has just started its deviated fixed route which is a good thing for the community.

At 1:00 p.m. the Board and staff moved to the Deschutes Conference room where Chair Kramer opened a Work Session.

**Agenda Item – Work Session**

PINE HOLLOW FIREWORKS

Chair Kramer stated that Royd Brothersom had been invited to this session to discuss his concerns. He said it is unfortunate that Mr. Brothersom is not present but he would still like to move forward with the discussion.

Sheriff Lane Magill said that while it is in criminal statute, the intent of the fireworks laws is safety. District Attorney Eric Nisley added that the statute was heavily lobbied by the insurance industry.

Sheriff Magill said it is easy to have five or six thousand people in Pine Hollow over the 4<sup>th</sup> of July. He said he does not have the resources to enforce the statute county-wide and so he approaches it from an educational standpoint. He reported that he has seen at least one-thousand people by the boat ramp where it is paved and has never seen anyone there out of control. He said it is by the fire station and safe. He reported that the local fire department also runs patrols throughout the holiday celebrations.

Sheriff Magill went on to say that deputies do tell people it is illegal and we want them to be smart about it. He stated that if they were to see anyone in a big field, they would definitely go after that. One of the major challenges is that you can see the fireworks from a distance but by the time you get to the scene, either everyone is gone or there are too many people to know who is responsible – you cannot ticket them all. If someone is being reckless, a deputy will take action but likely not arrest based solely on the fireworks . . . . it is a waste of resources. He added that State patrols are not able to help.

Sheriff Magill said last year they placed flyers on doors and will do that again. The flyers explain that it is illegal and action will be taken. It is a systemic problem throughout the State. Klamath Falls has a big problem with it. In the last three years there have been 43 calls throughout the County related to fireworks.

**Agenda Item – QLife Budget**

Finance Director Mike Middleton reviewed the budget included in the Board Packet. Chair Kramer expressed his disappointment that there is not administrative support funding in the Maupin project.

**{{Vice-Chair Hege moved to approve the Fiscal Year 2020 QLife Budget as presented. Chair Kramer seconded the motion which passed unanimously.}}**

CODE COMPLIANCE

Ms. Brewer explained that she and Codes Compliance Officer Chris McNeel are here looking for policy direction for the Code Compliance Program. Traditionally, the program has been complaint-driven with one full-time employee handling 50-75 cases a year. Two-thirds of the cases are nuisance; the other one-third are land use violations requiring assistance from Planning.

Ms. Brewer went on to say that they started an abatement program to help people become compliant. Although the grant for that program has been expended, a partnership with Hazardous Waste has helped with getting steps and a lift gate for the abatement truck. We are able to get some labor through the Youth Services work-crew program.

Ms. Brewer explained there are several tools available to provide a mechanism for moving nuisance cases forward. The question is how much does the Board want staff to proactively use the available tools?

- Building Codes will be on board soon, providing another set of eyes in the field. They could report an additional 50-100 cases a year which would significantly increase the workload.
- Google Maps and Google Earth; online mapping tools are always getting better. Our surveyor has a drone and is going through the certification process.
- The Assessor wants to pursue pictography to accurately assess properties.
- Fire Boards report that they see a lot of illegal structures – they could be made safe and placed on the tax roll.
- Mr. McNeel has law enforcement credentials and experience to issue citations. The Gorge Commission is looking at code compliance throughout the Scenic Area.

Ms. Brewer said that neither the Code Compliance Officer nor the Planning staff has actively gone out to verify compliance through follow-up inspections; we just do not have the capacity. We could do that but it would slow the permitting process timeline. She said she is not suggesting that we do anything differently, just looking for guidance.

Mr. Stone commented that this is a really sharp edge and you can fall into the deep end very quickly. You can find yourself in neighbor against neighbor situations and be used as a mechanism to drive litigation. He advised caution and

thoughtfulness in the approach to the question.

County Assessor Jill Amery stated that there are reasons to support either side of the decision. She said we want access to as much information as possible. If appraisers are placed in a position of reporting, they will get less access to properties. She added that pictometry would make this a very different conversation, but they still could not get to the treed areas with that technology. She said they are finding unreported structures as well as the fact that some structures on the roll no longer exist. She stated that her appraisers want to build those relationships with the public.

Ms. Brewer pointed out that it can be very political and we are already more proactive than some counties that require more than one complaint before acting and do not accept anonymous complaints.

Vice-Chair Hege said these tools would increase cases beyond our capacity to respond. He suggested some criteria could be applied. Ms. Brewer stated that land use violations require a retroactive application that would go in line with all other applications. She said that in regard to the nuisance cases. They have discussed sending out flyers notifying residents of when Code Compliance would be in their area to give them a chance to mitigate their property.

Mr. McNeel said some of the cases are very old and take a good bit of research. He has to take the new cases first and work on the old ones as he can.

Building Official John Rodriguez said he has worked in more established counties that were more proactive. Regarding the buildings, safety was the driving factor. Ms. Brewer pointed out that when purchasing property, people look to see that it has been taxed but not whether it is legal or not. Ms. Amery concurred, saying the appraisers tax whatever they find, legal or not. Ms. Brewer added that Building Codes has Code Compliance separate from Planning; citizens could potentially be fined through both programs.

Further discussion ensued regarding the usefulness of the various tools and the consequences of their use. Commissioner Schwartz said she is not comfortable with the idea of drones flying over to find violations. Mr. McNeel stated there are regulations regarding how and why you can fly over private property.

Mr. Stone suggested spinning up a cross-functional team to assess the topic and return with recommendations. Chair Kramer said we need to consider equity; he is in favor of citations and requiring compliance.

WASCO COUNTY BOARD OF COMMISSIONERS  
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Commissioner Schwartz agreed that we should enforce the regulations but we need to decide if we are going to look for violations and if so, how.

Further discussion occurred regarding the differences between looking for violations and just coming across them as well as the response to the discovery. Ms. Amery restated the difference pictography would make to this discussion. Mr. Stone agreed that pictography is an important tool for assessment.

SPECIAL FUNDS

Chair Kramer stated that there is still \$174,000 in the Economic Development Fund. He said the Board has previously discussed supporting the Maupin projects and the Pine Hollow boat ramp project. He said he'd like to make the decision in this fiscal year with a caveat that we wait on the Maupin Clinic until the vote is in. He said he believes all three are viable projects and will be great for the southern portion of the county.

Vice-Chair Hege reported that he met with the South Wasco Park and Recreation District Board last night; they are moving forward with the boat ramp. He noted that the clinic is still raising money; he would prefer to commit the funds but not write the check until they actually break ground to build the clinic. HE added that while he supports these contributions, going forward he wants a process in place for these requests. Chair Kramer said he thinks MCEDD will provide that process.

**\*\*\*The Board was in consensus to provide \$125,000 in funding to three south county projects: \$50,000 to the City of Maupin for their Library/City Hall project, \$25,000 to South Wasco Park and Recreation District for the Pine Hollow boat ramp project and \$50,000 for the White River Health District for their clinic construction project; the White River Health District funding will be committed, but no check issued until the project begins construction.\*\*\***

Vice-Chair Hege left the meeting to attend a meeting in Hood River.

BUILDING CODES

Commissioner Schwartz asked how we are responding to Gilliam and Sherman County's letters regarding the Building Codes reserve funds. Mr. Stone said that Vice-Chair Hege asked to take over those negotiations. Staff's recommendation is that we do not provide Building Codes services for the other counties – it is a cost loser for us and not sustainable.

Mr. Stone continued by saying that we tried to address the reserves over eighteen

months ago. Independently, Wasco and Gilliam County asked the State to make that determination. The State did that but Gilliam County did not like the answer. He stated that he supports the State allocation model in principal. He pointed out that Wasco County is spinning up a multi-million dollar program in just six days – those dollars are critical to that program. He commented that it is unfair that they threw this at us at the 12<sup>th</sup> hour. He said he does not know how to work this out and has asked County Counsel to look into it. We have not responded to the letter(s).

Mr. Stone said that Vice-Chair Hege has talked with the other counties regarding their plans for providing building codes services. They are considering their options. Mr. Stone said his opinion is they are better off going with the State which would mean there would be no reason for the reserves to be divided. Any of those funds that go to the state would not be applied to a specific county but would be spread across the State for any programs they manage.

Chair Kramer explained that in 2013, MCCOG staff asked their Board for a 40% increase in fees. MCCOG had depleted the reserves, largely built with wind turbine fees, by subsidizing the remote building permits. They were in jeopardy of closing their doors; Google permit fees came in and built back the reserves. The increase was reduced to 20%. Unfortunately, the new county commissioners are not familiar with that history. Mr. Stone added that he has the minutes from the increase request meeting where staff reported the reserves would be down to \$300,000 and they would be forced to close.

Mr. Stone stated that at the request of the other counties, Wasco County put together a proposal for services comparable to the services provided by MCCOG. That proposal was rejected.

Commissioner Schwartz asked how we can communicate that. Chair Kramer said he wants to work with our partner counties but he needs to look out for Wasco County. The other counties need to make a request. Mr. Stone concurred saying that if they do not like the State proposed distribution, they need to tell us what they think it should be.

Further discussion ensued regarding Wasco County's preparations for taking over the Building Codes program.

Additional discussion around unprotected lands and a proposed central Wasco fire district were postponed to a future session.

The session was adjourned at 3:00 p.m.

Summary of Actions
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**MOTIONS**


- **To approve the Personal Services Contract for janitorial services at 419 E. 7<sup>th</sup> Street, The Dalles, Oregon, between Wasco County and Helping Hands Janitorial. Commissioner Schwartz seconded the motion which passed unanimously.**
- **To approve the purchase of four Jeep Compass Sport 4x4's for \$94,560 from C.H. Urness Motors.**
- **To approve the Intergovernmental Agreement between City of The Dalles, Wasco County and the Wasco County District Attorney's Office for the provision of criminal prosecution services.**
- **To approve Order 19-078 in the matter of the vacation of certain roads and sections of roads in Tygh Valley, Oregon.**
- **To approve Mr. Wilson's request for a Comprehensive Plan Amendment, an Exception to Statewide Planning Goal #4 – Forest Lands, and a Zone Change from Forest, F-2 (80), to Forest-Farm, F-F (10) as presented by staff and recommended by the Wasco County Planning Commission. (2-1 vote)**
- **To approve Resolution 19-004 in the matter of submitting a grant application to the Federal Emergency Management Agency for the Community Wildfire Protection Plan Update Project.**
- **To approve the Cooperative Agreement between Wasco County Board of Commissioners, Hood River County Board of Commissioners and Oregon Department of Forestry, State Forester to reconvene the joint Wasco/Hood River Forestland Classification Committee.**
- **To approve the Wasco County Statewide Transportation Improvement Fund Services Contract with Mid-Columbia Economic Development District for the implementation of the Wasco County Statewide Transportation Improvement Fund Plan as adopted by Wasco County**
- **To approve the Wasco County Transportation Agreement Mid-Columbia Economic Development District for the provision of public transportation to seniors, individual with disabilities and the general public in Wasco County, specifically in The Dalles area.**
- **To approve the Fiscal Year 2020 QLife Budget as presented.**
- **to approve the Consent Agenda – 4.11.2019, 4.17.2019 and 5.11.2019 minutes.**



**CONSENSUS**

- **To approve the selection of 6 Rivers to be awarded the Community Dispute Resolution Grant.**
- **To designate Vice-Chair Hege as the County's voting delegate at the 2019 NACo Conference and designate Mr. Stone as the alternate.**
- **To provide a letter of support for the Community Wildfire Protection Plan update process.**
- **For Chair Kramer to serve as a Wasco County representative on the Wasco/Hood River Forestland Classification Committee**
- **To provide \$125,000 in funding to three south county projects: \$50,000 to the City of Maupin for their Library/City Hall project, \$25,000 to South Wasco Park and Recreation District for the Pine Hollow boat ramp project and \$50,000 for the White River Health District for their clinic construction project; the White River Health District funding will be committed, but no check issued until the project begins construction.**

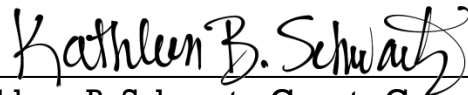
Wasco County  
Board of Commissioners



Steven D. Kramer, Board Chair



Scott C. Hege, Vice-Chair



Kathleen B. Schwartz, County Commissioner



## DISCUSSION LIST

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[JANITORIAL AGREEMENT FOR ANNEX A](#) – Fred Davis

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[BUILDING CODES VEHICLE PURCHASE](#) – Mike Middleton

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[DISPUTE RESOLUTION GRANT AWARD](#) – Kathy White

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[PROSECUTION SERVICES IGA](#)

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[NACO DELEGATE SELECTION](#) – Kathy White

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## DISCUSSION ITEM

### Janitorial Agreement for Annex A

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[STAFF MEMO](#)

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[HELPING HANDS PERSONAL SERVICES CONTRACT](#)

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[MOTION LANGUAGE](#)

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## FACILITIES

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

***Pioneering pathways to prosperity.***

To: BOCC  
From: Fred Davis  
Re: Janitorial changes

After experiencing significant problems with our current Janitorial vendor (CleanNet of the Northwest), NCPHD staff and Wasco County Administration met with the vendor on multiple occasions to address service delivery shortcomings. After specifically addressing the issues, the vendor committed to correcting the problems. In spite of their agreement the vendor was not able to deliver the cleanliness required for a healthcare service provider. The vendor did not solve the issues that were addressed in our meetings.

We do plan on continuing to use them in in other buildings that do not require that level of cleaning. We are currently negotiating on regular janitorial services for the Harding House.

Fred Davis  
Facilities Operations Manager



## **WASCO COUNTY PERSONAL SERVICES CONTRACT**

### **Janitorial Services at 419 E. 7<sup>th</sup> Street, The Dalles, OR**

THIS CONTRACT is between Wasco County, an Oregon political subdivision ("County"), and Helping Hands Janitorial ("Contractor"). This Contract shall be effective when signed by both parties.

#### **RECITALS**

- A. Contractor has the training, ability, knowledge, and experience to provide services desired by the County.
- B. County selected Contractor to provide services pursuant to a solicitation process consistent with its public contracting rules.
- C. The services described below are to be provided by the Contractor in connection with a project identified as follows: Janitorial Services at 419 E. 7<sup>th</sup> Street, The Dalles.

#### **AGREEMENT**

##### **1. Services to be Provided**

Contractor shall provide the janitorial "Services" described in Contractor's proposal (**Exhibit A** to this Contract).

##### **2. Term**

Contractor shall begin Services on May 1, 2019. This Contract shall expire, unless otherwise terminated or extended, on June 30, 2020.

##### **3. Compensation**

County agrees to pay Contractor \$1,250.00 per month based on a five day per week, Monday-Friday schedule excepting all federal holidays, averaging ten hours per week, for performance of those Services described in paragraph 1 inclusive of all parts, materials and supplies, for which payment shall be based upon the following applicable terms:

- a. Payment by County to Contractor for performance of Services under this Contract includes all expenses incurred by Contractor.
- b. Payment by County shall release County from any further obligation for payment to Contractor, for Services performed or expenses incurred as of the date of the invoice. Payment shall not be considered acceptance or approval of any work or waiver of any defects therein.

##### **4. Assignment/Delegation**

Neither party shall assign or transfer any interest in or duty under this Contract without the written consent of the other.

## **5. Status of Contractor as Independent Contractor**

Contractor certifies that:

- a. Contractor acknowledges that Contractor is an independent contractor as defined by ORS 670.600 and not an employee of County, shall not be entitled to benefits of any kind to which an employee of County is entitled and shall be solely responsible for all payments and taxes required by law. Furthermore, in the event that Contractor is found by a court of law or any administrative agency to be an employee of County for any purpose, County shall be entitled to offset compensation due, or to demand repayment of any amounts paid to Contractor under the terms of this Contract, to the full extent of any benefits or other remuneration Contractor receives (from County or third party) as a result of the finding and to the full extent of any payments that County is required to make (to Contractor or to a third party) as a result of the finding.
- b. Contractor represents that no employee of the County, or any partnership or corporation in which a County employee has an interest, has or will receive any remuneration of any description from Contractor, either directly or indirectly, in connection with this Contract, except as specifically declared in writing.
- c. Contractor is not an officer, employee, or agent of the County as those terms are used in ORS 30.265.

## **6. Indemnification**

Contractor agrees to indemnify and defend the County, its officers, agents, employees and volunteers and hold them harmless from any and all liability, causes of action, claims, losses, damages, judgments or other costs or expenses including attorney's fees and witness costs (at both trial and appeal level, whether or not a trial or appeal ever takes place) that may be asserted by any person or entity which in any way arise from, during or in connection with the performance of the work described in this Contract, except to the extent that the liability arises out of the negligence of the County and its employees. Contractor's indemnification shall also cover claims brought against the County under state or federal workers' compensation laws. If any aspect of this indemnity shall be found to be illegal or invalid for any reason whatsoever, the illegality or invalidity shall not affect the validity of the remainder of this indemnification.

## **7. Insurance**

Contractor shall provide all insurance called for below under the heading "Insurance Coverage Required." As evidence of the insurance coverages required by this contract, the Contractor shall furnish a certificate of insurance to County. The certificate will specify parties who are Additional Insured and must include a notice provision regarding cancellations. Insurance coverages required under this contract shall be obtained from insurance companies authorized to do business in the State of Oregon.

### **INSURANCE COVERAGE REQUIRED**

Contractor shall not commence any work until Contractor obtains, at Contractor's own expense, all required insurance as specified below. Such insurance must have the approval of Wasco County as to limits, form and amount. The types of insurance Contractor is required to obtain or maintain for the full period of the contract will be:

- A. **COMMERCIAL GENERAL LIABILITY** insurance coverage with a combined single limit of not less than \$2,000,000 for personal injury, bodily injury, advertising injury, property damage, premises, operations, products, completed operations and contractual liability. The insurance coverages provided for herein must be endorsed as primary and non-contributory to any insurance of County, its officers, employees or agents. Each such policy obtained by Contractor shall provide that the insurer shall defend any suit against the named insured and the additional insureds, their officers, agents, or employees, even if such suit is frivolous or fraudulent. Such insurance shall provide County with the right, but not the obligation, to engage its own attorney for the purpose of defending any legal action against County, its officers, agents, or employees, and that Contractor shall indemnify County for costs and expenses, including reasonable attorneys' fees, incurred or arising out of the defense of such action. The policy shall be endorsed to name Wasco County, its officers, agents, employees and volunteers as an additional insured. The additional insured endorsement shall not include declarations that reduce any per occurrence or aggregate insurance limit. Contractor shall provide additional coverage based on any outstanding claim(s) made against policy limits to ensure that minimum insurance limits required by the County are maintained. Construction contracts may include aggregate limits that apply on a "per location" or "per project" basis. The additional insurance protection shall extend equal protection to County as to Contractor or subcontractors and shall not be limited to vicarious liability only or any similar limitation. To the extent any aspect of this Paragraph shall be deemed unenforceable, then the additional insurance protection to County shall be narrowed to the maximum amount of protection allowed by law.
- B. **AUTOMOBILE LIABILITY** insurance coverage with a combined single limit of not less than \$500,000 for bodily injury and property damage resulting from operation of a motor vehicle. Commercial Automobile Liability Insurance shall provide coverage for any motor vehicle driven by or on behalf of Contractor during the course of providing Services under this contract. Commercial Automobile Liability is required for contractors that own business vehicles registered to the business. Examples include: plumbers, electricians or construction contractors. An example of an acceptable personal automobile policy is a contractor who is a sole proprietor that does not own vehicles registered to the business.
- C. **WORKERS' COMPENSATION AND EMPLOYER'S LIABILITY** as statutorily required for persons performing work under this contract. Any subcontractor hired by Contractor shall also carry Workers' Compensation and Employers' Liability coverage.
- D. **ADDITIONAL INSURED PROVISIONS.** The Commercial General Liability Insurance and other policies the County deems necessary shall include the County as an additional insured with
- E. **NOTICE OF CANCELLATION.** There shall be no cancellation, material change, exhaustion of aggregate limits or intent not to renew insurance coverage without 30 days written notice to the County. Any failure to comply with this provision will not affect the insurance coverage provided to the County. The certificates of insurance provided to the County shall state that the insurer shall endeavor to provide 30 days' notice of cancellation to the County
- F. **CERTIFICATES OF INSURANCE.** As evidence of the insurance coverage required by the Contract, the Contractor shall furnish a Certificate of Insurance to the County. No contract shall be effected until the required certificates have been received and approved by the County. The certificate will specify and document all provisions within this Contract. A renewal certificate will be sent to the above address no less than 10 days prior to coverage expiration.

- G. **PRIMARY COVERAGE CLARIFICATION.** The parties agree that Contractor's coverage shall be primary to the extent permitted by law. The parties further agree that other insurance maintained by the County is excess and not contributory insurance with the insurance required in this section.

The procuring of required insurance shall not be construed to limit Contractor's liability under this Contract. Notwithstanding said insurance, Contractor shall be obligated for the total amount of any damage, injury, or loss caused by negligence or neglect connected with this Contract.

## **8. Method and Place of Submitting Notice, Bills and Payments**

All notices, bills and payments shall be made in writing and may be given by personal delivery or mail. Payments may be made by personal delivery, mail, or electronic transfer. The following addresses shall be used to transmit notices and other information:

### **To County:**

Tyler Stone, Administrative Officer  
Wasco County  
511 Washington Street, Suite 101  
The Dalles, OR 97058  
Business Phone: 541-506-2550

### **To Contractor:**

Helping Hands Janitorial  
414 Washington St., Ste. 1D  
The Dalles, OR 97058

Notices mailed to the address provided for notice in this section shall be deemed given upon deposit in the United States mail, postage prepaid. In all other instances, notices, bills and payments shall be deemed given at the time of actual delivery.

## **9. Merger**

This writing is intended both as a final expression of the Contract between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the Contract. No modification of this Contract shall be effective unless and until it is made in writing and signed by both parties.

## **10. Ownership of Work Documents**

All work performed by Contractor and compensated by County pursuant to this Contract shall be the property of County upon full compensation for that work performed or document produced to Contractor, and it is agreed by the parties that such documents are works made for hire. Contractor hereby conveys, transfers and grants to County all rights of reproduction and the copyright to all such documents.

## **11. Labor and Material**

Contractor shall provide and pay for all labor, materials, equipment, tools, transportation, and other facilities and Services necessary for the proper execution and completion of all Contract work, all at no cost to County other than the compensation provided in this Contract.



**12. Termination for Convenience**

This Contract may be terminated by mutual consent of the parties upon written notice. In addition, County may terminate all or part of this Contract upon determining that termination is in the best interest of County by giving seven (7) days' prior written notice of intent to terminate, without waiving any claims or remedies it may have against Contractor. Upon termination under this paragraph, Contractor shall be entitled to payment in accordance with the terms of this Contract for Contract work completed and accepted before termination less previous amounts paid and any claim(s) County has against Contractor. Pursuant to this paragraph, Contractor shall submit an itemized invoice for all unreimbursed Contract work completed before termination and all Contract closeout costs actually incurred by Contractor. County shall not be liable for any costs invoiced later than thirty (30) days after termination unless Contractor can show good cause beyond its control for the delay.

**13. Termination for Cause**

County may terminate this Contract effective upon delivery of written notice to Contractor, or at such later date as may be established by County, under any of the following conditions:

- A. If County funding is not obtained and continued at levels sufficient to allow for purchases of the indicated quantity of Services. The Contract may be modified to accommodate a reduction in funds.
- B. If federal or state regulations or guidelines are modified, changed, or interpreted in such a way that the Services are no longer allowable or appropriate for purchase under this Contract or are no longer eligible for the funding proposed for payments authorized by this Contract.
- C. If any license or certificate required by law or regulation to be held by Contractor to provide the Services required by this Contract is for any reason denied, revoked, or not renewed.
- D. Contractor may have contact with the public in the course of performing this Contract and shall maintain good relations with the public. Failure to maintain good relations with the public shall constitute a breach of the Contract. The County may treat the failure to maintain good relations as a non-curable breach allowing the County to terminate the Contract and to disqualify Contractor from future work for the County.

**14. Termination for Default**

Either County or Contractor may terminate this Contract in the event of a breach of the Contract by the other. Prior to such termination, the party seeking termination shall give to the other party written notice of the breach and intent to terminate. If the party committing the breach has not entirely cured the breach within fifteen (15) days of the date of the notice, then the party giving the notice may terminate the Contract at any time thereafter by giving a written notice of termination.

If Contractor fails to perform in the manner called for in this Contract or if Contractor fails to comply with any other provisions of the Contract, County may terminate this Contract for default. Termination shall be effected by serving a notice of termination on Contractor setting forth the manner in which Contractor is in default. Contractor shall be paid the Contract price only for Services performed in accordance with the manner of performance as set forth in this Contract.

**15. Remedies**

In the event of breach of this Contract the parties shall have the following remedies:

- A. If terminated under paragraph 13 by County due to a breach by Contractor, County may complete the work either itself, by agreement with another contractor, or by a combination thereof.
- B. In addition to the above remedies for a breach by Contractor, County also shall be entitled to any other equitable and legal remedies that are available.
- C. If County breaches this Contract, Contractor's remedy shall be limited to termination of the Contract and receipt of Contract payments to which Contractor is entitled.
- D. County shall not be liable for any indirect, incidental, consequential, or special damages under the Contract or any damages arising solely from terminating the Contract in accordance with its terms.
- E. Upon receiving a notice of termination, and except as otherwise directed in writing by County, Contractor shall immediately cease all activities related to the Services and work under this Contract. As directed by County, Contractor shall, upon termination, deliver to County all then existing work product that, if the Contract had been completed, would be required to be delivered to County.

**16. Nondiscrimination**

During the term of this Contract, Contractor shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, age, or national origin.

**17. Governing Law; Jurisdiction; Venue**

This Contract shall be governed by and construed in accordance with the laws of the state of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively "Claim") between County and Contractor that arises from or relates to this Contract which results in litigation shall be brought and conducted solely and exclusively within the Circuit Court of Wasco County for the state of Oregon; provided, however, if a Claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States Court for the State of Oregon.

**18. Compliance with Laws and Regulations**

Contractor shall comply with all state and local laws, regulations, executive orders and ordinances applicable to this Contract or to the delivery of Services hereunder.

**19. Experience, Capabilities and Resources**

By execution of this Contract, the Contractor agrees that Contractor has the skill, legal capacity, and professional ability necessary to perform all the Services required under this Contract, and Contractor has the capabilities and resources necessary to perform the obligations of this Contract.

**20. Access to Records**

For not less than three (3) years after the Contract expiration and for the purpose of making audit, examination, excerpts, and transcripts, County, and its duly authorized representatives shall have access to Contractor's books, documents, papers, and records that are pertinent to this Contract. If, for any reason, any part of this Contract, or any resulting construction contract(s) is involved in litigation, Contractor shall retain all pertinent records for not less than three years or until all litigation is resolved, whichever is longer. Contractor shall provide full access to these records to County, and its duly authorized representatives in preparation for and during litigation.

**21. Representations and Warranties**

Contractor represents and warrants to County that (1) Contractor has the power and authority to enter into and perform this Contract, (2) when executed and delivered, this Contract shall be a valid and binding obligation of Contractor enforceable in accordance with its terms, (3) Contractor shall, at all times during the term of this Contract, be duly licensed to perform the Services, and if there is no licensing requirement for the profession or services, be duly qualified and competent, (4) the Services under this Contract shall be performed in accordance with the professional skill, care and standards of other professionals performing similar services under similar conditions. The warranties set forth in this section are in addition to, and not in lieu of, any other warranties provided.

**22. Attorney Fees**

In case a suit or action is instituted to enforce the provisions of this Contract, the parties agree that the losing party shall pay such sums as the court may adjudge reasonable for attorney fees and court costs, including attorney fees and costs on appeal.

**23. Confidentiality**

Contractor shall maintain the confidentiality of any of County's information that has been so marked as confidential, unless withholding such information would violate the law, create the risk of significant harm to the public or prevent Contractor from establishing a claim or defense in an adjudicatory proceeding. Contractor shall require similar agreements from County's and/or Contractor's subcontractors to maintain the confidentiality of information of County.

**24. Force Majeure**

Contractor shall not be deemed in default hereof nor liable for damages arising from its failure to perform its duties or obligations hereunder if such is due to causes beyond its reasonable control, including, but not limited to, acts of God, acts of civil or military authorities, fires, floods, windstorms, earthquakes, strikes or other labor disturbances, civil commotion or war.

**25. Waivers**

No waiver by County of any provision of this Contract shall be deemed to be a waiver of any other provision hereof or of any subsequent breach by Contractor of the same or any other provision. County's consent to or approval of any act by Contractor requiring County's consent or approval shall not be deemed to render unnecessary the obtaining of County's consent to or approval of any subsequent act by Contractor, whether or not similar to the act so consented to or approved.

**26. Severability**

Any provisions of this Contract which shall prove to be invalid, void or illegal shall in no way affect, impair or invalidate any other provision hereof, and such remaining provisions shall remain in full force and effect.

**27. Headings**

The captions contained in this Contract are for convenience only and shall not be considered in the construction or interpretation of any provision hereof.

**28. Integration**

This Contract, including the attached exhibits contains the entire agreement between the parties regarding the matters referenced herein and supersedes all prior written or oral discussions or agreements regarding the matters addressed by this Contract.

**29. Amendments**

This Contract shall not be waived, altered, modified, supplemented, or amended in any manner without a duly executed Amendment. Any amendments to this Contract shall be effective only when reducing to writing and signed by both parties as below.

**30. Authority**

The representatives signing on behalf of the parties certify that they are duly authorized by the party for which they sign to make this Contract.

**31. Compliance with Oregon Tax Laws**

The undersigned is authorized to act on behalf of Contractor and that Contractor is, to the best of the undersigned's knowledge, not in violation of any Oregon Tax Laws.

APPROVED this 5<sup>th</sup> day of June, 2019.

Helping Hands Janitorial – Contractor

Wasco County Board of Commissioners

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

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

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

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

\_\_\_\_\_  
Kathleen B. Schwartz, County Commissioner

APPROVED AS TO FORM

\_\_\_\_\_  
Brad Timmons, County Counsel



## MOTION

**SUBJECT:** Personal Services Contract – Janitorial Services

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I move to approve the Personal Services Contract for janitorial services at 419 E. 7<sup>th</sup> Street, The Dalles, Oregon, between Wasco County and Helping Hands Janitorial.



## DISCUSSION ITEM

**Building Codes Vehicle Purchase**

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[STAFF MEMO](#)

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5294/2019

To: Board of County Commissioners  
From: Mike Middleton – Finance Director  
Re: Vehicle Purchase for Building Codes

The Building Codes Department is intended to be fully active as of July 1<sup>st</sup>. Part of ensuring this happens is to provide vehicles for the Building Official and the Inspectors. This will require four (4) vehicles.

Specifications were developed to meet the expected needs. The primary concerns were mileage, ride height and 4WD or AWD. A complete list of the specifications is attached to this memo. Based on the MSRP of the vehicles reviewed while setting the specifications; this purchase will be under the \$150,000 threshold for goods and services in the County procurement policy. This makes it an “intermediate Procurement”. To comply with the rules in this category, at least three competitive quotes need to be requested. Four (4) local vendors have been requested to provide quotes. Each of these vendors covers multiple brands which will ensure a wide review of vehicles.

The bids are due in to Finance by 1 pm on Monday, May 3<sup>rd</sup>, 2019. Payment will be made out of the Capital Acquisition Reserve Fund as there is appropriation available and it is an appropriate place for the expense. These funds will be reimbursed to the General Fund by the Building Codes Funds as of July 1<sup>st</sup>, 2019. This is planned in the Approved Budget from the Budget Committee. The budget hearing and budget adoption are scheduled to occur on June 12<sup>th</sup>, 2019.

Since the bids are not due until June 3<sup>rd</sup>, the recommendation is not included in the memo. However, it will be sent to the BOCC before the meeting. I apologize for the tight timeline, but it has become necessary as the rapidly approaching start date is right around the corner.

The intention is to receive and pay for the vehicles the week of 6/10/19. Approval of this purchase at the 6/5/19 BOCC meeting will allow the issuance of the Purchase Order to the winning bid.



To whom it may concern:

Wasco County is procuring four (4) vehicles for the new Building Codes Department. These vehicles will be used for Building Inspectors to travel to sites for inspections. Due to the nature of the use, the vehicles must meet the following specifications:

1. New – not used, preowned, or lease return; the vehicle can be 2018 or newer model year as long as it is new.
2. All Wheel Drive or Four Wheel Drive (AWD or 4WD)
3. Minimum Ground Clearance of 8.2 inches
4. Fuel Type: Gas
5. Minimum EPA rated Mileage: 22 City/30 Highway
6. Minimum 50 cu.ft cargo space
7. Three (3) year warrantee
8. Same make and model – the year does not need to be the same
9. Color – any stock color – the vehicles can each be a different color
10. Delivery available the week of June 10<sup>th</sup>, 2019
11. The bid must include all applicable costs

Steps in the process:

1. Submit the bid offered either in writing or by email to Mike Middleton, Finance Director Wasco County; 511 Washington St suite 207; The Dalles, OR 97058; [mikem@co.wasco.or.us](mailto:mikem@co.wasco.or.us) by 6/3/2019
2. The Finance Director will have the Board of County Commissioners approve the selected bid on 6/5/2019
3. A purchase order will be issued immediately after approval
4. A check will be cut & paid the week of 6/10/2019.

Please direct any questions to:

Mike Middleton – Finance Director, Wasco County; 541-506-2770;  
[mikem@co.wasco.or.us](mailto:mikem@co.wasco.or.us)





## DISCUSSION ITEM

### Dispute Resolution Grant Award Selection

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[STAFF MEMO](#)

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[6 RIVERS RFP GRANT NARRATIVE](#)

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[OOC DR NOTICE OF ELIGIBILITY](#)

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[SELECTION LETTER](#)

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## MEMORANDUM

**SUBJECT: Community Dispute Resolution Grant Award Selection**

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**TO: BOARD OF COUNTY COMMISSIONERS**

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**FROM: KATHY WHITE**

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**DATE: 5/28/2019**

### **BACKGROUND INFORMATION:**

This is a biennial grant process for community dispute resolution funding. We have partnered with Gilliam, Sherman, Wheeler, and Hood River Counties for this funding with Wasco County managing the process. A Joint Participation Resolution starts the process which concludes with the selection of a grantee by the Boards/Courts of the participating counties. As expected, our only applicant and qualified provider is 6 Rivers Community Mediation. Gilliam, Sherman, Wheeler, and Hood River Counties have all approved the selection of 6 Rivers as our grant recipient.

With final approval from the Wasco County Board of Commissioners, a notification letter will be sent to the Oregon Office for Community Dispute Resolution at the University of Oregon. Upon receipt, OOCDR will enter into a grant agreement with the selected Grantee.

## **2019-2021 Grant Application Narrative**

### **Six Rivers Dispute Resolution Center Mission Statement**

By establishing a forum where each party is heard, we teach listening.

By creating an environment where each party can speak, we teach communication.

By developing processes that seek resolution, we teach the importance of dialogue.

By building these processes into a method of mediating disputes we teach citizenship.

### **Six Rivers Goals and Objectives**

We invite you to support our mission and build better communication skills for the people of our region. We have proudly served this 5 county region and Oregon over the past 18 years as a team of peacemakers. For the past five and a half years, we have built a strong non-profit organization that remains flexible to your needs. Please take a look at the letter of support and let us know what support your individual community or family needs in the years ahead.

#### **A. Expand Capacity of our Community to productively resolve interpersonal disputes**

1. Strengthen partnerships with local governments and agencies that specialize in issue management and complaint driven processes.
2. Coordinate and cooperate with Counties and Cities to identify local needs and design approaches to build solutions.
3. Continue to create new leaders from schools and civic groups, Rotary and Service Club members to spearhead future direction of communication Trainings and identify places for advancement of communication skills.

**B. Increase Collaboration within Local Government, State and Federal Agencies.** Work with cities and counties during the annual planning processes, to identify needs and issues where mediation can be helpful. Reach out to Federal Agencies in our region to connect on needs analysis for training, mediation and facilitation. Federal Agencies we intend to work with include all USDA affiliated agencies, State Agricultural Agencies and Tribal Governments. Partner with Association of Oregon Counties and Regional Solutions to make the most impact out of resources for rural counties.

#### **Description of Services:**

Six Rivers seeks to inspire civic engagement through meaningful volunteer experiences! Community Mediation continues to fill a unique need in the dedication of volunteerism. We train, mentor and build camaraderie amongst volunteers. They, in turn, nurture organic and inspired learning. Volunteers are utilized in all aspects of the program outside of grant administration. Volunteers engage in conflict coaching; participate in co-mediations, facilitations, advanced training delivery, outreach presentations and co-teaching of workshops. The emotional reward and intellectual challenge of guiding people through collaborative change creates lasting and life changing impacts.

#### **Conflicts to be addressed include:**

Neighbor to neighbor cases involving boundary disputes between residents of the region. Typical cases involve conflicts arising from sounds, landscaping, animal behavior, race, culture, age, gender, language, schedules, lifestyles, as well as communication breakdowns. Migrating populations

from urban to rural areas and rural to urban often experience culture shock. Small communities adapt to change, but the pace of change is often different between the individuals.

Restorative Practices in Families and Schools: by building or re-building relationships that are essential for emotional support as families and kids grow, our goal is maintaining the home as a safe atmosphere by fostering dialogue between family members. Many topics in conflict feel too difficult or dangerous for the family members to handle without the guidance of a third party.

NEW IN 2019: Our staff has completed over 280 hours of training in Restorative Practices and are certified to Train the Trainers for schools who wish to take this Trauma Informed Care approach to discipline in the schools.

USDA Certified Agricultural Mediations and Agricultural Credit Cases:

Federal Agency Mediation provider throughout Oregon: Six Rivers DRC operates the Oregon USDA Certified Agricultural Mediation Program. The program is funded in part by a Federal Grant for cases specified under 7CFR 785.

Six Rivers location is relevant to the clients: Eastern Oregon is home to a majority of the Agricultural producers of our state. Sherman County alone receives one of the largest percentages of USDA funding in Oregon.

Federal funding helps to stabilize the small but diverse rural program, in an area where the population density is low and case types are varied by each community.

Benchmarks for upcoming biennium:

Mediator training: Targeting 20 people per year for 6 hours or more of training. 6 new mediators completing 40 hour training and enrolling in our Practicum.

Community Trainings: Workshops and outreach presentations will target 200 residents per year. Mediation services: Improve the lives of 450 people regionally each year through direct participation as stakeholders in the mediated solutions.

Financial impact on participants and the savings generated through collaborative agreements are also in the works for being tracked through a collaborative project with the Evans School of Public Policy and Governance at University of Washington.

Types of Disputes that will be handled:

Neighbor to neighbor	Family decisions	Restorative Justice
Community dialogue	Housing: Roommates	Nuisance
Parenting plans	Foreclosure and other Loans	Farmer to farmer
	Landlord Tenant	Organic Certification
Agricultural Mediation	Consumer Credit	<b>Family Farm Transition</b>
USDA program compliance	Federal Forest	
Rural Development Loans	Crop Insurance	

Types of dispute resolution services that will be offered: Case Development, Conflict Analysis, Conflict Coaching, Mediation, Facilitation, and Customized training and skill based workshops: workplace conflict resolution training seminars, school based conflict resolution

skills training. School based Restorative Practices training and services. Specialty Mediation as appropriate to mediator skills and program capacity. Agricultural Mediation, Foreclosure Mediation, Facilitation and Mediation, Domestic Relations Mediation.

Publicity and Outreach.

RADIO: 12 appearances on local radio morning civic informational talk show. 25 minutes in education on conflict resolution spot. Listening audience 8,000. Press releases or similar public notices will be issued each year; 4 -one per quarter, announcing trainings and collaborative efforts in the community.

Listening booth: we participate in county fairs and other special events in spring and summer to allow people to vent about whatever is bothering them. Trained Compassionate listeners sit and listen attentively as anyone who wants to talk can talk.

Listen UP! A series of courses for community participation. Non-violent communication and compassionate listening as well as emotional intelligence are 3 areas continuing education courses in professional development areas for counselors, attorneys, and mediators. We bring in outside professional trainers to provide a variety of access to intellectual and emotional approaches to communication studies.

Website presence and access through texting as a portal for both client access and community education: [www.6rivers.org](http://www.6rivers.org)

Social Media Networking through Six Rivers Dispute Resolution Center's Facebook page and Twitter accounts- trainings, mediator spotlights, program highlights are updated twice a week.

Case (access) restrictions to be imposed: Six Rivers case intake workers are trained in screening calls for appropriateness of services. Screening includes extensive analysis of any history of Domestic Violence and the impact on negotiations.

ADA facilities:

The home office in Hood River is compliant with ADA accessibility requirements and we have relationships with County and City facilities throughout the region to accommodate the large region and reduce travel whenever possible. Any client requiring additional accommodations will be provided with all services necessary to ensure equal access. Spanish and other language interpreters are available with advance notice.

Mediator Recruitment:

Given the broad geographical diversity of our region, it makes the most sense to have mediators who live in many different communities, available to volunteer. We will focus recruitment of new volunteers on Sherman, Wheeler and Gilliam Counties, hosting at least One of our 40 hour basic mediation trainings on location in one of those 3 counties. There is an ongoing challenge in the low population areas, to find mediators who can serve as neutral to disputes in those communities. We will seek to develop a mediator sharing concept for those counties, working to ensure confidentiality of disputes and services.

Social media and social services will be utilized to nominate people who are already natural go-between's and trusted confidants in their communities. With an apprenticeship training program and the co-mediator model, we can develop stronger community problem solving.

Goal in volunteer recruitment is: 4-6 new volunteer mediators per year.

#### Mediator Training:

Quality control measures for volunteer mediators continue to grow and be validated throughout the Northwest. Six Rivers Executive Director is actively engaged in the development of the highest standards for mediator certification. We will offer at least one (typically 2) 40 hour

Basic Mediation training(s) each year. We add a minimum of 3 volunteer mediators per training. The 40 hour training activities and supervision plans meet the requirements for community mediators in UO Policy CDRP Section Q.

#### Current Volunteers

32 active volunteer mediators are currently in our pool. Continuing education courses are offered once a month at varying locations. Guest speaker and professionals throughout the area enhance training opportunities with topics such as Ethics in Mediation, Contract Law, Counseling vs. Mediation as a practice, Working Effectively with Juveniles, Family Law, etc. Succession planning indicates we will host a Basic Mediation Training every Fall and Spring. The average span of time for mediators with Six Rivers is 7 years. Current volunteer pool is comprised of mediators with specialty areas in Family Law, Foreclosure and Facilitation

#### Evaluation

##### Mediation Services:

Evaluation of appropriateness for mediation is conducted during intake. Cases involving any history of domestic violence or mental illness are screened at additional levels and referred to other services as appropriate.

Written evaluation data is gathered in person at the end of a mediation session and submitted to the mediators directly. Follow up evaluation is sent out by email to the parties within 3 months of the conclusion of the mediation. Volunteer mediators conduct follow up phone calls and verbally survey the parties following the OOCDR questionnaire.

Six Rivers is interested in a deeper collaboration with the University of Oregon School of Law to explore with previous mediation clients- the impact of our services. In 2019-2021 we hope to include a model of evaluation surveys that contribute to the data driven effectiveness of mediation and conflict resolution in our state.

Training participants complete a self-evaluation at the end of the mediation trainings. Evaluation data is submitted to OOCDR every six months, using the aggregation tools provided by the granter. Grantor provides an excel database that enables the collection and presentation of data in a statewide effort to demonstrate and ensure quality of services.

Annual program evaluation plans: Board of Directors will conduct an Annual Executive Director evaluation by February of each year. The Board works with the Executive Director to update the Annual Program Development Plan. The Annual Plan will be reviewed and expanded upon each year in May along with budget planning based on grant progress and opportunities within the region and the Northwest. Board of Directors expansion and recruitment goals include maintaining equity in board representation and diversity of stakeholders to reflect our community.

#### Affirmative Action Statement:

Six Rivers supports Equal Opportunity for all. Please see our attached Employee Handbook for the full policy of Affirmative Action. Pages 5 & 6.

**Internal Control Structure** is included in the attached Fiscal Policy. There are particular oversight roles for the Board of Directors, each staff member and the contracted bookkeeping service.

You will find the additional information requested on Affirmative Action statements, Internal Control, Letters of Support, Budget, and Consent to Mediate in the following attachments.

Training of Mediators and Qualifications  
of the Lead Trainer: Master Quality  
Assurance Program Lead Trainer  
Resume for Marti Dane  
Basic Mediation Training Objectives  
Basic Mediation Training Application Basic  
Mediation Training Agenda

Letters of Support x 5

Budget addendums:  
Fee Schedule  
Sliding Fee schedule  
Previous biennium financial reports

Documents regarding client interaction in mediation:  
Consent to Mediate/Voluntary Nature of Mediation/Confidentiality  
Statement/Consent to mediate form  
Evaluation post session  
Evaluation 3 months later

Policy:  
Personnel Policy Manual  
Fiscal Policy Manual

Respectfully Submitted,



Marti Kantola Dane  
Executive Director



May 3, 2019

Gilliam, Hood River, Sherman, Wasco, Wheeler Counties  
Board of Commissioners  
511 Washington, Room 302  
The Dalles, OR 97058  
Attention: Kathy White

RE: 2019-2021 Community Dispute Resolution Grant

Dear Board of Commissioners:

I am pleased to inform you that the Oregon Office for Community Dispute Resolution (OOCDR) has completed its review of applications for grant funding under the Oregon Community Dispute Resolution statute and University of Oregon policy. The eligible program in your County(ies) is:

\* Six Rivers Dispute Resolution Center

In determining the entity's eligibility for funding, OOCDR requested a few clarifications from the applicant. The additional information submitted from the grant applicant is attached to the same email that transmitted the letter of eligibility. Hard copies will be mailed to you upon request.

At this point we ask that the County Board of Commissioners take action on or before June 14, 2019 to officially select the eligible grantee to receive OOCDR funds and that you notify me once that action has been taken.

After I receive notice of your selection, I will work directly with the eligible applicant to sign a grant agreement and award the grant. A copy of the grant agreement will be provided to you. Please note that the final grant award will be subject to authorization of ongoing funding by the Oregon Legislative Assembly for the 2019-2021 biennium.

These grants help make it possible to educate the citizens of Oregon about mediation and assist them in finding effective ways to resolve their disputes peacefully. Thank you for the ways in which you support these important community engagements.

Sincerely,

Patrick Sponsler, MPA  
Administrator

cc: Marti Dane, Six Rivers Dispute Resolution Center

**Oregon Office for Community Dispute Resolution**  
1515 Agate Street, Eugene, OR 97403  
1221 University of Oregon, Eugene, OR 97403  
541-346-1623 [oocdr.uoregon.edu](http://oocdr.uoregon.edu)





**BOARD OF COUNTY COMMISSIONERS**

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

***Pioneering pathways to prosperity.***

Patrick M. Sponsler, MPA  
Administrator  
Oregon Office for Community Dispute Resolution  
University of Oregon School of Law  
1221 University of Oregon  
Eugene, OR 97403

June 5, 2019

Dear Mr. Sponsler-

As Community Dispute Resolution Coordinator for Wasco, Hood River, Sherman, Gilliam and Wheeler Counties, we are pleased to notify you that we have approved the selection of Six Rivers Community Mediation Services as Grantee to receive Oregon Office for Community Dispute Resolution (OOCDR) funding for all five counties for the 2019-2021 biennium.

Please contact us should you have any questions or concerns.

Thank you,  
WASCO COUNTY BOARD  
OF COMMISSIONERS

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Steven D. Kramer, Commission Chair

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Scott C. Hege, Commission Vice-Chair

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Kathleen B. Schwartz, County Commissioner



## DISCUSSION ITEM

### IGA for Prosecution Services

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[STAFF MEMO](#)

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[IGA FOR PROSECUTION SERVICES](#)

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[MOTION LANGUAGE](#)

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## MEMORANDUM

**SUBJECT:** IGA for the Provision of Criminal Prosecution Services

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**TO:** BOARD OF COUNTY COMMISSIONERS

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**FROM:** KATHY WHITE

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**DATE:** 5/28/2019

### **BACKGROUND INFORMATION:**

At the April 3, 2019 Session of the Board of County Commissioners, City of The Dalles Representatives proposed the transfer of Municipal Court Cases to Wasco County for prosecution. It is the City's prerogative to choose whether or not to prosecute their own criminal cases; however, during the discussion, they recognized the drain on County resources that would result from the transfer. The City proposed an agreement that outlined responsibilities and provided for compensation to the County for the provision of prosecution services. The agreement included in today's packet has been vetted by both City and County Attorneys and approved by The Dalles City Council.

**INTERGOVERNMENTAL AGREEMENT BETWEEN  
THE CITY OF THE DALLES, WASCO COUNTY, AND  
THE WASCO COUNTY DISTRICT ATTORNEY'S OFFICE  
FOR THE PROVISION OF CRIMINAL PROSECUTION SERVICES**

This Agreement is made this 5<sup>th</sup> day of June, 2019, by and between the City of The Dalles, a municipal corporation of the State of Oregon, hereinafter referred to as the "CITY", and Wasco County, a political subdivision of the State of Oregon formed under the Oregon Constitution and ORS Chapter 203, hereinafter referred to as the "COUNTY"; and the Wasco County District Attorney, hereinafter referred to as "DISTRICT ATTORNEY".

**WHEREAS**, the State of Oregon has declared it to be a matter of statewide concern to promote intergovernmental cooperation for the purpose of furthering economy and efficiency in local government; and

**WHEREAS**, the legislature has given general authority for intergovernmental agreements by units of local government pursuant to the provisions of ORS 190.101 et. seq; and

**WHEREAS**, pursuant to Chapter V, Section 23(7) of the City Charter, the City Council adopted Resolution No. 19-010 on the 13th day of May, 2019, transferring certain functions associated with misdemeanor criminal cases in the Municipal Court to the Wasco County Circuit Court; and

**WHEREAS**, the DISTRICT ATTORNEY has responsibility for prosecution of misdemeanor cases filed in the Wasco County Circuit Court; and

**WHEREAS**, the CITY has presented a proposal to Wasco County to provide compensation to assist the COUNTY with the additional costs of prosecution of misdemeanor criminal charges in the Wasco County Circuit Court by the DISTRICT ATTORNEY, as a result of the adoption by the CITY of Resolution No. 19-010; and

**WHEREAS**, the City has reflected evidence of its good faith intent to consider this Agreement to be long term in nature by including a line item in the City's proposed 2019-2020 budget for compensation to be paid pursuant to this Agreement; and

**WHEREAS**, the DISTRICT ATTORNEY acknowledges the intent of this Agreement is to have the DISTRICT ATTORNEY assume prosecution of the criminal misdemeanor cases to be transferred from the Municipal Court to the Wasco County Circuit Court, subject to the DISTRICT ATTORNEY'S exercise of prosecutorial discretion;

**NOW, THEREFORE, IN CONSIDERATION OF THE RECITALS ABOVE, THE PARTIES AGREE AS FOLLOWS:**

Section 1. County and District Attorney Duties. In consideration of the compensation to be paid to the COUNTY under Section 2, the COUNTY agrees to provide funding for prosecution services to be provided by the DISTRICT ATTORNEY's office of misdemeanor criminal offenses which have been prosecuted previously in the CITY Municipal Court. CITY,

COUNTY and DISTRICT ATTORNEY understand and agree the COUNTY shall have the discretion to determine how the funds provided by CITY under Section 2 shall be expended in accordance with COUNTY budget procedures, and that the DISTRICT ATTORNEY shall have prosecutorial discretion to determine what cases are prosecuted by the DISTRICT ATTORNEY'S Office.

Section 2. City's Duties. Beginning on July 1, 2019, CITY shall pay COUNTY the sum of eighty thousand and no/dollars (\$80,000). Said sum shall be paid annually each year that this Agreement remains in effect.

Section 3. Increase in Compensation. Beginning with the term which commences on July 1, 2020, the amount of compensation paid by the CITY pursuant to Section 2 of this Agreement shall be increased by three percent (3%). This additional increase in compensation shall continue to apply during any renewal term of this Agreement.

Section 4. Term. The initial term of this Agreement shall commence upon July 1, 2019, and shall continue until June 30, 2020. Thereafter, this Agreement will be renewed on an annual basis with the term that begins on July 1, 2020, unless any one of the parties provides written notice of intent to terminate this Agreement at least one hundred eighty days (180) days prior to June 30th of each year thereafter. This Agreement may also be terminated at any time by mutual agreement of all the parties.

Section 5. Status as Independent Contractor. In the performance of the work duties and obligations required of the DISTRICT ATTORNEY'S Office under this Agreement, it is mutually understood and agreed that said office is at all times acting and performing as an independent contractor. No relationship of employer/employee is created by this Agreement. The CITY shall neither have, nor exercise, any control over the methods by which the DISTRICT ATTORNEY'S Office shall perform its work and functions. The sole interest and responsibility of the CITY is to assure the services covered by this Agreement shall be performed and rendered in a competent, efficient, and satisfactory manner. The COUNTY and DISTRICT ATTORNEY'S Office shall not have any claims under this Agreement against the CITY for vacation pay, sick leave, retirement benefits, Social Security benefits, worker's compensation benefits, unemployment or other employee benefits of any kind.

Section 6. Non-appropriation. The obligation of each party to perform their duties under this Agreement is conditioned upon the party receiving funding, appropriations, limitation, allotment, or other expenditure authority sufficient to allow the party, in the exercise of its reasonable administrative discretion, to meet its obligations under this Agreement.

Section 7. Notices. Any notice required to be given under this Agreement or required by law shall be in writing and delivered to the parties at the following addresses:

**CITY OF THE DALLES**  
City Manager  
313 Court Street  
The Dalles, OR 97058

**WASCO COUNTY**  
Administrative Officer  
511 Washington Street  
The Dalles, OR 979058

**DISTRICT ATTORNEY**  
Wasco County District Attorney  
511 Washington Street  
The Dalles, OR 97058

Section 8. Applicable Laws. The law of the State of Oregon shall be used in construing this Agreement and enforcing the rights and remedies of the parties.

Section 9. Merger. There are no other undertakings, promises or Agreements, either oral or in writing, other than that which is contained in this Agreement. Any amendments to this Agreement shall be in writing and executed by both parties.

**IN WITNESS WHEREOF**, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement on the respective dates shown below.

CITY OF THE DALLES

WASCO COUNTY

By: \_\_\_\_\_  
Julie Krueger, City Manager

By: \_\_\_\_\_  
Tyler Stone, Administrative Officer

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

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

ATTEST:

\_\_\_\_\_  
Izetta Grossman, CMC City Clerk

Approved as to form:

Approved as to form:

\_\_\_\_\_  
Gene E. Parker, City Attorney

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

\_\_\_\_\_  
Bradley V. Timmons, Wasco County  
Counsel

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

WASCO COUNTY DISTRICT ATTORNEY

\_\_\_\_\_  
Eric Nisley, District Attorney

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



## MOTION

**SUBJECT:** Prosecution Services Agreement

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I move to approve the Intergovernmental Agreement between City of The Dalles, Wasco County and the Wasco County District Attorney's Office for the provision of criminal prosecution services.



## DISCUSSION ITEM

**NACo Delegate**

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[STAFF MEMO](#)

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[NACO MEMO](#)

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## MEMORANDUM

**SUBJECT: NACo Delegate**

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**TO: BOARD OF COUNTY COMMISSIONERS**

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**FROM: KATHY WHITE**

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**DATE: 5/28/2019**

### **BACKGROUND INFORMATION:**

Each year we are asked to designate a delegate to vote on behalf of Wasco County at the NACo annual conference. Generally, we have one attending Commissioner who is the voting delegate along with the Administrative Officer. This year, we have two elected officials (Vice-Chair Hege and County Treasurer Preston) attending along with the Administrative Officer. Staff recommends designating Vice-Chair Hege as Wasco County's voting delegate and then either Mr. Stone or Mr. Preston as the alternate.



## MEMORANDUM

### ELECTION OF NACo OFFICERS AND VOTING ON POLICY

To: County Board Chairpersons, Parish Presidents, Borough Mayors,  
County Judges, Elected County Executives and County Clerks  
From: Greg Cox, NACo President  
Date: May 16, 2019  
Subject: Voting Credentials – 2019 Annual Conference

NACo is preparing for the 84th Annual Conference to be held July 12-16, 2019, in Clark County, Nev. It is important that your county participates in the association's annual election of officers and voting on policy. **In order to participate, a county must have paid its membership dues and have one paid registrant for the conference, according to NACo bylaws.**

Please read the enclosed information carefully. Indicate on the credentials form the name of the county voting delegate and alternate authorized to pick up your county's voting materials.

A checklist is enclosed to assist you in filling out the voting credentials form. Additionally, **the chief elected official of your county must sign the form.** A chief elected official may be a:

- board chair/president
- mayor
- county judge
- **elected** county executive

*Please fill out this form in advance and scan and e-mail, mail or fax the enclosed form by **FRIDAY, JUNE 28.***

**If no one from your county is planning to register for the conference, you do not have to turn in the credentials form.**

Email: [credentials@naco.org](mailto:credentials@naco.org)  
Mail: Credentials Committee  
Attn: Lauren Wilson  
National Association of Counties  
660 North Capitol St, NW  
Suite 400  
Washington, DC 20001  
Fax: 866.370.9421

For questions, please contact Lauren Wilson, Credentials Committee Liaison, at [credentials@naco.org](mailto:credentials@naco.org) or 888.407.NACo (6226), direct line: 202.661.8840. We look forward to seeing you in Clark County.



## 2019 Credentials Process Frequently Asked Questions

### **On what issues or for which candidates do counties/parishes/boroughs vote?**

Counties vote on resolutions that set NACo legislative and association policy for the coming year. Delegates also elect NACo officers for the coming year. The second vice president is typically the only contested position.

### **How can my county vote?**

A county must be a NACo member “in good standing” in order to vote. This means your county’s dues for 2019 must be paid before the voting occurs. Also, the county must have at least one paid registration for the annual conference and have proper credentials.

### **What are credentials?**

Credentials attest to a county’s eligibility to vote. Credentials contain information on the number of votes a county is eligible to cast, as well as the identity of the delegate that is authorized to cast the county’s vote.

### **How is the credentials form distributed?**

The form is mailed in May to the clerk and chief elected official of member counties so that the county can provide the name of the voting delegate to NACo. Conference registrants will receive an e-mail with a link to the credentials form as well. Only counties that have paid their 2019 NACo dues will receive a credentials form. Please return this form by Friday, June 28, 2019.

### **Why did I receive a credentials form?**

You are receiving this form because you are the chief elected official at your county, your county’s clerk, or you registered for the 2019 NACo Annual Conference. If you wish to vote, please bring the credentials form to your chief elected official to fill out and return to NACo. Please see this packet for more instructions on the form.

### **My county has misplaced the credentials form. What should I do?**

The credentials form is available in the Elections and Voting Credentials section of the NACo website ([www.naco.org/credentials](http://www.naco.org/credentials)). After you download, print, and fill out the form correctly, you can return it to NACo. Please call Lauren Wilson at 202.661.8840 if you need assistance.

### **If my county is not registering for the Annual Conference, does my county have to send in the credentials form?**

No. Only counties who register may vote. Please do not return the credentials form to the NACo office if your county does not plan to register for the Annual Conference.

### **What is a voting delegate?**

A voting delegate is someone authorized by your county/parish/borough board to pick up a ballot and cast your county’s votes at the annual conference. The delegate must have a paid registration to the conference.





**Who may be a voting delegate?**

Any elected or appointed official or staff member from your county/parish/borough may be a voting delegate. That decision is up to your county board.

**What is an alternate?**

An alternate is another elected or appointed official or staff member from the county delegated by the county to pick up and cast its ballot. The alternate must have a paid registration to the conference. The delegate or alternate listed on the credentials form may pick up your county's ballot.

**My county has only one person attending the conference. Does my county have to designate an alternate?**

No. It is not necessary to list an alternate if a delegate is named.

**Whose ballots may the state associations of counties/parishes/boroughs receive?**

Your state association of counties/parishes/boroughs is allowed to pick up any unclaimed ballots from counties/parishes/boroughs that have registered delegates. The pick-up time for state associations is Sunday afternoon (2 to 5 p.m.) during the conference. The state association may then cast those ballots in the election.

**My county does not want our state association to pick up our votes. How does my county go about indicating this decision?**

You must check the box that says *"If my ballot is not picked up, I DO NOT AUTHORIZE my state association to pick up or cast my county's vote. I understand that my county's votes will NOT be cast if I select this option."* Please remember that your county's votes will not be cast at all with this option if your delegate does not pick up the ballot.

**If I do not get my credentials form into the NACo office by June 28, may I become credentialed on site at the conference?**

Yes. You may bring the original credentials form signed by your chief elected official or fill out the on-site ballot form. By signing the on-site ballot form you declare that you and the other conference attendees from your county have agreed that you are the voting delegate for your county. You must be registered for the conference to be able to vote.

**What happens if multiple registered attendees from my county completes the on-site ballot form?**

If there is uncertainty as to who the authorized delegate is, and more than one person claims to be your county's authorized delegate, officials from your county will need to resolve the dispute by 1 p.m. PDT on Sunday July 14, 2019. Unless the dispute is resolved, your county's votes will not be counted.

To resolve the dispute, all registrants who filled out the on-site ballot form are required to agree as to who is the individual authorized to cast their county's votes and communicate that to Lauren Wilson, Credentials Committee Liaison, at the Credentials Desk by 1 p.m. PDT on July 14, 2019.



**How do I get my ballot?**

When you submit your credentials form NACo staff prints out a paper ballot to bring to the NACo Annual Business Meeting. In order to vote you will need to pick up this paper ballot at the NACo Credentials Desk. Your county has until 1 p.m. on Sunday, July 14 to come to the Credentials Desk and pick up your ballot. If you do not pick it up by 1 p.m. your state association can then pick up your vote until 5 p.m. unless you check the box on the form to not permit them. If you check that box and do not pick up your own ballot your county will not be permitted to vote.

**What would happen if I have picked up my ballot, but need to leave before the election?**

If you have picked up the ballot for your county but will not be present to cast it at the NACo Annual Business Meeting on Monday morning, you can give that ballot to a delegate from your same county, from another active member in your state, the head of your state delegation, or your state association president or president's designee. To do this, you (transferer) and the person you are handing the ballot to (transferee) must sign the Record of Ballot Transfer form on the back of your ballot.

**If county won't be attending this year's Annual Conference, can we still vote?**

Yes. Your county can still have its votes counted without attending the conference, but one person from your county still needs to register. You must have at least one person registered by 12 PM PDT on July 9. If you register, do not plan to attend and wish to vote, you must designate your state association president as your delegate on the Credentials Form. Your state association president or his/her designee will pick up and cast your ballot.

**How does NACo determine the number of votes each county receives?**

The number of votes is determined by the amount of dues a county pays. Dues are based on population. All counties are entitled to at least one vote. Members with more than \$1,199 in dues are entitled to one additional vote for each additional \$1,200 in dues or fraction thereof paid in the year the meeting is held.

- Counties with dues of \$450 to \$1,199 receive one vote.
- Counties with dues of \$1,200 to \$2,399 receive two votes, and so on.
- The maximum number of votes a county can receive is 51.

**My county has 10 votes. How can our 25 commissioners divide or share the votes?**

That is up to your county. NACo has no rule as to how counties decide to allocate their votes. Counties may split their vote amongst the candidates running for second vice president if it is desired.

**I've heard the term "unit vote" used. What is that?**

Some states, by custom or policy, cast all of their votes as a block or "unit." State associations typically have a meeting before the election to determine how they will handle the voting process.

- Check with your state association regarding the time, date and location of this meeting.
- NACo bylaws permit each county to cast its vote as it chooses. Your county does not have to vote with your state association should you so choose.

**When does the voting take place?**

This year's election is on Monday, July 15, 2019 at 9:30 a.m. at the NACo Annual Business Meeting.

**How does the voting occur?**

Votes are cast by state, not by state association. Counties from a state sit together as a delegation. The reading clerk will call out states at random. A state appointed representative will approach the microphone and call out that state's vote. This will continue until one of the candidates has a majority of the total number of votes being cast. Voting may still continue after a majority has been reached.

**What is a roll call?**

Roll call is a way of voting for NACo resolutions to be passed. If a roll call is necessary, the names of the states will be read out in alphabetical order by the reading clerk. A state appointed representative will approach the microphone and call out that state's vote as "yes" or "no." This will continue until all votes have been cast.

**What happens if there is a dispute over the election process?**

It is rare, but sometimes irregularities occur with how votes are cast or counted, or how the credentialing process is conducted. As a safeguard, elections may be challenged during the voting process at the NACo Annual Business Meeting. Challenges are allowed under two circumstances. A voting delegate may challenge the vote for his/her state, and his/her state only. A candidate running to become a NACo officer may challenge the vote of any state. If a challenge is made, the NACo Credentials Committee may audit the ballots of a state delegation to ensure that the number of votes the state is casting matches the number of ballots the state has. The committee may also audit the ballot transfer records on the back of each ballot and the State Voting Totals Form, which is a form states fill out showing the number of votes cast for each candidate.

For questions, please contact Lauren Wilson, Credentials Committee Liaison, at [credentials@naco.org](mailto:credentials@naco.org) or 888.407.NACo (6226), direct line: 202.661.8840.



## CONSENT AGENDA

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[MINUTES: 4.11.2019 WORK SESSION](#)

[4.17.2019 REGULAR SESSION](#)

[5.15.2019 REGULAR SESSION](#)

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**WASCO COUNTY BOARD OF COMMISSIONERS**

**WORK SESSION**

**APRIL 11, 2019**

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

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

At 9:00 a.m. Chair Kramer opened the Work Session.

**Boat Ramp**

Vice-Chair Hege reported that he spoke to the Oregon State Marine Board. He explained that South Wasco Park and Recreation District is bound to work with the lowest bidder for the boat ramp project; unfortunately, the lowest bidder is still over their budget. He said they can now try to negotiate prices; the Marine Board has done that before and they are happy to facilitate that discussion. He stated that there are a number of items that could potentially reduce costs for the project.

Further discussion ensued regarding funding and timelines. County Clerk and SWPRD Liaison Lisa Gambie stated that SWPRD has worked very hard to get this project off the ground; this is probably the closest they will ever get. She said that if each group could put in a little money and costs could be reduced, we could reach the finish line.

Vice-Chair Hege said bids have a life span – time is of the essence. Further discussion occurred regarding the logistics of negotiations.

**County Counsel**

Mr. Stone said that we have until October 31<sup>st</sup> to give notice to Timmons Law. With more time-sensitive matters at the forefront, putting out a request for qualifications is not his current priority; Timmons can continue to provide legal counsel for now.



Vice-Chair Hege suggested that the Management Team or some subset of the Management Team with a higher level of interest could finish the draft RFQ and run the process of vetting and interviewing applicants.

#### **Municipal Court**

Mr. Stone pointed out that this is the City's decision. He said there is a stakeholder meeting this afternoon. He observed that Circuit Court will experience the greatest impact due to the conflict with the Wolfs which means Judge Stauffer will see 99% of the new cases in her courtroom. He stated that Circuit Court will take whatever cases come to them, but it will extend the time it takes for cases to come to trial. He added that it will likely mean additional staff in the District Attorney's Office.

Vice-Chair Hege commented that, like Building Codes, this is coming to us whether we like it or not. He noted that the city is keeping Traffic Court which generates funds.

#### **NORCOR Budget**

Commissioner Schwartz stated that the NORCOR budget includes a 16% subsidy increase over last year; they are asking for more staff, increased medical services, insurance, filling the gap from lost grant funding and other cost increases. She said that as she understands it, Hood River has already said they cannot fund additional subsidy payments. She stated that she wants to be clear about Wasco County's position before the next NORCOR meeting.

Discussion ensued regarding the consequences of various positions. Mr. Stone stated that it is important to maintain parity among the counties; if one pays – all pay. He said that they are getting more in rental fees and yet continue to ask for more funding. Somewhere along the way the philosophy shifted from having services to offset costs; instead of reducing costs to counties, costs are increasing.

Further discussion ensued regarding the perceived problems at NORCOR. Commissioner Schwartz commented that one of the weaknesses of the organization is that it is not easy to get information. She said she will continue to ask questions. Vice-Chair Hege commented that we need to maintain the partnership with all the counties. Commissioner Schwartz agreed, saying this is a good time to dig into the philosophy and clarify the mission of the organization. She said she would like to get the NORCOR Board to commit to a process.

Mr. Stone said that the NORCOR Board went through a process at AOC two years ago to get on track; it was a miserable failure – almost nothing came from the task force's recommendations. He said this is very important as NORCOR is the County's single biggest expense. The Board encouraged Commissioner Schwartz to continue to press for answers.

Juvenile Director Molly Rogers offered to answer any NORCOR questions she could. Commissioner Schwartz explained that the Board has decided to give the same response to NORCOR as Hood River and wait for the response. She said they want to be equitable.

Ms. Rogers stated that in the past Juvenile and Adult budgets were done separately at NORCOR. Now, they are trying to look at costs across the facility – medical director, IT, finance, legal maintenance – to identify shared services that can be covered out of shared revenue. They are able to meet approximately 89% of shared expenses out of shared revenue.

Further discussion ensued regarding the management of the number of inmates. Ms. Rogers explained that the facility is the purview of the Board; the supervisory authority for the inmates lies with the Sheriff.

#### Union Agreement

Human Resources Director Nichole Biechler reported that the union contract mediation was successful with a 3.1% increase which will be what all staff receives this year. She said union staff will move off of the matrix once this agreement is completed . . . they prefer to negotiate rate increases.

Vice-Chair Hege asked what the impact of that separation will be. Ms. Biechler replied that there is concern that there will be issues when the arrangement becomes common knowledge among staff. Mr. Stone commented that if WCLEA negotiates higher increases than market, there will be a problem. Ms. Biechler observed that we have invested in a culture that should support open conversations with staff. Mr. Stone said we need to have informal meetings with staff to get their feedback on benefits – we will need to do that to be competitive in any case.

Further discussion ensued regarding the compensation program and union negotiations. Mr. Stone stated that we have some work to do around compensation; it needs to be updated in general and in response to the Pay Equity

WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
MAY 15, 2019  
PAGE 4

Act. Some of the items mentioned for review were the tiered system, training, job descriptions, discipline, comparables, compensation and the reclassification process. Ms. Biechler noted that compared to other counties around the state, we are in a good position to address changes required by the Pay Equity Act. She announced that we are bringing in professionals to help us evaluate our philosophy and processes. Vice-Chair Hege commented that the market does not seem to keep pace with COLA – 3% over three years seems low.

The session adjourned at 11:48 a.m.

Wasco County  
Board of Commissioners

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Steven D. Kramer, Board Chair

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Scott C. Hege, Vice-Chair

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Kathleen B. Schwartz, County Commissioner



**WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
APRIL 17, 2019**

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

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

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

- Eden Award of Excellence
- Mosier Funding Support Letter
- Certificate of Appreciation – Veterans Services Advisory Committee
- Oregon Water Resource Support Letter – Badger Irrigation District piping project

<b>Discussion Item – Eden Award of Excellence</b>
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Finance Director Mike Middleton stated that his staff attended Tyler Technology's conference last week where they received an award for excellence for the work they have done this past year in implementing three new Eden modules – time-keeping, asset management and contract management. He noted that this is national recognition from a company that does more than just Eden products. Although Eden is phasing out over time, they wanted these systems in place to help with the migration to new software in the next couple of years.

The Board congratulated the team and thanked them for their superior work.

<b>Introduction</b>
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Chair Kramer introduced Meredith Barnes as Timmons Law representative here on behalf of the County.

**Discussion Item – Pacific Source Mental Health MOU**

Dr. Kristen Dillon, Director of Pacific Source, said that their Coordinated Care Organization manages care programs for the region. She explained that this agreement articulates how we will work together for the provision of mental health services in Wasco County. She said that the work will include a community health assessment and work plan; they are committed to working with the local mental health authority. She went on to say that they will commit funding and engage in contracting for services and collaboration. She stated that the agreement was drafted by Pacific Source and negotiated with Mid-Columbia Center for Living; it meets with their approval. She is here today to ask for County signatures.

Commissioner Schwartz asked if the Behavioral Health Plan is specific to the Medicaid population and separate from the overall County Behavioral Health Plan. Dr. Dillon replied that they try to not do things separately whenever possible; she said that she is open to input. She said they will take a high-level look at near-term action items.

Commissioner Schwartz asked if the Executive Director for the local mental health authority will sign this. Dr. Dillon responded that Center for Living will have a parallel agreement. Commissioner Schwartz noted that there had been some disagreements with Center for Living on this agreement; she asked if those had been resolved. Dr. Dillon replied that they were able to work those out at a Center for Living board meeting. Vice-Chair Hege, Center for Living Board Member, confirmed that all the issues were satisfactorily resolved.

Commissioner Schwartz pointed out that the memo references services provided by the local Health Department. Dr. Dillon replied that the statute is all-encompassing but includes mental health. She said she also wanted to recognize the CCO's commitment to public health.

Vice-Chair Hege said that there is some question about Mental Health vs. Public Health. He commented that the County thought MCCFL had been designated by the County as the local mental health authority but apparently did not as it was not in the original agreement. He went on to say that the Oregon Health Plan is different than Medicaid. Dr. Dillon responded that the Oregon Health Plan was how we did Medicaid in Oregon but the program grew with the Affordable Care Act and the Children's Care Program. She said in some states it is treated separately, but Oregon rolled it into the CCO. She said that the CCO also covers undocumented children with the Cover All Kids Program.

Vice-Chair Hege reported that some of the discussion at MCCFL is about the specific requirements they will work to cover. He said that Executive Director Barbara Seatter would tell you that they do more than just the basics required by the agreement. They want to make sure that we address the entire population that is served. He stated that they have worked out a compromise to collaborate on shared goals; the plan creation will be a good vehicle for that work.

Dr. Dillon said that she appreciates coming to the Board of Commissioners with this agreement; it is important for the Board to understand the role it plays and how it fits in with other roles. She said that the free-standing model for mental health has worked well; if there are breakdowns in mental health, it will affect other systems.

Community Corrections Manager Fritz Bachman commented that coming up with plans that fill the gaps will be good for everyone.

**{{Vice-Chair Hege moved to approve the Memorandum of Understanding between Pacific Source Community Solutions and Wasco County for the purpose of documenting Parties' commitment to work together to support and improve health through shared behavioral health system planning and provision of clinical services. Commissioner Schwartz seconded the motion which passed unanimously.}}**

<b>Discussion Item – Mosier Deep Well Letter of Support</b>
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Wasco County Soil and Water Conservation District Manager Shilah Olson said that they have been working in the Mosier community trying to understand and address the issue of the impact improperly dug wells have been having on the water table in the area. She said that several projects are ongoing including this one to drill down to a lower water table. She stated that although the first two wells went over budget, they were successful in getting one of the leaking wells off of the system. They are now trying to remove the second largest commercial water user from the leaking system and have broad support from the community.

**\*\*\*The Board was in consensus to provide a letter of support for the Mosier Deep Well project.\*\*\***

Chair Kramer asked if the District is involved with the Bader Irrigation District piping project. Ms. Olson replied that they are aware of the project but not directly involved. She said that they are hoping to pipe water from Badger Lake to end users downstream. Chair Kramer added that the purpose of the piping project

is to not leach water into ditches along the way – similar to the Wolf Run Project.

<b>Discussion Item – Community Corrections DHS IGA</b>
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Mr. Bachman said that this is a massive intergovernmental agreement with the Department of Human Services for the simple implementation of a small service. He explained that this is our first interface with DHS, although he has ideas for more. He reported that in the past six months, they have successfully placed fifteen people into residential care – each has been through DHS. He explained that in addiction cases, every day counts and insurance status is critical. He said that the addiction beds are their highest need, but without the Oregon Health Plan in place for a client they are inaccessible; those beds are Community Corrections highest priority when dealing with addiction cases.

Mr. Bachman continued by saying that there are Oregon Health Plan Assisters – NORCOR has one and he sometimes can get that paperwork in place prior to release, but not always. He said that even though we can rely on community Assisters, every little gap brings challenges. He explained that if they have someone in the office with needs and insurance presents a barrier, it can derail the client and Community Corrections loses them.

Mr. Bachman explained that the intent of this agreement is to allow Substance Abuse Treatment Counselor Steven Seely to be an OHP Assister to expedite the process. He would participate in a four-hour training after which he can access the system to work with clients entering their information. They can then get a client on OHP and navigate they system with them rather than hoping to get them to go to another location to wait for an assister to help them get back on the path to treatment.

Mr. Bachman said that he recognizes the perceived liabilities of working in the DHS system; he has been assured that no OHP Assister has been held liable for errors – their role is to broker the information, not to be the decision-maker . . . the system responds to the input with the decision. He stated that out of the fifteen they have gotten into residential treatment, at least 25% needed to get through an Oregon Health Plan barrier. Having an in-house Assister would help them move forward same-day.

Chair Kramer said that he and Mr. Stone have met a few times around this agreement. Mr. Stone stated that he is satisfied with how it sits now; we had some concerns, but all have been addressed. He said that he sees no reason to not move forward. Mr. Bachman added that this is not a community service; it will only be

for Community Corrections clients.

Commissioner Schwartz commended Mr. Bachman for taking this on saying that it is a good service. Mr. Bachman responded that this addresses the root problems rather than the system – we want to distinguish criminality from drug addiction.

**{{Vice-Chair Hege moved to approve the Department of Human Services Intergovernmental Agreement #15 9086-0 for Wasco County to provide application assistance to clients applying for DHS services. Commissioner Schwartz seconded the motion which passed unanimously.}}**

**Agenda Item – Fee Schedule Ordinance Revisions**

Ms. White explained that Wasco County updates its Fee Schedule Ordinance annually. This usually takes place at the end of the calendar year in order to capture increases in State fees which take effect on January 1<sup>st</sup> each year. As a result of incorporating the Building Codes program into Wasco County's direct services, we are updating the Fee Schedule Ordinance mid-year to recognize the fees for that program in our Ordinance by the time we assume responsibility for that program on July 1, 2019. She added that further revisions, if necessary, based on State and/or internal cost increases will be made and presented to the Board of Commissioners later this year with a January 1, 2020 effective date.

Mr. Stone commented that the County is trying to spin up a new department; fees are currently set in software and we are carrying those fees across as-is. He said that we will be coming back at some point to look at the fees and how we structure them for providing long-distance service - probably sometime next year. He explained that we need to get the program up and running before addressing the fee structure. These fees, he said, are just for Wasco County.

Chair Kramer pointed out there is a 12% State surcharge in the schedule; he thought it was 12.5%. Mr. Stone replied that he is pretty sure it is 12% but he will check on it.

Commissioner Schwartz read the title of the Ordinance into the record: Ordinance 19-003 In the matter of amending Wasco County's Uniform Fee Schedule for various County Departments.

**Agenda Item – Building Codes Ordinance**

Mr. Stone explained that we need an Ordinance in place to take on the Building Codes program. The Ordinance sets up a hearings process and gives us statutory



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authority. Ms. White explained that some references to ORS have been adjusted due to a review by the State Building Codes office.

Vice-Chair Hege read the following message from Wayne Lease into the record:

Regarding ORDINANCE 19-002

I do not have a copy of the Mid-Columbia Council of Governments Ordinance Number 07-300 in my archives. I do however have a copy of the Mid-Columbia Council of Governments (MCCOG) Ordinance Number 10-001 adopted 3-30-2010 repealing Ordinance Number 07-300; and declaring an Emergency.

Wasco County Ordinance Number 19-002, an Ordinance continuing the assumption of administration of the building codes inspection program, and setting forth programs for the enforcement of the Oregon Building Codes including the Oregon Specialty Codes, Electrical and Plumbing, is now under review and consideration.

When comparing the two afore mentioned documents, their similarity is uncanny as they are almost verbatim. When reviewing the 138 month history of the Administration and Operation of Mid-Columbia Building Codes Services which culminated in the dissolution of MCCOG, it is suggested further evaluation be done before Wasco County assumes the building inspection, specialty codes, and the electrical and plumbing code compliance programs.

Emphasis should be placed on the review and understanding of ORS 455, 479, and OAR Chapter 918 Division 308 in their entirety to comprehend the complexities when administering a State Owned Building Code Compliance Program. The state legislature is the final authority and will always be subject to the influence of the impulses of the Citizens of Oregon; the west side versus the east side of the Cascade Range.

Other Considerations: Pending House Bill 2420, transparency, responsibility, accountability, compliance program costs, permit fees, and the consumer's opportunity to express their concerns to be heard.

Wayne D. Lease  
Oregon Master Electrician 21785

Commissioner Schwartz read the title of the Ordinance into the record:

**Ordinance 19-002 An ordinance continuing the assumption of administration of the Building Inspection Program and setting forth programs for the enforcement of the Oregon Building Codes, including the Oregon Specialty Codes, Electrical and**

Plumbing.

**Agenda Item – Board of Property Tax Appeals Report**

County Clerk Lisa Gambee reported that there was a bit of a learning curve this year with the departure of staff that had previously managed this process. She stated that they were able to improve some processes and will continue to look for those opportunities moving forward. She said the last step of the process is to report to the Board of Commissioners. She went on to say that Board of Property Tax Appeals did a great job in hearing the petitions; we appreciate the participation of the real estate professionals. County Assessor Jill Amery said that since she and Ms. Gambee began with the County, the Board has been very productive and we have found improvements each year.

Ms. Gambee recognized Chrissy Zaugg, who recently stepped into the role of Chief Deputy Clerk, for her contributions to the process.

Chair Kramer thanked the team as well as the volunteers who serve on the Board. Vice-Chair Hege noted that he has been on the Board for years. He said that Ms. Gambee kept the hearings on track and within the lines of the process. He stated that the volunteers get a nominal payment and have to go through a full day of training every other year. It is complicated and can be contentious but the Board is very engaged and does a good job helping the citizens to understand the process.

**Discussion Item – Veterans Service Advisory Committee Recognition**

Commissioner Schwartz said that Mathew Larsell served on the Veterans Services Advisory Committee for a number of years. Mr. Larsell has moved to Hawaii and therefore resigned his position on the Committee. She asked for the Board's support in sending him a certificate and County challenge coin in appreciation for the good work he did.

**\*\*\*The Board was in consensus to send a Certificate of Appreciation and County challenge coin to Mathew Larsell in recognition of his service to the veterans of Wasco County.\*\*\***

**Discussion Item – Mosier Funding Letter of Support**

Chair Kramer stated that Mosier Mayor Arlene Burns contacted the County regarding support for their request for HB 5030 capital improvements funding which is a program associated with lottery revenues. The Mosier City Council and Fire District are making the request to continue with their plans for a new City

Hall/Fire Station/Community Center.

**\*\*\*The Board was in consensus to send a letter of support for Mosier's request to be granted funding through the HB 5030 Capital Improvements program.\*\*\***

**Consent Agenda – 4.3.2019 Regular Session Minutes**

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

**Departments – County Clerk**

Ms. Gambie reported that there is a Special District Election scheduled for May 21, 2019. Ballot insertion took place on April 15, 2019 for approximately 17,500 registered voters. That process is completed by a contracted vendor in Bend, Oregon. She said that this year, five of the seven special districts are on the ballot with community forums being held throughout the County.

**Agenda Item – CAFFA Grant Application**

Ms. Amery explained that the County Assessment Function Funding Assistance Program is an annual funding program through the Oregon Department of Revenue that assists counties to carry out their statutory duties of valuation and tax collection on behalf of our taxing districts. All counties submit to get funding for the program which includes administration, BOPTA, collection and distribution of taxes, cartography, GIS, etc. She said that the intention is to increase funding this year; we run at about 17% of our costs.

Mr. Stone asked if funding used to be much higher. Ms. Amery replied that in the 2010/2011 fiscal year, it was 20.63%; costs are going up and funding going down. She stated that HB 2104 would amend this but she is not sure how that will help the counties; it will help the State – counties need more funding.

Mr. Stone said that both the Association of County Administrators and the Association of Assessors/Tax Collectors have been working with the Governor's Office on this issue. He reported that there was not enough time in this session to complete the work; the two groups are supporting the current legislation with the caveat that it will be re-addressed in the next legislative session.

Commissioner Schwartz asked if the remainder of the funding for the program comes from our general fund. Ms. Amery replied affirmatively. Commissioner Schwartz asked if there was time when counties did not have to write for a grant to

support the work. Ms. Amery replied that this program was implemented in the 1980's; counties were on a six-year cycle for property assessment. When funding was not adequate to complete that work, this program was created. She reported that when she came in as the Assessor, the County had not been reassessed in over 20 years and we were not unique among Oregon counties.

**{{{Commissioner Schwartz moved to approve the County Assessment Function Funding Assistance Program Grant Application for the 2019-2020 Fiscal Year. Vice-Chair Hege seconded the motion which passed unanimously.}}}**

**Agenda Item – Lane County IGA**

Ms. Amery explained that with the software program purchased years ago, we worked with a consortium of counties for software support from Lane County. She stated that some of the counties have stepped away from the consortium which has increased costs for the remaining counties. She explained that the agreement has the same scope of work as in years past but is now on an annual renewal to allow for more flexibility when looking at other solutions.

Vice-Chair Hege asked if the costs associated with this agreement are within the budget. Ms. Amery replied affirmatively.

**{{{Commissioner Schwartz moved to approve the Intergovernmental Agreement between Lane County and Wasco County for Ascend/Proval Software support. Chair Kramer seconded the motion which passed unanimously.}}}**

**Agenda Item – Wasco County Owned Land Auction**

Ms. Amery stated that it is time for an auction of County-owned properties – two of the pieces are being sold as one unit. She reported that there is already a lot of interest in some of the properties and there has been great reception for the process as a whole. She said that this gets the money back into the Districts.

Mr. Stone pointed out that when the County owns property, it is responsible for the upkeep which takes time away from core services; it is in the citizens' best interest to get them out of County ownership.

Vice-Chair Hege asked how we set a minimum bid for each property being auctioned. Ms. Amery replied that generally the minimum bid corresponds with the assessed market value unless there are mitigating circumstances. She noted

one property coming up for auction has a minimum bid that is well under market value because it has a codes enforcement complaint – the County could clean up the property but it would be costly and time-consuming as we really don't know what all is there. She explained that if it does not sell, we can do a sealed bid auction which is a process that was successful last year. She said that throughout the auction process it is stressed that properties are sold as-is. She stated that there is another property that is reduced as it has a septic failure; it is being sold as a contiguous lot to allow the prospective buyer the ability to address that failure.

Commissioner Schwartz asked if all the lots being sold are buildable. Ms. Amery replied that the bidders will have to research that with Planning. She added that if the list of properties for auction is approved by the Board of Commissioners, they will be listed on line today or tomorrow.

**{{Vice-Chair Hege moved to approve Order 19-080 directing the County Assessor/Tax Collector to sell certain County land at auction as provided in ORS 275.090. Chair Kramer seconded the motion which passed unanimously.}}**

<b>Agenda Item – All-Staff Training After-Action Report</b>
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Ms. Gambee stated that in the County's Strategic Plan from three-years ago, a need was identified for a County-wide training plan for staff development which has become critical as the hiring market has become tighter and more competitive. County Human Resources Director Nichole Biechler brought the idea of an all-day, all-staff training to the Cross Functional Team charged with evaluating training needs and developing programs to address those needs. The team is composed of herself, Public Works Director Arthur Smith, Human Resources Director Nichole Biechler and Executive Assistant Kathy White. The team supported the idea and brought it to the Board of Commissioners for approval. The first all-staff training took place on March 19, 2019 at the Fort Dalles Readiness Center; the Training Team conducted two staff surveys – a very brief 2-question group survey which was part of the event and a longer, online survey conducted within a few days of the event – both were anonymous. She said that one of the important questions was around support for repeating the event on an annual basis; there was overwhelming support for the training to be continued annually.

Ms. Gambee went on to say that the surveys provided great feedback on how we can improve the event and what we did this year that was successful – the keynote

speaker was hugely successful and delivered a great message that resonated with a lot of people. She reported that the Cross-the-River exercise also had a strong positive response. She said that the afternoon, breakout sessions were led by community leaders; many respondents felt that the topics were too big for the time allotted to them. She said that the team stayed within their budget and is hopeful that the Board will support an annual training day.

Commissioner Schwartz commented that the event helped staff to see themselves as part of the larger organization rather than just a member of a department. Ms. Gambee agreed, saying that Mr. Stone's message regarding the County's Vision, Mission, and Values had been well-received. She added that going into the event, many were nervous about the assigned seating but it turned out to be one of the most appreciated aspects of the event as it allowed staff to learn about what each department does and to build relationships outside of their own department. Commissioner Schwartz agreed, saying that it was brilliant to mix the staff that way.

Vice-Chair Hege thanked the Training Team saying that it was a huge endeavor. He added that instead of just doing it, the Team had done a good job of gathering feedback. He said there is resounding support for an annual event and he appreciates the after-action report. Chair Kramer concurred.

<b>Agenda Item – Davis Cut-off Road Vacation Report</b>
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Public Works Director Arthur Smith reviewed the report included in the Board Packet saying that this is the third time since 2005 the petition has come forward; the first and second petitions were denied on the recommendation of the previous Public Works Director. He reported that the petitioner owns all the land surrounding the road which is impassable several months of the year. He said that it is a dirt road with a little bit of rock where people often go to dump garbage and leave hunting debris which the land-owner has had to clean up a number of times. He noted that there are some utilities that need a right-of-way; those will need to stay in place – an easement may need to be drawn-up to address that need. He said that County Public Works blades the road a couple of times each year.

Mr. Smith went on to say that the landowner has hundreds of acres around this road. Considering the limited pass-ability, the nuisance dumping and shooting of signs that occurs with public access to the road, he supports the petitioner's request to have the road vacated.

Chair Kramer said that he is glad to have to opportunity to do this.

Vice-Chair Hege asked what will happen on Hwy. 197 if this vacation is granted. Mr. Smith replied that ODOT has 240 feet of right-of-way which will continue to exist; but this will allow the petitioner to gate it off at the point where the ODOT right-of-way ends.

Vice-Chair Hege asked if the County built the road. Mr. Smith replied that we probably accepted a wagon trail but it is unlikely that we approved creation of the road.

Vice-Chair Hege asked if the bridge is ours. Mr. Smith responded that the bridge is ours but would become part of the vacated road; the petitioner understands that. He said that value is minimal and we do not have the funding to maintain the bridge – this will likely save the County about \$100,000 in coming years.

Vice-Chair Hege stated that he has used the road before; he wonders if there will be anyone upset by the vacation – are there any issues around this petition? Mr. Smith replied that there may be, but he contacted several people who had come forward in response to the 2005 petition. He reported that one neighboring landowner wanted to be able to work out something that would allow him to move large equipment; otherwise, he does not use it as it is not in good shape. He reported that the blading lasts about a month and then it deteriorates quickly; there are better, safe routes to use. He said that he is willing to take those calls if they come.

Vice-Chair Hege stated that he does not have a problem with the vacation; he just wants to make sure we are prepared to answer questions. Mr. Smith said that he put out traffic counters which indicated about 15 trips a day on the road – many of those are the landowner. The stretch is .85 miles.

Mr. Stone asked if we should hold a utilities easement for things such as fiber. Mr. Smith replied that North State and Bonneville Power would have to be granted access but the gate would be past that area. He added that he has not been approached for other access over the past 20 years; there are other, better avenues for access.

**{{{Commissioner Schwartz moved to approve Order 10-079 in the matter of the vacation of Davis Cut-off Road, located in Sections 28 and 29, T 1N, R 14E, Willamette Meridian, lying east of U.S. Highway 197 and West of Lower Eight Mile Road, Wasco County, Oregon with the addition of language for utility easements to be drafted by County Counsel as proposed. Vice-Chair Hege seconded the motion which passed unanimously.}}}**

**Agenda Item – Tygh Valley Road Vacation Petition Report**

Mr. Smith stated that although the report is accurate, the photos are a bit off and do not capture the true intent of the vacation. He said that he asked the petitioner to modify his original request as it would have landlocked one landowner. He reported that the petitioner owns the land but not all the adjoining property. He said that he has talked to Mr. Lindell who owns adjacent property and is not totally in favor of the vacation; the petitioner has spent a good bit of time trying to work with Mr. Lindell to work this out.

Further discussion ensued regarding the configuration of properties and the impacts of the proposed vacation. Mr. Smith said that there are portions that would remain in County ownership to allow access for subdivisions and utilities. Senior Planner Will Smith added that even if there is access, the Lindell property does not have a lot of great places for development – septic is challenging in that area due to the steep slope.

Petitioner David Coburn stated that he has built and owns a property near to that with DEQ requirements, trying to make as many lots as possible because there is a lot of need in the area for housing. He said that he had to reduce the number and increase the size due to the requirements.

Mr. Smith continued by saying that according to statute, if less than 100% of the adjacent landowners sign the petition, there must be a hearing to complete the process; a date will need to be set at which time the Board can make a decision.

Chair Hege asked if the hearing notice would be posted in public areas. Mr. Smith replied that it would be posted at the Tygh Valley General Store, post office, etc. He added that the notice has to also be sent directly to adjacent landowners.

Mr. Coburn commented that Mr. Smith has been great to work with; the petition process began last May. He said that Mr. Lindell is opposed because he doesn't want his cows bothering residents. He said that he can appreciate that but there is plenty of access. He reported that he has tried to work with Mr. Lindell who is no longer communicating with him; this is delaying planning for the area. He said he wants to respect Mr. Lindell's needs but this has been a long process that he is anxious to see move forward. He said he is already going to have to ask the Planning Department for more time.

Mr. Smith said that this has shone a spotlight on a process that seems to be separate for Public Works and Planning but turns out is very connected. He said



that the two departments are working to improve the process so as not to keep each other and citizens from moving forward.

The Board directed staff to set a hearing for May 15, 2019.

**Agenda Item – Weed Control Contract**

Mr. Smith reported that the Bonneville Power Administration has asked to partner with Wasco County for the control of noxious weeds on their land. He stated that the agreement is for three years; he has spoken to the Weed Master who is planning for retirement; Mr. Keys has stated that he will be here for the term of the contract but may retire shortly thereafter. His current plan is to retire in September, 2021; the agreement runs through July, 2021.

Commissioner Schwartz asked how we would fulfill the agreement should something happen that Mr. Keys would not be able to do the work. Mr. Smith replied that there is an employee working with Mr. Keys and will be licensed but likely would not have the necessary experience. He said he would probably have to contract out for that service. He said that some time ago, we began this contracting process because we had the in-house expertise.

**{{Vice-Chair Hege moved to approve the Interagency Agreement between Bonneville Power Administration and Wasco County for noxious weed management through Fiscal Year 2021. Commissioner Schwartz seconded the motion which passed unanimously.}}**

**Agenda Item – Natural Hazards Mitigation Plan**

Senior Planner Will Smith said that the last update for our Natural Hazards Mitigation Plan (NHMP) was completed in 2012; the plan should be updated every five years. He said that a committee was formed and met several times to bring the plan into compliance and discuss how it would be implemented and maintained in coming years. He said that FEMA requires four meetings with one being a public meeting; the committee held six meetings with one public meeting as well as attending service club meetings for feedback. The plan has been pre-approved by FEMA pending adoption by the County. He said that the Plan includes the City of The Dalles. The Committee plans to hold two meetings each year to keep the NHMP alive and moving forward. They will meet with FEMA on June 12, 2019 to match the Plan with available opportunities.

Mr. Stone asked if the FEMA flood plain process will dramatically impact the NHMP. Mr. Smith replied that they are separate initiatives but the next NHMP may

incorporate information resulting from the flood plain process.

Chair Kramer said that he was part of some of this process; it was a lot of hard work by a lot of people. He said that he appreciates the investment of their time.

Commissioner Schwartz asked if we have engaged an Emergency Manager. Mr. Stone replied that one has been hired but does not start work until July. Mr. Smith said that Emergency Management work has a major role in this plan; the team will get him up to speed when he arrives.

Commissioner Schwartz noted that some of the other cities in the County did not participate in the process and asked if this plan encompasses those municipalities. Mr. Smith replied that Antelope did not want to participate, Shaniko and Dufur participated but not to a level that would include them in the plan. He said that if a disaster were to happen, there may be some funding for which they do not qualify, but they will not be ignored by FEMA.

Commissioner Schwartz pointed out that in the Plan under Governance, it lists one full-time and two part-time commissioners; that needs to be updated to reflect the current configuration of the Board.

**{{Vice-Chair Hege moved to Approve Order 19-005 adopting the Wasco County Multi-Jurisdictional Hazards Mitigation Plan. Commissioner Schwartz seconded the motion which passed unanimously.}}**

#### Agenda Item – Forestland Classification

Kristin Dodd, Unit Forester for Hood River and Wasco Counties, said that she would like support to reconvene the Forestland Classification Committee and identify potential representatives from Wasco County.

Mr. Stone said that he understands that she wants to move the process forward jointly for Hood River and Wasco County but the two are pretty diverse. He asked if that creates a challenge for each county when one is determining classifications for the other; he said that it seems like a conflict for both. He added that on the financial side, when we do this kind of broad landscape project, we should include pictometry as well as GIS as part of looking at these in detail. He noted that it would include an additional cost component but will help identify terrain and location of structures.

Ms. Dodd replied that we can look at that; they want to be as efficient as possible. She said that as far as conflicts, the Committee will have decision points for how

they look at the lands for classification. Last time they used data layers, aerial imagery, current vegetation and site classes for timber growth; they used those metrics to make the classifications so the two counties were looking through the same lense. She added that working together creates efficiencies for both the counties and the Oregon Department of Forestry.

Commissioner Schwartz asked what background would committee members need in order to serve. Ms. Dodd replied that they would look for someone familiar with the community, lands, vegetation and has some understanding of fire agencies. She stated that ultimately this concerns fire response, although there is a political component to it as well. Commissioner Schwartz said she would be interested in serving.

Chair Kramer asked if this has any tie in with the Forest Collaborative and would there be any benefit there. Ms. Dodd replied that there are certainly people at that table who would have some interest in the process and might be a good follow-up for it. Ms. Dodd said she would work with Ms. White to set up meetings with each Commissioner.

Ms. Dodd went on to say that ODF has a member on the Collaborative; at an agency level, it has been successful in getting projects through the Good Neighbor Authority. She stated they have also been successful in obtaining funding that increases the pace and scale of work on the forest. She said that the latest supplemental fuel request has been awarded for the Rocky Burn project; there will be other grants that ODF administers in the counties for fuel treatment to minimize risk through wildlife habitat improvement and fuel thinning. She said that she is also working with Will Smith to reconvene the Community Wildfire Protection Plan committee. In addition, ODF is working with other partners for fire prevention activities that include education and outreach efforts and ODF is staffing and participating on the Governor's Council for Wildfire Suppression.

#### **Agenda Item – Union Agreement**

Mr. Stone reviewed the memo (attached) submitted by Human Resources Director Nichole Biechler.

Commissioner Schwartz asked how we determine "competency." Finance Director Mike Middleton responded that he clarified that there is a test for that. Mr. Stone stated that there will be interim bargaining around employee discipline and discharge. He said that we like to be on a three-year contract, but that is not always possible. This agreement is for two years.

Vice-Chair Hege commented that it is frustrating to pull this many people out of the compensation process for the entire County. Vice-Chair Kramer agreed, saying that conversations will need to happen moving forward – this is disappointing.

**{{{Commissioner Schwartz moved to approve the Collective Bargaining Agreement between Wasco County and Wasco County Law Enforcement Association effective through June 30, 2021. Vice-Chair Hege seconded the motion. Vice-Chair Hege and Commissioner Schwartz voted in favor of the motion; Chair Kramer opposed the motion which passed with a two to one vote.}}}**

**Discussion Item – Washington Ranch Fireworks Applications**

Ms. White explained that Young Life Washington Ranch has received permits for many years to hold a number of limited 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.

She went on to say that statute 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. She explained that 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.

Ms. White observed that this year we have the opportunity to be on-site and inspect the storage facility at Washington Ranch; she asked that the Board approve the applications pending inspection.

Commissioner Schwartz said that fireworks are concerning to her; based on her research, she has reservations. She said that she understands that it is the Board's responsibility and liability. She reported that she talked to the Jefferson County fire district and they did not indicate that they would respond to a fire at Washington Ranch although they have no concerns and believe that Washington Ranch is adequately equipped and trained to respond.

Commissioner Schwartz went on to say that a local District Fire Chief recommends that we confirm that they have the expertise for pyrotechnics and fire suppression.

She said that the storage facility is not where her concerns lie.

Chair Kramer said that these events have been going on without incident for some time. Vice-Chair Hege said that we can look into it further but the applications list the pyrotechnical certification. He said that Washington Ranch is very concerned about safety and do it with the utmost safety in mind. He said that like Burning Man in Tygh Valley, they take it very seriously. He said that there is no harm in looking into it. He said that he personally has no concerns but understands the concerns Commissioner Schwartz has expressed. He said he is confident in their ability to manage this.

#### Discussion Item – BID Letter of Support

Chair Kramer said that he has received from Dan Van Vactor a request for a letter of support for their piping project to get more water down the hill to irrigators rather than having it leach out into ditches.

Vice-Chair Hege asked where the water is coming from and going to. Chair Kramer replied that it is going from Three Mile Canyon to Badger Lake to Pine Hollow.

**\*\*\*The Board was in consensus to provide a letter of support for Badger Irrigation District's piping project.\*\*\***

#### Commission Call

Commissioner Schwartz said that the Veterans Services Advisory Committee is looking for more members and for volunteers to staff the Veterans Service Office.

Mr. Stone commented that the VSAC was spun up for specific reasons and it may be time to spin it back down as the original purpose no longer exists. He said that there is another veterans committee in the area – perhaps the two could combine. He said that the committee is not a bad thing but may not be necessary as a County committee.

Vice-Chair Hege said that we don't want to have a committee just to have it. If the committee is having a hard time making quorums, it may be time to look at it. Mr. Stone said that the goals of the committee may be at a different level; as a County committee, there are certain requirements they may not want. Vice-Chair Hege said he would like to know their goals. Mr. Stone said that the Board may want to change the focus of the committee.

Vice-Chair Hege announced that next Wednesday, the tri-county courts will meet; he will be attending to update them on Building Codes and learn more about what they want to do regarding their own programs. Mr. Stone commented that we are actively building this program and will not be able to wait until June 30<sup>th</sup> for a decision.

Commissioner Schwartz stated that she has a revised NORCOR budget but has not yet been able to review it. She said that she will share the document and understands that it is quite different from the original.

Mr. Stone noted that Brad Timmons will be acting as the County's primary attorney as they and we evaluate needs.

The session was adjourned at 12:27 p.m.

#### Summary of Actions

#### MOTIONS

- to approve the Memorandum of Understanding between Pacific Source Community Solutions and Wasco County for the purpose of documenting Parties' commitment to work together to support and improve health through shared behavioral health system planning and provision of clinical services.
- to approve the Department of Human Services Intergovernmental Agreement #15 9086-0 for Wasco County to provide application assistance to clients applying for DHS services.
- to approve the Consent Agenda – 4.3.2019 Regular Session Minutes.
- to approve the County Assessment Function Funding Assistance Program Grant Application for the 2019-2020 Fiscal Year.
- to approve the Intergovernmental Agreement between Lane County and Wasco County for Ascend/Proval Software support.
- to approve Order 19-080 directing the County Assessor/Tax Collector to sell certain County land at auction as provided in ORS 275.090.
- to approve Order 10-079 in the matter of the vacation of Davis Cut-off Road, located in Sections 28 and 29, T 1N, R 14E, Willamette Meridian, lying east of U.S. Highway 197 and West of Lower Eight Mile Road, Wasco County, Oregon with the addition of language for utility easements to be drafted by County Counsel as proposed.
- to approve the Interagency Agreement between Bonneville Power Administration and Wasco County for noxious weed management

**through Fiscal Year 2021.**

- **to Approve Order 19-005 adopting the Wasco County Multi-Jurisdictional Hazards Mitigation Plan.**
- **to approve the Collective Bargaining Agreement between Wasco County and Wasco County Law Enforcement Association effective through June 30, 2021.(2 to 1 vote)**

**CONSENSUS**

- **to provide a letter of support for the Mosier Deep Well project.**
- **to send a Certificate of Appreciation and County challenge coin to Mathew Larsell in recognition of his service to the veterans of Wasco County.**
- **to send a letter of support for Mosier's request to be granted funding through the HB 5030 Capital Improvements program.**
- **to provide a letter of support for Badger Irrigation District's piping project.**

Wasco County  
Board of Commissioners

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Steven D. Kramer, Board Chair

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Scott C. Hege, Vice-Chair

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Kathleen B. Schwartz, County Commissioner



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
MAY 15, 2019

PRESENT: Steve Kramer, Chair  
Scott Hege, Vice-Chair  
Kathy Schwartz, County Commissioner  
STAFF: Kathy White, Executive Assistant  
Jeff Wallace, County Counsel  
ABSENT: Tyler Stone, Administrative Officer

At 11:00 a.m. Chair Kramer opened the Regular Session. Additions to the Discussion List:

- Columbia Gorge Community College USDA Grant Letter of Support

Discussion Item – STP Agreement

Public Works Director Arthur Smith explained that this is a program in which the State receives the funding from the federal government and distributes it to the counties for road preservation work that includes chip sealing. He stated that since the federal government does not recognize that process, the Counties would not be able to use the funding for chip sealing were they to accept it directly from the federal government. Although, the state does take an administrative fee, it is still a great deal for the counties, allowing them to maintain their local road systems.

**{{{Commissioner Schwartz moved to approve the Oregon Department of Transportation Agreement #33386 2019 Fund Exchange Agreement for Pavement Preservation in Wasco County. Vice-Chair Hege seconded the motion which passed unanimously.}}}**

Discussion Item – NORCOR Inspection Resolution

Ms. White stated that the Board recently inspected both the juvenile and adult portions of the Northern Oregon Regional Correctional facility as required by statute. The resolution is a formal documentation of that inspection stating that they



found nothing during the inspection to report to the District Attorney.

**{{Vice-Chair Hege moved to approve Resolution 19-004 in the matter of the annual inspection of the Northern Oregon Regional Correctional facility. Chair Kramer seconded the motion which passed unanimously.}}**

Vice-Chair Hege observed that this year they used an inspection questionnaire developed by our insurance company to conduct the inspection. He commented that he thought it made for a more thorough inspection and he hopes we continue to use that tool. Commissioner Schwartz agreed, adding that they were able to talk to anyone they chose, including inmates, during the inspection; it went well. Chair Kramer commended Mr. Lindhorst for the job he is doing at NORCOR.

**Discussion Item – Regional Solutions Recommendation**

Ms. White reminded the Board that in a previous communication, Nate Stice, Regional Director for Regional Solutions, asked the Board to make a recommendation for someone to represent the Cities of Wasco County on the Regional Solutions Committee for the North Central Oregon. The Board directed staff to reach out to all the municipalities in Wasco County to gauge interest in participation on that committee. In response to that outreach, Maupin Mayor Lynn Ewing and The Dalles Mayor Rich Mays expressed interest/willingness to serve in that capacity.

Chair Kramer pointed out that we have had a representative from the northern part of the county in that position for some time. He noted that both candidates are well qualified but he would like to recommend Mayor Ewing to give the southern part of the county an opportunity to participate.

**\*\*\*The Board was in consensus to recommend Mayor Lynn Ewing to serve as the Cities of Wasco County representative on the Regional Solutions committee and directed staff to notify Mr. Stice of that decision.\*\*\***

**Discussion Item –Fireworks Applications/Hold Harmless Agreement**

Ms. White stated that this is the third consideration of these applications as the Board worked to explore concerns and answer questions. She explained that the packet now includes a Hold Harmless agreement to indemnify the County from damages that could result from the fireworks displays. In addition, Washington Ranch has provided documentation of insurance naming the County as also insured. The questions raised by the State Fire Marshall's office have all been answered to their satisfaction. She reminded the Board that the first display is scheduled for June and they will need time to process the applications through the

state, should the Board approve the applications.

Vice-Chair Hege reported that he spoke with the Director of Washington Ranch to determine how important the displays are to their operation. He said that he learned that it is an important component of the camping experience. He stated that it is a great organization that is very responsible in their activities.

Commissioner Schwartz stated that she is satisfied with the answers and comfortable with the relationship.

**{{{Commissioner Schwartz moved to approve the applications submitted by Young Life Washington Ranch for nine Fireworks Display Permits associated with events taking place from June through August, 2019 and further move to approve the associated Hold Harmless Agreement between Young Life Washington Ranch and Wasco County contingent on Washington Ranch signing the Hold Harmless Agreement. Vice-Chair Hege seconded the motion which passed unanimously.}}}**

**Discussion Item – Community College USDA Grant Letter of Support**

Vice-Chair Hege explained that the Columbia Gorge Community College is applying for a USDA Grant to support distance learning. They are asking for a letter of support (attached) to submit with their application.

**\*\*\*The Board was in consensus to send a letter of support for Columbia Gorge Community College's application for a USDA Grant.\*\*\***

**Discussion Item – Finance Report**

Finance Director Mike Middleton reviewed the report included in the Board Packet. He stated that they should reach 100% of budget for property taxes by the end of the fiscal year; investments are at 200% of budget. He pointed out that there is an appearance of a significant overspend in the Surveyor's budget and explained that it is not an actual overspend but an accounting error that has been corrected.

Chair Kramer thanked Mr. Middleton for his work, commenting that the budget work this year has been exceptional.

**Consent Agenda – 5.1.2019 Regular Session Minutes**

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

**Agenda Item – Fee Schedule Ordinance**

Ms. White explained that the Fee Schedule Ordinance is reviewed annually and amended as necessary. This process usually takes place at the end of the year to capture any pass-through fees from the state which always take effect on January 1<sup>st</sup>. Since we will be taking on the Building Codes Program as of July 1<sup>st</sup>, it is necessary to recognize those fees in our Ordinance. Should there be internal or external fees needing adjustment, that will happen through the review at the end of the year at which time the Ordinance would come back to the Board for consideration.

Vice-Chair Hege said that he has received citizen input suggesting that it might be a good idea to have a separate Fee Schedule for Building Codes to keep the lines clear between that department and the rest of the County in case we move the program back to the State at some future date. He said that he thinks there may be some rules that allow constituents to call for a vote on Building Codes fees.

Mr. Wallace said that he thinks the Building Codes fees need to be recognized in the Ordinance but he will look into it further. Mr. Middleton said that he does not think that it would be a true separation; under that model the argument could be made that we need a separate ordinance for each department. He commented that it would only serve to complicate things and make more work without improving outcomes.

**{{{Commissioner Schwartz moved to adopt Ordinance 19-003 in the matter of amending Wasco County's Uniform Fee Schedule for Various County Departments. Vice-Chair Hege seconded the motion which passed unanimously.}}}**

**Agenda Item – Building Codes Ordinance**

Ms. White explained that Mr. Timmons may still have some questions regarding the Building Codes Ordinance; however, in order for it to be in effect when the County takes over the program on July 1<sup>st</sup>, it will need to be adopted today. She went on to say that she thinks the concerns are due to some miscommunication and that if changes need to be made, it can be brought back to the Board through this same process to adopt those amendments.

Vice-Chair Hege said that he received a comment suggesting that OAR Chapter 915 308 be added as a reference to the Ordinance. Ms. White responded that the Ordinance was reviewed by the State Building Codes office; they suggested that some references be removed as being too specific, while others were added. She said she thinks one that was removed at the State's suggestion was 308, but she

would have to research to be sure.

**{{{{Chair Kramer moved to adopt Ordinance 19-002, an ordinance continuing the assumption of administration of the Building Inspection Program and setting forth programs for the enforcement of the Oregon Building Codes, including the Oregon Specialty Codes, Electrical and Plumbing. Vice-Chair Hege seconded the motion which passed unanimously.}}}}**

Vice-Chair Hege reported that he met with the tri-counties and updated them on our progress in taking on the Building Codes Program. He said that there was not a lot of dialog; if they have interest in an arrangement with us, they will reach out. He said he believes that they are looking at their options.

#### **Agenda Item – Title VI Plan**

Ms. White explained that County Counsel has made a few revisions to the plan – mostly housekeeping items such as removing references to Washington State Department of Transportation or correcting the signature line references - none of the changes are substantive.

Finance Manager Kayla Nelson reported that the only finding in a recent Oregon Department of Transportation compliance review was that our Title VI Plan has not been updated in the last three years. She said that the plan before the Board today is basically the MCEDD Title VI plan reworked for Wasco County. Since we receive pass-through grant funding from ODOT, we are required to have a Title VI Plan in place; the plan must be updated every three years.

**{{{Vice-Chair Hege moved to approve the 2019 Wasco County Title VI Plan with corrections as stated. Commissioner Schwartz seconded the motion which passed unanimously.}}}}**

#### **Agenda Item – Cyber Security Policy**

Information Services Director Paul Ferguson explained that there have been processes and procedures the County has followed for cyber security but they have never been outlined in a formal policy. In order to renew our insurance, we need to have this policy in place. He said that they have been working on several policies that they will bring forward in the coming months, but this one has to be in place by June 15, 2019. He added that as they work on other aspects, this policy may be incorporated into a more encompassing policy. Much of what we practice is based on federal standards and CJIS (Criminal Justice Information System) requirements.

Commissioner Schwartz asked how someone would be able to identify a problem. Mr. Ferguson replied that most people know when something comes in that is out of the ordinary and they report it. He added that they offer trainings that cover it and about once each year he sends out information regarding phishing and suspicious emails. He said that it is not uncommon for his department to get calls from users saying that something is amiss.

Vice-Chair Hege asked what constitutes an incident. Mr. Ferguson responded that it is when something happens that requires a response. The form is used by IS to document the incident.

**{{Vice-Chair Hege moved to approve the Wasco County Cyber Security Incident Handling and Response Policy. Commissioner Schwartz seconded the motion which passed unanimously.}}**

Chair Kramer called a recess at 11:49 a.m.

The Session reconvened at 11:54 a.m.

#### Agenda Item – Transportation Grant Application

Mid-Columbia Economic Development District Transportation Operations Director Charlotte Sallee explained that MCEDD Deputy Director Jessica Metta had been called away and would be unable to attend today's meeting. She said that she was only brought in for this 30 minutes ago but will do her best to answer any questions.

Ms. Sallee said that the ODOT Transportation Grant offers annual assistance to support transportation and land use planning. She stated that MCEDD had unsuccessfully applied in 2018 but were encouraged to reapply this year. The funds would go to build on the 2016 feasibility study to create a full plan with short and long-term guidance for the provision of services, capital improvements, etc. for the next 20 years. She explained that the County is the eligible entity and then would become the pass through agency; MCEDD would administer the grant. She stated that the application is due June 6, 2019 and will be awarded in August. She added that Statewide Transportation Improvement Funds will be used as the match for the ODOT grant – no additional funds will be needed. The total cost is \$125,000.

Vice-Chair Hege asked if Mr. Stone has seen this. Ms. White replied that he has and approves. The intent is for the Board to agree to the application submission and authorize Mr. Stone to electronically sign as it is an online application process.

**\*\*\*The Board was in consensus to submit the ODOT Transportation Grant application and authorized Administrative Officer Tyler Stone to digitally sign the application.\*\*\***

#### Agenda Item – STIF Services Contract

Consideration of the Statewide Transportation Improvement Fund Services Contract was postponed to the June 5<sup>th</sup> Session in order to have Ms. Metta in attendance.

#### Commission Call

Vice-Chair Hege announced that Mid-Columbia Center for Living Executive Director Barbara Seatter is resigning. The Board is meeting next week to discuss next steps. He said that the construction project is proceeding well.

Chair Kramer reported that he recently attended a fire meeting in Wamic put on by Chief Magill and attended by representatives from the US Forest Service and Department of Forestry. He said that a citizen attending that meeting was upset about the illegal fireworks that are used in the Pine Hollow area. One of his complaints is a lack of response from local authorities. He said that he has offered to have a meeting and suggested that the next commission meeting work session might be a good opportunity for that.

Commissioner Schwartz asked what the specific concern is. Chair Kramer replied that people come to Pine Hollow with illegal fireworks and feel like they do not have to follow the rules. Vice-Chair Hege commented that no matter the outcome of the meeting, community education is in order.

Chair Kramer went on to say that the Crystal Creek restoration project got a summary judgement that allows the work to move forward for thinning. He said that it was not a project started with the Collaborative which is one of the reasons it ended up in court.

The session was adjourned at 12:11 p.m.

#### Summary of Actions

#### MOTIONS

- **To approve the Oregon Department of Transportation Agreement #33386 2019 Fund Exchange Agreement for Pavement Preservation in Wasco County.**
- **To approve Resolution 19-004 in the matter of the annual inspection of the Northern Oregon Regional Correctional facility.**

- **To approve the applications submitted by Young Life Washington Ranch for nine Fireworks Display Permits associated with events taking place from June through August, 2019 and further move to approve the associated Hold Harmless Agreement between Young Life Washington Ranch and Wasco County contingent on Washington Ranch signing the Hold Harmless Agreement.**
- **To approve the Consent Agenda.**
- **To adopt Ordinance 19-002, an ordinance continuing the assumption of administration of the Building Inspection Program and setting forth programs for the enforcement of the Oregon Building Codes, including the Oregon Specialty Codes, Electrical and Plumbing.**
- **To approve the 2019 Wasco County Title VI Plan with corrections as stated.**
- **To approve the Wasco County Cyber Security Incident Handling and Response Policy.**

**CONSENSUS**

- **To recommend Mayor Lynn Ewing to serve as the Cities of Wasco County representative on the Regional Solutions committee and directed staff to notify Mr. Stice of that decision.**
- **To send a letter of support for Columbia Gorge Community College's application for a USDA Grant.**
- **To submit the ODOT Transportation Grant application and authorized Administrative Officer Tyler Stone to digitally sign the application.**

Wasco County  
Board of Commissioners

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Steven D. Kramer, Board Chair

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Scott C. Hege, Vice-Chair

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Kathleen B. Schwartz, County Commissioner



## AGENDA ITEM

### Planning Ordinance Update

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#### [STAFF PRESENTATION](#)

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#### [STAFF REPORT CHAPTER 5](#)

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- [ATTACHMENT A CHAPTER 5 PROPOSED AMENDMENTS](#)
  - [ATTACHMENT B GOAL 5 ANNOTATED](#)
  - [ATTACHMENT C GOAL 5](#)
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#### [STAFF REPORT CHAPTER 12](#)

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- [ATTACHMENT A CHAPTER 12 PROPOSED AMENDMENTS](#)
  - [ATTACHMENT B GOAL 12 ANNOTATED](#)
  - [ATTACHMENT C GOAL 12](#)
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#### [ORDINANCE 19-004 UPDATING CHAPTERS 5 & 12 OF WASCO COUNTY COMPREHENSIVE PLAN](#)

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Wasco County  
Planning



# Wasco County 2040 Work Tasks 9 & 11

# Work Tasks 9 & 11

- Historic and Aggregate Inventories
- Transportation (Chapter 12)

# Meeting Goals

- Review proposed amendments
- Solicit any public feedback
- Recommendations to the BOC

# Timeline

- Work Tasks 9 - Due 7/31
- Work Task 11 – Due 9/30 (shift to 7/31)
- 1<sup>st</sup>/2<sup>nd</sup> BOCC Hearing: June 5<sup>th</sup> and 19<sup>th</sup>

9	<p><b>Update Goal 5 inventories</b></p> <p>Update aggregate and historic inventories.</p> <p>Using technical advisors, adjust any Environmental Protection Districts (EPDs) that have experienced significant change.</p> <p><b>Products:</b> (1) Updated aggregate and historic inventories; (2) updated zoning map</p>	7/31/19
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# Aggregate Inventory

- Staff conducted an audit, 60+hours
- Checked for duplicates
- Cleaned up errors
- Staff identified three new significant operations and one expansion in 2017 that had been approved but not added to the inventory

171	7S 15E 0 600	A-1	J. Arlie Bryant Inc. (Hagen)			PLACUP-15-01-0001, 6/12/2015
172	6S 17E 0 2200, 2400	A-1	Jon Justesen			PLACUP-15-01-0002, 6/12/2015
173	5S 16E 0 3600	A-1	J. Arlie Bryant Inc. (Carver)			PLACUP-15-02-0003, 6/12/2015
174	3S 13E 0 4000	A-1	Jack Stevens		33-0051	CUP-06-112, CPA-06-102

# Historical/Cultural/Archeological Inventory

- Staff conducted an audit
- Checked for new additions to the National Register of Historic Places
- Identified one removal
- Staff identified one historic district (Imperial Stock Ranch Headquarters) and one cultural site (Mosier Mounds), which are on the NHR



# Future for Chapter 5/Goal 5

	<b>Product:</b> Updated comprehensive plan natural hazards element	
14	<b>Review process, Wildlife and Heritage</b> Update process, Wildlife and Heritage language consistent with OAR 660-023-0200	
18	<b>Big Game Habitat</b> Update big game habitat maps and environmental protection district. Ensure compliance with OAR 660-023-0110.  <b>Product:</b> Amendments to the comprehensive plan and LUDO regarding protection of big game wildlife habitat.	6/30/20
19	<b>Aggregate Resources</b> Update the comprehensive plan and LUDO to be consistent with OAR 660-023-0180.  <b>Products:</b> (1) Updated comprehensive plan policies related to aggregate resource protection; (2) LUDO updates to implement new plan policies and OAR 660-023-0180	3/31/20
	<b>Products:</b> (1) Amendments to existing comprehensive plan policies; (2) add policy that addresses uses in EPD 7 (Wild and Scenic Rivers Overlay); (3) Update supporting data and references to Wild and Scenic Rivers, including external partner plans; (4) appropriately identify development buffers and designations.	

11	<b>Update Transportation Element</b> Update Goal 12 policies to align with Transportation Systems Plan (2009) and make recommendations for updates to the plan. Address funding gaps.  <b>Product:</b> Updated comprehensive plan transportation element	9/30/19
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# Transportation: Chapter 12

- Policies/Implementation updated in 2009 in conjunction with Transportation Systems Plan (TSP)
- Received feedback from the Roadmaster
- Remove references to MCOG Transportation
- Remove all references to funding

# Transportation: Chapter 12

- Added strategy for coordination on ROW and road requests/permits
- Added waiver of remonstrance possibility for future road improvement
- Added requirement for restrictive covenant for partition, subdivision or PUD application approval
- Added request that future TSP updates include analysis of recreation on transportation system

# Transportation: Chapter 12

- Added new policy related to rec
- Directives for updates to TSP



**PLANNING DEPARTMENT**

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**FILE #:** 921-18-000109 (9)

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**REQUEST:** Legislative Request to Amend the Comprehensive Plan, Chapter 5  
**DECISION:**

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**Attachments:**

- A. Wasco County Comprehensive Plan Periodic Review Work Task 9 Overview
- B. Annotated Draft of Proposed Chapters 5 of Wasco County 2040 (Comprehensive Plan) with notes
- C. Clean Draft of Proposed Chapter 5

**File Number:** 921-18-000109

**Request:** Amend the Wasco County Comprehensive Plan  
1. Change the format to align with Statewide Land Use Planning Goals  
2. Develop Goal 5 into Wasco County 2040 format (Chapter 5), make any general amendments reflecting current planning practice and amend the aggregate and historic inventories. This is related to Periodic Review work task 9.

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

**Prepared for:** Wasco County Planning Commission

**Applicant:** Wasco County Planning Department

**Staff Recommendation:** Recommend adoption of the proposed amendments of the Wasco County Comprehensive Plan by the Wasco County Board of Commissioners.

**Planning Commission  
Hearing Date:** May 7, 2019

**Board of County  
Commissioner Hearing  
Date:** June 5, 2010

**Procedure Type:** Legislative

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

## **I. APPLICABLE CRITERIA**

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

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

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

## **II. SUBMITTED COMMENTS**

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

## **III. PUBLIC INVOLVEMENT**

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

### **A. Newspaper Notifications**

#### Citizen Advisory Group Work Session March 12, 2019:

Public notice for a Citizen Advisory Group meeting was published in The Dalles Chronicle on February 20, 2019, more than 20 days prior to the March 12th work session.

#### Planning Commission Hearing May 7, 2019:

Public notice for a Planning Commission hearing was published in The Dalles Chronicle on April 13, 2019, more than 20 days prior to the May 7<sup>th</sup> hearing.

#### Board of County Commissioner Hearing June 5, 2019:

Public notice for the Board of County Commissioner hearing was published in The Dalles Chronicle on May 15, 2019, more than 20 days prior to the June 5<sup>th</sup> hearing.

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

The information regarding the proposed amendments was placed on the Wasco County Planning Department Website<sup>1</sup> on March 5<sup>th</sup>, 2019. If updates are made following each hearing, the webpage will be updated to reflect such changes. At the time of publication of this document, the following information was made available:

- A listing of hearing dates, times and locations.
- Drafts of the proposed amendments

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



- Staff report describing the process and proposed changes
- A way to submit comments and concerns

In addition, the Wasco County Comprehensive Plan website<sup>2</sup> has included several posts that have included the time and date of meetings and discussion of proposed topics. This website has 25 subscribers that receive notification of new content, and is also promoted on the Planning Department's social media channels which have 211 followers.

#### **C. Notification to Partners**

An email notification of proposed amendments, progress on Periodic Review, and the legislative hearing was sent to the Periodic Review Assistance team and other Citizen Advisory Group identified stakeholders on March 5, 2019. The notification included links to the staff report, proposed amendments, and the opportunity to comment.

#### **D. Notification to Community Notification List**

During the Wasco County 2040 initial outreach phase, a public email notification list was assembled. Members of the public continue to have the opportunity to sign up for this list at any time on the project website<sup>3</sup> or in person at any of the public hearings, work sessions or other events. They can also request to be put on the list via email, telephone, or in the Planning Department Office. Currently this list includes 74 interested parties from the community.

An email notification of proposed amendments, progress on Periodic Review, and the legislative hearing was sent to this notification list on March 5, 2019. The notification included links to the project website and instructions on how to comment.

#### **E. Postcard Mailer Notification to All Property Owners in Unincorporated Wasco County**

At the beginning of March, a postcard mailer was sent to all property owners in unincorporated Wasco County updating them about the progress on Wasco County 2040 and putting them on notice about upcoming public meetings, including the worksession on March 12<sup>th</sup>. The postcard included links to the project website and contact information for the department.

#### **F. Other Public Outreach**

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

### **IV. FINDINGS**

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

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

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

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

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

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

**FINDING:** The request is for a legislative text amendment to policies and the format for Goal 5 (Chapter 5) of the Comprehensive Plan, as part of a broader Periodic Review work plan. Amendments include reformatting and edits to existing policy and implementation, as well as the addition of some new content including historical perspective, overview, and findings and references. The main goal of the work task is to update the aggregate and historic inventories with current information, including additions as the result of planning permits and new sites identified through the National Register of Historic places. There are substantial edits that still need to be made to Goal 5 (Chapter 5) that will be made with subsequent work tasks.

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

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

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

**c. Section D – Legislative Revisions**

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

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

**d. Section H – General Criteria**

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

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

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

**FINDING:** Amendments being proposed to Goal 5 with this work task are intended to add new context, findings and references to existing policies and implementation and update existing inventories currently listed in the Comprehensive Plan as required by state law.

To ensure accurate information for the updated inventory, staff conducted an extensive audit of aggregate mining permits and data, correcting duplicates and ensuring all information is up to date. The aggregate inventory has been updated since 1983, but a series of additions or alterations in 2006 and 2015 were not captured in the inventory list. These additions went through the required Conditional Use Permit and Comprehensive Plan Amendment Process, but for whatever reason were not updated in the inventory list and Comprehensive Plan Map.

The first modification was in 2006 was through a quasi-judicial review (PLACUP-06-112 and CPA-06-102). This is number 174 on the list. The approved request permitted the aggregate mining operation and added the site to the inventory. The site is located on 3S 13E 0, tax lot 4000. The Comprehensive Plan inventory list, however, was not modified to include this site. Staff is now proposing this addition.

In 2015, there was an application (PLACUP-15-01-0001) to create a 20 acre aggregate operation and designate it a significant site. This was done through a quasi-judicial hearings process, including a Comprehensive Plan amendment to add the proposed site to the inventory, apply EPD-5, and issue a conditional use permit to allow the aggregate operation. This was approved in 2015 at the Planning Commission level. The site is located on 7S 15E 0, tax lot 600. The site is now #171 on the inventory. Although it was added to the inventory through the appropriate process, the inventory list was not updated at the time.

Also in 2015, site 172, located at 6S 17E 0, tax lots 2200 and 2400 was reviewed through a quasi-judicial hearing for a significance determination, zone change and a conditional use permit (PLACUP-15-01-0002). This was approved in 2015. The inventory list was not updated at that time.

Finally, there was a third approval (PLACUP-15-02-0003) in 2015 for a site at 5S 16E 0, tax lot 3600 that was not added to the inventory. This approval included a significance determination, application of EPD-5, and a conditional use permit for a 20 acre aggregate operation.

All four additions were approved through the appropriate process but were not added to the official inventory list. Staff proposes to make these additions, in keeping with the process and amending the map.

The historical inventory was updated in 1994 during Periodic Review. These sites were included in the Cultural, Historic and Archeological Overlay, EPD-4, adopted December 7, 1994 into the Comprehensive Plan Map and Land Use and Development Ordinance. Currently, the historical inventory, which includes cultural and archeological sites, includes 41 sites. 1 site was removed from the inventory in 2008 but needs to be removed from the list.

Proposed amendments to the cultural, historic and archeological overlay include the addition of two sites that are on the National Historic Register. This includes the Imperial Stock Ranch Headquarters, which is a historic district, and the Mosier Mounds, which is a sensitive cultural and archeological site added to the Register in 2003. This is consistent with past practice and the Wasco County Land Use and Development Ordinance, Chapter 3 Section 3.770 which states a proposed landmark or district has significance because it is listed on the National Register of Historic Places. It is also consistent with the current Comprehensive Plan policy that "All resources listed on the National Register...shall be designated a Wasco County landmark subject to the Historic Preservation Overlay."

The Citizen Advisory Group reviewed five other potential sites which have been deemed eligible and/or contributing by the National Register, but not listed, and have declined to pursue analysis to add to the historic inventory at this time.

Staff is proposing a reformatting of the inventory to include additional information, including site parcel location, a description of the resource, date of construction, and notes related to its significance. The purpose of the reformat is to ensure transparency to future staff and the public on the resources.

There are additional edits needed to be made to Chapter 5 (Goal 5) that are related to future work tasks. Where future work is scheduled, original text from the Comprehensive Plan is carried over. There are also some areas left blank to be completed with those upcoming work tasks.

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

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

***a). Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);***

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

**FINDING:** The proposed updates will not change the functional classification of an existing or planned transportation facility, change standards implementing a functional classification system and/or allow uses or development resulting in impacts to the transportation system.

Proposed revisions to Goal 5 do not have a direct or indirect impact on transportation facilities, the Transportation Systems Plan, or Transportation Planning rules.

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

##### ***Submission of Completed Work Task***

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

**FINDING:** A notice was sent to DLCD on March 1, 2019, consistent with requirements, to inform them of the proposed May 7, 2019 hearing and subsequent hearings to adopt Chapters related to Periodic Review work task 9. To date, staff has not received any oral or written comment or request for notification from the public on Work Task 9. At such a time when comment is received, that will be attached to the staff report and submitted to DLCD.

- 3). For a periodic review tasks to be complete, a submittal must be a final decision containing all required elements identified for that task in the work program. The department may accept a portion of a task or subtask as a complete submittal if the work program identified that portion of the task or subtasks as a separate item for adoption by the local government. All submittals required by section 1) of this rule are subject to the following requirements:***
  - a). If the local record does not exceed 2,000 pages, a submittal must include the entire local record, including but not limited to adopted ordinances and orders, studies, inventories,***

*findings, staff reports, correspondence, hearings minutes, written testimony and evidence, and any other items specifically listed in the work program.*

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

**FINDING:** The local record for Work Task 9 will not exceed 2,000 pages. Consistent with this requirement, submittal to DLCDC will include the entire local record, including but not limited to the adopted ordinance and orders, studies, findings, staff reports, correspondence, hearing minutes, written testimony and evidence and any other relevant material.

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

## **Attachment A**

### **Chapter 5 Proposed Amendments**

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

**State of the Comprehensive Plan:**

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

- a. Overview: A sentence to a paragraph on the outlining the purpose behind the Goal and Wasco County policies.
- b. Statement of Wasco County Goal and reference to Statewide Planning Goal
- c. Any cross-references to other Goals
- d. Policy Statements
- e. Implementation Statements for each policy
- f. Findings and reference section detailing any relevant findings and references.
- g. Appendices- These contain critical inventories and other data relevant to the related chapter. In the case of Chapter 5, this includes the historic and aggregate inventories, as well as information about species and habitat in Wasco County.

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

##### **A. Chapter 5- Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources**

This new chapter maps to Goal 5 (Opens Spaces, Scenic and Historic Areas, and Natural Resources) and includes an overview of the natural environment, a brief overview of the goal's purpose in Wasco County, an excerpt of Oregon's Statewide Land Use Planning Goal 5, policies, implementation strategies for each policy, and a new findings and references section.

1. **Overview:** The overview briefly discusses the relevance to Goal 5 in Wasco County and its relationship to Wasco County land use planning.
2. **Historical Perspective:** Historical perspective was left blank to be completed with future work tasks.
3. **Excerpt of Statewide Planning Goal:** Excerpt from the Oregon Administrative Rules on Goal 5 that outlines for staff and public the purpose of Goal 5.
4. **Wasco County's Goal:** Wasco County's goal is related, but not verbatim, to the Statewide Goal 5.
5. **Photo:** A collage of different photos of scenic, historic, and natural resources taken by staff is included.
6. **Cross Reference:** A list of other goals that relate to Goal 5 was included for easy reference.
7. **Policies:** The existing plan has ten policies. The recommendation is to keep ten policies but update them to more accurately reflect current policy and status.
  - a. Policy 1: Current language "Protect and utilize appropriately the mineral and aggregate resources of Wasco County, and minimize conflict between surface mining and surrounding land uses." No change is recommended
    - (1) Implementation Strategy "a." A minor revision updating the Oregon Administrative Rules reference is recommended.



- b. Policy 2: states *"The County shall maintain an inventory of mineral and aggregate resource sites. The comprehensive plan inventory shall consist of three part:..."* No changes are recommended to this policy or the implementation strategies at this time. Staff will make revisions to this policy with Work Task 19.
  - c. Policy 3: Current policy is *"New mineral and aggregate sites shall not be allowed within the quarter mile boundary of either the John Day or Deschutes River."* Staff is not currently recommending any modification to this policy.
  - d. Policy 4: Current policy is *"All aggregate operations within the Columbia Gorge National Scenic Area shall be operated in compliance with the Management Plan for the National Scenic Area and its implementing ordinance."* Staff is not proposing any changes to this policy at this time.
  - e. Policy 5: Current policy is *"The Deschutes and John Day River Scenic Waterways shall be maintained and protected as natural and open space areas with consideration for agriculture and recreation."* No changes are currently proposed for this policy or supporting implementation.
  - f. Policy 6: Current policy is *"Coordinate with and support the managing agencies recreation use management issues and facilities necessary for recreation and resource protection."* No changes are currently proposed for this policy or supporting implementation.
  - g. Policy 7: Current policy is *"Maintain the existing aesthetic quality of the Columbia River Gorge."* No changes are currently proposed for this policy or supporting implementation. Some revisions to this policy and supporting implementation may be recommended with Work Task 16.
  - h. Policy 8: Current policy is *"Encourage the construction of ponds for livestock, fire protection and water reclamation."* No changes are currently proposed for this policy or supporting implementation.
  - i. Policy 9: Current policies are *"Encourage land use and land management practices which contribute to the preservation and enhancement of fish and wildlife resources, with consideration for private agricultural practices. To conserve and protect existing fish and wildlife areas. To maintain wildlife diversity and habitat so that it will support optimum numbers of game and nongame wildlife for recreation and aesthetic opportunities."* No changes are currently proposed for this policy or supporting implementation.
  - j. Policy 10: Current policies are *"Preserve the historical, archeological, and cultural resources of the County."* No changes are currently proposed for this policy.
- (1) Implementation Strategy "a." Currently reads "The Wasco County Historical Landmarks Commission shall maintain a current inventory of significant

archaeological and cultural resources in the county.” The statement is proposed to be revised to remove “Historical Landmarks Commission” as the inventory has historically lived with the Wasco County Planning Department who implements the Environmental Protection District.

- (2) Implementation Strategy “b.” reads “Encourage preservation of resources identified as significantly historically, culturally, or archeologically.” Staff is proposing to change the word “significantly” to “significant.”
- (3) Implementation Strategy “c.” was written before EPD-4 was developed and reads “Develop and implement a program to review and regulate activities which may impact historic, archaeological and cultural resources per statewide Goal 5 and OAR 660 16.” Staff is recommending removal of this strategy as EPD-4 has been developed and implemented.
- (4) Implementation strategies “d-h.” Staff is recommended no revisions.
- (5) Implementation Strategy “i.” The strategy currently reads: “The County shall designate a Landmarks Commission to advise the County Court about the county’s historic landmarks according to the Historic Preservation Overlay ordinance.” Staff is recommending it be revised to read: “Wasco County shall maintain a Historic Landmarks Commission, which evaluates applications for development, alteration or demolition in according with the Land Use and Development Ordinance and State Law.”
- (6) Implementation Strategy “j.” This strategy, and its supporting points, talks about the creation of a historic review board and their proposed tasks. As this has not been accomplished, and the Historical Landmarks Commission functions in this capacity, creating a redundancy, staff is proposing the removal of this strategy.
- (7) Implementation Strategy “k.” is “All resources listed on the National Register or determined eligible for the National Register of Historic Places shall be designated a Wasco County landmark subject to the Historic Preservation overlay.” Staff is proposing the reference be changed from Historic Preservation overlay to EPD-4 so that it may also include cultural and archaeological components.
- (8) Implementation Strategy “l.” Staff proposes the following strategy: “Maintain EPD-4 in accordance with state regulations.”
- (9) Implementation Strategy “m.” “Encourage active participation and coordination with local, regional, state and federal partners” is a recommended addition to ensure continued coordination with partner agencies.
- (10) Implementation Strategy “n.” The final implementation strategy recommended for this policy is to “Provide outreach and information to maintain public awareness of

state and federal laws protecting historic and prehistoric resources, including deposit of prehistoric artifacts and records with appropriate institutions.”

8. **Findings and References:** To help provide some information about each of the policies, as well as some history, findings and references are provided at the end of the chapter. These references cite sources from text. Findings provide additional context for some of the policies and implementation strategies. The references list a variety of external plans and reports that are useful, not only in giving context to the policies, but also for research or reference for current planning.

DRAFT

**Goal5**

**Open Spaces, Scenic and**  
**Historic Areas and**  
**Natural Resources**

## Goal5

### Open Spaces, Scenic and Historic Areas and Natural Resources

#### Overview

Goal 5 offers framework for Wasco County's role in protecting its natural resources, open spaces, groundwater resources, rivers, waterways, historic and mineral/aggregate resources.

Protection of these diverse resources requires a variety of approaches. The role of land use planning in this protection involves a threefold approach:

- Collecting and maintaining data and other inventories of assets;
- Coordinating with local, regional, state and federal programs; and
- Administering local and state regulations that protect the sustainability and quality of the resourcesrelated to these resources.

## Statewide Planning Goal 5

To protect natural resources and conserve scenic and historic areas and open spaces.

Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

Excerpt from  
OAR 660-015-0000(5)

## Cross-Reference

Additional policies related to this goal:

## Wasco County Goal

## Open Spaces, Scenic and Historic Areas and Natural Resources

To conserve open space and protect natural and scenic resources.



## Policies

### Mineral Resources

- 5.1.1** Protect and utilize appropriately the mineral and aggregate resources of Wasco County, and minimize conflict between surface mining and surrounding land uses.

#### Implementation for Policy 5.1.1:

- a. The development of new rock and aggregate resource sites shall be consistent with the State Planning Goal 5 and Oregon Administrative Rules Chapter 660, Division ~~23~~<sup>16</sup> process to balance conflicts between mining operations and new and existing surrounding conflicting uses.
- b. Sites identified as significant aggregate resource sites shall not support interim or permanent uses which may jeopardize the future availability of the resource.
- c. Mining and processing of gravel and mineral materials may only be allowed at sites included on the "Other Site" inventory or "Significant Sites" inventory.
  1. Mining at sites on the "Other Sites" inventory may be allowed by a conditional use permit.
  2. Mining at sites on the "Significant Sites" inventory may only be permitted in accordance with the Mineral Resources Overlay.
- d. For each site determined to be significant, the County shall complete the remainder of the County Goal 5 process identifying conflicting uses, analyzing the ESEE consequences of the conflicting use(s), and designating a level of protection from conflicting uses. If the final decision concerning the site is to preserve fully or partially protect the resource from conflicting uses, the County shall zone the site with the Mineral Resources Overlay.

- 5.1.2** The County shall maintain an inventory of mineral and aggregate resource sites. The comprehensive plan inventory shall consist of three parts:

- a. An inventory of "Significant Sites" identified through the Goal

## 5.1 Policies

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5 process as important resources that will be protected from conflicting uses;

- b. An inventory of "Potential Sites" for which sufficient information concerning the location, quality, and quantity of a resource site is not adequate to allow the County to make a determination of significance;
- c. An inventory of "Other Sites" for which available information demonstrates that the site.

**Implementation for Policy 5.1.2<sup>2</sup>:**

- a. The significance of non-aggregate mineral resources shall be judged on a case by-case basis, taking into account information concerning the commercial or industrial use of the resource, as well as the relative quality and relative abundance of the resource within at least the County.
- b. The scope of an existing or "grandfathered" aggregate operation shall be established by:
  - 1. Authorization by a County land use approval; or
  - 2. The extent of the area disturbed by mining on the date that the mining operation became a non-conforming use.
- c. Sites on the "Other Sites" inventory shall not be protected from conflicting uses.
- d. For sites on the "Potential Sites" inventory, the County shall review available information about mineral and aggregate resources, and if the information is sufficient, determine the site to be significant when one of the following conditions exist:
  - 1. As part of the next scheduled Periodic Review;
  - 2. When a landowner or operator submits information concerning the potential significance of a resource site and requests a Comprehensive Plan amendment;
  - 3. When resolution of the status of a potential resource site is necessary to advance another planning objective.
- e. In order to approve surface mining at a site zoned for exclusive farm or forestry use, the County shall find, as part of the ESEE analysis, that the proposed activity will not: 1) force a significant change in, or significantly increase the cost of, accepted farming or forestry practices on surrounding lands, and 2) will not significantly increase fire hazard or significantly

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<sup>2</sup> Some of this may be changed with Work Task 19, which will transition rules to ensure consistency with OAR 660-023-0180



increase fire suppression costs or significantly increase risks to fire suppression personnel.

- f.** The County may establish and impose conditions on operation of a surface mine when deemed necessary as a result of a site-specific Goal 5 analysis. Where such conditions conflict with criteria and standards in the Mineral and Aggregate Resources Overlay, the conditions developed through the Goal 5 analysis shall control.
- g.** No surface mining or processing activity, as defined by the zoning ordinance, shall commence without land use approval from the County, and approval of a reclamation plan and issuance of an operating permit by DOGAMI.
- h.** Aggregate sites shall be subordinate to the landscape setting as seen from travel corridors when such travel corridors have been determined to be significant by the ESEE analysis.

**5.1.3** New mineral and aggregate sites shall not be allowed within the quarter mile boundary of either the John Day or Deschutes River.

**5.1.4** All aggregate operations within the Columbia River Gorge National Scenic Area shall be operated in compliance with the Management Plan for the National Scenic Area and its implementing ordinance.

## **Wild and Scenic Rivers<sup>3</sup>**

**5.1.5** The Deschutes and John Day River Scenic Waterways shall be maintained and protected as natural and open space areas with consideration for agriculture and recreation.

### **Implementation for Policy 5.1.5:**

- a.** Coordinate all land use planning activities with the Bureau of Land Management, Oregon State Department of Transportation and the Warm Springs Indian Reservation. These three parties shall be notified of all proposed land actions within the Deschutes River and John Day River Scenic Waterways for their review and comment.
- b.** Allow agricultural operations within the Deschutes and John Day Scenic Waterways.
- c.** Allow only buildings customarily provided in conjunction with

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<sup>3</sup> This policy/implementation will be addressed in 2020 with Work Task 15  
page 5-6 Wasco County Comprehensive Plan

farm use within the visual corridors of the Deschutes and John Day Scenic Waterways.

- d. Encourage the preservation of landscape features of the John Day and Deschutes Rivers.

**5.1.6** Cooperate with managing agencies to solve recreation use management on the John Day and Deschutes River Scenic Waterways.

**Implementation for Policy 5.1.6:**

- a. Coordinate with and support the managing agencies recreation use management issues and facilities necessary for recreation and resource protection.

**5.1.7** Maintain the existing aesthetic quality of the Columbia River Gorge

**Implementation for Policy 5.1.6:**

- a. Scenic and Open Space areas in the Columbia River Gorge will be preserved by placement of the Environmental Protection District, Division 4, and overlay zone.
- b. The Oregon State Highway Division should employ plantings to provide buffers between residential areas and Interstate 84 when feasible.
- c. Forestry uses shall be in accordance with the Oregon Forest Practices Act.
- d. Clear-cutting within the legal boundaries of the Columbia River Gorge is discouraged.

## **Water**

**5.1.8** Encourage the construction of ponds for livestock, fire protection and water reclamation.

**Implementation for Policy 5.1.7:**

- a. Allow such uses in the "A-1" (Exclusive Farm Use) zone.
- b. The County Water master and Sanitarian shall continue to regulate appropriations, diversions and sewage waste disposals to ensure quality water resources.

## **Fish and Wildlife**

**5.1.9** Encourage land use and land management practices

which contribute to the preservation and enhancement of fish and wildlife resources, with consideration for private agricultural practices.

To conserve and protect existing fish and wildlife areas.

To maintain wildlife diversity and habitat so that it will support optimum numbers of game and nongame wildlife for recreation and aesthetic opportunities.

**Implementation for Policy 5.1.9:**

- a.** Identify and maintain all wildlife habitats by:
  - 1. Implementation of an Environmental Protection District overlay zone for significant fish and wildlife habitats and for the big game winter range.
  - 2. Designation of the Big Game Winter Range and Area of Voluntary Siting Standards (low elevation winter range) on the map contained in this plan's Resource Element.
- b.** The winter range identified on the Big Game Habitat Map included in the Resource Element of this plan shall be protected by an overlay zone. The Rural Service Centers identified in the Comprehensive Plan which lie within the overlay zone shall be exempt from the provisions of the overlay zone.
- c.** Consistent with the development standards of the land use ordinance, sensitive riparian areas of perennial and intermittent streams identified in the Resource Element, as well as to protect people and property from flood damage, the zoning ordinance shall prohibit development within 100 feet of the mean high water mark of perennial or intermittent stream or lake in a resource zone, and 50 feet of the mean high water mark of a perennial or intermittent stream or lake in residential zones.
- d.** Sensitive bird habitat sites (bald eagle, golden eagle, osprey, great grey owl, great blue heron) and mammal habitat sites (Western pond turtle nesting sites) identified in the Resource Element of the plan shall be protected by a Sensitive Bird and Mammal Overlay Zone during periodic review pursuant to the current County approved work program.
- e.** When site specific information is available to the County on the location, quality and quantity of threatened and endangered fish and wildlife species listed by State or Federal Wildlife agencies and the Oregon Department of Fish and

Wildlife develops protection criteria for the species, the county shall proceed with a Goal 5 ESEE analysis in compliance with OAR 660 Div. 16.

- f. The county shall review the Transition Land Study Area (TULSA) big game habitat areas and designated as "1-B" Goal 5 resources, during the next periodic review or as additional information on the location, quality and quantity of the habitat areas becomes available. (ORD. 3.180 )
- g. County-owned land shall be managed to protect and enhance fish and wildlife habitat except where a conflicting public use outweighs the loss of habitat.
- h. The county shall notify the Oregon Division of State Lands and the Oregon Department of Fish and Wildlife of any development application for land within a wetland identified on the National Wetlands Inventory maps<sup>4</sup>. (ORD. 3.180).
- i. An application for a destination resort, or any portion thereof, in a recognized big game habitat overlay zone shall not be accepted pending completion of the County's Goal 8 destination resort mapping process. (ORD 3.180)
- j. The county shall provide ODFW an annual record of development approvals within the areas designated as Area of Voluntary Siting Standards' on the plan map to allow ODFW to monitor and evaluate if there is a significant detrimental effect on habitat.

## Historic, Cultural and Archeological Resources

**5.1.10** Preserve the historical, archaeological, and cultural resources of the County.

### Implementation for Policy 5.1.10:

- ~~a. The Wasco County Historical Landmarks Commission shall maintain a current inventory of significant archaeological and cultural resources in the county.~~
- ~~b. Wasco County shall maintain an inventory of significant archaeological and -cultural resources in the County.~~
- ~~c. a. Encourage~~ Require preservation of resources identified as significant~~ly~~ historically, culturally, or archaeologically in keeping with state and national rules.
- ~~d. Develop and implement a program to review and regulate activities which may impact historic, archaeological and~~

<sup>4</sup> This will be updated to reference State Wetlands Inventory with Work Task 14 in 2020

~~cultural resources per statewide Goal 5 and OAR 660-16-  
(Amended by Historic Preservation Overlay Ord. adopted Dec.  
7, 1994).~~

~~e.b.~~ Location of archaeological sites shall not be disclosed, (this information is exempt from the Freedom of Information Act), unless development is proposed which would threaten these resources. When any development is proposed which may affect an identified archaeological site, the site will be protected by the Wasco County Land Use and Development Ordinance, Chapter 3, Historic Preservation Overlay zone.

~~f.c.~~ Resources listed as Wasco County Historic Landmarks will be protected by the Wasco County Land Use and Development Ordinance Chapter 3 Historic Preservation Overlay zone.

~~g.d.~~ When adequate information becomes available, Wasco County shall evaluate its Goal 5 1-B historic resources for inclusion on the inventory or designation as a significant (1-C) resource and, where appropriate, provide protection under the County's Historic Preservation Overlay Chapter of the Wasco County Land Use and Development Ordinance.

~~h.e.~~ Pursue private and public sources of funding for use by property owners in renovation and maintenance of historic properties.

~~i.f.~~ Pursue options and incentives to allow productive, reasonable use, and adaptive reuse of historic properties.

~~j.~~ The County shall designate a Landmarks Commission to advise the County Court about the county's historic landmarks according to the Historic Preservation Overlay ordinance. (Adopted by Ord., December 7, 1994). Wasco County shall maintain a Historic Landmarks Commission, which evaluates applications for development, alteration or demolition in accordance with the Land Use and Development Ordinance and State Law.

~~k.~~ Appoint a Historic Review Board whose role is to protect and preserve historic Landmarks, Districts and Corridors and who individually have demonstrated interest and expertise in the field of Historic Preservation. This board shall be empowered to:

- ~~1.~~ Maintain and update the Wasco County Cultural Resource Inventory.
- ~~2.~~ Recommend to the County Court the designation of historic landmarks or districts that meet the criteria for designation as contained in Section 3.772 of the Land Use and Development Ordinance.

- ~~3. Protect historic landmarks or districts through the review, in accordance with the review criteria established for alterations, demolition and new construction~~
- ~~4. Provide a forum for public participation in matters and issues related to historic preservation in the community.~~
- ~~5. Review proposed activities by the County or other agencies, businesses, or developers that may detrimentally affect historic landmarks and advise the Planning and Economic Development Staff, Planning Commission, and County Court regarding these matters.~~

~~h.g.~~ All resources listed on the National Register or determined eligible for the National Register of Historic Places shall be designated a Wasco County landmark subject to ~~the Historic Preservation Overlay, EPD-4.~~

- l. Maintain EPD-4 in accordance with state regulations.
- m. Encourage active participation and coordination with local, regional, state and federal partners.
- n. Provide outreach and information to maintain public awareness of state and federal laws protecting historic and prehistoric resources, including deposit of prehistoric artifacts and records with appropriate institutions.

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Findings and References

1.1.a Comprehensive Plans are required to foster and encourage historic preservation, management and enhancement consistent with ORS 358.605. OAR 660-023-300 (3).

1.1.a1.1.b The inventory of historic resources must be consistent with OAR 660-023-0030.

References

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

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# Appendix



## Mineral and Aggregate Resources

1) **General Information:** Wasco County has few economically important mineral deposits. Some limited mining activity has occurred in the past. There are no active mineral mines in Wasco County. Most of the county is underlain with recent basalt flows, which precludes the possibility of extensive mineral resources. The highest potential for minerals would be in the older geologic formations, found in other parts of Oregon or bordering counties. The primary minerals found in Wasco County are as follows:

- A. **Bauxite:** Evidence suggests there may be some potential low grade bauxite found in the Columbia River basalt group but no investigations have been undertaken in Wasco County to confirm this.
- B. **Copper and Lead:** These minerals have been mined in the Ashwood-Oregon King Mine located in Jefferson County to the south. Some deposits may occur in the County.
- C. **Mercury and Molybdenum:** No economically important deposits are located within Wasco County.
- D. **Semi-precious Gems:** These are more of interest to rock collectors rather than having intrinsic mineral value.
- E. **Perlite:** Between 1945 and 1950, mining was conducted in an area south of Maupin near the Deschutes River. High quality acoustic and insulating tile was produced for a number of years from this perlite. It became unprofitable to mine at this location and the operation was discontinued. A large deposit still exists in this area.
- F. **Volcanic Tuffs:** The Rainbow Rock Quarry, about five miles south of Pine Grove, has produced brightly colored and banded tuff since 1949. Rock of similar appearance has been uncovered but not developed on a nearby flat east of the quarry. Tuffs are utilized for decorative building stone and ceramic art.
- G. **Peat:** According to the U.S. Geological Survey, Mineral and Water Resources of Oregon, 1969, there are widely scattered minor deposits of peat in the Cascade region of the County and coal in the southeastern region. They have never been mined commercially.
- H. **The Ka-Nee-Ta Stone Quarry:** On the Warm Springs Reservation, this quarry produced rough pieces of rhyolite. The stone is multi-colored and valuable for decoration. Other stone quarries include Indian Candy and Sorenson Quarry.
- I. **Quarry Rock:** Quarry rock increases in importance as the more desirable deposits become depleted. Transportation costs are high so that quarries must be located within ample reserves of good quality crushing rock. The best rock for crushing is generally Columbia River basalt.

2) **Inventory:** Wasco County's cumulative demand projection for all aggregate material by the year 1995 was between four and six million tons.

3) **Application of the Goal 5 Process for Mineral Resources**

- A. Potential Conflicting Use in Zone Categories Applicable to Mineral resource Sites: All except one currently inventoried resource site fall into three resource zones employed by the County: A-1, Agriculture; F-1, Forest; F-2, Forest. One site is in an Industrial zone (Sun Pit). Conflicting uses are generally those which, if allowed to locate within the specific site identified, would render the

resource unrecoverable and those activities on surrounding lands which affects or is affected by aggregate operation. Most of the conflicting uses are structural improvements which commit the site to another use. Other less intensive uses such as recreation facilities, public parks and playgrounds, and golf courses which are conditional uses in some zones may conflict because, once established, they tend to diminish the value of the resource. Some competing uses, such as water impoundments or power generation facilities, may be determined to be of sufficient importance as to preempt the mineral resource value.

# Aggregate Inventory

Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
1	2N 11E 2 D 200	NSA	Hood River Sand & Gravel		33-0055	CUP 92-110	No
2	2N 11E 11 900	NSA	ODOT (Gove) 33-004-4	2N 11E 11 2800	33-0060		No
3	2N 11E 11 200	NSA	ODOT 33-001-4	2N 11E 11 200	33-0057		
	2N 11E 2 D 300	Mosier UGB	(Mosier Pit) Listed as reference	2N 11E 2 1300			
4	2N 11E 1 D 200	NSA	Hood River Sand & Gravel 2630 Old Columbia River Drive Hood River OR 97031	2N 11E 1 D 200	33-0076	CUP 92-136	No
			Ken & Joan Hudson 1020 Mosier Creek Rd	2N 11E 3500			No
5	2N 11E 13 600	F-2		2N 11E 6001			No
6	2N 11E 24 500	F-2	Mosier Creek Dev. 1234 P O Box 6039 Bellevue WA 98008				
7	2N 12E 19 1200	F-2	Tony Heldstab 2175 Mosier Creek Road Mosier OR 97040	2N 12E 19 600	33-0088	CUP 92-126 & 94-111	No
8	2N 12E 29 1800	F-2	Mosier Creek Dev. 1234 P O Box 6039 Bellevue WA 98008	2N 12E 9155			No
9	2N 11E 11 2700	NSA	Gayle Weisfield		33-0079	CUP 92-101 - <i>Exp. 1997</i>	No
10			Chenoweth Air Park				No
11	2N 13E 19 1600	NSA	Floyd Marsh P O Box 2 The Dalles OR 97058	2N 13E 19 100			No
12	2N 13E 19 600	A-1	W R & Margaret Pentecost 4900 Seven Mile Road The Dalles OR 97058	2N 13E 19 800			No
13	2N 12E 1300	NSA	Jim Ellett 5693 Chenoweth Road The Dalles OR 97058	2N 12E 24 12500	33-0056	CUP 90-124 & C90-0249 <i>Exp. 11-2000</i> CUP-00-125 & SPR-00-169	Yes

Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	
14	2N 12E 16 D 1900	RR-5	William Ringlbauer 2244 Dell Vista Drive The Dalles OR 97058	2N 12E 16 D 1700			No
15			Mayer State Park				No
16	2N 13E 17 B 200	SMA	US Forest Service 902 Wasco Ave Ste 200 Hood River OR 97031	2N 13E 17 1801			No
17	2N 13E 20 300	NSA	Wayne & Jana Webb P O Box 692 The Dalles OR 97058	2N 13E 20 1000 not shown on map	33-0064	CUP-98-122 - <i>Exp. 1-2000</i>	No
18			Gooseberry Springs - State of Oregon				No
19			Gooseberry Springs - State of Oregon				No
20			Dalles Dam - State of Oregon				No
21	2N 13E 20 700, 600	NSA	(Sun Pit) 1022 W 9th Street The Dalles OR 97058	2N 13E 20 600	33-0011	CUP 91-101 &	No
					33-0083	SPR 91-103	
22	2N 15E 500	NSA	Celilo - State of Oregon	2N 15E 700			No
23	Fifteen Mile Road		County				No
24	2N 14E 25		Right of Way	2N 14E 25			No
25	2N 14E 1100	A-1	Jacob Kaser 4550 Fifteen Mile Road The Dalles OR 97058	2N 14E 1000			No
26	2N 14E 2200	A-1	Donna E. Ashbrook et al P O Box 158 Dufur OR 97021	2N 14E 28 2700	33-0014		No
27	2N 14E 33 500	A-1	Judith F. Bayley et al 6331 SW Radcliff St Portland OR 97219	2N 14E 33 400			No
28	2N 14E 2400	A-1	C Gard Fulton 3775 Fifteen Mile Rd. The Dalles OR 97058	2N 14E 33 3000	33-0023		No
29	1N 14E 300	A-1	Forest J. Hay	1N 14E 400			No

Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
			609 E 9th St The Dalles OR 97058				
30	1N 14E 2000	A-1	Sylvia Weimer 4100 Old Dufur Rd.	1N 14E 3500			Yes
31	1N 14E 2300	A-1	William & Sheli Markman/Wasco County 4785 Eight Mile Road The Dalles OR 97058	1N 14E 3300			No
32	1N 15E 3700	A-1	William & Carmen Eddins 1515 E 21st Street The Dalles OR 97058	1N 15E 3700			No
33	1N 14E 500	A-1	Cliff Baker (County?)	1N 14E 6700			No
34	1S 13E 1		County May Pit	1S 13E 1	33-0013		No
35	1S 14E 17 300	A-1	Miller Ranch Co. 1 NW Greenwood Ave. Bend OR 97701	1S 14E 3100			No
36	1S 14E 3000	A-1	Paul & Velma Limmeroth 2520 Ward Road The Dalles OR 97058	1S 14E 3401 Boyd			No
37	1S 14E 18 100	A-1	Miller Ranch Co. 1 NW Greenwood Ave. Bend OR 97701	1S 14E 18 100			No
38	1S 14E 3200	A-1	Mary Sylvester 3813 Faith Home Road Ceres CA 95307	1S 14E 3600			No
39	1S 14E 20		Dufur	1S 14E 20			No
40	2S 13E 35 100	A-1	William Neil 62883 US Hwy 197 Dufur OR 97021	2S 13E 100	33-0050		No
41	2S 13E 5000	A-1	ODOT Tygh Ridge 33-025-4	2S 13E 35 5200	33-0071		Yes
42	3S 13E 100	A-1	William & Masil Hulse P O Box 427 Dufur OR 97021	3S 13E 100			No
43	3S 13E 2300	A-1	Paul & Velma Limmeroth 2520 Ward Road	3S 13E 2500			No

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			The Dalles OR 97058				
44	3S 13E 2300	A-1	Paul & Velma Limmeroth 2520 Ward Road The Dalles OR 97058	3S 13E 2500			No
45	3S 13E 3200	A-1	Irl Jr. & Orlena Davis 45 N Eagle Pt Road Tygh Valley OR 97063	3S 13E 3400	33-0054	CUP 96-101	No
46	3S 13E 33 100	A-1	Robert & Meredith Lindell P O Box 217 Tygh Valley OR 97063	3S 13E 33 3500	33-0047		No
47	2N 11E 36 100	F-2	Berniece & Morris Schmidt 2855 Mosier Creek Road Mosier OR 97040	2N 11E 7600	33-0081		No
48	2N 12E 30 1100	F-2	Mosier Creek Dev. 1234 P O Box 6039 Bellevue WA 98008	2N 12E 9139	33-0088		No
49	2N 13E 31 B 600	RR	Whispering Pines Ranch Corp 612 Liberty The Dalles OR 97058	2N 13 31 600			No
50	1N 11E 25 100	F-2	Ketchum Ranch Inc 6282 Chenowith Road W The Dalles OR 97058	1N 11E 900			No
51	1N 13E 1300	A-1	John & Betty Skirving 2013 W Scenic Drive The Dalles OR 97058	1N 13 4490			No
52	1N 13E 32 200	A-1	Milton & June Martin 3560 Three Mile Road The Dalles OR 97058	1N 13E 5300			No
53	1N 13E 25 700	A-1	Arthur V Braun P O Box 498 The Dalles OR 97058	1N 13E 25 2991	33-0082	CUP 90-113	No
54	1N 15E 2900	A-1	Eldon F Emerson et al 6124 Roberts Market Road The Dalles OR 97058	1N 15E 28 2700			No

Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
55	1S 15E 700	A-1	James Q Johnson 6352 Roberts Market Road The Dalles OR 97058	1S 15E 402			No
56	1S 15E 2000	A-1	Iva J Kortge 338 West 21st The Dalles OR 97058	1S 15E 1400			No
57	1S 15E 2600	A-1	Frederick & Peggy Clausen Rt 2 Box 4 Dufur OR 97021	1S 15E 1900			No
58	2S 14E 1900	A-1	Martin & Beverly Underhill P O Box 266 Dufur OR 97021	2S 14E 1600			No
59	2S 14E 2000	A-1	Martin & Beverly Underhill P O Box 266 Dufur OR 97021	2S 14E 1800			No
60	2S 14E 2300	A-1	Robert & Nancy Hammel 62250 Tygh Ridge Road Tygh Valley OR 97063	2S 14E 2000			No
61	1N 15E 2200	A-1	William & Barbara Hammel 7075 Fifteen Mile Road The Dalles OR 97058	1N 15E 21 2100			No
62	1N 15E 2200	A-1	William & Barbara Hammel 7075 Fifteen Mile Road The Dalles OR 97058	1N 15E 2100			No
63	1N 15E 2900	A-1	Eldon F Emerson et al 6124 Roberts Market Road The Dalles OR 97058	1N 15E 20 2700			No
64	1S 14E 4500	A-1	Lucie Underhill Life Estate 85429 Easton Canyon Road Dufur OR 97021	1S 14E 4900			No
64	1S 14E 4500	A-1	Clara A. O'Brien 2867 Breckenridge NW Salem OR 97304	1S 14E 4900 Duplicate			No

Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
65	1S 14E 5100	A-1	W C Hanna Estate US Nat'l Bank Trust Dept P O Box 3168 Portland OR 97208	1S 14E 31 5600			No
66	1S 14E 2800	A-1	Daniel Bolton P O Box 731 Dufur OR 97021	1S 14E 1900			No
68	2N 12E 4 1100 2N 12E 5 100	NSA	Wasco County	2N 12E 4/5			No
70	2S 12E 1700	A-1	Sharon L. Sorensen Rt 1 Box 180 Dufur OR 97021	2S 12E 12 3000			No
71	2S 12E 5100	A-1	Martin & Beverly Underhill P O Box 266 Dufur OR 97021	2S 12E 23 5700			No
72	3S 12E 3	A-1	Wasco County 511 Washington St. The Dalles OR 97058	3S 12E 3			No
73	3S 12E 25 300	A-1	Russell & Wanda Sinclair Rt 1 Box 79 Tygh Valley OR 97063	3S 12E 25 3700			No
74	2S 13E 5200	A-1	Keith & Mary Smith 60538 Dufur Gap Rd. Dufur OR 97021	2S 13E 32 4900			No
75	4S 13E 12 2800	A-1	Fred & Maxine Ashley/Tygh Valley Sand & Gravel	4S 13E 12 6800	33-0015		No
76	3S 13E 3800	A-1	Roger T. Justesen/Betty Nelson P O Box 96 Grass Valley OR 97029	3S 13E 31 4000	33-0051	Cancelled 1976	No
77	4S 13E 10	A-1	Wasco County	4S 13E 10			No
78	4S 12E 2700	A-1	Keith & Kathleen Obermaier P O Box 3497 Pojaque Santa Fe NM 87501	4S 12E 17 5000 Formerly Cody Logging	33-0048		No
79	4S 13E 7100	A-1	Erma C. Gutzler	4S 13E 31 10800			No



Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
			Rt 1 Box 120 Maupin OR 97037				
80	5S 12E 2 400	A-1	Lora M Hachler Rt 1 Box 408 Maupin OR 97037	5S 12E 2 400			No
81	5S 12E 800	A-1	Wasco County 511 Washington St. The Dalles OR 97058	5S 12E 4 800			No
82	5S 12E 2300	A-1	Milton & Mae McCorkle Life Estate Rt 1 Box 412 Maupin OR 97037	5S 12E 12 2100			No
83	5S 13E 1400	A-1	Eugene H. Walters Rt 1 Box 86 Maupin OR 97037	5S 13E 6 1400			No
84	5S 13E 6300	A-1	Lyle & Lorraine Gabel Rt 1 Box 110 Maupin OR 97037	5S 13E 28 5200			No
85	5S 12E 7100	A-1	Allan & Cristina Blake Rt 1 Box 60A Maupin OR 97037	5S 12E 35 5400			No
86	5S 11E 5100	A-1	Wasco County	5S 11E 35 4802	33-0074		No
87	6S 11E 9	A-1	Woodside	6S 11E 9			No
88	4S 13E 11 100 4S 13E 0 7200	A-1	Robert Ashley	4S 13E 11 100 4S 13 E 0 2700		CPA-01-101 CUP-01-112	No
101	Site Not Identified		Port of The Dalles				
102	Site Not Identified		Interpretative Center Site				
150	4S 14E 33	A-1	Connolly	4S 14E 33			No
151	4S 14E 2700	A-1	Connolly Land & Livestock Inc. 412 W. 4th St. The Dalles OR 97058	4S 14E 25 2400	33-0093	CUP 93-110	No
152	4S 15E 800	A-1	Lee & Ruth Lindley Box 64 Maupin OR 97037	4S 15E 30 800			No

Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
153	4S 15E 1000	A-1	USA Bureau of Land Management	4S 15E 30 1200			No
154	5S 16E 2000	A-1	Lonny & Pamela Brown (County Lease) 18233 W Wintergreen Lane Bremerton WA 98312	5S 16E 20 2200			No
155	5S 16E 3300	A-1	Janis Lee Snodgrass % Lonny D. & Pamela A. Brown 18233 W Wintergreen Lane Bremerton WA 98312	5S 16E 32 3300			No
156	5S 16E 3400	A-1	Warnock Ranches Inc. Rt 1 Box 16 Baker OR 97814	5S 16E 32 2401			No
157	6S 19E 900	A-1	Warnock Ranches Inc. Rt 1 Box 16 Baker OR 97814	6S 16E 5 106			No
158	6S 16E 900	A-1	Warnock Ranches Inc. Rt 1 Box 16 Baker OR 97814	6S 16E 5 106			No
159	6S 16E 2100	A-1	ODOT Bakeoven Quarry 33-051-4	6S 16E 21 101	33-0017	PR-94-102	No
160	7S 17E 31 1700	A-1	Richard & Betty Baker P O Box 136 Antelope OR 97001	7S 17E 31 1990	33-0032		No
161	8S 17E 600	A-1	Donald & Marjorie Gomes (County owned) P O Box 70 Antelope OR 97001	8S 17E 4 692			No
162	8S 17E 1400	A-1	Wilton & Francis Dickson 604 NE Loucks Road Madras OR 97741	8S 17E 14 1500			No
163	8S 16E 4300	A-1	McNamee Ranches P O Box 50 Antelope OR 97001	8S 16E 36 3400			No
164	8S 17E 2000	A-1	Herbert & Faye McKay P O Box 5	8S 17E 35 2100			NO

			Antelope OR 97001				
Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
165	8S 18E 900	A-1	Washington Corp. P O Box 3027 Pasco WA 99302	8S 18E 34 800			No
166	8S 19E 1600	A-1	USA Bureau of Land Management	8S 19E 31 1900			No
167	8S 14E 1400	A-1	Ned Darling 5618 SE Taylor Portland OR 97215	8S 14E 13 101			No
168	8S 14E 2200	A-1	Bureau of Land Management	8S 14E 21 1900			No
169	7S 14E 3100	A-1	Ned Darling 5618 SE Taylor Portland OR 97215	7S 14E 32 3000			No
170	5S 12E 0 8500, 6S 12E 0 1300	A-1	Richard Dodge			PLAQJR-10-10-0005, 4/15/2011	No
171	7S 15E 0 600	A-1	J. Arlie Bryant Inc. (Hagen)			PLACUP-15-01-0001, 6/12/2015	Yes
172	6S 17E 0 2200, 2400	A-1	Jon Justesen			PLACUP-15-01-0002, 6/12/2015	Yes
173	5S 16E 0 3600	A-1	J. Arlie Bryant Inc. (Carver)			PLACUP-15-02-0003, 6/12/2015	Yes
174	3S 13E 0 4000	A-1	Jack Stevens		33-0051	CUP-06-112, CPA-06-102	No
200	4S 14E 3700	A-1	USA Bureau of Land Management	4S 14E 33 3800			No
201	5S 14E 35 C 400	A-1	ODOT Maupin Pit 33-036-4	5S 14E 35 4400	33-0004		Yes
202	6S 14E 300	A-1	Criterion Interest Inc. 122 E Stonewall Charlotte NC 28202-1889	6S 14E 11 100			Yes
203	7S 14E 200	A-1	ODOT Criterion 33-038-4	7S 14E 12 1200	33-0078		Yes
204	6S 17E 3 400	A-1	ODOT 33-049-4 County Line Quarry	6S 17E 3 500	33-0102		Yes
205	6S 17E 0 2000	A-1	State Highway Dept	5S 17E 16 ?			No
206	6S 17E 2300	A-1	ODOT 33-050-4 Hinton Quarry	6S 17E 19 1800	33-0100		Yes
208	7S 16E 1300	A-1	ODOT Identifier 33-053-4	7S 16E 6 1000	33-0024		Yes
209	7S 15E 1600	A-1	ODOT 33-059-4 Garbage Pit	7S 15E 22 1600	33-0097		Yes

Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
211	8S 15E 2200	A-1	Charles & Betty Johnson Gateway Star Route Box 465 Madras OR 97741	8S 15E 22 1701			No
212	8S 15E 2000	A-1	Charles & Betty Johnson Gateway Star Route Box 465 Madras OR 97741	8S 15E 27/28 1701			No
213	8S 15E 26 3500	A-1	Annan & Marla Priday HC 62, Box 462 Madras OR 97741	8S 15E 26 2900	33-0094	CPA 96-101 Goal 5	Yes
214	7S 17E 1600	A-1	ODOT Shaniko 33-062-4	7S 17E 20 2000	33-0065		Yes
215	8S 18E 600	A-1	ODOT 33-064-4	8S 18E 6 501			Yes
216	8S 18E 4 400	A-1	ODOT 33-065-4 Antelope Rock Product	8S 18E 4 400	33-0069		Yes
217	5S 12E 8500		Richard Dodge	5S 12E 33 7200	33-0080	CUP 87-104 <i>Added 3/93</i>	No
218	4S 12E 2800	A-1	Metzentine Quarry	4S 12E 17 1900	33-0086	CUP 91-102 <i>Added 3/93</i>	No
			Dan Van Vactor				
219	2N 11E 900		ODOT 33-002 Rock Creek Quarry	2N 11E 2 900			No
220	2N 13E 20 800		ODOT 33-007 Shooting Range Quarry	2N 13E 20 800			No
221	2N 13E 500		ODOT 33-008	2N 13E 20/21 500			No
222	1S 14E 3300		ODOT 33-021 Boyd Quarry	1S 14E 20 3700			No
223	3S 13E 33 200		ODOT 33-028-4 Butler Canyon Quarry	3S 13E 33 4100	33-0062		No
224	5S 14E 6 200		ODOT 33-032 Maupin Maintenance Yard	5S 14E 6 200			No
225	7S 15E 2000		ODOT 33-039 Filler Pit	7S 15E 29 2100			Yes
226	8S 15E 2000		ODOT 33-040	8S 15E 15			Yes
227	8S 15E 3100		ODOT 33-041 Cow Canyon Quarry	8S 15E 22 2800	33-0075		Yes
228	5S 11E 36 1600		ODOT 33-045-4 Pine Grove Quarry	5S 11E 36 5300	33-0074		Yes
229	5S 12E 30B 100		ODOT	5S 12E 30 200			Yes
230	6S 12E 2 700		ODOT 33-048-4 Paquet Gulch Quarry	6S 12E 2 300	33-0101		Yes
231	7S 17E 600		Shaniko Ranch		33-0092	CUP 93-106	No

Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
232	1N 13E 27/28 1000		Phetteplace		33-0098	CUP 98-113 & CPA 98-103	No
233	6S 17E 2400		Jon Justesen		33-0072	CUP 99-105	No
234	1N 13E 0 2900		Elmer Wilson		33-0096	CUP 94-135	No
235	2N 12E 2000		Tingue		33-0064 & 33-0081	CUP 90-107	No
other -	Co. Road Depts Sites						
625	1S 13E 39 102		Dufur County Pit	1S 13E 36 102			No
649	4S 12E 36 7400		Kennedy Pit	4S 12E 36 7400			No
673	8S 14E 13 101		South Junction Pit	8S 14E 13 101 a portion			No
713	5S 11E 35 4802		Kelly Springs	5S 11E 35 4802			No
790	2S 14E 33 2900		Hilgen Pit	2S 13E 33 2900 a portion of			No
800	8S 17E 4 500		Helyer Pit	8S 17 4 500			No
833	3S 12E 3 1101		Schindler Pit	3S 12E 3 1101			No
850	2S 12E 12 3000		West Pit	2S 12E 12 3000			No
870	3S 12E 25 3800 & 1102		Shadybrook Pit	3S 12E 25 1102			No
871	2N 12E/13E 19 & 24 1000	NSA	Harvey Pit	2N 12E 1000	33-0009		Yes
872	2S 13E 0 (34,35) 4400, 4900		(Mike) Filbin Pit		33-0099	CUP-99-102	No

# Animals in Wasco County

A = Abundant F = Few C = Common R = Rare U = Unknown											
Darker Grey is from the 2007 White River Wildlife Management Plan (2007) ODFW											
C = Common, U = Uncommon, R = Rare, X = Extremely Rare											
Light Grey is from Lower Deschutes Wildlife Area Management Plan (2009) ODFW											
C = Common, U = Uncommon, R = Rare, X = Extremely Rare											
	Habitat Types							Use Period			
	Mixed Conifer	Mixed Conifer Oak	Pine-Oak	Oak-Grass	Grass-Shrub Juniper	Riparian	Agricultural	Spring	Summer	Fall	Winter
Bird Species											
Kildeer					C	C		X	X	X	X
Mallard Duck						C	C	X	X	X	X
Wood Duck						F			X	X	X
Turkey Vulture	C	C	C	C	C	C	C	X	X		
Bald Eagle	F	F	F	F	F	F		X			
Rough-legged Hawk	F	F	F	F	C	F	C			X	X
American Kestrel	C	C	C	C		C	C	X	X	X	X
Long-eared owl	C	C	F	C	F	F	F	X	X	X	X
Screech owl	F	C	F	C	F	F	F	X	X	X	X
Great-horned owl	C	C	C	C	C	C	C	X	X	X	X
Merriam's Turkey	C	C	C	C		C		X	X	X	X
California Quail	C	C	C	C	C	C	C	X	X	X	X
Ring-necked Pheasant		F	F	F	F	C	C	X	X	X	X
Mourning Dove		C	C	C	C	C	C	X	X	X	X
Rock Dove		C	C	C		C		X	X	X	X
Common Nighthawk	C	C	C	C	C	C	C	X	X		
Belted Kingfisher					F	C		X	X	X	X
Common Flicker	C	C	C	C	F	C	C	X	X	X	X

Lewis Woodpecker	C	C	C	C	F	C	C	X	X	X	X
Downy Woodpecker	C	C	C		F	C		X	X	X	X
Yellow Bellied Sapsucker	F	F	F			F		X	X	X	X
Western Kingbird	F	F	F		F	F	F	X	X		
Western Flycatcher	F	F	F		F	F	F	X	X		
Ash-throated Flycatcher	F		F		F	F	F	X	X		
Western Wood Pewee	F	F	F		F	F	F	X	X		
Horned Lark			C	C	C	C	C	X	X	X	X
House Wren	C	C	C		C	C	C	X	X		
Winter Wren	C	C	C			C	C			X	X
Bewick's Wren	F	F	F			F		X	X		
Rock Wren	F	C	F	C	C	F	F	X	X		
Hermit Thrush	C	C	F			F		X	X		
Fox Sparrow	F	C	C			C	C	X	X	X	X
Song Sparrow	F	C	C			C	C	X	X	X	X
Canada Goose						C	C	X	X	X	X
Pintail						F	F			X	X
American Widgeon						C	C			X	X
Blue Winged Teal						F	F			X	X
Cinnamon Teal						F	F	X	X	X	X
Green-winged Teal						F	F	X	X	X	X
Common Goldeneye	F					F		X	X	X	X
Bufflehead						F		X	X	X	X
Harlequin Duck						F		X	X	X	X
Common Merganser						C		X	X	X	X
Hooded Merganser						F		X	X	X	X
Goshawk	F	F				F		X	X	X	X
Coopers Hawk	C	F	C	F	F	C	C	X	X	X	X
Sharp-skinned Hawk	C	F			F	C	F	X	X	X	X
Osprey						F		X	X		
Ruffed Grouse	C	C	C			C		X	X	X	X

Blue Grouse	C	C	C			C		X	X	X	X
Spotted Owl	R							X	X	X	X
Great Blue Heron						C	C	X	X	X	X
American Coot						C		X	X	X	X
Common Snipe						F				X	X
Poor-will	F		F			F	F	X	X		
Hairy Woodpecker	F	F	F					X	X	X	X
Alder Flycatcher	F					F	F	X	X		
Bank Swallow			C	C		C	C	X	X		
Clark's Nutcracker	F	F	F			F				X	X
Townsend's Solitaire	C					C	C	X	X		
Loggerhead Shrike			F		F		F	X	X	X	X
House Finch		C	C	C	C	C	C	X	X	X	X
Western Grebe						C		X	X	X	X
Marsh Hawk					F	F	F	X	X	X	X
Hungarian Partridge					F	F	C	X	X	X	X
Ferruginous Hawk					R	R	R			X	X
Swainson's Hawk					F	F	F	X	X	X	X
Golden Eagle	F		F		F	F	F	X	X	X	X
Chukar Partridge					C	C	C	X	X	X	X
Prairie Falcon					F	F	F	X	X	X	X
Sparrow Hawk		F	C	C	C	C	C	X	X	X	X
Burrowing Owl					F	F	F	X	X		
Red-shafted Flicker	F	C	C	C	F	C	F	X	X	X	
Red-Tailed Hawk	C	C	C	C	C	C	C	X	X	X	X
Eastern Kingbird				F	F	F	F	X	X		
Say's Phoebe				F	F	F	F	X	X		
Sage Thrasher					F			X	X		
Yellow Warbler	C	C	F			F	F	X	X		
Common Yellowthroat	C	C				F		X	X		
MacGilvray's Warbler	C	C				F	F	X	X		



Wilson Warbler	C	C				F	F	X	X		
Nashville Warbler	F					F	F	X	X		
Yellow-rumped Warbler	F					F	F	X	X		
Black-throated Gray Warbler	F					F	F	X	X		
House Sparrow	C	C	C	C	C	C	C	X	X	X	X
Western Meadowlark		C	C	C	C	C	C	X	X	X	X
Red-winged Blackbird		C	F	F	C	C	C	X	X	X	X
Brewer's Blackbird	F	C	F	F	C	C	C	X	X	X	X
Brown-headed Cowbird		C	F	C	C	C	C	X	X	X	X
Northern Oriole		C	F			F	F	X	X	X	X
Western Tanager	F					F	F	X	X		
Evening Grosbeak	C	F				C	C	X	X	X	X
Lazuli Buntin	F	F	F		F	F		X	X		
Purple Finch	F	F	F	F		F	F	X	X		X
American Goldfinch	C	C	F	C	F	F	F	X	X		
Rufous-sided Towhee	C	C	C	C	C	C	C	X	X	X	X
Savannah Sparrow		C	F	C	C	F	F	X	X		
Vesper Sparrow		C	F	C	C	F	F	X	X	X	
Lark Sparrow		C	F	C	F	F	F	X	X	X	
Dark-eye Junco	C	C	C		F	C	C	X	X	X	X
Chipping Sparrow	F	C	F	C	F	F	F	X	X		
White-crowned Sparrow		C	C	C	C	C	C	X	X	X	X
Hummingbirds	C	C	C	F	F	C	C	X	X		
Pine Siskin	C	C				F		X	X		
Mountain Quail	C	F	F	F	R	C		X	X	X	
Barn Swallow		C	C	C	F	C	C	X	X		
Violet-green Swallow	C	C	C	C	C	C	C	X	X		
Tree Swallow	C	C	F		F	F	F	X	X		
Stellars Jay	C	C	C	C	F	C	C	X	X	X	X
Scrub Jay	C	F	F	F	F	C	F	X	X	X	X
Black-billed Magpie		C	F	C	C	C		X	X	X	X

Common Raven	C	C	C	C	C	C	C	X	X	X	X
Common Crow	C	C	C	C	C	C	C	X	X	X	X
Black-capped Chickadee	C	C	C		F	C	C	X	X	X	X
Common Bushtit	C	C	F		F	F		X	X	X	X
Dipper						C		X	X	X	X
White-breasted Nuthatch	C	C	F			C		X	X	X	X
Brown Creeper	C	C	F	F	F	C		X	X	X	X
Red-breasted Nuthatch	C	C				C		X	X	X	X
Grasshopper Sparrow				C				X	X		
American Robin	C	C	C	C	C	C	C	X	X	X	X
Varied Thrush	C	C				C	C	X	X	X	X
Swainsons Thrush	C	C				C		X	X	X	
Western Bluebird	C	C	C	C	F	C	C	X	X		
Mountain Bluebird	C	C		C	F	C		X	X	X	X
Golden-crowned Kinglet	C	C				C		X	X	X	X
Ruby-crowned Kinglet	C	C				C		X	X	X	
Bohemian Waxwing	C	C				F	F	X	X	X	X
Cedar Waxwing	C	C				F	F	X	X	X	
Starling	C	C	C	C	C	C	C	X	X	X	X
Vaux's Swift	F				F	F	F	X	X		
Solitary Vireo	C	C	F			F	F	X	X		
Orange-crowned Warbler	C	C	F			F	F	X	X		
Sage Sparrow	F	C	F	C	F	F	F	X	X	X	X
Short-eared Owl	F	C	F	C	F	F	F	X	X	X	X
Horned Grebe								R	R	R	R
Eared Grebe								R	R	R	R
American Bittern								R	R	R	R
Greater White-fronted Goose								R	R	R	R
Ross' Goose								R	R	R	R
Ruddy Duck								C	C	C	C
Northern Harrier								C	C	C	C

[illegible]

Double-crested Cormorant								C	C	C	C
Great Egret								X			
Black-crowned Night-Heron								X			
Trumpeter Swan									X		
Northern Pintail										R	R
Gadwall										R	R
Eurasian Wigeon										X	
Northern Shoveler								R		R	R
Ring-necked Duck								U		U	C
Canvasback								R		R	R
Barrow's Goldeneye										R	U
Lesser Scaup								U		U	C
Ringed-bill Gull								C	C	C	C
California Gull								C	U	C	C
Herring Gull								R		R	
Thayer's Gull								R		R	
Rock Pigeon								C	C	C	C
White-throated Swift								R		R	
Northern Flicker								C	C	C	C
Northern Shrike										R	R
Northern Rough-winged								C	C	U	
Cliff Swallow								C	C	C	
Marsh Wren								R		R	
American Pipit								R		R	
Palm Warbler											X
Bullock's Oriole								C	C		
Amphibians Species											
Northern Long-Toed Salamander						U		X	X	X	X
Western Toad	F	F			F	F		X	X	X	X
Pacific Tree Frog	C					C	F	X	X	X	X
Rough-skinned Newt	C					C		X	X	X	X

[illegible]

Mule Deer					C	C	C	X	X	X	X
Blacktail Deer	C	C	C			C	C	X	X	X	X
Coyote	C	C	C	C	C	C	C	X	X	X	X
Bobcat	F	F		F	F	F		X	X	X	X
Raccoon	C	C	C		F	C	C	X	X	X	X
Long-tailed Weasel	F	F			F	F	F	X	X	X	X
Badger		F		F	C			X	X	X	X
Striped Skunk	C	C	C	C	F	C	C	X	X	X	X
River Otter					F	F		X	X	X	X
Mink					F	C		X	X	X	X
Beaver						C		X	X	X	X
Muskrat			F			F		X	X	X	X
Merriam Shrew					U			X	X	X	X
Vagrant Shrew	U	U	U	U	U		U	X	X	X	X
Water Shrew					U			X	X	X	X
Pacific or Coast Mole	U	U			U	F	F	X	X	X	X
Little Brown Myotis	U	U	U		U	U	U	X	X	U	U
Fringed Myotis	U	U	U		U	U	U	X	X	U	U
California Myotis	U	U	U		U	U	U	X	X	U	U
Western Harvest Mouse					C			X	X	X	X
Canyon Mouse					C			X	X	X	X
Deer Mouse	F	C	C	C	C		C	X	X	X	X
Northern Grasshopper Mouse					C			X	X	X	X
Bushy-tailed Wood Rat		C	C		C	C	C	X	X	X	X
Sagebrush Mole					U			X	X	X	X
Montane Meadow House					U			X	X	X	X
Norway Rat					F	C	C	X	X	X	X
House Mouse			C	C	F	C	C	X	X	X	X
Western Jumping Mouse			F	F	F			X	X	X	X
Opossum		F				F	R	X	X	X	X
Dusky Shrew	U	U	U	U			U	X	X	X	X

Trowbridge Shrew	U	U	U			U	U	X	X	X	X
Pacific Mole	U	U				R	F	X	X	X	X
Yuma Myotis	U	U	U			U	U	X	X	U	U
Spotted Skunk	F	F	F	F	R	F	F	X	X	X	X
California Ground Squirrel	C	C	C	C	F	C	C	X	X	X	X
Yellow Pine Chipmunk	C	C	C			C		X	X	X	X
Townsend Chipmunk	C	C	C			C		X	X	X	X
Small-footed Myotis	U	U	U		U	U	U	X	X	U	U
Hairy-winged Myotis					U			X	X	X	X
Long-eared Myotis	U	U	U		U	U	U	X	X	U	U
Silvery-haired bat	U	U	U		U	U	U	X	X	U	U
Big Brown Bat	U	U	U		U	U	U	X	X	U	U
Western Pipistrelle	U	U	U		U	U	U	X	X	U	U
Pallid Bat	U	U	U		U	U	U	X	X	X	X
Lump-nosed Bat					U			X	X		
Blacktailed Hare					R			X	X	X	X
Whitetailed Hare					F		F	X	X	X	X
Mountain Cottontail	F	C	C	C	C	C	C	X	X	X	X
Pygmy Rabbit	F	F			F	F	F	X	X	X	X
Yellow-bellied Marmot					F			X	X	X	X
Belding Ground Squirrel					C		F	X	X	X	X
Townsend Ground Squirrel					C		F	X	X	X	X
Least Chipmunk	F	F			F			X	X	X	X
Northern Pocket Gopher	C	C	C	C	C	C	C	X	X	X	X
Great Basin Pocket Mouse					U			X	X	X	X
Ord Kangaroo Rat					F			X	X	X	X
Western Gray Squirrel	C	C	C			C	C	X	X	X	X
Chickaree	C	C				C		X	X	X	X
Northern Flying Squirrel	F	F				F		X	X	X	X
Longtail Vole	C	C		C		C	C	X	X	X	X
Oregon Vole	C	C		C		C	C	X	X	X	X

Norway Rat						C	C	X	X	X	X
Black Rat						C	C	X	X	X	X
Porcupine	C	C	C	C	C	C	C	X	X	X	X
Snowshoe Hare	C							X	X	X	X
Black Bear	C							X	X	X	X
Mountain Lion	F	F	F					X	X	X	X
Rocky Mountain Elk	C	C	C	C		C	C	X	X	X	X
Pika	C							X	X	X	X
Nuttall Cottontail	C	C		C		C		X	X	X	X
Cougar								C	C	C	C
Little Brown Bat								C	C	C	C
Golden-mantled Ground Squirrel								U	C	C	U
American Beaver								C	C	C	C
Townsend's Big-eared Bat											
White-tailed Jackrabbit											
Montane Vole											
Sagebrush Vole											
North American Porcupine											
California Bighorn Sheep											
<b>A = Abundant F = Few C = Common R = Rare U = Unknown</b>											
Darker Grey is from the 2007 White River Wildlife Management Plan (2007) ODFW											
C = Common, U = Uncommon, R = Rare, X = Extremely Rare											
Lighter Grey is from Lower Deschutes Wildlife Area Management Plan (2009) ODFW											
C = Common, U = Uncommon, R = Rare, X = Extremely Rare											



# Historic, Cultural and Archaeological Inventory

Site Number	Site Name	Location	Description	Date of Construction	Notes
1	Oregon Trail		Road/ Archaeological Site		Historic Oregon Trail Route. This east-west route was the highway to the Northwest that ended in The Dalles.
2	Barlow Road and Cut off Road		Road/ Archaeological Site	1845-1846	This was the alternate route to the Willamette Valley from the east. The former route was the Columbia River. The road was built in 1845-6 by Samuel K Barlow.
3	The Dalles Military Wagon Road	4S 12E 1 301	Road/ Archaeological Site		This was the main military road to the interior Oregon from Fort Dalles.
4	Jonah H. Mosier Sawmill Site	2N 11E 1	Cultural site	1854	Mosier sawmill established to supply The Dalles with lumber, was the first settlement of the City of Mosier.
5	Lower Fivemile School	1N 14E 2000		1890	Historic school, also known as the Benson School.
6	Mt. Hood Flat School	1S 13E 21 400		1890	Originally Dutch Flat School (1890), then called Fairview (1901), finally Mount Hood Flat (1910), it was declared abandoned in 1954 and property became private.
7	Lower Eightmile School	1N 14E 32 400		1904	Established in 1904, the school dated back to 1860 and was also used by Mt. View Grange.
8	Mill Creek Grange	1N 12E 14		1920	Historic grange hall.
9	Wolf Run Community Hall	1S 12E 14		1913	Wolf Run School operated from 1913-1939 and was named after wolves that roamed the area.
10	Center Ridge School	2S 15E 0 800		1890	Historic school, in the 1940s it consolidated with Dufur School District.
11	Columbia Hall	1N 15E 0 1200		1906	Was used as a school until moved to the current site where it was as a Farmers Union Hall.
12	Bear Springs Camp Shelter	5S 10E 0 100			Owned by the US Forest Service. Occupied during the first enrollment period by Company 616, a company of junior enrollees from Chicago.
13	Wapinitia	5S 12E 25B 200		1878	Wapinitia, meaning "running water", references a nearby creek. The

	School/Gym				school operated from 1878 to 1946. The town of Wapinitia also had two churches, two stores, a hotel and a blacksmith. The school district eventually merged with Maupin.
14	White River Dam	4S 14E 0 1800		1910	Now a State Park, the White River Falls was the site of a historic hydroelectric power plant that supplied power to Wasco and Sherman Counties from 1910 until completion of The Dalles Dam in 1960.
15	Old White River Station Camp	4S 11E 0 100			Owned by the US Forest Service this campsite was used in the pioneer days.
16	Pine Grove School	5S 11E 25B 600		1890	Historic school was consolidated with other schools in the late 1940s.
17	Jersey School	8S 14E 0 2300		1894	A historic school close to the Deschutes River, it was abandoned in 1954.
18	Lower Antelope School	8S 16E 0 800		1890	Historic school that was part of a joint district with Jefferson County.
19	Fivemile Rapids				Site not identified on GIS to protect cultural resources
20	Memaloose Island		Cultural Site		Lewis and Clark called it "Sepulchar Island".
21	Abbott site	5S 12E 0 5000			Near Wapinitia
22	Celilo Falls	2N 15E 20 400	Cultural site	1958	Falls were flooded in 1957 with the construction of the Dam. Park was developed by the Army Corp of Engineers to commemorate the Falls.
23	Black Walnut	2s 13E 18 1600	Black walnut tree with approx. 7' diameter	c. 1860	Record Size. Part of the Nickalson P. O'Brien homestead from 1890s. Black walnut trees, not native to Oregon, were reportedly brought west by Oregon Trail pioneers.
24	Old Fashioned Yellow Rose	4S 13E 24	Large Old-Fashioned Yellow Rosebush	c. 1910	Rose was inside the Fairview School yard. Highway was widened on part of the original school yards.
25	Ox Yoke Monument	2N 14E 25 400	Monument	1936	Built as an Oregon Trail marker by Isaac Remington. Constructed from cement mixed by hand in his wheelbarrow when Remington was aged 76.
26	Seufert Viaduct	2N 14E 31	Bridge	1920	Named for former train station which, in turn, was named for two pioneer brothers who moved to Oregon in the early 1880s. Designed by CB McCullough and constructed by the State Highway Department. Built under contract in 1920 by the Colonial Building Company.
27	BNRR Bridge	2N 15E 20	Railroad Bridge	1912	Historic link between Oregon and Washington. The bridge was built entirely on dry land on the rocks in the river during low water.
28	Dalles Canyon City Road Bridge	2S 14E 9 700	Bridge	1923	Constructed by Alfonso Pizzolato to eliminate water problems created by Dry Creek. One of few cut stone bridges in Wasco County.
29	Upper White River	5S 12E 4, 5, 8, 9	Road	1910	Road was built as a short cut between Juniper Flats and Smock Prairie.

	Canyon Grade				Valuable as recreation and scenic road.
30	Hinton House	5S 16E 26 2900	Dwelling	1900-1915	Built for R.R. Hinton and family.
31	Nansene House and Post Office	2S 14E 9 701	Hotel/Stage Coach Stop	1874	Nansene, the Native-American name for Fifteenmile Creek, was an early stage coach stop and post office. It served as a stage coach stop (started in 1874) and post office (1880 to 1904). Credited with being one of the few remaining stagecoach stops in Oregon.
32	Mark O. Mayer House	2N 12E 6 401	Residence	1910	Mark O. Mayer constructed the house in 1910 as a country home. Mayer, from Portland, built the road from Mosier to his house. The road later became part of the Columbia River Highway. He named the house Mayerdale. Its an excellent example of Colonial Revival style.
33	Friend Store, Post Office and Real Estate Office	2S 12E 35 100	Commerce/Government	1912	The post office was opened in 1903. The small building was constructed in 1924 by Fred Buskuhl as a real estate office during the boom time for Friend between 1912-1924.
35	Wapinitia Hotel	5S 12E 26 5000	Multiple dwelling	1915	Barzee Hotel, built in 1915 by Earl Barzee. The hotel/rooming house was very popular in the 1920s when the Wapinitia cut-off highway was being constructed with highway engineers and workers. It was also a popular place for local teachers to board. The Wapinitia Hotel operated until the 1940s.
36	OWRR&N Railroad Section House	5S 14E 5 700	Multiple dwelling	1910	Affiliated with the east site of the Deschutes River and the railroad.
37	Round Barn	1N 13E 10AB 7200	Barn	1932	Built for a poultry business for Howard McNeal. In 1964, the barn was remodeled for use by a local theater group and called "The Round Barn." The group was asked to vacate the barn in 1973, and reverted to farm use. It is one of the few remaining round barns in Wasco County.
38	Smock Prairie School	4S 12E 32 8500	School	1906	The district merged with Wamic in 1958.
39	Friend School	3S 12E 2 800	School	1909-1910	Operated as a school until the late 1930s.
40	Petersburg School	2N 14E 33 3001	School	1860s	Built by William Floyd circa 1860s. Originally called the Floyd School. In 1904, name changed to Roosevelt School until 1908 when it was renamed Petersburg School after the nearby Great Southern Railroad station of the same name. The school was vacated in 1954 when a new school was built.
41	Fairbanks School	2N 15E 31 600	School	1912	Served as a school between 1912-1928. From 1954-1982, the building was leased to the Ten-Mile Saddle Club.
42	Clarno School	7S 19E 32 1200	School	1914	Had an average of 10-16 pupils who were rancher children between Clarno and Pine Creek (Wheeler County). The last class graduated in 1937

					with two students.
<u>43</u>	<u>Imperial Stock Ranch Headquarters Complex</u>	<u>5S 16E 26 2900</u>	<u>Historic District</u>	<u>1871-1915</u>	<u>Historic District, for much of its history was the largest individually owned land and livestock holding in Oregon.</u>
<u>44</u>	<u>Mosier Mounds</u>		<u>Archaeological resource</u>		<u>Site not identified on GIS to protect cultural resources</u>

**Goal 5**

**Open Spaces, Scenic and**  
**Historic Areas and**  
**Natural Resources**

## Open Spaces, Scenic and Historic Areas and Natural Resources

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### Overview

Goal 5 offers framework for Wasco County's role in protecting its natural resources, open spaces, groundwater resources, rivers, waterways, historic and mineral/aggregate resources.

Protection of these diverse resources requires a variety of approaches. The role of land use planning in this protection involves a threefold approach:

- Collecting and maintaining data and other inventories of assets;
- Coordinating with local, regional, state and federal programs; and
- Administering local and state regulations that protect the sustainability and quality of the resources.

## Statewide Planning Goal 5

**To protect natural resources and conserve scenic and historic areas and open spaces.**

Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

Excerpt from  
OAR 660-015-0000(5)

## Cross-Reference

Additional policies related to this goal:

## Wasco County Goal

## Open Spaces, Scenic and Historic Areas and Natural Resources

To conserve open space and protect natural and scenic resources.



## Mineral Resources

- 5.1.1** Protect and utilize appropriately the mineral and aggregate resources of Wasco County, and minimize conflict between surface mining and surrounding land uses.

### Implementation for Policy 5.1.1:

- a. The development of new rock and aggregate resource sites shall be consistent with the State Planning Goal 5 and Oregon Administrative Rules Chapter 660, Division 23<sup>1</sup> process to balance conflicts between mining operations and new and existing surrounding conflicting uses.
- b. Sites identified as significant aggregate resource sites shall not support interim or permanent uses which may jeopardize the future availability of the resource.
- c. Mining and processing of gravel and mineral materials may only be allowed at sites included on the "Other Site" inventory or "Significant Sites" inventory.
  1. Mining at sites on the "Other Sites" inventory may be allowed by a conditional use permit.
  2. Mining at sites on the "Significant Sites" inventory may only be permitted in accordance with the Mineral Resources Overlay.
- d. For each site determined to be significant, the County shall complete the remainder of the County Goal 5 process identifying conflicting uses, analyzing the ESEE consequences of the conflicting use(s), and designating a level of protection from conflicting uses. If the final decision concerning the site is to preserve fully or partially protect the resource from conflicting uses, the County shall zone the site with the Mineral Resources Overlay.

- 5.1.2** The County shall maintain an inventory of mineral and aggregate resource sites. The comprehensive plan inventory shall consist of three parts:

- a. An inventory of "Significant Sites" identified through the Goal

## 5.1 Policies



5 process as important resources that will be protected from conflicting uses;

- b. An inventory of "Potential Sites" for which sufficient information concerning the location, quality, and quantity of a resource site is not adequate to allow the County to make a determination of significance;
- c. An inventory of "Other Sites" for which available information demonstrates that the site.

**Implementation for Policy 5.1.2:**

- a. The significance of non-aggregate mineral resources shall be judged on a case by-case basis, taking into account information concerning the commercial or industrial use of the resource, as well as the relative quality and relative abundance of the resource within at least the County.
- b. The scope of an existing or "grandfathered" aggregate operation shall be established by:
  - 1. Authorization by a County land use approval; or
  - 2. The extent of the area disturbed by mining on the date that the mining operation became a non-conforming use.
- c. Sites on the "Other Sites" inventory shall not be protected from conflicting uses.
- d. For sites on the "Potential Sites" inventory, the County shall review available information about mineral and aggregate resources, and if the information is sufficient, determine the site to be significant when one of the following conditions exist:
  - 1. As part of the next scheduled Periodic Review;
  - 2. When a landowner or operator submits information concerning the potential significance of a resource site and requests a Comprehensive Plan amendment;
  - 3. When resolution of the status of a potential resource site is necessary to advance another planning objective.
- e. In order to approve surface mining at a site zoned for exclusive farm or forestry use, the County shall find, as part of the ESEE analysis, that the proposed activity will not: 1) force a significant change in, or significantly increase the cost of, accepted farming or forestry practices on surrounding lands, and 2) will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

- f. The County may establish and impose conditions on operation of a surface mine when deemed necessary as a result of a site-specific Goal 5 analysis. Where such conditions conflict with criteria and standards in the Mineral and Aggregate Resources Overlay, the conditions developed through the Goal 5 analysis shall control.
- g. No surface mining or processing activity, as defined by the zoning ordinance, shall commence without land use approval from the County, and approval of a reclamation plan and issuance of an operating permit by DOGAMI.
- h. Aggregate sites shall be subordinate to the landscape setting as seen from travel corridors when such travel corridors have been determined to be significant by the ESEE analysis.

**5.1.3** New mineral and aggregate sites shall not be allowed within the quarter mile boundary of either the John Day or Deschutes River.

**5.1.4** All aggregate operations within the Columbia River Gorge National Scenic Area shall be operated in compliance with the Management Plan for the National Scenic Area and its implementing ordinance.

## **Wild and Scenic Rivers**

**5.1.5** The Deschutes and John Day River Scenic Waterways shall be maintained and protected as natural and open space areas with consideration for agriculture and recreation.

### **Implementation for Policy 5.1.5:**

- a. Coordinate all land use planning activities with the Bureau of Land Management, Oregon State Department of Transportation and the Warm Springs Indian Reservation. These three parties shall be notified of all proposed land actions within the Deschutes River and John Day River Scenic Waterways for their review and comment.
- b. Allow agricultural operations within the Deschutes and John Day Scenic Waterways.
- c. Allow only buildings customarily provided in conjunction with farm use within the visual corridors of the Deschutes and John Day Scenic Waterways.
- d. Encourage the preservation of landscape features of the John Day and Deschutes Rivers.

- 5.1.6** Cooperate with managing agencies to solve recreation use management on the John Day and Deschutes River Scenic Waterways.

**Implementation for Policy 5.1.6:**

- a. Coordinate with and support the managing agencies recreation use management issues and facilities necessary for recreation and resource protection.

- 5.1.7** Maintain the existing aesthetic quality of the Columbia River Gorge

**Implementation for Policy 5.1.6:**

- a. Scenic and Open Space areas in the Columbia River Gorge will be preserved by placement of the Environmental Protection District, Division 4, and overlay zone.
- b. The Oregon State Highway Division should employ plantings to provide buffers between residential areas and Interstate 84 when feasible.
- c. Forestry uses shall be in accordance with the Oregon Forest Practices Act.
- d. Clear-cutting within the legal boundaries of the Columbia River Gorge is discouraged.

## **Water**

- 5.1.8** Encourage the construction of ponds for livestock, fire protection and water reclamation.

**Implementation for Policy 5.1.7:**

- a. Allow such uses in the "A-1" (Exclusive Farm Use) zone.
- b. The County Water master and Sanitarian shall continue to regulate appropriations, diversions and sewage waste disposals to ensure quality water resources.

## **Fish and Wildlife**

- 5.1.9** Encourage land use and land management practices which contribute to the preservation and enhancement of fish and wildlife resources, with consideration for private agricultural practices.

To conserve and protect existing fish and wildlife

areas.

To maintain wildlife diversity and habitat so that it will support optimum numbers of game and nongame wildlife for recreation and aesthetic opportunities.

**Implementation for Policy 5.1.9:**

- a. Identify and maintain all wildlife habitats by:
  - 1. Implementation of an Environmental Protection District overlay zone for significant fish and wildlife habitats and for the big game winter range.
  - 2. Designation of the Big Game Winter Range and Area of Voluntary Siting Standards (low elevation winter range) on the map contained in this plans Resource Element.
- b. The winter range identified on the Big Game Habitat Map included in the Resource Element of this plan shall be protected by an overlay zone. The Rural Service Centers identified in the Comprehensive Plan which lie within the overlay zone shall be exempt from the provisions of the overlay zone.
- c. Consistent with the development standards of the land use ordinance, sensitive riparian areas of perennial and intermittent streams identified in the Resource Element, as well as to protect people and property from flood damage, the zoning ordinance shall prohibit development within 100 feet of the mean high water mark of perennial or intermittent stream or lake in a resource zone, and 50 feet of the mean high water mark of a perennial or intermittent stream or lake in residential zones.
- d. Sensitive bird habitat sites (bald eagle, golden eagle, osprey, great grey owl, great blue heron) and mammal habitat sites (Western pond turtle nesting sites) identified in the Resource Element of the plan shall be protected by a Sensitive Bird and Mammal Overlay Zone during periodic review pursuant to the current County approved work program.
- e. When site specific information is available to the County on the location, quality and quantity of threatened and endangered fish and wildlife species listed by State or Federal Wildlife agencies and the Oregon Department of Fish and Wildlife develops protection criteria for the species, the county shall proceed with a Goal 5 ESEE analysis in compliance with OAR 660 Div. 16.
- f. The county shall review the Transition Land Study Area

(TULSA) big game habitat areas and designated as "1-B" Goal 5 resources, during the next periodic review or as additional information on the location, quality and quantity of the habitat areas becomes available. (ORD. 3.180 )

- g. County-owned land shall be managed to protect and enhance fish and wildlife habitat except where a conflicting public use outweighs the loss of habitat.
- h. The county shall notify the Oregon Division of State Lands and the Oregon Department of Fish and Wildlife of any development application for land within a wetland identified on the National Wetlands Inventory maps. (ORD. 3.180).
- i. An application for a destination resort, or any portion thereof, in a recognized big game habitat overlay zone shall not be accepted pending completion of the County's Goal 8 destination resort mapping process. (ORD 3.180)
- j. The county shall provide ODFW an annual record of development approvals within the areas designated as Area of Voluntary Siting Standards' on the plan map to allow ODFW to monitor and evaluate if there is a significant detrimental effect on habitat.

## **Historic, Cultural and Archeological Resources**

**5.1.10** Preserve the historical, archaeological, and cultural resources of the County.

### **Implementation for Policy 5.1.10:**

- a. Wasco County shall maintain an inventory of significant archaeological and cultural resources in the County. Require preservation of resources identified as significant historically, culturally, or archaeologically in keeping with state and national rules
- b. Location of archaeological sites shall not be disclosed, (this information is exempt from the Freedom of Information Act), unless development is proposed which would threaten these resources. When any development is proposed which may affect an identified archaeological site, the site will be protected by the Wasco County Land Use and Development Ordinance, Chapter 3, Historic Preservation Overlay zone.
- c. Resources listed as Wasco County Historic Landmarks will be protected by the Wasco County Land Use and Development Ordinance Chapter 3 Historic Preservation Overlay zone.
- d. When adequate information becomes available, Wasco

County shall evaluate its Goal 5 1-B historic resources for inclusion on the inventory or designation as a significant (1-C) resource and, where appropriate, provide protection under the County's Historic Preservation Overlay Chapter of the Wasco County Land Use and Development Ordinance.

- e. Pursue private and public sources of funding for use by property owners in renovation and maintenance of historic properties.
- f. Pursue options and incentives to allow productive, reasonable use, and adaptive reuse of historic properties.
- g. Wasco County shall maintain a Historic Landmarks Commission, which evaluates applications for development, alteration or demolition in accordance with the Land Use and Development Ordinance and State Law. All resources listed on the National Register or determined eligible for the National Register of Historic Places shall be designated a Wasco County landmark subject to EPD-4.
- l. Maintain EPD-4 in accordance with state regulations.
- m. Encourage active participation and coordination with local, regional, state and federal partners.
- n. Provide outreach and information to maintain public awareness of state and federal laws protecting historic and prehistoric resources, including deposit of prehistoric artifacts and records with appropriate institutions.

## Findings and References

**1.1.a** Comprehensive Plans are required to foster and encourage historic preservation, management and enhancement consistent with ORS 358.605. OAR 660-023-300 (3)

**1.1.b** The inventory of historic resources must be consistent with OAR 660-023-0030.

### References

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

# Appendix



# Mineral and Aggregate Resources

- 1) **General Information:** Wasco County has few economically important mineral deposits. Some limited mining activity has occurred in the past. There are no active mineral mines in Wasco County. Most of the county is underlain with recent basalt flows, which precludes the possibility of extensive mineral resources. The highest potential for minerals would be in the older geologic formations, found in other parts of Oregon or bordering counties. The primary minerals found in Wasco County are as follows:
  - A. **Bauxite:** Evidence suggests there may be some potential low grade bauxite found in the Columbia River basalt group but no investigations have been undertaken in Wasco County to confirm this.
  - B. **Copper and Lead:** These minerals have been mined in the Ashwood-Oregon King Mine located in Jefferson County to the south. Some deposits may occur in the County.
  - C. **Mercury and Molybdenum:** No economically important deposits are located within Wasco County.
  - D. **Semi-precious Gems:** These are more of interest to rock collectors rather than having intrinsic mineral value.
  - E. **Perlite:** Between 1945 and 1950, mining was conducted in an area south of Maupin near the Deschutes River. High quality acoustic and insulating tile was produced for a number of years from this perlite. It became unprofitable to mine at this location and the operation was discontinued. A large deposit still exists in this area.
  - F. **Volcanic Tuffs:** The Rainbow Rock Quarry, about five miles south of Pine Grove, has produced brightly colored and banded tuff since 1949. Rock of similar appearance has been uncovered but not developed on a nearby flat east of the quarry. Tuffs are utilized for decorative building stone and ceramic art.
  - G. **Peat:** According to the U.S. Geological Survey, Mineral and Water Resources of Oregon, 1969, there are widely scattered minor deposits of peat in the Cascade region of the County and coal in the southeastern region. They have never been mined commercially.
  - H. **The Ka-Nee-Ta Stone Quarry:** On the Warm Springs Reservation, this quarry produced rough pieces of rhyolite. The stone is multi-colored and valuable for decoration. Other stone quarries include Indian Candy and Sorenson Quarry.
  - I. **Quarry Rock:** Quarry rock increases in importance as the more desirable deposits become depleted. Transportation costs are high so that quarries must be located within ample reserves of good quality crushing rock. The best rock for crushing is generally Columbia River basalt.
- 2) **Inventory:** Wasco County's cumulative demand projection for all aggregate material by the year 1995 was between four and six million tons.
- 3) **Application of the Goal 5 Process for Mineral Resources**
  - A. Potential Conflicting Use in Zone Categories Applicable to Mineral resource Sites: All except one currently inventoried resource site fall into three resource zones employed by the County: A-1, Agriculture; F-1, Forest; F-2, Forest. One site is in an Industrial zone (Sun Pit). Conflicting uses are generally those which, if allowed to locate within the specific site identified, would render the

resource unrecoverable and those activities on surrounding lands which affects or is affected by aggregate operation. Most of the conflicting uses are structural improvements which commit the site to another use. Other less intensive uses such as recreation facilities, public parks and playgrounds, and golf courses which are conditional uses in some zones may conflict because, once established, they tend to diminish the value of the resource. Some competing uses, such as water impoundments or power generation facilities, may be determined to be of sufficient importance as to preempt the mineral resource value.

# Aggregate Inventory

Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
1	2N 11E 2 D 200	NSA	Hood River Sand & Gravel		33-0055	CUP 92-110	No
2	2N 11E 11 900	NSA	ODOT (Gove) 33-004-4	2N 11E 11 2800	33-0060		No
3	2N 11E 11 200	NSA	ODOT 33-001-4	2N 11E 11 200	33-0057		
	2N 11E 2 D 300	Mosier UGB	(Mosier Pit) Listed as reference	2N 11E 2 1300			
4	2N 11E 1 D 200	NSA	Hood River Sand & Gravel 2630 Old Columbia River Drive Hood River OR 97031	2N 11E 1 D 200	33-0076	CUP 92-136	No
5	2N 11E 13 600	F-2	Ken & Joan Hudson 1020 Mosier Creek Rd	2N 11E 3500			No
6	2N 11E 24 500	F-2	Mosier Creek Dev. 1234 P O Box 6039 Bellevue WA 98008	2N 11E 6001			No
7	2N 12E 19 1200	F-2	Tony Heldstab 2175 Mosier Creek Road Mosier OR 97040	2N 12E 19 600	33-0088	CUP 92-126 & 94-111	No
8	2N 12E 29 1800	F-2	Mosier Creek Dev. 1234 P O Box 6039 Bellevue WA 98008	2N 12E 9155			No
9	2N 11E 11 2700	NSA	Gayle Weisfield		33-0079	CUP 92-101 - <i>Exp.</i> 1997	No
10			Chenoweth Air Park				No
11	2N 13E 19 1600	NSA	Floyd Marsh P O Box 2 The Dalles OR 97058	2N 13E 19 100			No
12	2N 13E 19 600	A-1	W R & Margaret Pentecost 4900 Seven Mile Road The Dalles OR 97058	2N 13E 19 800			No
13	2N 12E 1300	NSA	Jim Ellett 5693 Chenoweth Road The Dalles OR 97058	2N 12E 24 12500	33-0056	CUP 90-124 & C90-0249 <i>Exp.</i> 11-2000 CUP-00-125 & SPR-00-169	Yes

Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	
14	2N 12E 16 D 1900	RR-5	William Ringlbauer 2244 Dell Vista Drive The Dalles OR 97058	2N 12E 16 D 1700			No
15			Mayer State Park				No
16	2N 13E 17 B 200	SMA	US Forest Service 902 Wasco Ave Ste 200 Hood River OR 97031	2N 13E 17 1801			No
17	2N 13E 20 300	NSA	Wayne & Jana Webb P O Box 692 The Dalles OR 97058	2N 13E 20 1000 not shown on map	33-0064	CUP-98-122 - <i>Exp. 1-2000</i>	No
18			Gooseberry Springs - State of Oregon				No
19			Gooseberry Springs - State of Oregon				No
20			Dalles Dam - State of Oregon				No
21	2N 13E 20 700, 600	NSA	(Sun Pit) 1022 W 9th Street The Dalles OR 97058	2N 13E 20 600	33-0011	CUP 91-101 & SPR 91-103	No
22	2N 15E 500	NSA	Celilo - State of Oregon	2N 15E 700			No
23	Fifteen Mile Road		County				No
24	2N 14E 25		Right of Way	2N 14E 25			No
25	2N 14E 1100	A-1	Jacob Kaser 4550 Fifteen Mile Road The Dalles OR 97058	2N 14E 1000			No
26	2N 14E 2200	A-1	Donna E. Ashbrook et al P O Box 158 Dufur OR 97021	2N 14E 28 2700	33-0014		No
27	2N 14E 33 500	A-1	Judith F. Bayley et al 6331 SW Radcliff St Portland OR 97219	2N 14E 33 400			No
28	2N 14E 2400	A-1	C Gard Fulton 3775 Fifteen Mile Rd. The Dalles OR 97058	2N 14E 33 3000	33-0023		No
29	1N 14E 300	A-1	Forest J. Hay	1N 14E 400			No

Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
			609 E 9th St The Dalles OR 97058				
30	1N 14E 2000	A-1	Sylvia Weimer 4100 Old Dufur Rd.	1N 14E 3500			Yes
31	1N 14E 2300	A-1	William & Sheli Markman/Wasco County 4785 Eight Mile Road The Dalles OR 97058	1N 14E 3300			No
32	1N 15E 3700	A-1	William & Carmen Eddins 1515 E 21st Street The Dalles OR 97058	1N 15E 3700			No
33	1N 14E 500	A-1	Cliff Baker (County?)	1N 14E 6700			No
34	1S 13E 1		County May Pit	1S 13E 1	33-0013		No
35	1S 14E 17 300	A-1	Miller Ranch Co. 1 NW Greenwood Ave. Bend OR 97701	1S 14E 3100			No
36	1S 14E 3000	A-1	Paul & Velma Limmeroth 2520 Ward Road The Dalles OR 97058	1S 14E 3401 Boyd			No
37	1S 14E 18 100	A-1	Miller Ranch Co. 1 NW Greenwood Ave. Bend OR 97701	1S 14E 18 100			No
38	1S 14E 3200	A-1	Mary Sylvester 3813 Faith Home Road Ceres CA 95307	1S 14E 3600			No
39	1S 14E 20		Dufur	1S 14E 20			No
40	2S 13E 35 100	A-1	William Neil 62883 US Hwy 197 Dufur OR 97021	2S 13E 100	33-0050		No
41	2S 13E 5000	A-1	ODOT Tygh Ridge 33-025-4	2S 13E 35 5200	33-0071		Yes
42	3S 13E 100	A-1	William & Masil Hulse P O Box 427 Dufur OR 97021	3S 13E 100			No
43	3S 13E 2300	A-1	Paul & Velma Limmeroth 2520 Ward Road	3S 13E 2500			No

Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
			The Dalles OR 97058				
44	3S 13E 2300	A-1	Paul & Velma Limmeroth 2520 Ward Road The Dalles OR 97058	3S 13E 2500			No
45	3S 13E 3200	A-1	Irl Jr. & Orlena Davis 45 N Eagle Pt Road Tygh Valley OR 97063	3S 13E 3400	33-0054	CUP 96-101	No
46	3S 13E 33 100	A-1	Robert & Meredith Lindell P O Box 217 Tygh Valley OR 97063	3S 13E 33 3500	33-0047		No
47	2N 11E 36 100	F-2	Berniece & Morris Schmidt 2855 Mosier Creek Road Mosier OR 97040	2N 11E 7600	33-0081		No
48	2N 12E 30 1100	F-2	Mosier Creek Dev. 1234 P O Box 6039 Bellevue WA 98008	2N 12E 9139	33-0088		No
49	2N 13E 31 B 600	RR	Whispering Pines Ranch Corp 612 Liberty The Dalles OR 97058	2N 13 31 600			No
50	1N 11E 25 100	F-2	Ketchum Ranch Inc 6282 Chenowith Road W The Dalles OR 97058	1N 11E 900			No
51	1N 13E 1300	A-1	John & Betty Skirving 2013 W Scenic Drive The Dalles OR 97058	1N 13 4490			No
52	1N 13E 32 200	A-1	Milton & June Martin 3560 Three Mile Road The Dalles OR 97058	1N 13E 5300			No
53	1N 13E 25 700	A-1	Arthur V Braun P O Box 498 The Dalles OR 97058	1N 13E 25 2991	33-0082	CUP 90-113	No
54	1N 15E 2900	A-1	Eldon F Emerson et al 6124 Roberts Market Road The Dalles OR 97058	1N 15E 28 2700			No

Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
55	1S 15E 700	A-1	James Q Johnson 6352 Roberts Market Road The Dalles OR 97058	1S 15E 402			No
56	1S 15E 2000	A-1	Iva J Kortge 338 West 21st The Dalles OR 97058	1S 15E 1400			No
57	1S 15E 2600	A-1	Frederick & Peggy Clausen Rt 2 Box 4 Dufur OR 97021	1S 15E 1900			No
58	2S 14E 1900	A-1	Martin & Beverly Underhill P O Box 266 Dufur OR 97021	2S 14E 1600			No
59	2S 14E 2000	A-1	Martin & Beverly Underhill P O Box 266 Dufur OR 97021	2S 14E 1800			No
60	2S 14E 2300	A-1	Robert & Nancy Hammel 62250 Tygh Ridge Road Tygh Valley OR 97063	2S 14E 2000			No
61	1N 15E 2200	A-1	William & Barbara Hammel 7075 Fifteen Mile Road The Dalles OR 97058	1N 15E 21 2100			No
62	1N 15E 2200	A-1	William & Barbara Hammel 7075 Fifteen Mile Road The Dalles OR 97058	1N 15E 2100			No
63	1N 15E 2900	A-1	Eldon F Emerson et al 6124 Roberts Market Road The Dalles OR 97058	1N 15E 20 2700			No
64	1S 14E 4500	A-1	Lucie Underhill Life Estate 85429 Easton Canyon Road Dufur OR 97021	1S 14E 4900			No
64	1S 14E 4500	A-1	Clara A. O'Brien 2867 Breckenridge NW Salem OR 97304	1S 14E 4900 Duplicate			No

Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
65	1S 14E 5100	A-1	W C Hanna Estate US Nat'l Bank Trust Dept P O Box 3168 Portland OR 97208	1S 14E 31 5600			No
66	1S 14E 2800	A-1	Daniel Bolton P O Box 731 Dufur OR 97021	1S 14E 1900			No
68	2N 12E 4 1100	NSA	Wasco County Sharon L. Sorensen Rt 1 Box 180 Dufur OR 97021	2N 12E 4/5			No
	2N 12E 5 100						
70	2S 12E 1700	A-1		2S 12E 12 3000			No
71	2S 12E 5100	A-1	Martin & Beverly Underhill P O Box 266 Dufur OR 97021	2S 12E 23 5700			No
72	3S 12E 3	A-1	Wasco County 511 Washington St. The Dalles OR 97058	3S 12E 3			No
73	3S 12E 25 300	A-1	Russell & Wanda Sinclair Rt 1 Box 79 Tygh Valley OR 97063	3S 12E 25 3700			No
74	2S 13E 5200	A-1	Keith & Mary Smith 60538 Dufur Gap Rd. Dufur OR 97021	2S 13E 32 4900			No
75	4S 13E 12 2800	A-1	Fred & Maxine Ashley/Tygh Valley Sand & Gravel	4S 13E 12 6800	33-0015		No
76	3S 13E 3800	A-1	Roger T. Justesen/Betty Nelson P O Box 96 Grass Valley OR 97029	3S 13E 31 4000	33-0051	Cancelled 1976	No
77	4S 13E 10	A-1	Wasco County	4S 13E 10			No
78	4S 12E 2700	A-1	Keith & Kathleen Obermaier P O Box 3497 Pojaque Santa Fe NM 87501	4S 12E 17 5000	33-0048		No
				Formerly Cody Logging			
79	4S 13E 7100	A-1	Erma C. Gutzler	4S 13E 31 10800			No



Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
			Rt 1 Box 120 Maupin OR 97037				
80	5S 12E 2 400	A-1	Lora M Hachler Rt 1 Box 408 Maupin OR 97037	5S 12E 2 400			No
81	5S 12E 800	A-1	Wasco County 511 Washington St. The Dalles OR 97058	5S 12E 4 800			No
82	5S 12E 2300	A-1	Milton & Mae McCorkle Life Estate Rt 1 Box 412 Maupin OR 97037	5S 12E 12 2100			No
83	5S 13E 1400	A-1	Eugene H. Walters Rt 1 Box 86 Maupin OR 97037	5S 13E 6 1400			No
84	5S 13E 6300	A-1	Lyle & Lorraine Gabel Rt 1 Box 110 Maupin OR 97037	5S 13E 28 5200			No
85	5S 12E 7100	A-1	Allan & Cristina Blake Rt 1 Box 60A Maupin OR 97037	5S 12E 35 5400			No
86	5S 11E 5100	A-1	Wasco County	5S 11E 35 4802	33-0074		No
87	6S 11E 9	A-1	Woodside	6S 11E 9			No
88	4S 13E 11 100 4S 13E 0 7200	A-1	Robert Ashley	4S 13E 11 100 4S 13 E 0 2700		CPA-01-101 CUP-01-112	No
101	Site Not Identified		Port of The Dalles				
102	Site Not Identified		Interpretative Center Site				
150	4S 14E 33	A-1	Connolly	4S 14E 33			No
151	4S 14E 2700	A-1	Connolly Land & Livestock Inc. 412 W. 4th St. The Dalles OR 97058	4S 14E 25 2400	33-0093	CUP 93-110	No
152	4S 15E 800	A-1	Lee & Ruth Lindley Box 64 Maupin OR 97037	4S 15E 30 800			No

Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
153	4S 15E 1000	A-1	USA Bureau of Land Management	4S 15E 30 1200			No
154	5S 16E 2000	A-1	Lonny & Pamela Brown (County Lease) 18233 W Wintergreen Lane Bremerton WA 98312	5S 16E 20 2200			No
155	5S 16E 3300	A-1	Janis Lee Snodgrass % Lonny D. & Pamela A. Brown 18233 W Wintergreen Lane Bremerton WA 98312	5S 16E 32 3300			No
156	5S 16E 3400	A-1	Warnock Ranches Inc. Rt 1 Box 16 Baker OR 97814	5S 16E 32 2401			No
157	6S 19E 900	A-1	Warnock Ranches Inc. Rt 1 Box 16 Baker OR 97814	6S 16E 5 106			No
158	6S 16E 900	A-1	Warnock Ranches Inc. Rt 1 Box 16 Baker OR 97814	6S 16E 5 106			No
159	6S 16E 2100	A-1	ODOT Bakeoven Quarry 33-051-4	6S 16E 21 101	33-0017	PR-94-102	No
160	7S 17E 31 1700	A-1	Richard & Betty Baker P O Box 136 Antelope OR 97001	7S 17E 31 1990	33-0032		No
161	8S 17E 600	A-1	Donald & Marjorie Gomes (County owned) P O Box 70 Antelope OR 97001	8S 17E 4 692			No
162	8S 17E 1400	A-1	Wilton & Francis Dickson 604 NE Loucks Road Madras OR 97741	8S 17E 14 1500			No
163	8S 16E 4300	A-1	McNamee Ranches P O Box 50 Antelope OR 97001	8S 16E 36 3400			No
164	8S 17E 2000	A-1	Herbert & Faye McKay P O Box 5	8S 17E 35 2100			NO

			Antelope OR 97001				
Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
165	8S 18E 900	A-1	Washington Corp. P O Box 3027 Pasco WA 99302	8S 18E 34 800			No
			USA Bureau of Land Management	8S 19E 31 1900			No
166	8S 19E 1600	A-1		8S 19E 31 1900			No
167	8S 14E 1400	A-1	Ned Darling 5618 SE Taylor Portland OR 97215	8S 14E 13 101			No
168	8S 14E 2200	A-1	Bureau of Land Management	8S 14E 21 1900			No
169	7S 14E 3100	A-1	Ned Darling 5618 SE Taylor Portland OR 97215	7S 14E 32 3000			No
170	5S 12E 0 8500, 6S 12E 0 1300	A-1	Richard Dodge			PLAQJR-10-10-0005, 4/15/2011	No
171	7S 15E 0 600	A-1	J. Arlie Bryant Inc. (Hagen)			PLACUP-15-01-0001, 6/12/2015	Yes
172	6S 17E 0 2200, 2400	A-1	Jon Justesen			PLACUP-15-01-0002, 6/12/2015	Yes
173	5S 16E 0 3600	A-1	J. Arlie Bryant Inc. (Carver)			PLACUP-15-02-0003, 6/12/2015	Yes
174	3S 13E 0 4000	A-1	Jack Stevens		33-0051	CUP-06-112, CPA-06-102	No
200	4S 14E 3700	A-1	USA Bureau of Land Management	4S 14E 33 3800			No
201	5S 14E 35 C 400	A-1	ODOT Maupin Pit 33-036-4	5S 14E 35 4400	33-0004		Yes
202	6S 14E 300	A-1	Criterion Interest Inc. 122 E Stonewall Charlotte NC 28202-1889	6S 14E 11 100			Yes
203	7S 14E 200	A-1	ODOT Criterion 33-038-4	7S 14E 12 1200	33-0078		Yes
204	6S 17E 3 400	A-1	ODOT 33-049-4 County Line Quarry	6S 17E 3 500	33-0102		Yes
205	6S 17E 0 2000	A-1	State Highway Dept	5S 17E 16 ?			No
206	6S 17E 2300	A-1	ODOT 33-050-4 Hinton Quarry	6S 17E 19 1800	33-0100		Yes
208	7S 16E 1300	A-1	ODOT Identifier 33-053-4	7S 16E 6 1000	33-0024		Yes
209	7S 15E 1600	A-1	ODOT 33-059-4 Garbage Pit	7S 15E 22 1600	33-0097		Yes

Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
211	8S 15E 2200	A-1	Charles & Betty Johnson Gateway Star Route Box 465 Madras OR 97741	8S 15E 22 1701			No
212	8S 15E 2000	A-1	Charles & Betty Johnson Gateway Star Route Box 465 Madras OR 97741	8S 15E 27/28 1701			No
213	8S 15E 26 3500	A-1	Annan & Marla Priday HC 62, Box 462 Madras OR 97741	8S 15E 26 2900	33-0094	CPA 96-101 Goal 5	Yes
214	7S 17E 1600	A-1	ODOT Shaniko 33-062-4	7S 17E 20 2000	33-0065		Yes
215	8S 18E 600	A-1	ODOT 33-064-4	8S 18E 6 501			Yes
216	8S 18E 4 400	A-1	ODOT 33-065-4 Antelope Rock Product	8S 18E 4 400	33-0069		Yes
217	5S 12E 8500		Richard Dodge	5S 12E 33 7200	33-0080	CUP 87-104 <i>Added 3/93</i>	No
218	4S 12E 2800	A-1	Metzentine Quarry	4S 12E 17 1900	33-0086	CUP 91-102 <i>Added 3/93</i>	No
219	2N 11E 900		Dan Van Vactor ODOT 33-002 Rock Creek Quarry	2N 11E 2 900			No
220	2N 13E 20 800		ODOT 33-007 Shooting Range Quarry	2N 13E 20 800			No
221	2N 13E 500		ODOT 33-008	2N 13E 20/21 500			No
222	1S 14E 3300		ODOT 33-021 Boyd Quarry	1S 14E 20 3700			No
223	3S 13E 33 200		ODOT 33-028-4 Butler Canyon Quarry	3S 13E 33 4100	33-0062		No
224	5S 14E 6 200		ODOT 33-032 Maupin Maintenance Yard	5S 14E 6 200			No
225	7S 15E 2000		ODOT 33-039 Filler Pit	7S 15E 29 2100			Yes
226	8S 15E 2000		ODOT 33-040	8S 15E 15			Yes
227	8S 15E 3100		ODOT 33-041 Cow Canyon Quarry	8S 15E 22 2800	33-0075		Yes
228	5S 11E 36 1600		ODOT 33-045-4 Pine Grove Quarry	5S 11E 36 5300	33-0074		Yes
229	5S 12E 30B 100		ODOT	5S 12E 30 200			Yes
230	6S 12E 2 700		ODOT 33-048-4 Paquet Gulch Quarry	6S 12E 2 300	33-0101		Yes
231	7S 17E 600		Shaniko Ranch		33-0092	CUP 93-106	No

Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
232	1N 13E 27/28 1000		Phetteplace		33-0098	CUP 98-113 & CPA 98-103	No
233	6S 17E 2400		Jon Justesen		33-0072	CUP 99-105	No
234	1N 13E 0 2900		Elmer Wilson		33-0096	CUP 94-135	No
235	2N 12E 2000		Tingue		33-0064 & 33-0081	CUP 90-107	No
other -	<b>Co. Road Depts Sites</b>						
625	1S 13E 39 102		Dufur County Pit	1S 13E 36 102			No
649	4S 12E 36 7400		Kennedy Pit	4S 12E 36 7400			No
673	8S 14E 13 101		South Junction Pit	8S 14E 13 101 a portion			No
713	5S 11E 35 4802		Kelly Springs	5S 11E 35 4802			No
790	2S 14E 33 2900		Hilgen Pit	2S 13E 33 2900 a portion of			No
800	8S 17E 4 500		Helyer Pit	8S 17 4 500			No
833	3S 12E 3 1101		Schindler Pit	3S 12E 3 1101			No
850	2S 12E 12 3000		West Pit	2S 12E 12 3000			No
870	3S 12E 25 3800 & 1102		Shadybrook Pit	3S 12E 25 1102			No
871	<b>2N 12E/13E 19 &amp; 24 1000</b>	<b>NSA</b>	<b>Harvey Pit</b>	<b>2N 12E 1000</b>	<b>33-0009</b>		<b>Yes</b>
872	2S 13E 0 (34,35) 4400, 4900		(Mike) Filbin Pit		33-0099	CUP-99-102	No

# Animals in Wasco County

A = Abundant F = Few C = Common R = Rare U = Unknown

Darker Grey is from the 2007 White River Wildlife Management Plan (2007)  
ODFW

C = Common, U = Uncommon, R = Rare, X = Extremely Rare

Light Grey is from Lower Deschutes Wildlife Area Management Plan (2009) ODFW

C = Common, U = Uncommon, R = Rare, X = Extremely Rare

	Habitat Types							Use Period			
	Mixed Conifer	Mixed Conifer Oak	Pine-Oak	Oak-Grass	Grass-Shrub Juniper	Riparian	Agricultural	Spring	Summer	Fall	Winter
<b>Bird Species</b>											
Killdeer					C	C		X	X	X	X
Mallard Duck						C	C	X	X	X	X
Wood Duck						F			X	X	X
Turkey Vulture	C	C	C	C	C	C	C	X	X		
Bald Eagle	F	F	F	F	F	F		X			
Rough-legged Hawk	F	F	F	F	C	F	C			X	X
American Kestrel	C	C	C	C		C	C	X	X	X	X
Long-eared owl	C	C	F	C	F	F	F	X	X	X	X
Screech owl	F	C	F	C	F	F	F	X	X	X	X
Great-horned owl	C	C	C	C	C	C	C	X	X	X	X
Merriam's Turkey	C	C	C	C		C		X	X	X	X
California Quail	C	C	C	C	C	C	C	X	X	X	X
Ring-necked Pheasant		F	F	F	F	C	C	X	X	X	X
Mourning Dove		C	C	C	C	C	C	X	X	X	X
Rock Dove		C	C	C		C		X	X	X	X
Common Nighthawk	C	C	C	C	C	C	C	X	X		
Belted Kingfisher					F	C		X	X	X	X
Common Flicker	C	C	C	C	F	C	C	X	X	X	X

Lewis Woodpecker	C	C	C	C	F	C	C	X	X	X	X
Downy Woodpecker	C	C	C		F	C		X	X	X	X
Yellow Bellied Sapsucker	F	F	F			F		X	X	X	X
Western Kingbird	F	F	F		F	F	F	X	X		
Western Flycatcher	F	F	F		F	F	F	X	X		
Ash-throated Flycatcher	F		F		F	F	F	X	X		
Western Wood Pewee	F	F	F		F	F	F	X	X		
Horned Lark			C	C	C	C	C	X	X	X	X
House Wren	C	C	C		C	C	C	X	X		
Winter Wren	C	C	C			C	C			X	X
Bewick's Wren	F	F	F			F		X	X		
Rock Wren	F	C	F	C	C	F	F	X	X		
Hermit Thrush	C	C	F			F		X	X		
Fox Sparrow	F	C	C			C	C	X	X	X	X
Song Sparrow	F	C	C			C	C	X	X	X	X
Canada Goose						C	C	X	X	X	X
Pintail						F	F			X	X
American Widgeon						C	C			X	X
Blue Winged Teal						F	F			X	X
Cinnamon Teal						F	F	X	X	X	X
Green-winged Teal						F	F	X	X	X	X
Common Goldeneye	F					F		X	X	X	X
Bufflehead						F		X	X	X	X
Harlequin Duck						F		X	X	X	X
Common Merganser						C		X	X	X	X
Hooded Merganser						F		X	X	X	X
Goshawk	F	F				F		X	X	X	X
Coopers Hawk	C	F	C	F	F	C	C	X	X	X	X
Sharp-skinned Hawk	C	F			F	C	F	X	X	X	X
Osprey						F		X	X		
Ruffed Grouse	C	C	C			C		X	X	X	X

Blue Grouse	C	C	C			C		X	X	X	X
Spotted Owl	R							X	X	X	X
Great Blue Heron						C	C	X	X	X	X
American Coot						C		X	X	X	X
Common Snipe						F				X	X
Poor-will	F		F			F	F	X	X		
Hairy Woodpecker	F	F	F					X	X	X	X
Alder Flycatcher	F					F	F	X	X		
Bank Swallow			C	C		C	C	X	X		
Clark's Nutcracker	F	F	F			F				X	X
Townsend's Solitaire	C					C	C	X	X		
Loggerhead Shrike			F		F		F	X	X	X	X
House Finch		C	C	C	C	C	C	X	X	X	X
Western Grebe						C		X	X	X	X
Marsh Hawk					F	F	F	X	X	X	X
Hungarian Partridge					F	F	C	X	X	X	X
Ferruginous Hawk					R	R	R			X	X
Swainson's Hawk					F	F	F	X	X	X	X
Golden Eagle	F		F		F	F	F	X	X	X	X
Chukar Partridge					C	C	C	X	X	X	X
Prairie Falcon					F	F	F	X	X	X	X
Sparrow Hawk		F	C	C	C	C	C	X	X	X	X
Burrowing Owl					F	F	F	X	X		
Red-shafted Flicker	F	C	C	C	F	C	F	X	X	X	
Red-Tailed Hawk	C	C	C	C	C	C	C	X	X	X	X
Eastern Kingbird				F	F	F	F	X	X		
Say's Phoebe				F	F	F	F	X	X		
Sage Thrasher					F			X	X		
Yellow Warbler	C	C	F			F	F	X	X		
Common Yellowthroat	C	C				F		X	X		
MacGillivray's Warbler	C	C				F	F	X	X		



Wilson Warbler	C	C				F	F	X	X		
Nashville Warbler	F					F	F	X	X		
Yellow-rumped Warbler	F					F	F	X	X		
Black-throated Gray Warbler	F					F	F	X	X		
House Sparrow	C	C	C	C	C	C	C	X	X	X	X
Western Meadowlark		C	C	C	C	C	C	X	X	X	X
Red-winged Blackbird		C	F	F	C	C	C	X	X	X	X
Brewer's Blackbird	F	C	F	F	C	C	C	X	X	X	X
Brown-headed Cowbird		C	F	C	C	C	C	X	X	X	X
Northern Oriole		C	F			F	F	X	X	X	X
Western Tanager	F					F	F	X	X		
Evening Grosbeak	C	F				C	C	X	X	X	X
Lazuli Buntin	F	F	F		F	F		X	X		
Purple Finch	F	F	F	F		F	F	X	X		X
American Goldfinch	C	C	F	C	F	F	F	X	X		
Rufous-sided Towhee	C	C	C	C	C	C	C	X	X	X	X
Savannah Sparrow		C	F	C	C	F	F	X	X		
Vesper Sparrow		C	F	C	C	F	F	X	X	X	
Lark Sparrow		C	F	C	F	F	F	X	X	X	
Dark-eye Junco	C	C	C		F	C	C	X	X	X	X
Chipping Sparrow	F	C	F	C	F	F	F	X	X		
White-crowned Sparrow		C	C	C	C	C	C	X	X	X	X
Hummingbirds	C	C	C	F	F	C	C	X	X		
Pine Siskin	C	C				F		X	X		
Mountain Quail	C	F	F	F	R	C		X	X	X	
Barn Swallow		C	C	C	F	C	C	X	X		
Violet-green Swallow	C	C	C	C	C	C	C	X	X		
Tree Swallow	C	C	F		F	F	F	X	X		
Stellars Jay	C	C	C	C	F	C	C	X	X	X	X
Scrub Jay	C	F	F	F	F	C	F	X	X	X	X
Black-billed Magpie		C	F	C	C	C		X	X	X	X

Common Raven	C	C	C	C	C	C	C	X	X	X	X
Common Crow	C	C	C	C	C	C	C	X	X	X	X
Black-capped Chickadee	C	C	C		F	C	C	X	X	X	X
Common Bushtit	C	C	F		F	F		X	X	X	X
Dipper						C		X	X	X	X
White-breasted Nuthatch	C	C	F			C		X	X	X	X
Brown Creeper	C	C	F	F	F	C		X	X	X	X
Red-breasted Nuthatch	C	C				C		X	X	X	X
Grasshopper Sparrow				C				X	X		
American Robin	C	C	C	C	C	C	C	X	X	X	X
Varied Thrush	C	C				C	C	X	X	X	X
Swainsons Thrush	C	C				C		X	X	X	
Western Bluebird	C	C	C	C	F	C	C	X	X		
Mountain Bluebird	C	C		C	F	C		X	X	X	X
Golden-crowned Kinglet	C	C				C		X	X	X	X
Ruby-crowned Kinglet	C	C				C		X	X	X	
Bohemian Waxwing	C	C				F	F	X	X	X	X
Cedar Waxwing	C	C				F	F	X	X	X	
Starling	C	C	C	C	C	C	C	X	X	X	X
Vaux's Swift	F				F	F	F	X	X		
Solitary Vireo	C	C	F			F	F	X	X		
Orange-crowned Warbler	C	C	F			F	F	X	X		
Sage Sparrow	F	C	F	C	F	F	F	X	X	X	X
Short-eared Owl	F	C	F	C	F	F	F	X	X	X	X
Horned Grebe								R	R	R	R
Eared Grebe								R	R	R	R
American Bittern								R	R	R	R
Greater White-fronted Goose								R	R	R	R
Ross' Goose								R	R	R	R
Ruddy Duck								C	C	C	C
Northern Harrier								C	C	C	C

[illegible]

Double-crested Cormorant								C	C	C	C
Great Egret								X			
Black-crowned Night-Heron								X			
Trumpeter Swan									X		
Northern Pintail										R	R
Gadwall										R	R
Eurasian Wigeon										X	
Northern Shoveler								R		R	R
Ring-necked Duck								U		U	C
Canvasback								R		R	R
Barrow's Goldeneye										R	U
Lesser Scaup								U		U	C
Ringed-bill Gull								C	C	C	C
California Gull								C	U	C	C
Herring Gull								R		R	
Thayer's Gull								R		R	
Rock Pigeon								C	C	C	C
White-throated Swift								R		R	
Northern Flicker								C	C	C	C
Northern Shrike										R	R
Northern Rough-winged								C	C	U	
Cliff Swallow								C	C	C	
Marsh Wren								R		R	
American Pipit								R		R	
Palm Warbler											X
Bullock's Oriole								C	C		
<b>Amphibians Species</b>											
Northern Long-Toed Salamander						U		X	X	X	X
Western Toad	F	F			F	F		X	X	X	X
Pacific Tree Frog	C					C	F	X	X	X	X
Rough-skinned Newt	C					C		X	X	X	X

[illegible]

Mule Deer					C	C	C	X	X	X	X
Blacktail Deer	C	C	C			C	C	X	X	X	X
Coyote	C	C	C	C	C	C	C	X	X	X	X
Bobcat	F	F		F	F	F		X	X	X	X
Raccoon	C	C	C		F	C	C	X	X	X	X
Long-tailed Weasel	F	F			F	F	F	X	X	X	X
Badger		F		F	C			X	X	X	X
Striped Skunk	C	C	C	C	F	C	C	X	X	X	X
River Otter					F	F		X	X	X	X
Mink					F	C		X	X	X	X
Beaver						C		X	X	X	X
Muskrat			F			F		X	X	X	X
Merriam Shrew					U			X	X	X	X
Vagrant Shrew	U	U	U	U	U		U	X	X	X	X
Water Shrew					U			X	X	X	X
Pacific or Coast Mole	U	U			U	F	F	X	X	X	X
Little Brown Myotis	U	U	U		U	U	U	X	X	U	U
Fringed Myotis	U	U	U		U	U	U	X	X	U	U
California Myotis	U	U	U		U	U	U	X	X	U	U
Western Harvest Mouse					C			X	X	X	X
Canyon Mouse					C			X	X	X	X
Deer Mouse	F	C	C	C	C		C	X	X	X	X
Northern Grasshopper Mouse					C			X	X	X	X
Bushy-tailed Wood Rat		C	C		C	C	C	X	X	X	X
Sagebrush Mole					U			X	X	X	X
Montane Meadow House					U			X	X	X	X
Norway Rat					F	C	C	X	X	X	X
House Mouse			C	C	F	C	C	X	X	X	X
Western Jumping Mouse			F	F	F			X	X	X	X
Opossum		F				F	R	X	X	X	X
Dusky Shrew	U	U	U	U			U	X	X	X	X

Trowbridge Shrew	U	U	U			U	U	X	X	X	X
Pacific Mole	U	U				R	F	X	X	X	X
Yuma Myotis	U	U	U			U	U	X	X	U	U
Spotted Skunk	F	F	F	F	R	F	F	X	X	X	X
California Ground Squirrel	C	C	C	C	F	C	C	X	X	X	X
Yellow Pine Chipmunk	C	C	C			C		X	X	X	X
Townsend Chipmunk	C	C	C			C		X	X	X	X
Small-footed Myotis	U	U	U		U	U	U	X	X	U	U
Hairy-winged Myotis					U			X	X	X	X
Long-eared Myotis	U	U	U		U	U	U	X	X	U	U
Silvery-haired bat	U	U	U		U	U	U	X	X	U	U
Big Brown Bat	U	U	U		U	U	U	X	X	U	U
Western Pipistrelle	U	U	U		U	U	U	X	X	U	U
Pallid Bat	U	U	U		U	U	U	X	X	X	X
Lump-nosed Bat					U			X	X		
Blacktailed Hare					R			X	X	X	X
Whitetailed Hare					F		F	X	X	X	X
Mountain Cottontail	F	C	C	C	C	C	C	X	X	X	X
Pygmy Rabbit	F	F			F	F	F	X	X	X	X
Yellow-bellied Marmot					F			X	X	X	X
Belding Ground Squirrel					C		F	X	X	X	X
Townsend Ground Squirrel					C		F	X	X	X	X
Least Chipmunk	F	F			F			X	X	X	X
Northern Pocket Gopher	C	C	C	C	C	C	C	X	X	X	X
Great Basin Pocket Mouse					U			X	X	X	X
Ord Kangaroo Rat					F			X	X	X	X
Western Gray Squirrel	C	C	C			C	C	X	X	X	X
Chickaree	C	C				C		X	X	X	X
Northern Flying Squirrel	F	F				F		X	X	X	X
Longtail Vole	C	C		C		C	C	X	X	X	X
Oregon Vole	C	C		C		C	C	X	X	X	X

[illegible]

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C = Common, U = Uncommon, R = Rare, X = Extremely Rare

Lighter Grey is from Lower Deschutes Wildlife Area Management Plan (2009) ODFW

C = Common, U = Uncommon, R = Rare, X = Extremely Rare

Additional known animals without habitat information (from CAG members): Pronghorn Antelope, Diamond Back Rattlesnake, Timber Rattler, Sandhill Crane, Asian Dove



# Historic, Cultural and Archaeological Inventory

Site Number	Site Name	Location	Description	Date of Construction	Notes
1	Oregon Trail		Road/ Archaeological Site		Historic Oregon Trail Route. This east-west route was the highway to the Northwest that ended in The Dalles.
2	Barlow Road and Cut off Road		Road/ Archaeological Site	1845-1846	This was the alternate route to the Willamette Valley from the east. The former route was the Columbia River. The road was built in 1845-6 by Samuel K Barlow.
3	The Dalles Military Wagon Road	4S 12E 1 301	Road/ Archaeological Site		This was the main military road to the interior Oregon from Fort Dalles.
4	Jonah H. Mosier Sawmill Site	2N 11E 1	Cultural site	1854	Mosier sawmill established to supply The Dalles with lumber, was the first settlement of the City of Mosier.
5	Lower Fivemile School	1N 14E 2000		1890	Historic school, also known as the Benson School.
6	Mt. Hood Flat School	1S 13E 21 400		1890	Originally Dutch Flat School (1890), then called Fairview (1901), finally Mount Hood Flat (1910), it was declared abandoned in 1954 and property became private.
7	Lower Eightmile School	1N 14E 32 400		1904	Established in 1904, the school dated back to 1860 and was also used by Mt. View Grange.
8	Mill Creek Grange	1N 12E 14		1920	Historic grange hall.
9	Wolf Run Community Hall	1S 12E 14		1913	Wolf Run School operated from 1913-1939 and was named after wolves that roamed the area.
10	Center Ridge School	2S 15E 0 800		1890	Historic school, in the 1940s it consolidated with Dufur School District.
11	Columbia Hall	1N 15E 0 1200		1906	Was used as a school until moved to the current site where it was as a Farmers Union Hall.
12	Bear Springs Camp	5S 10E 0 100			Owned by the US Forest Service. Occupied during the first enrollment

	Shelter				period by Company 616, a company of junior enrollees from Chicago.
13	Wapinitia School/Gym	5S 12E 25B 200		1878	Wapinitia, meaning “running water”, references a nearby creek. The school operated from 1878 to 1946. The town of Wapinitia also had two churches, two stores, a hotel and a blacksmith. The school district eventually merged with Maupin.
14	White River Dam	4S 14E 0 1800		1910	Now a State Park, the White River Falls was the site of a historic hydroelectric power plant that supplied power to Wasco and Sherman Counties from 1910 until completion of The Dalles Dam in 1960.
15	Old White River Station Camp	4S 11E 0 100			Owned by the US Forest Service this campsite was used in the pioneer days.
16	Pine Grove School	5S 11E 25B 600		1890	Historic school was consolidated with other schools in the late 1940s.
17	Jersey School	8S 14E 0 2300		1894	A historic school close to the Deschutes River, it was abandoned in 1954.
18	Lower Antelope School	8S 16E 0 800		1890	Historic school that was part of a joint district with Jefferson County.
19	Fivemile Rapids				Site not identified on GIS to protect cultural resources
20	Memaloose Island		Cultural Site		Lewis and Clark called it “Sepulchar Island”.
21	Abbott site	5S 12E 0 5000			Near Wapinitia
22	Celilo Falls	2N 15E 20 400	Cultural site	1958	Falls were flooded in 1957 with the construction of the Dam. Park was developed by the Army Corp of Engineers to commemorate the Falls.
23	Black Walnut	2s 13E 18 1600	Black walnut tree with approx. 7’ diameter	c. 1860	Record Size. Part of the Nickalson P. O’Brien homestead from 1890s. Black walnut trees, not native to Oregon, were reportedly brought west by Oregon Trail pioneers.
24	Old Fashioned Yellow Rose	4S 13E 24	Large Old-Fashioned Yellow Rosebush	c. 1910	Rose was inside the Fairview School yard. Highway was widened on part of the original school yards.
25	Ox Yoke Monument	2N 14E 25 400	Monument	1936	Built as an Oregon Trail marker by Isaac Remington. Constructed from cement mixed by hand in his wheelbarrow when Remington was aged 76.
26	Seufert Viaduct	2N 14E 31	Bridge	1920	Named for former train station which, in turn, was named for two pioneer brothers who moved to Oregon in the early 1880s. Designed by CB McCullough and constructed by the State Highway Department. Built under contract in 1920 by the Colonial Building Company.
27	BNRR Bridge	2N 15E 20	Railroad Bridge	1912	Historic link between Oregon and Washington. The bridge was built entirely on dry land on the rocks in the river during low water.
28	Dalles Canyon City	2S 14E 9 700	Bridge	1923	Constructed by Alfonso Pizzolato to eliminate water problems created by

	Road Bridge				Dry Creek. One of few cut stone bridges in Wasco County.
29	Upper White River Canyon Grade	5S 12E 4, 5, 8, 9	Road	1910	Road was built as a short cut between Juniper Flats and Smock Prairie. Valuable as recreation and scenic road.
30	Hinton House	5S 16E 26 2900	Dwelling	1900-1915	Built for R.R. Hinton and family.
31	Nansene House and Post Office	2S 14E 9 701	Hotel/Stage Coach Stop	1874	Nansene, the Native-American name for Fifteenmile Creek, was an early stage coach stop and post office. It served as a stage coach stop (started in 1874) and post office (1880 to 1904). Credited with being one of the few remaining stagecoach stops in Oregon.
32	Mark O. Mayer House	2N 12E 6 401	Residence	1910	Mark O. Mayer constructed the house in 1910 as a country home. Mayer, from Portland, built the road from Mosier to his house. The road later became part of the Columbia River Highway. He named the house Mayerdale. Its an excellent example of Colonial Revival style.
33	Friend Store, Post Office and Real Estate Office	2S 12E 35 100	Commerce/Government	1912	The post office was opened in 1903. The small building was constructed in 1924 by Fred Buskuhl as a real estate office during the boom time for Friend between 1912-1924.
35	Wapinitia Hotel	5S 12E 26 5000	Multiple dwelling	1915	Barzee Hotel, built in 1915 by Earl Barzee. The hotel/rooming house was very popular in the 1920s when the Wapinitia cut-off highway was being constructed with highway engineers and workers. It was also a popular place for local teachers to board. The Wapinitia Hotel operated until the 1940s.
36	OWRR&N Railroad Section House	5S 14E 5 700	Multiple dwelling	1910	Affiliated with the east site of the Deschutes River and the railroad.
37	Round Barn	1N 13E 10AB 7200	Barn	1932	Built for a poultry business for Howard McNeal. In 1964, the barn was remodeled for use by a local theater group and called "The Round Barn." The group was asked to vacate the barn in 1973, and reverted to farm use. It is one of the few remaining round barns in Wasco County.
38	Smock Prairie School	4S 12E 32 8500	School	1906	The district merged with Wamic in 1958.
39	Friend School	3S 12E 2 800	School	1909-1910	Operated as a school until the late 1930s.
40	Petersburg School	2N 14E 33 3001	School	1860s	Built by William Floyd circa 1860s. Originally called the Floyd School. In 1904, name changed to Roosevelt School until 1908 when it was renamed Petersburg School after the nearby Great Southern Railroad station of the same name. The school was vacated in 1954 when a new school was built.
41	Fairbanks School	2N 15E 31 600	School	1912	Served as a school between 1912-1928. From 1954-1982, the building was leased to the Ten-Mile Saddle Club.

42	Clarno School	7S 19E 32 1200	School	1914	Had an average of 10-16 pupils who were rancher children between Clarno and Pine Creek (Wheeler County). The last class graduated in 1937 with two students.
43	Imperial Stock Ranch Headquarters Complex	5S 16E 26 2900	Historic District	1871-1915	Historic District, for much of its history was the largest individually owned land and livestock holding in Oregon.
44	Mosier Mounds		Archaeological resource		Site not identified on GIS to protect cultural resources



**PLANNING DEPARTMENT**

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**FILE #:** 921-18-000215 (11)

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**REQUEST:** Legislative Request to Amend the Comprehensive Plan, Chapter 12  
**DECISION:**

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**Attachments:**

- A. Wasco County Comprehensive Plan Periodic Review Work Task 11 Overview
- B. Annotated Draft of Proposed Chapters 12 of Wasco County 2040 (Comprehensive Plan) with notes

**File Number:** 921-18-000215

**Request:** Amend the Wasco County Comprehensive Plan  
1. Change the format to align with Statewide Land Use Planning Goals  
2. Develop Goal 12 into Wasco County 2040 format (Chapter 12),  
make any general amendments reflecting current planning practice.  
This is related to Periodic Review work task 12.

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

**Prepared for:** Wasco County Planning Commission

**Applicant:** Wasco County Planning Department

**Staff Recommendation:** Recommend adoption of the proposed amendments of the Wasco County Comprehensive Plan by the Wasco County Board of Commissioners.

**Planning Commission  
Hearing Date:** May 7, 2019

**Board of County  
Commissioner Hearing  
Date:** June 5, 2010

**Procedure Type:** Legislative

**Attachments:** Attachment A: Wasco County Comprehensive Plan Periodic Review  
Work Task 11 Overview  
Attachment B: Annotated Draft of Proposed Chapter 12 of Wasco  
County 2040 (Comprehensive Plan) with notes

## **I. APPLICABLE CRITERIA**

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

## **II. SUBMITTED COMMENTS**

As of the date of this document, Wasco County Planning Department has received no comments about the proposed revisions.

## **III. PUBLIC INVOLVEMENT**

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

### **A. Newspaper Notifications**

#### Citizen Advisory Group Work Session March 12, 2019:

Public notice for a Citizen Advisory Group meeting was published in *The Dalles Chronicle* on February 20, 2019, more than 20 days prior to the March 12th work session.

#### Planning Commission Hearing May 7, 2019:

Public notice for a Planning Commission hearing was published in *The Dalles Chronicle* on April 13, 2019, more than 20 days prior to the May 7<sup>th</sup> hearing.

#### Board of County Commissioner Hearing June 5, 2019:

Public notice for the Board of County Commissioner hearing was published in *The Dalles Chronicle* on May 15, 2019, more than 20 days prior to the June 5<sup>th</sup> hearing.

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

The information regarding the proposed amendments was placed on the Wasco County Planning Department Website<sup>1</sup> on March 5, 2019. If updates are made following each hearing, the webpage will be updated to reflect such changes. At the time of publication of this document, the following information was made available to the public:

- A listing of hearing dates, times and locations
- Drafts of the proposed amendments
- Staff report describing the process and proposed changes

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

- A way to submit comments and concerns

In addition, the Wasco County Comprehensive Plan website<sup>2</sup> has included several posts that have included the time and date of meetings and discussion of proposed topics. This website has 25 subscribers that receive notification of new content, and is also promoted on the Planning Department's social media channels which have 211 followers.

#### **C. Notification to Partners**

An email notification of proposed amendments, progress on Periodic Review, and the legislative hearing was sent to the Periodic Review Assistance team and other Citizen Advisory Group identified stakeholders on March 5, 2019. The notification included links to the staff report, proposed amendments, and the opportunity to comment.

#### **D. Notification to Community Notification List**

During the Wasco County 2040 initial outreach phase, a public email notification list was assembled. Members of the public continue to have the opportunity to sign up for this list at any time on the project website<sup>3</sup> or in person at any of the public hearings, work sessions or other events. They can also request to be put on the list via email, telephone, or in the Planning Department Office. Currently this list includes 74 interested parties from the community.

An email notification of proposed amendments, progress on Periodic Review, and the legislative hearing was sent to this notification list on March 5, 2019. The notification included links to the staff report, proposed amendments, and information on how to provide comment.

#### **E. Postcard Mailer Notification to All Property Owners in Unincorporated Wasco County**

At the beginning of March, a postcard mailer was sent to all property owners in unincorporated Wasco County updating them about the progress on Wasco County 2040 and putting them on notice about upcoming public meetings, including the work session on March 12<sup>th</sup>. The postcard included links to the project website and contact information for the department.

#### **F. Other Public Outreach**

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

### **IV. FINDINGS**

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

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

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

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

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



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

**FINDING:** The request is for a legislative text amendment to policies and the format for Goal 12 (Chapter 12) of the Comprehensive Plan, as part of a broader Periodic Review work plan. Amendments include reformatting and edits to existing policy and implementation, as well as the addition of some new content including historical perspective, overview, and findings and references. The main goal of the work task is to ensure the transportation element is up-to-date.

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

***\*\*\****

***2. Planning Commission by majority vote confirmed by the Wasco County Governing Body. (Legislative)***

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

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

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

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

***d. Section H – General Criteria***

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

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

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

**FINDING:** The policies and implementation strategies for Goal 12, Transportation, were updated following the Transportation Systems Plan completion in 2009. This section is one of the most current and up to date in the Comprehensive Plan.

Since 2009, however, financing for County roads has undergone significant change with the severe reduction of federal timber receipts. Because of this and ongoing changes to the County Public Works financing, staff is recommended the removal of financing related language from the Comprehensive Plan with the expectation that it will need to be re-evaluated during a Transportation Systems Plan analysis. The removal also eliminates any persistent confusion about funding sources and will require the public to contact the Public Works Department directly, which is more appropriate.

Based on feedback throughout the Wasco County 2040 process, staff is recommending the addition of strategy 12.1.5 (c), which focuses on coordination with the Public Works Department on special event permits. Members of the public have expressed frustration that special events, like bicycling races and car rallies, are not sufficiently noticed and create conflict with agricultural transportation and residential traffic. Because the roadways are multi-modal, the suggested compromise is to ensure better communication about events which the Planning Department can help facilitate through outreach.

The new Policy 12.1.6 addresses ongoing concerns from Planning Department staff and the Wasco County Roadmaster that the liability for improvements and maintenance on private or local access roads is not clearly understood by the public. There is also considerable confusion about financial liability for road improvement during partitioning. The recommended implementation strategies address these two issues through recorded documents that are meant to inform current and future property owners about financial liabilities with private or local access roads. These strategies do not change the overall liability of property owners, but instead require an additional process to ensure ongoing clarity about financial obligations for the roadways.

Finally, staff is recommending the addition of Policy 12.1.7 to address increasing pressures on the transportation network for recreation and tourism uses and activities. The Transportation Systems Plan has limited information on multi-modal recreation travel and in order to appropriately plan for and

mitigate impacts, it is necessary complete more extensive analysis and coordinate with partners include the Wasco County Public Works Department and the Oregon Department of Transportation.

The overall format of the Chapter follows previous work with Wasco County 2040 and includes some new content like an overview, findings and references. These additions are meant to enhance the understanding of the audience about the importance of each goal and explain the history and planning process that went behind each policy and implementation piece. The public has continually expressed a desire for increased education about land use planning rules and regulations, and these additions are meant to create new insights into the relevance and importance of land use planning rules.

The proposed changes are in line with Goal 1, Citizen Involvement, and Goal 2, Land Use Planning. The proposed updates are in keeping with the Statewide Goal 12, particularly to minimize adverse social, economic and environmental impacts and costs. Proposed updates are based on factual information and public input, and are based on the public desire for increased transparency and clarity with the rules.

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

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

***a). Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);***

***b). Change standards implementing a functional classification system; or***

***c). As measured at the end of the planning period identified in the adopted transportation system plan:***

***(1) 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;***

***(2) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or***

***(3) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or Comprehensive Plan.***

**FINDING:** The proposed updates will not change the functional classification of an existing or planned transportation facility, change standards implementing a functional classification system or allow uses or development resulting in impacts to the transportation system.

Proposed revisions to Goal 12 do not have a direct or indirect impact on transportation facilities. An additional policy and a few strategies are recommended additions for future updates to the Transportation System Plan but will not directly result in additional regulation. Coordination policy may result in internal Department processes, but will not otherwise impact the transportation system.

***f. Section J – Procedure for the Amendment Process***

- 1. A petition must be filed with the Planning Offices on forms prescribed by the Director of Planning.***
- 2. Notice of a proposed revision within, or to, the urban growth boundary will be given to the appropriate city at least thirty (30) days before the County public hearing.***
- 3. Notification of Hearing:***
  - (1) Notices of public hearings shall summarize the issues in an understandable and meaningful manner.***
  - (2) Notice of a legislative or judicial public hearing shall be given as prescribed in ORS 215.503. In any event, notice shall be given by publishing notice in newspapers of general circulation at least twenty (20) days, but not more than forty (40) days, prior to the date of the hearing.***
  - (3) A quorum of the Planning Commission must be present before a public hearing can be held. If the majority of the County Planning Commission present cannot agree on a proposed change, the Commission will hold another public hearing in an attempt to resolve the difference or send the proposed change to the County Governing Body with no recommendation.***
  - (4) After the public hearing, the Planning Commission shall recommend to the County Governing Body that the revision be granted or denied, and the facts and reasons supporting their decision. In all cases the Planning Commission shall enter findings based on the record before it to justify the decision. If the Planning Commission sends the proposed change with no recommendation, the findings shall reflect those items agreed upon and those items not agreed upon that resulted in no recommendation.***
  - (5) Upon receiving the Planning Commission's recommendation, the County Governing Body shall take such action as they deem appropriate. The County Governing Body may or may not hold a public hearing. In no event shall the County Governing Body approve the amendment until at least twenty (20) days have passed since the mailing of the recommendation to parties.***

**FINDING:** The Planning Department and the Planning Commission sought approval to revise the Comprehensive Plan through the Board of County Commissioners and the State Department of Land Conservation and Development (DLCD). DLCD approved Wasco County for Periodic Review on February 20, 2018.

The Periodic Review does not involve a modification or amendment to any of the urban growth boundaries and therefore no notices to Cities are required. Planning staff has contacted incorporated cities within Wasco County to solicit ongoing feedback and participation in Wasco County 2040.

Notices for all amendments are occurring in accordance with ORS 215.503. Section III of the staff report, above, details all the public noticing issued for this Periodic Review work task.

A quorum for this hearing was present to deliberate. By a vote of \_\_\_ to \_\_\_ the Planning Commission voted to recommend approval of the amendments in Work Task 12 to the Board of County Commissioners. The first hearing by the Board of County Commissioners will be held on June 5, 2019, 28 days following this hearing. Mailing of recommendation to parties will be sent on May 9, 2019, 26 days before the BOCC hearing.

#### ***Oregon Administrative Rule 660-025: Periodic Review***

##### ***Oregon Administrative Rule 660-0010: Purpose***

***The purpose of this division is to carry out the state policy outlined in ORS 197.010 and 197.628. This division is intended to implement provisions of ORS 197.626 through 197.651. The purpose for periodic review is to ensure that comprehensive plans and land use regulations remain in compliance with the statewide planning goals adopted pursuant to ORS 197.230, the commission's rules and applicable land use statutes. Periodic review also is intended to ensure that local government plans and regulations make adequate provision for economic development, needed housing, transportation, public facilities and services, and urbanization, and that local plans are coordinated as described in ORS 197.015(5). Periodic Review is a cooperative planning process that includes the state and its agencies, local governments, and other interested persons.***

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##### ***Oregon Administrative Rules 660-025-0130: Submission of Completed Work Task***

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

**FINDING:** A notice was sent to DLCD on March 1, 2019, consistent with requirements, to inform them of the proposed May 7, 2019 hearing and subsequent hearings to adopt Chapters related to Periodic Review work task 11. To date, staff has not received any oral or written comment or request for notification from the public on Work Task 11. At such a time when comment is received, that will be attached to the staff report and submitted to DLCD.

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

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

**\*\*\***

**FINDING:** The local record for Work Task 11 will not exceed 2,000 pages. Consistent with this requirement, submittal to DLCD will include the entire local record, including but not limited to the adopted ordinance and orders, studies, findings, staff reports, correspondence, hearing minutes, written testimony and evidence and any other relevant material.

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

## Attachment A

### Chapter 12 Proposed Amendments

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

**State of the Comprehensive Plan:**

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

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

## Chapter by Chapter Overview of Proposed Substantive Amendments:

### A. Chapter 12- Goal 12 Transportation

This new chapter maps to Goal 12 (Transportation) and includes an overview of Wasco County's Transportation System Plan (TSP), a brief overview of the goal's purpose in Wasco County, an excerpt of Oregon's Statewide Land Use Planning Goal 12, policies, implementation strategies for each policy, and a new findings and references section.

1. **Overview:** The overview briefly discusses transportation in Wasco County, with specific information on the nexus between the Comprehensive and Transportation System plans.
2. **TSP Overview:** Included is a more in depth overview of the Transportation System Plan and what is included in the guiding document.
3. **Excerpt of Statewide Planning Goal:** Excerpt from the Oregon Administrative Rules on Goal 12 that outlines for staff and public the purpose of Goal 12.
4. **Wasco County's Goal:** This maps directly to the State's Goal 12, and is has not been modified from existing broad goal.
5. **Photo:** A staff photo of a Wasco County road was included.
6. **Cross Reference:** A list of other goals that relate to Goal 12 was included for easy reference.
7. **Policies:** The existing plan has five policies. The recommendation is to keep the existing policies with some modifications and add an additional two policies to provide direction for a future TSP update.
  - a. Policy 1: No changes are recommended for this policy or implementation strategies.
  - b. Policy 2: No changes are recommended for this policy or implementation strategies.
  - c. Policy 3: Current policy is *"Provide a multi-modal transportation system that permits the safe and efficient transport of goods and people."* Staff is not currently recommending any modification to this policy. The following changes are proposed for the implementation strategy 1:



- (1) Implementation Strategy “a.” is recommending a modification to the strategy to remove references to Transit partners, some of which are no longer relevant, and replace with more generic language to ensure continuing relevance. The new strategy reads: *“Continue to support the development of public transit opportunities through coordination and collaboration with regional transit authorities and networks.”*
- d. Policy 4: No changes are recommended for this policy or implementation strategies.
- e. Policy 5: Current policy is *“Maintain the safety, physical integrity, and function of the County transportation network.”* Staff is not recommending and changes to the policy. The following changes are proposed for the implementation strategies for Policy 4:
- (1) Implementation Strategy “a.” No change is being recommended.
  - (2) Implementation Strategy “b.” reads *“Maintain long term County Road Fund stability”*. Staff is proposing removing this strategy and revising it in the TSP as this is not under the purview of the land use planning program. The County Roadmaster was consulted and supported removal of references to funding.
  - (3) Implementation Strategy “c.” reads *“Evaluate new innovative funding sources for transportation improvements, such as a road fund serial levy, road utility fee, and/or a county gas tax.”* Staff is proposing removing this strategy and revising it in the TSP as this is not under the purview of the land use planning program. The County Roadmaster was consulted and supported removal of references to funding.
  - (4) Implementation Strategy “d.” reads *“Explore the potential cost savings of revising operational or maintenance standards.”* Staff is proposing removing this strategy and revising it in the TSP as this is not under the purview of the land use planning program. The County Roadmaster was consulted and supported removal of references to funding.
  - (5) Implementation Strategy “e.” reads *“Advocate for flexibility in the use of federal timber receipts so that the county is not exposed to dramatic declines in this funding source.”* Staff is proposing removing this strategy and revising it in the TSP as this is not under the purview of the land use planning program. The County Roadmaster was consulted and supported removal of references to funding.
  - (6) Implementation Strategy “f.” will become “b.”
  - (7) Implementation Strategy “c.” A new strategy, based on feedback from the public is proposed to read: *“Coordinate with the Public Works Department on activity in the ROW and road permits that impact regional travel or property owners.”* During Wasco County 2040 events and through comments, community members requested increased outreach about events, like cycling competitions or car shows, that may have an impact on agricultural or residential transportation. Because the permits

for these types of activities are approved by the Public Works Department, the Planning Department is requesting coordination so that staff may help alert residents, through ordinary channels, about events and activities, including the website.

- f. Policy 6: A new policy is proposed: *“Ensure transparency of infrastructure requirements and ongoing costs for future development.”* This policy is based on input from the public and the Wasco County Roadmaster. The goal of the policy is increased transparency about costs related to development, including private road development and maintenance, which is the responsibility of property owners who use the road for access.
  - (1) Implementation Strategy “a.” Proposed language is meant to further guide permitting requirements, including conditions of approval, to secure funding agreements for road development and maintenance. It reads: *“A waiver of remonstrance for future road improvements may be required to be recorded with the County Clerk’s office at the time of partition, subdivision or planned unit development application approval.”*
  - (2) Implementation Strategy “b.” Proposed language is meant to further guide permitting requirements, including conditions of approval, to secure funding agreements for road development and maintenance. It reads: *“A restrictive covenant agreement requiring acknowledgment of improvement and maintenance costs for local access roads will be required to be recorded with the County Clerk’s office at the time of partition, subdivision or planned unit development application approval.”*
- g. Policy 7: A new policy is proposed: *“Future updates to the Transportation System Plan should include recreational development and impact to the transportation network.”*
  - (1) Implementation Strategy “a.” Proposed language is meant to further guide updates to the TSP with respect to recreational and tourism activities. It reads: *“Increased demand for recreational uses and expansion of recreational facilities within the transportation network should be incorporated into analysis for the Transportation Systems Plan.”*
  - (2) Implementation Strategy “b” states “The concept of recreational/tourism corridors for development should be explored.” Much of the interest for recreational activity is concentrated in a few key locations in Wasco County. Citizens have also expressed significant concerns about locating uses and activities in areas of high traffic commercial agricultural as it creates dangerous driving conditions and other types of conflict, including parking on private property and increased human waste on right of ways and private property. This strategy promotes the idea of designating recreational/tourism corridors and developing additional rules or procedures to address concerns and reduce conflict.
  - (3) Implementation strategy “c” promotes coordination with partners to address recreational transportation issues, including impacts to public facilities and services like

emergency services, public sanitation, and parking. The strategy also aims to improve connectivity by working with those partners impacted by planning efforts. The proposed language read: "Staff shall coordinate with ODOT and Public Works to ensure recreational connectivity and a balance between recreation and impacts to public facilities, services and adjacent land uses."

8. **Findings and References:** To help provide some information about each of the policies, as well as some history, findings and references are provided at the end of the chapter. These references cite sources from text. Findings provide additional context for some of the policies and implementation strategies. The references list a variety of external plans and reports that are useful, not only in giving context to the policies, but also for research or reference for current planning.

# Goal 12

# Transportation

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# Goal12

## Transportation

### Overview

The Wasco County Transportation System Plan (TSP) was adopted in 2009 with the participation of the Oregon Department of Transportation (ODOT) and the Wasco County Public Works Department. The TSP guides the management and development of transportation facilities within Wasco County. Wasco County had addressed transportation through coordination with the Oregon Department of Transportation (ODOT) and the implementation of its Transportation System Plan (TSP) since its adoption in 2009. The TSP Details the management and development of transportation facilities within Wasco County, while remaining consistent with state and local plans and policies. The TSP is consistent with Oregon Revised Statute (ORS) 197.12 and the Department of Land Conservation and Development (DLCD) administrative, the Transportation Planning Rule (TPR).

Five of the policies in this plan are extracted from the TSP, with modifications made during the Wasco County 2040 process to reflect changes in conditions and funding. An additional policy has been added to recommend strategic updates to the TSP based on current and projected projects and conditions.

### TSP Overview

The 2009 Transportation Systems Plan - identified four guiding goals for the development of the transportation system in Wasco County. These were: mobility and connectivity; safety; -multi-modal users; and environment.

Objectives for each of the goals offer strong support for Wasco County land use planning policy. The plan also provides specific transportation system improvement projects for the short and long term.

Funding for infrastructure projects has been the most difficult challenge for transportation goals since the transfer payments, based on logging, were phased out in 2013. Transfer payments were the Road Fund's primary revenue source prior to 2013. Reductions in staff and services were of the results of the shortfall in funding.

Beyond roadways, transportation in Wasco County also includes freight/rail, air, marine, ~~and~~ pedestrian/bicycle transit and pipeline and transmission system.

Mass transit resources are currently managed by the Mid-Columbia Economic Development District.

The Planning Department works with local, regional and state wide transportation partners to ensure development is consistent with the Transportation Systems Plan and Goal 12.

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Wasco County Goal

Statewide Planning  
Goal 12

To provide and encourage  
a safe, convenient, and  
economic transportation  
system.

A transportation plan shall:

- 1. Consider all modes of transportation, including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian;
- 2. Be based upon inventory of local, regional, and state transportation needs;
- 3. Consider the differences in social consequences that would results from utilizing differing combinations of transportation modes;
- 4. Avoid principal reliance upon any one mode of transportation;
- 5. Minimize adverse social, economic, and environmental impacts and costs;
- 6. Conserve energy;
- 7. Meet the needs of the transportation disadvantaged by improving transportation services;
- 8. Facilitate the flow of goods and services so as to strengthen the local and regional economy; and
- 9. Conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.

Excerpt from  
OAR 660-015-0000(12)

Cross-Reference

Additional policies related to  
this goal: [Goal 2](#), [Goal 6](#),  
[Goal 8](#)

Transportation

To provide and encourage a safe, convenient and economic  
transportation system.



Road in Wasco County (8/14/2017)

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## Policies

**12.1.1** Plan for and maintain an interconnected system of roads that will link communities for all users and that will provide for the existing and future needs for transportation of goods and people in the region.

### Implementation for Policy 12.1.1:

- a. Promote and maintain an integrated and linked network of collector and local streets that minimizes travel distances.
- b. When traffic levels warrant it, develop a County arterial system that facilitates efficient and safe transportation of goods and people in the region.
- c. Maintain roadway performance standards for the efficient movement of people and goods.
- d. Coordinate with ODOT in identifying improvement and maintenance needs for the existing rural arterial system (i.e., state highways).

**12.1.2** Provide a transportation system that promotes the safety of current and future travel models for all users.

### Implementation for Policy 12.1.2:

- a. Continue to work with ODOT to identify and implement measures that will reduce the incidence and severity of motor vehicle crashes on roadway segments that exceeded the average statewide crash rate and/or other safety performance measures used by the county.
- b. Provide a transportation system that allows for adequate emergency vehicle access to all land uses.
- c. Promote railroad at grade crossing elimination, consolidation whenever possible.
- d. Develop access management standards for all county road facilities and implement these standards through the development approval process and as part of public improvement projects.

## 12.1 Policies

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**12.1.3** Provide a multimodal transportation system that permits the safe and efficient transport of goods and people.

**Implementation for Policy 12.1.3:**

- a. Continue to support the development of public transit opportunities through coordination and collaboration with the Transportation Network, Gorge TransLink, and the Hood River County Transportation District regional transit authorities and networks.
- b. Promote an interconnected network of bicycle and pedestrian facilities throughout the County, including parallel routes to Interstate 84.
- c. Consider bicycle and pedestrian facilities needed during construction of new roads and during upgrades of existing roads.
- d. Support the development of recreational bicycling and hiking facilities.

**12.1.4** Provide a transportation system that balances transportation services with the need to protect the environment.

**Implementation for Policy 12.1.4:**

- a. Develop and support a multi-modal transportation system that avoids reliance upon one form of transportation as well as minimizes energy consumption and air quality impacts.
- b. Encourage development patterns that decrease reliance on motor vehicles.
- c. Design new and improved transportation facilities to minimize impacts on the natural environment.

**12.1.5** Maintain the safety, physical integrity, and function of the County transportation network.

**Implementation for Policy 12.1.5:**

- a. Continue and enhance the partnering relationships with local jurisdictions, the Confederated Tribes of Warm Springs, and the Oregon Department of Transportation to provide a



comprehensive, safe, and efficient transportation system throughout the County.

- ~~b. Maintain long-term County Road Fund stability.~~
- ~~c. Evaluate new innovative funding sources for transportation improvements, such as a road fund serial levy, road utility fee, and/or a county gas tax.~~
- ~~d. Explore the potential cost savings of revising operational or maintenance standards.~~
- ~~e. Advocate for flexibility in the use of federal timber receipts so that the county is not exposed to dramatic declines in this funding source.~~

- b. Ensure that the existing transportation network is conserved through maintenance and preservation.
- c. Coordinate with the Public Works Department on activity in the ROW and road permits that impact regional travel or property owners.

12.1.6 Ensure transparency of infrastructure requirements and ongoing costs for future development.

**Implementation for Policy 12.1.6:**

- a. A waiver of remonstrance for future road improvements may be required to be recorded with the County Clerk's office at the time of partition, subdivision or planned unit development application approval.
- b. A restrictive covenant agreement requiring acknowledgment of improvement and maintenance costs for local access roads will be required to be recorded with the County Clerk's office at the time of partition, subdivision or planned unit development application approval.

12.1.7 Future updates to the Transportation System Plan should include recreational development and impact to the transportation network.

**Implementation for Policy 12.1.7:**

- a. Increased demand for recreational uses and expansion of recreational facilities within the transportation network

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should be incorporated into analysis for the Transportation Systems Plan.

- b. The concept of recreational/tourism corridors for development should be explored.
- c. Staff shall coordinate with ODOT and Public Works to ensure recreational connectivity and a balance between recreation and impacts to public facilities, services and adjacent land uses.

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# Goal 12

## Findings and References

**1.1.a** Policies 1-5 and the supporting implementation strategies were identified during the 2009 Wasco County Transportation Systems Plan (TSP) planning process. These policies directly map to the TSP goals.

**1.1.b** The Wasco County TSP was developed by reviewing relevant transportation plans and policies to ensure consistency, providing public open houses to provide information and opportunities for public input, identifying a detailed inventory of existing facilities and services and addressing future transportation needs.

**1.1.c** OAR 660-015-0000(12) require TSP and Comprehensive Plans be revised concurrently. The transportation portion of the Comprehensive Plan was revised in 2009, concurrently with the TSP process.

**1.1.d** At the time of Wasco County 2040 adoption, Mid-Columbia Economic Development District operates the LINK public transit system and works with the regional transit alliance to provide transit opportunities to residents.

**1.1.a.1.1.e**

### References

Oregon Department of Land Conservation and Development. *Goal 10: Housing*. Oregon’s Statewide Planning Goals and Guidelines.

Wasco County Planning Department (2009). *Buildable Lands Survey*. (2009)

Wasco County Planning Department (1983). *Wasco Co-unity Comprehensive Plan* (1983)

Mid-Columbia Economic Development (2018). *Columbia Gorge Economic Development Strategy 2017-2022* (Updated March 2018 version)

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# Goal12

## Transportation

### Overview

The Wasco County Transportation System Plan (TSP) was adopted in 2009 with the participation of the Oregon Department of Transportation (ODOT) and the Wasco County Public Works Department. The TSP guides the management and development of transportation facilities within Wasco County. The TSP is consistent with Oregon Revised Statute (ORS) 197.12 and the Department of Land Conservation and Development (DLCD) administrative, the Transportation Planning Rule (TPR).

Five of the policies in this plan are extracted from the TSP, with modifications made during the Wasco County 2040 process to reflect changes in conditions and funding. An additional policy has been added to recommend strategic updates to the TSP based on current and projected projects and conditions.

### TSP Overview

The 2009 Transportation Systems Plan identified four guiding goals for the development of the transportation system in Wasco County. These were: mobility and connectivity; safety; multi-modal users; and environment.

Objectives for each of the goals offer strong support for Wasco County land use planning policy. The plan also provides specific transportation system improvement projects for the short and long term.

Funding for infrastructure projects has been the most difficult challenge for transportation goals since the transfer payments, based on logging, were phased out in 2013. Transfer payments were the Road Fund's primary revenue source prior to 2013. Reductions in staff and services were of the results of the shortfall in funding.

Beyond roadways, transportation in Wasco County also includes freight/rail, air, marine, pedestrian/bicycle transit and pipeline and transmission system.

Mass transit resources are currently managed by the Mid-Columbia Economic Development District. The Planning Department works with local, regional and state wide transportation partners to ensure development is consistent with the Transportation Systems Plan and Goal 12.

## Statewide Planning Goal 12

**To provide and encourage a safe, convenient, and economic transportation system.**

A transportation plan shall:

1. Consider all modes of transportation, including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian;
  2. Be based upon inventory of local, regional, and state transportation needs;
  3. Consider the differences in social consequences that would result from utilizing differing combinations of transportation modes;
  4. Avoid principal reliance upon any one mode of transportation;
  5. Minimize adverse social, economic, and environmental impacts and costs;
  6. Conserve energy;
  7. Meet the needs of the transportation disadvantaged by improving transportation services;
  8. Facilitate the flow of goods and services so as to strengthen the local and regional economy; and
  9. Conform with local and regional comprehensive land use plans.
- Each plan shall include a provision for transportation as a key facility.

Excerpt from  
OAR 660-015-0000(12)

## Cross-Reference

Additional policies related to this goal: Goal 2, Goal 6, Goal 8

## Wasco County Goal

## Transportation

To provide and encourage a safe, convenient and economic transportation system.



*Road in Wasco County (8/14/2017)*

## Policies

**12.1.1** Plan for and maintain an interconnected system of roads that will link communities for all users and that will provide for the existing and future needs for transportation of goods and people in the region.

### Implementation for Policy 12.1.1:

- a. Promote and maintain an integrated and linked network of collector and local streets that minimizes travel distances.
- b. When traffic levels warrant it, develop a County arterial system that facilitates efficient and safe transportation of goods and people in the region.
- c. Maintain roadway performance standards for the efficient movement of people and goods.

Coordinate with ODOT in identifying improvement and maintenance needs for the existing rural arterial system (i.e., state highways).

**12.1.2** Provide a transportation system that promotes the safety of current and future travel models for all users.

### Implementation for Policy 12.1.2:

- a. Continue to work with ODOT to identify and implement measures that will reduce the incidence and severity of motor vehicle crashes on roadway segments that exceeded the average statewide crash rate and/or other safety performance measures used by the county.
- b. Provide a transportation system that allows for adequate emergency vehicle access to all land uses.
- c. Promote railroad at grade crossing elimination, consolidation whenever possible.
- d. Develop access management standards for all county road facilities and implement these standards through the development approval process and as part of public improvement projects.

## 12.1 Policies

**12.1.3** Provide a multimodal transportation system that permits the safe and efficient transport of goods and people.

**Implementation for Policy 12.1.3:**

- a. Continue to support the development of public transit opportunities through coordination and collaboration with regional transit authorities and networks.
- b. Promote an interconnected network of bicycle and pedestrian facilities throughout the County, including parallel routes to Interstate 84.
- c. Consider bicycle and pedestrian facilities needed during construction of new roads and during upgrades of existing roads.
- d. Support the development of recreational bicycling and hiking facilities.

**12.1.4** Provide a transportation system that balances transportation services with the need to protect the environment.

**Implementation for Policy 12.1.4:**

- a. Develop and support a multi-modal transportation system that avoids reliance upon one form of transportation as well as minimizes energy consumption and air quality impacts.
- b. Encourage development patterns that decrease reliance on motor vehicles.
- c. Design new and improved transportation facilities to minimize impacts on the natural environment.

**12.1.5** Maintain the safety, physical integrity, and function of the County transportation network.

**Implementation for Policy 12.1.5:**

- a. Continue and enhance the partnering relationships with local jurisdictions, the Confederated Tribes of Warm Springs, and the Oregon Department of Transportation to provide a comprehensive, safe, and efficient transportation system

throughout the County.

- b. Ensure that the existing transportation network is conserved through maintenance and preservation.
- c. Coordinate with the Public Works Department on activity in the ROW and road permits that impact regional travel or property owners.

**12.1.6** Ensure transparency of infrastructure requirements and ongoing costs for future development.

**Implementation for Policy 12.1.6:**

- a. A waiver of remonstrance for future road improvements may be required to be recorded with the County Clerk's office at the time of partition, subdivision or planned unit development application approval.
- b. A restrictive covenant agreement requiring acknowledgment of improvement and maintenance costs for local access roads will be required to be recorded with the County Clerk's office at the time of partition, subdivision or planned unit development application approval.

**12.1.7** Future updates to the Transportation System Plan should include recreational development and impact to the transportation network.

**Implementation for Policy 12.1.7:**

- a. Increased demand for recreational uses and expansion of recreational facilities within the transportation network should be incorporated into analysis for the Transportation Systems Plan.
- b. The concept of recreational/tourism corridors for development should be explored.
- c. Staff shall coordinate with ODOT and Public Works to ensure recreational connectivity and a balance between recreation and impacts to public facilities, services and adjacent land uses.



# Goal 12

## Findings and References

**12.1.a** Policies 1-5 and the supporting implementation strategies were identified during the 2009 Wasco County Transportation Systems Plan (TSP) planning process. These policies directly map to the TSP goals .

**12.1.b** The Wasco County TSP was developed by reviewing relevant transportation plans and policies to ensure consistency, providing public open houses to provide information and opportunities for public input, identifying a detailed inventory of existing facilities and services and addressing future transportation needs.

**12.1.c** OAR 660-015-0000(12) require TSP and Comprehensive Plans be revised concurrently. The transportation portion of the Comprehensive Plan was revised in 2009, concurrently with the TSP process.

**12.1.d** At the time of Wasco County 2040 adoption, Mid-Columbia Economic Development District operates the LINK public transit system and works with the regional transit alliance to provide transit opportunities to residents.

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Wasco County Planning Department (1983). *Wasco County Comprehensive Plan*

Mid-Columbia Economic Development (2018). *Columbia Gorge Economic Development Strategy 2017-2022*

## **Goal 12**

# **Transportation**

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# Goal12

## Transportation

### Overview

The Wasco County Transportation System Plan (TSP) was adopted in 2009 with the participation of the Oregon Department of Transportation (ODOT) and the Wasco County Public Works Department. The TSP guides the management and development of transportation facilities within Wasco County. The TSP is consistent with Oregon Revised Statute (ORS) 197.12 and the Department of Land Conservation and Development (DLCD) administrative, the Transportation Planning Rule (TPR).

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A transportation plan shall:

1. Consider all modes of transportation, including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian;
2. Be based upon inventory of local, regional, and state transportation needs;
3. Consider the differences in social consequences that would result from utilizing differing combinations of transportation modes;
4. Avoid principal reliance upon any one mode of transportation;
5. Minimize adverse social, economic, and environmental impacts and costs;
6. Conserve energy;
7. Meet the needs of the transportation disadvantaged by improving transportation services;
8. Facilitate the flow of goods and services so as to strengthen the local and regional economy; and
9. Conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.

Excerpt from  
OAR 660-015-0000(12)

## Cross-Reference

Additional policies related to this goal: Goal 2, Goal 6, Goal 8

## Wasco County Goal

## Transportation

To provide and encourage a safe, convenient and economic transportation system.



*Road in Wasco County (8/14/2017)*

## 12.1 Policies

**12.1.1** Plan for and maintain an interconnected system of roads that will link communities for all users and that will provide for the existing and future needs for transportation of goods and people in the region.

**Implementation for Policy 12.1.1:**

- a. Promote and maintain an integrated and linked network of collector and local streets that minimizes travel distances.
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- c. Maintain roadway performance standards for the efficient movement of people and goods.

Coordinate with ODOT in identifying improvement and maintenance needs for the existing rural arterial system (i.e., state highways).

**12.1.2** Provide a transportation system that promotes the safety of current and future travel models for all users.

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- a. Continue to work with ODOT to identify and implement measures that will reduce the incidence and severity of motor vehicle crashes on roadway segments that exceeded the average statewide crash rate and/or other safety performance measures used by the county.
- b. Provide a transportation system that allows for adequate emergency vehicle access to all land uses.
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- a. Continue to support the development of public transit opportunities through coordination and collaboration with regional transit authorities and networks.
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**Implementation for Policy 12.1.4:**

- a. Develop and support a multi-modal transportation system that avoids reliance upon one form of transportation as well as minimizes energy consumption and air quality impacts.
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- a. Continue and enhance the partnering relationships with local jurisdictions, the Confederated Tribes of Warm Springs, and the Oregon Department of Transportation to provide a comprehensive, safe, and efficient transportation system

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**Implementation for Policy 12.1.7:**

- a. Increased demand for recreational uses and expansion of recreational facilities within the transportation network should be incorporated into analysis for the Transportation Systems Plan.
- b. The concept of recreational/tourism corridors for development should be explored.
- c. Staff shall coordinate with ODOT and Public Works to ensure recreational connectivity and a balance between recreation and impacts to public facilities, services and adjacent land uses.

# Goal 12

## Findings and References

**12.1.a** Policies 1-5 and the supporting implementation strategies were identified during the 2009 Wasco County Transportation Systems Plan (TSP) planning process. These policies directly map to the TSP goals .

**12.1.b** The Wasco County TSP was developed by reviewing relevant transportation plans and policies to ensure consistency, providing public open houses to provide information and opportunities for public input, identifying a detailed inventory of existing facilities and services and addressing future transportation needs.

**12.1.c** OAR 660-015-0000(12) require TSP and Comprehensive Plans be revised concurrently. The transportation portion of the Comprehensive Plan was revised in 2009, concurrently with the TSP process.

**12.1.d** At the time of Wasco County 2040 adoption, Mid-Columbia Economic Development District operates the LINK public transit system and works with the regional transit alliance to provide transit opportunities to residents.

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Wasco County Planning Department (1983). *Wasco County Comprehensive Plan*

Mid-Columbia Economic Development (2018). *Columbia Gorge Economic Development Strategy 2017-2022*





IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

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IN AND FOR THE COUNTY OF WASCO

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IN THE MATTER OF THE WASCO COUNTY PLANNING COMMISSION'S REQUEST TO APPROVE PROPOSED PERIODIC REVIEW LEGISLATIVE AMENDMENTS TO UPDATE THE COMPREHENSIVE PLAN RELATED TO LAND USE PLANNING GOALS 5 AND 12 IN CHAPTERS 5 and 12 OF WASCO COUNTY 2040, THE COMPREHENSIVE PLAN (FILE NUMBERS 921-18-000109, 921-18-000215)

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**ORDINANCE # 19-004**

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

WHEREAS, the Wasco County Planning Commission and the Wasco County Board of Commissioners directed the Wasco County Planning Department to pursue Voluntary Periodic Review to update the Wasco County Comprehensive Plan on 5 October 2016; and

WHEREAS, Wasco County entered Periodic Review on 20 February 2018 with approval from the Department of Land Conservation and Development's (DLCD) approval of a work plan; and

WHEREAS, the ninth task on the work plan was to make amendments to Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) to make the language consistent with current Wasco County Planning Department practice and state law and reformat the language in to the new Wasco County 2040 (Comprehensive Plan) format; and

WHEREAS, the ninth task on the work plan was to make amendments to update the aggregate and historic inventories in the Comprehensive Plan; also

WHEREAS, the eleventh task on the work plan was to make amendments to Goal 12 (Transportation) to make the language consistent with current Wasco County Planning Department practice and state law and reformat the language into to the new Wasco County 2040 format; and

WHEREAS, the eleventh task on the work plan was to update transportation policies to be consistent with current practice; and

WHEREAS, each Periodic Review task is approved and submitted to DLCD after completion for acknowledgment; and

WHEREAS, the Wasco County Planning Department sent notification to DLCD pursuant to ORS 197.610 on 28 September 2018; and

WHEREAS, all property owners were sent notice of proposed Periodic Review update to the Comprehensive Plan in March 2017; and

WHEREAS, that on 7 May 2019, at the hour of 3:00 PM in the lower level classroom at The Discovery Center the Wasco County Planning Commission held the first legally notified public hearing to review recommendations by staff and the advisory group, background information, and receive public testimony on work tasks 9, and 11. The Planning Commission then closed the public hearing and with a vote of 4 to 0, with three members absent, recommended approval to the Wasco County Board of Commissioners; and

WHEREAS, that on 5 June 2019 at the hour of 9:30 AM at the Wasco County Courtroom #302, located at 511 Washington St, The Dalles, Oregon, the Wasco County Board of Commissioners met to conduct the first of two legally notified public hearings on the above matter. The Board of County Commissioners reviewed recommendations by the Wasco County Planning Commission, staff's presentation, and received testimony from the public. The Board of County Commissioners tentatively approved the amendments; and

WHEREAS, that on 19 June 2019 at the hour of 9:30 AM at the Wasco County Courtroom #302, located at 511 Washington St, The Dalles, Oregon, the Wasco County Board of Commissioners met to conduct the second of two legally notified public hearings on the above matter. The Board of County Commissioners reviewed recommendations by the Wasco County Planning Commission, staff's presentation, and received testimony from the public. The Board of County Commissioners, by a vote of \_\_ to \_\_, approved the amendments and conducted the second reading, recommending submittal to DLCD; and

NOW, THEREFORE, IT IS HEREBY ORDERED: That the request by the Wasco County Planning Department for a legislative amendment to the Wasco County Comprehensive Plan, to be renamed Wasco County 2040, in conjunction with Periodic Review work plan tasks 9 and 11 is hereby approved; and

WHEREAS, Pursuant to Oregon Administrative Rules 660-025-0130, submission of a completed work task is required to DLCD for acknowledgment as part of Periodic Review, and once the work tasks are acknowledged they will be effective.

DATED this 3<sup>rd</sup> day of July, 2019.

**APPROVED AS TO FORM:**

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Brad Timmons, County Counsel

**WASCO COUNTY BOARD OF COMMISSIONERS:**

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Steve D. Kramer, Commission Chair

**ATTEST:**

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Scott Hege, Vice-Chair

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Kathy White, Executive Assistant

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Kathy Schwartz, County Commissioner



## AGENDA ITEM

### Road Vacation Hearing

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[STAFF MEMO](#)

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[ROAD MASTER'S REPORT](#)

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[VACATION PETITION](#)

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[ORDER 19-078 VACATING ROADS AND SECTIONS OF ROADS IN TYGH VALLEY](#)

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[MOTION LANGUAGE](#)

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## MEMORANDUM

**SUBJECT:** IGA for the Provision of Criminal Prosecution Services

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**TO:** BOARD OF COUNTY COMMISSIONERS

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**FROM:** KATHY WHITE

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**DATE:** 5/28/2019

### **BACKGROUND INFORMATION:**

At the April 17, 2019 Session of the Board of County Commissioners, Public Works Director Arthur Smith brought forward a petition to vacate certain roads and sections of road in Tygh Valley. During that session, Mr. Smith explained that according to statute, if less than 100% of the adjacent landowners sign the petition, there must be a hearing to complete the process. The Board directed staff to set a hearing for May 15, 2019; however, noticing could not be completed in time for that date and a hearing was set for the June 5, 2019 session.

IN THE BOARD OF COMMISSIONERS

OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE PROPOSED )  
VACATION OF CERTAIN ROADS AND )  
SECTIONS OF ROADS IN TYGH )  
VALLEY, OREGON )

REPORT OF PUBLIC WORKS  
DIRECTOR

TO THE HONORABLE BOARD OF COMMISSIONERS OF WASCO COUNTY,  
OREGON:

In compliance with the Order of the Board of Commissioners dated February 7, 2019  
I have investigated the Public Roads as follows:

#### LEGAL DESCRIPTION

A portion of Lawrence Avenue (60 feet in width) from the North line of Lot 8 - Block 24,  
(Third Street) to Fourth Street;

Leonard Avenue (60 feet in width) between Block 23 and 22, from (Third Street) to  
Fourth Street and Leonard Avenue (60 feet in width) West of Block 27, from Fourth  
Street to Fifth Street;

A portion of Church Avenue (60 feet in width) from between the South line of Lot 1 –  
Block 27 and the South line of Lot 8 – Block 28, to Fifth Street;

A portion of Fourth Street (50 feet in width) between Church Avenue and Leonard  
Avenue and Fourth Street (50 feet in width) from Leonard Avenue to Lawrence Avenue,  
excepting that road section between Lot 5 - Block 23 and Lot 4 - Block 24, along the  
South line of St Charles Avenue;

Fifth Street (50 feet in width), between the South line of Lot 4 – Block 28 (French  
Avenue) and Leonard Avenue;

All lying within the Plat of Tygh Valley, located in Section 10 BB, Township 4 South,  
Range 13 East, Willamette Meridian.

Attached hereto, and by this reference made a part hereof, is a map with photos marked as Exhibit "A" showing the location of the above described roads and sections of road.

## **Background**

The petitioner owns all the land within the sections of the right-of-way, but not all of the adjoining property. The petitioner wishes to vacate because these road rights-of-way have never been developed to date, the roads as laid out in the original 1892 plat are not all necessary and the petitioner wishes to develop and re-configure the lot sizes.

If the roads and road sections within Tygh Valley were vacated, each landowner is still guaranteed access.

Note: The adjoining property south of this land is owned by Hal Lindell. The petitioner modified their original request to ensure that Mr. Lindell would have legal access if he were to ever develop or divide his property. It is my understanding that Mr. Lindell is not totally in favor of this request, although the petitioner spent a great deal of time and effort to work with him.

## **Facts and Findings**

The right-of-way proposed for vacation is not developed and all current landowners would still have good and clear access without them. The proposed vacation and associated development still guarantees access to all adjoining property. The County has no current or future road needs for this right-of-way. To my knowledge, there are no public utilities located in the right-of-way proposed for vacation.

## **Fiscal Impact**

The right-of-way would revert to private ownership and onto the tax rolls. The County does not maintain this right-of-way now, so vacation would have no fiscal impact to the Public Works Department.

## **Recommendation**

Per ORS 368.346, because less than 100% of the adjacent landowners have petitioned, notice must be given to owners of abutting land and a hearing must be held to consider the proposed vacation.

Dated this 17<sup>th</sup> day of April, 2019

Arthur Smith  
Director, Wasco County Public Works





WASCO COUNTY  
OREGON  
established 1854

# Wasco County Base Map

Exhibit A

/// = Roads to Be Valuated

Find address or place





## PETITION

TO THE WASCO COUNTY BOARD OF COMMISSIONERS  
511 WASHINGTON STREET  
THE DALLES, OR 97058

LADIES/GENTLEMEN:

We, the following undersigned property owners of Wasco County, hereby petition you to vacate the following described portion of:

DESCRIPTION ALL OF 4TH & 5TH STREETS & LEONARD AS WELL AS  
PORTIONS OF LAWRENCE, ST. CHARLES & CHURCH AVE (SEE MAP).

Attached hereto and by this reference made a part hereof is a map marked Exhibit "A", which shows in detail the above described road or street.

REASON TO Roads are not necessary & land would be better used  
as larger parcels.

LIST OF ALL ABUTTING LANDOWNERS

ADDRESS

HAROLD LINDELL

80661 Friend Rd, Dufur, 97021

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_


\_\_\_\_\_

All petitioners must be owners of property abutting the road sought to be vacated. Each petitioner must attaché a signature page signed before a Notary. If 100% of the abutting landowners sign the petition, the road may be vacated without Public Hearing.

PETITIONED ROAD: 4TH, 5TH, Lawrence, St. Charles, Leonard, Church

NAME OF PETITIONER/ADDRESS

Coyote Ridge Properties, LLC  
57589 Church Ave  
Tygh Valley OR 97063

  
Signature Howard McClung  
X

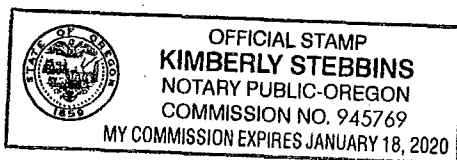
STATE OF Oregon

COUNTY OF Wasco

DATE October 07<sup>th</sup> 2018

Personally appeared the above named Howard McClung, Melissa McClung & David Colburn  
and acknowledged the foregoing instrument to be a voluntary act and deed. Before me:

Kimberly Stebbins



Notary Public for Oregon (State)

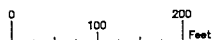
My Commission Expires: January 18, 2020

Note: If ownership is jointly held, simply add another signature line.

# EXHIBIT A

## COYOTE RIDGE

DEED DOCUMENT 2018-000877  
BLOCKS 21, 22, 23, 24, 27, AND 28 OF TYGH PROPER ALONG WITH  
VACATED PORTIONS OF THIRD STREET AND FRENCH AVENUE  
SECTION 10, TOWNSHIP 4 SOUTH, RANGE 13 EAST, WILLAMETTE MERIDIAN,  
COUNTY OF WASCO, STATE OF OREGON



SCALE: 1" = 100'

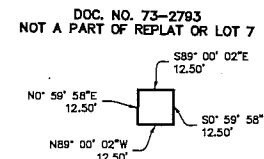
APPLICANT: DAVID COLBURN  
57589 CHURCH AVE  
TYGH VALLEY, OR 97063

PROPERTY OWNER: COYOTE RIDGE PROPERTIES, LLC  
PLANNING DEPARTMENT FILE NO. 921-18-000088-PLNG  
TAX LOT: 45 13E 10BB 1700, ACCT# 10658

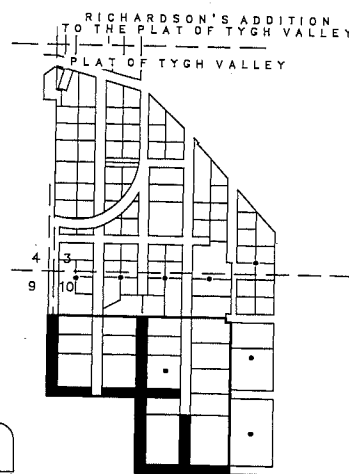
## LEGAL DESCRIPTION:

A TRACT OF LAND LYING IN THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 13 EAST, WILLAMETTE MERIDIAN, COUNTY OF WASCO, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE BRASS CAP AT THE NORTHWEST CORNER OF SAID SECTION 10;  
THENCE WEST ALONG THE NORTH LINE OF SECTION 9, TOWNSHIP 4 SOUTH, RANGE 13 EAST, WILLAMETTE MERIDIAN, NORTH 89°02'49" WEST 30 FEET TO THE WEST RIGHT OF WAY LINE OF LAWRENCE AVENUE, SAID POINT BEING ON THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DOC. NO. 2017-04574, WASCO COUNTY DEED RECORDS;  
THENCE SOUTH ALONG SAID NORTHEAST CORNER EAST DEED LINE SOUTH 0°57'11" WEST 255 FEET MORE OR LESS TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE VACATED PORTION OF THIRD STREET; SAID POINT BEING THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING SOUTH 0°57'11" WEST 475.00 FEET ALONG SAID EAST DEED LINE TO THE EASTERNMOST NORTH LINE OF SAID DOC. NO. 2017-04574;  
THENCE SOUTH 89°02'49" EAST 520 FEET ALONG SAID EASTERNMOST NORTH DEED LINE, SAID LINE ALSO BEING THE SOUTH LINE OF THE TO BE VACATED PORTION OF FOURTH STREET TO THE WEST RIGHT OF WAY LINE OF THE TO BE VACATED PORTION OF LEONARD AVENUE;  
THENCE SOUTH 0°57'11" WEST 450.00 FEET ALONG SAID WEST RIGHT OF WAY LINE OF LEONARD AVENUE TO THE SOUTH RIGHT OF WAY LINE OF FIFTH STREET;  
THENCE SOUTH 89°02'49" EAST 550.00 FEET ALONG SAID SOUTH RIGHT OF WAY LINE OF FIFTH STREET TO THE SOUTHEAST CORNER OF THE WEST HALF OF THE VACATED PORTION OF FRENCH AVENUE;  
THENCE NORTH 0°57'11" EAST 900.17 FEET ALONG THE EAST LINE OF THE WEST HALF OF THE VACATED PORTION OF FRENCH AVENUE TO THE NORTHWEST CORNER OF DOCUMENT NO. 2018-003238, WASCO COUNTY DEED RECORDS;  
THENCE NORTH 89°02'49" WEST 30.00 FEET TO THE EAST LINE OF BLOCK 21, PLAT OF TYGH, WASCO COUNTY SURVEY RECORDS;  
THENCE NORTH 0°57'11" EAST 25.00 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE VACATED PORTION OF THIRD STREET;  
THENCE NORTH 89°02'49" WEST 1039.93 FEET MORE OR LESS ALONG THE NORTH LINE OF THE SOUTH HALF OF THE VACATED PORTION OF THIRD STREET TO SAID POINT OF BEGINNING.  
CONTAINING 17.33 ACRES MORE OR LESS. ACREAGE INCLUDES FUTURE VACATED PORTIONS OF PUBLIC ROADWAYS.

## DETAIL SCALE 1"=30'

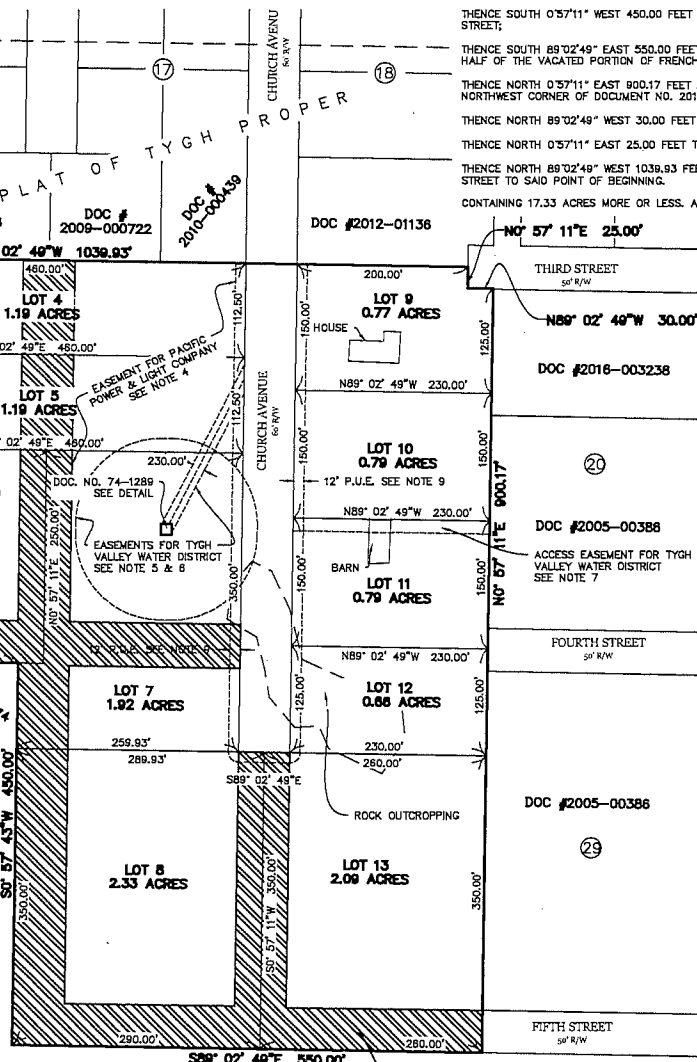


## VICINITY MAP



## NOTES

1. ZONING: TYGH VALLEY- RESIDENTIAL (TV-R)  
COMPREHENSIVE PLAN DESIGNATION: RURAL SERVICE CENTER
2. SUBSURFACE SEWAGE DISPOSAL IS REQUIRED FOR ALL PARCELS. NO INVESTIGATION HAS BEEN MADE OF THE SUITABILITY OF ANY GIVEN PARCEL BY AN AUTHORIZED REPRESENTATIVE OF DEQ. NO WARRANTY IS MADE THAT ANY PARCEL WILL BE USABLE FOR SUBSURFACE SEWAGE DISPOSAL.
3. WATER SUPPLY PROVIDED BY TYGH VALLEY WATER DEPARTMENT
4. THIS PROPOSED PLAT IS SUBJECT TO A RIGHT-OF-WAY EASEMENT FOR AN ELECTRIC TRANSMISSION AND DISTRIBUTION LINE OF ONE OR MORE WIRES AND ALL NECESSARY OR DESIRABLE APPURTENANCES TO PACIFIC POWER AND LIGHT COMPANY. THIS EASEMENT COVERS ALL OF LOTS 1 THROUGH 8 OF BLOCK 22, PLAT OF TYGH VALLEY PER DOCUMENT NUMBER 73-2793, WASCO COUNTY RECORDS.
5. THIS PROPOSED PLAT IS SUBJECT TO A 100 FOOT NO-SEWAGE DRAINFIELD EASEMENT AROUND THE TRACT OF LAND DESCRIBED DOCUMENT NUMBER 74-1289, WASCO COUNTY RECORDS, FOR THE BENEFIT OF TYGH VALLEY WATER DISTRICT, PER SAID DOCUMENT NUMBER.
6. THIS PROPOSED PLAT IS SUBJECT TO A 15 FOOT WOE WATER LINE EASEMENT FOR THE BENEFIT OF TYGH VALLEY WATER DISTRICT PER DOCUMENT NUMBER 74-1289, WASCO COUNTY RECORDS.
7. THIS PROPOSED PLAT IS SUBJECT TO A 10 FOOT WOE CONSTRUCTION, MAINTENANCE, AND ACCESS EASEMENT FOR THE BENEFIT OF TYGH VALLEY WATER DISTRICT PER DOCUMENT NUMBER 82-1992, WASCO COUNTY RECORDS.
8. ALL PROPOSED LOTS ARE WITHIN THE GEOLOGIC HAZARD OVERLAY (EPO-2), AND ANY FUTURE DEVELOPMENT WILL REQUIRE A WRITTEN REPORT TO BE COMPLETED BY AN ENGINEERING GEOLOGIST OR AN ENGINEER WHO CERTIFIES HE/SHE IS QUALIFIED TO EVALUATE SOILS FOR SUITABILITY.
9. THE PROPOSED PLAT IS SUBJECT TO A 12 FOOT WOE PUBLIC UTILITY EASEMENT (P.U.E.) ALONG THE FRONTAGE OF ST. CHARLES AVENUE AND CHURCH AVENUE AS SHOWN.



HATCHED AREA REPRESENTS  
VACATED RIGHT OF WAY

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
MAY 26, 2018  
SAMANTHA KAY TANNER  
90079

REVISIONS: 6/30/20  
FILE: 18012 Coyote Ridge  
12312D18.dwg  
PLOT DATE: 12/31/2018

FOR COYOTE RIDGE PROPERTIES  
45th PARALLEL GEOMATICS, LLC  
P.O. BOX 1863  
HOOO RIVER, OREGON 97031  
541-392-1157  
DATE: 12/31/2018 SHEET: 1 OF 1



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE VACATION OF CERTAIN ROADS AND SECTIONS OF ROADS IN TYGH VALLEY, OREGON

**ORDER #19-078**

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 Commissioners being present; and

IT APPEARING TO THE BOARD: That a petition, attached and by this reference incorporated herein, has been duly filed with this Board seeking the vacation of the below described Road; That upon initiation of these proceedings by said petition the County Road Official was directed by this Board to prepare and file with this Board a written report describing the ownership and uses of the Road and a determination of whether the vacation would be in the public interest; That said report, attached and by this reference incorporated herein, has been received by this Board; and

IT FURTHER APPEARING TO THE BOARD: That as provided in ORS 368.351 because the report indicates that the County Road Official assessment is that the vacation is in the public interest and these proceedings were initiated by a petition under ORS 368.341 that contained the acknowledged signatures of owners of 100% of any private property proposed to be vacated and acknowledged signatures of owners of 100% of property abutting any public property proposed to be vacated approving the proposed vacation a hearing in this matter may be dispensed with and vacation of the subject road ordered.

NOW, THEREFORE, IT IS HEREBY ORDERED: That the following described Road located in Wasco County, Oregon, be and is hereby declared vacated:

CERTAIN ROADS AND SECTIONS OF ROADS IN TYGH VALLEY, OREGON

LEGAL DESCRIPTION

A portion of Lawrence Avenue (60 feet in width) from the North line of Lot 8 - Block 24, (Third Street) to Fourth Street;

Leonard Avenue (60 feet in width) between Block 23 and 22, from (Third Street) to Fourth Street and Leonard Avenue (60 feet in width) West of Block 27, from Fourth Street to Fifth Street;

A portion of Church Avenue (60 feet in width) from between the South line of Lot 1 – Block 27 and the South line of Lot 8 – Block 28, to Fifth Street;

A portion of Fourth Street (50 feet in width) between Church Avenue and Leonard Avenue and Fourth Street (50 feet in width) from Leonard Avenue to Lawrence Avenue, excepting that road section between Lot 5 - Block 23 and Lot 4 - Block 24, along the South line of St Charles Avenue;

Fifth Street (50 feet in width), between the South line of Lot 4 – Block 28 (French Avenue) and Leonard Avenue;

All lying within the Plat of Tygh Valley, located in Section 10 BB, Township 4 South, Range 13 East, Willamette Meridian.

Attached hereto, and by this reference made a part hereof, is a map with photos marked as Exhibit “A” showing the location of the above described roads and sections of road.

DATED this 5<sup>th</sup> Day of June, 2019.

**WASCO COUNTY BOARD OF COMMISSIONERS:**

---

Steven D. Kramer, Commission Chair

---

Scott C. Hege, Vice-Chair

APPROVED AS TO FORM:

---

Brad Timmons, County Counsel

---

Kathleen B. Schwartz, County Commissioner



## MOTION

**SUBJECT:** Road Vacation Hearing

---

APPROVAL: I move to approve Order 19-078 in the matter of the vacation of certain roads and sections of roads in Tygh Valley, Oregon.

DENIAL: I move to deny the request to vacate certain roads and sections of roads in Tygh Valley.



## AGENDA ITEM

### Planning Commission Appeal Hearing

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#### STAFF PRESENTATION

---

#### STAFF SUMMARY

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- [ATTACHMENT A RECOMMENDATIONS AND OPTIONS](#)
  - [ATTACHMENT B MAPS](#)
  - [ATTACHMENT C STAFF REPORT](#)
- 

#### EXHIBITS

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- [EXHIBIT 1 TRANSITION LANDS STUDY](#)
  - [EXHIBIT 2 TRANSITION LANDS STUDY AREA](#)
  - [EXHIBIT 3 2000 SETTLEMENT AGREEMENT](#)
  - [EXHIBIT 4 TRANSITION LANDS STUDY AREA – GROUNDWATER STUDY](#)
  - [EXHIBIT 5 SOIL INFORMATION](#)
  - [EXHIBIT 6 GUIDE FOR USING SOIL SURVEYS](#)
  - [EXHIBIT 7 SOIL MAP](#)
  - [EXHIBIT 8 SUBMITTED MAPS](#)
- 

#### APPLICATION

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#### PLANNING COMMISSION MINUTES

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#### PLANNING COMMISSION MEETING AUDIO

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#### PUBLIC COMMENT – SHEILA DOOLEY

---



PLANNING DEPARTMENT



Board of Commissioners  
Public Hearing  
June 5, 2019

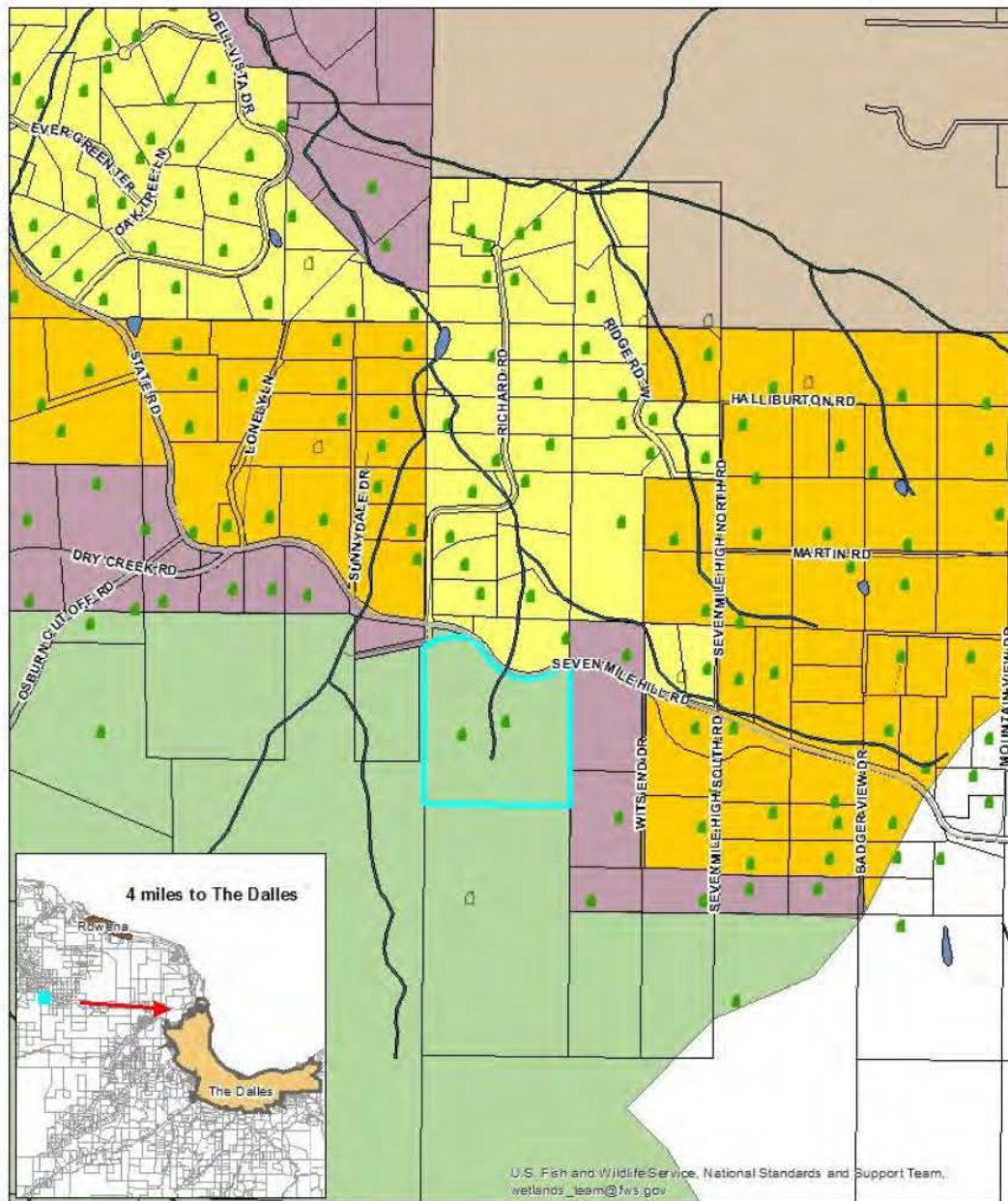
Applicant/Owner: David Wilson  
(921-18-000086-PLNG)



# Request

- Comprehensive Plan Map Amendment: Change a legal parcel designated “Forest” to “Forest Farm;
- Exception to Statewide Planning Goal 4 – Forest Lands; and
- Zone Change: Change a legal parcel tax lots zoned F-2 (80), Forest, to F-F (10), Forest-Farm
  - Applicant/Owner: David Wilson
  - Location: 7100 Seven Mile Hill Road
  - Size: ~40 acres

# Vicinity Map



- A-1(160)
- R-R(10)
- R-R(5)
- F-2(80)
- F-F(10)
- Riverine
- Freshwater Pond
- Unknown Addresses
- Addresses
- Wilson Property
- Taxlots

Feet

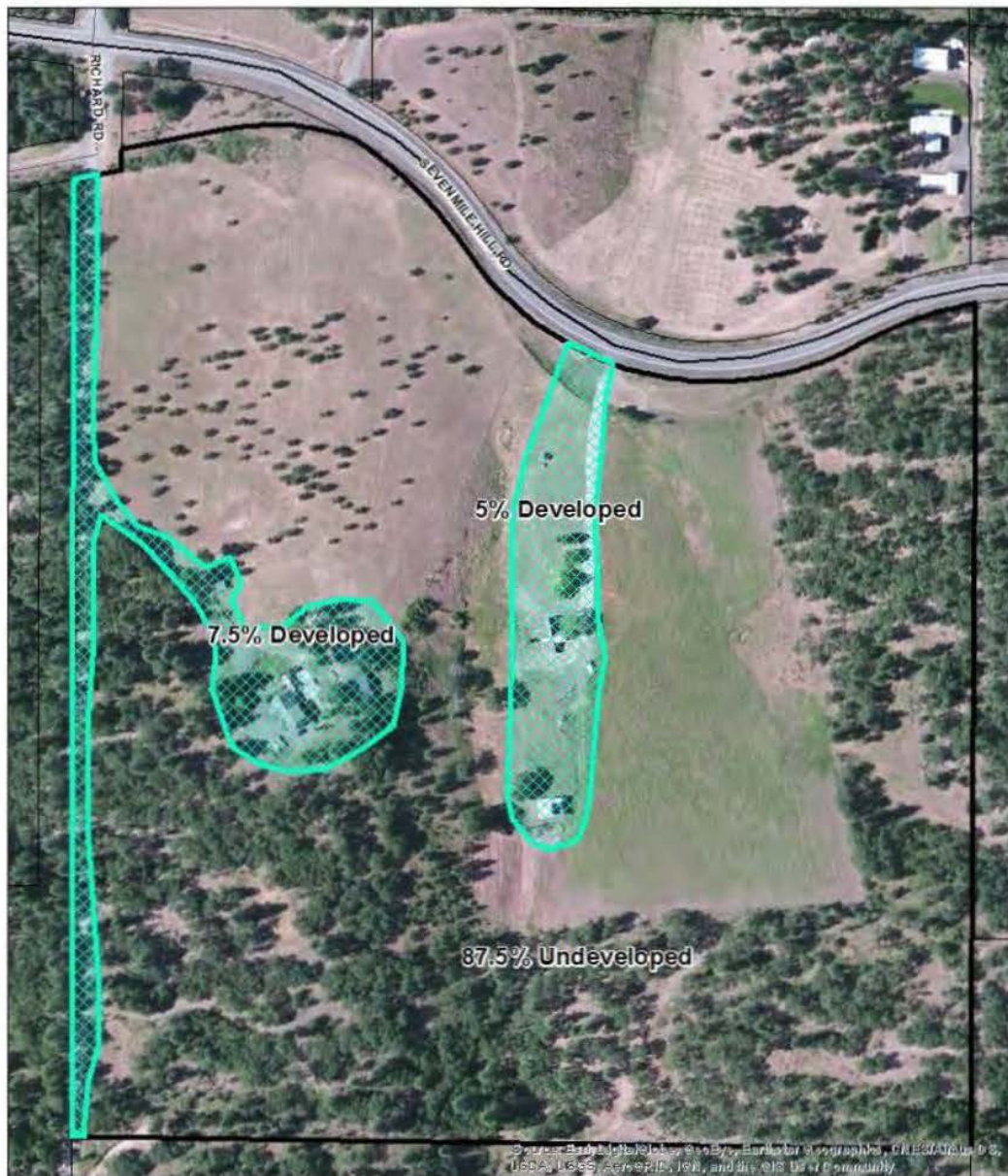
This product is for informational purposes and has not been prepared for, or by, a state, local, engineering, or surveying purposes. Users of this product should consult the primary data and information sources to ascertain the reliability of the information.

# Planning Commission Recommendation

- On April 2, 2019, the Planning Commission reviewed Staff's report, heard from the applicant, and members of the public, and decided to recommend APPROVAL of this request for a Zone Change, Goal Exception, and Comprehensive Plan Amendment.



# Site Visit Photos



Wilson Property

Total Acreage = 40 Acres  
Undeveloped Property = 35 Acres  
Developed property = 5 Acres

Total percentage undeveloped = 87.5%  
Total developed = 12.5%



0 40 80 160 240 320 Feet

-  Developed Property
-  Wilson Property
-  Taxlots



2018/ 6/21

*Pioneering pathways to prosperity.*





2018/ 6/21

*Pioneering pathways to prosperity.*





2018/ 6/21

*Pioneering pathways to prosperity.*





2018/ 6/21

*Pioneering pathways to prosperity.*





2018/ 6/21

*Pioneering pathways to prosperity.*





2018/ 6/21

*Pioneering pathways to prosperity.*

# State Standards Addressed

## **Oregon Administrative Rules (OAR)**

- OAR 660
  - Division 4 – Interpretation of Goal 2 Exception Process
  - Division 6 – Goal 4 Forest Lands

## **Oregon Revised Statute (ORS)**

- 197.732 – Goal Exceptions

# County Standards Addressed

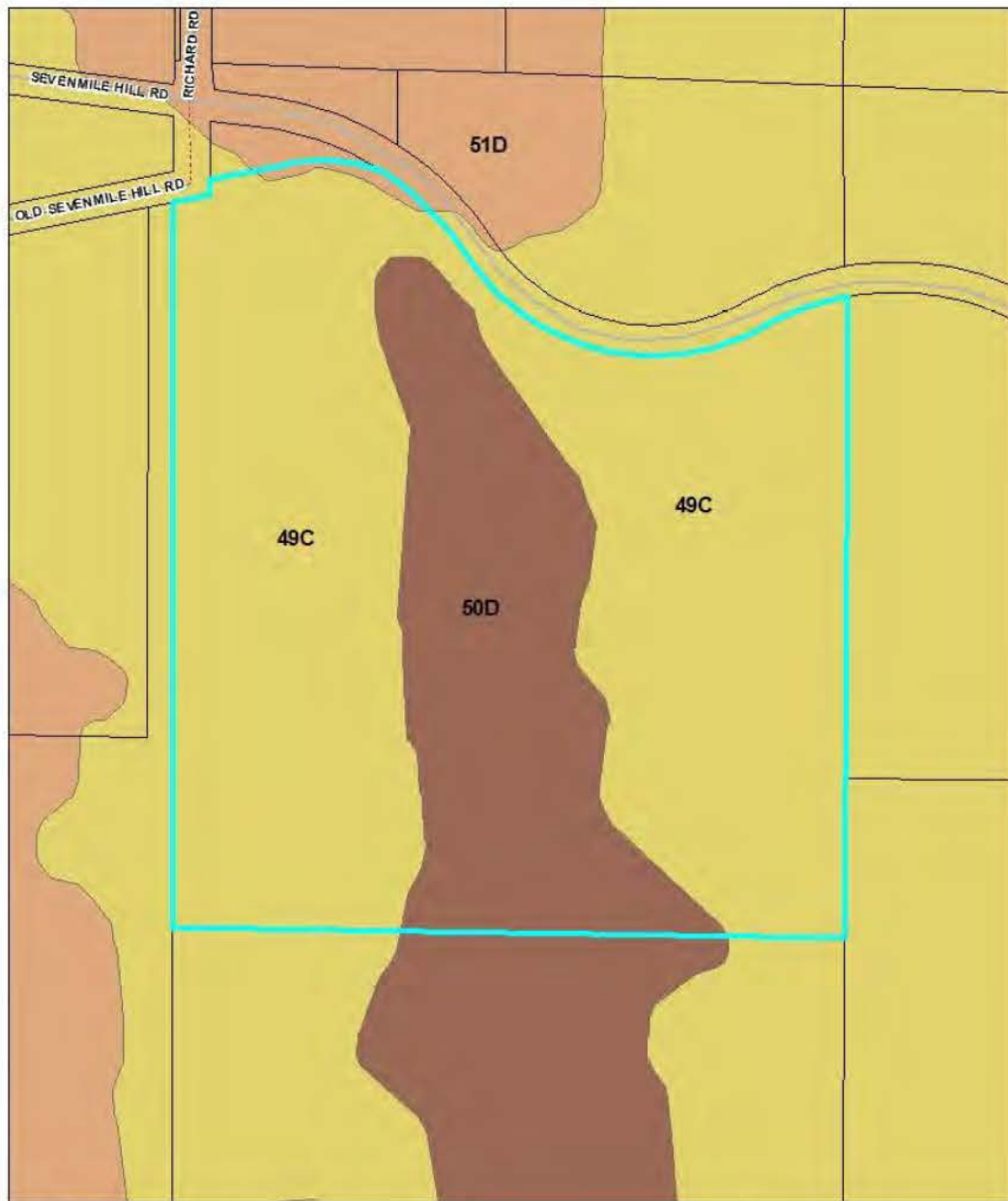
- Comprehensive Plan
  - Chapter 11 - Revisions Process
    - Section A. Intent and Purpose
    - Section B. Form of Comp Plan Amendment
    - Section C. Who May Apply for a Plan Revision
    - Section E. Quasi-Judicial Revisions
    - Section H. General Criteria
    - Section I. Transportation Planning Rule Compliance
    - Section J. Procedure for the Amendment process



# County Standards Addressed (cont.)

- Wasco County Land Use & Development Ordinance
  - Chapter 9 – Ordinance Amendments
    - Section 9.010 - Application for Zone Change
    - Section 9.020 - Criteria for Decision
    - Section 9.030 - Transportation Planning Rule Compliance
    - Section 9.040 - Conditions Relative to the Approval of a Zone Change
    - Section 9.050 - Amendments to the Zoning Ordinance
    - Section 9.070 - Notice of Planning Commission Recommendation
    - Section 9.080 - Action by County Governing Body

# Soil Map



**Soils**

- 51D
- 50D
- 49C

**Wilson Property**

**Taxlots**

Soil Map

0 50 100 200 300 400 Feet

This product is for informational purposes only and is not intended to be used for any purpose other than general reference. It is not a substitute for a professional survey or engineering. Users of this product should consult the primary data and information sources to ascertain the validity of the information.

*Pioneering pathways to prosperity.*

# Staff Comments

- Apprehensions

- Conducting forestry operations are not currently impracticable (Goal 4).
- More residences would result in the loss of more wildlife habitat (Goal 5).
- The proposal would create more residences, which would increase wildland-urban interface fire risk and potential impacts (Goal 7).
- The impact of potentially three new single family dwellings on available water supplies in an area with existing concerns (Goal 5, 6, 11).

- Advantages

- Three new dwellings will increase rural residential housing supply (Goal 10).
- On land not currently (or in recent history) being used to harvest forest products, the transition from unused potential resource lands to probable useful residential land could result in a net positive impact economically (Goal 9).

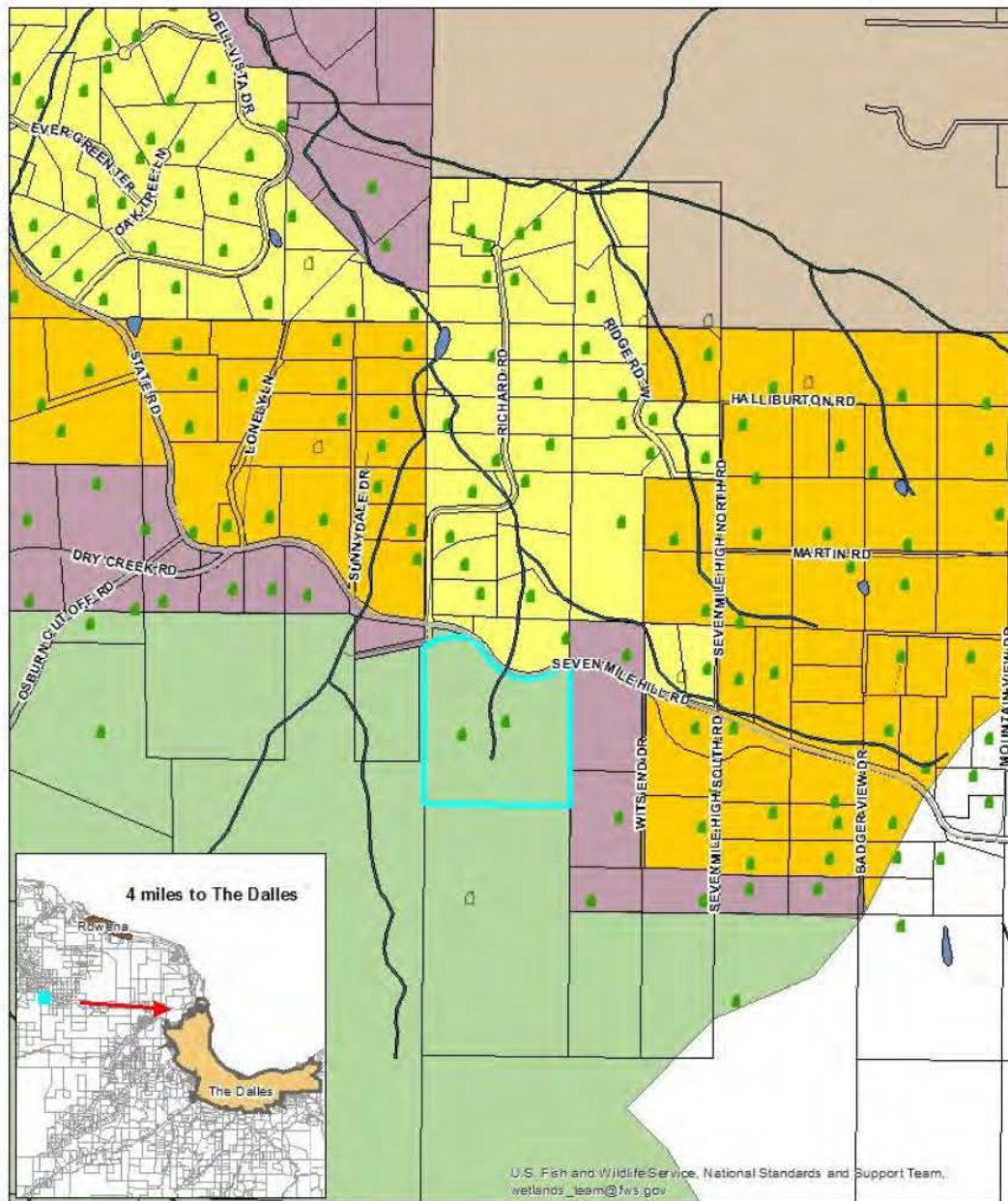
# Questions?



# Next Steps

- Applicant presentation
- Presentations from those already on the record, if they wish
- Applicant rebuttal
- Questions of staff, applicant, or those on the record
- Commissioner deliberation/decision
- Decision mail out (no earlier than 6/6)
- 21 day appeal period to LUBA

# Vicinity Map



- A-1(160)
- R-R(10)
- R-R(5)
- F-2(80)
- F-F(10)
- Riverine
- Freshwater Pond
- Unknown Addresses
- Addresses
- Wilson Property
- Taxlots

Feet

This product is for informational purposes and has not been prepared for, or by, a state, the federal government, or any other agency. Users of this product should consult the primary data and information sources to ascertain the reliability of the information.



**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.*

**PLANNING COMMISSION RECOMMENDATION  
to The Wasco County Board of Commissioners**

FILE # 921-18-000086-PLNG

**BOARD OF COMMISSIONERS HEARING DATE:** June 5, 2019

**NEWSPAPER PUBLISH DATE:** May 15, 2019

---

**REQUESTS:**

1. Comprehensive Plan Map Amendment: Change a legal parcel designated "Forest" to "Forest Farm;
2. Exception to Statewide Planning Goal 4 – Forest Lands; and
3. Zone Change: Change a legal parcel tax lots zoned F-2 (80), Forest, to F-F (10), Forest-Farm

**PLANNING COMMISSION  
RECOMMENDATION:**

Approval, with conditions

---

**APPLICANT/OWNER:**

David Wilson, 7100 Seven Mile Hill Road, The Dalles, OR 97058

---

**PROPERTY  
LOCATION:**

The subject property is located along and south of Sevenmile Hill Road, southeast of it's intersection with Richard Road, approximately 4.3 miles northwest of The Dalles, Oregon; more specifically described as:

<u>Map/Tax Lot</u>	<u>Acct#</u>	<u>Acres</u>
2N 12E 22 4400	884	40.16

**ZONING:**

F-2(80), Forest Zone

**ENVIRONMENTAL**

**PROTECTION DISTRICT:**

EPD-8, Sensitive Wildlife Habitat Overlay Zone (Low Elevation Winter Range)

---

**ATTACHMENTS:**

- A. Planning Commission Recommendation and Board of Commissioners Options
- B. Maps
- C. Staff Report
- D. Exhibits

## ATTACHMENT A

### PLANNING COMMISSION RECOMMENDATION AND BOARD OF COMMISSIONERS OPTIONS

The full staff report with all proposed findings of fact and conclusions of law is enclosed as **Attachment C** and was available for public review at the Wasco County Planning Department for review one week prior to the May 15, 2019, hearing. The full staff report is made a part of the record. This summary does not supersede or alter any of the findings or conclusions in the staff report, but summarizes the results of Staff's review and recommendation.

#### **PLANNING COMMISSION RECOMMENDATION**

On April 2, 2019, the Planning Commission reviewed Staff's report, heard from the applicant, and members of the public, and decided to recommend **APPROVAL** of this request for a Zone Change, Goal Exception, and Comprehensive Plan Amendment.

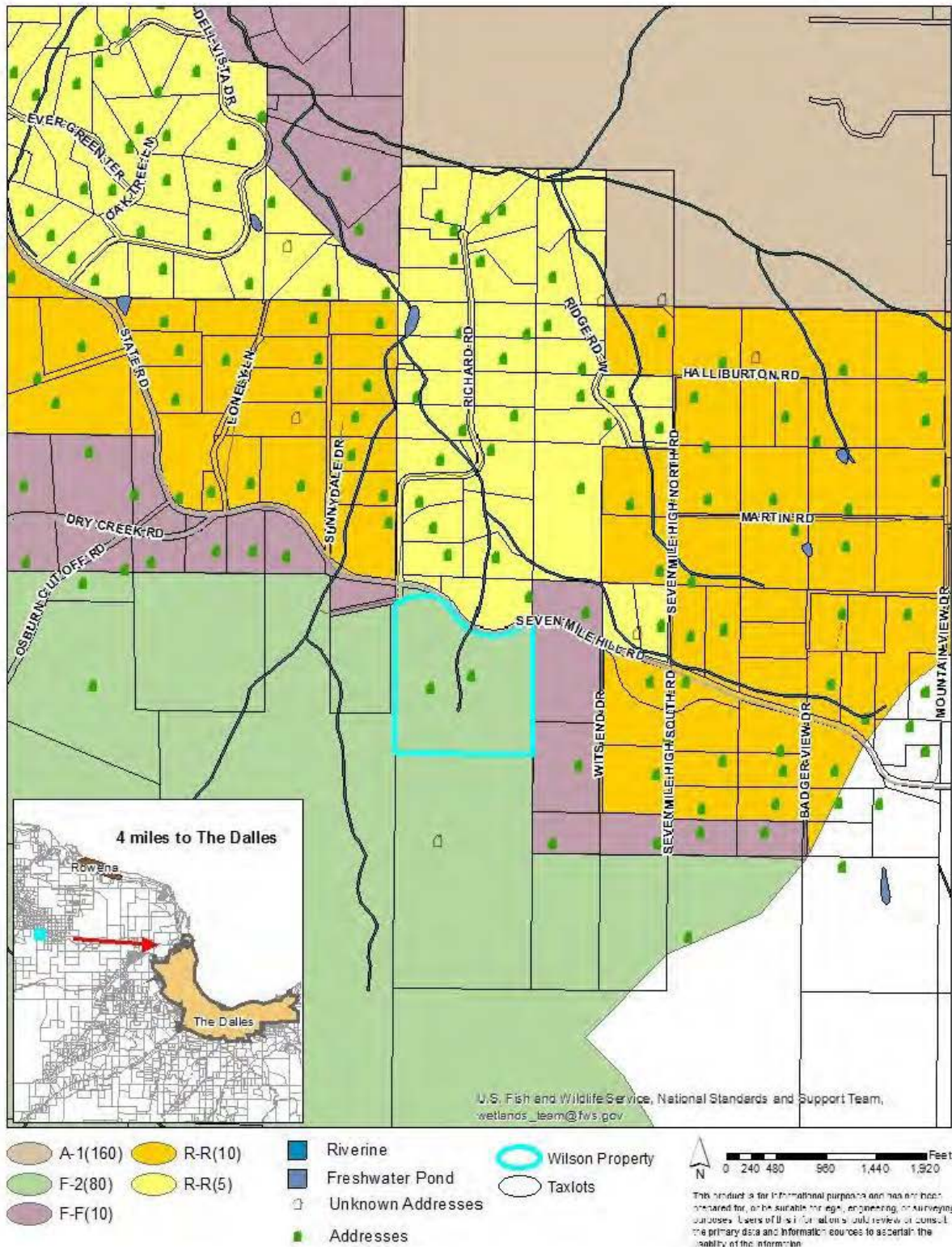
#### **BOARD OF COMMISSIONERS OPTIONS**

- A. Approve, with Recommended Conditions and Findings: Based upon all of the findings of fact and conclusions of law set forth throughout the report, approve this request for a Zone Change, Goal Exception, and Comprehensive Plan Amendment.
- B. Approve, with Amended Conditions and Findings: Based upon amended findings of fact and conclusions of law set forth throughout the report, approve this request for a Zone Change, Goal Exception, and Comprehensive Plan Amendment.
- C. Deny, with Amended Conditions and Findings: Based upon amended findings of fact and conclusions of law set forth throughout the report, deny this request for a Zone Change, Goal Exception, and Comprehensive Plan Amendment.
- D. Remand, to the Planning Commission: Based on specified insufficient information to make a decision, Remand this request for a Zone Change, Goal Exception, and Comprehensive Plan Amendment back to the Planning Commission for further review.
- E. Continuation: Continue the hearing to a date and time certain.



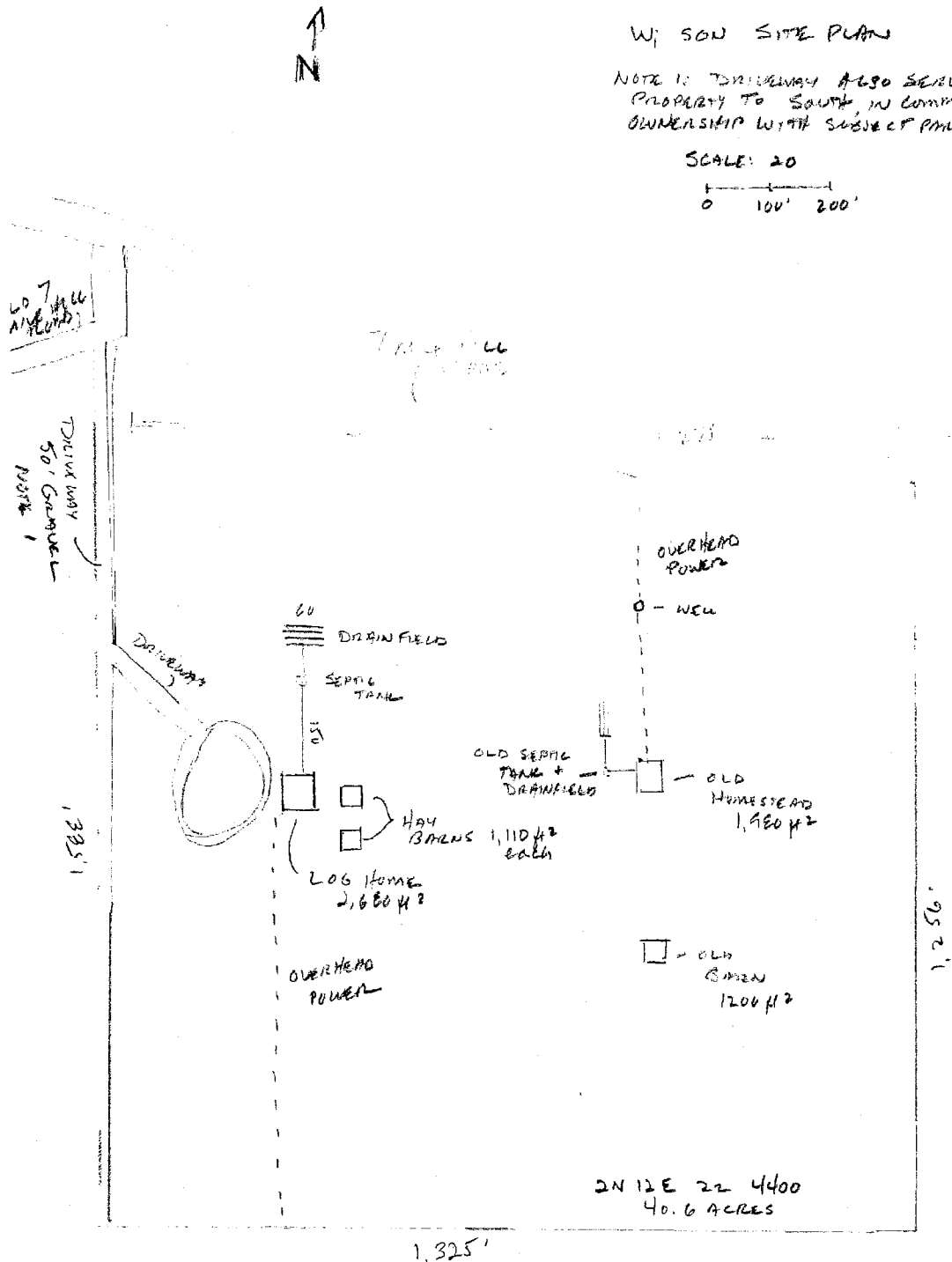
# ATTACHMENT B – MAPS

## Vicinity Map



# ATTACHMENT B - MAPS

## Site Plan



## ATTACHMENT C – STAFF REPORT

**File Number:** 921-18-000086-PLNG

**Requests:**

1. Comprehensive Plan Map Amendment: Change a legal parcel designated “Forest” to “Forest Farm”;
2. Exception to Statewide Planning Goal 4 – Forest Lands; and
3. Zone Change: Change a legal parcel zoned F-2 (80), Forest, to F-F (10), Forest-Farm (remove from resource zone protections).

**Prepared By:** Will Smith, Senior Planner

**Prepared For:** Wasco County Board of Commissioners

**Procedure Type:** Quasi-Judicial Hearing

**Applicant/Owner:** David Wilson

**Planning Commission Recommendation:** Approval, with conditions

**Board of Commissioners Hearing Date:** June 5, 2019

**Location:** The subject property is located along and south of Sevenmile Hill Road, southeast of its intersection with Richard Road, approximately 4.3 miles northwest of The Dalles, Oregon; more specifically described as:

<u>Map/Tax Lot</u>	<u>Acct#</u>	<u>Acres</u>
2N 12E 22 4400	884	40.6

**Zoning:** F-2 (80), Forest Zone

**Comprehensive Plan Designation:** Forest

**Past Actions:**

- PLALEG-13-08-0002 (Rezone)
- PLAPRE-14-06-0003 (Pre-Application Conference for PLAQJR-15-09-0002)
- CODENF-14-01-0001 (Nuisance Complaint Regarding Noise from Wood Chipper)
- PLAQJR-15-09-0002 (Comprehensive Plan Amendment, Zone Change, Goal Exception)
- PLAPAR-17-05-0002 (Partition and Agricultural Structure)
- PLAAPL-17-10-0001 (Appeal of Agriculture Structure Size Approval)

**Property Owner:** The following property is referred to in this submittal as the “Subject property:”

TAX LOT NO.	ACREAGE (Approx.)	OWNER	EXISTING DEVELOPMENT
2N 12E 22 4400	40.6 Ac.	David Wilson	Residence

## **I. APPLICABLE STANDARDS**

### **A. State Law**

#### **Oregon Administrative Rules (OAR)**

OAR 660, Division 4 - Interpretation of Goal 2 Exception Process

OAR 660, Division 6 - Goal 4 Forest Lands

#### **Oregon Revised Statutes (ORS)**

ORS 197.732 - Goal Exceptions

### **B. Wasco County Comprehensive Plan**

Chapter 11 - Revisions Process

Section A. Intent and Purpose

Section B. Form of Comp Plan Amendment

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### **C. Wasco County Land Use & Development Ordinance (LUDO)**

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Section 9.020 - Criteria for Decision

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Section 9.040 - Conditions Relative to the Approval of a Zone Change

Section 9.050 - Amendments to the Zoning Ordinance

Section 9.070 - Notice of Planning Commission Recommendation

Section 9.080 - Action by County Governing Body

## **II. BACKGROUND INFORMATION**

**A. Legal Parcel:** The subject parcel was legally created by Partition PLAPAR-17-05-0002 recorded with the Wasco County Clerk on September 8, 2017. The subject parcel is considered to be legal because it meets the LUDO Section 1.090 definition of a (Legal) Parcel as it is a parcel in an existing, duly recorded partition.

### **B. Public Facilities and Services**

1. Transportation: The subject property lies south of Sevenmile Hill Road southeast of its intersection with Richard Road, approximately ½ mile east of the intersection of Sevenmile



Hill/State/Dry Creek Road. Roads. Access to the subject property is from Sevenmile Hill Road.

The 2009 Wasco County Transportation System Plan (TSP) provides the following information for Average Daily Trips (ADT) and Volume/Capacity (V/C):

	Functional Class	ADT 2009	V/C ratio from TSP
State Rd	RC Rural Major Collector	480	0.01
Dry Creek	RK Rural Minor Collector	78	n/a
Osburn Cut-off	RL Rural Local	51	n/a

The Planning Department prepared a memorandum to the County Court (Board of Commissioners) dated 2/18/98 as a staff report for the Transition Lands Study Area (TLSA) Rezoning Hearing (See Exhibit 1 for full TLSA report). A 1998 TLSA memo contained the following statistics (Exhibit 2, p. 7):

*Capacity for State Rd/7-Mile Hill Rd      1,500/day*

According to the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual, a detached single family dwelling produces 9.57 Average Daily Trips (Land Use Code 210). The zone change could potentially add three dwellings to the area's traffic load, producing approximately 29 new ADT at maximum build-out. The 2009 TSP predicted an ADT of 600 by 2030 with a Volume/Capacity (V/C) ratio of 0.03 for State Road (at Sevenmile Hill Road). Wasco County has not established a mobility standard for Sevenmile Hill Road. However, in the 2009 Transportation System Plan the County used the Oregon highway Plan (OHP) mobility standard of 0.70 as a comparison figure. Based on the carrying capacity of State Road/Sevenmile Hill Road, the addition of three dwellings would not cause the V/C ratio to rise above 0.70. The TSP predicted that it would only hit 0.03 by 2030 at 600 ADT, so even if it was 629 ADT at that time, that would not approach 0.70. Using that mobility standard, should the proposed zone change produce the maximum development allowed, it would not have a significant impact on the transportation facilities.

2. Water and Sewer: There is no public water system that would be available to serve existing or future residences on the subject property or surrounding lands, because of the rural nature of the area. A Geologic Survey was published in 1996 as part of the TLSA study (see below under Land Use History) which included a survey of wells and groundwater levels to determine the capacity for development in the Sevenmile Hill area. The land around the subject property was found to have groundwater in relatively good quantities at the time. The static water levels were found to be less than 50' and the depth to base of aquifer was found to be between 100' and 199.' (See Exhibit 4, the TLSA Study Area Ground Water Evaluation – Wasco County, Oregon, Jervey Geological Consulting ("Groundwater Study") at pages 12-13.) The predominant source of water in this area is from wells. The general conclusion of the 1996 groundwater study was that this area had capacity to support additional residential development. The study also recommended that groundwater levels be periodically monitored to assess the impact of ongoing rural development.

Water resources for residential use in this area do exist, but they are being closely monitored by the Oregon Water Resources Department, as recommended by the TLSA

study. According to an October 12, 2018 email between staff and Watermaster Robert Wood, “Sevenmile Hill/ Mosier groundwater levels are declining about 2 feet per year on average”. The Oregon Water Resources Department is “not allowing new water rights in that area as the aquifers are either withdrawn from new appropriations or it has been determined water isn’t available within the capacity of the resources.” He stated that those uses that are exempt from water rights, such as “single or group domestic use, irrigation of no more than ½ acre lawn/ noncommercial garden, stock use” are still being allowed but that new rules are in place requiring more stringent well construction.

There are no public sewer facilities available in the area. Each of the three potential single family dwellings would be required to handle its own sewage as required by law. At the development stage, each residential development would have to go through the site evaluation process for an individual septic system and private well. A maximum overall density of 1 residence per 10 acres has provided the necessary land area for adequate handling of sewage for individual properties in areas surrounding the subject property.

3. Electricity: Wasco Electric Co-op power lines are located on Sevenmile Hill Road, in close proximity to the site. Electric power is available to serve the subject property and currently serves the residence already located on the subject property.
4. Fire Protection and Prevention: The subject property is within the Mid-Columbia Fire and Rescue District boundaries. The District has cooperation agreements with the Oregon Department of Forestry and with the Mosier Fire Protection District. When an alarm is received in one agency, it is also transferred to the other two, and when necessary, there is a combined, coordinated response to fire emergencies. Any future development proposals will be required to comply with Wasco County LUDO Chapter 10 Fire Safety Standards.

### **C. Land Use History:**

#### *Transitional Lands Study Area (TLSA) Project*

In 1993, Wasco County began work on the Transition Lands Study Area Project (“TLSA”) in response to concerns about development in northern Wasco County, and particularly in the area surrounding the parcels in this current proposal, known as the Sevenmile Hill area. The concerns included “availability of groundwater to serve domestic needs, fire hazard, conflict with wildlife, and available lands for rural residential lifestyle in this developing area.”

The first phase of the TLSA was a groundwater study. The initial study was published in December 1996 as the “TLSA Ground Water Evaluation, Wasco County, Oregon” by Jervey Geological Consulting (The Groundwater Study). On September 12, 1997, the final report for the TLSA was published, incorporating the Groundwater Study. The TLSA report included recommendations outlining the sub-areas within the study area that were suitable for residential development, rating them with scores for resource values and development values. Referring to Figure 11 in that report, which is a map indicating the combined values of the two scales, the properties in this current proposal were rated “L/H,” meaning that they scored low for Resource Values and high for Development Values (with the exception of the northern part of parcel 2900, which was rated H/H, or having high scores for both Development Values and Resource Values).

The final Recommendation of the TLSA for the Sevenmile Hill area included the following:

- *Retain the existing R-R (5) and A-1 (80) EFU zoning.*
- *Retain the existing F-F (10) areas that have a higher resource value or a low development value (for instance, in areas where water availability is unknown).*
- *Rezone the remainder of the F-F (10) lands to R-R (10). F-F (10) areas would be able to transfer development rights to the area identified as the test area.*

No mention is made in this report of how F-2 land should be addressed. After the TLSA study, eight parcels of F-F (10) land in the Sevenmile Hill area north of the subject property were converted to R-R (10), removing the requirement for conditional use review of proposed non-farm/forest dwellings (ZNC 99-101 ZO-L and CPA 99-103-CP-L). The County has approved single family dwellings that have subsequently been built on many properties along Seven Mile Hill Road near the proposed exception area.

#### *Betzing Appeal*

The County's approval of dwellings south of Sevenmile Hill Road in recent years and the rezoning of portions of the Sevenmile Hill area (in the proximity of the Wilson property) were contentious in the late 1990s. Several appeals were filed by a Mr. Kenneth Thomas, one of which was for a property owned by Mr. Joseph Betzing. Mr. Thomas is a member of the Society of American Foresters, and owns and manages approximately 1100 acre tract of timberland south of the proposed exception area. The appeals were heard by the Oregon Land Use Board of Appeals (LUBA).

One of Mr. Thomas' central concerns was that rural residential development is generally incompatible with commercial forestry—that the approval of additional dwellings south of Sevenmile Hill Road would increase the fire risk for his commercial forest lands to the south and increase the chance that a forest fire in the commercial forest lands would spread to abutting residences and pose a risk to the community.

The LUBA record of hearing (1997-98), and findings leading to the eventual approval of a dwelling on a 5.1 acre parcel south of Sevenmile Hill Road and abutting the subject property (applicant Joseph Betzing), indicated that the area in which the subject property is located is subject to high wind gusts as well as stable high wind patterns. The area is characteristically dry and subject to drought, which leads to high mortality in forest stands. That record also indicated that the Oregon Department of Forestry (ODF) has identified the area as one of particularly high fire risk during the fire season, and has repeatedly identified residential and associated buildings as significant fire hazards. ODF also testified that "dwellings increase the risk of fire, restrict control tactics, complicate the protection priorities and require additional coordination that result in increased cost." (Betzing Record, page 230.)

#### *Settlement Agreement and 2013 ZNC/CPA/EXC decision*

To try and address multiple LUBA cases and find solutions, a Settlement Agreement was entered into on January 5, 2000, between the County Planning Director, the appellant Kenneth Thomas, and applicant Joseph Betzing. The settlement was based on a mutual understanding that the area south of Sevenmile Hill Road included land that was already built (with existing residences), and committed (through existing plan and zone designations and development approvals) to

low-density rural residential uses. The logical boundary, separating commercial forestry uses from built and committed residential areas, was identified as the Bonneville Power Administration Transmission Line Easement also known as “Bonneville - The Dalles Line.” The BPA easement area is maintained clear of trees, and acts, because of its width and scarification, as a significant physical break between rural residential uses in the Sevenmile Hill Road area and commercial forestry uses to the south. It was thought that the powerline right-of-way/easement area would separate and therefore mitigate the potential fire impacts associated with low-density residential uses in the Sevenmile Hill area.

Relevant terms of the Settlement Agreement state:

*“The County Department Staff, acting in good faith shall use best efforts in supporting a legislative zone change and comprehensive plan change to modify the zoning and comprehensive plan designation of the property marked in Exhibit A, from F-2 to FF-10.” Exhibit 5, p. 1.*

*To institute these recommended changes, the county’s comprehensive plan should be amended, to take an exception to Goal 4 and to recognize that the area has changed enough to require a new plan designation. The new designation should permit not just small-scale forest-farm uses, but also low-density rural residential use. In this circumstance, the proposed zoning designation is Forest-Farm, with a ten-acre minimum lot size. Residential use of the area in conjunction with forest or farm uses is allowed outright on parcels meeting the minimum lot size, and otherwise, only subject to a conditional use permit. To further promote the goal of protecting commercial forestry in the area, a Limited Use, Forest Protection Overlay Zone, will require clustering of any proposed dwellings toward the northern portion of the area adjacent to existing residential lots and close to existing road access, and establish additional fire prevention standards and conditions. These measures will improve the utility of the subject property to serve as a buffer between rural residential uses in the area and commercial forestry uses to the south.”*

To implement this change, and by resolution of the County Court, staff proposed a Comprehensive Plan Amendment, Goal Exception, Zone Change, and LUDO Amendment proposal in 2013 sought to apply F-F(10) zoning to all or a portion of eight parcels (totaling approximately 287 acres), including the subject parcel of this application, all of which were (and still are) zoned F-2. This action would have allowed potential development of a maximum of 22 rural residences in an area south of Sevenmile Hill Road (County Road 507) and Dry Creek Road (County Road 405), and north of the southern boundary of Bonneville Power Administration’s (BPA) Bonneville - The Dalles Line right-of-way/easement. That right-of-way/easement would have functioned as a physical divider between existing rural residential development and suggested new F-F (10) lands on the one hand, and the commercial forestry lands south of the easement on the other.

After a 4-3 Planning Commission vote to recommend approval to the Board of County Commissioners, the Board voted 2-0 to deny the proposal (PLALEG-13-08-0002). A review of the application materials, comments, reports, and the minutes of that meeting indicates that the major concerns were fire safety, and water supply.

### III. FINDINGS

#### A. State Laws – Oregon Administrative Rules and Oregon Revised Statutes

##### 1. Introduction

*In order to amend its plan to change the subject property's designation from Forestry to Forest-Farm and to implement that designation through its zoning ordinance, the County must adopt an exception to Goal 4.*

*Statewide Land Use Planning Goal 4, "Forest Lands" is:*

*"To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture."*

*ORS 197.732(2) states, in relevant part:*

*(2) A local government may adopt an exception to a goal if:*

- (a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal; [or]*
- (b) The land subject to the exception is irrevocably committed as described by Land Conservation and Development Commission rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable;*

*\* \* \**

- (4) A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the standards of subsection (2) of this section have or have not been met.*
- (5) Each notice of a public hearing on a proposed exception shall specifically note that a goal exception is proposed and shall summarize the issues in an understandable manner.*

*\* \* \**

- (8) As used in this section, 'exception' means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that:*
  - (a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;*

*(b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and*

*(c) Complies with standards under subsection (1) of this section.”*

Planning Goal 2, part II, states:

*A local government may adopt an exception to a goal when:*

*(a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable Goal; [or]*

*(b) The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable;”*

**FINDING:** Both the goal and OAR 660-004-0005(1)(c) adopt the legislative definition of an “exception” with minor variation— the goal states “Complies with standards for an exception” and the rule states “Complies with. . . the provisions of this division.” OAR 660-004-0010(1) explains, “The exceptions process is generally applicable to all or part of those statewide goals which prescribe or restrict certain uses of resource land,” and includes “Goal 4 ‘Forest Lands.’”

Goal 4 provides that: *“Where a ... plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.”*

Rule definitions of “resource land” and “nonresource land” support a conclusion that, in this instance, an exception is necessary before the subject property can be planned and zoned for forest-farm uses, a rural residential, nonresource category of uses under the County’s plan and zoning ordinance. To justify an exception, the County must address all applicable criteria in LCDC’s rule for exceptions, OAR 660, Division 4.2.2.

This request is for both “physically developed” and “irrevocably committed” exceptions to Goal 4, “Forest Lands,” which seeks to conserve forest lands by promoting efficient forest practices and sound management of the state’s forest land base. These reasons are addressed below.

## **2. Exception Requirements for Land Physically Developed to Other Uses.**

OAR 660-004-0025 contains standards for adoption of a “physically developed” exception.

*OAR 660-004-0025 states:*

*(1) A local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal. Other rules may also apply, as described in OAR 660-004-0000(1)*

(2) Whether land has been physically developed with uses not allowed by an applicable goal will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the justification for the exception. The specific area(s) must be shown on a map or otherwise described and keyed to the appropriate findings of fact. The findings of fact shall identify the extent and location of the existing physical development on the land and can include information on structures, roads, sewer and water facilities, and utility facilities. Uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception.

**FINDING:** The subject parcel has several features that lead it to be “Physically Developed.” A driveway runs along the western property line, accessing the single family dwelling and accessory structure on the western portion of the parcel, as well as providing access to the single family dwelling located on the parcel directly to the south (also owned by the applicant). In the center of a property, an old farm house stands (no longer used as a dwelling), with an additional driveway feature bisecting the property. In this area there are further accessory structures including a pump house and an old barn. The property is served by two wells. Two wells would be capable of serving four dwellings as each well is permitted to serve two dwellings each. The applicant submitted well records for these to demonstrate their capacity. To determine the extent to which the property is physically developed, staff compared where driveways and existing structures are, and identified them in the following map:



Figure 1: Development

This map demonstrates that currently approximately 12.5% is physically developed. That leaves 87.5% available for farm or forestry uses. These numbers are for discussion purposes and to estimate what is currently physically developed, and what is not (but may still be used by the landowner for farm or forest uses). Although most of the County's commercial timber use occurs in National Forests or in lands owned by large lumber companies such as Weyerhaeuser or SDS, small woodlots owned by individuals and small families play a vital role in the industry as well. These lands are often those that abut or intermingle with rural residential uses, and in many cases the tax benefits can be the only way to afford to successfully manage (for both fire safety as well as timber harvesting) several dozen acres of woodland that may accompany that rural residential life style. Collectively across Oregon, many thousands of acres of forested lands are owned in these small parcels, and Goal 4 seeks to protect them from the effects of rural sprawl. A woodland as small as two acres qualifies for Oregon's Special Assessment Program for Forestland, allowing landowners to have a reduced property tax assessment. With 87.5% (35 Acres) of undeveloped land on the subject parcel, this land could still be useful under Goal 4 provisions. However, whether that land is capable of supporting commercial timber production depends heavily on other factors such as available soil type and slope.

### *Soils*

Two soil types are identified on the subject parcel: 49C and 50D (Wamic Loam – see Exhibit 5). Both are Class IV soils. The "Guide for using Soil Survey Single Phase Interpretation Sheets" (also known as the Green Sheets – See Exhibit 6) states that Class IV soils "have very severe limitations that reduce the choice of plants, require very careful management, or both". The Green Sheets maintains statistics on capability and yields per acre of crops and pasture, woodland suitability, windbreaks, wildlife habitat suitability and potential native plant community. These categories and the ratings for these two soil types are relevant to how well this property may be able to fulfill the requirements of Goal 4: Forest Lands by conserving forest lands for forest uses.

- Capability and yields per acre of crops and pasture (high level management)
  - Both soil types are listed as 4e (Class 4 which has "very severe limitations that reduce the choice of plants, require very careful management, or both", Subclass e which indicates that the main limitation is risk of erosion unless close-growing plant cover is maintained). Both soil types have Winter Wheat (35 bushels/acre) and Grass Hay (1.5 tons/acre) listed.
- Woodland Suitability
  - Both soil types are listed as 4A (Class 4, discussed above, and subclass A which represents slight or no limitations). For both soil types four out of five management problem categories are listed as having 'slight' or 'moderate' problem potential with plant competition the only one rated as 'severe' in both. Plant competition indicates the potential invasion of undesirable species, usually brush, when openings are made in the tree cover. Common trees on these soil types are Ponderosa Pine and Oregon White Oak with Ponderosa Pine listed as the only tree to plant. The site index for both is 70 which is an indication of the potential productivity and is based on the average total height of the stand the age of 100 years. A site index of 70 translates to the high end of Cubic Foot Site Class 6 (20-49 cubic feet per acre potential yield category) for Ponderosa Pine.
- Windbreaks
  - For both soil types the Green Sheets indicate "none" for Windbreaks. This states that windbreaks are not normally needed.
- Wildlife Habitat Suitability



- This section relates soils to their potential for producing various kinds of wildlife habitat. For both soil types under “potential for habitat elements”, hardwood and conifer trees are both rated as Fair. Under potential as habitat for: Woodland wildlife, the rating is also Fair.
- Potential Native Plant Community
  - For both soil types the same five grass and shrubs are mentioned as common, as well as two types of trees – Oregon White Oak and Ponderosa Pine.

A soils map is attached as Exhibit 7 (soil descriptions and their guide are contained in Exhibits 5 and 6).

### *Slope*

The property is mostly flat from the north to the center rising gradually from there to the south, east, and west. Slopes from the road to the southern property line average 6-10%. The low point of the parcel is in the northwest corner at about 1550’ in elevation, 100’ lower than the house at about 1650’ and 210’ below the high point to the southeast at 1760’. There are no slopes on the property that are too steep for either residential development or commercial forestry.

The vegetation of the subject parcel is split between open grassland in the north and center, with primarily Oregon White Oak interspersed with Ponderosa Pine, and a very few Douglas Fir around the edges of the property. Grasses and shrubs create moderately dense underbrush throughout.

The soils indicate some suitability for agriculture and there is history of such on both this parcel and the parcel to the south, also owned by the applicant (See below in b. OAR 660-004-0028 (2) for more detailed information about adjacent lands). The home on the applicant’s adjacent southern parcel was approved in 1989 through the Conditional Use Permit process as a “Dwelling in conjunction with agricultural use.” Additionally, an agriculture structure was placed on that southern parcel several years ago and retroactively approved through a Planning Commission action in 2017 (PLAAPL-17-10-0001). Discussions in the staff report for that decision, as well as application material including a Farm Management Plan, state that a portion of the parcel to the south is currently used for farm use, producing approximately 6 acres of alfalfa/oats, five poultry, and three cattle (seasonal), with plans upon the owners retirement to expand the farm use.

On the subject parcel itself, aerial imagery on County GIS (accessed November 8, 2018) appears to indicate several acres of crops in the western half of the open area at the center of the property. Beyond the three seasonal cows reportedly used on these parcels recently, the proposed exception area does not have a known history of commercially grazing for sheep or cattle.

The following Finding was made for the 2017 application in regards to agricultural use on the southern parcel in the tract:

*“According to Melanie Brown, Appraiser, the subject parcel is required to generate a minimum income of \$3,000 per year. She stated that the Assessor sends out a questionnaire every three years to determine what income has been generated from farm use. Assessor records indicate that the subject parcel has exceeded the income requirement for the past several years...”*

The development pattern that exists on this property makes forestry uses impractical. These include the current home and outbuildings located halfway up the property on the western side after an approximately 1,000’ driveway, the old farmhouse in the center after a 400’ driveway and the old barn another 240’ further south, within 450’ of the rear property line. The latter two more than half bisects the property contributing to the physically developed nature of the subject parcel. The property is also

served by two wells, and a pump house located in the north central portion of the parcel, approximately 190 feet south of the road. Due to these physical developments, and the impracticality of conducting forestry uses around them, a physically developed exception would apply.

**3. Exception Requirements for Land Irrevocably Committed to Other Uses.**

*OAR 660-004-0028 contains standards for adoption of a “committed” exception.*

**a. OAR 660-004-0028(1):**

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

*(a) A ‘committed exception’ is an exception taken in accordance with ORS 197.732(1)(b), Goal 2, Part II(b), and with the provisions of this rule;*

*(b) For the purposes of this rule, an ‘exception area’ is that area for which a ‘committed exception’ is taken;*

*(c) An ‘applicable goal,’ as used in this section, is a statewide planning goal or goal requirement that would apply to the exception area if an exception were not taken.*

**FINDING:** This applicant proposes a ‘committed exception’ for this property, which is the ‘exception area’. The proposed goal exception applies to land in the Forest zone (F-2) and the ‘applicable goal’ that currently applies to these lands is Goal 4: Forest Lands.

An exception to remove this parcel from the forest zone and transfer it to a non-resource “Farm-Forest” (FF) zone would still promote and permit many of the uses allowed in Goal 4 designated areas. More importantly, granting the request will promote economically efficient forest practices on large forested tracts south of the subject property, in a manner more consistent with sound management practices.

**b. OAR 660-004-0028(2):** *“Whether land is irrevocably committed depends on the relationship between the exception area and the lands adjacent to it. The findings for a committed exception therefore must address the following:*

*(a) The characteristics of the exception area;*

**FINDING:** The characteristics of the exception area are fully discussed in the findings above in response to OAR 660-004-0025.

*(b) The characteristics of the adjacent lands;*

**FINDING:** The parcels immediately adjacent to the exception area have substantially similar characteristics for terrain and soil types (See Exhibit 7, Soils map, and Exhibit 8, Submitted Maps). North of Sevenmile Hill Road and West of the Osburn Cutoff Road, the land is at a lower elevation and has fewer trees.

The areas to the north and east of the proposed exception area have been for the most part divided into smaller lots relative to rural development (10 acres or less). A large majority of the parcels were created long before the area was subject to statewide or even county-wide zoning regulation. Of the four subdivisions in the area, three were platted in the early part of the 20th century, and the fourth in 1979 (Fletcher Tract-1908; Fairmont Orchard Tracts-1911; Sunnysdale Orchards-1912; Flyby Night Subdivision-1979). For three of these subdivisions, the majority of the lots are approximately 5 acres in size. The county has recognized the existing parcelization by zoning the area for rural residential development (R-R(5) and R-R(10)) and for small-scale agriculture or forestry uses in conjunction with a rural residence (F-F(10)). As a result of this parcelization and in keeping with the zoning, there has been a significant amount of rural residential development, particularly along the county roads and within the platted subdivisions. There have also been several applications for rural residences in the areas zoned F-F(10).

Between 1994 and 1997, the exception area and the lands surrounding it were included in what Wasco County collectively designated as the "Transition Lands Study Area" (TLSA). The county performed an analysis of the area, in part to determine where rural residential development would be appropriate. The final report for the TLSA was published on September 12, 1997, (Exhibit 1) and included recommendations outlining the sub-areas within the study area that were suitable for residential development. The exception area and the lands to the north and east were determined to be suitable for further rural residential development. Certain zone changes have been processed as part of the TLSA program to further the development of residential uses in the area surrounding the exception area.

The exception area is surrounded on two sides (north and east) by residential development and land zoned for rural residential development, under the three non-resource rural residential zoning designations, R-R(10), R-R(5) and F-F(10). The parcel immediately to the south is zoned for forestry uses, but is used for residential and small scale agricultural uses. Lands south of that, and immediately west of the subject parcel and proposed exception area are generally used for commercial forestry. See the map below for a visual representation of the area.

The immediately adjacent lands on both sides of Seven Mile Hill Road are all zoned for and mostly used for residential purposes. This parcel of F-2 is the only such parcel of Forest land on all of Seven Mile Hill Road. All other parcels along Seven Mile Hill Road are already F-F (10), or are Rural Residential zoning, with 5 or 10 acre minimum parcel sizes. This demonstrates how irrevocably committed the area is to residential use.

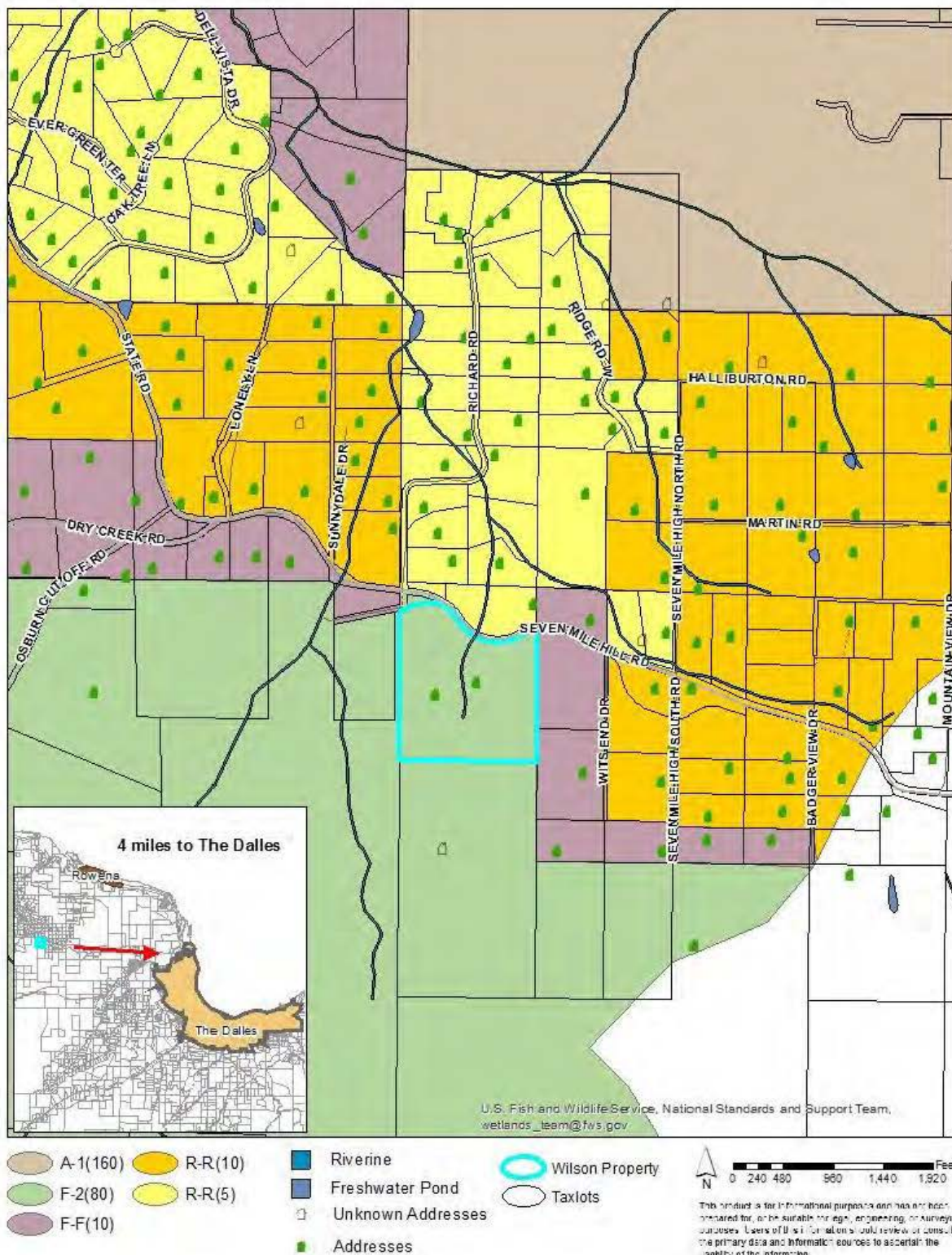


Figure 2: Wilson Vicinity Map

**East:** Directly to the east, north east, and south east of the proposed exception area are three parcels zoned F-F(10): T2N R12E, Section 22, Lots 4700, 4300, and 4200. Two of these lots abut the eastern boundary of the subject parcel, and the third is just across Sevenmile Hill Road to the north. Two of the three lots have residences.

The three abutting rural residential lots to the east are part of a small rural subdivision called Fairmont Orchard Tracts, filed August 5, 1911. The subdivision is located entirely in the SW quarter of Section 22, Township 2 North, Range 12 East. It was originally composed of nine lots, Lots 1-6 and Parcels A, B, & C. The numbered lots were generally to the south of Sevenmile Hill Road, oriented in a north-south rectangle, while the lettered parcels form a flagpole on the north side of Sevenmile Hill Road, running west to the western boundary of the section. The lot sizes ranged from 6.08 Acres to 13.22 acres on the original plat, making the average lot size 9.66 acres. Over time, three of the original lots have been partitioned into smaller lots, resulting in 12 lots, the smallest being 0.75 acres. The average size is now 6.85 acres.

There are three zoning designations covering the area east of the exception area, F-F (10), R-R (10), and R-R (5). After 0.6 mile, the National Scenic Area boundary begins, with zoning designations of predominantly (GMA) A-1 (160). In 1999, Wasco County revised the zoning of the lots 0.1 mile east of the subject parcel, changing them from F-F (10) to R-R(10). (County Ordinance 99-111, amending Ordinance 97-102) According to goals established in the TLSA project, the change in zoning was part of a process seeking to allow the expansion of rural residential uses in this 'transition' area between the more developed areas to the north and the large scale forestry/agricultural uses to the south. These zone changes were objected to and appealed, partly on the basis that they were likely to diminish the buffer between commercial forestry and rural residential uses in the area and increase conflicts between those uses. (LUBA appeal No. 99-178)

**North:** Immediately north, but still on the south side of the road and zoned F-2 (80), is a vacant 0.7 acre triangular parcel owned by the County that covers the piece of land between the old Seven Mile Hill Road and the current Seven Mile Hill Road. Across the road to the north are two lots that were also part of the Fairmont Orchard Tracts subdivision discussed above. These lots are 0.7 acre (vacant, owned by Wasco County) and 7.9 acres (single family dwelling with associated accessory structures). Both of these lots are in R-R (5) zoning.

The Fly-By Night subdivision lies north of the Fairmont Orchard Tracts subdivision. Three parcels were reconfigured in a partition plat in 2017. All lots due north of the subject property for 0.8 mile are zoned R-R (5). After that the land becomes A-1 (160) exclusive farm zone for another 0.8 mile until it reaches the National Scenic Area boundary.

Property to the northeast is discussed above. To the northwest lies the Sunnydale Orchards Subdivision. All lots in this subdivision north of Seven Mile Hill Road are in R-R (10) zoning, and those south of and along the road are F-F (10). The majority of this subdivision is developed with single family dwellings and associated accessory buildings. North of Sunnydale Orchards there are other subdivisions with both F-F (10) and R-R (5) zoning.

All of the area north of the proposed exception area is built and committed to low and medium density rural residential uses in these two platted subdivisions: Sunnydale Orchards and Flyby Night.

The Sunnydale Orchards Subdivision was recorded on March 8, 1912. It consisted of 25 lots averaging about five acres each, with the largest at 11.4 acres. Lots in the subdivision are for the most part less

than ten acres each. The plat for the Flyby Night Subdivision was recorded November 8, 1979. The Flyby Night lots average approximately five acres each, with two larger, approximately 20-acre parcels as the exceptions.

The area to the north is the most heavily developed area surrounding the proposed exception area. As can be seen in the map above in Figure 2, virtually all lots to the north of the exception area have been improved with a residence or a manufactured home, with few exceptions.

**West:** There are two properties immediately adjacent to the proposed exception area to the west. The northern parcel is 16.3 acres, with the north 1/3 zoned F-F (10) and the southern 2/3 zoned F-2 (80). This property is not developed. The adjacent property to the southwest of the subject parcel is 439 acres, and is in commercial forestry, owned by Ken Thomas. F-2 (80) zoned land stretches almost a mile due west of the subject parcel, across Osborn Cut-Off Road, before it reaches the Fletcher Tract subdivision with F-F (10) zoning. The majority of that area with F-2 (80) zoning is undeveloped, with the exception of three single family dwellings along Osborn Cut-Off Road.

Fletcher Tract was recorded on June 6, 1908 and contains a total of 32 parcels, almost all roughly 5 acres each. The lots are oriented in two long north-south columns of 16 lots each, with a north-south roadway between the two columns. The roadway north of Dry Creek Road was vacated in 1977, but a private road still exists. The portion of this platted road south of Dry Creek Road has never been developed (according to aerial photographs), although there are some private access roads leading to the developed parcels. For the purposes of this report, information was collected on 11 lots in the subdivision. Most of the lots have remained separate 5-acre parcels, but a few have been combined under single ownership into larger lots (Tax lots 1000, 2200, 700, 2600, 2700). The 15.29-acre lot (Lot 1000) is the largest parcel in the Fletcher Tract.

The current zoning for the entire Fletcher Tract is F-F (10). Beyond the subdivision to the west and south are large parcels zoned F-2 (80). According to Planning Department records, the Fletcher Tract has been zoned F-F (10) since the implementation of zoning in the county.

Several of the lots in the Fletcher Tract are in common ownership forming larger tracts, more in keeping with smaller, 10-15 acre woodland lots. When looking at them as individual lots, the majority have no improvements. However, in the area south of Dry Creek Road, five of the lots in the 'eastern column' are in common ownership (Tax Lots 900, 1000 and 1100, covering subdivision Lots 9-13), with a residence on one of those lots. Similarly, three of the lots in the 'western column' are in common ownership (Tax Lots 2100, 2200 and 2300, covering subdivision Lots 20-23), with a residence on two of them. Considering this pattern of use, the majority of the land area is dedicated to non-resource, residential uses. Additionally, because the establishment of the lots predates zoning in the area, each 5-acre parcel could conceivably be developed with a rural residence.

**South:** The area directly adjacent to the exception area to the south is one 69 acre parcel, also owned by the applicant and bisected by a BPA power transmission line running southeast to northwest. There is a single family dwelling and several accessory structures on this parcel, which is zoned F-2 (80). No commercial forestry occurs there. Continuing further south, land is zoned F-2 (80) for approximately 5 miles (crossing Chenoweth Creek Road after 1.5 miles) until it runs into the F-F (10) zoned areas surrounding Wells Road southwest of The Dalles. That region is undeveloped, with the exception of two parcels along Chenoweth Creek Road, and is primarily being managed for forestry or large scale agricultural (mostly grazing) uses.

*(c) The relationship between the exception area and the lands adjacent to it;*

**FINDING:** As described in preceding sections of this submittal, the exception parcel is immediately abutted to the south and west by F-2 (80) Forest zoned property (69 and 439 acres), to the north across Seven Mile Hill Road by R-R (5) Residential zoned property (7.9 acres), and to the east by F-F (10) Farm Forest zoned property (averaging 10.8 acres). The properties to the south and south west are resource zones while those to the north, north west, and east are non-resource zones.

All are in separate ownerships, except the 69 acre F-2 parcel to the south, which is also owned by the owner of the subject property of this application, David Wilson. Combined with the subject parcel that is a 109 acre tract of resource zoned Forest land. There is another home on the southern property and a shop that is utilized by the applicant for farm use (according to information from previous Land Use decisions found in PLAAPL-17-10-0001 and PLAPAR-17-05-0002) on the southern property. The southern parcel is accessed by the same driveway that accesses the existing home on the subject property, running along it's western edge.

The County GIS map shows that the western boundary of the subject parcel abuts a narrow spur of the larger 439 acre commercial forestry operation to the south west of the two parcels owned by David Wilson. That spur appears to be able to provide access to Seven Mile Hill for that forestry operation. Immediately to the west of that is the 16 acre parcel described in (b) above as being 1/3<sup>rd</sup> F-F and 2/3 F-2 zoned property. That parcel abuts Seven Mile Hill Road but current access is shared along the northern 120 feet of the subject parcel's driveway. No dwellings exist on that property.

The subject property does not have any special relationships with the other non-resource properties adjacent to it, however, it is unique in its zoning. It is the only parcel on all of Seven Mile Hill Road that is zoned F-2 (80), Forest. All other parcels are either already the non-resource zone, F-F (10), or else are zoned Rural-Residential with five and 10 acre minimum lot sizes. This creates a unique situation where the subject parcel is enclosed on three of its sides by residentially zoned properties, most of which are used for residential purposes. If the subject parcel was used for a forestry operation it could be potentially disruptive to this residential community. This area is irrevocably committed to a residential use, and changing the zoning of the subject parcel to the same would enable this status quo to continue, limiting potential conflict with any future resource use at this location.

*(d) The other relevant factors set forth in OAR 660-004-0028(6).*

**FINDING:** These factors are discussed below.

- c. OAR 660-004-0028(3): "Whether uses or activities allowed by an applicable goal are impracticable as that term is used in ORS 197.732(2)(b), in goal 2, Part II(b), and in this rule shall be determined through consideration of factors set forth in this rule. Compliance with this rule shall constitute compliance with the requirements of Goal 2, Part II. It is the purpose of this rule to permit irrevocably committed exceptions where justified so as to provide flexibility in the application of broad resource protection goals. It shall not be required that local governments demonstrate that every use allowed by the applicable goal is 'impossible.' For exceptions to Goals 3 or 4, local governments are required to demonstrate that only the following uses or activities are impracticable;*

*(a) Farm use as defined in ORS 215.203;*

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

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

**FINDING:** This application seeks an exception to Goal 4: Forest Lands, where the primary goal is to "conserve forest land for forest uses".

ORS 215.203(2)(a) states:

"[F]arm use" means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce 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. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subsection (3) of this section or land described in ORS 321.267 (3) or 321.824 (3).)

OAR 660-033-0120 contains a chart of uses that are allowed outright, conditionally, or not authorized on agricultural lands, including "farm use" and "propagation or harvesting of a forest product," and OAR 660-006-0025(2)(a) states:

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash;

The "forest products" definition can be found in ORS 532.010(4), which states that forest products are "any form, including but not limited to logs, poles and piles, into which a fallen tree may be cut before it undergoes manufacturing, but not including peeler cores." An examination of Farm Uses and their potential on this property are also relevant as indicated by OAR 660-004-0028(3) above. There are currently agricultural practices occurring on the subject parcel and the adjacent property to the south in the same ownership tract as described above in *OAR 660-004-0028(6)(c)(B)*. The uses on the adjacent tract in the same ownership are relevant due to a requirement to examine *"the relationship between the exception area and the lands adjacent to it"* when examining a potential irrevocably committed exception as discussed above in OAR 660-004-0028(2).

OAR 660-006-0025 describes those "Uses Authorized in Forest Zones". An exception granted to this goal may have an impact on these types of uses. This OAR describes five (5) general types:

"(a) Uses related to and in support of forest operations;



(b) Uses to conserve soil, air and water quality and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment;

(c) Locationally-dependent uses, such as communication towers, mineral and aggregate resources, etc.

(d) Dwellings authorized by ORS 215.705 to 215.755; and

(e) Other dwellings under prescribed conditions”

In regards to (c), no aggregate sites have been identified on this property, nor is there anything about its location that makes it significant for communication towers. In regards to (d) and (e) there is currently an existing dwelling on the parcel, with no potential for further dwellings under current rules in the Forest Zone. That leaves (a) and (b) as the primary uses which must be safe guarded on this property in accordance with Goal 4: Forest Lands.

The rule does not require that the listed resource uses be impossible in the exception area; rather, it requires that they be impracticable. Impracticable means “not capable of being carried out in practice,” according to Webster’s New World Dictionary (2nd College Ed., 1980). “Capable” means “having ability” or “able to do things well.” Id. Finally, “in practice” means by the usual method, custom or convention. Id. Webster’s Third New International Dictionary, (Unabridged Ed., 1993) defines “impracticable” as “**1a** : not practicable : incapable of being performed or accomplished by the means employed or at command : infeasible \* \* \* **c** : IMPRACTICAL, UNWISE, IMPRUDENT \* \* \*”

Based on the foregoing, the County must evaluate to what extent the adjacent uses and other factors affect the ability of property owners to carry out resource uses in practice in the exception area. The rule only requires evaluating whether the resource use can be carried out by the usual, available methods or customs. Consequently, just because a farm or forest use can be attained by methods that are not usual or customary does not mean that the farm or forest use is practicable. Resource designation is not necessary to preserve the area for small scale farm or forestry uses in conjunction with residential use.

The current level of residential development has increased to the point that commercial resource use has become impracticable. The exception area is surrounded on three sides by existing residential development, with the potential for additional residential development in the future. Conflicts caused by the proximity of residential neighbors on three sides require added expense related to fire protection, fencing and general control of the area, and prevent the use of spraying to control insects and vegetation that competes with commercial tree species. Further conflicts with residences arise because of the noise associated with commercial operations and the safety risks of logging near residential property.

The steps that would need to be taken to efficiently and effectively manage timber in the area makes such uses impracticable. To the extent this section requires that a justification for an exception to Goal 4 also requires consideration of the suitability of the area for farm uses, the record of this proceeding and the attached exhibits demonstrate the suitability of the area for farm uses. Due to the existing parcel size, climate and development in the area, it cannot be, and is not, currently employed for the primary purpose of obtaining a profit from agricultural uses, though small scale farm uses do exist on the property and that of the same tract to the south. The area can support these small-scale, “peripheral”

farm activities now taking place on adjacent F-F and R-R zoned properties, under circumstances in which residential use represents the primary and most highly valued use.

- d. OAR 660-004-0028(4): "A conclusion that an exception area is irrevocably committed shall be supported by findings of fact which address all applicable factors of section (6) of this rule and by a statement of reasons explaining why the facts support the conclusion that uses allowed by the applicable goal are impracticable in the exception area."*

**FINDING:** All applicable factors of section (6) are addressed below. The applicant's statement and exhibits address all applicable factors and reasons why the facts support the conclusion that uses allowed by Goal 4 are impracticable in the exception area, as described throughout this report.

- e. OAR 660-004-0028(5): "Findings of fact and a statement of reasons that land subject to an exception is irrevocably committed need not be prepared for each individual parcel in the exception area. Lands which are found to be irrevocably committed under this rule may include physically developed lands."*

**FINDING:** The proposal is for a goal exception, zone change, and comprehensive plan amendment for one parcel. This parcel makes up the entirety of the "exception area". This parcel is physically developed as described above. Findings of fact and a statement of reasons why this land is found to be irrevocably committed are discussed throughout this report.

- f. OAR 660-004-0028(6): Findings of fact for a committed exception shall address the following factors:*

*(a) Existing adjacent uses;*

**FINDING:** The existing adjacent uses are discussed and considered in great detail in sections 2.3.3 and 2.3.4, above. Existing adjacent uses to the north and east are residential, and zoned as such. (see Map above, Figure 2) The land immediately to the south is zoned for forest, but used as residential. The remainder of all land south and south west of the subject parcel is zoned for, and used as, commercial forestry.

*(b) Existing public facilities and services (water and sewer lines, etc.);*

**FINDING:** There are no public water or sewer facilities on either the adjacent land or the exception area. Electric power and phone service are available to the area. The property can be adequately served by existing fire, police and school facilities. See prior findings under Chapter 11, Section H regarding statewide planning goals.

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

- (A) Consideration of parcel size and ownership patterns under subsection (6)(c) of this rule shall include an analysis of how the existing development pattern came about and whether findings against the Goals were made at the time of partitioning or subdivision. Past land divisions made without application of the Goals do not in themselves demonstrate irrevocable commitment of the exception area. Only if development (e.g., physical improvements such as roads*

*and underground facilities on the resulting parcels) or other factors make unsuitable their resource use or the resource use of nearby lands can the parcels be considered to be irrevocably committed. Resource and nonresource parcels created pursuant to the applicable goals shall not be used to justify a committed exception. For example, the presence of several parcels created for nonfarm dwellings or an intensive agricultural operation under the provisions of an exclusive farm use zone cannot be used to justify a committed exception for land adjoining those parcels.”*

**FINDING:** As discussed in great detail above and in the attached exhibits, some of the existing development pattern for the Sevenmile Hill area was established prior to the adoption of the goals. Many of the small parcels that characterize the area were created between 1900 and 1920 and were marketed as orchard sites that could support a family. The lots in the vicinity of the exception area were not successful because of the cold and dry weather at this location and elevation. Most of the existing lots (many of which were created by subdivision later in the 1970s as discussed above) have non-resource residences located on them now, as does the subject parcel in the proposed exception area.

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

**FINDING:** The subject parcel is 40.6 acres, owned by David and Jolene Wilson. David Wilson also owns the land to the south, a 69.3 acre parcel, bisected by the BPA powerline, with one residence and associated accessory buildings. Neither parcel is currently engaged in forestry activities. The parcel to the south is engaged in Farm Use, with a Planning Commission approved agricultural structure and Farm Management Plan. That parcel is not included in this proposal for a rezone, goal exception and comprehensive plan amendment. Contiguous total acreage is 109.48 acres. Per criterion B, both parcels in contiguous ownership shall be considered together in relation to the land’s actual use – in this case the southern parcel is an active farm.

In relation to most forestry operations, a 40.6 acre parcel is a small parcel. According to Criterion B, the nature of its small size is not enough to constitute irrevocable commitment. However, also according to Criterion B, small parcels are more likely to be irrevocably committed if they are developed and clustered around a road designed to serve them. In the case of the subject parcel, there is one large residence in use near the eastern boundary, as well as older structures formerly used as a residence and a barn in the center. Finally Criterion B encourages consideration of whether a property stands alone among larger farm or forest operations, or is buffered from them. For the subject parcel, there is no buffer to the south or southwest as the property to the southwest is in commercial forestry and the one to the south, owned contiguously by the applicant, David Wilson, has farm uses on it. The next parcel south of that is 336 acres used predominantly for grazing. The parcel to the east (southeast adjacent to the subject parcel) is 439 acres of land used for forestry. All nearby lands to the north and west are

residential. The subject parcel does not stand alone amongst larger operations, but nor is it buffered from them.

*(d) Neighborhood and regional characteristics;*

**FINDING:** Based on the descriptions already provided in this submittal, the “neighborhood characteristics” can best be described as commercial timberland to the south, and rural residential development within the area and on every other side. The “regional characteristics” include location, six miles west of The Dalles and 0.2 mile from the closest boundary of the Columbia River Gorge National Scenic Area.

*(e) Natural or man-made features or other impediments separating the exception area from resource land. Such features or impediments include but are not limited to roads, watercourses, utility lines, easements, or rights-of-way that effectively impede practicable resource use of all or part of the exception area;*

**FINDING:** There are no natural impediments separating the proposed exception area from resource land. There is man-made feature separating the proposed exception area from existing commercial timberlands to the south—the BPA Bonneville-The Dalles power line right-of-way/easement—which forms a 150-foot wide cleared area between the residence on the subject property and commercial forest areas to the south. This power line is located on the adjacent property approximately 1/3 mile south of the subject property’s existing residence (1/5 mile south of the southern property line) and runs slightly northwest to southeast. As described above, the 69 acre parcel owned by the applicant to the immediate south of the subject property has an existing residence (which lies north of and adjacent to the power line) and is in residential use. The power line bisects that property. The 440 acre adjacent property to the southwest of the subject property is owned by Ken Thomas, a private landowner who engages in forestry operations on his extensive Wasco County land holdings. The power line separates the northern 70 acres of that parcel from the southern 370 acres, all of which is in the F-2 (Forest) Zone. This impediment feature is not insurmountable or impassable to forest uses.

*(f) Physical development according to OAR 660-004-0025; OAR 660-004-0025 states the “Exception Requirements for Land Physically Developed to Other Uses” as follows:*

- (1) A local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal.*
- (2) Whether land has been physically developed with uses not allowed by an applicable Goal, will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the justification for the exception. The specific area(s) must be shown on a map or otherwise described and keyed to the appropriate findings of fact. The findings of fact shall identify the extent and location of the existing physical development on the land and can include information on structures, roads, sewer and water facilities, and utility facilities. Uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception.”*

**FINDING:** Part of the justification that the applicant has given for this exception is that a dwelling currently exists on the subject parcel. The exact nature and extent of this house and other structures on the property are identified in Figure 1 above. The minimum lot size for a forest dwelling is currently 240 acres, and the subject property is 40.6 acres. If the zone change were to be approved, this land would become F-F (10) and three additional dwellings could be built there.

The current home, abandoned old home, and associated outbuildings are current and former residential uses on this property. Though there is open space on roughly half the eastern portion of the property, it is predominantly oak and open grassland which is not suitable for forestry uses as described and supported in Goal 4. A driveway runs along and near the western property line that connects to another residence on the property to the south of the subject parcel. This development – buildings and residential access ways – qualify as uses not allowed by the applicable goal, Goal 4 in this case.

*(g) Other relevant factors;*

To the extent there are other relevant factors, they are discussed throughout this submittal and not repeated here.

- g.** *OAR 660-004-0028(7): The evidence submitted to support any committed exception shall, at a minimum, include a current map, or aerial photograph which shows the exception area and adjoining lands, and any other means needed to convey information about the factors set forth in this rule. For example, a local government may use tables, charts, summaries, or narratives to supplement the maps or photos. The applicable factors set forth in section (6) of this rule shall be shown on the map or aerial photograph.*

**FINDING:** The submittal complies with this requirement, and includes various maps of the proposed exception area and adjoining lands submitted with the application as Exhibit 8. Tables, charts, and summaries are also included within the submittal and as exhibits to this narrative, along with maps and other materials.

- h.** *OAR 660-004-0040: Application of Goal 14 Urbanization to Rural Residential Areas, states: The purpose of this rule is to specify how Statewide Planning Goal 14, Urbanization, applies to rural lands in acknowledged exception areas planned for residential uses.*

*Subsections -0040(1) through (4) explain what the rule does. It does not apply to land within an urban growth boundary; unincorporated community; urban reserve area; destination resort; resource land; and “nonresource land, as defined in OAR 660-004-0005(3).” The following sections of this submittal demonstrate compliance with Goal 14 as and to the extent specified in OAR 660-004-0040.*

**FINDING:** OAR 660-004-0040 does not appear to include standards that apply to the land use decisions requested by this submittal. The land in question is currently classified as resource land, and the request is to establish an exception to Goal 4 that will allow rural residential development on lots that are a minimum of ten acres per dwelling, or otherwise at a density that cannot exceed one dwelling for every ten acres in the area. The F-F(10) zoning that would be applied will ensure that the requested housing density is not exceeded. The proposed housing density is not an urban density. No sewer or

water services exist near the area or are proposed, and there are no other “urban” attributes of development that could occur if the request is granted.

OAR 660-004-0040 (5) and (6):

- (5) *The rural residential areas described in Subsection (2)(f) of this rule are “rural lands”. Division and development of such lands are subject to Goal 14, which prohibits urban use of rural lands.*
- (6)(a) *A rural residential zone currently in effect shall be deemed to comply with Goal 14 if that zone requires any new lot or parcel to have an area of at least two acres, except as is required by section(8) of this rule*
- (6)(b) *A rural residential zone does not comply with Goal 14 if that zone allows the creation of any new lots or parcels smaller than two acres. For such a zone, a local government must either amend the zone’s minimum lot and parcel size provisions to require a minimum of at least two acres or take an exception to Goal 14. Until a local government amends its land use regulations to comply with this subsection, any new lot or parcel created in such a zone must have an area of at least two acres.*

**FINDING:** This section does not appear to be an approval standard applicable to the request. However, the proposed F-F (10) zone will not allow the creation of any new lots or parcels within the exception area smaller than two acres, in conformance with this section.

OAR 660-004-0040 (7) and (8):

- (7) *After October 4, 2000, a local government’s requirements for minimum lot or parcel sizes in rural residential areas shall not be amended to allow a smaller minimum for any individual lot or parcel without taking an exception to Goal 14 pursuant to OAR chapter 660, division 14, and applicable requirements of this division.”*

**FINDING:** The County recognizes the requirements of this section. No request has been made to allow smaller minimum lot sizes than allowed by the rule.

- (8)(a) *The creation of any new lot or parcel smaller than two acres in a rural residential area shall be considered an urban use. Such a lot or parcel may be created only if an exception to Goal 14 is taken. This subsection shall not be construed to imply that creation of new lots or parcels two acres or larger always complies with Goal 14. The question of whether the creation of such lots or parcels complies with Goal 14 depends upon compliance with all provisions of this rule.”*

**FINDING:** The proposed F-F (10) zone will prevent the creation of any new lot or parcel in the area smaller than two acres. Lot sizes allowed in the area comply with all provisions of the Goal 2 rule for exceptions.

- (b) *Each local government must specify a minimum area for any new lot or parcel that is to be created in a rural residential area.*

**FINDING:** The minimum lot size for the area would be ten acres in the F-F (10) zone. For a PUD, a permitted use in the F-F (10) zone and in which dwellings could be clustered away from commercial

forestry uses, the minimum property size is 2.5 acres, and the overall density of the PUD cannot exceed a ratio of one dwelling for every ten acres in the PUD.

- (c) If, on October 4, 2000, a local government's land use regulations specify a minimum lot size of two acres or more, the area of any new lot or parcel shall equal or exceed that minimum lot size which is already in effect.*

**FINDING:** The minimum lot size of the proposed F-F (10) zone would be ten acres, and that minimum lot size would apply in the proposed exception area.

- (d) If, on October 4, 2000, a local government's land use regulations specify a minimum lot size smaller than two acres, the area of any new lot or parcel created shall equal or exceed two acres.*

**FINDING:** The County's land use regulations do not specify a minimum lot size smaller than two acres for the proposed F-F (10) zone.

- (e) A local government may authorize a planned unit development (PUD), specify the size of lots or parcels by averaging density across a parent parcel, or allow clustering of new dwellings in a rural residential area only if all conditions set forth in paragraphs (A) through (H) are met:*

**FINDING:** The F-F (10) code permits planned unit development (PUD). In the event that a zone change to that designation is approved by the County then PUDs may be authorized if (A) through (H) are met.

- (A) The number of new single family dwellings units to be clustered or developed as a PUD does not exceed 10.*

**FINDING:** The proposed F-F (10) zone on the 40.6 acre subject parcel would result in a maximum of three (3) additional dwellings which does not exceed 10.

- (B) The number of new lots or parcels to be created does not exceed 10.*

**FINDING:** The proposed F-F (10) zone on the 40.6 acre subject parcel would result in a maximum of three (3) additional parcels which does not exceed 10.

- (C) None of the new lots or parcels will be smaller than two acres.*

**FINDING:** The proposed F-F (10) zone specifies that no new lots can be smaller than 10 acres.

- (D) The development is not to be served by a new community sewer system.*

**FINDING:** There are no community sewer systems in the area, nor has one been requested. A community sewer system would not be approved for a PUD in this region. Development in this region is served by septic systems, approved by the North Central Public Health District.

- (E) The development is not to be served by any new extension of a sewer system from within an urban growth boundary or from within an unincorporated community.*

**FINDING:** The subject parcel is approximately four miles linearly and 1800' in elevation away from the nearest Urban Growth Boundary for the City of The Dalles. The unincorporated community of Rowena is 2.7 miles away and also much lower in elevation. No new extensions of any sewer systems, existing or future, will be extended to the Seven Mile Hill area.

*(F) The overall density of the development will not exceed one single family dwelling for each unit of acreage specified in the local government's land use regulations on October 4, 2000 as the minimum lot size for the area.*

**FINDING:** The 40.6 acre subject parcel contains one lawful single family dwelling. If the zone were to change to F-F (10), a total of four (4) (for a maximum of three (3) new) single family dwellings could be placed on this land, in accordance with County regulations for minimum parcel size in that zone as it existed on October 4, 2000.

*(G) Any group or cluster of two or more dwelling units will not force a significant change in accepted farm or forest practices on nearby lands devoted to farm or forest use and will not significantly increase the cost of accepted farm or forest practices there; and*

**FINDING:** For purposes of this finding, the area in consideration includes the surrounding rural residential areas to the west, north, and east, the commercial forestlands to the southeast, and the contiguous farmland to the south of the proposed exception area. The farm to the south is owned by the applicant. The forest land to the southeast has three options for access: it touches Osburn Cut-off Road 0.8 mile south of its intersection with State Road, as well as Seven Mile Road 650 feet east of the subject parcel. Additionally, it owns a strip of land immediately adjacent to the subject parcel's dwelling driveway access. Because there are two other locations for access, forestry uses may not need to utilize that driveway associated with the existing residence on the subject parcel to access their lands. In the event of forestry operations on the western boundary line of the forest property however, that access would be the shortest and easiest topographically. The addition of residences needing to use that driveway to access their homes could interfere with forestry use access to their land and increase the cost of hauling logs by forcing the owner to create a longer, steeper road from one of the other two access ways. The existing access serves the home on the subject parcel and another on the farm to the south. In the event of a zone change and additional residences on the subject parcel it is likely that either zero or a maximum of one additional dwelling would be sited using that access way, with the other two potential new dwellings being located at the site of the existing historic farmhouse, or along the eastern property line. Zero or one new residence, where two are served currently, would not significantly increase the overall impact of residences on adjacent farm and forest lands beyond what already exists along that access way.

*(H) For any open space or common area provided as a part of the cluster or planned unit development under this subsection, the owner shall submit proof of nonrevocable deed restrictions recorded in the deed records. The deed restrictions shall preclude all future rights to construct a dwelling on the lot, parcel, or tract designated as open space or common area for as long as the lot, parcel, or tract remains outside an urban growth boundary.*

**FINDING:** The Planned Unit Development section of the Wasco Count LUDO requires dedicated open space covering at least 60% of any PUD as well as "Articles of Incorporation of the Homeowners"



Association formed to maintain common open space and other common improvements.” Section 18.100 of the LUDO details Open Space requirements, including requirements to deed restrictions as laid out in Criterion H such that a conservation easement or other deed restriction be established to preclude all future rights to construct a dwelling on the lot, parcel, or tract designated as open space or common area for as long as the lot, parcel, or tract remains outside an urban growth boundary.

- (f) *Except as provided in subsection (e) of this section or section (10) of this rule, a local government shall not allow more than one permanent single-family dwelling to be placed on a lot or parcel in a rural residential area. Where a medical hardship creates a need for a second household to reside temporarily on a lot or parcel where one dwelling already exists, a local government may authorize the temporary placement of a manufactured dwelling or recreational vehicle.*

**FINDING:** In conformance with this section, the County is not proposing to allow more than one permanent single-family dwelling to be placed on any lot or parcel in the proposed potential residential area, except in the event of temporary use permits.

- (g) *In rural residential areas, the establishment of a new mobile home park or manufactured dwelling park as defined in ORS 446.003(23) and (30) shall be considered an urban use if the density of manufactured dwellings in the park exceeds the density for residential development set by this rule’s requirements for minimum lot and parcel sizes. Such a park may be established only if an exception to Goal 14 is taken.*

**FINDING:** The County is not proposing a new mobile home park or manufactured dwelling park as part of this proposal, in conformance with this section.

- (h) *A local government may allow the creation of a new parcel or parcels smaller than a minimum lot size required under subsections (a) through (d) of this section without an exception to Goal 14 only if the conditions described in paragraphs (A) through (D) of this subsection exist:*

(A) *The parcel to be divided has two or more permanent habitable dwellings on it;*

(B) *The permanent habitable dwellings on the parcel to be divided were established there before the effective date of this rule;*

(C) *Each new parcel created by the partition would have at least one of those permanent habitable dwellings on it;*

(D) *The partition would not create any vacant parcels on which a new dwelling could be established.*

(E) *For purposes of this rule, habitable dwelling means a dwelling that meets the criteria set forth in ORS 215.283(t)(A)-(t)(D).*

**FINDING:** Because the county is not allowing the creation of new parcels smaller than the minimum lot size required under subsections (a) through (d), subsections (A) through (E) of this section do not apply to the proposal.

(i) *For rural residential areas designated after the effective date of this rule, the affected county shall either:*

(A) *Require that any new lot or parcel have an area of at least ten acres, or*

(B) *Establish a minimum lot size of at least two acres for new lots or parcels in accordance with the requirements of Section (6). The minimum lot size adopted by the county shall be consistent with OAR 660-004-0018, 'Planning and Zoning for Exception Areas.'*"

**FINDING:** In this case, the County is establishing an overall density of residential development allowed as a ratio of one single family dwelling for every ten acres. Clustering of dwellings may occur in the event of a PUD or particular land divisions. The purpose of allowing potential clustering of dwellings in the area is to encourage development of dwellings toward the northern end of the area, near existing roads and development, and away from forest resource lands and wildlife habitat areas to the south. This approach is consistent with OAR 660-004-0118 as discussed below.

*OAR 660-004-0118 Planning and Zoning for Exception Areas*

(2) *For "physically developed" and "irrevocably committed" exceptions to goals, residential plan and zone designations shall authorize a single numeric minimum lot size and all plan and zone designations shall limit uses, density, and public facilities and services to those:*

(a) *That are the same as the existing land uses on the exception site;*

**FINDING:** The proposed zoning is F-F (10) which has a single numeric minimum lot size of ten (10) acres.

(b) *That meet the following requirements:*

(A) *The rural uses, density, and public facilities and services will maintain the land as "Rural Land" as defined by the goals and are consistent with all other applicable Goal requirements; and*

**FINDING:** The proposed zoning is F-F (10) which is a non-resource, Forest-Farm zone. The purpose of this zone is described in Section 3.221 of the Waco County LUDO as: "to permit low-density residential development in suitable locations while reducing potential conflicts with agriculture uses, forestry uses and open space." "Rural Land" is defined by OAR 660-004-0040(2)(f) "lands that are not within an urban growth boundary, that are planned and zoned primarily for residential uses." Land within the F-F (10) zone is consistent with this definition of Rural Land as defined by the goals.

(B) *The rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to nonresource use as defined in OAR 660-004-0028; and*

**FINDING:** OAR 660-004-0028 criteria for the subject parcel are addressed above. The subject parcel lies along Seven Mile Hill Road, which is a significant transportation corridor in the area. Access to adjacent and nearby resource lands does not depend on the subject property. The use of the subject property in

a non-resource capacity will not commit adjacent or nearby resource land to non-resource uses as the potential addition of three dwellings will not impede access or resource use of adjacent or nearby properties.

*(C) The rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses;*

**FINDING:** The proposed zone for the subject property is Forest-Farm, F-F (10). The purpose of this zone is listed in Section 3.221 of the Wasco County LUDO as “to permit low-density residential development in suitable locations while reducing potential conflicts with agriculture uses, forestry uses and open space.” This zone was designed as a non-resource buffer zone between rural residential zones and resource zones such as Forest or Agriculture zones.

The following information is in regards to immediately adjacent properties:

Direction	Account	Size	Zone	Use
North	1196	0.7	F-F (10)	Vacant
North	1195	7.9	R-R (5)	Residential
North East	1194	6.4	F-F (10)	Residential
East	885	13.2	F-F (10)	Vacant
South East	887	12.9	F-F (10)	Residential
South	13446	69.3	F-2 (80)	Residential/Resource
South West	399	439	F-2 (80)	Resource
West	400	16.3	F-2 (80)	Vacant
North West			F-F (10)	Vacant

The residential use of the subject property is compatible with adjacent uses. In general, lands to the south are F-2, resource lands. Lands to the east and west, immediately south of and adjacent to Seven Mile Hill Road are residential (F-F (10) or R-R (10)). Nearby lands to the north, across Seven Mile Hill Road are almost all either R-R (5) or R-R (10) and in residential use. The subject property is currently being used as both a residence and a small farm. The continued use of this land in a residential fashion would be compatible with nearby residential uses.

The BPA line that runs 1/5 mile south of the subject property is the only public facility nearby. Expanded residential use of the subject property would not affect the use and operation of this transmission line. Public services used by the nearby area include roads, police, fire, electrical, telephone, and solid waste disposal. The potential addition of a maximum of three new single family dwellings along Seven Mile Hill Road would have a negligible effect on roads, police, electrical, telephone or solid waste disposal services. There is a slight increased risk of wildfire with the increase of residential use in this wildland-urban interface area.

Sewer services in rural areas of the County are handled with individual septic systems. Nearby and adjacent residential uses on ten acre parcels of land have not encountered difficulty establishing sufficient septic systems. In a November 7, 2018 email John Zalaznik, Environmental Health Supervisor for the North Central Public Health District, stated (in reference to the subject property):

"I think in general that area could accept on site systems. The area looks like it is mostly treed so in general those sites have deeper soils than those open meadow sites. The soils can change so fast though I would not be certain until site evals are done."

Water services in rural areas of the County are handled with individual private wells. There has been widespread concern in the Seven Mile Hill area about a gradually withdrawing water table requiring deeper wells and occasionally resulting in neighboring wells drying up. The addition of three new private wells could have a slight effect on available water supplies for established residential uses in the area. According to an October 12, 2018 email between staff and Watermaster Robert Wood, "Sevenmile Hill/ Mosier groundwater levels are declining about 2 feet per year on average". The Oregon Water Resources Department is "not allowing new water rights in that area as the aquifers are either withdrawn from new appropriations or it has been determined water isn't available within the capacity of the resources." He stated that those uses that are exempt from water rights, such as "single or group domestic use, irrigation of no more than ½ acre lawn/ noncommercial garden, stock use" are still being allowed but that new rules are in place requiring more stringent well construction.

*(c) For which the uses, density, and public facilities and services are consistent with OAR 660-022-0030, "Planning and Zoning of Unincorporated Communities", if applicable, or*

**FINDING:** The proposal occurs in the Seven Mile Hill area of Wasco County. There are no incorporated or unincorporated communities in the area. This criterion is not applicable.

*(d) That are industrial development uses, and accessory uses subordinate to the industrial development, in buildings of any size and type, provided the exception area was planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714*

**FINDING:** The proposed change to Forest-Farm F-F (10) zone does not involve an industrial zone, or a proposal for any industrial development. On January 1, 2004 the zoning of the property was not industrial – it was an F-2 Forest zone. As no industrial use is proposed, nor any accessory uses to industrial development, this criterion does not apply.

## **B. Wasco County Comprehensive Plan**

### *Chapter 11 Revisions Process*

#### *A. Intent and Purpose*

*The Comprehensive Plan for Wasco County including all urbanizable areas is the primary document which guides and controls land use within Wasco County excluding incorporated areas. The plan is intended to reflect the community's current thoughts on land use planning and to be responsive to the needs and desires of citizens. In order to achieve this, the plan must respond to changing community attitudes and needs and to unforeseen circumstances which may affect the use of land in the future. It is, therefore, the intent of this section to permit the amendments of the Comprehensive Plan on a periodic basis and to describe the procedure for the amendment process.*

**FINDING:** Chapter 11 of the Comprehensive Plan describes the revisions process for the plan. The intent and purpose makes it clear that it was intended to be altered periodically as the Community and the County sees fit. This application is consistent with Criterion A.

*B. A Comprehensive Plan Amendment May Take the Following Forms:*

(\*\*\*)

*5. A combination plan change/zone amendment. (Legislative or Quasi-Judicial)*

**FINDING:** This application is for a comprehensive plan amendment and a zone change from the F-2 (Forest) Zone to the F-F (Forest-Farm) zone. The Comprehensive Plan's "Definitions—Existing Land Use Map" identifies the subject property as: "Forestry – this designation includes all commercial forest land, both publicly and privately owned. Productivity is greater than 20 cubic feet per acre per year." Page 232 of the plan lists "Purpose Definitions of Map Classifications on the Comprehensive Plan Map." The existing plan classification, "Forest," states: "Purpose: To provide for all commercial and multiple use forest activities compatible with sustained forest yield." In this section, the Forest-Farm zone purpose is stated as "To provide for the continuation of forest and farm uses on soils which are predominantly class 7 and forest site class 6 and 7; and to preserve open space for forest uses (other than strictly commercial timber production) and for scenic value in the Gorge." This application also includes a goal exception to Goal 4 since removing land from the F-2 zone removes land from a designated Resource Zone and places it in a Non-Resource Zone. This application is consistent with Criterion 5.

*C. Who May Apply For a Plan Revision:*

*Comprehensive Plan Revision may be initiated by:*

(\*\*\*)

*3. Property owner or his authorized representative. (Quasi-Judicial)*

**FINDING:** This Quasi-Judicial application was submitted by David Wilson, the property owner of the subject parcel. This application complies with Criterion 3.

(\*\*\*)

*E. Quasi-Judicial Revisions*

*Quasi-Judicial revisions are those which do not have significant effect beyond the immediate area of the change, i.e., narrow in scope and focusing on specific situations. Each plan change or revision will first be heard by the Planning Commission on a first-come, first-serve basis. Such hearing shall be conducted in accordance with the Wasco County Planning Commission "Rules and Regulations".*

**FINDING:** This application is narrow in scope, focusing on one property. It will be heard by the Planning Commission first for a recommendation, then the Board of County Commissioners for a decision, in accordance with the Wasco County Planning Commission "Rules and Regulations". Notice of the hearing on this action was provided to the Department of Land Conservation and Development as specified in ORS 197.610 and 615, on February 26, 2019. This application is consistent with Criterion E.

(\*\*\*)

#### *H. General Criteria*

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

**FINDING:** These are factors for consideration and not standards that must each be strictly met. Thus, the Planning Commission and Board of Commissioners need only consider these criteria and determine whether they are generally satisfied.

- 1. Compliance with the statewide land use goals as provided by Chapter 15 or further amended by the Land Conservation and Development Commission, where applicable.*
- 2. Substantial proof that such change shall not be detrimental to the spirit and intent of such goals.*

**FINDING:** The following findings demonstrate how compliance is achieved with statewide land use planning goals that may apply to the request, as required to be considered by subsections 1 and 2 of H., the plan amendment General Criteria:

Goal 1 – Citizen Involvement. The purpose of Goal 1 is to ensure the “*opportunity for citizens to be involved in all phases of the planning process.*” Wasco County has included opportunities for citizen involvement in its Comprehensive Plan and zoning ordinance procedures such as public notice and public hearings for the proposed changes. Compliance with Goal 1 is ensured through compliance with the applicable Plan and zoning ordinance procedural provisions. These proceedings are being conducted with notice and hearings as required by law and County ordinance. Public participation will be a feature of Planning Commission and Board of County Commissioner meetings, which – by the time of this hearing - will have been sufficiently noticed to the public according to state law. Given this information, the proposal complies with Goal 1.

Goal 2 – Land Use Planning. The purpose of Goal 2 is “*to establish a planning process and policy framework as a basis for all decisions and actions related to use of the land and to assure an adequate factual base for such decisions and actions.*” The County’s planning process has been acknowledged by the State as being in compliance with the Statewide Planning Goals, and was followed in consideration of the proposal. The “adequate factual base” is provided by this narrative, the attached exhibits, and testimony received through the hearing process. As discussed in greater detail below, the proposal complies with Goal 2, requirements for the adoption of exceptions to a statewide goal.

Goal 3 – Agricultural Lands. Goal 3 provides for the preservation of Agricultural Lands for farm use. The subject property has been designated for forest uses, not farm uses. Because the subject property has not been identified or inventoried as agricultural land, Goal 3 does not apply to the proposal. Small-scale farming activities may be possible in the area, but are not likely to be affected by the allowance of three new rural residences.

Goal 4 – Forest Lands. Goal 4 provides for the preservation of Forest Lands for forest use. The property included in the proposed exception area is currently designated Forest Land but is not in forest use, nor is it in a forest assessor class (its assessor class is 401 for residential improved tract). As indicated by the applicant’s materials, the intention of this proposal is to preserve small-scale forest and farm uses, while allowing establishment of rural residences, through a conditional use process, under the County’s F-F(10) zoning. Because the requested plan and zone designations would allow development of non-

forest uses, an “exception” must be taken to Goal 4. The exception is justified in part 2, addressing LCDC’s administrative rule requirements for “built” and “committed” exceptions. The proposal complies with Goal 4.

Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources. The subject parcel is located within the Low Elevation Winter Range of the Big Game Wildlife Overlay. Wasco County recognizes in its Comprehensive Plan that big game herds are a valuable natural resource. The County Zoning Ordinance contains siting and development criteria, found in Zoning Ordinance Section 3.920, for lands within designated areas in the County. Goal 5 is met by the application of these standards to any development within the designated Big Game Winter Range. No other inventoried Goal 5 resources are affected by the proposal. The proposal complies with Goal 5.

Goal 6 – Air, Water, and Land Resources Quality. Goal 6 is “*To maintain and improve the quality of the air, water and land resources of the state.*” The proposed exception area is not located in a federal air quality attainment area, and three new single family dwellings will not generate significant additional air pollution. Sewage disposal needs of all new dwellings must comply with all state and local requirements. Those requirements ensure that such discharges will be properly treated and disposed of, and will not threaten to exceed the carrying capacity of, or degrade or threaten the availability of, area natural resources. The proposal complies with Goal 6.

Goal 7 – Areas Subject to Natural Disasters and Hazards. Goal 7 is “*To protect people and property from natural hazards.*” Goal 7 calls for local governments to adopt measures “to reduce risk to people and property from natural hazards.” The only natural hazard listed in the rule relevant to the request is “wildfires.” Chapter 10 of the Wasco County LUDO, created in 2007, establishes standards and requirements that ensure fire safe development throughout the County, and would apply to any additional residences or land uses in this area. The proposal complies with Goal 7.

Goal 8 – Recreational Needs. Goal 8 is “*To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*” Under the current zoning, hunting and fishing operations are allowed outright without lodging, and parks and campgrounds are allowed as conditional uses. If the zoning is changed to F-F(10), “Parks, playgrounds, hunting and fishing preserves and campgrounds” would be allowed as conditional uses within the exception area. Recreational needs can be achieved under both zoning designations. To the extent Goal 8 applies, the proposal is consistent with Goal 8.

Goal 9 – Economic Development. Goal 9 is “*To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.*” The subject property is currently being used for one single family dwelling. A zone change to F-F (10) would potentially increase that to a maximum of four single family dwellings, an increase in economic development. It is not currently being used for forest uses, nor is it being assessed for forest tax deferral status. Previous analysis above in OAR 660 Division 4 Section 25 of soil types, as well as the current use of the neighboring approximately 1,100 acre tract for forestry to the south show that this parcel is in an area that does have potential to be used as part of a commercial forestry operation. The proposal promotes Goal 9 by allowing residential uses, which the County considers to be the appropriate use of the subject property in view of existing development. The proposal is consistent with Goal 9.

Goal 10 – Housing. Goal 10 is “*To provide for the housing needs of citizens of the state.*” The rule is directed to lands in urban and urbanizable areas, and encourages residential development to occur in

existing urban areas. However, the proposal will allow development of additional rural residences in an area that is largely committed to existing rural residential uses. Guideline A(4) of Goal 10 states: *“Plans providing for housing needs should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.”* As noted in several locations of this report, impacts of the proposed exception area have been evaluated by this report for impacts to the air, land and water resources of the planning area. Consistent with Goal 10, the proposal will increase housing opportunities in an area where such uses may be appropriate.

Goal 11 – Public Facilities and Services. Goal 11 is *“To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”* In this case, the proposed rural development is supported by facilities and services that are appropriate for, and limited to, the needs of the rural area to be served. Because the area is rural, public facilities such as community scale water and sewer services are not considered necessary or appropriate. The subject location is serviced by public roads that are regularly maintained and adequate to serve the exception area. Local fire and police services are provided by Mid-Columbia Fire and Rescue Department, the Oregon Department of Forestry, and the Wasco County Sheriff’s Office. Neither water nor sewer services are provided to the area, but both are available on the subject properties through individual wells and septic tank systems. Electric (Wasco Electric Co-op) and phone services are available in the area. The increased housing potential in the area is not great enough to have a significant impact on any facilities planned for under Goal 11. The density allowed by the change (1 residence per 10 acres for a maximum potential of three additional residences) would be comparable to other nearby development. The proposal complies with Goal 11.

Goal 12 – Transportation. Goal 12 is *“To provide and encourage a safe, convenient and economic transportation system.”* Recent estimates of use indicate that roads in the area are operating now well below their capacity, with Volume-to-Capacity ratios of 0.07 at Seven Mile Hill Road and Chenoweth Creek Road according to the 2009 TSP. 2030 projections place V/C ratios at 0.21. Under the proposed exception area standards, it is estimated that a maximum of three new residences could be developed. Each residence is predicted to generate an average of 9.57 trips/day, which would not significantly affect the functionality, capacity, or level of service of Sevenmile Hill Road or other local roads. Given this information, the proposal will have little impact on the transportation system serving the exception area because there will be a tiny increase in traffic generated by development that might occur as a result of the plan amendment and zone change.

In connection with Goal 12, the county is required to apply the Transportation Planning Rule in Chapter 660, Division 12 of the Oregon Administrative Rules. OAR 660-12-060 requires, as to amendments to a comprehensive plan or zoning ordinance that “significantly affect a transportation facility,” that the County “assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility.” The proposed action does not significantly affect a transportation facility, and is therefore in conformance with Goal 12 and the Goal 12 rule.

Goal 13 – Energy Conservation. Goal 13 is *“To conserve energy.”* In this case, Goal 13 is promoted through standards that require clustering of dwellings toward established roads. The potential for three additional dwellings in this area would result in an increase in energy use, but this goal is for conservation of energy, not elimination of its use. Use of the property for forestry purposes would also result in the expenditure of energy in growing, harvesting, and transporting the product. In neither case would the energy expenditure be significantly greater than uses allowed under current zoning. The proposal conforms with Goal 13.



Goal 14 – Urbanization. Goal 14 is “To provide for an orderly and efficient transition from rural to urban land use...” Goal 14 lists seven factors to be considered when establishing and changing urban growth boundaries, and four considerations for converting urbanizable land to urban uses. The subject property is not near or within an urban growth boundary, and is not urban or urbanizable. The density of housing that could occur in the area following the requested plan amendment and zone change is one dwelling per ten acres, which is not an urban density. No “urban” services will be required to allow the maximum amount of development contemplated by this proposal. In the TLSA Study, well water was noted as being available in the area in sufficient quantities to serve the proposed housing density that would result from a zone change to F-F (10) (see Exhibit 4, TLSA Groundwater Study). However, as discussed above in Background information, the Wasco County Watermaster, Robert Wood, and the OWRD have identified the Seven Mile Hill area as having decreasing water supplies since then. Any future application for property division or development will need to comply with their requirements regarding residential well water usage. The proposed density will also allow sewage disposal through construction of on-site septic drainfields in accordance with DEQ and local health department requirements. To the extent Goal 14 applies to this proposal, conformance is demonstrated through detailed findings in this submittal addressing Goal 14 as required by Oregon Administrative Rules governing the exceptions process.

Goals 15 through 19 are coastal specific goals and do not apply in Wasco County.

3. *A mistake in the original comprehensive plan or change in the character of the neighborhood can be demonstrated.*

**FINDING:** Webster’s least recriminatory definition of “mistake,” most appropriate here, is “a misunderstanding of the meaning or implication of something.” (Unabridged Ed., 1993). This proposal is being reviewed in a quasi-judicial proceeding, in which the County is considering whether proposed plan and zone designations for the area are more appropriate than the original designations. As noted previously, this area was evaluated as part of the TLSA – which posed a very similar question. The application materials assert that the County was incorrect in its characterization of the area as most appropriate for commercial forest uses. The materials attribute this to the fact that numerous residential lots were platted south of Sevenmile and Dry Creek roads before the designation of F-2 was made. Additionally, subsequent County land use decisions have allowed rural residential uses on both sides of Sevenmile Hill and Dry Creek roads. The applicant claims that the area now appears to be committed to residential uses, and no longer suitable for forestry uses. They argue that a change in the character of the neighborhood is evident, and justification for a Zone Change.

The TLSA study could be interpreted to support a conclusion that lands in this area are appropriate for rural residential uses. The TLSA evaluated lands in this area and recommended changes to some properties and not others. This property was evaluated but not rezoned. However, that was 20 years ago, and conditions continue to change. The County’s rezoning of several parcels south of Sevenmile Hill Road from F-F (10) to R-R (10) after completion of the TLSA Study, allowing development of nonfarm or forest dwellings as permitted uses supports this conclusion. The approval of dwellings in and immediately adjacent to the subject property also could support a finding that the character of the neighborhood has changed, toward residential, and away from forestry use.

To the extent the existing designation is a mistake, the proposal will effectively correct that mistake on the subject property by allowing development of residences in an area physically separated from actively managed commercial forest lands by a power line right-of-way/easement. The proposal also

recognizes that the character of the neighborhood south of Sevenmile Hill Road has changed from undeveloped forest and woodlot, to rural residential uses, and seeks to resolve existing conflicts between forest and residential uses.

*4. Factors which relate to the public need for healthful, safe and aesthetic surroundings and conditions.*

This requirement is satisfied by the proposal, which is purposefully designed to allow limited residential development, and small-scale farm and forest uses, on land that is suited for such uses. Low intensity residential development would match the aesthetic surroundings of single family dwellings along both sides of Seven Mile Hill. Any risk of additional fire exposure is mitigated by County Fire Safety Standards that have been in place since 2007 and can be found in Chapter 10 of the WC LUDO.

*5. Proof of change in the inventories originally developed.*

The proof required by this section is provided by these findings and the attached exhibits. The County's original inventory of forest lands included the subject property. That inventory has changed, because housing has been allowed within, and in close proximity to the resource area, in a manner that diminishes its suitability for forest uses. The most appropriate manner of addressing this change is as proposed—demonstrate that the land is built and committed to non-resource uses, and justify an exception to Goal 4 that will officially remove the property from the County's Goal 4 inventory. The property can then be dedicated to small-scale farm and forest uses with limited density housing in a manner that promotes and improves protection of nearby forest resource lands south of the BPA easement.

*6. Revisions shall be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change must be established.*

**FINDING:** As described throughout these findings, the proposed revisions are based on the TLSA study, County land use decisions in the area, as well as the information, justification and evidence contained and referenced in these findings and in the attached exhibits.

As evidenced by the discussion in this staff report, and the further supported by the Wasco County Comprehensive Plan, there is a public need for low-density rural residential uses, and for small scale farm and forest uses in the County generally as well as in the Sevenmile Hill area specifically. The justification for the particular change, addressed throughout these findings, is that the safety and viability of all of these uses is promoted through zoning designations that separate residential uses from commercial forestry uses and buffer each from the other. It is feasible to mitigate the potential impacts of fire in the area, by utilizing existing firebreaks, and imposing requirements for clustering dwellings; maintenance of fire breaks around dwellings; maintenance of adequate fire suppression water supplies, and similar practices in accordance with Chapter 10 Fire Safety Standards, of the LUDO. There is therefore a public need for the requested change, which has been fully justified by these findings and exhibits.

**I. Transportation Planning Rule Compliance**

*1. Review of Applications for Effect on Transportation Facilities - A proposed plan amendment, whether initiated by the County or by a private interest, shall be reviewed*

*to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – “TPR”). ‘Significant’ means the proposal would: (exclusive of correction of map errors in an adopted plan);*

- a. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
  - b. Change standards implementing a functional classification system; or*
  - c. As measured at the end of the planning period identified in the adopted transportation system plan:*
    - (1) 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;*
    - (2) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or*
    - (3) 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.*
- 2. 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:*
- a. Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.*
  - b. 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.*
  - c. Altering land use designations, densities, or design requirements to reduce demand for vehicle travel and meet travel needs through other modes of transportation.*
  - d. Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.*
- 3. Traffic Impact Analysis - A Traffic Impact Analysis shall be submitted with a plan amendment application pursuant to Section 4.140 Traffic Impact Analysis (TIA)) of the Land Use and Development Ordinance.”*

**FINDING:** The proposal is to change the zoning for one 40.6 acre parcel from F-2 (80) to F-F (10), potentially resulting in a maximum of three new dwellings. At an average of 9.57 Average Daily Trips

(ADT) per dwelling for a potential total of 29 new ADT, the impact from this proposal would not result in any change of functional class or allow land uses inconsistent with the current functional class of Seven Mile Hill/State Road. Staff finds that a separate Traffic Impact Analysis is not required because there would not be a “significant impact” under OAR 660-12-0060, the Transportation Planning Rule (TPR).

**J. Procedures for the Amendment Process.**

1. *A petition must be filed with the Planning Offices on forms prescribed by the Commission.*

*(\*\*\*)*

3. *Notification of Hearing:*

- (1) Notices of public hearings shall summarize the issues in an understandable and meaningful manner.*
- (2) Notice of hearing of a legislative or judicial public hearing shall be given as prescribed in ORS 215.503 subject to ORS 215.508. In any event, notice shall be given by publishing notice in newspapers of general circulation at least twenty (20) days, but not more than forty (40) days, prior to the date of the hearing.*
- (3) A quorum of the Planning Commission must be present before a public hearing can be held. If the majority of the County Planning Commission cannot agree on a proposed change, the Commission will hold another public hearing in an attempt to resolve the difference or send the proposed change to the County Governing Body with no recommendation.*
- (4) After the public hearing, the Planning Commission shall recommend to the County Governing Body that the revision be granted or denied, and the facts and reasons supporting their decision. In all cases the Planning Commission shall enter findings based on the record before it to justify the decision. If the Planning Commission sends the proposed change with no recommendation, the findings shall reflect those items agreed upon and those items not agreed upon that resulted in no recommendation.*
- (5) Upon receiving the Planning Commission’s recommendation, the County Governing Body shall take such action as they deem appropriate. The County Governing Body may or may not hold a public hearing. In no event shall the County Governing Body approve the amendment until at least twenty (20) days have passed since the mailing of the recommendation to parties.”*

**FINDING:** Notice of the Planning Commission Hearing on April 2, 2019 complied with the requirements in (1). This was submitted to The Dalles Chronicle for publication on March 13, 2019, which was between 20 and 40 days prior to the hearing, meeting the requirements of (2). At that hearing, five Planning Commissioners were present for the vote, greater than the four needed to form a quorum, which meets the requirements of (3). They voted 4-1 to recommend approval of the proposal, meeting the requirements of (4). Notice of this recommendation was mailed out on May 9, and scheduled to be posted in The Dalles Chronicle on May 15. The Board of Commissioners hearing is scheduled for June 5, which is 21 days after May 15, within the 20-40 day requirement of newspaper notification noted in (2). It is also at least twenty (20) days after notice was mailed, as required in (5). Staff finds that Criteria (1)-

(5) were met and are being met for both the Planning Commission hearing and the Board of Commissioners hearing.

**C. Wasco County Land Use and Development Ordinance (LUDO)**

**Chapter 9 – Zone Change and Ordinance Amendment Zoning Ordinance - Chapter 9:**

***Section 9.010 – Application for Zone Change***

*Application for a zone change may be initiated as follows:*

*(\*\*\*)*

- C. *By application filed with the Director of Planning upon forms prescribed by the Director of Planning and signed by a property owner with the area of the proposed change, and containing such information as may be required by the to establish the criteria for the change (quasi-judicial only);*

**FINDING:** This zone change proposal from Forest, F-2 (80), to Forest-Farm, F-F (10), was initiated by the owner of the subject property, David Wilson, on forms provided to him by the planning department, which he signed. All required information was included to address criteria. This is a quasi-judicial action.

***Section 9.020 – 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*

**FINDING:** As discussed above in the Comprehensive Plan Chapter 11 Section H.3., the application materials assert that it was a mistake, stating that the County was incorrect in its characterization of the area as most appropriate for commercial forest uses. The materials attribute this to the fact that numerous residential lots were platted south of Sevenmile and Dry Creek roads before the designation of F-2 was made. Additionally, subsequent County land use decisions have allowed rural residential uses on both sides of Sevenmile Hill and Dry Creek roads, leaving the subject property as the sole F-2 zoned property along the length of Seven Mile Hill Road, with the rest being Forest-Farm or Rural-Residential. The applicant claims that the area now appears to be committed to residential uses, and no longer suitable for forestry uses. They argue that a change in the character of the neighborhood is evident, and justification for a Zone Change. This land was zoned for Forestry initially, but has not been used for that purpose. Staff finds that the subject parcel is physically developed with residential uses, and irrevocably committed to that use, indicating that the zoning of this land to be used for Forestry, as determined by the Comprehensive Plan, was a mistake.

- B. *It is established that*

1. *The rezoning will conform with the Comprehensive Plan; and,*

**FINDING:** This zone change request includes a request for a plan amendment and an exception to Goal 4. The Wasco County Comprehensive Plan contains goals that mirror the statewide goals, and policies to carry them out. Except as discussed in these findings, the plan does not contain approval standards

that apply to the requested zone change. The zone change is proposed with due consideration of all relevant comprehensive plan goals and policies, as required by this criterion. These goals are discussed above in III.A. Wasco County Comprehensive Plan where the request was found to be in conformance. This criterion would be met because the Comprehensive Plan would be amended specifically to support the proposed zoning designation. Following amendment of the Comprehensive Plan Map, the plan designation for the subject property would be “Forest-Farm.” The zone designation, “Forest-Farm,” with a minimum lot size of ten acres, (F-F (10)) is a zone that conforms with the proposed plan designation.

*2. The site is suitable to the proposed zone;*

**FINDING:** This application is for a comprehensive plan amendment and a zone change from the F-2 (Forest) Zone to the F-F (Forest-Farm) zone. The Comprehensive Plan’s “Definitions—Existing Land Use Map” identifies the subject property as: “Forestry – this designation includes all commercial forest land, both publicly and privately owned. Productivity is greater than 20 cubic feet per acre per year.” Page 232 of the plan lists “Purpose Definitions of Map Classifications on the Comprehensive Plan Map.” The existing plan classification, “Forest,” states: “Purpose: To provide for all commercial and multiple use forest activities compatible with sustained forest yield.” In this section, the Forest-Farm zone purpose is stated as “To provide for the continuation of forest and farm uses on soils which are predominantly class 7 and forest site class 6 and 7; and to preserve open space for forest uses (other than strictly commercial timber production) and for scenic value in the Gorge.”

The proposed zone would allow farm and forest uses (permitted outright) and dwellings (conditional use permit) and land divisions down to ten acres. In discussing the Forest-Farm zone, zoning ordinance section 3.220.A. states:

*“The purpose of the Forest-farm zone is to permit those lands which have not been in commercial agriculture or timber production to be used for small-scale, part-time farm or forest units by allowing residential dwellings in conjunction with a farm use while preserving open space and other forest uses.”*

The Forest-Farm zone is not a resource zone. In this case, it is the most suitable designation for the subject property, which has been partially built and entirely committed to non-resource use due to its location in close proximity to a major county rural residential area, and on site existing residential uses including a single family dwelling, an unused historic dwelling, and associated outbuildings. The area is suitable to the proposed use as described in the attached exhibits and otherwise as described in the reports and testimony received in this proceeding.

The history of the area is also relevant to addressing this standard. The extensive parcelization that took place to the west, north, and east of the subject property has resulted, over time, in the building and commitment of those surrounding areas to non-resource, rural residential uses. On-going development of residences south of Sevenmile Hill and Dry Creek Road has diminished the value of those roads as a firebreak for commercial timberlands to the south. As explained in previous sections of this narrative, the presence of dwellings in and adjacent to the subject property complicates and increases the cost of commercial forestry in that area in a manner rendering commercial forestry impracticable. The subject property is less suitable for commercial forestry than the forestland south of the subject property. The subject property is better used as a buffer between low-density rural residential uses to the north, and commercial forestry uses to the south. The most appropriate design for that buffer is: 1) allow limited housing opportunities in relatively close proximity to existing roads and development and 2) promote

clustering of housing generally away from commercial forest areas allowing remaining open areas to be used for small or large scale commercial forest activities, wildlife habitat and as a buffer for those activities. The subject parcel is suitable to the proposed zone as required by Criterion.B.2.

3. *There has been a conscious consideration of the public health, safety and welfare in applying the specific zoning regulations."*

**FINDING:** This application is for a goal exception and zone change from F-2 to F-F. The effective result of an approval would be a maximum of three additional single family dwellings, if this land was divided and developed. The TLSA study investigated the suitability of the area for residential needs, including "the availability of groundwater to serve domestic needs, fire hazard, conflict with wildlife, and available lands for rural residential lifestyle in this developing area," all important factors to consider in this area when it comes to public welfare. The proposal is designed to provide an appropriate buffer between low-density rural residential, forest and farm uses on the one hand (to the north, east and west), and commercial forestry uses on the other (to the south). The "specific zoning" includes the Forest-Farm zone with a ten acre minimum lot size, clustering to a density not to exceed one dwelling for every ten acres. The potential three new dwellings would be required to comply with the fire safety standards for development set out in Chapter 10 of the Wasco County LUDO, as well as any other applicable requirements of law pertaining to health, safety, and welfare, such as building codes or public health requirements. The exhibits and record of this proceeding support a finding of compliance with this requirement.

#### *Section 9.030 - Transportation Planning Rule Compliance*

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

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.*

**FINDING:** The application for a zone change of one 40.6 acre property with an existing dwelling from F-2 to F-F (10 acre minimum) would have the maximum potential of adding three new single family dwellings. As discussed above in the Background section, the Planning Department prepared a memorandum to the County Court (Board of Commissioners) dated 2/18/98 as a staff report for the Transition Lands Study Area (TLSA) Rezoning Hearing (See Exhibit 1 for full TLSA report). A 1998 TLSA memo contained the following statistics (Exhibit 2, p. 7)):

Capacity for State Rd/7-Mile Hill Rd      1,500/day

According to the latest version of the ITE Trip Generation Manual, a detached single family dwelling produces 9.57 Average Daily Trips (Land Use Code 210). The zone change could potentially add three dwellings to the area's traffic load, producing about 29 new ADT at maximum build-out. The 2009 TSP predicted an ADT of 600 by 2030 with a Volume/Capacity (V/C) ratio of 0.03 for State Road (at Sevenmile Hill Road). Wasco County has not established a mobility standard for Sevenmile Hill Road. However, in the 2009 Transportation System Plan the County used the OHP mobility standard of 0.70 as a comparison figure. Based on the carrying capacity of State Road/Sevenmile Hill Road, the addition of three dwellings would not cause the V/C ratio to rise above 0.70. The TSP predicted that it would only hit 0.03 by 203 at 600 ADT, so even if it was 629 ADT at that time, that would not approach 0.70. Using that standard, should the proposed zone change produce the maximum development allowed, it would not have a significant impact on the transportation facilities.

*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:*

**FINDING:** The application for a zone change of one 40.6 acre property with an existing dwelling from F-2 to F-F (10 acre minimum) would have the maximum potential of adding three new dwellings. The expected maximum increase in impact on the adjacent road, Seven Mile hill, would not meet the requirements stated in Criterion A. to qualify as "Significantly affecting" that transportation facility. Staff finds that Criterion B. is not applicable.

*C. Traffic Impact Analysis - A Traffic Impact Analysis shall be submitted with a zone change application pursuant to Section 4.140 Traffic Impact Analysis (TIA))*

**FINDING:** The proposal is to change the zoning for one 40.6 acre parcel from F-2 (80) to F-F (10), potentially resulting in a maximum of three new dwellings. At an average of 9.57 Average Daily Trips (ADT) per dwelling for a potential total of 29 new ADT, the impact from this proposal would not result in any change of functional class or allow land uses inconsistent with the current functional class of Seven Mile Hill/State Road. Staff finds that a separate Traffic Impact Analysis is not required because there would not be a "significant impact" under OAR 660-12-0060, the Transportation Planning Rule (TPR).

*Section 9.040 - 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.*

**FINDING:** The application is for a Comprehensive Plan Amendment, Goal Exception and Zone Change for one 40.6 acre parcel from F-2 to F-F (10) zoning. The result of an approval would be a property that could be divided into four ten acre parcels, and the possible addition of a maximum of three additional dwellings. No structures are associated with this request. Since dwellings in the F-F (10) zone are Conditional Use Permits, any future requests involving a partition and additional structures will be examined to ensure these conditions are met. For the current application staff finds that no additional conditions are required to ensure compatibility with surrounding uses.

*Section 9.050 - 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 request of the Director of Planning or the District Attorney to conform the Ordinance to changes in the State Law;*

**FINDING:** The application is for a Comprehensive Plan Amendment, Goal Exception and Zone Change. It is not an application for an amendment to the Zoning Ordinance. Staff finds that Section 9.050 is not applicable.

*Section 9.060 - Recommendation on Zone Change or Amendment to the Land Use and Development Ordinance*

*After hearing, the Approving Authority shall recommend that the proposed zone change or amendment to the Zoning Ordinance be granted or denied. The Director of Planning or his assistants shall reduce to writing the Commission's recommendations together with a brief statement of the facts and reasons upon which such recommendation is based.*

*Section 9.070 - Notice of Planning Commission Recommendation*

*Within ten (10) days of the final 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 9.080 - 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 Governing Body act until at least twenty (20) days after the Notice of Planning Commission Recommendation has been mailed.*

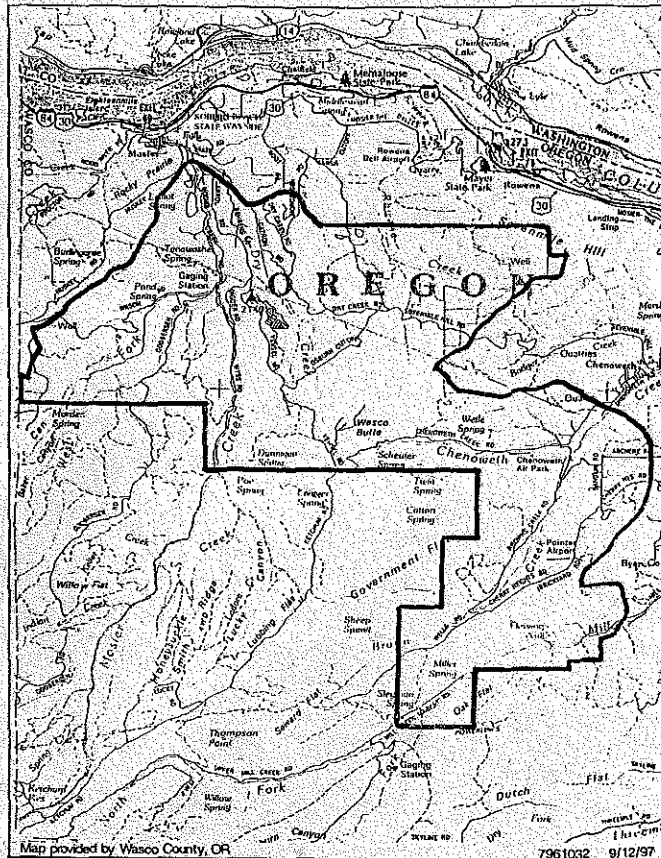
**FINDING:** The Planning Commission met on April 2, 2019 and recommended Approval. Due to a procedural oversight by staff, notification was not distributed to interested parties within ten (10) days of the hearing. However, this notification (which included a statement of the facts and reasons upon which it was based) was distributed to all interested parties, agencies, and those that signed in and spoke at the Planning Commission Hearing as required by mailing and/or email on May 9, 2019. A hearing that had been scheduled for May 15 was postponed to June 5 to meet the requirements of Section 9.080 to ensure the County Governing Body would not act for at least twenty (20) days from the date the Notice of Planning Commission Recommendation was mailed. The County Governing Body is the Board of Commissioners, who will meet to take action that they deem appropriate on this request on June 5, 2019, more than twenty (20) days after the Planning Commission Recommendation was mailed. Despite missing the ten day window, all individuals and agencies that needed to be notified were, and action was not taken by the Governing Body until sufficient time had passed. Staff finds that Sections 9.060, 9.070, and 9.080 were met.

## **EXHIBIT 1**

### **Transition Lands Study Area**

**(Full Report)**

# Wasco County Transition Lands Study Area (TLSA)



Prepared for  
**Wasco County**

Prepared by



**SRI/SHAPIRO/AGCO, Inc.**

**In cooperation with  
Northwest Economic Associates**

**September 12, 1997**

# **Wasco County Transition Lands Study Area (TLSA)**

**Prepared for**

**Wasco County**  
2705 East 2<sup>nd</sup> Street  
The Dalles, Oregon 97058

**Prepared by**

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**In cooperation with**

Suzanne Rock  
**Northwest Economic Associates**

**September 12, 1997**

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## **Acknowledgements**

The TLSA Project involved a Steering Committee (SC) and Technical Advisory Committee (TAC) who guided the planning process and were integral to selection of alternatives. Members included the following:

### **Steering Committee**

- Sandee Burbank (Planning Commission representative)
- Sheila Dooley (Citizens Advisory Group representative)
- Bruce Lumper (Bill Creek resident)
- Jim Wilcox (Board of Realtors)
- Jennifer Ringlbauer (Seven Mile Hill resident)
- Matthew Koerner (Mosier City Council)
- Wayne Huskey (Timber owner/Husky Ridge/South Mosier)
- Ron Nelson (Cherry Heights resident)
- Bill Reeves (Agricultural representative/Mosier Rural Fire District).

### **Technical Advisory Committee**

- Dusty Eddy, District Conservationist, Soil Conservation Service
- Ron Graves, Manager, Soil and Water Conservation District
- Jim Bishop, County Executive Director, Agricultural Stabilization and Conservation Service
- Lynn Long, Extension Agent, Wasco County Extension Office
- Jim Torland, Oregon Department of Fish and Wildlife
- Keith Kohl, Oregon Department of Fish and Wildlife
- Larry Hoffman, Unit Forester, Oregon Department of Forestry
- Ken Polehn, President, Wasco County Farm Bureau
- Larry Toll, Wasco County Watermaster
- Jodi Calica, General Manager, Natural Resources Department, Confederated Tribes of the Warm Springs
- Dan Boldt, Director, Wasco County Public Works Department
- Gay and Mac Jervey, Geological Consulting.

Key County staff from the Planning and Economic Development Office involved in the TLSA Project included:

- Karen Mirande, Associate Planner
- Dotty DeVaney, Associate Planner
- Kim Jacobsen, Former Director.

In addition, Gay Jervey, a TAC participant, volunteered her time to prepare extensive groundwater analysis for the TLSA Project. This analysis was integral to completion of the study and Wasco County is extremely grateful for her generosity and dedication.

## **1.0 LOCATION AND PURPOSE**

### **1.1 Location**

#### ***Which County lands are involved in the study area?***

The Wasco County Transition Lands Study Area (TLSA) Project encompasses approximately 24,000 acres of land located in unincorporated Wasco County, Oregon, between the cities of The Dalles and Mosier, and south of the Columbia River Gorge National Scenic Area (Figure 1). The study area includes all or part of the following sections:

Township 1 North, Range 12 East, Sections 1, 2, 10 through 15, and 22 through 24;  
Township 1 North, Range 13 East, Sections 6, 7, and 19;  
Township 2 North, Range 11 East, Sections 12 through 14, and 22 through 27;  
Township 2 North, Range 12 East, Sections 7, 8, 13 through 23, and 25 through 36; and  
Township 2 North, Range 13 East, Section 31.

The study area was divided into two broad areas: 13,500 acres (about 56% of the Study Area) currently zoned Forest or Exclusive Farm Use (EFU) orchard, and 10,500 acres (about 44% of the Study Area) currently in mixed zoning for residential and resource use (Figure 2). The 10,500-acre area includes two distinct parts: the Seven Mile Hill Area in the north-central part of the Study Area, and the Mill Creek/Cherry Heights Area in the southeastern part of the Study Area. The primary focus of the Steering Committee was on looking at development issues for the 10,500-acre mixed residential and resource use portion of the study area.

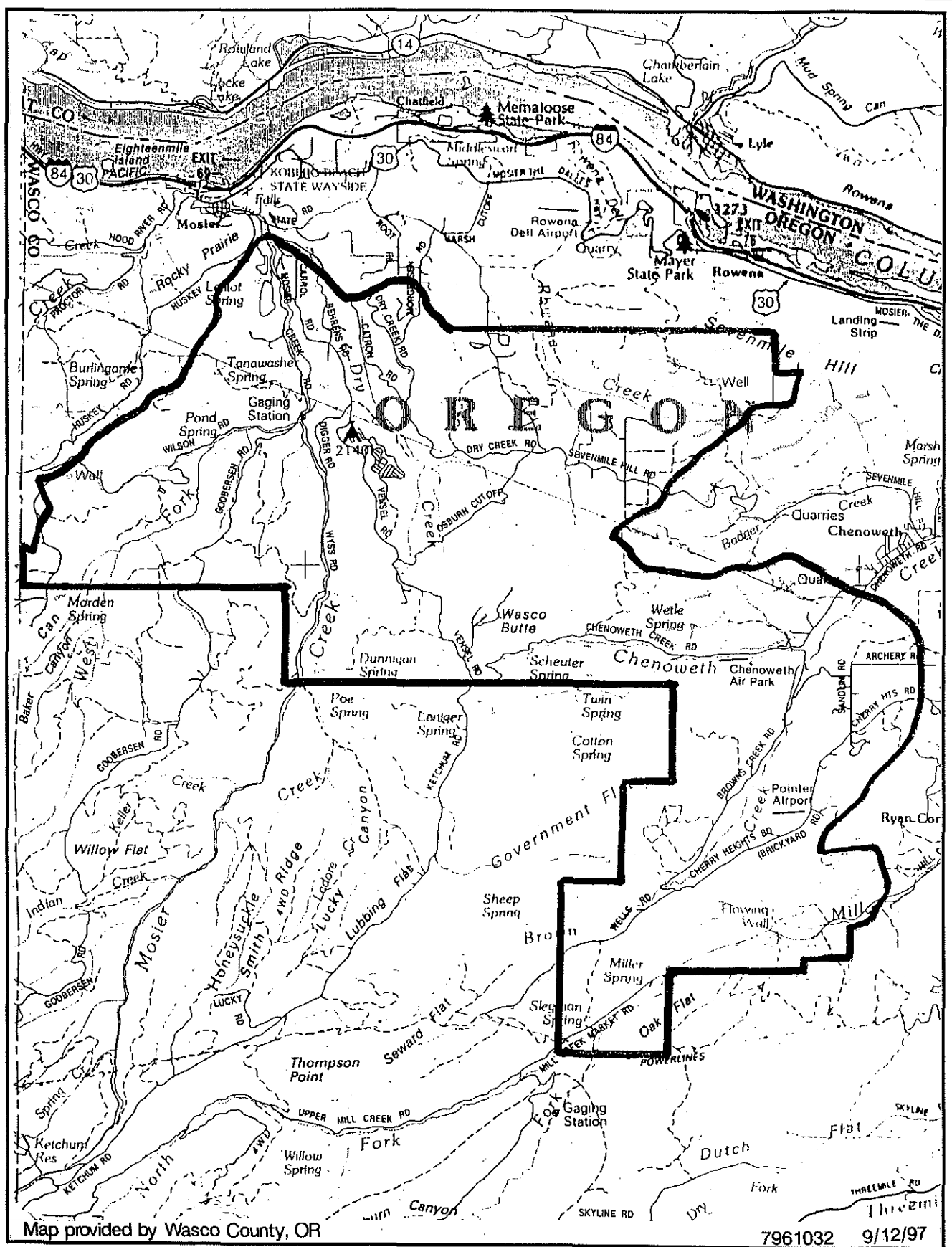
### **1.2 Purpose**

#### ***What is the purpose of the process and this document?***

This document discusses analysis methods and results of the TLSA Project. The TLSA Project was initiated in 1993 in response to concerns of the Wasco County planning commission, elected officials, and members of the community about development in northern Wasco County, particularly in the Seven Mile Hill Area. Concerns stemmed, in part, from availability of groundwater to serve domestic needs, fire hazard, conflicts with wildlife, and available lands for rural residential lifestyles in this developing area.

In 1993, the Wasco County Budget Committee appropriated funds to conduct a water study of Study Area lands (referred to as "Phase 1" in this document). In 1996, additional funds were appropriated to continue the Study Area project (referred to as "Phase 2" in this document). The following purposes guided the Phase 2 analysis process:

- Study the appropriateness of current zoning within the study area in response to recurring concerns with development patterns and potential resource conflicts.
- Establish a factual database incorporating information gained from local experts and the public at large during the course of public meetings and workshops.
- Establish best land use practices within the study area using the best available information.



Location of the Wasco County Transition Lands Study Area, Oregon.

FIGURE

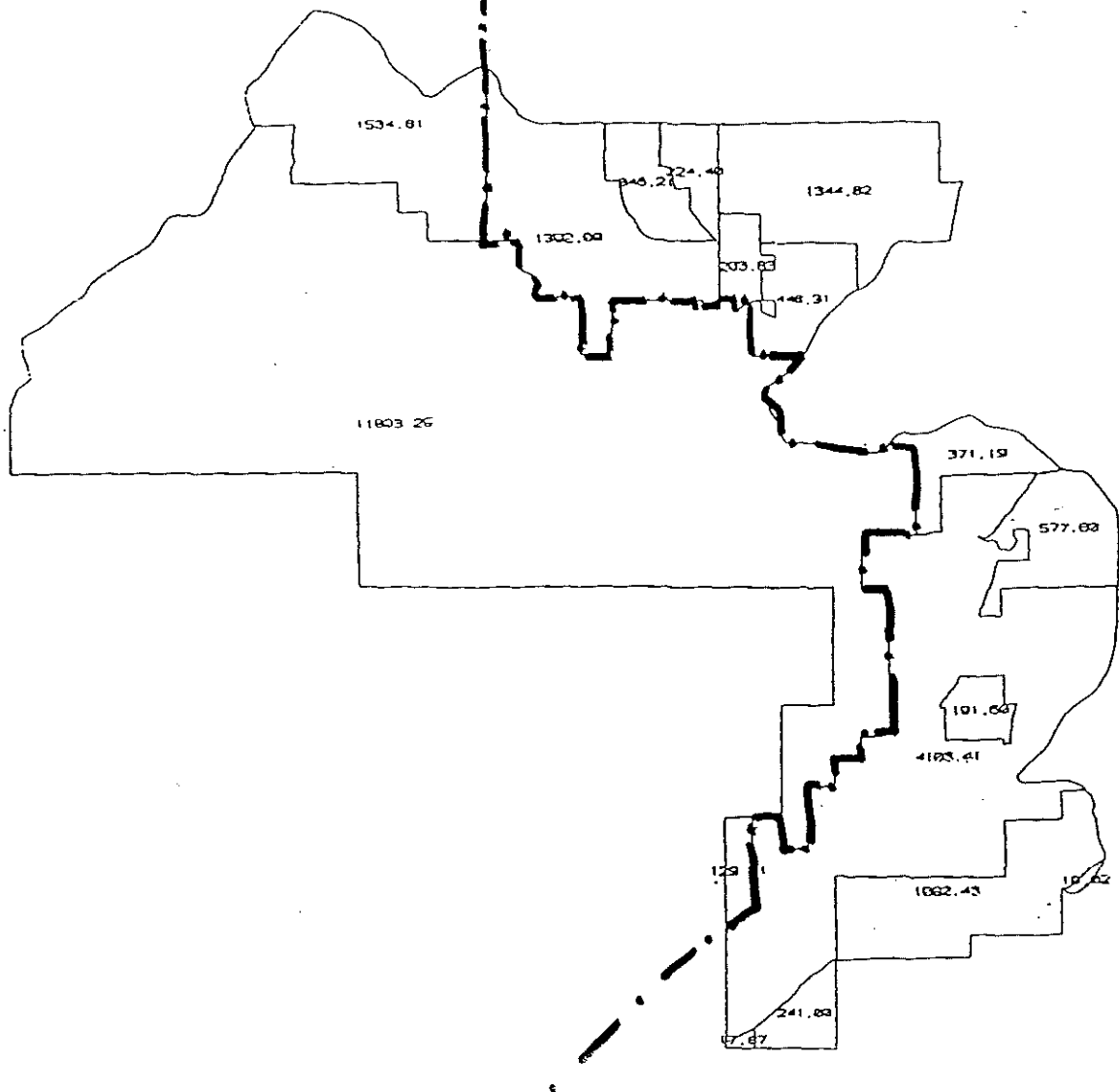
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F.Z. & ORCHARD RESOURCE  
56% 13,500 AC.

MIXED RESID. & RESOURCE  
44% 9,500 AC.



Map from Wasco County, OR, 1997

7961032 9/12/97

Wasco County Transition Lands Study Area.  
Acreage Summary

FIGURE  
2



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INCORPORATED

- Build a citizen-based monitoring program allowing local residents to track impacts of land use decisions on such factors as groundwater availability, wildlife, and infrastructure, and provide updated information in a bi-annual review process.

Outcomes of the project were to be consistent with the Oregon Revised Statutes and Statewide Planning Goals, satisfy State Periodic Review requirements, and address integration recommendations on potential implementation of House Bill 3661 (forest template test or lot-of-record provisions in the forest zone).

The product of this planning effort is this Land Use Alternatives Study, which builds on information gathered throughout the TLSA Project and makes policy recommendations for integrating future development with resource protection within the Study Area.

## **2.0 POLICY RECOMMENDATIONS AND ACTION ITEMS**

*What plan does the Steering Committee recommend?  
What should be done to implement the recommendation?*

The nine key policy recommendations are as follows:

1. Proceed with caution -- change should be introduced gradually while monitoring programs are established to develop a better understanding of resource carrying capacities.
2. Preserve the rural lifestyle and quality of life in the 10,500-acre portion of the study area currently in mixed residential and resource zones and uses.
3. Protect the resource values in the 13,500-acre portion of the study area zoned A-1, in orchard use, and zoned F-2, in forest production.
4. Educate existing and future residents of the study area about the demands, risks, and responsibilities that are part of rural living.
5. Protect the existing number of development options provided under existing zoning -- no down zoning is recommended.
6. Limit or control the increase in potential numbers of home sites in the study area - no, or very little, immediate up zoning is recommended. (Currently, 301 out of the total of 799 allowed by zoning have been developed.)
7. Focus growth into the Browns Creek/Cherry Heights corridor -- a combination of regulatory up zoning and incentive based tools (transfer of development rights) would be used.
8. A local land trust should be created or an existing qualified entity should seek to identify, purchase, and protect significant open spaces and oak woodlands within the study area.

9. Review the effectiveness of the plan -- a bi-annual audit of the program should be held for consideration of new information including, but not limited to: infrastructure development, growth and build-out rates, impacts on resources such as water and wildlife, successes or failures of siting standards, and progress of private local preservation efforts.

Recommended action items include:

- Planning staff will draft required ordinance and comprehensive plan amendments to implement the recommended land use plan (Figure 3), new R-R(10) zoning, and siting standards addressing roads, fire, scenic, and habitat issues (see TLSA Development Standards in Appendix 1). These ordinance amendments are not proposed to include implementation of the HB 3661 forest template test or lot-of-record provisions in the Forest zone.
- Educational materials will be prepared and made available to the public. These materials will be modeled closely after those used in Larimer County, Colorado in its "Code of the West: The Realities of Rural Living" (see copy of code in Appendix 1). Wasco County will add simplified discussions of septic system maintenance, well maintenance and monitoring, conservation of backyard wildlife and oak woodland values, and water conservation measures.
- A local water monitoring program will be developed and implemented (see Local Water Monitoring Program in Appendix 1).
- Audubon Society will coordinate an Oak Woodland Research Committee that will focus on the identification and monitoring of impacts on oak woodland habitat in the study area and the providing of educational materials.
- Interest in the creation of a local land trust will be gauged. If sufficient interest exists, an organization will be formed to seek permanent protection of valuable open areas and oak woodlands in the Study Area (see Land Trust Proposal in Appendix 1).

### **3.0 PUBLIC PROCESS AND GOALS**

#### ***What did the Steering Committee want to accomplish?***

The policy statements and recommended land use plan were developed in response to a set of common goals established by the TLSA Steering Committee (SC) based on input from the Technical Advisory Committee (TAC).

Because the study was initiated in response to concerns about development and resource protection expressed by members of the community, obtaining their input and addressing their concerns was considered essential for success of the planning effort. Input was sought from public officials and private citizens, many of whom live in the Study Area. The Steering Committee and Technical Advisory Committee were reconvened to continue their work on Phase 2 of the TLSA Project. Meetings of the Steering Committee and Technical Advisory Committee were held, usually monthly, throughout the project. Background information from Phase 1 of the study, including mapped data and hydrogeologic reports, were used extensively in Phase 2 as a basis for analysis.

One task of the Steering Committee was to establish goals for the TLSA Project, which would guide the planning process and its outcomes. Goals, as established by the Steering Committee, are included in the following sections.

### **3.1 Resource-related Goals**

#### **3.1.1 Forest**

1. Protect commercial/industrial forest land in large tracts.
2. Protect and maintain opportunities for wood lot production on smaller parcels.
3. Provide for recreational opportunities where [this] does not pose a threat to accepted forest practices.
4. Buffer commercial/industrial forest land from conflicts with residential use.
5. Protect private property rights of the commercial/industrial forester.

#### **3.1.2 Agriculture**

1. Leave all commercial farm land under the protection of the recently revised agricultural ordinances.
2. Protect and maintain opportunities for small scale farming on moderately sized parcels (right to farm).
3. Buffer commercial farmland from conflicts with residential use.
4. Protect the rights of small scale farmers to accepted farming practices.

#### **3.1.3 Wildlife**

1. Avoid increasing conflicts between potential development and big game where possible.
2. Maintain diversity of wildlife, and provide means for animals to get from one place to another.

### **3.2 Development-related Goals**

#### **3.2.1 Water**

1. Use the best available observations and information about water in the study area as one of many factors considered, rather than the primary driving or limiting factor, in adjusting residential densities.
2. Identify areas suitable for development that support an increase, but do not exceed appropriate density, of wells.
3. Develop a long-term plan for assessing the behavior of domestic wells (using a representative sample) in each aquifer unit.

#### **3.2.2 Fire**

1. Ensure adequate protection of forest resources.
  - Maintain limits to uses posing potential fire risk in or near commercial forest land.
  - Apply strict fire standards and require development to be in a fire district, as required by state statute in the Forest Zone, to enable domestic fires to be contained.

2. Ensure adequate protection of existing and potential residential development.
  - Apply fire standards in accordance with Oregon Department of Forestry recommendations.
  - Consider setbacks from ridge tops based on recommendations of Mid-Columbia Fire and Rescue and Mosier Rural Fire Protection District.
  - Focus residential development within fire districts.
  - Consider increasing densities where fire response times are shortest.
3. Ensure adequate protection of agricultural resources.
  - Review agricultural fire standards and consider making recommendation to Agriculture Resource Group (ARG) if changes are warranted.

### **3.2.3 Access/Roads**

1. Ensure "safe and sane" access to residential areas.
2. Identify main routes with additional carrying capacity and use them to greatest extent possible to provide access to new development.
3. Do not increase densities or development potential without providing means of ensuring that adequate access is both constructed and maintained.
4. Identify new public and private road development needed to access potential new development areas.

### **3.2.4 Housing**

1. Provide rural residential housing opportunities outside the National Scenic Area (NSA) and Resource Zones - Evaluate suitability of land and carrying capacity relative to current zoning.
  - Consider rezone of F-F (10) to R-R (10) where dwellings can be permitted subject to standards rather than conditionally.
  - Evaluate portions of F-F (10) zone for ability to accommodate increased density.
  - Explore feasibility of limited rezone of non-productive F-2 lands.
2. Maintain rural character.
3. Retain open space values.
4. Protect scenic views/scenic quality.

## **4.0 INVENTORY PROCESS**

### ***What facts were considered by the Steering Committee in making their recommendation?***

Data was collected and evaluated with the project goals in mind. Alternative land use plans were developed and evaluated for compliance with the project goals.

From the outset of the TLSA Project's Phase 2, three factors were clear:

- Substantial information about the physical environment of the Study Area existed as an outcome of the first phase of study. Information included several study area maps in hard-copy and AutoCAD format, and the report entitled Hydrogeologic Investigation of the TLSA, prepared for Wasco County by Northwest Geological Services, Inc. in 1994 (see Appendix 4). This information needed to be organized,



evaluated, and in some cases, refined or supplemented so that it could be used in Phase 2 of the TLSA study.

- Additional factors relating to the suitability of the study area lands for development or resource uses needed to be addressed.
- The outcome of the project would need to rely on this information to establish best land use practices for the Study Area through a public planning process.

#### **4.1 Analysis Approach**

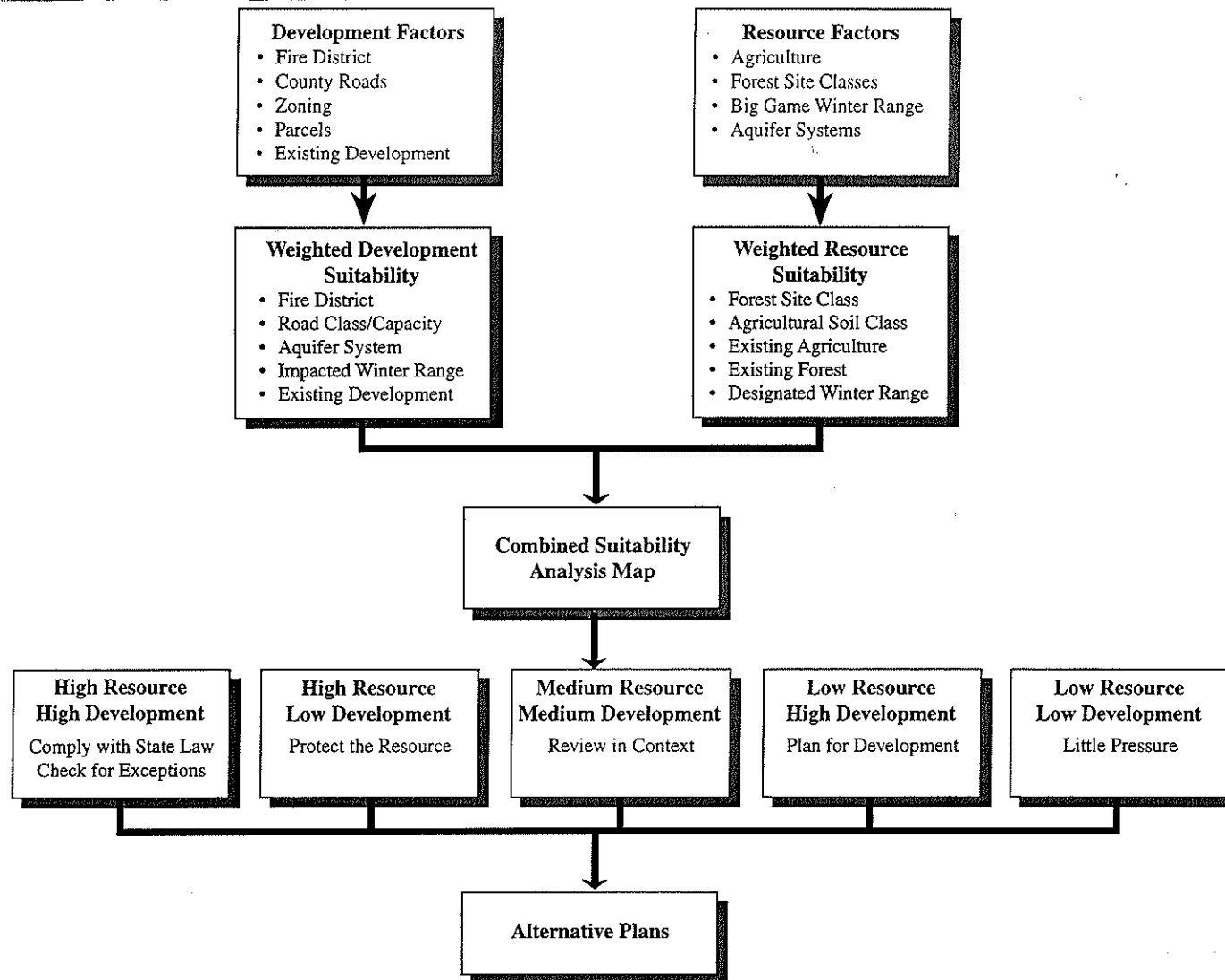
The overall analysis approach was designed to address the two primary concerns that prompted the study: development opportunity and resource protection. Substantial time in the early months of the study was dedicated to determining which factors constitute development opportunity or suitability, and which factors contribute to a need for resource protection. The outcome of this discussion was the development of a set of inventory maps that could be combined in various ways to build composite maps, which were used to develop land use alternatives for the Study Area. The inventory maps provided base data that were used in developing weighted suitability composite maps. The suitability composite maps addressed development values and resource values. The resulting maps included a weighted analysis of factors contributing to development suitability and resource suitability. The two composite maps--resource composite and development composite--were combined into a suitability analysis map to determine areas with high development value (high development suitability/low resource suitability) and high resource value (high resource suitability/low development suitability).

The flow diagrams (Figures 4 and 5a-d) provide conceptual depictions of the process, which is discussed in more detail in the following sections.

#### **4.2 Inventory Maps**

Inventory maps were developed, including the following:

- Fire Districts and Response Time
- County Road Capacity
- Zoning
- Parcels
- Developed Parcels
- Parcels by Size
- Potential Development (based on current zoning)
- Agriculture:       Historically Cropped Lands  
                          Existing Agriculture (Land in Production)  
                          Agricultural Soil Classes
- Forest Site Classes
- Big Game Winter Range
- Well Locations
- Aquifer Systems



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Wasco County Transition Lands Study Area  
Simplified Flow Diagram

FIGURE  
4

# Wasco County TLSA Project: Opportunities and Constraints Analysis

## 1: Agricultural Suitability

## 2: Forest Suitability

SOURCE MAPS

Zoning
Existing Ag (Field&Perennial)
Ag Soil Classes
Parcels

Zones (A-1(80), A-1(20), F-2(80), F-F(10), R-R(5), RMH-2))

Existing registered field and perennial crops

High Value (Class 1&2, Prime&Unique), Other Productive (Class 3-6, not Prime&Unique), and Unsuitable (Class 7-8)

Parcel boundaries/ownership

Zoning
Forest Site Classes
Soils
Parcels

Zones (A-1(80), A-1(20), F-2(80), F-F(10), R-R(5), RMH-2))

Forest Site Classes 4, 5, 6, and 7

Soil classes

Parcel boundaries/Ownership/Centerpoints

ANALYSIS  
MAPS

Agricultural Suitability Weighted Values
---

Soil Class:  
High Value (Class 1-2) = 2 pt.  
Class 3 - 6 = 2 pt.  
Existing Agriculture = 1 pt.

Forest Suitability Weighted Values
---------------------------------------

Forest Site Class (Predominantly):  
Class 6 = 1 pt.  
Class 5 = 2 pt.  
Class 4 = 3 pt.  
Existing Forest Use  
≥ 80 ac. in F-2 (80) zone = 1 pt.

COMPOSITE MAPS  
LEVEL 1  
LEVEL 2

Forest and Agriculture Resource Weighted Composition
Combined Land Use Values Based on Resource Composite and Development Composite Map Values (Matrix)

CONTINUED ON FIGURE 5b

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Wasco County Transition Lands Study Area  
Revised "Recipe" Diagram

FIGURE  
5a



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# Wasco County TLSA Project: Opportunities and Constraints Analysis

## 3: Big Game Winter Range Availability

## 4: Fire Districts/Response Time

SOURCE MAPS

Big Game Winter Range	Big Game Winter Range boundary from Comprehensive Plan
Impacted Winter Range	Impacted winter range inventory from ODFW
Low Elevation Winter Range	Low elevation winter range inventory from ODFW
Rivers and Streams	Surface water features coverage

Fire Hazard	Extreme and High fire hazard
Fire Districts	Wasco County Rural Fire District (RFD) boundaries Mosier RFD Oregon Department of Forestry
Response Time	Fire response time (in minutes) by section and Wasco Co. RFD

ANALYSIS MAPS

Big Game Winter Range	1 pt.
-----------------------	-------

Fire District Coverage	1 pt.
------------------------	-------

COMPOSITE MAPS  
LEVEL 1  
LEVEL 2

Forest and Agriculture Resource Weighted Composition
--

Development Values Weighted Compositions
--

Combined Land Use Values Based on Resource Composite and Development Composite Map Values (Matrix)
--

CONTINUED ON FIGURE 5c

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Wasco County Transition Lands Study Area  
Revised "Recipe" Diagram

FIGURE  
5b

# Wasco County TLSA Project: Opportunities and Constraints Analysis

## 5: Access Suitability

## 6: Water Capability

SOURCE MAPS

County Roads

Roads in TLSA

Road Capacity

Remaining Capacity on County Roads Using Wasco  
County Road Classifications:  
Class I < 25 Average Daily Traffic (ADT) - 18' Gravel  
Class II ADT (25 - 250) - 22' Paved, 26' Roadway  
Class III ADT (250 - 1,500) - 24' Paved, 30' Roadway

Zoning

Zoning

Developed  
Parcels

Existing Developed (house)

Aquifer Units

ANALYSIS  
MAPS

Access Suitability  
Weighted Values

Class III Roads with Significant Capacity Remaining  
(up to 75%) = 2 pt.  
Class I Roads with Significant Capacity Remaining  
(up to 75%) = 1 pt.

Water Capability  
Weighted Values

"Green" Aquifer† = 2 pt.  
"Yellow" Aquifer†† = 1 pt.

COMPOSITE MAPS  
LEVEL 1  
LEVEL 2

Development Values  
Weighted Compositions

Combined Land Use Values  
Based on Resource Composite  
and Development Composite  
Map Values (Matrix)

CONTINUED ON FIGURE 5d

† Green Aquifer - An aquifer system that, based on hydrographs and well records, shows no particular anomalies such as water level decline, deepening, or deep static water level.

†† Yellow Aquifer - An aquifer system that, based on hydrographs and well records, has unexplained anomalies including deep aquifer, major and minor deepening, shallow soils.

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Wasco County Transition Lands Study Area  
Revised "Recipe" Diagram

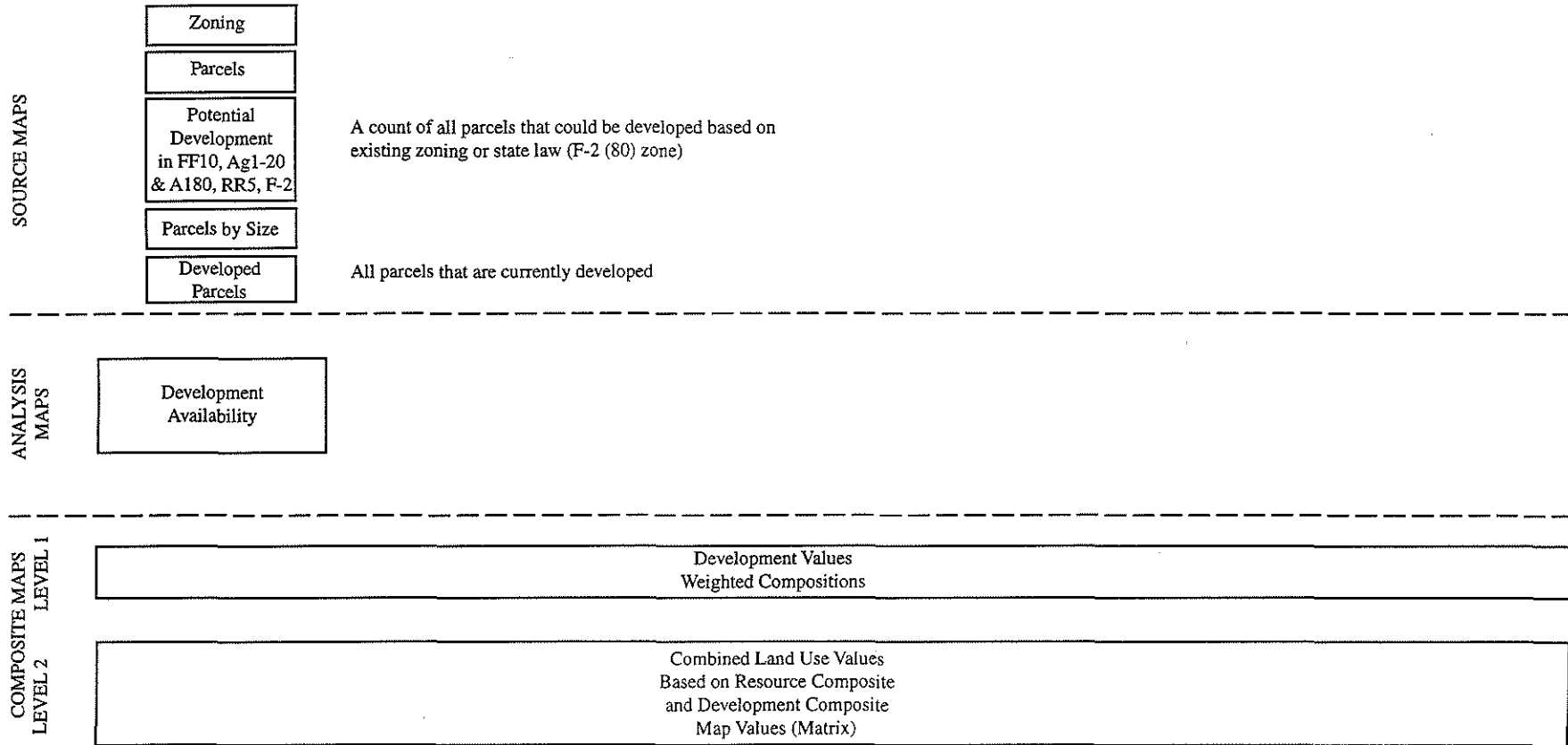
FIGURE  
5C



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# Wasco County TLSA Project: Opportunities and Constraints Analysis

## 7: Development Availability



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Wasco County Transition Lands Study Area  
Revised "Recipe" Diagram

FIGURE  
5d

### **4.3 Analysis Maps**

Analysis maps were derived by combining the inventory data into two categories: "development suitability" and "resource suitability." Components, by category, are listed below by category.

Development suitability included the following:

- Fire Districts and Response Time
- County Road Capacity
- Zoning
- Developed Parcels by Size
- Potential Build out by Zone
- Aquifer Systems

Forest and Agriculture resource suitability included the following:

- Agriculture: Existing Agriculture (Land in Production)  
Agricultural Soil Classes
- Forest Site Classes
- Big Game Winter Range
- Aquifer Systems

The presence of pine oak woodland habitat also was discussed at length as a resource suitability consideration. Definitive mapping of pine oak woodland habitat areas was not available for inclusion in the composite maps but will be developed for future consideration. Pine oak habitat values were addressed by the Steering Committee through public education and siting standards.

#### **4.3.1 Suitability Composite Maps**

The next step in the analysis was to determine how important each component was to determining the lands' suitability for development (Development Suitability Composite) and the lands' value as resource land (Forest and Agriculture Resource Suitability Composite). The weighting and combination of the components are discussed below.

#### **4.3.2 Development Suitability Composite**

Components of development suitability included:

- Located within the fire district;
- Accessible by a Class III or Class I road with 75% capacity remaining;
- Located within recognized impacted Big Game Winter Range; and
- Located within either a "green" or "yellow" aquifer system, which are aquifer systems having identified units within them generally supporting densities greater than or equal to existing zoning.

Points were assigned to each of these factors and the respective points were added to identify which parcels within the Study Area were most suitable for development. The weighted values given to each factor and the composite totals are shown in Figures 6 and 7; the highest possible value was 7 points.

#### **4.3.3 Forest and Agricultural Resource Suitability Composite**

Components of forest and agricultural resource suitability included:

- Located within forest site class 4-6, or located within agricultural soil class 1-2 or 3-6;
- Identified as existing agriculture or existing forest; and
- Located within designated Big Game Winter Range.

Points were assigned to each of these factors and the respective points were added to identify which parcels within the Study Area were most suitable for forest and agricultural resources. The weighted values given to each factor and the composite totals are shown in Figure 8; the highest possible value was 6 points.

#### **4.3.4 Potential Development**

A set of maps was also produced to identify development potential (how many houses could be built) within the existing zoning districts in the Study Area. These maps included:

- Potential Development AG-1 (20) and (80) Zones
- Potential Development F-F (10) Zone
- Potential Development R-R (5) Zone
- Potential Development F-2 (80) Zone

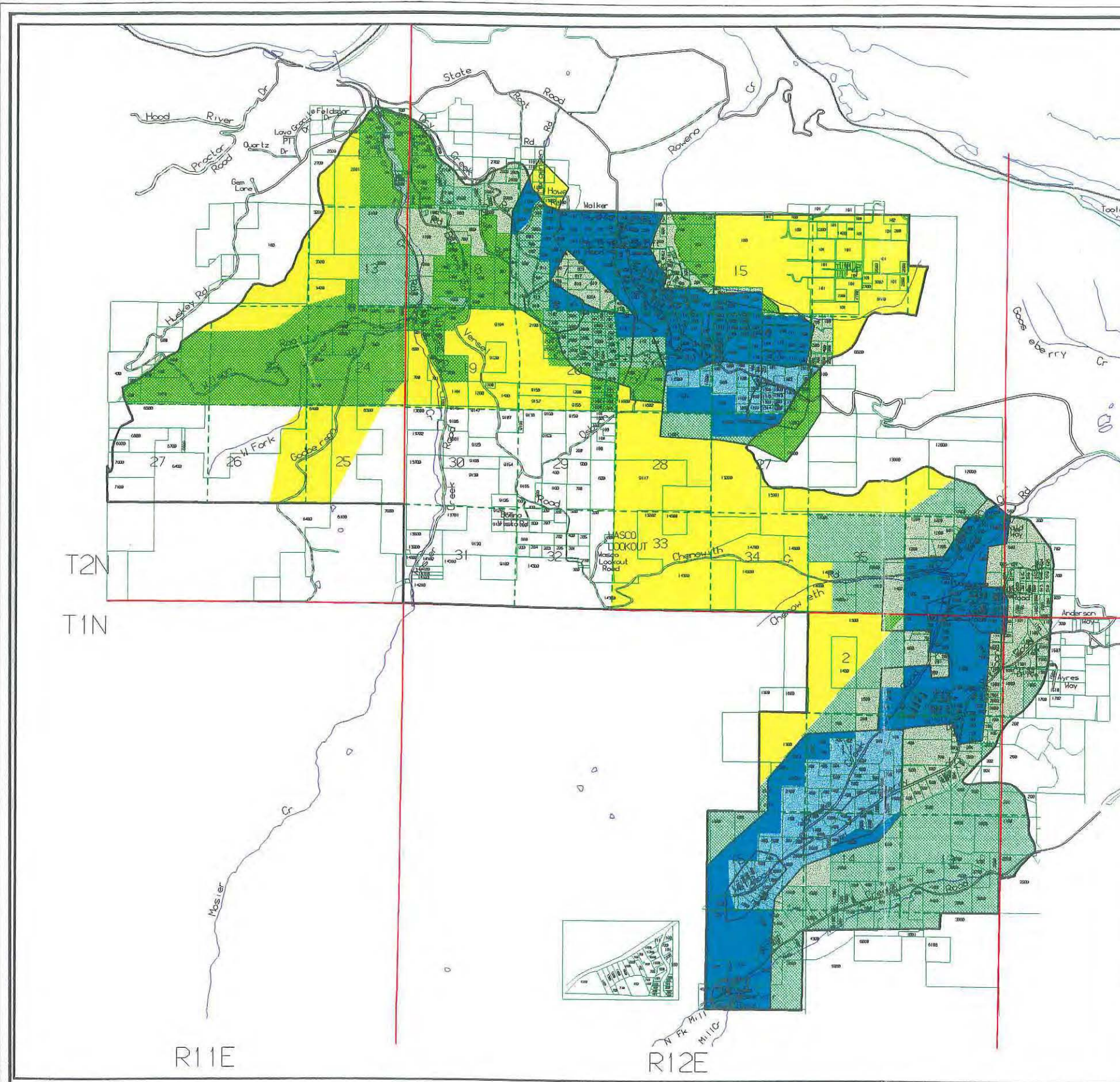
These maps indicated the total number of parcels per section that would be available for development based on the existing zoning classification. Based on this information, it was possible to identify total potential development that would be possible within the Seven Mile Hill Area and the Mill Creek/Cherry Heights Area (Figure 9). Although this information was not used to produce the combined weighted compositions map described in Section 4.4 below, it provided a frame of reference for evaluating impacts of zone changes while exploring Policy Alternatives.

#### **4.4 Combined Suitability Composite**

The next step in analysis was to combine the Development Suitability map with the Forest and Agricultural Resource Suitability map to identify which parts of the Study Area were most appropriate for development and which were most appropriate for resources use/protection. This was accomplished by developing a matrix of development versus natural resources values, as shown in Figure 10. The matrix identifies the conflicts between the suitability maps. For example, if an area had a resource value of 5 and a development value of 2, it was classified H-L (High-Low) within the matrix. Based on the matrix and the map combining the Development Suitability and Resource Suitability maps in Figure 11, lands within the Study Area were categorized as follows:

- Low development value/Low resource value (L-L)--No conflict; these lands will experience little pressure either for development or resource use/protection.

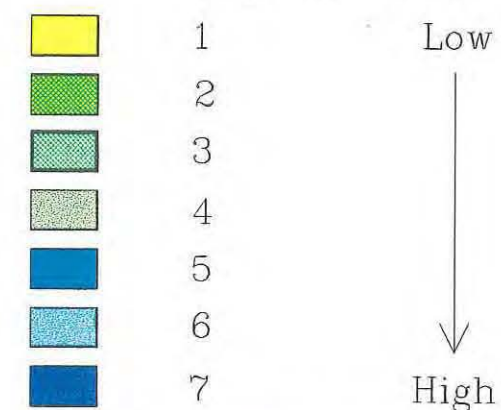




# DEVELOPMENT VALUES WEIGHTED COMPOSITIONS (including aquifer systems) Transition Lands Study Area

## Legend

### Weighted Totals



### Resource Values

#### Fire District

In District = 1 point

#### Roads

Class III With 75% Capacity Remaining = 2 points

Class I With 75% Capacity Remaining = 1 point

#### Water

Green Aquifer System = 2 points

Yellow Aquifer System = 1 point

#### Recognized Impacted Winter Range

Impacted Winter Range = 1 point



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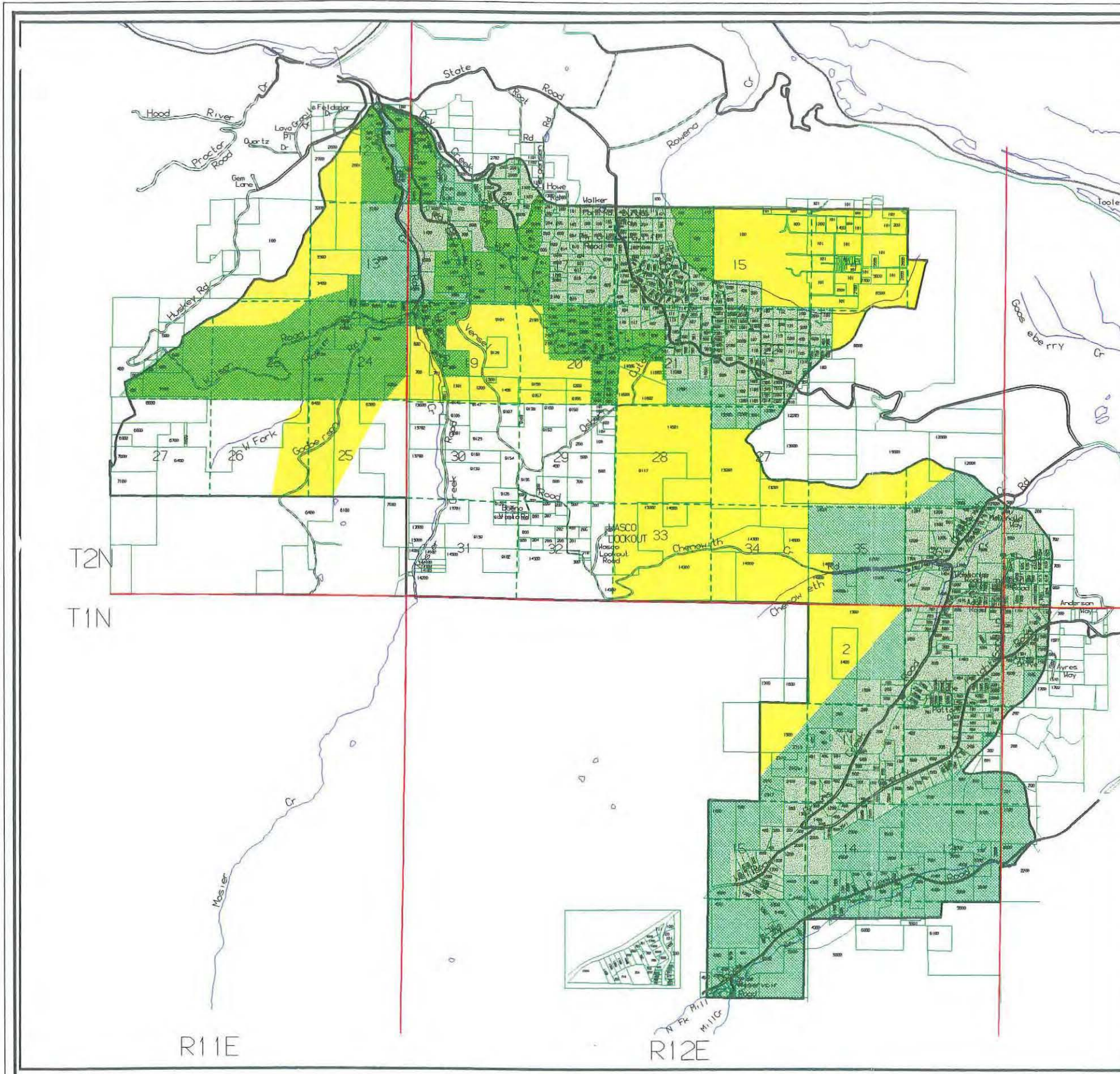
May 1997

Wasco County Transition  
Lands Study Area

FIGURE  
6

9/12/97



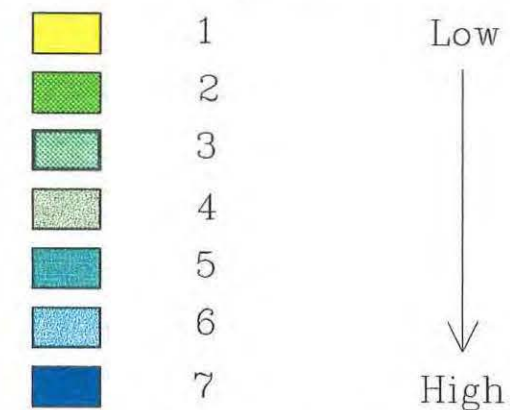


# DEVELOPMENT VALUES WEIGHTED COMPOSITIONS

Transition Lands Study Area

Legend

Weighted Totals



Resource Values	
Fire District	
In District	= 1 point
Roads	
Class III With 75% Capacity Remaining	2 points
Class I With 75% Capacity Remaining	1 point
Recognized Impacted Winter Range	
Impacted Winter Range	= 1 point



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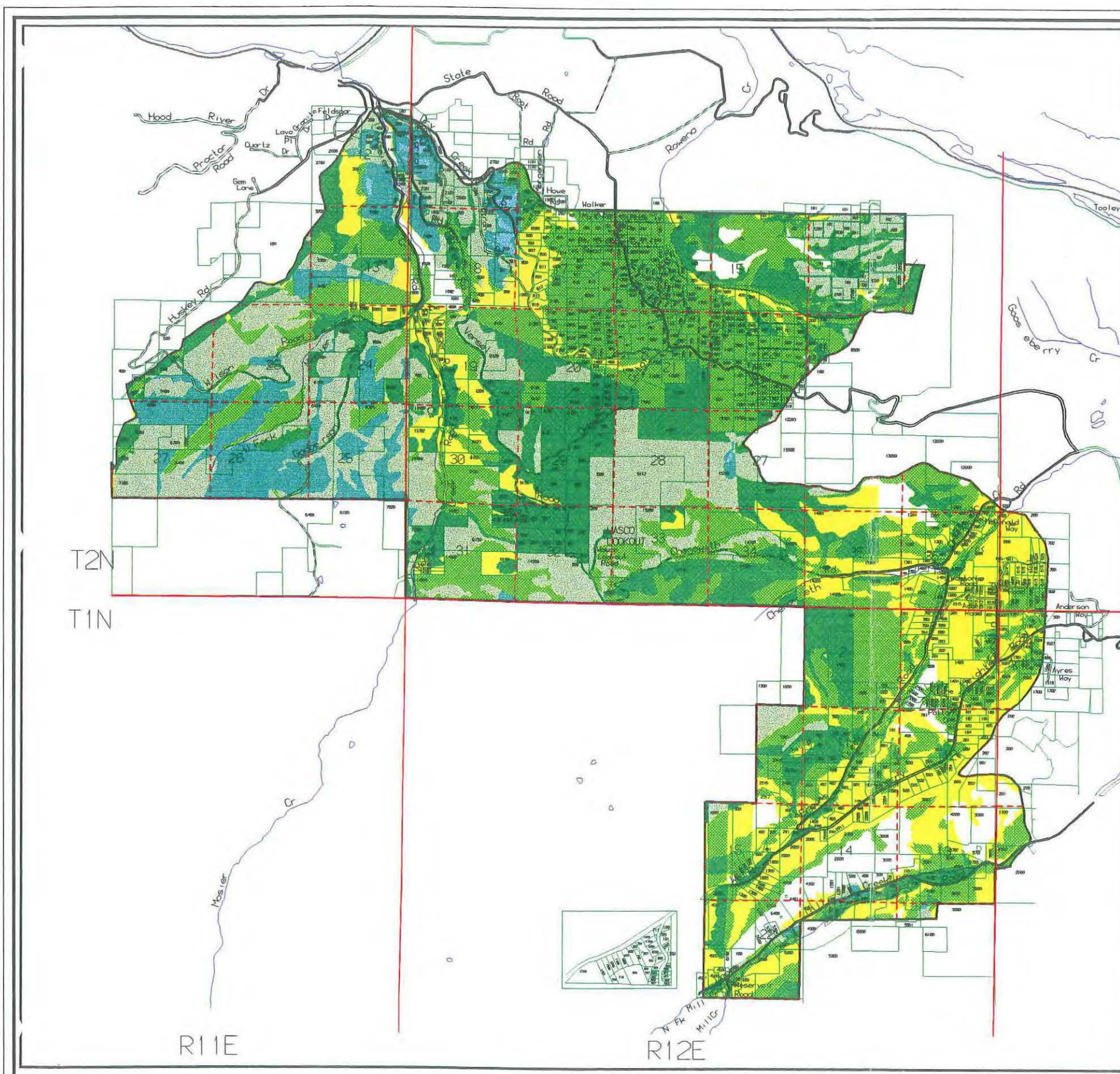
May 1997

Wasco County Transition  
Lands Study Area

FIGURE  
7

9/12/97



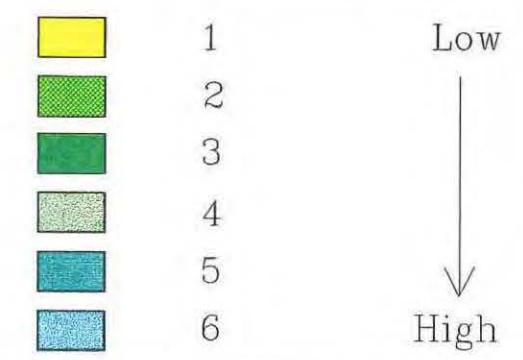


# FOREST & AGRICULTURE RESOURCES WEIGHTED COMPOSITIONS

Transition Lands Study Area

Legend

Weighted Totals



Resource Values	
Forest Site Classes	
Class 4	= 3 points
Class 5	= 2 points
Class 6	= 1 point
Agricultural Soil Classes	
Class 1-2	= 2 points
Class 3-6	= 1 point
Existing Agriculture	
Agriculture	= 1 point
Existing Forest	
F2(80) Parcels >= 80	= 1 point
Designated Big Game Winter Range	
Big Game Winter Range	= 1 point



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May 1997

Wasco County Transition  
Lands Study Area

FIGURE  
8



# EXISTING DEVELOPMENT AND POTENTIAL DEVELOPMENT SUMMARY

	7 Mile Hill	Mill Creek - Cherry Heights	Totals
Existing Development	114	187	301
Potential Development	185	313	498
Cluster Provison Bonus Density Increase (Add to potential)			
Potential Increase at 25% Bonus	1	50	
Potential Increase at 50% Bonus	11	102	

Development is defined as dwellings.

Potential development numbers are based on what would be allowed under the current zoning in the FF-10, RR-5, and Agricultural Zones only. Numbers do not take into account unbuildable lots based on topography.

## Potential development by zones

7 Mile Hill	Mill Creek-Cherry Heights
FF-10 = 125	FF-10 = 256
RR-5 = 52	RR-5 = 50
Ag = 8	Ag = 7

## Example of how to figure a cluster bonus.

a 40 acre parcel in the FF-10 would get 4 houses( 1 per each 10 acres). With a cluster provision, the same parcel would get 1 extra dwelling at 25% bonus (4 dwellings x .25); or 2 extra dwellings ( 4 dwellings x .50).

Source - Potential Development Maps produced for TLSA  
April 7, 1997

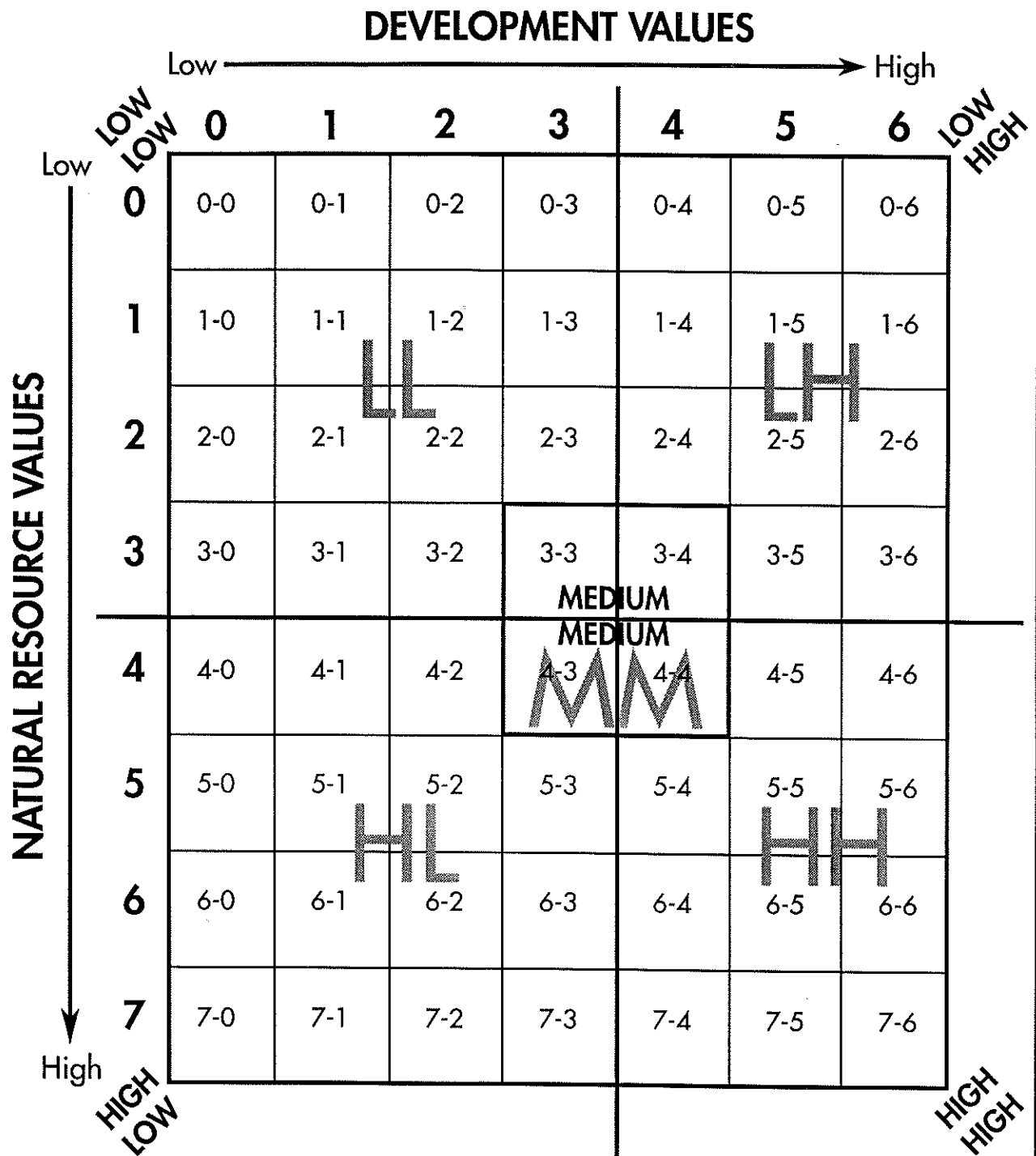
Tables from Wasco County, OR, 1997

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Wasco County Transition Lands Study Area  
Summary of Existing Development and Potential  
Development

FIGURE  
9

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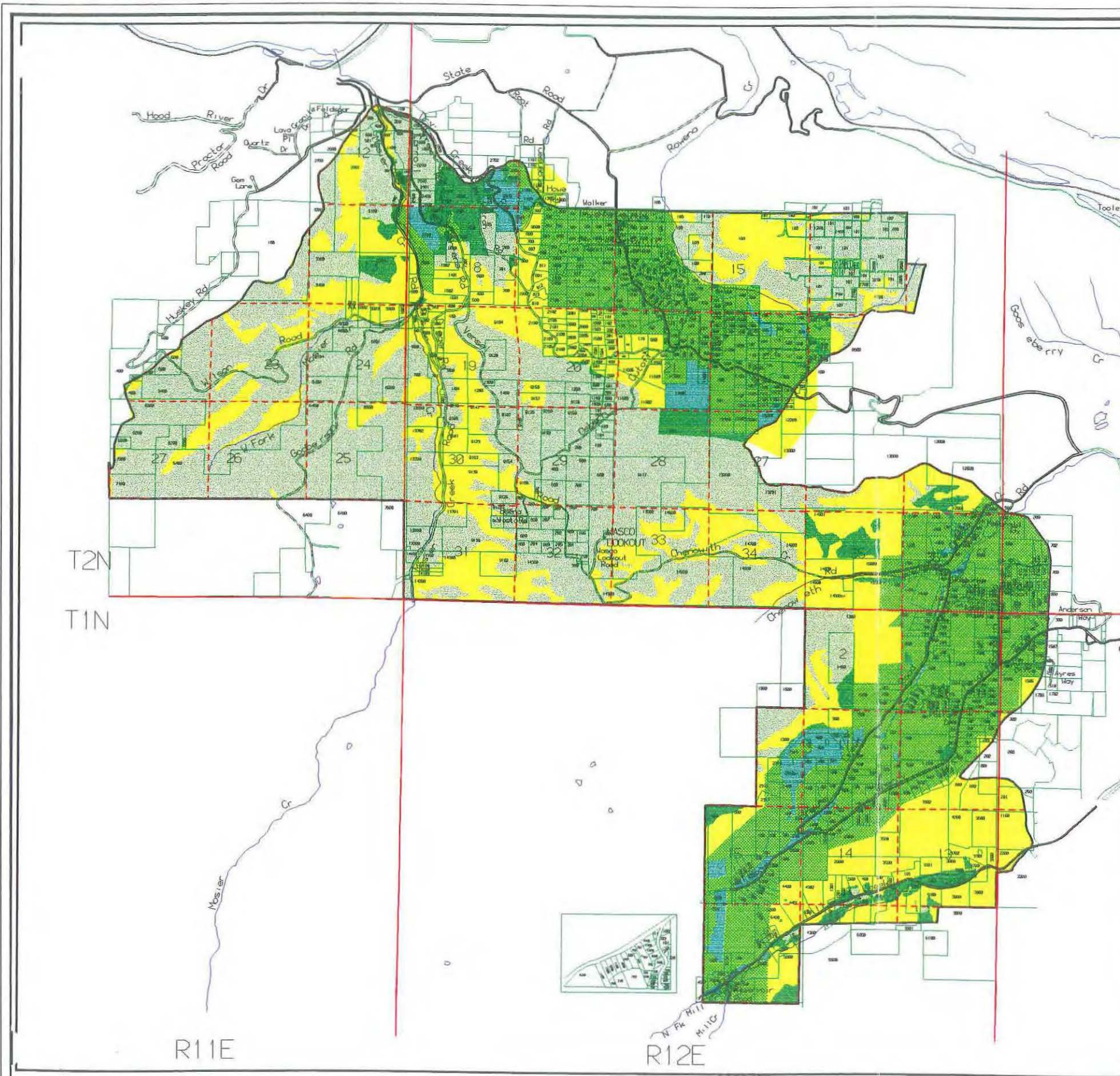
Wasco County Transition Lands Study Area  
Development versus Resource Values Matrix

FIGURE  
10



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# COMBINED LAND USE VALUES (based on resource composite & development composite map values)

## Transition Lands Study Area

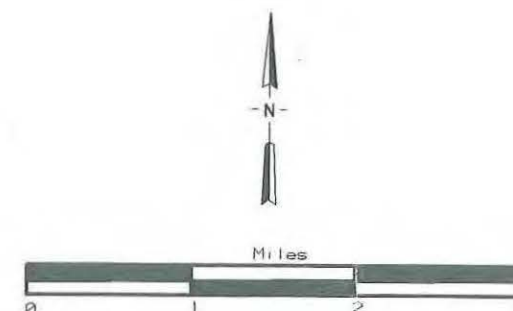
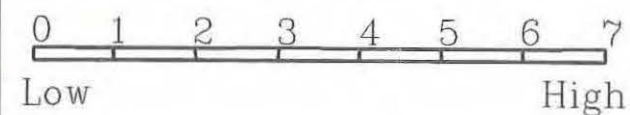
### Value Comparison

Forest & Agriculture Values      Development Values

L/L	0-1-2	0-1-2-3
L/H	0-1-2	4-5-6-7
H/L	3-4-5-6-7	0-1-2-3
H/H	3-4-5-6-7	4-5-6-7

F&A-Dev Medium Ranges

M/M	3-3, 3-4, 4-3, 4-4
-----	--------------------



Wasco County Transition  
Lands Study Area

FIGURE  
11

WASCO COUNTY  
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June 1997

9/12/97



- High resource value/Low development value (H-L)--plans for these lands should protect the resource.
- Low resource value/High development value (L-H)--plans for these lands could accommodate development.
- Medium resource value/Medium development value (M-M)--Potential conflict; lands in this category must be reviewed in context to determine which factor (development or resource use/protection) is more important to plan for.
- High resource value/High development value (H-H)--plans for these lands must also be reviewed in context. Land uses must be based on review of applicable statutes, which usually will favor the resource, but there may be exceptions.

## 5.0 PRELIMINARY DEVELOPMENT ALTERNATIVES

### *What was the full range of alternatives considered?*

Three preliminary alternatives were developed based on the development and resource value analysis. These include: Alternative 1--Minimum Development, Alternative 2--Moderate Development, and Alternative 3--Maximum Development (Figures 12, 13, and 14). The alternatives reflect the range of development that could occur in the Study Area, from essentially "status quo" to substantial increases in allowed density. The alternatives are described below, accompanied by a discussion of the positive and negative aspects of each.

As noted earlier in this report (see Section 2.0), two areas were identified as most suitable for development based on the Development Suitability Maps: the Seven Mile Hill Area, in the northeastern part of the Study Area, and the Mill Creek/Cherry Heights Area, in the southeastern part of the Study Area. The preliminary alternatives focus on these areas.

### 5.1 Alternative 1--Minimum Development

This alternative represents the "status quo," allowing very little increase in development density above what was already allowed by current zoning. A key factor recognized by the Steering Committee was that the potential exists for approximately 500 additional homes to be built under the current zoning, in addition to the existing approximately 300 homes. Water Monitoring Areas were designated as areas which could experience increased densities in the future if adequate water is available (Figure 12).

#### 5.1.1 Seven Mile Hill Area

In the Seven Mile Hill Area, Alternative 1 would:

- Retain the existing A-1 (80) EFU and R-R (5) Rural Residential, and the vast majority of the F-2(80) zoning.
- Rezone the remainder of the area from F-F (10) Forest-Farm and a small amount of F-2 (80) Forest to R-R (10) Rural Residential, a new zone created as a result of this study.
- Rezone one area of F-2(80), approximately 80-100 acres located in the southeast corner of the Seven Mile Hill Area, to R-R(10).

[illegible]

- Without development standards and education for rural occupants, still impacts fire protection, rural character and "other" wildlife habitat as ten acre densities developed.
- No increase in potential \$'s for rural fire protection.
- Monitoring still important to provide understanding of water issues to rural dwellers.
- Fails to provide a smaller lot option for rural dwellers - each rural residence "consumes" a minimum of ten acres.

FIGURE  
12



# ALTERNATIVE FOR MODERATE DEVELOPMENT

## Legend

 IDENTIFIED AREAS FOR FUTURE INCREASED DENSITY w/ FUTURE WATER MONITORING DATA SUPPORT

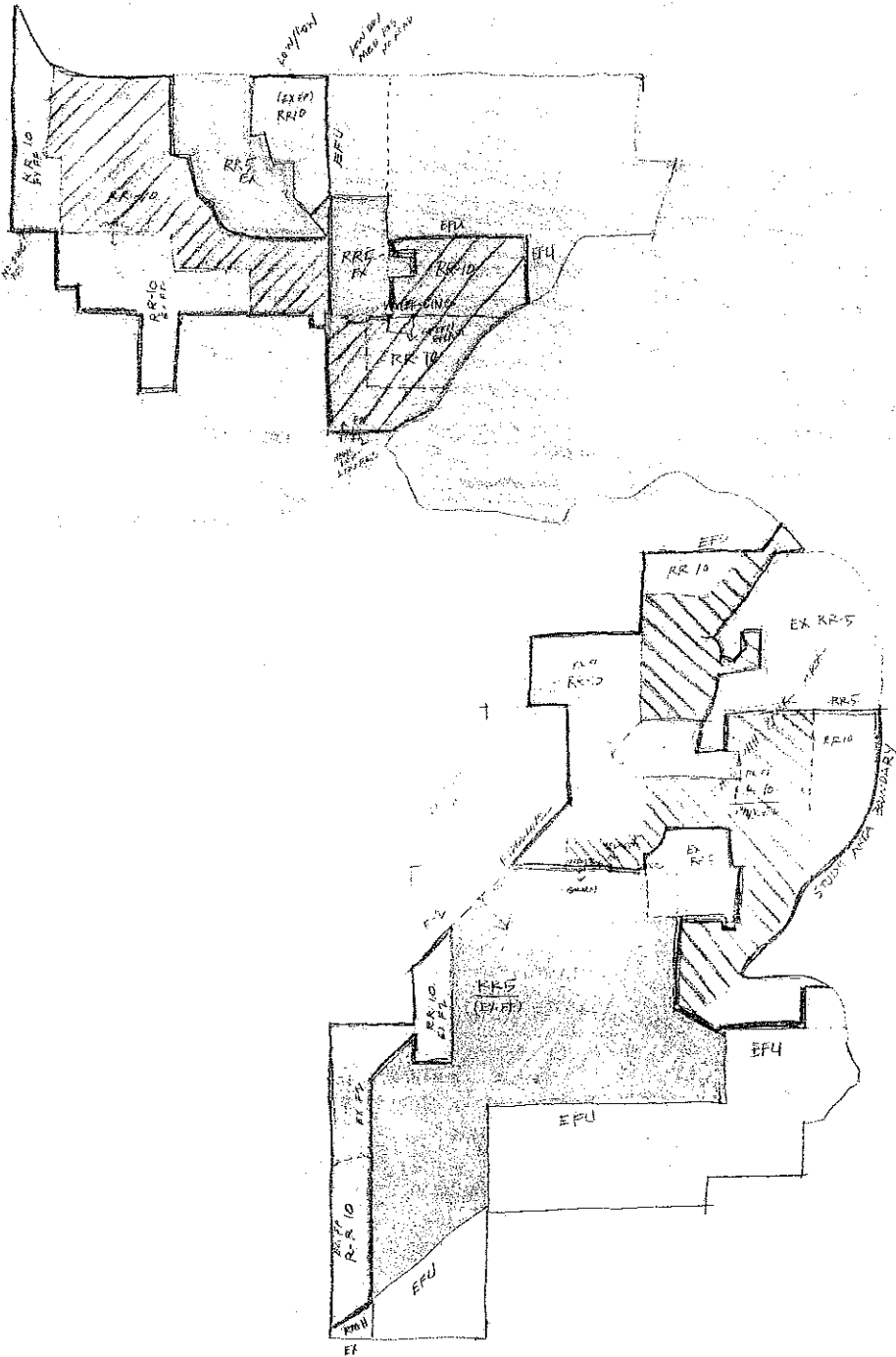
### MODERATE DEVELOPMENT

#### PROS:

- Accommodates limited increased densities in areas of low or lower resource value
- Directs limited density increases to areas with low or lower resource value.
- Accommodates limited increased densities in impacted areas of BGWR.
- Increases densities where aquifer systems are behaving more predictably.
- Identifies areas for additional increased densities once more is known about water.
- Focuses limited density increases in serviceable areas.
- Provides for a limited increase in fire district revenues.
- Accommodates increased densities accessed by a single road system at first- allowing the Road Department to assess impacts.
- Allows opportunity to assess effectiveness of development standards, for maintaining fire / road access and preserving rural character, and educational programs increasing awareness of water, wildlife and right to farm issues prior to further increase in densities.
- Provides limited accommodations for rural housing.

#### CONS:

- Limited impacts on other wildlife habitat.
- No guarantees as to water availability at higher densities.
- Limited increases in risk of fire loss in less accessible areas.
- Limited increase in traffic on roads with no automatic increase in Rd. Department revenue.
- Impacts on rural character in limited areas.



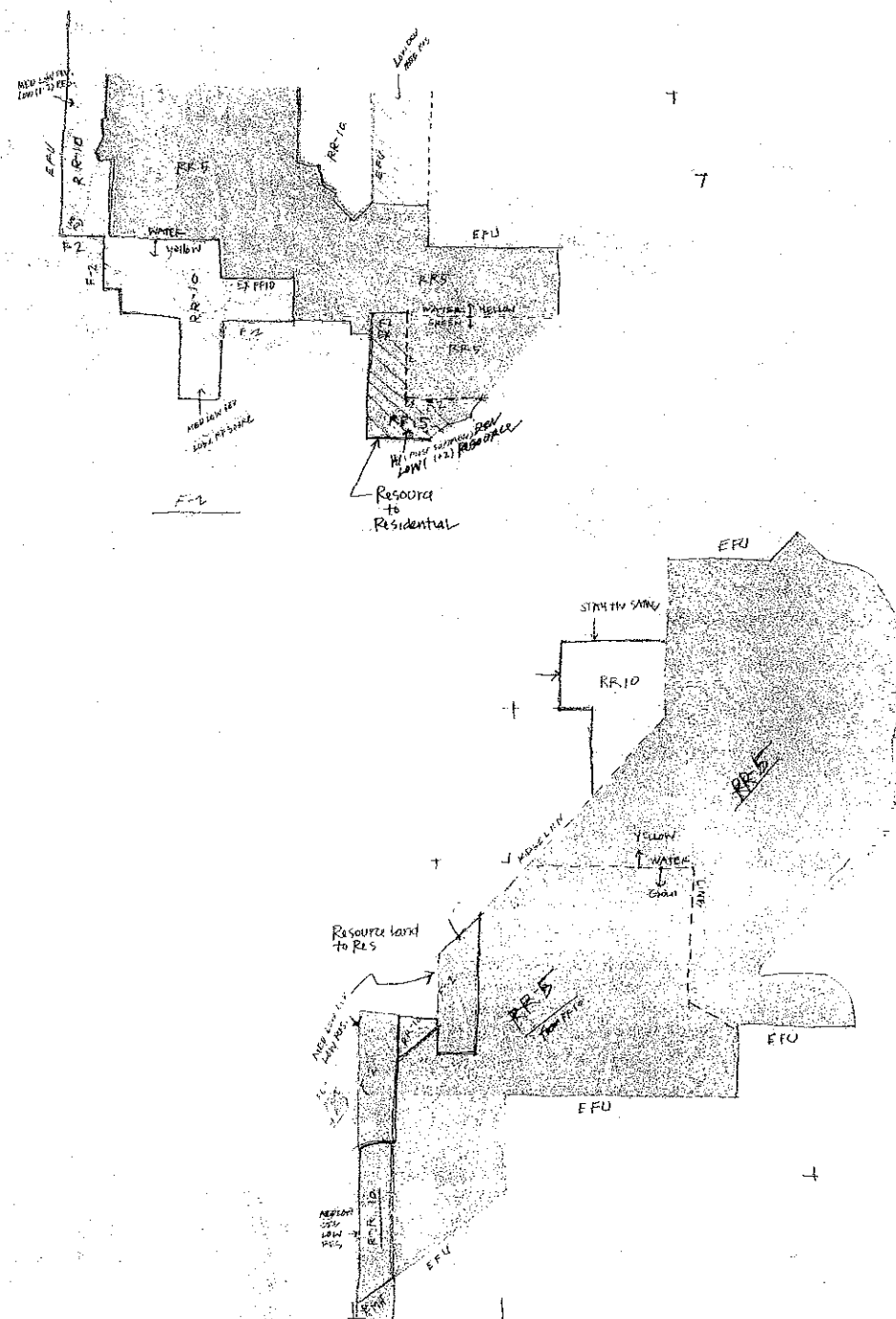
Map from Wasco County, OR, 1997

Wasco County Transition Lands Study Area  
Alternative 2 - Moderate Development

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FIGURE  
13

PRO'S



**PROS :**

- CONS:

- Impacts other wildlife habitat- quantifiable data not available.
- Possible over extension of ground water supplies and increased densities in areas where aquifer system behavior is not well understood.
- Hauling water to domestic dwellings is not the usual and customary practice in this area - can't form water districts or co-ops outside UGB.
- Without adequate Road standards increases risks of fire loss in less accessible areas (increased structure values and more lives affected).
- Without LIDs (limited improvement districts) or Development Fees, no increased revenues for Road Department to provide for additional development and maintenance as traffic increased.
- Impacts on rural character.
- Provides no trial run for development standards and education programs.

Wasco County Transition Lands Study Area  
Alternative 3- Maximum Development

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FIGURE  
14

- Create and coordinate a water monitoring program tied to specific Water Monitoring Areas.

Creation and application of the R-R (10) zone would simplify the approval of homes by eliminating the conditional review process. Residential use would be permitted subject to standards for approval (see Appendix 1 for a summary of this new zone).

Water Monitoring Areas are areas that could be rezoned in the future to allow increased development, provided water monitoring indicates water availability would be able to accommodate increased density (water monitoring information is included in Appendix 6 of this report). Water Monitoring Areas were determined based on aquifer systems within the Study Area determined to be "green" or "yellow." A "green" aquifer system is one that, based on hydrographs and well records, shows no particular anomalies such as water level decline, deepening, or deep static water level. A "yellow" aquifer system is one that, based on hydrographs and well records, has unexplained or negative anomalies including deeper than average aquifers, major and minor deepening of wells, decreases in static water levels and/or has shallow soils.

### **5.1.2 Mill Creek/Cherry Heights Area**

In the Mill Creek/Cherry Heights Area, Alternative 1 would:

- Retain the existing R-R (5) Rural Residential zoning.
- Rezone the remainder of the area zoned F-F (10) to the new R-R (10) zone.
- Rezone two small segments zoned F-F(80) located along the western boundary of this area to R-R (10).
- Create and coordinate a water monitoring program aimed at Water Monitoring Areas identified over approximately one-half of the Mill Creek/Cherry Heights area.

### **5.1.3 Pros and Cons of Alternative 1--Minimum Development**

Pros include the following:

- Only a very limited area of resource-zoned (F-2 (80)) lands with low resource values would be rezoned to R-R (10), thus retaining areas of higher resource value in their existing zoning.
- The existing 10-acre minimum would be retained in rezoned areas.
- There would be no increase in potential impacts on the Big Game Winter Range (BGWR).
- Further testing and monitoring of aquifer systems would be undertaken before any increase in density is allowed. This will result in a better understanding, through monitoring and evaluation, of the aquifer systems and how they are affected by development.
- Potential service needs (i.e., for roads and fire protection) would not increase.
- The existing, and familiar, 10-acre land use pattern would be retained.

Cons include the following:

- Without development standards and public education about the impacts of increased density, impacts on fire protection services and wildlife habitat, and changes in the rural character of the area, would result.
- There would be no increase in potential revenue for rural fire protection services.
- Likely less incentive to monitor aquifers, however, monitoring of aquifers still would be important to provide understanding of water issues to rural dwellers.
- Fails to provide a smaller lot option; each rural residence would continue to "consume" a minimum of 10 acres of land.

## **5.2 Alternative 2--Moderate Development**

Alternative 2 would allow more development than with Alternative 1, with other areas in both the Seven Mile Hill Area and Mill Creek/Cherry Heights Area identified for a future increase in density if there is water monitoring data to support it. A much larger part of the Mill Creek/Cherry Heights Area (about half) would be rezoned to R-R (5) (Figure 13). This would allow more development than with Alternative 1.

### **5.2.1 Seven Mile Hill Area**

In the Seven Mile Hill Area, Alternative 2 would:

- Retain the existing A-1 (80) EFU and R-R (5) Rural Residential zoning.
- Rezone the remainder of the area, which currently is zoned for F-F (10) and F-2 (80), to R-R (10).
- Create a much larger water monitoring area than Alternative 1, which means it could be rezoned in the future to allow increased development, provided water monitoring indicates water availability.

### **5.2.2 Mill Creek/Cherry Heights Area**

In the Mill Creek/Cherry Heights Area, Alternative 2 would:

- Retain the existing R-R (5) zoning.
- Rezone existing F-F (10) in the northern part of the area to R-R (10), and designate about half a Water Monitoring Area.
- Rezone a small area of existing F-2 (80) in the southern part of this area to R-R (5).
- Rezone existing F-2 (80) and F-F (10) along the western boundary to R-R (10).

### **5.2.3 Pros and Cons of Alternative 2--Moderate Development**

Pros include the following:

- Limits increased densities.
- Directs increased densities to areas of low or lower resource value, areas where the Big Game Winter Range (BGWR) already is impacted, and/or areas where aquifer systems are behaving more predictably ("green areas").
- Areas are identified where density could increase once more is known about water availability (Water Monitoring Areas).

- Density increases are focused in serviceable areas.
- A limited opportunity for an increase in fire district revenues is provided.
- Increased densities are first directed to areas accessed by an existing road system with adequate capacity for increased traffic, allowing the Road Department to assess impacts of increased development on roads.
- The opportunity is provided to assess the effectiveness of development standards, for maintaining fire/road access and preserving rural character, and educational programs to increase awareness of water, wildlife, and right-to-farm issues, before increases in density occur.
- Limited accommodations for rural housing are provided.

Cons include the following:

- Limited impacts on other wildlife habitat would result.
- There is no guarantee that water will be available to accommodate higher densities.
- A limited increase in risk of fire loss would result in accessible areas.
- Traffic on roads would increase to a limited extent without an automatic increase in Road Department revenue to offset increased service demand.
- Rural character would be affected in certain areas to a limited extent.

### **5.3 Alternative 3--Maximum Development**

This alternative would rezone most of the Seven Mile Hill Area and the Mill Creek/Cherry Heights Area to R-R (5), thus allowing the most development of the three alternatives (Figure 14). This alternative does not consider water to be a limiting factor to development.

#### **5.3.1 Seven Mile Hill Area**

In the Seven Mile Hill Area, Alternative 3 would:

- Retain the existing A-1 (80) EFU and R-R (5) zoning.
- Rezone areas with medium-low development value and low resource value from F-F (10) to R-R(10).
- Rezone the remainder of the existing F-F (10) to R-R(5) without regard to water considerations.

#### **5.3.2 Mill Creek/Cherry Heights Area**

In the Mill Creek/Cherry Heights Area, Alternative 3 would:

- Retain the existing R-R (5) zoning.
- Rezone most areas in the northern half from F-F (10) to R-R (5); the exception would be a small area along the western boundary that has a medium-low development value and a low resource value, which would be rezoned to R-R (10).
- Rezone the southern half of the area to R-R (5), with a small part along the western boundary rezoned to R-R (10).

### 5.3.3 Pros and Cons of Alternative 3--Maximum Development

Pros include the following:

- Development is maximized in areas of low or lower resource value, thus taking development pressure off lands with higher resource value.
- Similarly, development is maximized in areas of impacted Big Game Winter Range, taking pressure off areas with remaining habitat values.
- Development would not be limited by possible groundwater shortages; water could be purchased or hauled if needed.
- All serviceable (roads and fire district) lands can be fully developed, which takes pressure off areas with substandard services.
- A broad increase in densities is allowed on lands within the fire districts, resulting in increased revenues within the same service area.
- There is maximum accommodation of rural housing; cluster density bonuses could be considered at greater than 5-acre minimum lot size.
- Broad comprehensive density increases proposed with this alternative provide for a more consistent development pattern, rather than resulting in infill after the 10-acre pattern has continued to develop.

Cons include the following:

- Although quantifiable data is not available, this alternative is expected to result in impacts on wildlife habitat.
- It is possible that over-extension of groundwater supplies will occur as a result of increased densities in areas where the behavior of aquifer systems is not well understood.
- Hauling of water for domestic use is not the usual and customary practice in the Study Area, and formation of water districts or co-ops outside the urban growth boundary (UGB) is not allowed; therefore, water availability could become a problem.
- Without adequate road standards, there would be increased risk of fire loss in less accessible areas, and likely increased structure damage and more lives affected as a result of increased density.
- Without local improvement districts (LIDs) or development fees, there would not be increased revenue for the Road Department to provide for additional development and maintenance as traffic increases.
- Impacts on rural character would result.
- A "trial run" for development standards and educational programs is not provided.

## 6.0 ALTERNATIVE PLANS

*What was the preferred preliminary alternative?*

*What options were considered for implementing the preferred alternative?*

Based on analysis and comparison of the Preliminary Development Alternatives (Section 5.1) and consideration of information derived from analysis of the Potential Development maps (as described in Section 4.3.3 of this report), the Steering Committee selected Alternative 1 – Minimum Development as their preferred alternative. The Steering Committee agreed to look at some options for development within the context of the

Minimum Development Alternative. Three Preferred Policy Alternatives were developed. The Preferred Policy Alternatives focus on the same mixed residential and resource use areas of the Study Area as the Preliminary Development Alternatives: the Seven Mile Hill Area and the Mill Creek/Cherry Heights Area. These alternatives were refinements of the Minimum Development Alternative, and were guided and developed from the policy statements. They explored three different approaches to developing the Minimum Development Alternative, as follows:

- (1) Maintain the existing number of homes that can be developed by current zoning, but provide flexibility of lot size through transfer of development rights.
- (2) Identify specific areas for immediate upzone (increased density), but significantly limit these areas.
- (3) Identify specific areas for an upzone in the future, as warranted.

The Preferred Alternative plans combine features of each of the Preliminary Development Alternatives. Each approach aims to:

- Proceed with caution;
- Focus growth in the Mill Creek/Cherry Heights area; and
- Retain rural character and quality of life.

The plans also include a new concept--transfer of development rights (TDR)--to allow a transfer of a development (house) to another location. The alternative concepts are explained in detail in the following sections.

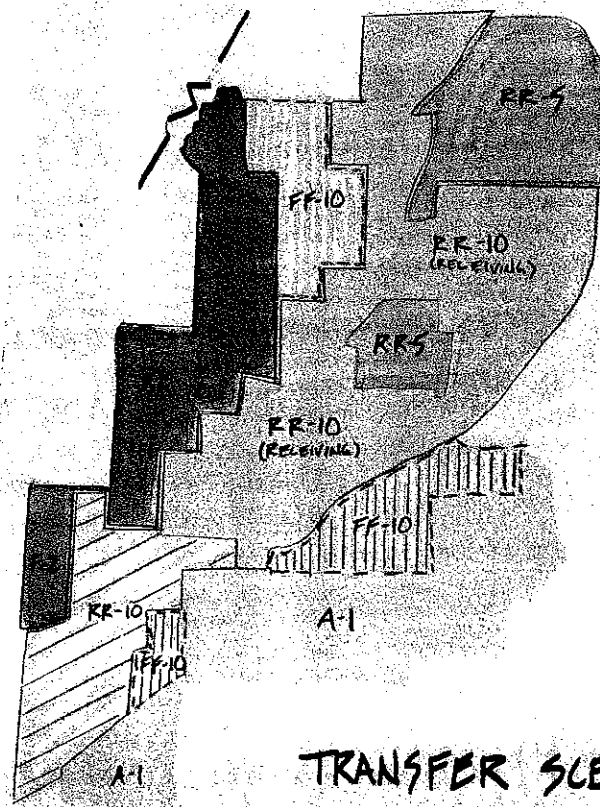
## **6.1 Transfer of Development Rights (TDR) Alternative**

The Transfer of Development Rights Alternative transfers development rights from areas with high resource values and/or lower development values to areas with high development potential. This approach could result in higher protection for resource lands while allowing some flexibility for development (Figures 15 and 16). Areas most suitable for development will be allowed to build out at higher densities than allowed under current zoning. They would be allowed to increase their density by purchasing a development right (unbuilt homesite) from another property owner and agreeing to develop the "transferred" homesite within the receiving area where development suitability is highest. The key is that increased densities allow for infill development where best suited, and make possible the utilization of development rights from areas that are less suitable for development, which may include areas of steep slopes, ridgelines, aquifer anomalies, significant wildlife habitat, and/or locations compromising scenic views.

### **6.1.1 Seven Mile Hill Area**

In the Seven Mile Hill Area, the TDR Alternative would:

- Retain the existing R-R (5) and A-1 (80) EFU zoning.
- Retain the existing F-F (10) areas that have a higher resource value or a low development value (for instance, in areas where water availability is unknown).
- Rezone the remainder of the F-F (10) lands to R-R (10). None of the rezoned R-R (10) areas would be able to receive development rights under the TDR concept.



TRANSFER SCENARIO

Map from Wasco County, OR, 1997

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Wasco County Transition Lands Study Area  
Transfer of Development Rights (TDR) Alternative

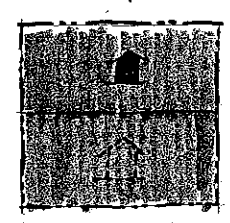
FIGURE  
15



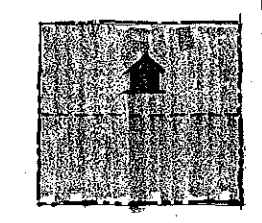
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VALUE WITH  
DEVELOPMENT  
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VALUE WITHOUT  
DEVELOPMENT  
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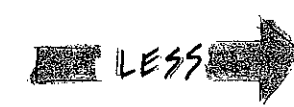
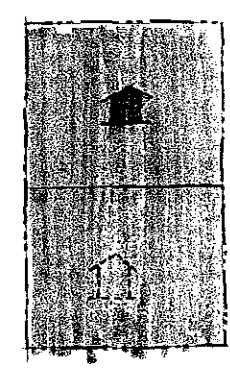
5AL. WITH HOUSE (160,000<sup>00</sup>)  
5AL. HOME SITE (45,000<sup>00</sup>)  
205,000<sup>00</sup>

10AL WITH HOUSE (160,000<sup>00</sup>)

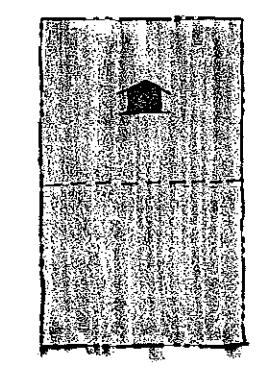
DEVELOPMENT RIGHT  
VALUE TO BUYER

\$ 45,000<sup>00</sup>

VALUE WITH  
DEVEL. RT. ON 10 AC.



VALUE WITHOUT  
DEVEL. RT.



10AL WITH HOUSE (160,000<sup>00</sup>)  
10AL HOME SITE (50,000<sup>00</sup>)  
210,000<sup>00</sup>

20AL WITH HOUSE (160,000<sup>00</sup>)

DEVELOPMENT RIGHT  
VALUE TO SELLER

\$ 50,000<sup>00</sup> (BROWN'S CREEK  
CHERRY HT'S)

\$ 60,000<sup>00</sup> (MOSIER  
7 MILE HILL)

(160,000<sup>00</sup>)  
(70,000<sup>00</sup>)  
(230,000<sup>00</sup>)

(170,000<sup>00</sup>)

Figure from Wasco County, OR, 1997

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Wasco County Transition Lands Study Area  
Example of Transfer of Development Rights

FIGURE  
16

### **6.1.2 Mill Creek/Cherry Heights Area**

In the Mill Creek/Cherry Heights Area, the TDR Alternative would:

- Retain the areas with R-R (5) zoning.
- Retain a small area of F-F (10) and areas of F-2 (80) along the western area boundary.
- Rezone the remainder of lands currently zoned F-F (10) to R-R (10) with TDR receiving status.

### **6.1.3 Intent and Impacts of the TDR Alternative**

#### *What is the intent of the TDR Alternative?*

- The overall density (number of new homes) would not increase, but would allow lot size flexibility.
- Development would occur at a slower pace, which allows time to explore ways to fund the cost of providing service to developing areas.
- Increased densities would occur in the most accessible areas, as driven by the market.
- An incentive is generated for private purchase of development rights.
- Those who pay (for transfer of development rights) are those who stand to benefit from increased development.
- Rural character would be maintained.
- Development would proceed with caution and allow time for water monitoring data to be compiled.

#### *What are the impacts of the TDR Alternative?*

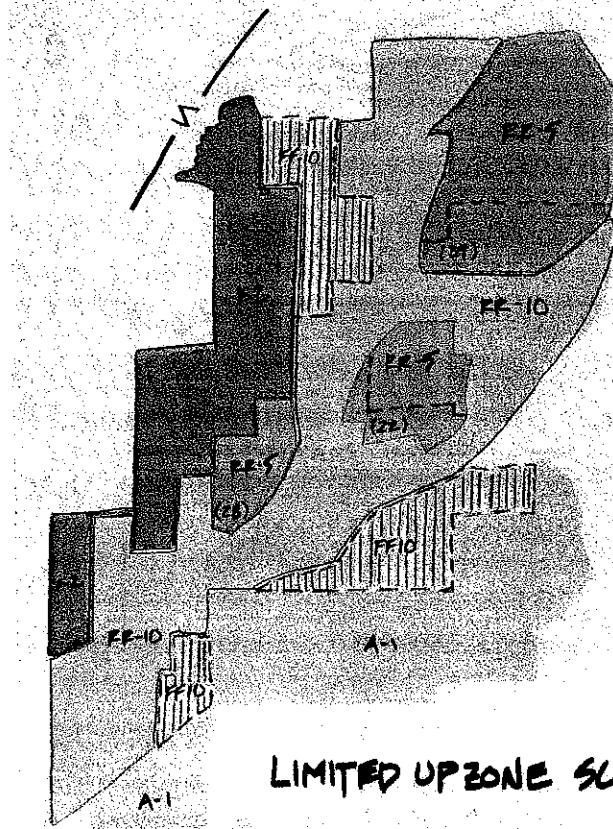
- TDR is a new concept and will be difficult to understand and/or explain.
- There is no guarantee that development rights will be purchased and built out in the "receiving areas;" however, the alternative acknowledges the value of creating incentives, rather than regulating development through such methods as downzoning.
- TDR may be complex and difficult to implement because of higher administrative costs and staff time commitments.
- Creates higher densities in "receiving areas" than zoning would indicate.

### **6.2 Limited Upzone Alternative**

The Limited Upzone Alternative identified areas that are best suited for an upzone based on development suitability (Figure 17). Generally, these are areas that have good road access, are in a fire district, are in an impacted Big Game Winter Range area, and are located in an aquifer that has few anomalies. There is not a transfer of development rights (TDR) in this alternative.

#### **6.2.1 Seven Mile Hill Area**

In the Seven Mile Hill Area, the Limited Upzone Alternative would be the same as with the TDR Alternative, but there would not be the opportunity to transfer or sell development rights.



LIMITED UPZONE SCENARIO

Map from Wasco County, OR, 1997

7961032 9/12/97

Wasco County Transition Lands Study Area  
Limited Upzone Alternative

FIGURE  
17



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INCORPORATED

## **6.2.2 Mill Creek/Cherry Heights Area**

In the Mill Creek/Cherry Heights Area, the Limited Upzone Alternative would retain the existing F-F (10) areas that have a higher resource value (the same as Alternative 1). However, this scenario identifies two areas for an upzone from F-F (10) to R-R (5). These areas are identified as having a high development value and include the following:

- Area 1--south of the existing R-R (5). Rezoning this area to R-R (5) would result in approximately 39 additional homesites.
- Area 2--south of Lutz Lane. Rezoning this area to R-R (5) would result in approximately 22 additional homesites.

## **6.2.3 Intent and Impacts of the Limited Upzone Alternative**

### *What is the intent of the Limited Upzone Alternative?*

- Rural densities would increase in the most appropriate areas.
- Upzoning and downzoning are familiar concepts; therefore, the action would be easily understood by landowners.

### *What are the impacts of the Limited Upzone Alternative?*

- The number of potential homesites would increase by 60+, which would put more demand on infrastructure and services, such as the road system.
- It would be difficult to "go back" once areas are upzoned.

## **6.3 Future Expansion Alternative**

The Future Expansion Alternative identifies the same two areas for an upzone as are identified in the Limited Upzone Alternative (Figure 18). In this scenario the upzone of an area would be phased in as development pressure occurs in the future, and as more information on water is gathered. There is no difference between this alternative and the Limited Upzone Alternative other than the rezone areas are identified and reserved for future growth.

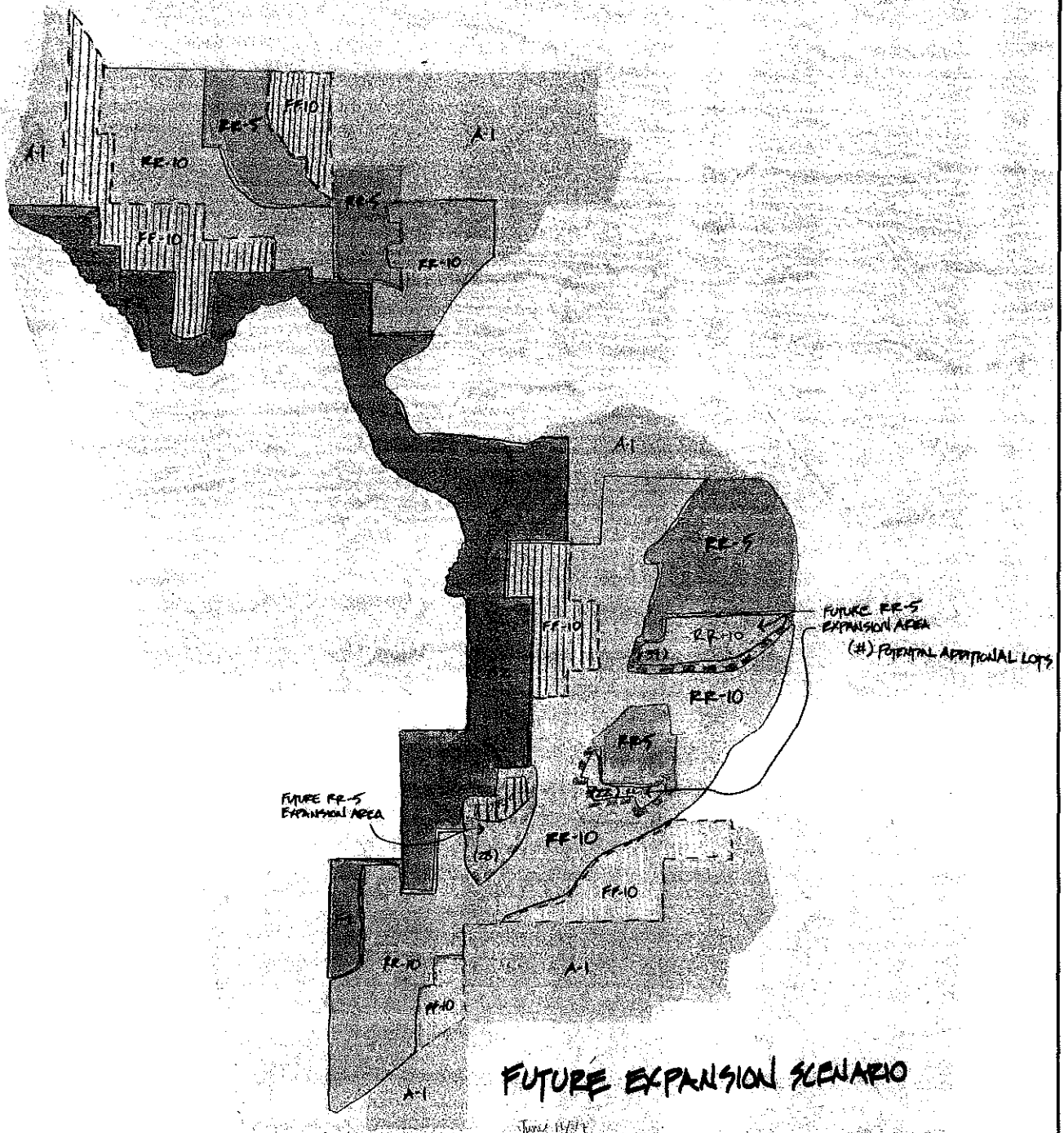
### **6.3.1 Intent and Impacts of the Future Expansion Alternative**

#### *What is the intent of the Future Expansion Alternative?*

- Does not increase number of homesites above what current zoning allows at this time.
- Identifies those areas where development is most suitable for future growth.
- Has no immediate impacts.

#### *What are the impacts of the Future Expansion Alternative?*

- The number of homesites would not increase at this time.
- As need for homesites increases, areas for future upzones have been identified.



Map from Wasco County, OR, 1997

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Wasco County Transition Lands Study Area  
Future Expansion Alternative

FIGURE  
18



SRI/SHAPIRO/AGCO  
INCORPORATED

## **7.0 FINAL RECOMMENDATION**

The final preferred alternative recommendation combines features of both the Transfer of Development Rights and the Limited Upzone (Figure 3). It identifies Area 1 for an immediate upzone from F-F (10) to R-R (5) and it identifies Area 2 as a test case area to receive Transfers of Development Rights.

### **7.1 Seven Mile Hill Area**

In the Seven Mile Hill Area the Final Recommendation would be:

- Retain the existing R-R (5) and A-1 (80) EFU zoning.
- Retain the existing F-F (10) areas that have a higher resource value or a low development value (for instance, in areas where water availability is unknown).
- Rezone the remainder of the F-F (10) lands to R-R (10). F-F (10) areas would be able to transfer development rights to the area identified as the test area (Figure 3).

### **7.2 Mill Creek/Cherry Heights Area**

In the Mill Creek/Cherry Heights Area the Final Recommendation would be:

- Retain the areas with R-R (5) zoning.
- Retain a small area of F-F (10) and areas of F-2 (80) along the western area boundary.
- Upzone Area 1 - south of the existing R-R (5) - from F-F (10) to R-R (5). Rezoning this area would result in approximately 39 additional homesites.
- Identify Area 2 - south of Lutz Lane, existing R-R (5) zone - as a test case receiving area for the Transfer of Development Rights.
- Rezone the remainder of lands currently zoned F-F (10) to R-R (10).

### **7.3 Intent and Impacts of the Final Recommendation**

#### *What is the intent?*

- The overall density (number of new homes above current zoning) would increase by 39 and be directed in the most appropriate area.
- Transfer of Development Rights concept could be tested to determine its success.
- Rural character would be maintained.
- Development would proceed with caution, and allow time for water monitoring data to be completed.

#### *What are the impacts of the limited Upzone Alternative?*

- The number of homesites would increase by 39 and provide some additional housing opportunities.
- There is no guarantee that development rights will be purchased and built out in the test area. However, it allows an opportunity to explore a new concept which creates incentives for development to occur in an appropriate place rather than regulating development through such methods as downzoning.
- Transfer of Development Rights densities in “receiving areas” at higher densities that zoning would indicate.

## **EXHIBIT 2**

### **Transition Lands Study Area**

**(Memo)**

## **MEMORANDUM**

**To:** Wasco County Court  
**From:** Planning Staff  
**Hearing Date:** Feb. 18, 1998  
**RE:** Staff summary of Issues for the Transition Lands Study Area (TLSA)

---

### **Background**

A nine member citizen based Steering Committee and a Technical Advisory Committee, comprised of local resource experts, was appointed by the County Court in Jan. 1994. The Steering Committee and Technical Advisory Committee met monthly from July 1996 through September 1997. The purpose of the Steering Committee was: 1. to be representatives for the community in response to concerns about development and resource protection 2. to assess the resources of the Transition Lands Study Area and establish a factual database for decision making and; 3. to assess the carrying capacity of the land.

The Steering Committee held a public informational meeting for public input on their recommendations. The Citizens Advisory Group and the Planning Commission held public hearings to consider the Steering Committee recommendations.

### **Purpose of the TLSA Study**

The TLSA study was initiated in 1993 in response to concerns of the Wasco County Planning Commission, elected officials, and members of the community about development in northern Wasco County, including the Seven Mile Hill and Browns Creek/Cherry Heights area. Concerns stemmed from availability of groundwater to serve domestic needs, fire hazards, conflicts with wildlife, and available lands for rural residential lifestyles in this developing area.

The product of this planning effort is a report, the 'Wasco County Transition Study Area, Sept. 12, 1997', which builds on information gathered throughout the TLSA project and makes policy recommendations for integrating future development with resource protection within the Study Area.

### **Summary of TLSA Steering Committee Recommendations:**

The Steering Committee recommendations and the process and methodology which guided their recommendations are documented on page two of the report. A vast amount of data was collected and evaluated with project goals in mind. The outcome of the project relied on this information to establish best land use practices for the Study Area through a public process. Attachment A 'Qwik Facts' provides an overview of key data considered by the Steering Committee.

There were five key recommendations made by the TLSA Steering Committee. The complete list of policy recommendations and action items are discussed more fully on page 2 and 3 of the TLSA study included in your packet.



**Steering Committee Recommendations:**

- 1. Change a portion of the F-F(10), Farm-Forest zone to R-R(10) Rural Residential zone(a new zone).
- 2. Upzone approximately 200 acres of existing F-F(10) land to R-R(5) adjacent to existing R-R(5). The upzone is in an area where there is fire protection, adequate road capacity for additional traffic, and within an area which shows no groundwater anomalies. The upzone would add approximately 32 additional homes to the number of new homes allowed by current zoning.
- 3. Designate a " test" receiving area for the Transfer of Development Rights (TDR) Attachment B explains TDR's).
- 4. Implement development standards for fire, scenic, and roads within the new R-R(10).
- 5. Do not implement House Bill 3661 provisions for the Lot of Record or Template Test dwellings in the F-2, Commercial Forest zone.

**Action of the Citizens Advisory Group:**

A public hearing was set For November, 18, 1997. There was not a quorum of the members attending, therefore we could not hold a hearing to review the Steering Committee recommendations. Rather than try to reach a consensus. on the SC Recommendations, the CAG members voted on the five steering committee recommendation listed above Their votes are noted on the Attachment C

**Main Issues Discussed by the Planning Commission:**

Issue 1 - House Bill 3661 provisions for Lot of Record dwellings and Template Test dwellings in the F-2 Commercial Forest zone

The Steering Committee recommendation was not to implement either of the two provisions for dwellings in the F-2 zone. Their recommendation was based on inventory data showing this area as having a high resource value, and a low development value (due to lack of infrastructure).

What is the difference between the two provisions? The Lot of Record provision would allow dwellings to those landowners who have owned the land prior to 1985 and still own it. The Legislative intent for this provision was for fairness and equity to those landowners who may not have been aware of the state landuse laws adopted in 1974. The Template test for dwellings was based on available area wide information regarding overall landuse pattern, land values, and infrastructure within the area. Criteria in the Statue for applying the template test provision address the facilities and service capabilities of the area. These criteria would result in a denial of all applications based on the data resulting from the TLSA study. Specifically, the data showed a lack of road capacity and fire protection, that is, it exceed the facilities and service capabilities of the area.

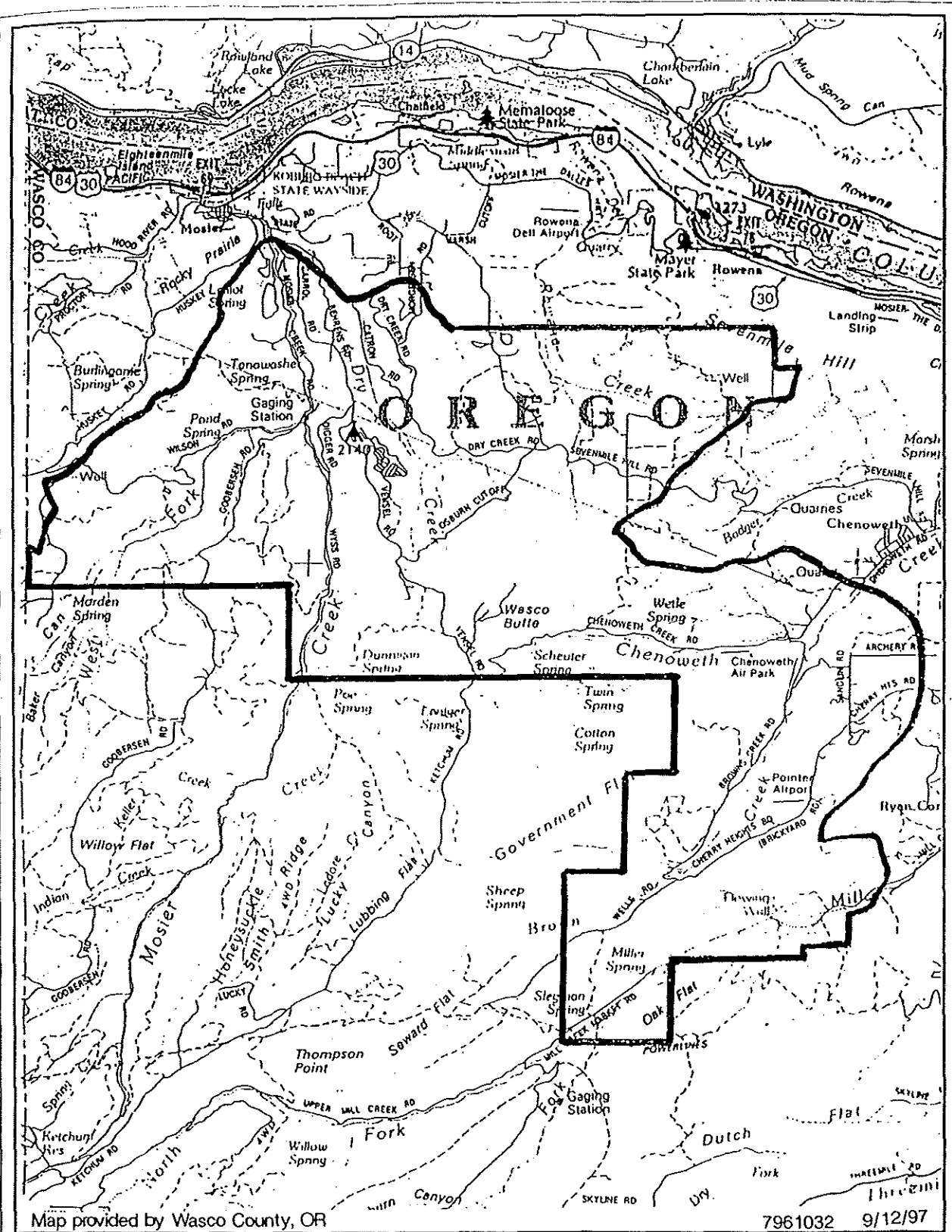
Issue 2 - Implementing the Transfer of Development Rights test area, The Planning Commission asked to get an opinion from the District Attorney on the legality, and or risk involved, other

issues were the discrepancy between the upzone area and the TDR area.

An opinion was provided by District Attorney Smith (Attachment D). To summarize, the Transfer of Development rights tool is valid planning tool, but he cautions that it has not been tested in Oregon. Smith also listed concerns with two different treatments, both which are being recommended, for the upzone and TDR area, and suggested that if approved the Commission's findings clearly spell out the reasons why the areas are being treated differently. His overall advise is to proceed with caution.

#### **Planning Commission Recommendations**

- 1. To Change a portion of the FF-10 zone to R-R (10) (a new zone, L.U.D.O. Section 3.220 "R-R" Rural Residential) as proposed by the TLSA Steering Commission and as delineated on the map entitled TLSA Recommendation, and dated, September 1997, and also including as R-R(10), those areas shown on the map as the proposed R-R(5) upzone, and Transfer of Development Rights Test Area.**
- 2. To adopt development standards for fire, scenic, and roads within the new R-R(10) zone, with two wording changes in Section D.2. Scenic Development Standards D.2. (b) and (g) from mandatory requirements for house colors, and fences, to non-mandatory requirements; and with a wording change in Section E. 9. (e) Fire Standards from undergrounding of power and telephone being located underground where practicable instead of where possible. (Ordinance Attached)**
- 3. To implement the Lot of Record provision in the F-2 Commercial Forest Zone for parcels within a fire protection district or by contracting for fire protection, based on the Legislative intent to provide for fairness and equity to landowners owning prior to 1985 and, not to implement the Template Test provision based on the available area wide information regarding overall landuse patterns, land values, and infrastructure in the F-2 Commercial Forest Zone based on the TLSA study.**
- 4. To put on 'hold' the Transfer of Development Rights Test Area with direction to planning staff to explore the necessary size of the receiving area; look into who manages the conservation easements and; to gather more information in order to determine the reason and potential effectiveness of implementing this tool in the TLSA area.**
- 5. Not to upzone the approximately 200 acre area identified by the Steering Committee from a F-F (10) zone to a R-R (5) zone, and to review this issue at the bi-annual advisory group review with respect to the additional information that will be available concerning the Transfer of Development Rights.**



Location of the Wasco County Transition Lands Study Area, Oregon.

FIGURE  
1

# ATTACHMENT "A"

## TLSA " QUICK FACTS"

The TLSA 'Quick Facts' sheet was put together to provide a broad overview of the extensive data that provided the basis for the recommendations of the TLSA study.

### GROUNDWATER AQUIFERS

- The previous report information presented two years ago was a broad overview of water in TLSA. This study identified overdraft areas with a computer model based on assumptions about aquifer behavior.
- Since then the TLSA study has done more detail mapping of well behavior. The facts seem to indicate that the original model was too pessimistic.
- The Jervey Study, December 1996, provided more water data in the TLSA:
- All of the aquifers in TLSA are water table aquifers or hydraulically tied to water table aquifers.
- These aquifers were identified and mapped, for the first time, through the TLSA process. Aquifer systems were identified using similar rock types; similarities in static water levels of the aquifers; similarities in yield, decline and performance criteria, and aquifer continuity.
- 817 wells were included in this review, 592 wells were located and are shown on TLSA maps.
- There is no obvious overall trend of aquifer depletion in TLSA.
- Declines in wells (observed) occur primarily in basalt aquifer wells and appear to be linked to the internal structure of the basalts.
- Deepenings of wells (where there was a lowering of static water levels) are due to specific negative situations having to do with the geology adjacent to the wellbore.
- Generally, 7 Mile Hill has basalt aquifers and; Cherry Hill/Browns Creek has sedimentary aquifers.
- Basalt aquifers have a more erratic behavior i.e., higher fluctuations (higher highs, lower lows); sedimentary aquifers have lower yields, but consistent performance.

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- Domestic water usage per average household (gross) is approx. 200,000 gallons/year.
- Irrigation water usage (gross) is approx. 434,555 gallons/year per acre.
- Information gained through this study provides the foundation for a data base. Continued monitoring can be used to help individual property owners to better understand the behavior of their wells and help to avoid future problems.

## COUNTY ROADS

- Wasco County Public Works Dept. maintains 70 miles of roads in the TLSA but many of the rural properties are served by private roads and public roads which are maintained by adjacent landowners.
- Roads that are not paved now are unlikely to be paved by Wasco County in the foreseeable future.
- Under existing zoning regulations, in rural residential areas of TLSA, 498 new homes could be built (301 existing). This would increase demand of services on roads that the county would have to provide. 185 of the total potential new homes could be built on Seven Mile; 313 in the Cherry Heights/Browns Creek. (Does not count potential new homes in resource zones).
- The capacity of a road is expressed as a maximum daily volume measured in Average Daily Traffic (ADT), along with other factors applicable to capacity assessments for individual road segments, such as grade, curves, lane and shoulder width. The capacity of a road is unaffected by whether it is a gravel road or a paved road. (1 home averages 4 trips/day) This is a 30 year old figure, the estimate is low.
- Four county maintained roads in TLSA have the traffic capacity remaining to accommodate new development under existing zoning. The following roads would be within their design capacity as constructed today. Roads in TLSA with at least 25% capacity remaining are shown below .

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2

	Capacity	ADT	at Buildout (current zoning)	Total
Mill Creek Rd.	1500	317	(+60 ADT) =	377
Cherry Hgts. Rd.	1500	724	(+472 ADT) =	1196
Browns Crk. RD.	1500	353	(+478 ADT) =	831
State Rd.(not counting east & west ends which do not have existing capacity)	1500	352	(+740 ADT) =	1092

- Funds for road maintenance and improvements do not come from property taxes. Funding sources include: 1. Timber receipts (which are being phased out) and; 2. a portion of the state highway funds allocated to Counties based on number of vehicles registered in the county. Property owners with cars registered in another county do not contribute to county roads.
- There are some public roads that are not maintained by anyone. You can experience problems with the maintenance and cost of maintenance of your road.

## FIRE

- There are two fire protection districts in the TLSA. Not all areas are in a fire protection district. Rural Residential areas in the TLSA are, for the most part, in either the Mosier Rural Fire Protection District, which is made up of volunteers; or Mid Columbia Rural Fire Protection District.
- The Oregon Dept. of Forestry Fire Protection District covers wildfires in the TLSA. ODF does not cover structural fires. Residences pay a tax to the ODF for wildfire coverage.
- Fire District response times (time it takes to get to a call) vary depending of access to the property and distance. Portions of the TLSA within the Mid Columbia Fire Protection District are not accessible for fire trucks
- Emergency response time can not be guaranteed. Under some extreme conditions, you may find that emergency response is extremely slow and expensive.

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## POTENTIAL DEVELOPMENT

- Under current zoning the potential for new houses is:
- In the Rural Residential, R-R(5) zone = 93
- In the Farm Forest, F-F(10) zone = 405
- In the Agricultural zone AG -1 = 14
- In the Commercial Forest, F-2(80) zone = 51 Template Test Dwellings  
42 Lot of Record Dwellings  
(24 In a fire district)

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## **EXHIBIT 3**

### **2000 Settlement Agreement**



## SETTLEMENT AGREEMENT

This settlement agreement dated as of January 5, 2000, and the parties to this agreement are Kenneth A. Thomas ("Thomas"), Wasco County (the "County"), and Joseph Betzing ("Betzing").

### Recitals

A. In LUBA Case No. 99-178 Thomas filed an appeal with the Land Use Board of Appeals regarding County Ordinance No. 99-111. This appeal is stayed pending mediation.

B. In LUBA Case No. 99-109 Thomas filed an appeal with the Land Use Board of Appeals regarding County Ordinance 99-114. This appeal is stayed pending mediation.

C. In LUBA Case No. 98-043 Thomas appealed a permit for a dwelling issued by the County to Betzing. This case has been remanded by the Land Use Board of Appeals for further proceedings consistent with their opinion.

D. The parties to this agreement mutually wish to agree to a framework for resolution of the above cases and all disputes arising out of those cases. Therefore in exchange for their mutual promises, the parties agree as follows:

### Terms

1. The County Department Staff, acting in good faith shall use best efforts in supporting a legislative zone change and comprehensive plan change to modify to zoning and comprehensive plan designation of the property marked in exhibit A, from F-2 to FF-10. The changes will be initiated by the County unless Thomas elects to initiate them. If property owners other than Thomas elect not to participate then Thomas and the County will proceed and exclude the other property owners' land from the change.

2. Thomas acting through his attorney Michael J. Lilly shall assist the County staff by submitting evidence, drafting staff reports, and drafting findings for the zone and plan changes referenced above.

3. Betzing hereby waives all rights to remonstrate against the zone and plan changes referenced above.

4. Thomas hereby waives all rights to remonstrate against Betzing's application for a single family dwelling if the conditions set forth exhibit B are imposed on the dwelling permit for Betzing. Betzing agrees to accept the conditions set forth in Exhibit B and agrees to abide by the terms and conditions of the permit.

5. If the zone change and plan change applications referenced in paragraph 1 are approved by the County Court, and become final without an appeal or are affirmed on appeal, then Thomas will withdraw the appeals referenced above in paragraphs A and B. If the zone change applications are not

approved by the Wasco County Court then Thomas and the County agree to enter non-binding mediation but Thomas will be free to continue the appeals referenced in paragraphs A and B if the mediation fails to result in a settlement.

6. If the zone and plan changes are approved by the County Court and the approvals are appealed then the County shall support its decision, but not be obligated to prepare or file briefs in opposition to the appeal. Thomas will file briefs in opposition to the appeal, but shall not be obligated to file briefs regarding issues that are not relevant to property in his ownership.

7. If the zone change or plan change are reversed or remanded on appeal, and if Thomas and the County are unable to agree on an appropriate course of further action, then Thomas and the County will enter into non-binding mediation. If the mediation does not result in a settlement then Thomas may continue the appeals referenced in paragraphs A and B.

#### Miscellaneous Provisions

8. Binding Effect. This Agreement shall be binding on and inure to the benefit of the parties and their heirs, personal representatives, successors, and assigns.

9. Attorney Fees. If any suit or action is filed by any party to enforce this Agreement or otherwise with respect to the subject matter of this Agreement, the prevailing party shall be entitled to recover reasonable attorney fees incurred in preparation or in prosecution or defense of such suit or action as fixed by the trial court, and if any appeal is taken from the decision of the trial court, reasonable attorney fees as fixed by the appellate court.

10. Amendments. This Agreement may be amended only by an instrument in writing executed by all the parties.

11. Entire Agreement. This Agreement (including the exhibits) sets forth the entire understanding of the parties with respect to the subject matter of this Agreement and supersedes any and all prior understandings and agreements, whether written or oral, between the parties with respect to such subject matter.

12. Counterparts. This Agreement may be executed by the parties in separate counterparts, each of which when executed and delivered shall be an original, but all of which together shall constitute one and the same instrument.

13. Waiver. A provision of this Agreement may be waived only by a written instrument executed by the party waiving compliance. No waiver of any provision of this Agreement shall constitute a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver. Failure to enforce any provision of this Agreement shall not operate as a waiver of such provision or any other provision.

14. Further Assurances. From time to time, each of the parties shall execute, acknowledge, and deliver any instruments or documents necessary to carry out the purposes of this Agreement.


15. Time of Essence. Time is of the essence for each and every provision of this Agreement.

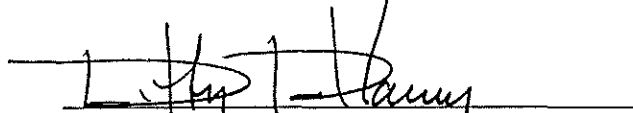
16. No Third-Party Beneficiaries. Nothing in this Agreement, express or implied, is intended to confer on any person, other than the parties to this Agreement, any right or remedy of any nature whatsoever.

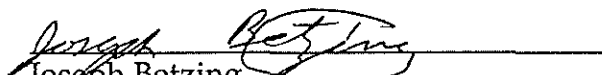
17. Exhibits. The exhibits referenced in this Agreement are a part of this Agreement as if fully set forth in this Agreement.

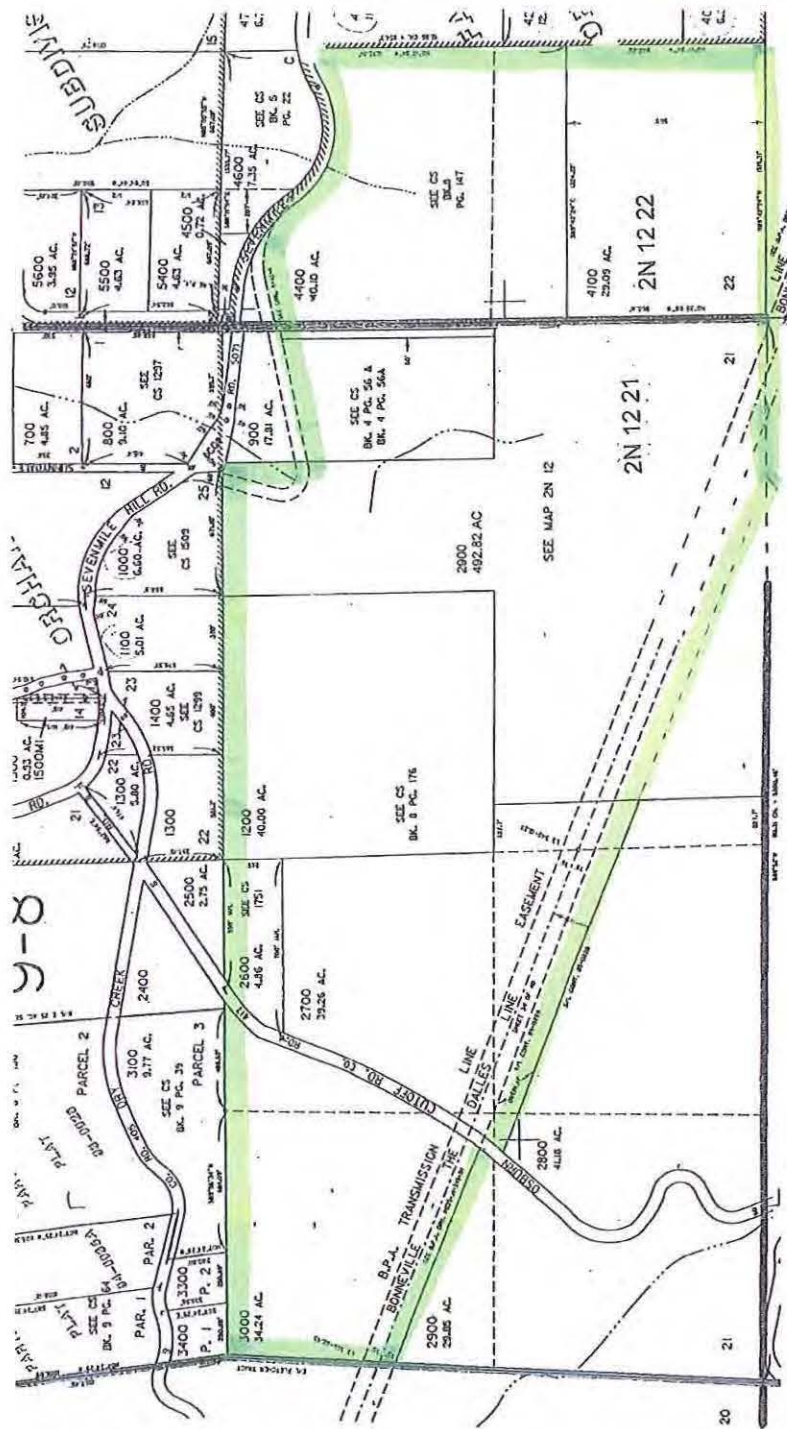
18. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the state of Oregon.

Dated: 1/5/00

  
Kenneth Thomas

  
Wasco County Planning Director

  
Joseph Betzing



## **EXHIBIT 4**

**Transition Lands Study Area**

**Groundwater Study**



**JERVEY** Geological  
Consulting

810 FELDSPAR DR. / P.O. BOX 328  
MOSIER, OREGON 97040

TELEPHONE (541) 478-3883  
FAX (541) 478-3883

**TRANSITION LANDS STUDY AREA  
GROUND WATER EVALUATION  
WASCO COUNTY, OREGON**

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Gay M. Jervy

**EXHIBIT 4**



## TRANSITION LANDS STUDY AREA GROUND WATER EVALUATION WASCO COUNTY, OREGON

Gay M. Jervey

### SUMMARY

The evaluation of ground water quantity is important to residents of the Transition Lands Study Area (TLSA). Assessment of the volume available has been difficult because of one major problem; regardless of the method of assessment used or the assumptions made in estimating available ground water, none of the ground water models used to date explain the declines seen in some wells in the TLSA or the fact that some wells have had to be deepened due to lack of water in the wellbore.

The purpose of this report is to examine this one issue in detail using available information. The conclusions presented are:

- all of the aquifers in the TLSA are water table aquifers or hydraulically tied to water table aquifers
- these aquifers can be identified and mapped
- there is no obvious overall trend of aquifer depletion in the TLSA
- declines observed occur primarily in basalt aquifer wells and appear to be linked to the internal structure of the basalts
- deepening (where related to lowering of static water level) are due to specific negative situations having to do with the geology adjacent to the wellbore
- more work needs to be done to better understand basalt aquifer performance
- close observation of wells in densely drilled areas is necessary to improve estimation of appropriate well spacing

- well spacing should not exceed what has been demonstrated to be effective within the TLSA unless additional information is provided to the Wasco County TLSA Steering Committee or other County representatives

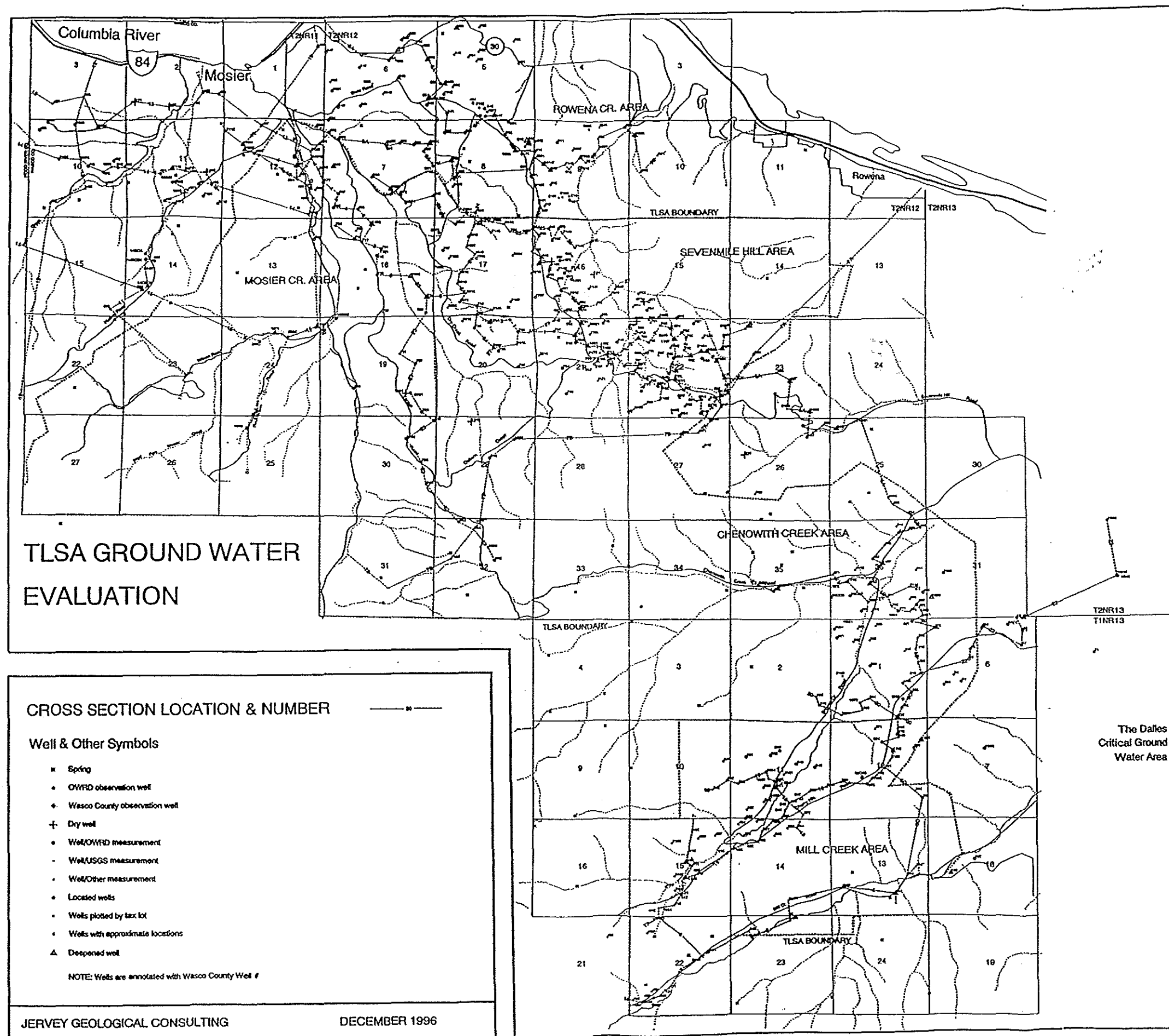
### INTRODUCTION

The main questions which must be addressed in order to better understand aquifer behavior and availability of ground water in the TLSA are:

- 1) How much ground water is available to the individual land owner?
- 2) Why do some wells have to be deepened?
- 3) Why do some wells show water level declines?
- 4) How close together can wells be and still operate properly (without undue interference)?

In order to address these questions, a detailed study of water wells in the TLSA was conducted. Records for a total of about 817 wells in and adjacent to the TLSA were included in this review. It is estimated that there are an additional 40 to 60 wells within this area that have no well records and were not included. The lack of this information is probably not critical to this review, since it is a small proportion of the data set which has been examined.

An initial and ongoing problem is the uncertain geographic location of a number of the water wells within the TLSA. Work done by the Wasco County Watermaster has contributed a great deal toward





locating existing wells. Of the well records mentioned above, 592 wells were located and are shown on the map on the preceding page (a large version of this map with topography added is also available). Almost all of the wells inside the TLSA area were located, at least approximately (by tax lot). Most of the 225 unlocated wells lie outside the TLSA boundary, mainly in the Rowena and west The Dalles areas. Within and immediately adjacent to the TLSA, 58 deepened wells were identified and studied in detail. The data collected for the wells in this review is in Table A at the end of this report (Appendix A). Included in this table are multiple measures of static water levels made in certain wells. Multiple static water level measures are also included in Tables A1, D and E (Appendix A).

Sources of information for this report are primarily the extensive previous studies done in this area and referenced at the end of this report (Lite and Grondin, 1988, and Kienle, 1995). Important additional information was contributed by the people listed in acknowledgment at the end of this report who work or reside in Wasco County or have a general or specific interest in the topic covered. However, errors in data or interpretation present in this report text are entirely the responsibility of the author.

The data and interpretations in this report are provided as a service by Jervey Geological Consulting in response to questions raised by the TLSA Steering Committee. Jervey Geological Consulting is primarily involved in oil and gas exploration and has no special qualifications in the evaluation of ground water resources. Therefore, this document should be primarily used as a basis for evaluating the data and observations it records. It is not specifically designed to be used in formulating public policy. The material collected here may also be helpful for use in future studies by qualified hydrogeologists.

## GROUND WATER AVAILABILITY

An estimate of available recharge volume is necessary to evaluate how many wells per unit area an aquifer can support. For the most part, the aquifer systems in the TLSA are recharged by precipitation (diffuse) and intermittent runoff in valleys. The lowest aquifer systems, are also probably recharged and maintained by perennial streams (Mill Creek, Chenowith Creek, and Mosier Creek).

A key factor in recharge to the TLSA area is its precipitation pattern. The area lies in an intermediate position between humid and arid climates. The cycles of heavy and low precipitation that occur over many years reflect this intermediate position. Because of this, a range of recharge volumes should be calculated that

reflect both normal (or average) conditions and low precipitation conditions over specific time intervals.

The graph in Figure 1 shows precipitation volumes in Hood River and The Dalles. The longest dry cycle in recorded history is the period from 1922 to 1944 (23 years) overlapping the occurrence of The Great Dust Bowl in the central United States. The average precipitation in Hood River during this period was 26 inches (84% of normal values). On the average, rainfall in The Dalles is about 48% of the amount recorded in Hood River.

Figure 2 is derived from Oregon Water Resources Department Ground Water Report #33 on the Mosier area (Lite and Grondin, 1988) showing the most probable change in precipitation levels across the TLSA. The western boundary, closer to Hood River, probably receives over 25 inches per year; the eastern boundary near The Dalles, about 15 inches.

A recent report on the Columbia Plateau aquifer system issued by the U.S.G.S. (Whiteman, et al, 1994) includes part of the TLSA on the extreme southwestern margin of the report area. The estimate for recharge for the TLSA from this report would be 2 to 15 inches per year, depending on total precipitation. In effect, the lower the rainfall, the smaller the percentage of water that is available for recharge. Using an average of 20 inches of precipitation per year, an example estimate of recharge can now be calculated. At this level of precipitation, the proportion returned as recharge is around 30% (values presented in the Whiteman report are 6.82" of recharge for 21.06" of precipitation in a temperate climate). Under dry conditions over several years, this percentage probably drops to about 26%. The overall calculation for recharge in this example is shown in Table 1 (page 5).

The estimates used were drawn from several sources; but primarily from U.S.G.S. Professional Paper 1413-B on the Columbia Plateau Aquifer System (Whiteman, et al, 1994).

## DOMESTIC WELL USAGE

Water usage per average household has been estimated by several authors working in this general area:

- Lite and Grondin (1988)  
288,350 gallons/year
- Kienle (1995)  
191,760 gallons/year
- OWRD information pamphlet for well owners (1993) average of values cited:  
217,500 gallons/year
- Local utilities, Chenowith and The Dalles:  
90,000 to 350,000 gallons per year

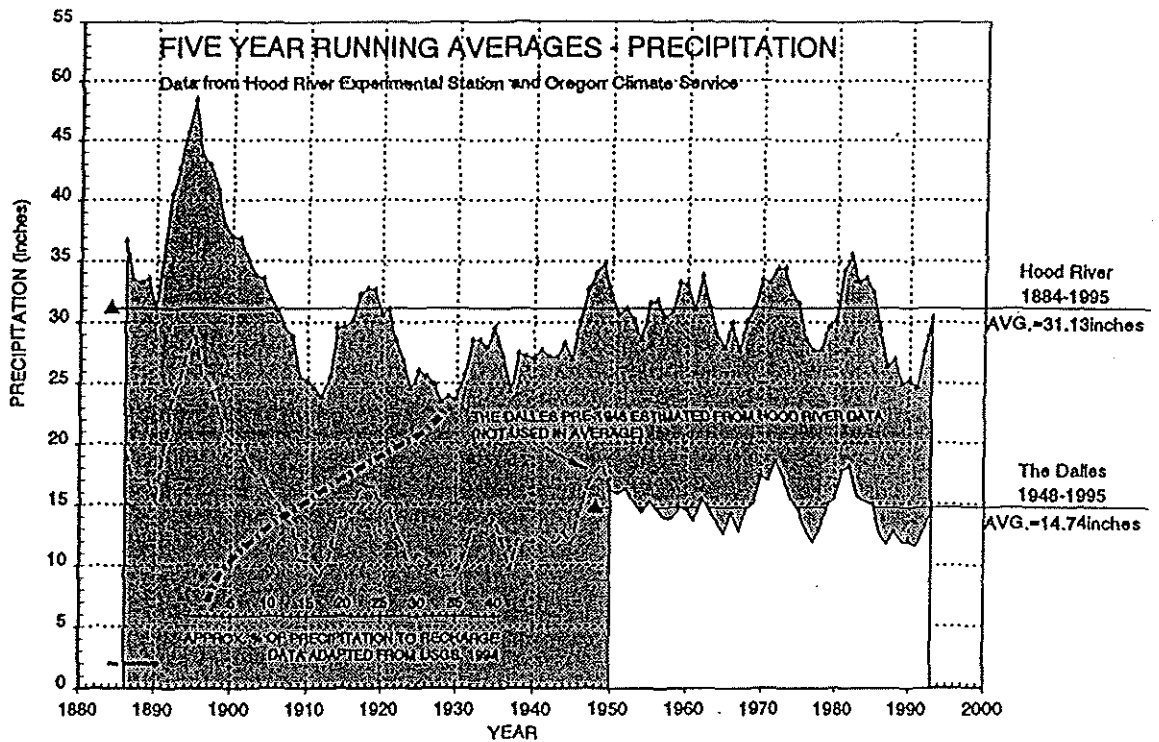


Figure 1. Precipitation for Hood River and The Dalles, Oregon, five year running averages.

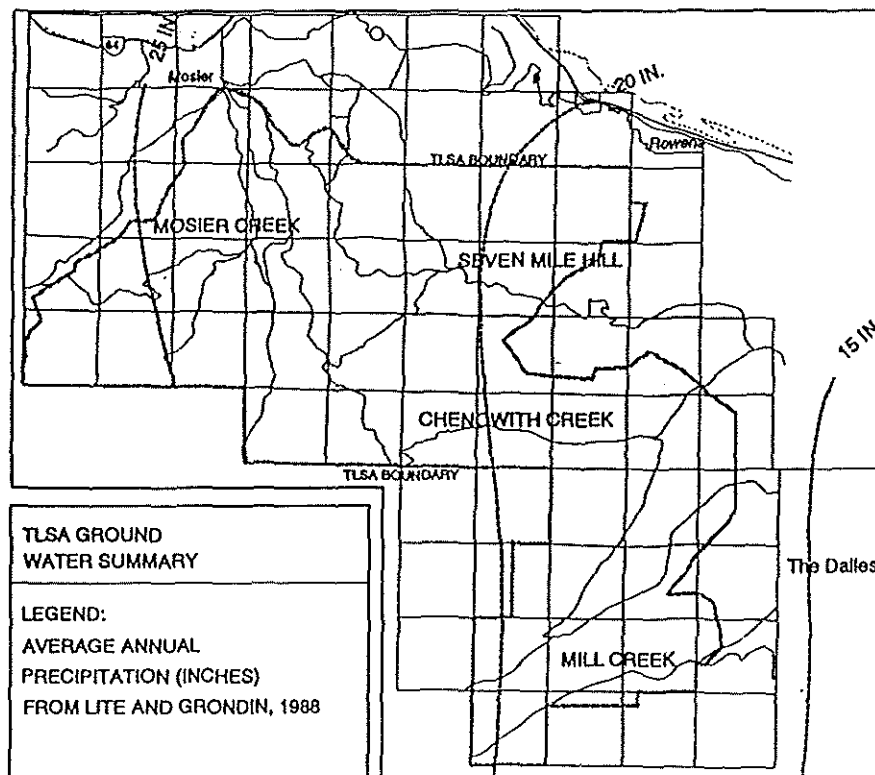


Figure 2. Average annual precipitation, TLSA (from Lite and Grondin, 1988).

CALCULATION OF RECHARGE

EXAMPLE	A PRECIPITATION PER YEAR (INCHES)	B % TO RECHARGE	C RECHARGE PER YEAR (INCHES) A*B	D RECHARGE PER YEAR (FEET) C/12	E CUBIC FEET PER ACRE D*43560	F GALLONS PER ACRE PER YEAR E*7.482
TLSA AVERAGE	20.0	30%	6.0	0.5	21,780	162,958
TLSA DRY CYCLE	16.8	26%	4.4	0.4	15,856	118,633
NGS REPORT MAXIMUM		5.6%				89,100
NGS REPORT MINIMUM		5.6%				13,800

COMPARISON OF USAGE & RECHARGE/DOMESTIC WELLS

	A DOMESTIC USE, GROSS GALLONS/ YEAR	B % RETURN TO RECHARGE	C DOMESTIC USE, NET GALLONS/ YEAR A*(1-B)	D GALLONS PER ACRE PER YEAR RECHARGE (FROM ABOVE)	E ALLOWABLE ACRES PER DOMESTIC WELL C/D
TLSA AVERAGE	200,000	30%	140,000	162,958	0.9
TLSA DRY CYCLE	200,000	26%	152,000	118,633	1.3
NGS REPORT MAXIMUM	191,625	0	191,625	89,100	2.2
NGS REPORT MINIMUM	191,625	0	191,625	13,800	13.9

COMPARISON OF USAGE & RECHARGE/IRRIGATION WELLS

	A IRRIGATION USE, GROSS GALLONS/ YEAR PER ACRE	B % RETURN TO RECHARGE	C IRRIGATION USE, NET GALLONS/ YEAR PER ACRE A*(1-B)	D GALLONS PER ACRE PER YEAR RECHARGE (FROM ABOVE)	E RECHARGE ACRES TO SUPPORT ONE ACRE OF IRRIGATION PER YEAR {C/D}
TLSA AVERAGE (16"PER ACRE)	434,555	30%	304,189	162,958	1.9
TLSA DRY CYCLE (19"PER ACRE)	516,034	26%	392,186	118,633	3.3
NGS REPORT MAXIMUM (30"PER ACRE)	814,790	0	814,790	89,100	9.1
NGS REPORT MINIMUM (30"PER ACRE)	814,790	0	814,790	13,800	59.0

Table 1. Examples of recharge and discharge calculations using different assumptions.

It is evident that there is a range of usage, but on the average over a large group, a figure of 100,000 to 300,000 gallons per year is probably a reasonable range.

Of the ground water used, a percentage of household waste water and lawn irrigation is returned as recharge. Designs for most domestic systems (in houses) assume an average volume of around 200 gallons per day per household (73,000 gallons per year) is produced as waste water. In addition, a small percentage of the water used in the lawn and garden will return as recharge to the aquifer.

The amount returned is extremely difficult to estimate, because it depends on precipitation levels, time of year, type of waste water, and the amount of water usage of the household. Under favorable conditions of rainfall, water use, soil type and other factors, 50% or more of water extracted from an aquifer may return as recharge (Stephens, 1996). However, because there is no data in the TLSA area that can support an estimate of this magnitude, it is better at this time to simply use the same percent of recharge that was used in the estimate of natural recharge.

The calculations for usage can be compared with average recharge to yield an approximation of well densities (Table 1) which could perhaps be supported by the aquifers in the TLSA. In addition to these figures the estimates made for minimum to maximum elevations in the NGS, Inc. TLSA study (Kienle, 1995) are provided for comparison. There is a range of volumes presented; neither case can be definitively proven at this point in time.

There is a problem that appears at once; even at far lesser well density than the most conservative figures in Table 1, TLSA domestic wells show declines and some have to be deepened. This observation will have to be addressed before any ground water model can be considered acceptable.

Even with very conservative estimates for recharge such as those used in the NGS, Inc. study of the TLSA (Kienle, 1995), there is no indication that current levels of usage have exceeded recharge. The reason that a number of sections appeared to be in an overdraft situation was due to the maximum permitted water usage used in the model calculations (about 816,790 gallons per acre per year for sections with water right acres). This is far in excess of what has been documented as actual irrigation usage (Lite and Grondin, 1988, and Whiteman et al, 1994). The actual use of ground water in irrigation is summarized in the next discussion.

## IRRIGATION USAGE

The same procedure used for domestic wells can be used when assessing irrigation usage versus recharge. Previous reports (Lite and Grondin, 1988 and Kienle, 1995) estimated actual irrigation use at about 1.1 to 1.5 acre feet per acre of orchard per year, or about 488,000 gallons per acre per year. This was based on an estimate of 36" of water required per year by orchard crops, 18" of which was supplied by rainfall in the orchard area around Mosier. The calculations shown in Table 1 assume that if the average rainfall is 20", average usage for irrigation would be around 16" of water per acre. The following calculations assume that the majority of ground water available for irrigation is replaced by diffuse recharge. It is likely that additional recharge by local sources such as perennial streams is available to the lowest aquifers in the TLSA. It is also important to note that a substantial fraction of irrigation (20-50%) is from surface water sources.

To reiterate; the central issue that needs to be examined is that of the declines and well deepening observed in wells throughout the TLSA. A corollary observation that must also be addressed is that other wells do not seem to show the effects of decline.

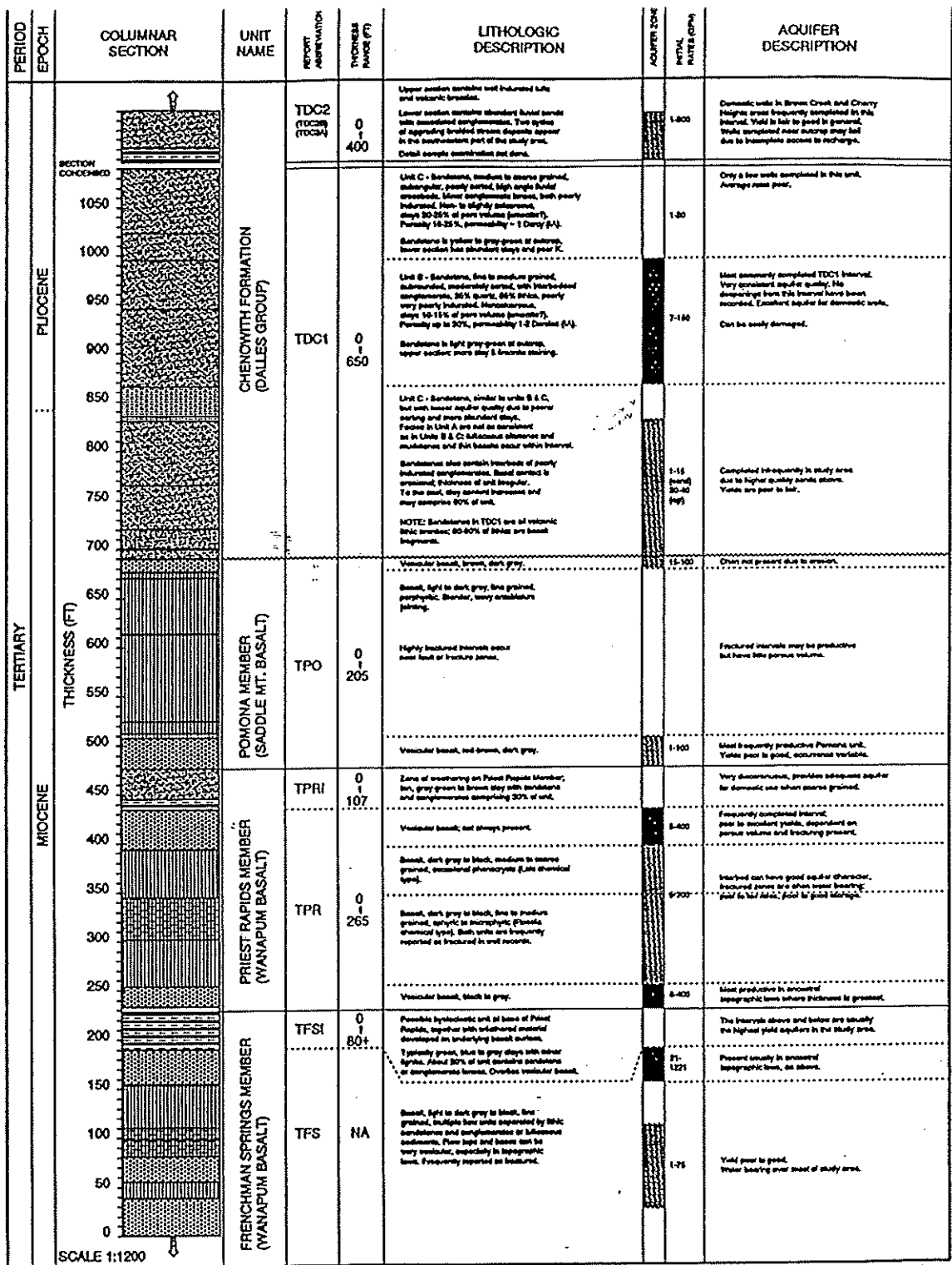
At this point, it is necessary to briefly describe aquifer types and their characteristics. Once this information is presented, an assessment of the assumptions concerning recharge and discharge can be made.

## GENERAL GEOLOGY - AQUIFERS

The descriptions in this part of the report are drawn from a variety of sources, primarily Lite and Grondin, 1988, Kienle, 1995 and others which are listed at the end of the report text and from field work in parts of the study area. There are some indications that differences between basalt aquifers and sedimentary (sandstone and conglomerate) aquifers give rise to differences in water well performance. It is critical to examine the two aquifer types before looking at individual aquifer systems. In addition, there are some important differences among basalt aquifers which need to be introduced at this time. This discussion will be limited to the description of characteristics which affect aquifer behavior. Figure 3 is a columnar description of the sequence of various rock types found in the TLSA and contains brief descriptions of aquifer qualities.

## BASALT AQUIFERS

Figure 4 is from the U.S.G.S. Columbia Plateau report previously cited (Whiteman, et al, 1994). It shows the internal structures in typical basalt flows and some of the physical characteristics, such as porous volume, which affect their performance as aquifers. In



GENERALIZED STRATIGRAPHIC SECTION

TLSA, WASCO COUNTY, OREGON



Figure 3. Generalized stratigraphic section, TLSA, Wasco County, Oregon (adapted in part from Keinle, 1995, and Lite and Grondin, 1988).

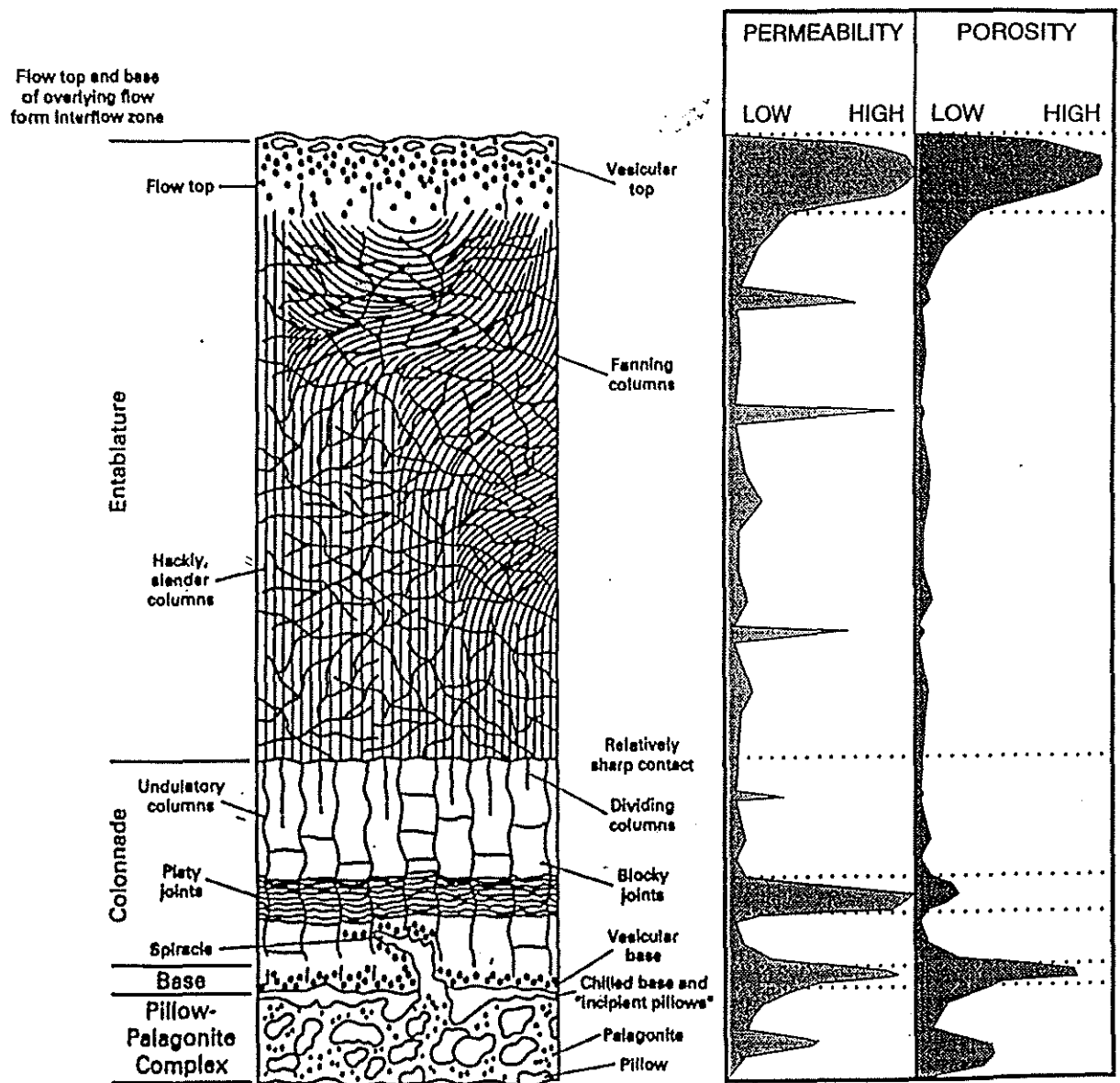


Figure 4. Aquifer quality variation in basalt flow units (diagram on left from Whiteman, et al, 1994).

general, the flow tops and bases, with vesicular (vesicles: openings left by escaping gases when lava cools), and other types of porous volume (breccias: broken rock fragments) can have both high porosity and high permeability. The entablature and colonnade portions of the flows have far less porous volume. Porous volume in these central parts of a lava flow exists mainly in fractures and is very low in comparison with flow tops and bases, in general. The interbeds of basalt flows consist of soils, sands and clays developed on top of flows and the clay-rich pillow palagonite complex formed when the base of the next basalt flow contacts water or moisture bearing soils and sediments.

The curves drawn in Figure 4 show diagrammatically how porous volume and permeability change through the basalt section. None of the section is usually entirely impermeable, but great variations occur from top to bottom of the flows. The best aquifers, which occur in vesicular and/or brecciated flow tops and bases, have internal variations which are also of significance. The porous volume can consist of two types of openings; 1) vesicles and interfragment porosity of breccias, and 2) the porous volume occurring in open fractures connecting them. These two features have very different hydraulic character.

Entablature and colonnade units seem to have very poor lateral (horizontal) permeability, but the fractures in them can have fair vertical permeability. Occasionally, if in the vicinity of a fault or fracture zone, these two basalt types can be completed as aquifers, but their long-term performance is questionable. The interbed sediments may also occasionally act as good aquifers, if they consist of well sorted sands or gravels.

The Pomona, Priest Rapids and Frenchman Springs basalts are the commonly penetrated water bearing units in the central and western parts of the TLSA. The most important differences among them are listed below and shown in Figure 3.

- Pomona (TPO)
  - flow top is often eroded away, vesicular flow base is generally in the order of 5-15 feet thick
  - canyon filling and restricted to lower elevations in the western part of the study area
  - shows an intercalated relationship with Dalles Group sediments at its flow margins
- Priest Rapids (TPR)
  - distinguished by a commonly very thick pillow palagonite (lava erupted into water or water bearing sediment) sequence at its base and well developed vesicular zone
  - in some parts of the report area composed of

two flow units; the interbed between them can be an adequate aquifer

- Frenchman Springs (TFS)
  - At least three submembers occur in area: Ginko (oldest), Sand Hollow and Sentinel Gap
  - frequently exhibits a very continuous, thick vesicular flow top in topographic lows
  - highest yield wells in the TLSA are usually completed in the uppermost part of the Frenchman Springs, combined with the overlying Priest Rapids flow base
- Grande Ronde (TGR)
  - very few wells completed in this unit; oldest and deepest basalt exposed in TLSA wells

### SEDIMENTARY AQUIFERS

Two sedimentary formations act as aquifers in the report area; the Dalles Group (TDC) and various younger alluvial and flood-deposited sands and gravels, referred to as Quaternary alluvium (QAL) and glacial flood deposits (QGF). Most of the wells in sedimentary rocks are completed in the Dalles Group.

The primary difference between the basalt and sedimentary aquifers is illustrated in Figure 5. The basalts are rigid and brittle: they are easily fractured. The basalt flow tops and bases may contain vesicles or breccias which provide large porous volumes. Together with fractures, this type of rock is a high quality aquifer with high porosity and high permeability. On the other hand, basalt that is fractured but not connected to pore spaces such as vesicles, may have high permeability but very low porous volume. In comparison, sedimentary aquifers tend to be more uniform in porosity and permeability but with lower well yields than the best basalt aquifers.

The Dalles Group consists of several aggrading cycles of braided stream sandstones and gravels and associated floodplain deposits. It also contains ash fall tuffs and abundant tuffaceous material, particularly in the upper third of its thickness. In structure and organization of its rock types, it is very similar to the main producing section in Prudhoe Bay, North Slope, Alaska. Figure 6 shows the vertical sequence in this deposit as an illustration of the environment of deposition similar to that in the lower part of the Dalles Group in the TLSA.

Examination of samples and well records in the Dalles Group also indicates that at the base of the braided stream cycles (Chenoweth Creek-TDC1 and Brown Creek-TDC2A and TDC2B, discussed later in this report), permeability and porosity are often very good and fairly consistent across the aquifers. The highest

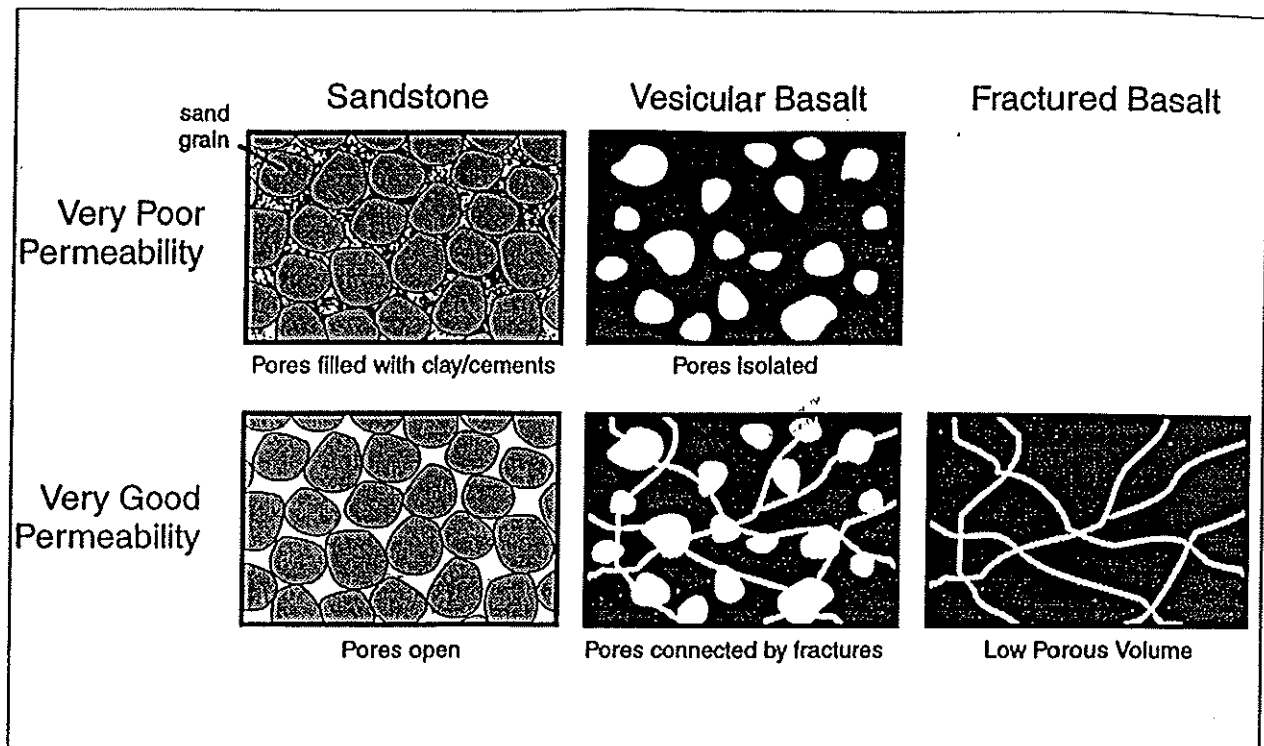


Figure 5. Comparison of basalt and sandstone internal structures, porosity and permeability.

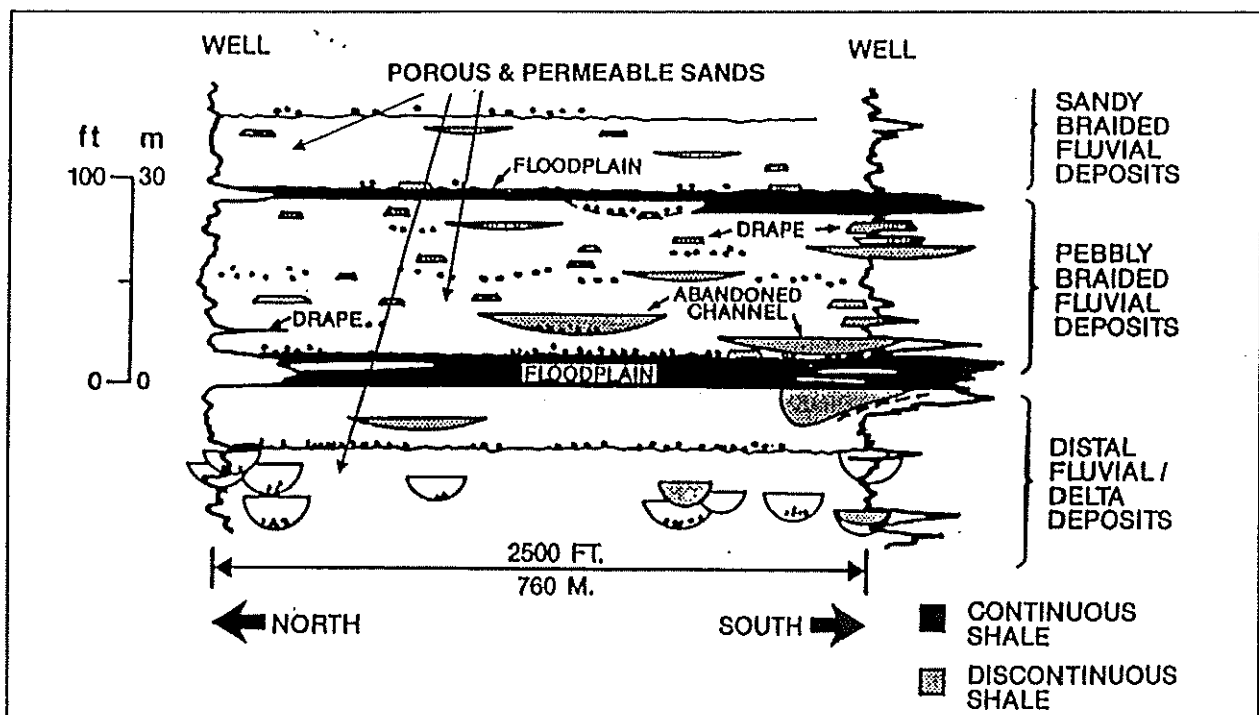


Figure 6. Distribution of rock types, typical deltaic/braided stream association as an analog to Dalles Group aquifers. Diagram is of the Ivishak Sandstone, Prudhoe Bay, North Slope, Alaska (adapted from Atkinson, et al, in Barwis, McPherson and Studlick, 1990).



quality basalt aquifers exceed the Dalles Group aquifers in both yield and volume of water in storage per unit area. However, for domestic well development and possibly for irrigation, the Dalles seems to display very stable aquifer behavior. Most of the subunits mentioned above are exposed in layers in the weathered cliffs adjacent to The Dalles, Oregon and in the southern and western part of the study area.

### TLSA AQUIFER SYSTEMS

The three maps on the following pages show depth to aquifer, depth to static water level and water yield in the TLSA. T2NR12E sections 9, 16 and 19 have some of the deepest wells in the TLSA. The Mill Creek, Chenoweth Creek and Mosier Creek valleys have the most productive wells in the area. The variety seen in these maps can be attributed to the occurrence of water in separate aquifer systems.

A collection of 28 cross sections was constructed to assist in the identification of aquifer systems in the review area. Seven of these sections extend into areas beyond the TLSA. Cross section locations are shown in the location map at the beginning of this report. A selection of the cross sections is used to illustrate points in the remainder of this report.


Formation boundaries were identified using previous studies, surface exposures of the formations and rock types identified in the well records. Aquifer systems were identified using:

- similar rock/formation types,
- similarities in static water level of the aquifers,
- aquifer continuity, and
- similarities in yield, decline and other performance criteria.

When examining the cross sections the following items are of importance:

- Each section is exaggerated vertically; the actual slope of the surface and tilt of the subsurface formations are much more subdued than shown. The sections are exaggerated vertically so that changes from well to well may be more easily seen.
- Patterns on the vertical columns representing a well are based on rock type as described by the driller. A legend describing these patterns is shown in Figure 3 and is also included at the beginning of Appendix B. Speckled patterns are sandstones or conglomerates, generally found in the Dalles Group, alluvial deposits or in interbeds

between basalts. Vertical banded patterns are basalts and horizontal banded patterns are usually clays or interbedded clays and basalts. Hexagonal dotted patterns are vesicular basalts.

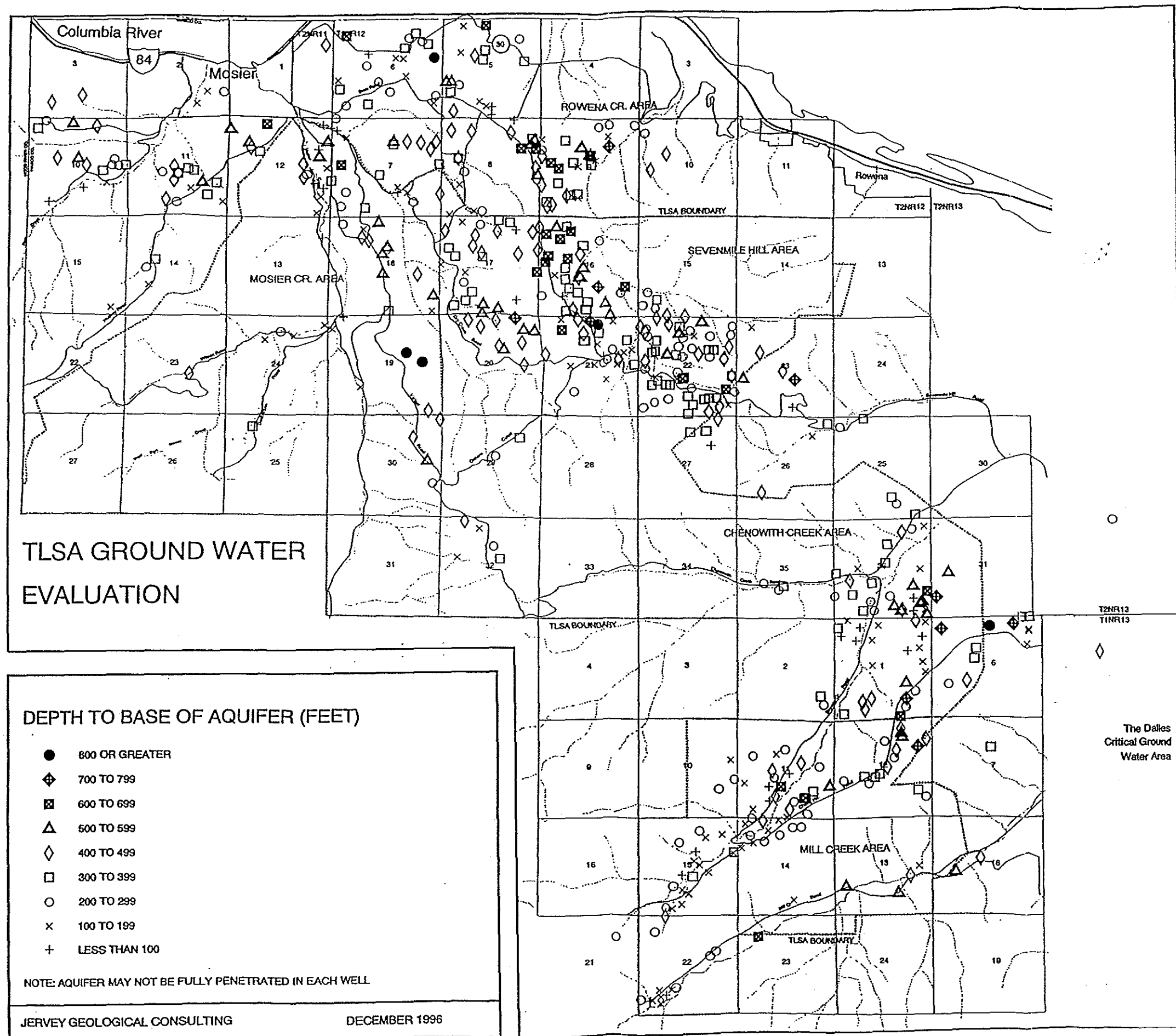
- Water producing intervals are indicated with this symbol  next to the well column. The static water levels are shown in blue. For more details as to symbols in the cross sections, please refer to the cross section legend at the beginning of Appendix B. The data presented is not altered materially from the original driller's description.

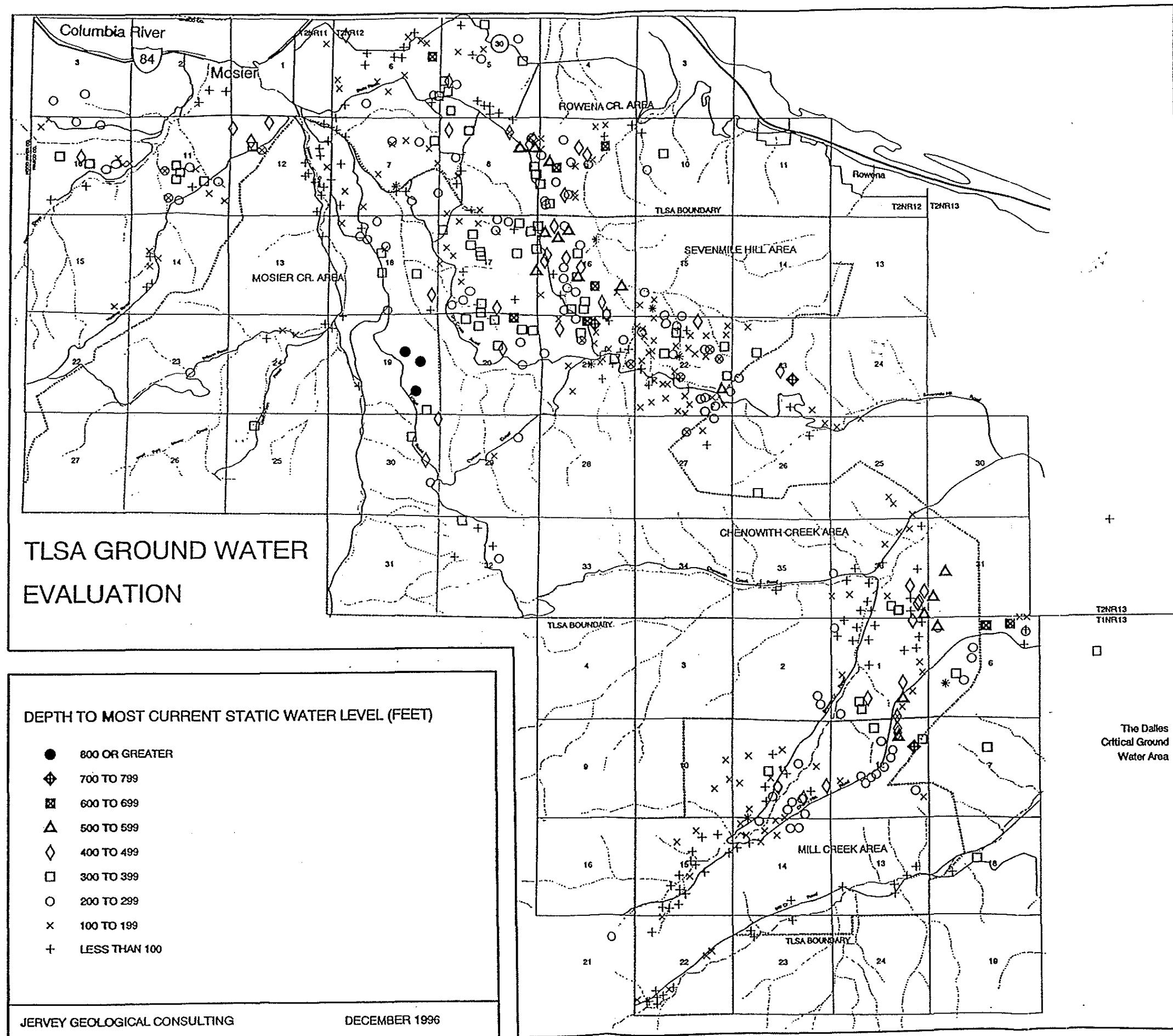
Cross section 26 is a detail section and differs from most of the other sections in that it has very few wells and more descriptive information. However, it is a good example of the kinds of situations that can be discovered by cross section construction. The section is located immediately west of the western TLSA boundary and has a well belonging to a TLSA Steering Committee member on it (W. Huskey).

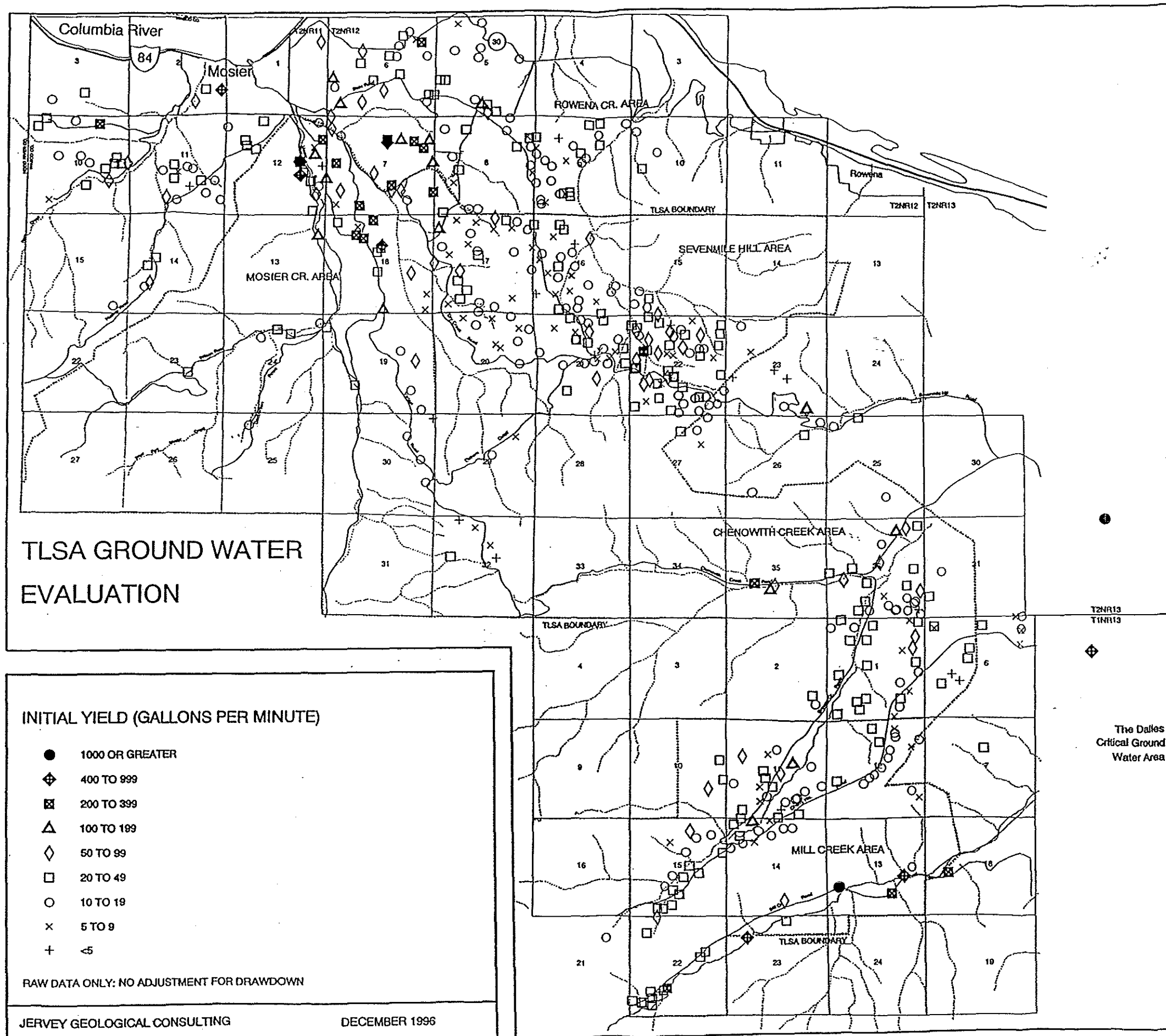
The aquifers on the section are in basalts; the wells penetrate three separate aquifer systems. The systems can be identified by the change in elevation of the static water level and the change in position of the aquifer zone itself. To the south (right) side of the section, a well penetrates the Pomona, Priest Rapids and the top of the Frenchman Springs basalts. It is water productive only in the Frenchman Springs and is distinguished by a high water column and good production characteristics (yield approximately 25 gpm, drawdown unknown). This aquifer is separated from the adjacent well's aquifer by a fault and there is an almost 200' difference in water level between them.

The two central wells are in the same aquifer and are quite similar in other respects as well as static water level. It is interesting to note that the LeSasso well was originally drilled to the Pomona/Priest Rapids interbed in 1976. At some point not long afterwards the well was deepened to the Priest Rapids/Frenchman Springs interbed. At that time there were only three residences in the entire section and no irrigation wells. Two other wells 1.5 miles away in the Rocky Prairie area are similar to this one (deepened from the Pomona before use). The Pomona in this area is well exposed and forms the cliffs surrounding the town of Mosier. It appears to fill and empty at the outcrop on an annual basis. In wells such as the LeSasso well, in January (when the well was drilled) it would appear to be an adequate aquifer; by August it would be effectively drained. In the adjacent Mizeski well, this zone was not water bearing.

The Huskey well, on the far left side of the section, benefits from being immediately adjacent to a canyon flowing into Rock Creek. Static water levels often rise







WEST

ROCK CREEK TRIBUTARY

SOUTH

NORTH

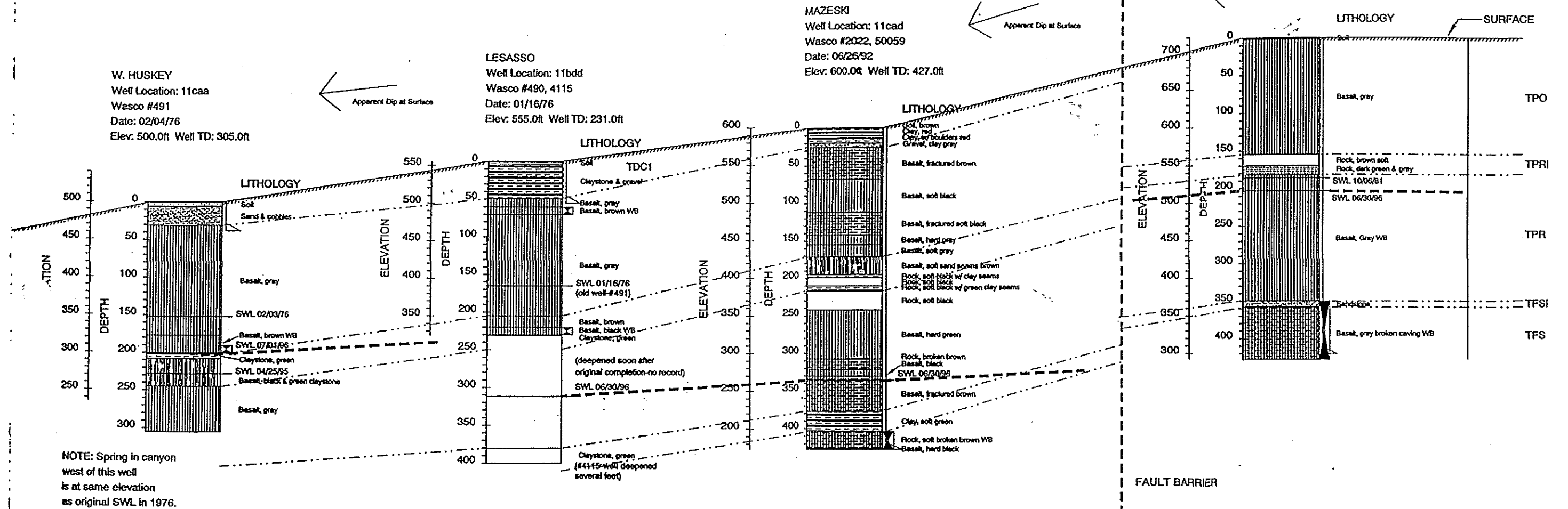
HUSKEY ROAD

NUTTER/SODEN/MILLER  
Well Location: 11cda  
Wasco #492  
Date: 10/06/81  
Elev: 720.0ft Well TD: 428.0ft

MAZESKI  
Well Location: 11cad  
Wasco #2022, 50059  
Date: 06/26/92  
Elev: 600.0ft Well TD: 427.0ft

LESASSO  
Well Location: 11bdd  
Wasco #490, 4115  
Date: 01/16/76  
Elev: 555.0ft Well TD: 231.0ft

W. HUSKEY  
Well Location: 11caa  
Wasco #491  
Date: 02/04/76  
Elev: 500.0ft Well TD: 305.0ft



TLSA GROUND WATER EVALUATION  
T2NR11E S.11 WASCO COUNTY, OREGON  
DETAIL SECTION 26  
ROCKY PRAIRIE AREA

DIAGRAMMATIC SECTION  
STRUCTURE DATUM  
JULY 5, 1996

HORIZONTAL SCALE APPROXIMATE 1:2400  
VERTICAL SCALE 1:1200  
 WATER-BEARING ZONE  
 --- MOST RECENT STATIC WATER LEVEL  
 - - - - - FORMATION BOUNDARY

TDC1=Dalles Formation  
TPO=Pomona Basalt  
TPRI=Pomona/Priest Rapids Interbed  
TPR=Priest Rapids Basalt  
TFSI=Priest Rapids/Frenchman Springs Interbed  
TFS=Frenchman Springs Basalt

as such a feature is approached. It also appears to be affected by a local fracture trend which delivers water to the wellbore immediately after a rainfall event. The drawback to being in this position is that the behavior of the static water level can be quite erratic; the well is drained in dry seasons as quickly as it fills during wet cycles and the volume available in summer months may be unreliable.

The information above is somewhat interpretive and other investigators may come to different conclusions about this material. But it is important to do this kind of correlation in order to understand the relation of one well to another and the position and distribution of each aquifer. If pump tests were performed on these wells, a great deal more information would be gained by identifying which wells are in direct communication.

Table 2 is a summary of the aquifer systems in the TLSA area and the map on the page following shows their areal distribution. The system names are based on common geographical names. Most of the abbreviations refer to the main producing formations, except in systems where several formations are productive. As can be seen in this table, each system also has characteristic static water level declines and types of well deepening (or lack of them).

The aquifer systems described are usually separated from other systems by changes in topography or faults. The position of the static water level within each of them is roughly correlative to the surface elevation at the well.

Figure 7, a plot of static water level versus elevation illustrates the point made above. The aquifer static water level elevations show a very close correlation with surface elevation of the well. Each aquifer system develops a gradient unique to its members, but the overall picture is one of aquifers very closely tied to ground level and existing in specific compartments separated by lateral changes (faults, topography, etc.). This is one reason why use of diffuse recharge is probably appropriate in the calculation of the TLSA water budget. Almost all of the TLSA aquifers are water table aquifers. Even the artesian flowing wells seem to be closely linked hydraulically to surrounding water table aquifers above them.

It is perhaps easier to see the relation between ground level and static water level by quickly reviewing the cross sections in Appendix B. In these sections, the static water levels, where continuous, show a distinct relation to ground surface elevation.

### STATIC WATER LEVEL (SWL) CHANGES

Table D (Appendix A) contains data from all multiple measures recorded in and adjacent to the TLSA

over the last 40 years. Many measures were made by a U.S.G.S. study in 1979 and by Oregon Water Resources Department in the period 1981-1986. The long term hydrographs for wells within the TLSA are included in Figures 8A-8E of this report.

The values shown in Table D are somewhat subjective in that some consideration of time of year of measurement and length of time between measurements has to be made in order to arrive at an estimate of decline or average annual fluctuation. This may introduce error in the estimates of as much as +/- 10-20 feet. But, in general, the overall trend of decline (or lack of it) and annual variation will probably yield the same picture when the group is considered as a whole.

The most striking feature of this collection is the frequent occurrence of SWL declines in the basalt aquifers. All but two of the 21 hydrograph wells in basalts and about 64% of the multiple measures in basalts show declines from 15 to 307 feet from the initial SWL, with a most frequent range of 30 to 80 feet of decline. The amount of decline often appears to be independent of time of drilling, rate of water extraction or height of the water column. Declines in SWL occur in areas with only a few wells per section, early in the history of ground water development and it occurs in recently drilled wells in densely drilled areas. In contrast, about 36% of measured basalt aquifer wells and almost all Dalles Group aquifers do not show declines greater than might be expected from seasonal fluctuation, even in areas of fairly dense drilling.

A corollary and equally important observation is that most of the basalt wells that show significant declines reach a stable position at some point during the life of the well. The position of stabilization is most commonly 30' to 80' below the original driller's static water level. The hydrographs in Figure 8a through 8e illustrate this observation. (Figures 8a-8e show summary hydrographs; individual hydrographs are available in previous Committee documents or in Kienle, 1995.)

Basalt aquifers do not show large declines if:

- they are extremely shallow (10 to 80 feet deep) and in a catchment position (shallow basin, or in an seasonally active drainage),
- occur immediately below a sandstone such as the Dalles Group or a Quaternary gravel or sand,
- occur immediately below a thick clay unit with overlying basalt aquifer units that are not saturated.

These three situations account for all the basalt aquifers which do not show large initial declines. The collection of observations suggests, but does not

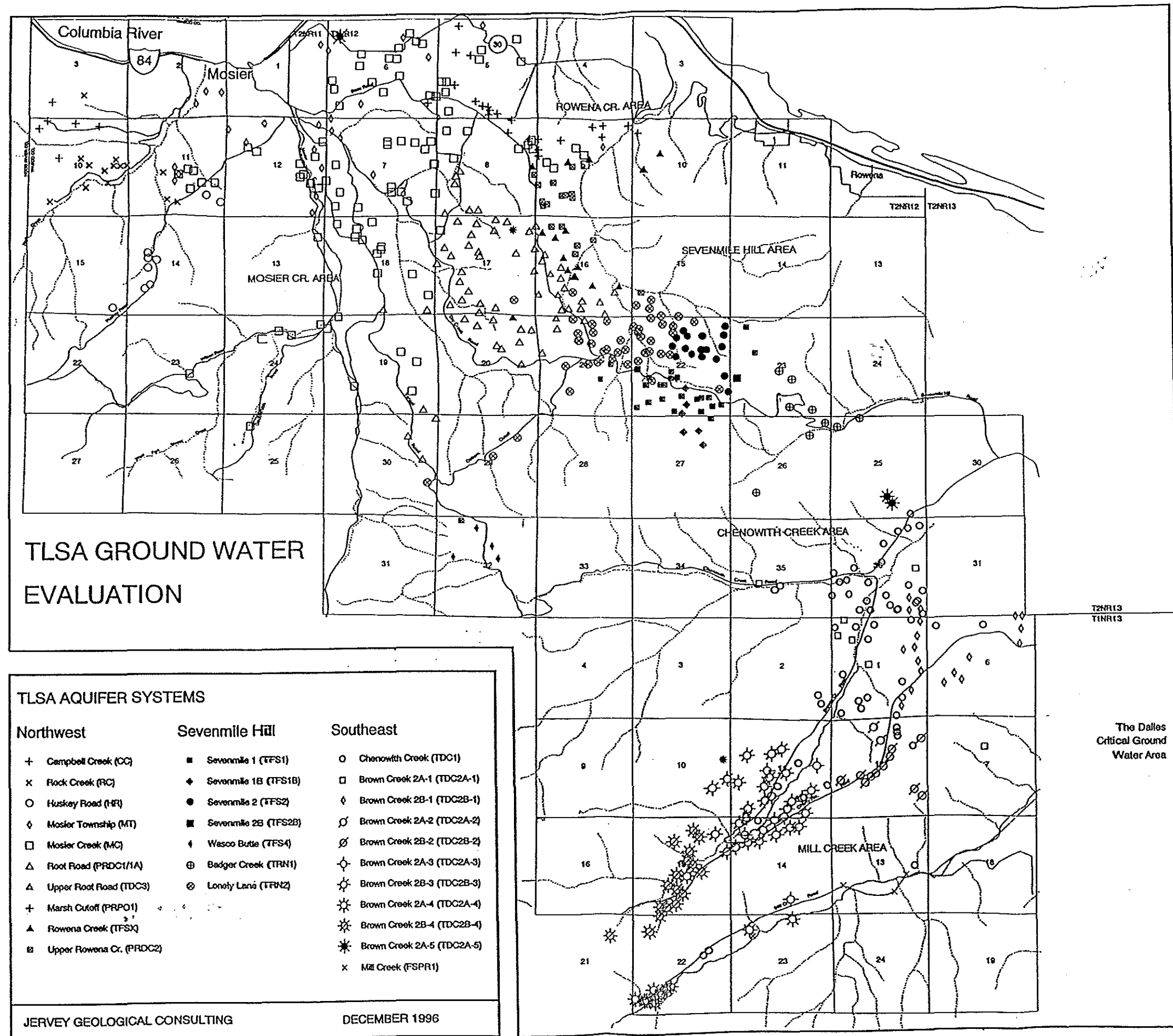
(all data in imperial units)

AQUIFER SYSTEM & ABBREVIATION	MAJOR FORMA- TIONS	APPROX # OF WELLS	AVG ELEV	AVG DPTH	AVG RATE GPM	AVG SWL ELEV	AVG DPTH H2O CLMN	# OF DREENINGS MAJ	# OF MOD	# OF MIN	# OF WELLS MULT	AVG CHNG SWL	AVG TEMP F	COMMENT	
NORTHWEST TLSA															
Campbell Creek (CC)	TFS	6	1005	397	14	778	230	167	0	0	0	1	-32	61	1 WELL @ 200GPM OMITTED
Rock Creek (RC)	TPR	14	719	286	30	545	174	113	0	1	0	4	-26	56	
Huskey Road (HR)	TDC	9	979	236	26	857	122	90	0	0	1	6	5	58	
Mosier Township (MT)	FSPR	23	422	326	32	216	206	120	0	0	0	9	0	*	1 WELL @ 400GPM OMITTED
Mosier Cr (MC) Low Rate	FSPRPO	68	669	360	22	423	242	119	5	5	6	13	-50	58	HIGH VARIABILITY:SWL CHNG
Mosier Cr (MC) High Rate	FSPRPO	26	548	401	219	419	130	204	0	0	4	16	-60	61	HIGH VARIABILITY:SWL CHNG
Root Road 1 (PRDC1)	PRDC	51	1110	399	15	816	291	67	2	1	0	6	-1	60	2 ANOMALOUS SWLS OMITTED
Root Road 1A (PRDC1A)	PRDC	13	1323	386	17	1024	299	87	1	0	0	0	*	60	SIMILAR TO PRDC1?
Upper Root Road (TDC3)	TDC	5	1317	149	9	1219	98	51	0	0	0	1	-1	53	
Marsh Cutoff (PRPO1)	PRPO	23	755	225	21	652	104	122	0	3	0	2	*	56	SWL CHANGES: -257, -12
Rowena Creek (TFSX)	TFS	14	1117	546	13	653	463	96	0	0	0	0	*	61	
Upper Rowena Cr. (PRDC2)	FSPR	17	1078	359	18	821	257	102	1	0	0	1	-58	59	
SEVENMILE HILL															
Lonely Lane (TRN2)	FSPR	47	1469	354	28	1259	210	141	0	1	2	5	-50	57	HIGH VARIABILITY:SWL CHNG
Sevenmile 1 (TFS1)	TFS	25	1718	294	21	1561	156	134	0	1	0	2	-62	55	
Sevenmile 1B (TFS1B)	TFS	7	1792	326	21	1689	103	223	0	0	2	4	-22	53	
Sevenmile 2 (TFS2)	TFS	18	1711	297	28	1533	178	120	0	0	0	8	-18	60	
Sevenmile 2B (TFS2B)	TFS	4	1775	283	10	1619	156	127	4	0	0	0	*	53	ALL 4 WELLS: DEEPEMED
Wasco Butte (TFS4)	TFS	4	2021	228	10	1907	115	114	0	0	0	0	*	52	SIMILAR TO TFS1 & TFS2?
Badger Creek (TRN1)	TFS	10	1281	354	21	1009	272	93	1	1	0	0	*	*	SIMILAR TO TRN2?
SOUTHEAST TLSA															
Chenowith Cr. (TDC1)	TDC	61	760	395	30	502	262	136	0	1	4	6	-3	58	
Brown Creek 2A (TDC2A)	TDC	29	820	220	44	699	121	93	2	1	0	4	2	58	
Brown Creek 2B (TDC2B)	TDC	82	1038	217	20	903	135	88	3	3	1	15	2	56	1 SWL CHANGE OMITTED(+122)
Hill Creek (FSPR1)	FSPR	5	511	559	707	666	-155	714	0	0	3	4	-61	77	

NOTE: COMMENTS ARE IN REGARD TO CALCULATION OF AVERAGE VALUES  
OR ARE OBSERVATIONS ABOUT AQUIFER CHARACTERISTICS

FOR COMPLETE DATA SEE TABLES IN APPENDIX A

Table 2. Summary of characteristics, aquifer systems, TLSA, Wasco County, Oregon.





WASCO COUNTY,  
OREGON  
TLSA

Ground Elevation vs.  
Static Water Level  
Elevation

AQUIFERS

- |              |         |
|--------------|---------|
| • TF80C      | • TDC26 |
| • TF801      | • TDC3  |
| ○ TDC4R      | • TFS1  |
| □ MOONER CR. | • TF81B |
| • MOONER     | • TF82  |
| ▲ PROCI      | ■ TF82B |
| • PROCI      | • TFS4  |
| • PROCI      | ▲ TFSX  |
| • TFSX       | • TFS1  |
| • TDC1       | • TFS2  |
| • TDC2       | ▲ PROCI |

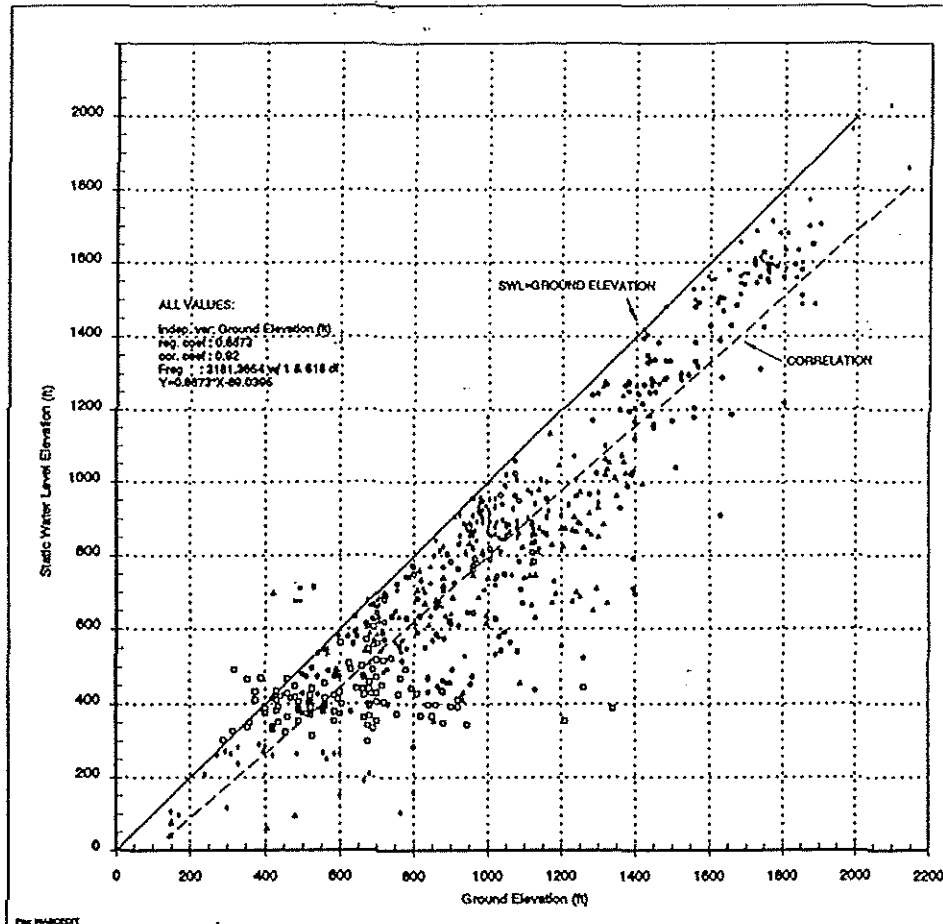


Figure 7. Static water level elevation versus ground elevation, TLSA, Wasco County, Oregon.

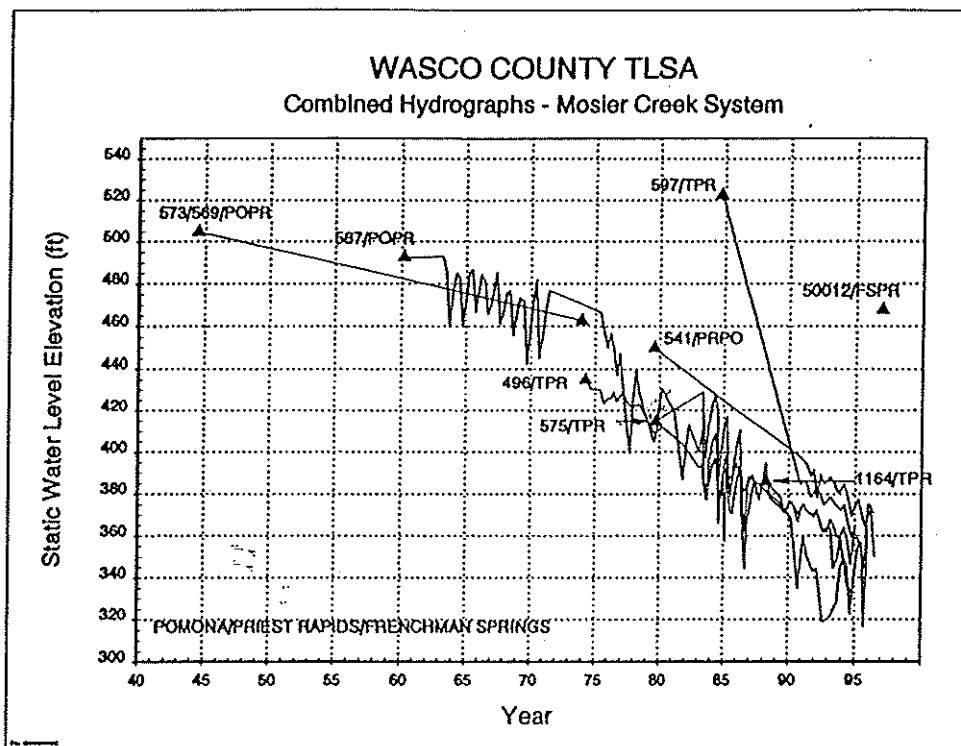


Figure 8A. Combined hydrographs, Mosier Creek System, TLSA, Wasco County, Oregon.

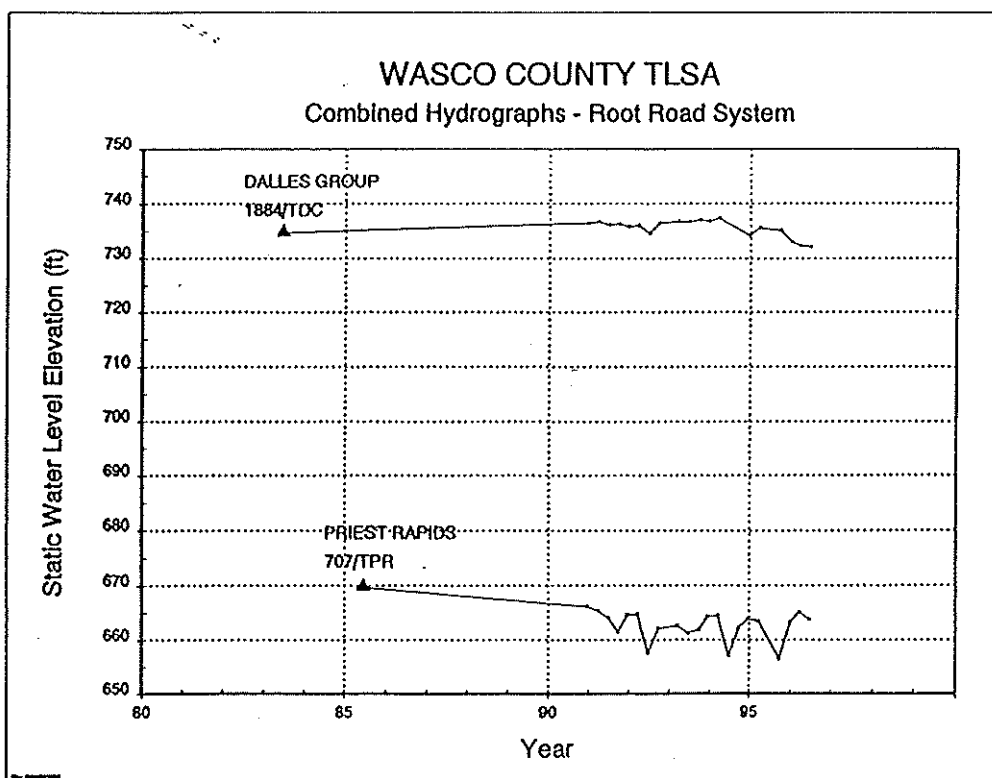


Figure 8B. Combined hydrographs, Root Road System, TLSA, Wasco County, Oregon.

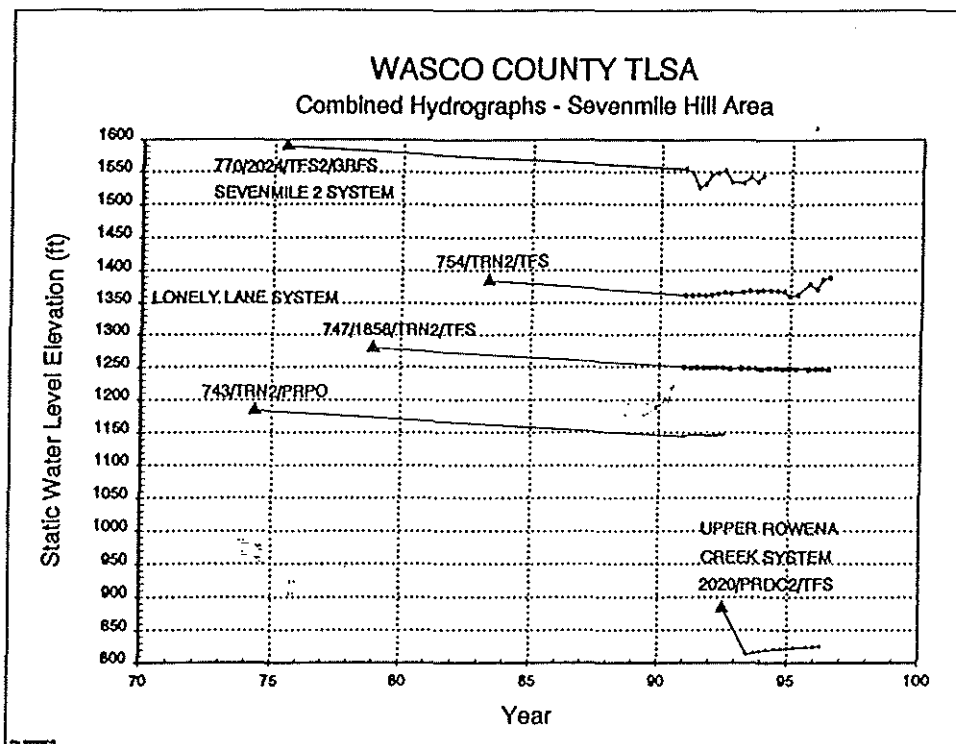


Figure 8C. Combined hydrographs, Sevenmile Hill Area, TLSA, Wasco County, Oregon.

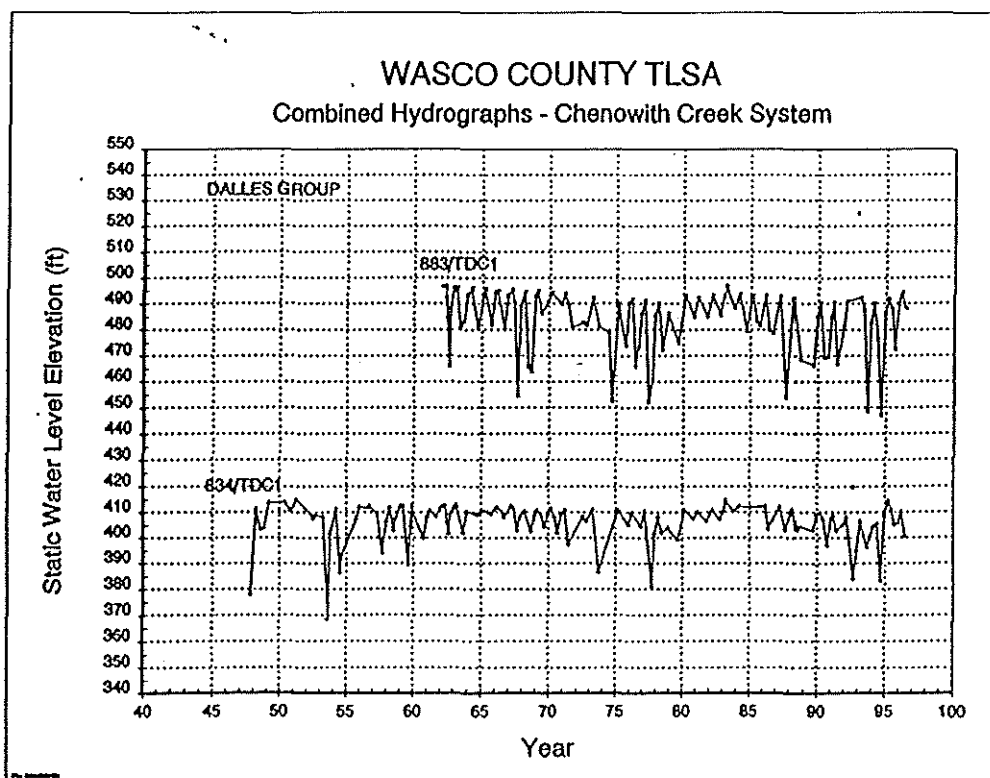


Figure 8D. Combined hydrographs, Chenoweth Creek System, TLSA, Wasco County, Oregon.

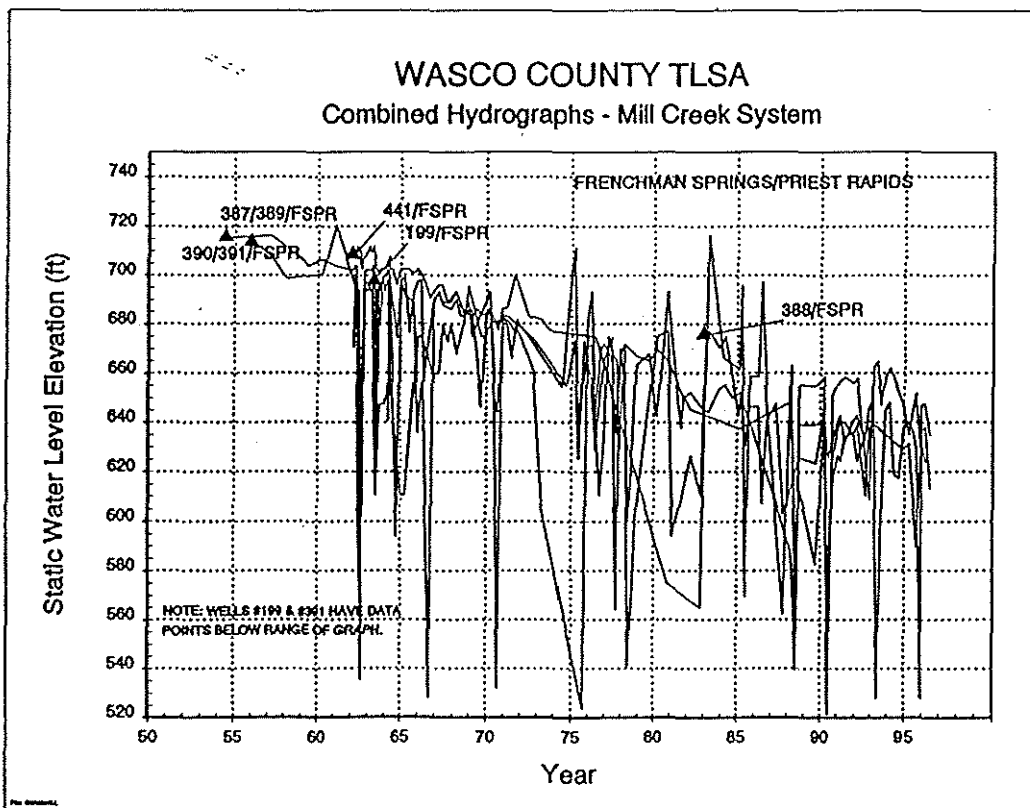


Figure 8E. Combined hydrographs, Mill Creek System, TLSA, Wasco County, Oregon.

prove, that the initial declines seen in basalt aquifers may somehow be related to their internal structure, the dual porosity found in fractures and vesicles or breccias. The diagram in Figure 4 is an illustration of a possible explanation for the rapid initial declines seen in some basalt aquifers. If the zone of saturation below the vadose zone (the transition from no saturation to 100% saturation) occurs in the entablature or colonnade parts of a basalt, the actual volume of water contained in the highest part of an aquifer may be very small. This part of the basalt may have very little horizontal connection with the rest of the aquifer. As the well is produced, decline in this section of the basalt may only recover under conditions of very high recharge. Each time the well is produced the water level will drop slightly and not recover until a point is reached that can be supported by the high volume porous part of the basalt aquifer. The fact that large declines are not seen in basalts that are overlain by Dalles Group or alluvium suggests that this explanation may be valid for some basalt aquifers, particularly those at higher elevations.

An alternative or possibly contributing explanation is in the normal response of fractured reservoirs to fluid withdrawal. The shape of the pressure sink around a well in a fractured rock is often one that shows a rapid but small drop of very large radius, and afterwards very little change in static water level while pumping. Figure 9 is a display of the data on two basalt aquifer tests presented in the Lite and Grondin 1988 report. The recovery curve is roughly an inverted mirror image of the decline during pumping. The shape of the build up curve, shown in Figure 10, indicates that recovery to original static water level may take much longer than the pumping time interval.

The decline in SWL may not be easily detectable after any one pumping period, but during seasons of heavy use, each time the well is pumped, the static water level will fail to rise back to its original position. Over a year the discrepancy may be large (10-20 feet) and unless the well is shut in for a long time, this process will continue until the fracture system pressure drops and equilibrates with the matrix (pore volume) pressure. At this point the well will maintain a reasonably constant static water level, if the volume extracted per unit time remains constant. Figure 10 shows a different type of plot with a logarithmic scale which allows for analysis of aquifer character. The change in slope seen in the Pomona test may be the pressure decline encountering a barrier or it could be the transition period before the fracture system reaches equilibrium with the porous matrix.

The hypotheses above are not necessarily correct. It may simply be that the basalt aquifers have poor

storage volume and/or access to recharge and consequently are declining and will fail in the near future. However, there are a few indications that this is not the case. These include:

- the observation that many hydrographs show static water level decline to a specific level, followed by stabilization,
- the continued drilling of new wells which appear to encounter original or near original aquifer pressures (suggesting that SWL declines are tied to individual wellbores), and
- the overall stability of static water levels in each aquifer system over the past 40 years

Each of these points will be illustrated with a specific example.

Figures 8a-8e contained all hydrograph curves in and adjacent to the TLSA. The Mill Creek, Dalles Critical Ground Water area, and Sevenmile Hill curves have declined to specific positions and are not, in general, showing rapid decline at this time. A few of the Mosier Creek wells have reached such an equilibrium position; the rest of them have not been measured for a number of years and cannot be assessed. The Chenoweth Creek and Root Road hydrographs are not indicative of a rapidly declining systems.

Almost every cross section in Appendix B that displays basalt aquifers shows at least one example of new wells being drilled adjacent to older wells with higher SWL than the older wells which have demonstrated declines. Figure 11 shows 3 wells in T12NR12E Section 7, Mosier Creek System. The oldest well (#569/573 Root) has developed a cone of depression that makes its static water level lower than the other two, younger wells. The difference between the SWL in the Root well and the Reeves well is around 50 feet. Many of the cross sections show examples of this situation. In these sections, an older well is displayed adjacent to a well drilled long afterward. In many cases, even though the wells are not separated by great distances, the newest well shows a higher static water level than the current SWL of the older well. This suggests that declines are directly the result of producing the well and are not perhaps representative of the state of the aquifer as a whole.

Figures 12 and 13 are displays of the static water levels in the TLSA aquifer systems versus time. The thin lines connecting points are multiple water level measurements in single wells. It is apparent that many of the basalt aquifer systems have wells which show declines. However, the trend of initial static water levels in all of the TLSA aquifer systems has not shown any correlation with time. In other words, there is no

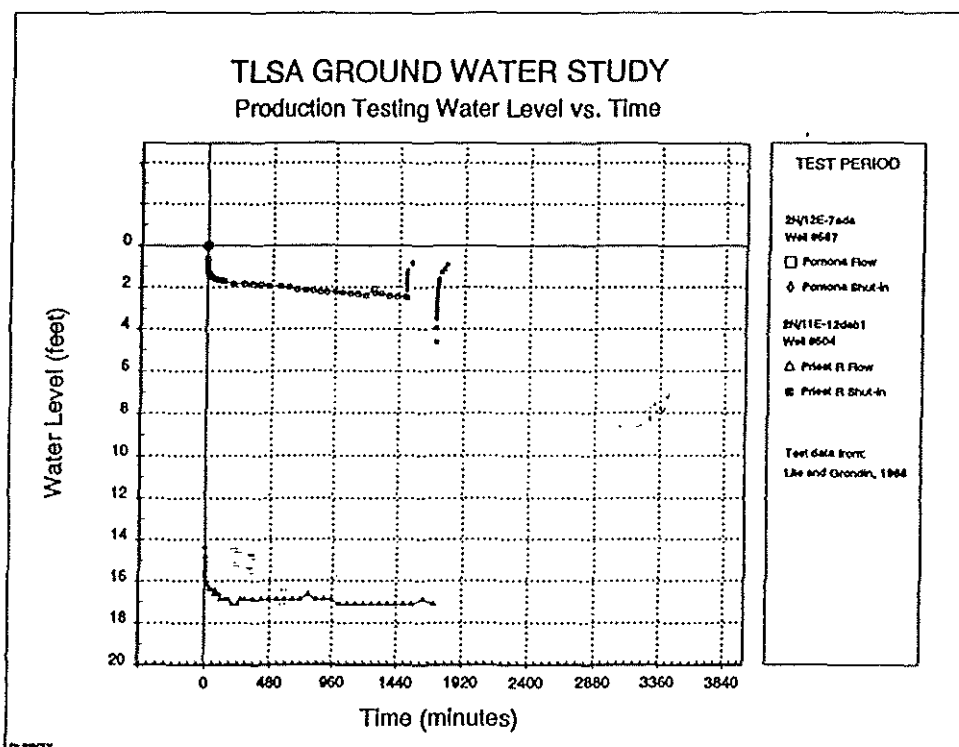


Figure 9. Pomona and Priest Rapids pump test data, Mosier Creek System (data from Lite and Grondin, 1988).

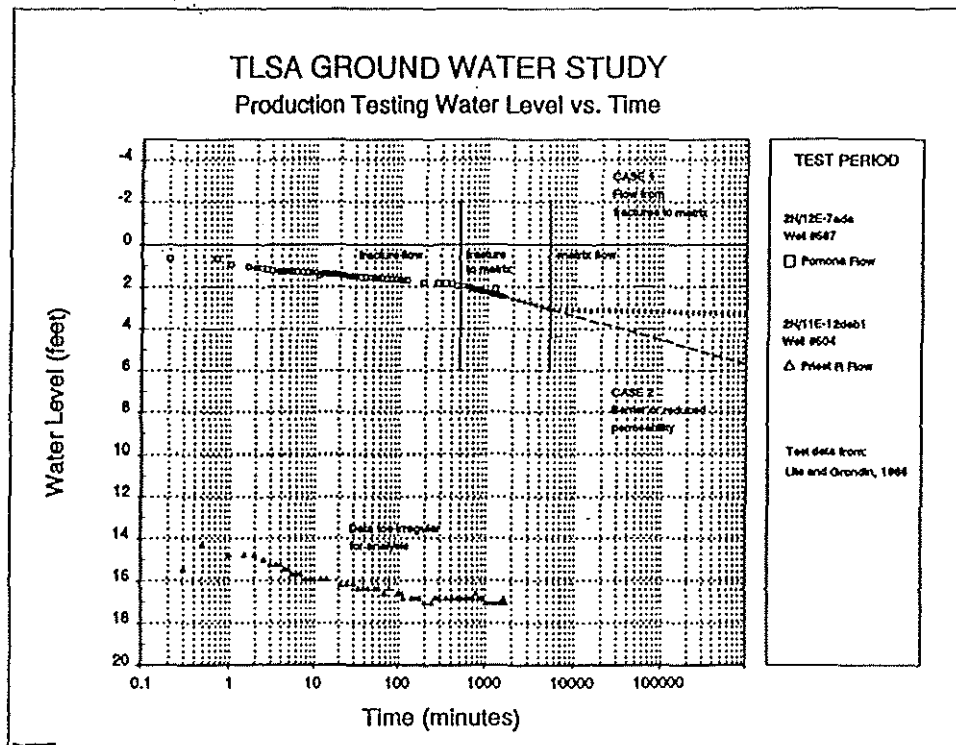


Figure 10. Logarithmic plot, Pomona and Priest Rapids test data, Mosier Creek System (data from Lite and Grondin, 1988).

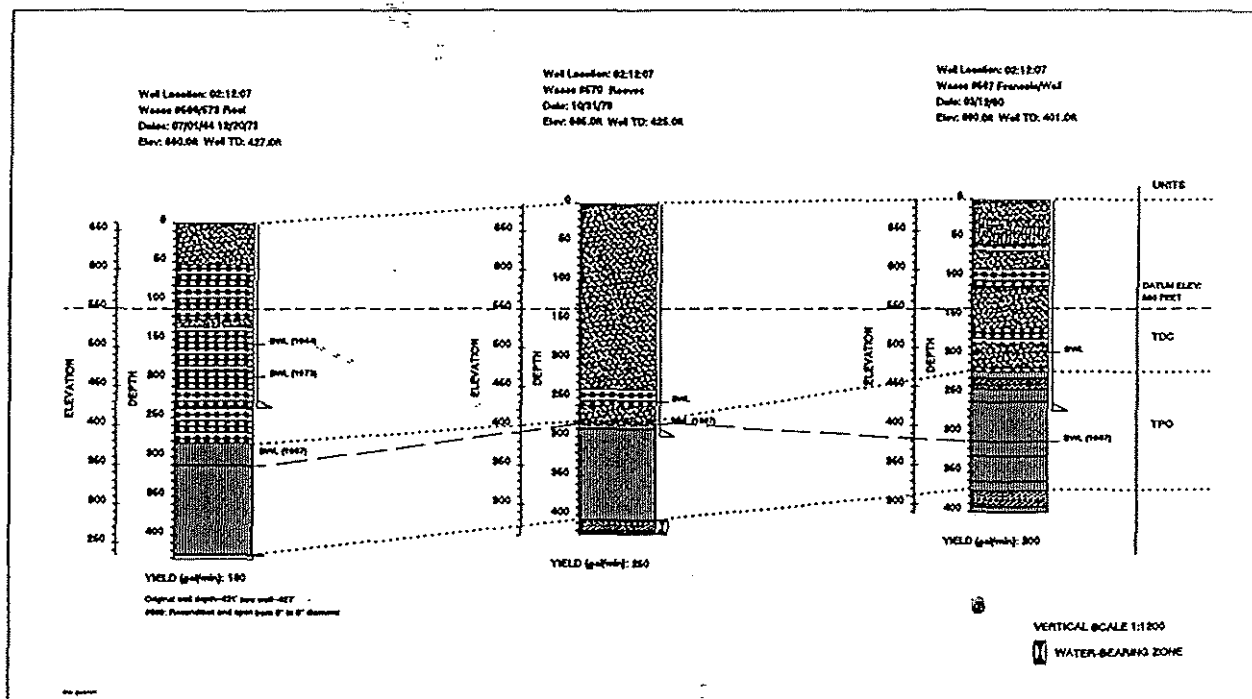


Figure 11. Static water levels, Mosier Creek System, TLSA, Wasco County, Oregon.

# WASCO COUNTY TLSA STATIC WATER LEVEL ELEVATIONS SOUTHERN AREA

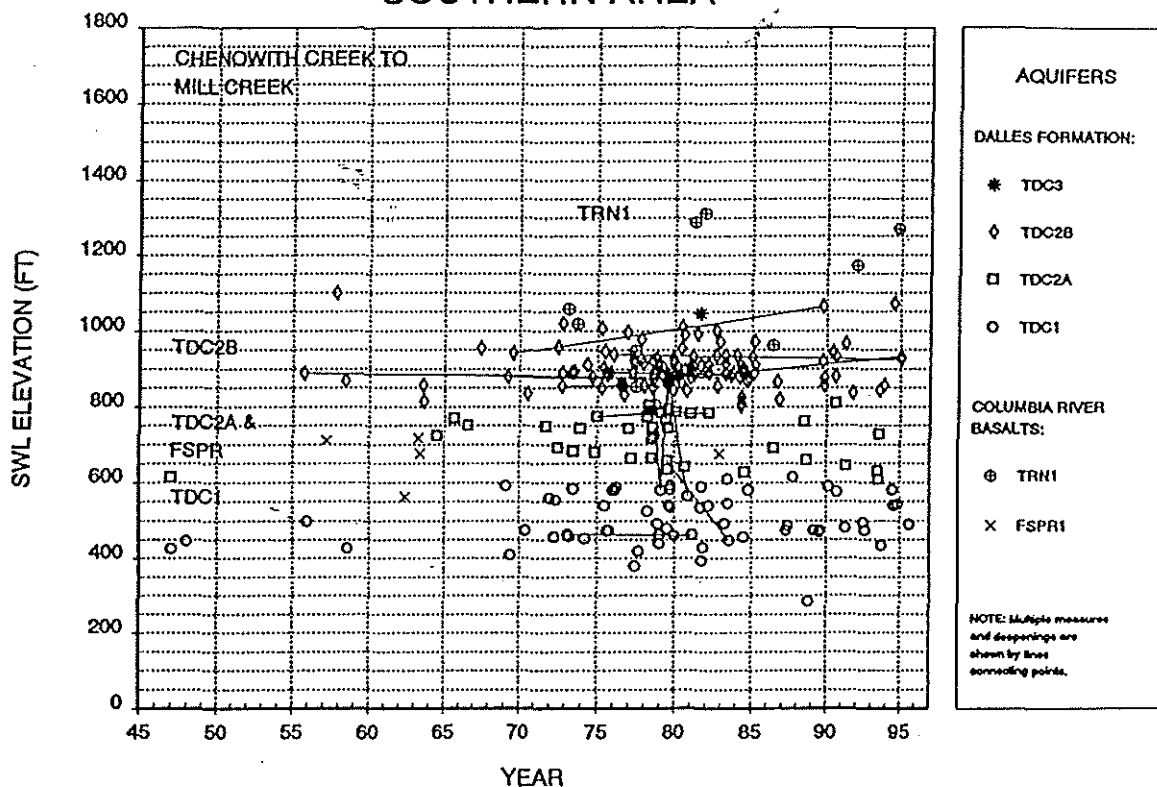


Figure 12. Initial static water level elevations versus time, TLSA southern area. Multiple measures connected with a thin line.



# WASCO COUNTY TLSA STATIC WATER LEVEL ELEVATIONS CENTRAL AREA

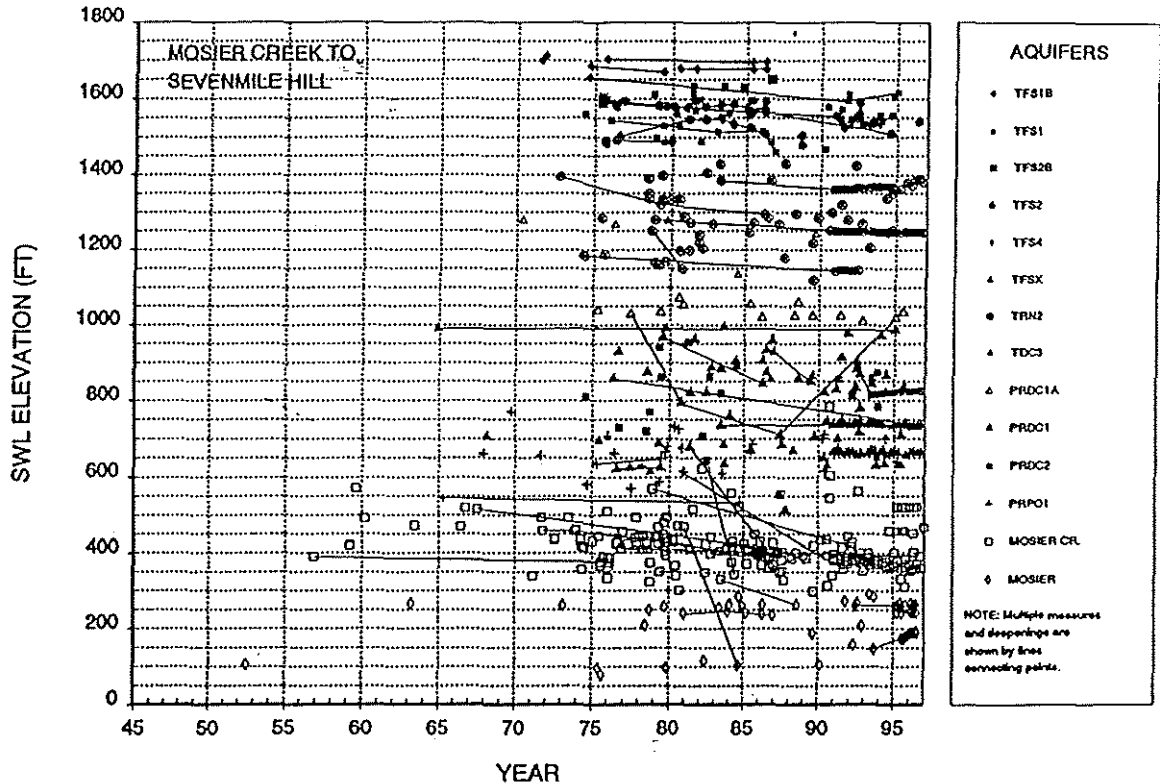


Figure 13. Initial static water level elevations versus time, TLSA central area. Multiple measures connected with a thin line.

significant increase or decline in any of these systems (this also implies that no appreciable co-mingling is occurring between systems). A minor exception to this summary is the Sevenmile Hill TFS2B aquifer. This aquifer is very shallow, of limited extent and three out of four wells in it were deepened to the Sevenmile TFS2 system.

Another significant observation is that in a few wells, recovery to original static water levels has occurred in basalt aquifers with large initial declines. It is notable that only in particular cases does the high rate of initial decline continue, resulting in aquifer failure. Most of the wells showing large declines continue to provide water in a satisfactory manner. The specific reasons for aquifer failure will be discussed in the next section.

In order to assess the previously mentioned observations, it would be useful to look in detail at how the static water level reacts to production and/or rainfall volumes in a well where there is a fairly complete set of data. The Chenoweth Co-op Wells #1, 2 and 3 provide about 300,000,000 gallons of water per year to customers. Most of the production is from Well #3, which is near The Dalles Racquet Club. Wells #1 and 2 are twins (drilled side by side) and are located a few city blocks from Well #3. The wells are completed in the Priest Rapids/Frenchman Springs basalts and are shown on Cross Section 22. They are very similar to the irrigation wells in Mill Creek (Cross Section 6), excepting that the water column in the Chenoweth wells is much smaller. The Chenoweth wells are part of the Dalles Critical Ground Water system.

The curves in Figure 14 cover a long time period during which production of water from these wells rose from about 200 million gallons per year to 300 million gallons per year. The first 13 years of production saw a rapid decline of about 50 feet in static water level. Over the next 30 years, static water level seemed to reflect the level of production rather than to decline. In 1975, production was estimated at about 250 million gallons/year. In 1994, production had risen to almost 300 million gallons/year and the stabilized water level dropped, but did not decline appreciably after the initial drop. A point of interest; the bulge in the static water level curve beginning in 1987 does not correlate with rainfall volume during or immediately before that time period.

A more detailed examination of well data is shown in Figure 15. The curves for water level, rainfall and production all seem to have a relationship (although due to time lag, it cannot be quantified easily). The peaks of rainfall, water level and the lowest production volume seem to occur at about the same time. Whether the responses on the water level curve are

due to rainfall or production recovery is difficult to say. It may be that both factors affect the water level in this well. It is notable that some of the recovery curves begin before the beginning of increased rainfall. This may mean that the shut in or low production period allows the water level to recover and that this water level increase may be primarily a build up rather than a response to new injection of water volumes after rainfall.

Another example of the water level response to water production volume in basalt aquifers occurs in a very different type of well; the domestic well #492 in Cross Section 26 shown previously in this report. This well had an original static water level of 186'. It was drilled in 1981 and only used intermittently for many years. For most of its early history, there were only a few wells in the section, all of which were domestic wells. In 1995, the next static water level measured was 201'. For most of that year, the water level stayed within one foot of that measure. At that point only one household was using the well on a full time basis. In late 1995, another household was added to the well system. The water level immediately dropped to 204'. Subsequent measures throughout 1996 remained very constant at or near that value.

The point of this discussion is that the specific stable static water level for a particular well may depend entirely on the volume extracted per unit time. If the volume produced is increased, the water will drop to a new equilibrium position. If the production volume is reduced, the water level will show an immediate return to a higher position. The amount of water that can be extracted depends on the porosity and permeability of the specific aquifer and the rocks above it. If the production volume exceeds the capacity of the well, the aquifer will fail in the vicinity of the wellbore, but a shut in period will allow it to recover.

## DEEPENED WELLS

Wells which are deepened occur throughout the TLSA, but are most numerous in several areas. The common reasons that a well is deepened are

- land owner wishes to access a larger supply of water,
- the shallowest aquifer present shows a reduction in rate and static water level to the point where deepening the well is required to maintain water in the wellbore, or
- collapse and/or caving of the wellbore damages its ability to provide water

The second reason above has the most interest in the evaluation of ground water supply in the TLSA. A

# WASCO COUNTY TLSA

HYDROGRAPH - WASCO#1046/STATE OBSERVATION WELL #916

CHENOWITH CO-OP WELL #2 (MUNICIPAL)

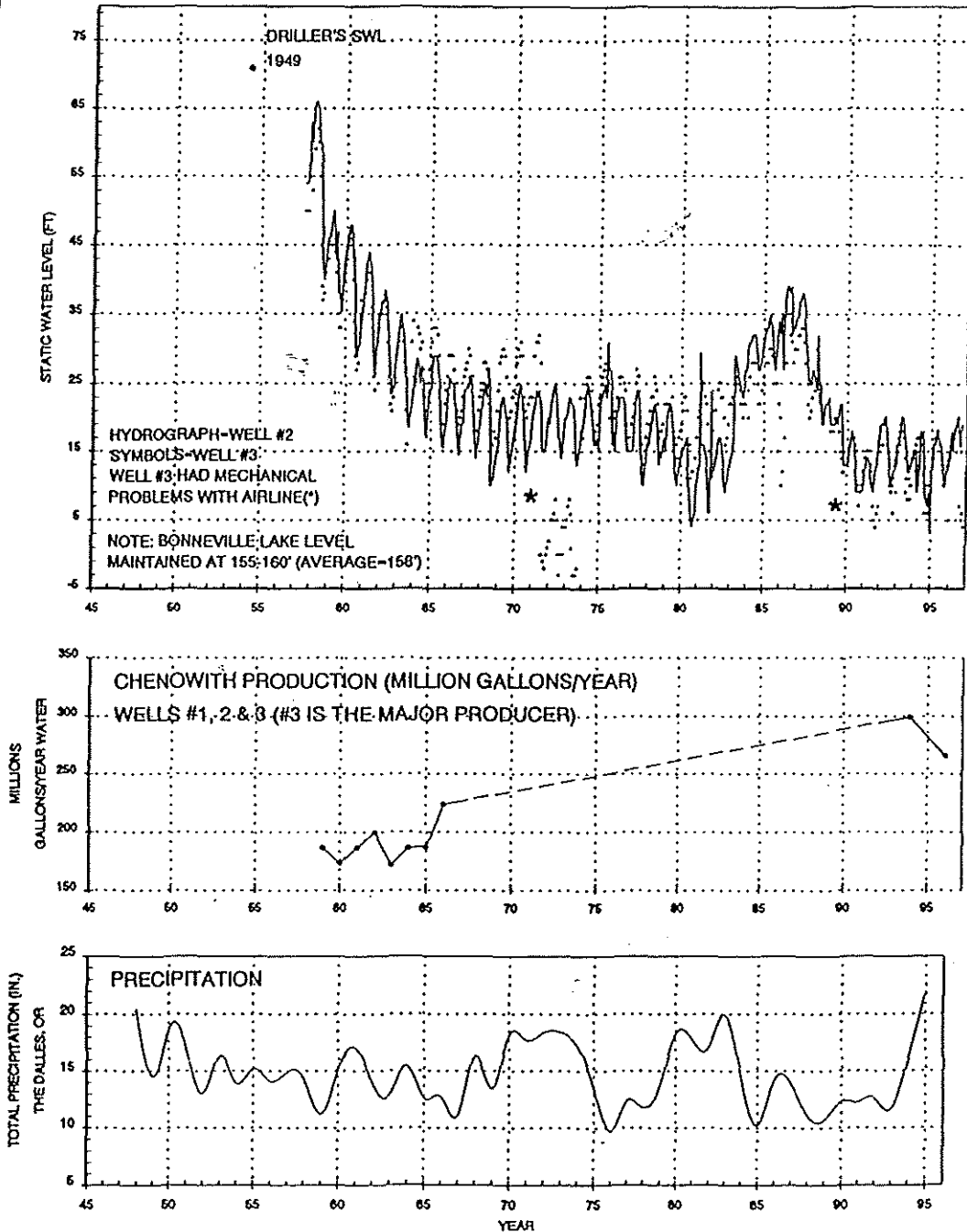


Figure 14. Chenowith Co-op water well data, 1949-1996.

# TLSA GROUND WATER EVALUATION

Chenoweth Co-op Well #3 Data

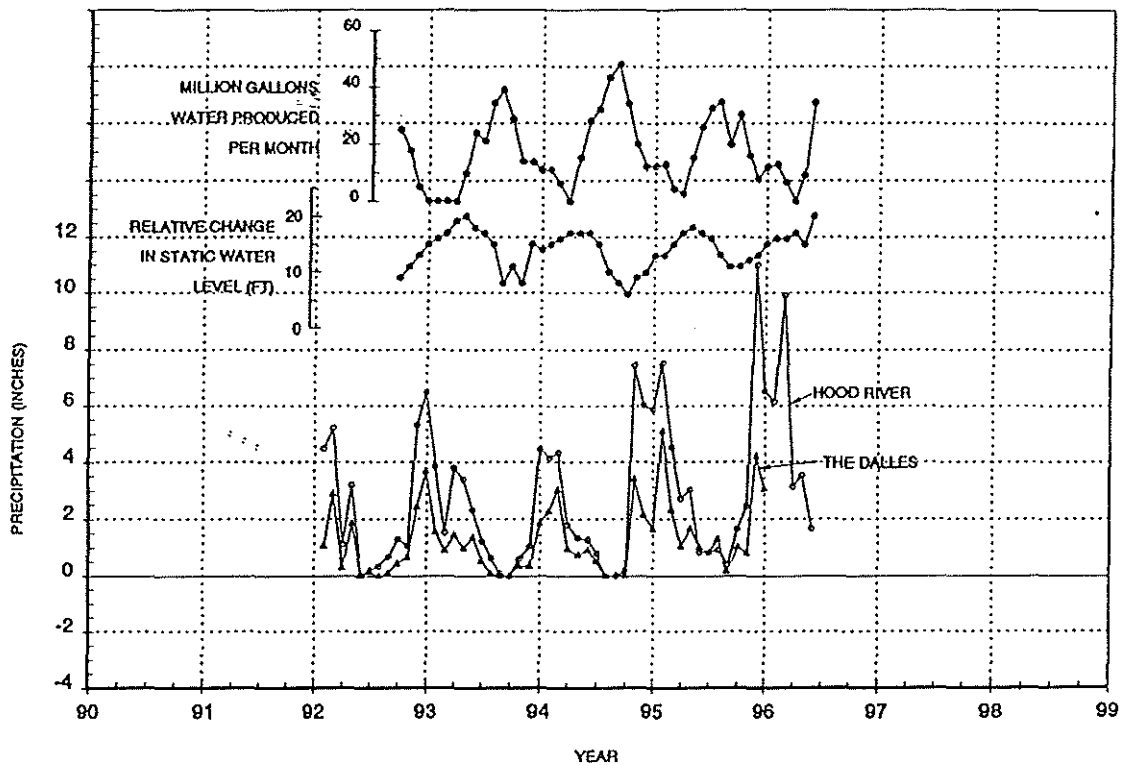


Figure 15. Monthly detail, Chenoweth Co-op water well data, 1992-1996.

similar interest pertains in wells that have had multiple static water level measures over time and show significant decline in static water level ( $>30'$ ).

From the previous discussion on basalt aquifer initial decline, it is apparent that in many basalt wells enough water column must be available to accommodate the initial decline that many of them will experience. In many instances of deepened wells, the original well did not penetrate enough aquifer thickness to support water production over time. In these wells, deepening is required to more fully expose the aquifer system to the wellbore. In other instances, the entire system is abandoned and the well is deepened to a new aquifer system. It is now necessary to review available data and summarize how many wells of each type exist and the aquifers in which they tend to occur.

The 58 deepened wells examined may be categorized as follows:

- Minor (22 wells): 3 to 50 foot increase in well depth
  - repairs damage through caving or extended use
  - very little to no new aquifer thickness is exposed
  - static water level does not change
  - may be considered well rejuvenation
- Moderate (17 wells): 20 to 250 foot increase in well depth
  - repairs damage due to partial penetration
  - exposes more central part of aquifer system
  - static water level change is minor and remains within the same aquifer system
- Major (19 wells): 200 to 600 foot increase (or more) in well depth
  - abandonment of original aquifer system
  - static water level is 100 to 400 feet lower than in original well
  - represents a significant failure of shallowest aquifer system.

The deepened wells are listed in Table E ( Appendix A). Minor and moderate deepenings may be regarded as fairly normal occurrences in the development of a ground water resource. They are only of concern when the overall rate or percentage of them sharply increases over a particular time period. This may signal the stressing of the shallow ground water systems.

As is shown in Figure 16, deepenings in the TLSA area have occurred at a fairly constant percent of total wells drilled through the history of water well development. It should be noted that wells drilled during high rainfall cycles may have a tendency to be deepened more than wells drilled during normal or dry cycles.

Major deepenings are of serious concern. If no other explanation for them is identified, they signal failure of the shallow aquifer and depletion of the ground water resource. However, in the case of most of the major deepenings within the TLSA area, an explanation for failure can be demonstrated.

The following conditions may cause failure of the shallow aquifer. Each of them is illustrated by a cross section in Appendix B showing the condition described:

#### 1) POOR PERMEABILITY AND/OR POROSITY IN THE VICINITY OF THE WELLBORE

Aquifers are not uniform throughout their occurrence. For a variety of reasons, internal variation within them is normal and can be expected. In some areas, poor performance of an individual aquifer can be identified and mapped. A good example of this occurs in the northern part of the ridge between Mill Creek and Brown Creek and is shown in the northern end of Cross Section 5B. The Brown Creek-TDC2B aquifer (Dalles Group) is a frequently completed unit in this area. However, northeast of T1NR12E Section 11, it gains in clay content (clay lenses) to the point that in some cases, wells were not even completed in this zone, but were drilled deeper to the TDC1 aquifer. Other wells completed in this the TDC2B were later deepened, probably because of insufficient water volume. The TDC2B in this area also has the problems mentioned in #2 and #3 below.

#### 2) DESTRUCTION OF ORIGINAL AQUIFER CONDITIONS BY FRACTURING OR FAULTING

Faults and fractures can be very detrimental to aquifer performance in the following ways:

- Plugging of porous rock by deposits of minerals resulting in low porosity and permeability and poor interconnection with the main body of the aquifer.
- In contrast, fracturing may be seen as an enhancement to aquifer permeability in fault/fracture zones which are not mineralized. However, if it is extreme and continues to an adjacent canyon, fracturing can act as a drain, enhancing permeability to the point where the rock is no longer able to maintain high water volume.

# WASCO COUNTY TLSA General Water Well Data

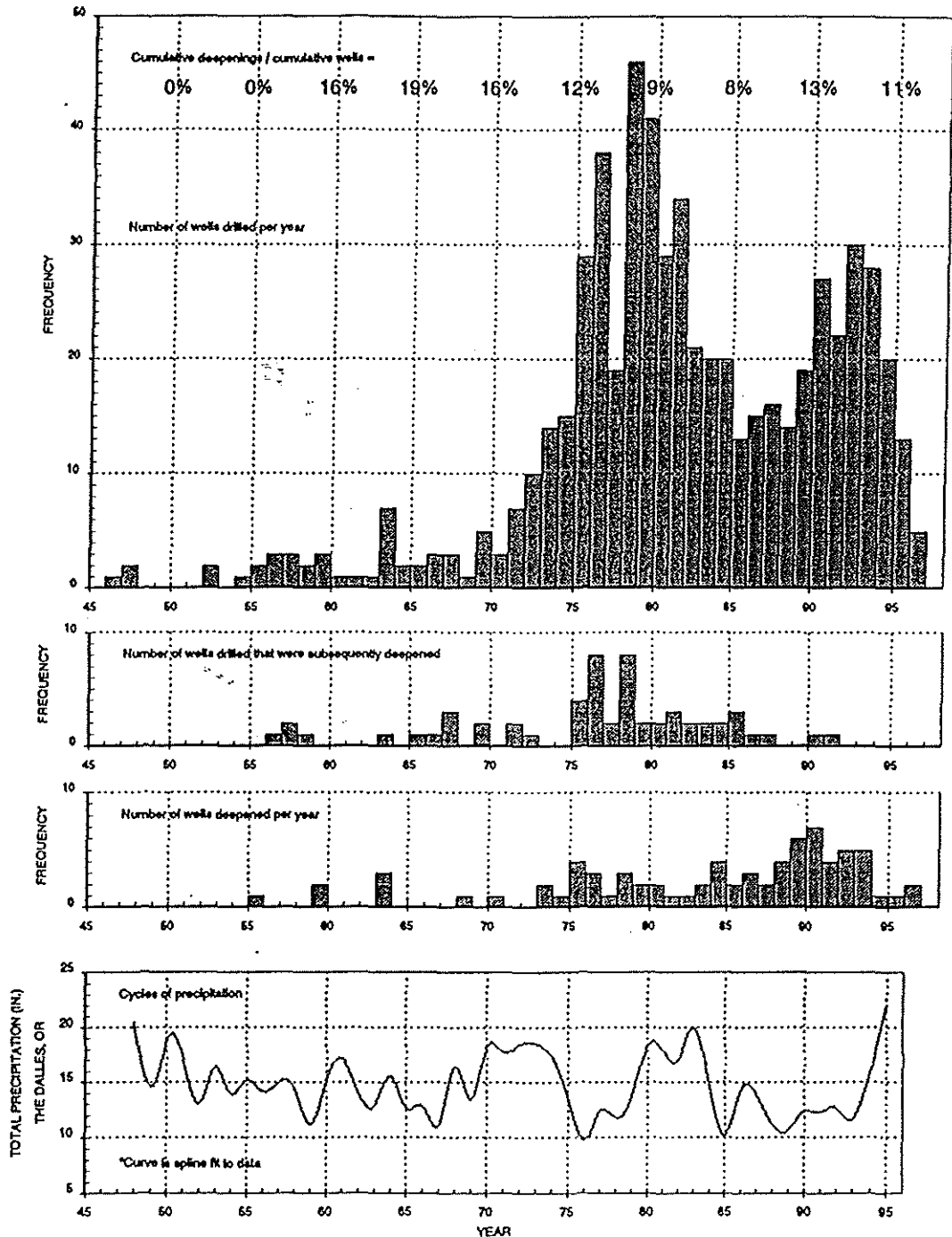


Figure 16. Wells drilled and well deepenings versus time, TLSA, Wasco County.

The detrimental effect of fault/fracture zones can be seen in Cross Section 2 in the Sevenmile Hill area. Two wells in this section are abandoned after encountering no water. The driller's description in both wells indicates that mineralization has destroyed original aquifer quality by allowing mineral-bearing fluids to deposit material in available fractures and pore space. Away from the fault zones, the basalt aquifers here are quite acceptable in terms of rate and productive capability.

A rather serious condition occurs in T2NR12E Section 9 shown in Cross Section 9B. In this area, two major fault zones cross, one going east-west, the other trending northwest-southeast. Some wells in the vicinity of this intersection are either very deep originally, or have to be deepened to depths greater than 550 feet. The map on the following page shows trends of wells with drilling problems such as caving, fractures or lost circulation, dry holes, deepened wells and wells with very large declines (>100 feet) and the pattern of major fault and fracture zones identified on surface or in cross section. Figures 17, 18 and 19 are aerial photographs which show some of the features mapped as fault or fracture zones. The Wasco County Planning Office has complete aerial photo coverage in the TLSA for those who have an interest in this topic.

The presence of a fault or fracture zone is shown on the report cross sections as a vertical line. The faults in this general area are high-angle reverse, lateral or normal faults. If actual displacement is seen in cross section or in outcrop, the formations on either side of the fault line will be offset on the cross sections. A quick review of any selection of the cross sections will show how faults or fractures can depress static water levels in their vicinity.

### 3) WELL IS LOCATED TOO CLOSE TO THE MARGIN OF AN AQUIFER SYSTEM

In cross section 5B discussed previously, the TDC2B aquifer was becoming very shallow and close to its exposure at surface on adjacent slopes. Cross section 3 shows the Upper Dry Creek aquifer system (PRDC1) as it approaches its exposure on the slopes of Dry Creek valley. This aquifer system occurs in basalts immediately below the Dalles Group or in the base of the Dalles Group itself. Wells #726/714 and 713/715/2068 are on the margin of the system and their initial water columns are intermediate between the Root Road and Mosier Creek systems. These wells were deepened in 1986 and 1992, respectively, to the Mosier Creek system (elevation about 350-400 feet). If a well is drilled in a marginal position, it receives recharge from perhaps only about half the area of a

normal aquifer. In addition, diffuse recharge on slopes is probably less than diffuse recharge in flatter areas.

In all of the instances of major deepenings, one or more of these conditions existed. The detrimental features described above all reduce the ability of an aquifer to gain recharge from the area surrounding it. In essence, these wells are deepened because they were produced at rates that exceeded their capacity to supply water. The aquifer conditions in each of them would not support water production at even low rates for an extended period of time.

Other conditions which may cause water level decline and lead to deepening are:

- Partial penetration of the upper part of an aquifer system. The Root well in Figure 11 is possibly affected by this condition.
- Damage caused by bacteria and/or deposition of fine sediment, both of which occlude porosity and permeability.
- The presence of ductile clays (often adjacent to basalt aquifers which can deform plastically over time. The result is an eventual "choking off" of the aquifer interval.
- Wells may also be affected by composite cones of depression, but this subject will be covered in the section below on well spacing.

In Figure 20 three unrelated wells are shown to illustrate an important problem. The Wilds well (T2NR12E Section 21) at the left, was deepened twice and now is at a depth of 799 feet. The two upper aquifers which have been subsequently abandoned were evidently of low quality. The 1995 measurement of static water level (NGS, Inc.) may be only apparent because the well measure also reported cascading water. What is certain is; the two upper zones could not support domestic requirements. This well is on trend with two dry holes, #753 and #4103, near one of the fault zones shown in the drilling hazard map. The third aquifer at the base of the well appears to be of higher quality than the other two. Other wells in the vicinity, including Wasco County Observation Well #743, appear to be stable and are about one half the depth of this well.

Also displayed in Figure 20 are two other wells in T2NR12E (Sections 16 and 9) which are abnormally deep for the area, and have abnormally low static water level elevations. It is this type of well which requires the most future investigation. There are many questions about such wells to be answered:

- Does the great depth to static water level reflect a restricted access to diffuse recharge?

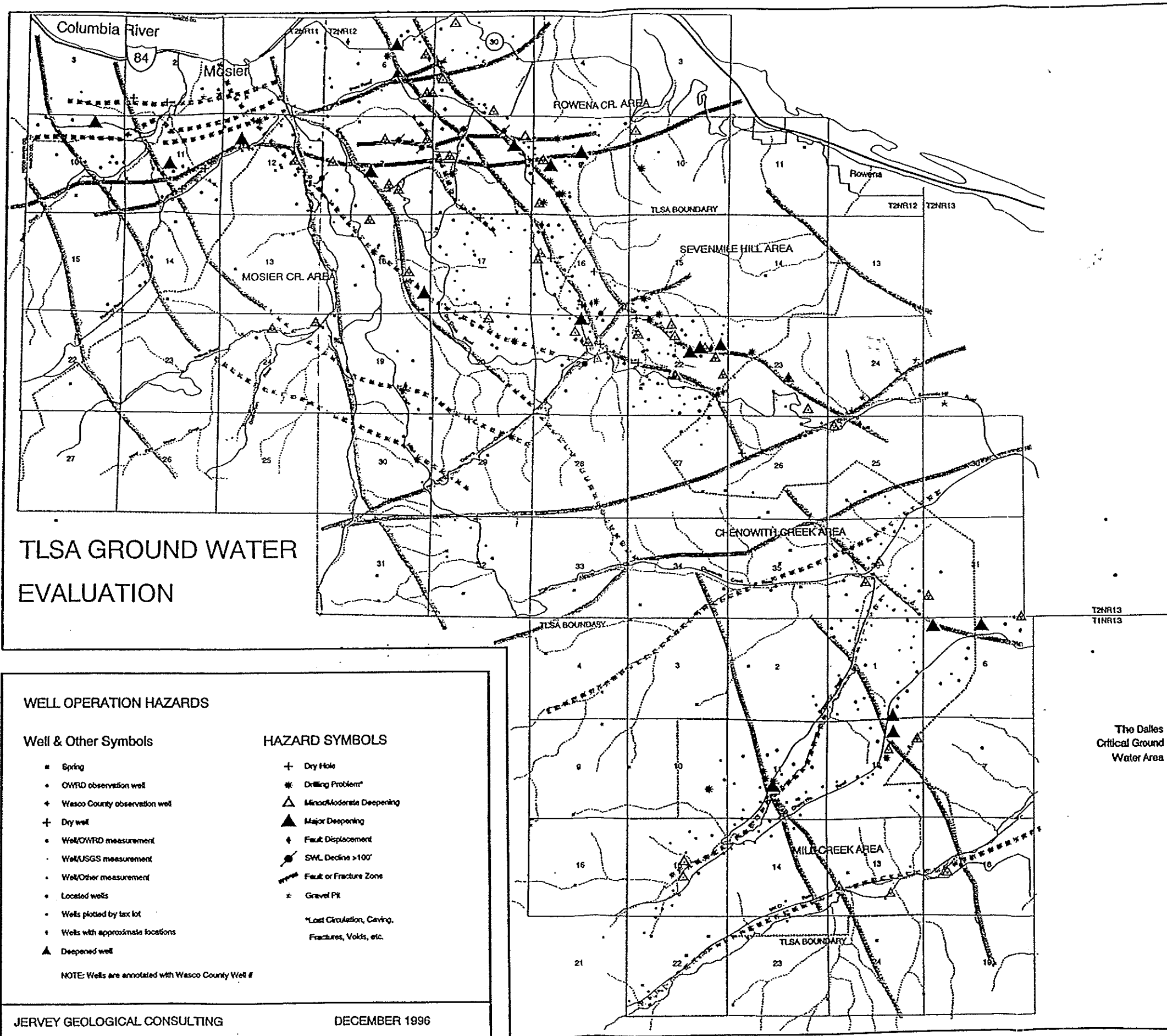






Figure 17. Aerial photograph showing fault zone near Cherry Heights Road, Wasco County, Oregon.

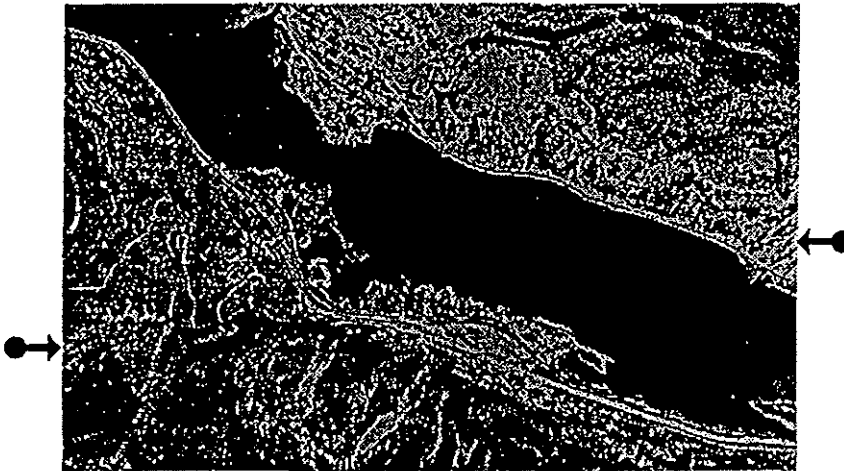
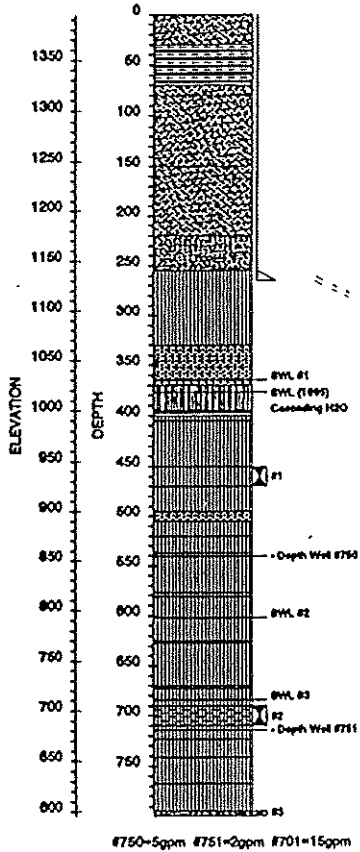


Figure 18. Aerial photograph showing fault zone visible from Interstate 84 at Rowena.

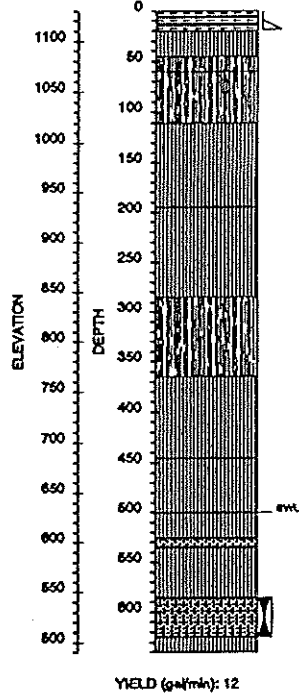


Figure 19. High altitude aerial photograph showing fault displacements, northern Wasco and Hood River Counties, Oregon.

Well Location: 02:12:21  
 Wasco #750/751/701 Wicks  
 Date: 06/17/77 1030/80 06/01/87  
 Elev: 1395.0ft Well TD: 799.0ft  
 Well #750 deepened to well #751 and #701



Well Location: 02:12:16  
 Wasco #1859 Ringlebauer  
 Date: 07/24/90  
 Elev: 1130.0ft Well TD: 840.0ft



VERTICAL SCALE 1:1200  
 WATER-BEARING ZONE

Well Location: 02:12:09  
 Wasco #2004 Murray  
 Date: 04/25/92  
 Elev: 800.0ft Well TD: 770.0ft

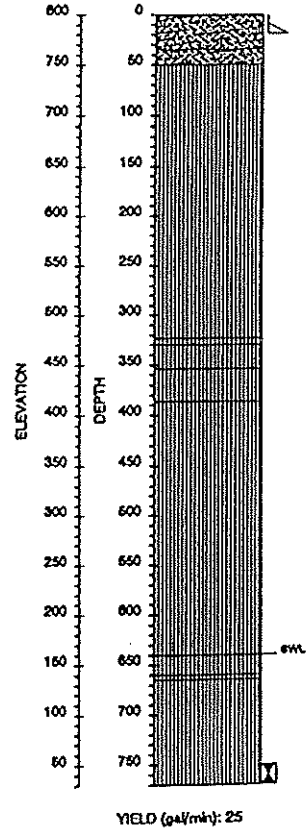


Figure 20. Examples of deep wells with deep static water levels, TLSA, Wasco County.

- Are these wells stable in regard to static water level?
- Should areas with a high proportion of these wells have more restricted allowable well spacing?

To date, there are no hydrograph wells are very few multiple measures in this type of well. This issue will be discussed again in the report recommendations.

The problem for both individual land owners and for Wasco County is that the prediction of well performance is highly dependent on individual well conditions. The best course to follow under these circumstances is close monitoring of existing densely spaced and deep wells and pump testing in a variety of aquifers. The following discussion attempts to answer in part, how closely spaced wells may be for optimum performance.

## WELL SPACING - DOMESTIC

The subject of appropriate well spacing is a controversial one. In order to clarify points made in this discussion, proper well spacing is defined as spacing required in order to allow good operation of a domestic well in the shallowest perennial aquifer available. High rate irrigation wells will be addressed separately at the end of this section.

Regardless of aquifer type, most wells outside of the agricultural areas of TLSA show similar characteristics of rate and capacity (5 to 60 gpm at 100% drawdown in one hour). Under these conditions, observations may be made about the area of influence of any individual low rate, low specific capacity domestic well.

Since production (pump) tests are not available, at the present time it is necessary to use other observations to estimate the area affected by a single domestic well. A review of the 28 cross sections in this report shows the minimum horizontal distance to outcrop that can be maintained by several typical TLSA aquifers. On average, most low rate aquifers (basalts and sandstones) can maintain a distance to outcrop of 300-400 feet before failure. This distance is approximately the radius that would be affected by these wells if they were at 100% drawdown. Under most conditions, wells are only operated at 60% or less of maximum drawdown. Ideally, then, on the average, minimum well spacing should be in the range of 360 to 500 feet. Well spacing closer than one half this range should be avoided.

This somewhat vague estimation can be supplemented by other data. The map on the following page shows areas (called units) where well spacing is dens-

est in the TLSA. These units can be important tools in planning for conservation of ground water resource.

Table 3 shows each unit, the aquifers present in its wells, well densities, age of wells and average well spacing and average of the closest one third well spacing. These areas can provide the best information possible to support ground water development (or limitations on development). It is obvious that current average well spacing is controlled by zoning. But in each unit, some wells are very closely spaced, and it is this group which should be used to direct future development.

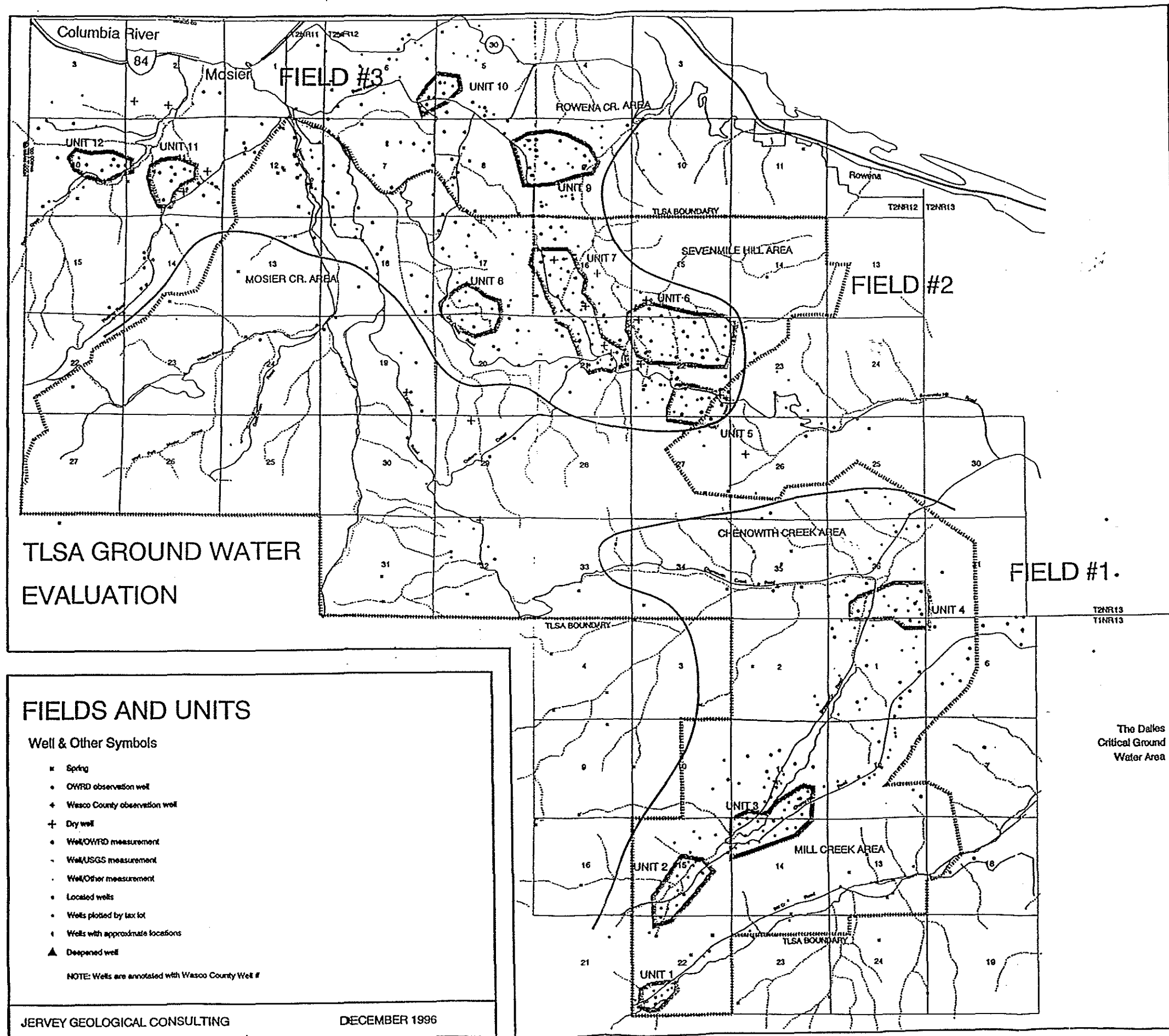
Going back to the beginning of this report, clearly there is a wide spread of theoretical estimates of how much recharge might be available. There is no inexpensive way to determine by these methods an accurate estimate of recharge or discharge. The biggest problem is in accurately estimating the amount of recharge any individual aquifer can receive, not how much is available. The best sources of information about this subject are actual wells that have been operated successfully over a reasonable period of time at a particular well density.

## REDUCE RISK BY USING EXISTING WELL SPACING AS A GUIDELINE

Table 3 shows that for the most part, the units considered appear to support one well per 10 acre spacing. In addition, there are wells that are more closely spaced and give guidelines about what possible minimum spacing could be supported.

From this information, a simple planning tool can be developed. For sections where aquifer type and performance are known and drilling density is highest, well spacing may be one well per 10 acres (optimum) without undue risk. Because there are indications that higher densities may be feasible, an additional 10% of locations may be at closer spacing, for a total of about 70 wells per section allowable, with a 10 acre optimum and a 5 acre minimum spacing. Obviously there should be flexibility in applying this as a guideline.

In sections which have few wells, and especially in such sections with deep wells and static water levels a more conservative guideline should be set. A suggestion is that this type of section be limited to twenty acre per well spacing until such time as more is known about aquifers present and their performance. When that well density is approached, a section or area can be reviewed to see if a closer spacing is feasible. Or, if enough data exists, to compare it with other more densely drilled areas, which may be used as a rationale to increase drilling density.



## REVIEW WELL DATA AS MORE INFORMATION IS AVAILABLE

When sections or areas reach about the maximum density described above, further subdivision should be reviewed in view of well performance. If the wells over time have not responded adversely to the closest current spacing, a slight increase in well density may be prudent. On the other hand if well performance has negative warning flags new drilling (or subdivision) may be restricted.

At this point it would be extremely useful to look at analogs in other areas, if they exist. Comparable development in conditions of similar rainfall and in similar aquifer types would also be helpful in assessing risk of increased well density.

This type of process should be in a deliberate manner for the best and most successful result. If well drilling were to immediately proceed from no wells in a section to one or two acre density, many errors and some severe problems would be unavoidable. This type of risk is unacceptable both to county residents using ground water and county taxpayers who must pay for court costs incurred by the county to defend permitted subdivision.

The following recommendations can be made to assist Wasco County in planning ground water development:

- In the short term, the recommended and minimum spacing discussed previously could provide a guideline for planning.
- Guidelines should be reviewed periodically as new information may affect them.
- The unit areas indicated (or some version of them) should be the sites for further collection of data. At least two measured wells and several pump tests in each of them would be a goal for the next two years. This information could be used to further refine the estimated wells allowed per acre above.
- Most of this effort should be made by land-owners as volunteered work. Wasco County may be able to coordinate the collection of data and verify it, but the manpower requirement to survey these units is onerous and perhaps not primarily the responsibility of the county. It is possible that interested individuals may be able to do a great deal more in the area of data collection

UNIT #	AQUIFER SYSTEM	TOTAL WELLS	AREA ACRES	PER WELL	AVERAGE WELL DISTANCE FEET	AVERAGE LOWER 1/3 WELL DISTANCE FEET	DENSEST ACRES PER WELL	PRIORITY
1	TDC2A	8	49	6	388	318	3	
2	TDC2A&B	12	142	12	604	416	4	
3	TDC2B	19	212	11	653	478	5	
4	TDC1&2B	17	177	10	708	491	5	HIGH
5	TFB1&1B	12	123	10	602	393	4	
6	TFB2/TRN2	33	342	10	599	386	3	HIGH
7	TRN2 PRDC1A TFBX	32	322	10	563	333	3	HIGH
8	PRDC1	9	138	15	798	580	8	
9	PRPO1 MC TFBX	18	216	12	-	-	-	HIGH
10	MC	7	68	10	-	-	-	
11	MT/RC	7	97	14	-	-	-	
12	RC	7	91	13	-	-	-	

Table 3. Summary of well spacing in TLSA units.

than local or state government could afford to do.

- The effort above would have many positive rewards; one of the most important of these would be the emphasis on knowledge and control for the individual well owners. The more they know about their own situation and ground water as a whole, the better off the entire community will be.
- Continued effort on a number of fronts to improve well location accuracy; particularly important are dry holes, deepened wells and any wells with multiple static water level measurements.
- A manner of well naming so that one location would have one designation for all of its history. Many problems are caused by renumbering a well any time anything happens to it. The clerical problems this will create in the next ten to twenty years could be enormous.

The reason it is important to commit to this type of project is actually for the long term. At some point in future, one to two acre spacing for wells may be requested by development. At this extreme, it is best to use actual examples of well development to either permit or restrict denser drilling. Wasco County has done an exemplary job of data collection and should continue this effort.

#### **WELL SPACING - IRRIGATION AREAS**

Wells with high rates occur in the following areas: Mill Creek, Chenoweth Creek, Mosier Creek and adjacent orchard area. Wells with sustainable rates of greater than 60 gpm can, if operated continuously, easily affect water levels in areas of 1 to 5 square miles in the same aquifer system. In view of the possibility that these wells establish a more or less permanent cone of depression, it is probable that they have an impact on some domestic wells around them, if they are in the same aquifer system.

The cone of depression formed will, in the case of fracture controlled aquifers, not be circular but will have dimensions controlled by fracture trends. The domestic well owner should be aware of this and understand the possibility that his well may be affected by irrigation wells. For this and a variety of other reasons, production testing of a sampling of irrigation wells is strongly recommended in order to improve understanding of their performance characteristics and potential for interference over distance. This testing could also identify wells that have incurred significant damage over time, resulting in reduced rates. An

important relationship to develop would be the graph of well capacity versus radius of influence as a guideline to both irrigators and domestic well owners. This type of activity is probably best pursued by Oregon Water Resources Department.

The restriction of irrigation usage is not the domain of county regulation. However, the nomograph of capacity versus radius of influence should be used to control, at least to some extent, well spacing in irrigation wells. The detrimental effect of composite cones of depression could in many instances, be avoided with better information and spacing recommendations to water right holders. This matter has little to do with volume of water used; rather the proper and most efficient use of ground water available for irrigation.

#### **WATER QUALITY**

The evaluation of quality of ground water was not a primary goal of this report, however there are two general observations which may be made:

In the original TLSA questionnaire responses, more complaints were voiced about water quality than amount of water available. The most common objection was to water with high iron content and/or unpleasant odor. These wells are almost always located very close to fault or fracture zones. The ground water in them may be mixing with upward percolating warmer waters which also carry more minerals in solution. The most likely solution to this type of problem is in the purchase of equipment which will filter or remove offending minerals.

From the first section of this report, it may be surmised that septic fields might contaminate local water supplies in shallow aquifers. Periodic inexpensive testing for contamination is recommended to anyone concerned about this potential problem.

#### **CONCLUSION**

It is hoped that the information presented in this report will be helpful in the process of assessing the TLSA ground water resource. The current tendency toward higher precipitation offers an ideal time to gather data and learn more about TLSA aquifers. However, it is only a temporary reprieve from the average conditions that have to be incorporated into resource planning.

Many of the best observations and ideas in this report were based on comments by the TLSA Technical and Steering Committees, the interested public and the Wasco County Planning Staff. Together with well drillers and the local land owners, they can arrive at a reasonable approach to ground water development in the TLSA.

## **ACKNOWLEDGEMENTS**

The people listed below were generous with ideas, suggestions and observations that are used in this study. The author wishes to thank them for their time and efforts.

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### **PUBLIC AGENCIES/PRIVATE COMPANIES**

Larry Toll/Staff Wasco County Watermasters Office	Jerry Schmidt Oregon Water Consultants, Inc.
Ken Lite Oregon Water Resources Department	James Toole Toole and Sons Drilling
Rick Kienle Northwest Geological Services, Inc.	Ervin Sverdrup A & A Sales
Staff Wasco County Planning Office	Jim Johns/Staff Chenoweth Irrigation Co-op
Members TLSA Steering Committee	Project Office/The Dalles Dam Army Corps of Engineers
Members TLSA Technical Committee	

### **WATER WELL DRILLERS**

All well drillers in the past and present have contributed information to this study. Those who were especially helpful (in the detail of their well records and/or their comments on the subject) include:

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Gilbert Clayton, Jr. and Sr.	Richard Murray
Harry Douthit	Clyde Root

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## Exhibit B

### Betzing Conditions

- 1) The permit shall allow one single family dwelling and attached garage only.
- 2) At a minimum all conditions required pursuant to the existing County ordinances regulating dwellings in RR-10 zone shall be applied as a condition of development.
- 3) The rear yard set back shall be the greater of 75 feet or the amount required by applicable County ordinance.
- 4) Betzing shall develop and maintain a water source which is capable of delivering water at the rate of 20 gallons per minute continuously for 50 minutes (1,000 gallons) on a year around basis.
- 5) Compliance with these conditions shall be checked though an on-site review by a qualified person selected by the County Planning Department.

## **EXHIBIT 5**

### **Soil Information – 49C and 50D**

## SOIL INTERPRETATIONS RECORD

49C WAMIC LOAM 5 TO 12 PERCENT NORTH SLOPES

THE WAMIC SERIES CONSISTS OF DEEP WELL DRAINED SOILS FORMED IN AEOLIAN MATERIALS ON RIDGETOPS AND PLATEAUS. TYPICALLY, THE SURFACE LAYER IS VERY DARK GRAYISH BROWN LOAM ABOUT 7 INCHES THICK. THE SUBSOIL IS DARK BROWN LOAM ABOUT 21 INCHES THICK. THE SUBSTRATUM IS DARK BROWN LOAM ABOUT 16 INCHES THICK. DEPTH TO BEDROCK IS 40 TO 60 INCHES OR MORE. ELEVATION IS 1000 TO 3600 FEET. MEAN ANNUAL PRECIP. IS 14 TO 20 INCHES. MEAN ANNUAL AIR TEMP. IS 46 TO 50 DEGREES F. THE FROST-FREE PERIOD IS 100 TO 150 DAYS.

ESTIMATED SOIL PROPERTIES													
DEPTH (IN.)	USDA TEXTURE	UNIFIED	AASHTO	PERCENT OF MATERIAL LESS THAN 3" PASSING SIEVE NO.				LIQUID LIMIT	PLAS- TICITY				
				(PCT)	4	10	40	200	INDEX				
0-7 IL		ML, CL-ML	A-4	0	195-100	95-100	90-95	55-75	20-25	NP-5			
7-28 IL, SIL		ML, CL-ML	A-4	0	195-100	95-100	90-95	55-75	20-25	NP-5			
28-44 IL, SCL		ML	A-4	0	195-100	95-100	90-95	55-75	30-35	5-10			
44 IUWB													
DEPTH (IN.)	CLAY (PCT)	MOIST DENSITY	BULK (G/CM3)	PERMEA- BILITY (IN/HR)	AVAILABLE WATER CAPACITY (IN/IN)	SOIL REACTION (PH)	SALINITY (MMHOS/CM)	SHRINK- SWELL POTENTIAL (K)	EROSION FACTORS K	WIND EROD. GROUP	ORGANIC MATTER (PCT)	CORROSIVITY STEEL	POTENT*L CONCRETE
0-7	15-25	1.10-1.30	0.6-2.0	0.19-0.22	16.6-7.3	-	-	LOW	1.49	4	-	1-2	MODERATE
7-28	18-27	1.20-1.35	0.6-2.0	0.19-0.22	16.6-7.3	-	-	LOW	1.43				LOW
28-44	20-30	1.30-1.45	0.2-0.6	0.13-0.15	16.6-7.3	-	-	LOW	1.43				
44													
FLOODING													
HIGH WATER TABLE													
CEMENTED PAN													
BEDROCK													
SUBSIDENCE													
HYDRO-POTENT*L													
FREQUENCY	DURATION	MONTHS	DEPTH	KIND	MONTHS	DEPTH	HARDNESS	DEPTH	HARDNESS	INIT.	TOTAL	GRP	FROST
NONE			26.0										

SANITARY FACILITIES				CONSTRUCTION MATERIAL			
SEPTIC TANK ABSORPTION FIELDS		SEVERE-PERCS SLOWLY		ROADFILL		FAIR-AREA RECLAIM,THIN LAYER	
SEWAGE LAGOON AREAS		SEVERE-SLOPE		SAND		IMPROBABLE-EXCESS FINES	
SANITARY LANDFILL (TRENCH)		SEVERE-DEPTH TO ROCK		GRAVEL		IMPROBABLE-EXCESS FINES	
SANITARY LANDFILL (AREA)		MODERATE-DEPTH TO ROCK,SLOPE		TOPSOIL		FAIR-SLOPE	
DAILY COVER FOR LANDFILL		FAIR-AREA RECLAIM,SLOPE,THIN LAYER		POND RESERVOIR AREA		WATER MANAGEMENT SEVERE-SLOPE	
BUILDING SITE DEVELOPMENT							
SHALLOW EXCAVATIONS		MODERATE-DEPTH TO ROCK,SLOPE		EMBANKMENTS DIKES AND LEVEES		SEVERE-PIPING	
DWELLINGS WITHOUT BASEMENTS		MODERATE-SLOPE		EXCAVATED PONDS AQUIFER FED		SEVERE-NO WATER	
DWELLINGS WITH BASEMENTS		MODERATE-DEPTH TO ROCK,SLOPE		DRAINAGE		DEEP TO WATER	
SMALL COMMERCIAL BUILDINGS		SEVERE-SLOPE		IRRIGATION		SLOPE,ERODES EASILY	
LOCAL ROADS AND STREETS		MODERATE-SLOPE,FROST ACTION		TERRACES AND DIVERSIONS		SLOPE,ERODES EASILY	
LAWNS, LANDSCAPING AND GOLF FAIRWAYS		MODERATE-SLOPE		GRASSED WATERWAYS		SLOPE,ERODES EASILY	



## RECREATIONAL DEVELOPMENT

CAMP AREAS	MODERATE-SLOPE, DUSTY	PLAYGROUNDS	SEVERE-SLOPE
PICNIC AREAS	MODERATE-SLOPE, DUSTY	PATHS AND TRAILS	SEVERE-ERODES EASILY

## CAPABILITY AND YIELDS PER ACRE OF CROPS AND PASTURE (HIGH LEVEL MANAGEMENT)

CAPABILITY	WHEAT, WINTER (BU)	GRASS HAY (TONS)											
NIRRI	IRR	NIRRI	IRR	NIRRI	IRR	NIRRI	IRR	NIRRI	IRR	NIRRI	IRR	NIRRI	IRR
4E	35	1.5											

Severe limitations  
(e) erosion

## WOODLAND SUITABILITY

ORD SYM	EROSION HAZARD	EQUIP. LIMIT	SEEDLING MORT'Y.	WINDTH. HAZARD	PLANT COMPET.	POTENTIAL PRODUCTIVITY COMMON TREES	SITE INDEX	TREES TO PLANT
4A	MODERATE	SLIGHT	MODERATE	SLIGHT	SEVERE	PONDEROSA PINE OREGON WHITE OAK	70	PONDEROSA PINE

Index of potential productivity @ avg. total ht. and 100 yls.  
 54 cubic metres/acre/yr. = 57.2 ft<sup>3</sup>/ac.  
 A = slight or no limitations.  
 U.S. Avg = 41 ft<sup>3</sup>/ac/yr.

## WINDBREAKS

SPECIES	HT	SPECIES	HT	SPECIES	HT	SPECIES	HT
NONE							

## WILDLIFE HABITAT SUITABILITY

POTENTIAL FOR HABITAT ELEMENTS						POTENTIAL AS HABITAT FOR:					
GRAIN & SEED	GRASS & LEGUME	WILD HERB.	HARDWD TREES	CONIFER PLANTS	SHRUBS	WETLAND PLANTS	SHALLOW WATER	OPENLD WILDLF	WOODLD WILDLF	WETLAND WILDLF	RANGELD WILDLF
FAIR	GOOD	GOOD	FAIR	FAIR	FAIR	IV. POOR	IV. POOR	FAIR	FAIR	IV. POOR	-

## POTENTIAL NATIVE PLANT COMMUNITY (RANGELAND OR FOREST UNDERSTORY VEGETATION)

COMMON PLANT NAME	PLANT SYMBOL (NLSPN)	PERCENTAGE COMPOSITION (DRY WEIGHT)
IDAHO FESCUE	FEID	45
BLUEBUNCH WHEATGRASS	AGSP	10
SANDBERG BLUEGRASS	POSE	5
ARROWLEAF BALSAMROOT	BASA3	2
ANTELOPE BITTERBRUSH	PUTR2	10
OREGON WHITE OAK	QUGA4	5
PONDEROSA PINE	PIPO	5
POTENTIAL PRODUCTION (LBS./AC. DRY WT):		
FAVORABLE YEARS		950
NORMAL YEARS		800
UNFAVORABLE YEARS		450

## FOOTNOTES

\* SITE INDEX IS A SUMMARY OF 5 OR MORE MEASUREMENTS ON THIS SOIL.



## SOIL INTERPRETATIONS RECORD

500 WAMIC LOAM, 12 TO 20 PERCENT SLOPES

THE WAMIC SERIES CONSISTS OF DEEP WELL DRAINED SOILS FORMED IN AEOLIAN MATERIALS ON RIDGETOPS AND PLATEAUS. TYPICALLY, THE SURFACE LAYER IS VERY DARK GRAYISH BROWN LOAM ABOUT 7 INCHES THICK. THE SUBSOIL IS DARK BROWN LOAM ABOUT 21 INCHES THICK. THE SUBSTRATUM IS DARK BROWN LOAM ABOUT 16 INCHES THICK. DEPTH TO BEDROCK IS 40 TO 60 INCHES OR MORE. ELEVATION IS 1000 TO 3600 FEET. MEAN ANNUAL PRECIP. IS 14 TO 20 INCHES. MEAN ANNUAL AIR TEMP. IS 46 TO 50 DEGREES F. THE FROST-FREE PERIOD IS 100 TO 150 DAYS.

ESTIMATED SOIL PROPERTIES													
DEPTH: (IN.)	USDA TEXTURE	UNIFIED	AASHTO	FRACT: (PCT)	PERCENT OF MATERIAL LESS THAN 3" PASSING SIEVE NO.				LIQUID LIMIT	PLAS- TICITY			
					4	10	40	200		INDEX			
0-7	IL	ML, CL-ML	A-4	0	95-100	95-100	90-95	55-75	20-25	INP-5			
7-28	IL, SIL	ML, CL-ML	A-4	0	95-100	95-100	90-95	55-75	20-25	INP-5			
28-44	IL, SCL	ML	A-4	0	95-100	95-100	90-95	55-75	30-35	5-10			
44	UWB												
DEPTH:CLAY (IN.)	MOIST BULK (PCT)	PERMEA- BILITY	AVAILABLE WATER CAPACITY	SOIL REACTION	SALINITY (MMHOS/CM)	SHRINK- SWELL	EROSION: FACTORS	WIND EROD.	ORGANIC MATTER	CORROSIVITY			
	(G/CM3)	(IN/HR)	(IN/IN)	(PH)		POTENTIAL	K	I	GROUP	(PCT)	STEEL	CONCRETE	
0-7	15-25	1.10-1.30	0.6-2.0	0.19-0.22	6.6-7.3	-	LOW	1.49	4	-	1-2	MODERATE	LOW
7-28	18-27	1.20-1.35	0.6-2.0	0.19-0.22	6.6-7.3	-	LOW	1.43					
28-44	20-30	1.30-1.45	0.2-0.6	0.13-0.15	6.6-7.3	-	LOW	1.43					
44													
FLOODING				HIGH WATER TABLE		CEMENTED PAN		BEDROCK		SUBSIDIENCE		HYDRO- POTENTIAL	
FREQUENCY	DURATION	MONTHS	(FT)	DEPTH	KIND	MONTHS	DEPTH	HARDNESS	DEPTH	HARDNESS	INIT.	TOTAL	GRP
NONE			26.0						140-60	HARD	-		MODERATE

SANITARY FACILITIES				CONSTRUCTION MATERIAL			
SEPTIC TANK	SEVERE-PERCS SLOWLY	SLOPE		ROADFILL	FAIR-AREA RECLAIM	THIN LAYER	SLOPE
ABSORPTION FIELDS							
SEWAGE LAGOON AREAS	SEVERE-SLOPE			SAND	IMPROBABLE-EXCESS FINES		
SANITARY LANDFILL (TRENCH)	SEVERE-DEPTH TO ROCK	SLOPE		GRAVEL	IMPROBABLE-EXCESS FINES		
SANITARY LANDFILL (AREA)	SEVERE-SLOPE			TOPSOIL	POOR-SLOPE		
DAILY COVER FOR LANDFILL	POOR-SLOPE						
BUILDING SITE DEVELOPMENT				WATER MANAGEMENT			
SHALLOW EXCAVATIONS	SEVERE-SLOPE			EMBANKMENTS DIKES AND LEVEES	SEVERE-PIPING		
DWELLINGS WITHOUT BASEMENTS	SEVERE-SLOPE			EXCAVATED PONDS AQUIFER FED	SEVERE-NO WATER		
DWELLINGS WITH BASEMENTS	SEVERE-SLOPE			DRAINAGE	DEEP TO WATER		
SMALL COMMERCIAL BUILDINGS	SEVERE-SLOPE			IRRIGATION	SLOPE, ERODES EASILY		
LOCAL ROADS AND STREETS	SEVERE-SLOPE			TERRACES AND DIVERSIONS	SLOPE, ERODES EASILY		
LAWNS, LANDSCAPING AND GOLF FAIRWAYS	SEVERE-SLOPE			GRASSED WATERWAYS	SLOPE, ERODES EASILY		





## **EXHIBIT 6**

### **Guide for Using Soil Surveys**

**GUIDE FOR USING SOIL SURVEY  
SINGLE PHASE INTERPRETATION SHEETS**



**PREPARED BY  
SOIL CONSERVATION SERVICE  
PORTLAND, OREGON  
JUNE 1982**



GUIDE FOR USING SOIL SURVEY  
SINGLE PHASE INTERPRETATION SHEETS IN OREGON

This guide contains a detailed explanation of the Single Phase Interpretation Sheets (SPI), the kinds of rating terms used, and the information presented on the sheets.

Single Phase Interpretation Sheets have been prepared for each kind of soil that has been mapped in the county. Each sheet has a brief description of each kind of soil, its properties, and predictions of its behavior for various uses.

This guide has the following sections:

- I. Narrative Soil Description
- II. Estimated Soil Properties
- III. Explanation of Rating Terms
- IV. Sanitary Facilities
- V. Building Site Development
- VI. Construction Material
- VII. Water Management
- VIII. Recreational Development
- IX. Capability and Predicted Yield - Crops and Pasture
- X. Woodland Suitability
- XI. Windbreaks
- XII. Wildlife Habitat Suitability
- XIII. Potential Native Plant Community
- XIV. Terms and Definitions of Restrictive Features  
Used on "SPI" Sheets
- XV. Glossary

I. NARRATIVE SOIL DESCRIPTION

At the top of each SPI sheet is the map symbol, county in which applicable, and the name of the soil for each area on the soil map which has that symbol in it. Below this is a brief paragraph which describes the nature and properties of the soil and tells where the soil is on the landscape.

## II. ESTIMATED SOIL PROPERTIES

The table, "Estimated Soil Properties," at the top of the sheet, gives estimates of properties, characteristics, and conditions which influence the behavior of the soil when used for different purposes.

COMMENTS THAT FOLLOW HELP EXPLAIN EACH COLUMN ON THE TABLE.

Depth from Surface. The layers shown here take into consideration those properties that influence plant growth and the engineering behavior of the soil.

Classification. Three systems of soil classification are shown in this table. The USDA texture is determined by the percent of sand (.05 to 2.0 millimeters), silt (.05 to .002 millimeter), and clay (below .002 millimeter) after the particles larger than 2 millimeters have been removed. Major soil textural classes are given such as sands, sandy loams, silt loam, clay loam, and clay. Presence of significant amounts of rock fragments is indicated by modifiers such as gravelly, shaly, cobbly, or stony. Muck, peat, mucky peat, and peaty muck are used for organic soils in place of the textural class names for mineral soils.

In the block indicating USDA texture, standard abbreviations are used to indicate texture. Up to three textures can be entered on each line. If more than one texture is used, they are separated by commas. If modifiers are used, they are attached to the texture by a hyphen, e.g., GR-SL. If a layer is stratified, SR is used as a modifier, and the end members of the textural range are connected by hyphens, e.g., SR-S-L or SR-S-GR-C. The following list of modifiers and textures may appear on the Single Phase Interpretation Sheets:

### Modifier:

BY	Bouldery	GR	Gravelly
BYV	Very bouldery	GRC	Coarse gravelly
BYX	Extremely bouldery	GRF	Fine gravelly
CB	Cobbly	GRV	Very gravelly
CBA	Angular cobbly	GRX	Extremely gravelly
CBV	Very cobbly	MK	Mucky
CBX	Extremely cobbly	PT	Peaty
CN	Channery	SH	Shaly
CNV	Very channery	SHV	Very shaly
CNX	Extremely channery	SHX	Extremely shaly
CR	Cherty	SR	Stratified
CRC	Coarse cherty	ST	Stony
CRV	Very cherty	STV	Very stony
CRX	Extremely cherty	STX	Extremely stony
FL	Flaggy	SY	Slaty
FLV	Very flaggy	SYV	Very slaty
FLX	Extremely flaggy	SYX	Extremely slaty



Texture or terms used in lieu of texture:

COS	Coarse sand	CE	Coprogenous earth
S	Sand	CEM	Cemented
FS	Fine sand	DE	Diatomaceous earth
VPS	Very fine sand	FB	Fibric material
LCOS	Loamy coarse sand	FRAG	Fragmental material
LS	Loamy sand	G	Gravel
LPS	Loamy fine sand	GYP	Gypsiferous material
LVPS	Loamy very fine sand	HM	Hemic material
COSL	Coarse sandy loam	ICE	Ice or frozen soil
SL	Sandy loam	IND	Indurated
FSL	Fine sandy loam	MARL	Marl
VFSL	Very fine sandy loam	MPT	Mucky-peat
L	Loam	MUCK	Muck
SIL	Silt loam	PEAT	Peat
SI	Silt	SG	Sand and gravel
SCL	Sandy clay loam	SP	Sapric material
CL	Clay loam	UWB	Unweathered bedrock
SICL	Silty clay loam	VAR	Variable
SC	Sandy clay	WB	Weathered bedrock
SIC	Silty clay	CIND	Cinders
C	Clay		

The Unified system is based on the identification of soils according to particle size, plasticity, liquid limit, and organic matter. Soils are grouped in 15 classes. There are eight classes of coarse-grained soils, identified as GW - well-graded gravel, GP - poorly graded gravel, GM - silty gravel, GC - clayey gravel, SW - well-graded sands, SP - poorly graded sands, SM - silty sands, and SC - clayey sands. There are six classes of fine-grained soils, identified as ML - inorganic silts, CL - inorganic clays (lean clays), OL - organic silts of low plasticity, MH - inorganic silts with high liquid limits, CH - inorganic clays of high plasticity (fat clays), and OH - organic clays of medium to high plasticity. There is one class of highly organic soils, identified as PT - peat and other highly organic soils.

The American Association State Highway Transportation Officials (AASHTO) system is used to classify soils according to those properties that affect use in highway construction and maintenance. In this system, a mineral soil is placed in one of the seven basic groups ranging from A-1 to A-7 on the basis of grain-size distribution, liquid limit, and plasticity index. In group A-1 are gravelly soils of high-bearing strength, or the best soils for subgrade (foundation). At the other extreme, in group A-7, are clay soils that have low strength when wet and that are poorest soils for subgrade. Highly organic soils (peat and muck) are classified in an A-8 group. These organic soils are unsuitable for use in embankments and subgrades. They are highly compressible and have low strength.

Coarse fragments over 3 inches refers to percent by weight of rock fragments. In the Unified and AASHTO systems, these fragments are not considered in the classification. However, it is necessary to know how much of the fragments are present in evaluating the class.

Percent of Material Passing various sieve sizes is determined on a weight basis. The number 4 sieve is 4.7 mm in diameter, the number 10 is 2.0 mm, the number 40 is 0.42 mm, and the number 200 is 0.074 mm. In the Unified system, the fines (silt and clay) are the material passing the number 200 sieve. Gravel is that material retained on the number 4 sieve. The amount retained on the number 200 sieve minus the gravel is the percent sand. In the AASHTO system, the material passing the number 200 sieve is clay and silt. Gravel is the material retained on the number 10 sieve. The amount retained on the number 200 sieve minus the gravel is the percent sand.

The figures shown under each sieve size are obtained either by laboratory test data or by estimates based on USDA textural classes.

Liquid limit and plasticity index indicate the effect of water on the strength and consistence of soil material. As the moisture content of a clayey soil is increased from a dry state, the material changes from a semisolid to a plastic state. If the moisture content is further increased, the material changes from a plastic to a liquid state. The plastic limit is the moisture content at which the soil material changes from a semisolid to a plastic state; and the liquid limit from a plastic to a liquid state. The plasticity index is the numerical difference between the liquid limit and the plastic limit. It indicates the range of moisture content within which a soil material is plastic.

Liquid limit and plasticity index are obtained either by engineering tests or by estimates of USDA texture and consistence. Assuming 15-bar water is known, liquid limit can be estimated as follows: 2 times 15-bar water percentage plus 10 equals liquid limit.

Clay is shown as a range of total clay as a percent of the less than 2 mm material for each horizon. Where clay is not applicable, such as in organic layers, no figures are shown.

Moist bulk density of the soil is the mass per unit volume of the  $\leq 2$  mm material at a moisture content near field capacity (1/3-bar in most soils). It excludes the mass of the liquid phase, and the volume over which the weight is determined includes interparticle space. It is expressed as grams per cubic centimeter or pounds per cubic foot.

Permeability is that quality of a soil that enables it to transmit water or air. Accepted as a measure of this quality is the rate at which soil transmits water while saturated. Permeability is estimated on the basis of those soil characteristics observed in the field, particularly structure and texture. The estimates do not take into account lateral seepage or such transient soil features as plowpans and surface crusts.

The following classes and rates are used:



<u>Permeability class</u>	<u>Numerical range (inches per hour)</u>
Very slow	Less than 0.06
Slow	0.06 - 0.2
Moderately slow	0.2 - 0.6
Moderate	0.6 - 2.0
Moderately rapid	2.0 - 6.0
Rapid	6.0 - 20.0
Very rapid	More than 20

Available water capacity is the ability of soils to hold water for use by most plants. It is commonly defined as the difference between the amount of water in the soil at field capacity and the amount at the wilting point of most crop plants. The values are reported as inches of water per inch of soil.

<u>Class</u>	<u>Inches/inch</u>
Very high	More than .20
High	.15 - .20
Medium	.10 - .15
Low	.05 - .10
Very low	Less than .05

Soil reaction is the degree of acidity or alkalinity of a soil, expressed in pH values. The pH values and terms used to describe soil reaction are as follows:

<u>Reaction description</u>	<u>pH range</u>
Extremely acid	Below 4.5
Very strongly acid	4.5 - 5.0
Strongly acid	5.1 - 5.5
Medium acid	5.6 - 6.0
Slightly acid	6.1 - 6.5
Neutral	6.6 - 7.3
Mildly alkaline	7.4 - 7.8
Moderately alkaline	7.9 - 8.4
Strongly alkaline	8.5 - 9.0
Very strongly alkaline	Above 9.0

Salinity of soils is based on the electrical conductivity of the saturation extract as expressed in millimhos per centimeter at 25°C. Electrical conductivity is related to the amount of salts more soluble than gypsum in the soil. High amounts of soluble salts in the soil affect plant growth and the corrosion of uncoated steel. A value of 2.0 or less would indicate a very slight limitation for crop production whereas a value of more than 16.0 would indicate a severe salinity problem for crop production. A dash is shown if salinity is no problem for growing plants.

<u>Class</u>	<u>Salinity</u> <u>(MMHOS/CM)</u>
1. Very slightly saline	0-4
2. Slightly saline	4-8
3. Moderately saline	8-16
4. Strongly saline	> 16

Shrink-swell potential is the relative change in volume to be expected of soil material with changes in moisture content, that is, the extent to which the soil shrinks as it dries out or swells when it gets wet. Extent of shrinking and swelling is influenced by the amount and kind of clay in the soil. Shrinking and swelling of soils causes much damage to building foundations, roads, and other structures. A high shrink-swell potential indicates a hazard to maintenance of structures built in, on, or with material having this rating.

The soil erodibility factor (K) used in the universal soil loss equation is a measure of the susceptibility of soil particles to detachment and transport by rainfall and runoff. Soil properties affecting soil erodibility are: soil texture (especially the percent of silt plus very fine sand), percent of sand greater than 0.10 mm, organic matter content, soil structure (type, grade), soil permeability, clay mineralogy, and rock fragments.

K values and classes used are as follows:

Low	.00, .02, .05, .10, .15, .17, .20
Moderate	.24, .28, .32, .37
High	.43, .49, .55, .64

Soil loss tolerance (T), sometimes called permissible soil loss, is the maximum rate of soil erosion that will permit a high level of crop productivity to be sustained economically and indefinitely. T values of 1 through 5 are used. The numbers represent the permissible tons of soil loss per acre per year where food, feed, and fiber plants are grown. T values are not applicable to construction sites or to other nonfarm uses of the erosion equation.



A wind erodibility group consists of soils having the same potential for soil blowing. The properties that affect soil blowing are those that affect the stability of the aggregates against breakdown by tillage and abrasion from wind. These properties are texture, organic matter, calcium carbonate content, mineralogy and perhaps others such as freezing and thawing, or wetting and drying. Texture of the surface inch of soil has the greatest single influence on soil erodibility and is used as a guide for estimating wind erodibility groups. There are seven groups with group 1 being the most susceptible to soil blowing and group 7 being the least susceptible.

In parts of the state where wind erosion is not considered to be a problem, a dash is entered for the surface layer.

Organic matter percentage is shown in the surface layer. Whole numbers are used from 1 and above, tenths from 1 to .5, and <.5 below .5, e.g., <.5-1, 2-5.

Corrosivity pertains to potential soil-induced chemical action that dissolves or weakens uncoated steel or concrete. Rate of corrosion of uncoated steel is related to soil properties such as drainage, texture, total acidity, electrical resistivity, and electrical conductivity of the soil material. Corrosivity for concrete is influenced mainly by the content of sodium or magnesium sulfate but also by soil texture and acidity. Installations of uncoated steel that intersect soil boundaries or soil horizons are more susceptible to corrosion than installations entirely in one kind of soil or in one soil horizon. Corrosivity is rated for the whole soil rather than for each horizon. A corrosivity rating of low means that there is a low probability of soil-induced corrosion damage. A rating of high means that there is a high probability of damage, so that protective measures for steel and more resistant concrete should be used to avoid or minimize damage.

Flooding is given in terms of frequency, duration, and months. Duration and months that floods are likely to occur are given only for soils that flood more frequently than rare. Following is a brief explanation.

Frequency:	None	(No reasonable possibility of flooding)
	Rare	(Flooding unlikely but possible under abnormal conditions)
	Common	(Flooding likely under normal conditions)
		Occasional (Less often than once in 2 years)
		Frequent (More often than once in 2 years)
Duration:	Very brief	(Less than 2 days)
	Brief	(2 days to 7 days)
	Long	(7 days to 1 month)
	Very long	(More than 1 month)
Months:	These are the months of probable flooding.	

Water table is given in terms of depth, kind, and months. The depth range of a seasonally high water table is given to the nearest half foot. If the water table is below 6 feet or if the water table exists for less than 1 month, the value greater than 6 (6.0) is used. Kinds of water table listed are: apparent, perched, or artesian. The months shown are those within which the water table is likely to be within the ranges given in the depth column.

A cemented pan prevents or restricts root and water penetration. These include duripan, petrocalcic, orstein and other cemented layers. "Thin" indicates the layer is thin enough that excavation can be made with common construction equipment for pipelines and other excavations. "Thick" indicates that special equipment or blasting can be expected to be necessary. A dash indicates a pan does not occur above a 60-inch depth.

Bedrock prevents or restricts root and water penetration. "Soft" rock can be excavated using trenching machines, backhoes, and other equipment common to making excavations. "Hard" rock requires blasting or use of special equipment above what is considered normal. The normal depth of observation is about 60 inches.

Subsidence is induced when organic soils or other wet soils are drained and is expressed in inches.

Hydrologic soil groups are used to estimate runoff from rainfall. Soil properties are considered that influence the minimum rate of infiltration obtained for a bare soil after prolonged wetting. These properties are: depth of seasonally high water table, intake rate and permeability after prolonged wetting, and depth to a very slowly permeable layer. The influence of ground cover is treated independently--not in hydrologic soil groups.

The soils are classified into four groups, A, B, C, and D with Group A having the lowest runoff potential and Group D having the highest runoff potential.

Group A soils have low runoff potential and high infiltration rates even when thoroughly wetted. They consist chiefly of deep, well to excessively drained sands or gravel. These soils have a high rate of water transmission.

Group B soils have moderately low runoff potential and moderate infiltration rates when thoroughly wetted. They consist chiefly of moderately deep to deep, moderately to well drained soils with moderately fine to moderately coarse textures and moderately slow to moderately rapid permeability. These soils have a moderate rate of water transmission.

Group C soils have moderately high runoff potential and slow infiltration rates when thoroughly wetted. They consist chiefly of soils with a layer that impedes downward movement of water, soils with moderately fine to fine texture, soils with slow infiltration due to salts or alkali, or soils with moderate seasonal water tables.



These soils may be somewhat poorly drained. They include well and moderately well drained soils with slowly and very slowly permeable layers such as fragipans, hardpans, hard bedrock and the like at depths of 20 to 40 inches. These soils have a slow rate of water transmission.

Group D soils have high runoff potential and very slow infiltration rates when thoroughly wetted. They consist chiefly of clay soils with a high swelling potential, soils with a permanent high water table, soils with a claypan or clay layer at or near the surface, soils with very slow infiltration due to salts or alkali, and shallow soils over nearly impervious material. These soils have a very slow rate of water transmission.

Potential frost action is the likelihood of upward or lateral expansion of soil (frost heave) because of the formation of segregated ice lenses and the subsequent loss of strength and collapse on thawing. Daily freezing and thawing that tends to lift the crowns of plants out of the group is not included because it does not contribute to the large movement produced by formation of ice lenses.

In areas where potential frost action is not common, such as west of the Cascade Mountains, no interpretations for potential frost action are made.

Where frost action is a potential problem, three classes are used as follows:

- |          |  |
|----------|--|
| Low      | Soils rarely subject to the formation of ice lenses.   |
| Moderate | Soils susceptible to the formation of ice lenses, resulting in frost heave and subsequent loss of strength.        |
| High     | Soils highly susceptible to the formation of ice lenses, resulting in frost heave and subsequent loss of strength. |

### III. EXPLANATION OF RATING TERMS

The soil is also rated for selected uses expected to be important or potentially important to the user. Ratings are given in terms of limitations and suitability. Up to three of the most restrictive features are listed. There may be other features that need to be treated to overcome soil limitations for a specific purpose.

For some uses, degrees of soil limitations are used. The rating terms used are SLIGHT, MODERATE, and SEVERE. For other uses, degrees of soil suitability are used. The rating terms used are GOOD, FAIR, and POOR. Up to three restrictive features are listed if the degree of limitation is more than SLIGHT or if the degree of suitability is less than GOOD.

#### Limitation Ratings:

Slight soil limitation is the rating given soils that have properties favorable for the rated use. This degree of limitation is minor and can be overcome easily. Good performance and low maintenance can be expected.

Moderate soil limitation is the rating given soils that have properties moderately favorable for the rated use. This degree of limitation can be overcome or modified by special planning, design, or maintenance. During some part of the year, the performance of the structure or other planned use is somewhat less desirable than for soils rated slight. Some soils rated moderate require treatment such as artificial drainage, runoff control to reduce erosion, extended sewage absorption fields, extra excavation, or some modification of certain features through manipulation of the soil. For these soils, modification is needed for those construction plans generally used for soils of slight limitation. Modification may include special foundations, extra reinforcements, sump pumps, and the like.

Severe soil limitation is the rating given soils that have one or more properties unfavorable for the rate used, such as steep slopes, bedrock near the surface, flooding hazard, high shrink-swell potential, a seasonal high water table, or low bearing strength. This degree of limitation generally requires major soil reclamation, special design, or intensive maintenance. Some of these soils, however, can be improved by reducing or removing the soil feature that limits use; but, in many situations, it is difficult and costly to alter the soil or to design a structure to compensate for a severe degree of limitation.

#### Suitability Ratings:

A rating of good means the soils have properties favorable for the use. Good performance and low maintenance can be expected.

A rating of fair means the soil is generally favorable for the use. One or more soil properties make these soils less desirable than those rated good.

A rating of poor means the soil has one or more properties unfavorable for the use. Overcoming the unfavorable property requires special design, extra maintenance, or costly alteration.

#### IV. INTERPRETATIONS FOR SANITARY FACILITIES

Septic tank absorption fields. A septic tank absorption field is a soil absorption system for sewage disposal. It is a subsurface tile or perforated pipe system laid in such a way that effluent from the septic tank is distributed with reasonable uniformity into the natural soil.



Criteria used for rating soils (slight, moderate, and severe) for use as absorption fields are based on the limitations of the soil to absorb effluent. Important features affecting this use are permeability, depth to a seasonal water table, flooding, slope, depth to bedrock or hardpan, stoniness, and rockiness.

Sewage lagoons. A sewage lagoon (aerobic) is a shallow lake used to hold sewage for the time required for bacterial decomposition. The requirements for this embankment are the same as for other embankments designed to impound water. (See embankments, dikes, and levees.)

Soil requirements for basin floors of lagoons are slow rate of seepage, even surface of low gradient and low relief, and little or no organic matter.

Sanitary landfill. Because trenches as deep as 15 feet or more are used for many landfills, geologic investigation is needed to determine the potential for pollution of ground water by leachates as well as to ascertain the design needed. Soil survey borings commonly are limited to depths of 5 or 6 feet; however, for some soils, properties can be predicted with reasonable confidence below such depths. Predictions relative to probable depth to a seasonal high water table or to bedrock can be useful in planning for detailed investigation.

Sanitary landfill (trench-type). This type of landfill is a dug trench in which refuse is buried daily and the refuse is covered with a layer of soil material at least 6 inches thick. The material used for covering is the soil excavated in digging the trench. When the trench is full, a final cover of soil material at least 2 feet thick is placed over the landfill. Important features affecting trench-type sanitary landfills are depth to a seasonal high water table, flooding, permeability, slope, texture, depth to bedrock or hardpan, stoniness and rockiness.

Sanitary landfill (area-type). In this type of landfill, refuse is placed on the surface of the soil in successive layers. The soil used for daily and final cover generally must be hauled in from elsewhere. A final cover of soil material at least 2 feet thick is placed over the fill when it is completed. Important features affecting this type of landfill are depth to a seasonal high water table, flooding, permeability, and slope.

Daily cover for area-type landfill generally must be obtained from a source away from the site. Suitability of a soil for use as daily cover is based on properties that reflect workability such as slope, wetness, ease of digging, moving, and spreading the soil during both wet and dry periods. Thickness of suitable soil material will determine the supply. Some damage to borrow area is expected, but if revegetation and erosion control could become serious problems in that area, the soil is rated as poor for use as cover material for fills.

## V. BUILDING SITE DEVELOPMENT

Shallow excavations are those that require digging or trenching to a depth of less than 6 feet. Important features affecting excavations are a seasonally high water table, flooding, slope, soil texture, depth to bedrock or other cemented layer, stoniness, and rockiness.

Dwellings with and without basements, as considered here, are for structures not more than 3 stories high that are supported by foundation footings placed in undisturbed soil. The features that affect the rating of a soil for dwellings are those that relate to capacity to support load and resist settlement under load, and those that relate to ease of excavation. Soil properties that affect capacity to support load are wetness, susceptibility to flooding, density, plasticity, texture, and shrink-swell potential. Those that affect excavation are wetness, slope, depth to bedrock, and content of stones and rocks.

Small commercial buildings, as considered here, have the same requirements and features as described for dwellings. The main difference for commercial buildings is a reduction of slope limits for each limitation class. Canneries, foundries, and the like are not considered here because foundation requirements generally would exceed those of ordinary 3-story dwellings.

Local roads and streets, as rated here, have an allweather surface expected to carry automobile traffic all year. They have a subgrade of underlying material; a base consisting of gravel, crushed rock, or soil material stabilized with lime or cement; and a flexible or rigid surface, commonly asphalt or concrete. These roads are graded to shed water and have ordinary provisions for drainage. They are built mainly from soil at hand, and most cuts and fills are less than 6 feet deep.

Soil properties that most affect design and construction of roads and streets are load-supporting capacity and stability of the subgrade, and the workability and quantity of cut and fill material available. The AASHTO and Unified classifications of the soil material, and also the shrink-swell potential, indicate traffic-supporting capacity. Wetness and flooding affect stability of the material. Slope, depth to hard rock or cemented layers, content of stones and rocks, and wetness affect ease of excavation and amount of cut and fill needed to reach an even grade.

Lawns, Landscaping, and Golf Fairways. The soils are rated for their use in establishing and maintaining turf for lawns and golf fairways, and ornamental trees and shrubs for residential type landscaping. The ratings are based on the use of soil material at the location with some land smoothing. Irrigation may or may not be needed and is not a criteria for rating. Traps, trees, roughs, or greens are not considered as part of the golf fairway.



The properties considered are those that affect plant growth and trafficability after establishing vegetation. The properties that affect plant growth are the content of salt, sodium and sulfidic materials, soil reaction, depth to water table, depth to bedrock or cemented pan, and the available water capacity of the upper 40 inches of soil. The properties that affect trafficability after vegetation is established are flooding, wetness, slope, stoniness, and the amount of clay, sand or organic matter in the surface layer.

## VI. CONSTRUCTION MATERIAL

This section gives the suitability of the soil as source material for construction purposes.

Suitability ratings of good, fair, or poor are given for soils used as a source of roadfill and topsoil. Ratings of probable and improbable are given for sand and gravel.

A rating of probable means that on the basis of the available evidence, the source material is likely to occur in or below the soil. A rating of improbable means that the source material is unlikely to occur within or below the soil. This rating does not consider the quality of the source material because quality depends on how the source material will be used.

Roadfill is soil material used in embankments for roads. The suitability ratings reflect (1) the predicted performance of soil after it has been placed in an embankment that has been properly compacted and provided with adequate drainage, and (2) the relative ease of excavating the material at borrow areas.

Good or fair roadfill material is rated poor where the depth to bedrock or hardpan is less than about 3 feet.

Sand. Sand as a construction material is usually defined as the size of particles ranging from .074 mm (sieve #200) to 4.76 mm (sieve #4) in diameter. Sand is used in greater quantities in many kinds of construction. Specifications for each purpose vary widely. The intent of this rating is to show only the probability of finding material in suitable quantity. The suitability of the sand for specific purposes is not evaluated.

The properties used to evaluate the soils as a probable source for sand are the grain size as indicated by the Unified Soil Classification, the thickness of the sand layer, and the amount of rock fragments in the soil material.

If the lowest layer of the soil contains sand, the soil is rated as a probable source regardless of thickness. The assumption is that the sand layer below the depth of observation exceeds the minimum thickness.

Gravel. Gravel as a construction material is defined as the size of particles ranging from 4.76 mm (sieve #4) to 76 mm (3 inches) in diameter. Gravel is used in great quantities in many kinds of construction. Specifications for each purpose vary widely. The intent of this rating is to show only the probability of finding material in suitable quantity. The suitability of the gravel for specific purposes is not evaluated.

The properties used to evaluate the soil as a probable source for gravel are grain size as indicated by the Unified Soil Classification, the thickness of the gravel layer and the amount of rock fragments in the soil material. If the lowest layer of the soil contains gravel, the soil is rated as a probable source regardless of thickness. The assumption is that the gravel layer below the depth of observation exceeds the minimum thickness.

Topsoil is used for topdressing an area where vegetation is to be established and maintained. Suitability is affected mainly by ease of working and spreading the soil material, as for preparing a seedbed; response of plants when fertilizer is applied; absence of substances toxic to plants; and absence of high amounts of soluble salts or alkali.

Texture of the soil material and its content of stone fragments are characteristics that affect suitability, but also considered in the ratings is damage that will result at the area from which topsoil is taken.

## VII. WATER MANAGEMENT

Pond reservoir areas hold water behind a dam or embankment. Features affecting this use are permeability, depth to bedrock, and depth to cemented pan.

Embankments, dikes, and levees are earthfills designed to hold back water. Features affecting these uses are shear strength, compressibility, permeability of the compacted soil, susceptibility to piping, compaction characteristics, shrink-swell potential, and stoniness. Ratings given apply only to small, homogeneous embankments.

Excavated ponds aquifer fed are bodies of water created by excavating a pit or dugout. Excavated ponds may be divided into two types: those fed by ground water aquifers and those fed by surface runoff. Rated here are those fed by aquifers. Excluded are ponds fed by runoff and also embankment-type ponds where the depth of water impounded against the embankment exceeds 3 feet. The assumption is made that the pond is properly designed, located, and constructed, and that the water is of good quality.



Soil properties affecting aquifer-fed ponds are the existence of a permanent water table, permeability of the aquifer, and properties that interfere with excavation--stoniness and rockiness.

Drainage of cropland and pasture is affected by such soil features as permeability; depth to bedrock, cemented pan, fragipan, claypan, or other layers that influence rate of water movement; depth to seasonal water table; slope; stability of ditchbanks; susceptibility to flooding or ponding; salinity or alkalinity; and availability of outlets for drainage.

Irrigation suitability of a soil is affected by such features as slope; susceptibility to stream overflow; water erosion or soil blowing; soil texture; content of stones; accumulations of salts and alkali; depth of root zone; rate of water intake at the surface; permeability of soil layers below the surface layer and in fragipans or other layers that restrict movement of water; amount of water held available to plants; and need for drainage, or depth to water table.

Terraces and diversions are embankments or ridges constructed across the slope to intercept runoff so that it soaks into the soil or flows slowly into a prepared outlet. Features affecting these uses are percent, length, and shape of slope; depth to bedrock or other unfavorable material; presence of stones; permeability; hazards to water erosion, soil blowing, and soil slipping; availability of outlets; and ease or difficulty in the establishment of vegetation.

Grassed waterways are constructed waterways or outlets shaped or graded and established in suitable vegetation as needed for the safe disposal of runoff from a field, diversion, terrace, or other structure. Soil features affecting this use are slope, susceptibility to erosion, drouthiness, excess alkali and salt, permeability, rooting depth, rock outcrops, stoniness, wetness, and ease or difficulty in the establishment of vegetation.

## VIII. RECREATIONAL DEVELOPMENT

Knowledge of soils is necessary in planning, developing, and maintaining areas used for recreation. In this section the soils are rated according to limitations that affect their suitability for camp areas, playgrounds, picnic areas, and paths and trails.

Camp areas are used intensively for tents and small camp trailers and the accompanying activities of outdoor living. Little preparation of the site is required other than shaping and leveling for tent and parking areas. Camp areas are subject to heavy foot traffic and limited vehicular traffic. Soil features affecting this use are wetness, flooding during the season of use, permeability, slope, surface soil texture, amount of pebbles, cobbles, or stones on the surface, presence of rock outcrops, and dustiness.

Playgrounds are areas used intensively for baseball, football, badminton, and similar organized games. Soils suitable for this use need to withstand intensive foot traffic. Soil features affecting this use are wetness, flooding during season of use, permeability, slope, surface soil texture, amount of pebbles, cobbles, or stones on the surface, presence of rock outcrops, dustiness, and depth to bedrock.

Picnic areas are attractive natural or landscaped tracts used primarily for preparing meals and eating outdoors. These areas are subject to heavy foot traffic. Most of the vehicular traffic, however, is confined to access roads. Soil features affecting this use are wetness, flooding during the season of use, slope, surface soil texture, amount of pebbles, cobbles, or stones on the surface, presence of rock outcrops, and dustiness.

Paths and trails are used for local and cross country travel by foot or horseback. Design and layout should require little or no cutting or filling. Soil features affecting these uses are wetness, flooding during season of use, slope, surface soil texture, amount of pebbles, cobbles, or stones on the surface, presence of rock outcrops, and dustiness.

#### IX. CAPABILITY AND PREDICTED YIELDS - CROPS AND PASTURE

Capability grouping shows, in a general way, the suitability of soils for most kinds of field crops. The groups are made according to the limitations of the soils when used for field crops, the risk of damage when they are used, and the way they respond to treatment. The grouping does not take into account major and generally expensive landforming that would change slope, depth, and other characteristics of the soil; does not take into consideration possible but unlikely major reclamation projects; and does not apply to rice, cranberries, horticultural crops, or other crops requiring special management.

Those familiar with the capability classification can infer from it much about the behavior of the soils when used for other purposes, but this classification is not a substitute for interpretations designed to show suitability and limitations of groups of soil for range, for forest trees, or for engineering.

In the capability system, all kinds of soils are grouped at three levels: the capability class, subclass, and unit. The capability unit is a grouping of soils into a defined management unit which is not provided on the SPI sheet.

Capability classes - The broadest groups are designated by Roman numerals I through VIII. The numerals indicate progressively greater limitations and narrower choices for practical use, defined as follows:



Class I soils have few limitations that restrict their use.

Class II soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices.

Class III soils have severe limitations that reduce the choice of plants, require special conservation practices, or both.

Class IV soils have very severe limitations that reduce the choice of plants, require very careful management, or both.

Class V soils are not likely to erode but have other limitations, impracticable to remove, that limit their use largely to pasture, range, woodland, or wildlife.

Class VI soils have severe limitations that make them generally unsuited to cultivation and limit their use largely to pasture or range, woodland, or wildlife.

Class VII soils have very severe limitations that make them unsuited to cultivation and that restrict their use largely to pasture or range, woodland, or wildlife.

Class VIII soils and landforms have limitations that preclude their use for commercial plants and restrict their use to recreation, wildlife, water supply, or to esthetic purposes.

Capability subclasses are soil groups with one class; they are designated by adding a small letter--e, w, s, or c--to the class numeral, for example, IIe. The letter e shows that the main limitation is risk of erosion unless close-growing plant cover is maintained; w shows that water in or on the soil interferes with plant growth or cultivation (in some soils the wetness can be partly corrected by artificial drainage); s shows that the soil is limited mainly because it is shallow, drouthy, or stony; and c, used in only some parts of the United States, shows that the chief limitation is climate that is too hot, too cold, or too dry for production of many crops.

In Class I there are no subclasses because the soils of this class have few limitations. Class V can contain, at the most, only the subclasses indicated by w, s, and c because the soils in Class VI are subject to little or no erosion though they have other limitations that restrict their use largely to pasture, range, woodland, or recreation.

Capability classes and subclasses are given for both nonirrigated and irrigated conditions.

Yields are given for nonirrigated or irrigated conditions or both depending on the use of the particular soils. These are predicted average acre yields obtainable under a high level of management. A high level of management consists of farming practices that research, field trials, and experience indicate produce the highest net returns.

## X. WOODLAND SUITABILITY

This section deals with the potential productivity and management problems in the use of the soils for woodland production.

The species listed in the column for potential productivity of common trees is the one for which site index is given. Site index is an indication of potential productivity and is based on the average total height of the dominant and codominant trees in the stand at the age of 100 years.

Dominant and codominant Douglas-fir (coast) trees growing in a well-stocked stand on site class 1 soils will reach a height of 186 feet or more at the age of 100 years; those on site class 2 soils will reach heights of 156 to 185 feet; those on site class 3 soils, heights of 126 to 155 feet; those on site class 4 soils, heights of 96 to 125 feet; and those on site class 5 soils, heights of 95 feet or less.

Seven site classes are used for ponderosa pine. Site class 1 soils will reach a height of 113 feet or more at age of 100 years; those on site class 2 soils will reach heights of 99 to 112 feet; those on site class 3 soils, heights of 85 to 98 feet; those on site class 4 soils, heights of 71 to 84 feet; those on site class 5 soils, heights of 57 to 70 feet; those on site class 6 soils, heights of 43 to 56 feet; and those on site class 7 soils, heights of less than 43.

Douglas-fir (interior) growing on site class 1 soils will reach a height of 86 feet or more at the age of 50 years; those on site class 2 soils will reach heights of 76 to 85 feet; those on site class 3 soils, heights of 66 to 75 feet; those on site class 4 soils, heights of 56 to 65 feet; those on site class 5 soils, heights of 46 to 55 feet; those on site class 6 soils, heights of 36 to 45 feet; and those on site class 7 soils, heights less than 36 feet.<sup>1/</sup>

The mean site index is given for the listed species. It is based on field sampling.

The ordination symbol column gives a connotative symbol representing class and subclass. The first element in the ordination is a number that denotes potential productivity in terms of cubic meters of wood per hectare per year for the common tree species listed.<sup>2/</sup> Therefore, 16 means 16 cubic meters per hectare per year of wood is produced at the point where mean annual increment culminates. One cubic meter per hectare equals 14.3 cubic feet per acre. The second element is a letter expressing

<sup>1/</sup> Douglas-fir (interior) site index may also be given using the ponderosa pine growth curves.

<sup>2/</sup> Before March 31, 1982, this number was the site class as determined by site index.



selected soil properties associated with moderate or severe hazards or limitations in woodland use or management. Subclass R represents relief or slope steepness, subclass X represents stoniness or rockiness, subclass W represents excessive wetness, subclass T represents toxic substances, subclass D represents restricted rooting depth, subclass C represents clayey soils, subclass S represents sandy soils, subclass F represents fragmental or skeletal soils, and subclass A represents slight or no limitations. Subclass priorities are in the order listed above.

In the columns below management problems, the ratings used are slight, moderate, and severe.

The erosion hazard is based on the condition of the woodland following cutting or logging operations, or where the soil is exposed along roads, trails, or log-yarding areas.

Equipment limitations are a reflection of limitations in the use of equipment commonly employed in managing or harvesting of the tree crop. Major criteria are slope, rockiness, wetness, and texture.

Seedling mortality is the degree of expected loss of natural or planted tree seedlings as influenced by soil and topography.

Windthrow hazard is the degree of expected blowdown during periods of high wind and excessive soil wetness. It considers the soil characteristics that affect the development of tree roots and the ability of the soil to hold trees firmly.

Plant competition indicates the potential invasion of undesirable species, usually brush, when openings are made in the tree cover.

The woodland suitability section usually is not completed for soils primarily in cropland and those that do not produce commercial trees.

## XI. WINDBREAKS

This section deals with windbreak and shelterbelt plantings. The intent is to provide information on the tree species that are best suited for the particular soils. The height expected at 20 years of age is indicated for each species shown. In areas, where windbreaks are not normally needed, an entry of "none" is shown.

## XII. WILDLIFE HABITAT SUITABILITY

This section rates soils on their potential for producing various kinds of wildlife habitat. Soil suitability is one of the important factors necessary to produce desired populations of wildlife. Other

important factors, such as present land use and existing wildlife populations, require onsite investigation for their evaluation and are not considered here.

Each soil is rated for those habitat elements listed by columns, and from these ratings, each soil is rated for its suitability to produce various kinds of wildlife habitat--openland habitat, woodland wildlife habitat, wetland wildlife habitat, and rangeland wildlife habitat. Soils are rated for rangeland wildlife habitat only if native range plants are a dominant part of the natural plant community. They are rated for woodland wildlife habitat if trees are a dominant part of the natural plant community. Soils rated for woodland wildlife habitat usually are not rated for rangeland wildlife habitat and vice versa. Openland wildlife habitat includes cropland and pasture.

Levels of suitability are expressed in terms of good, fair, poor, and very poor.

The grain and seed and grass and legume columns have a close relationship to the Capability and Predicted Yields section. Wild herbaceous plants and shrubs columns have a close relationship to the Rangeland and Woodland Suitability sections. The hardwood trees and conifer plants columns have a close relationship to the Woodland Suitability section. However, dry soils in eastern Oregon that do not produce trees other than juniper may have no relationship to the Woodland Suitability section where these soils are irrigated.

### XIII. POTENTIAL NATIVE PLANT COMMUNITY (Rangeland or Forest Understory Vegetation)

Common plant name. Common names of the major plants (usually those that contribute more than 5 percent of the composition) in the potential (climax) plant community are listed.

Percentage composition is an approximate percentage or percentage range of total annual production, dry weight, that each plant contributes to the total potential (climax) production.

The potential production in pounds per acre dry weight is the approximate total annual production of all plants normally growing on the soil in climax condition. In favorable years production is significantly greater than average; in normal years production is a long-term average; and in unfavorable years production is below average.



XIV. TERMS AND DEFINITIONS OF RESTRICTIVE FEATURES  
USED ON "SPI" SHEETS

AREA RECLAIM	Borrow areas are difficult to reclaim, and revegetation and erosion control on these areas are extremely difficult.
CEMENTED PAN	Cemented pan too close to surface.
COMPLEX SLOPE	Short and irregular slopes. Planning and construction of terraces, diversions, and other water-control measures are difficult.
CUTBANKS CAVE	Walls of cuts are not stable. The soil sloughs easily.
DEEP TO WATER	Deep to permanent water table during dry season.
DEPTH TO ROCK	Bedrock is so near the surface that it affects specified use of the soil.
DROUGHTY	Soil holds too little water for plants during dry periods.
DUSTY	Soil particles detach easily and cause dust.
ERODES EASILY	Water erodes soil easily.
EXCESS FINES	The soil contains too much silt and clay for use as gravel or sand in construction.
EXCESS HUMUS	Too much organic matter.
EXCESS LIME	The amount of carbonates in the soil is so high that it restricts the growth of some plants.
EXCESS SALT	The amount of soluble salt in the soil is so high that it restricts the growth of most plants.
EXCESS SODIUM	Exchangeable sodium imparts poor physical properties that restrict the growth of plants.
FAST INTAKE	Water infiltrates rapidly into the soil.
FAVORABLE	Features of the soil are favorable for the intended use.
FLOODS	Soil flooded by moving water from stream overflow, runoff, or high tides.

FRAGILE	Soil easily damaged by use or disturbance.
FROST ACTION	Freezing and thawing may damage structures.
HARD TO PACK	Difficult to compact.
LARGE STONES	Rock fragments greater than 3 inches across affect the specified use.
LOW STRENGTH	The soil has inadequate strength to support loads.
NO WATER	Too deep to ground water.
NOT NEEDED	Practice not applicable.
PERCS SLOWLY	Water moves through the soil slowly, affecting the specified use.
PERMAFROST	The soil contains frozen layers throughout the year.
PIPING	The soil is susceptible to the formation of tunnels or pipelike cavities by moving water.
PITTING	The soil is susceptible to the formation of pits caused by the melting of ground ice when the plant cover is removed.
PONDING	Soil in closed depressions inundated by standing water that is removed only by percolation or evapotranspiration.
POOR OUTLETS	Surface or subsurface drainage outlets are difficult or expensive to install.
ROOTING DEPTH	A layer that greatly restricts the downward rooting of plants -- occurs at a shallow depth.
SALTY WATER	Water too salty for livestock consumption.
SEEPAGE	Water moves through the soil so quickly that it affects the specified use.
SHRINK-SWELL	The soil expands on wetting and shrinks on drying, which may cause damage to roads, dams, building foundations, or other structures.
SLIPPAGE	Soil mass is susceptible to movement downslope when loaded, excavated, or wet.
SLOPE	Slope too great.

SLOW INTAKE	Water infiltrates slowly into the soil.
SLOW REFILL	Ponds fill slowly because the permeability of the soil is restricted.
SMALL STONES	Rock fragments that are 3 inches or less across may affect the specified use.
SOIL BLOWING	Soil easily moved and deposited by wind.
SUBSIDES	Settlement of organic soils or of soils containing semifluid layers.
THIN LAYER	Suitable soil material is not thick enough for use as borrow material or topsoil.
TOO ACID	The soil is so acid that growth of plants is restricted.
TOO CLAYEY	Soil slippery and sticky when wet and slow to dry.
TOO SANDY	Soil soft and loose; droughty and low in fertility.
UNSTABLE FILL	Banks of fill are likely to cave in or slough or uneven settlement is likely.
WETNESS	Soil wet during period of use.

## XV. GLOSSARY

- AEROBIC -- Living or active only in the presence of oxygen. Pertaining to aerobic decomposition by aerobic microbes.
- ANIMAL UNIT MONTH -- The amount of forage it takes to support an animal unit (basically a cow with calf or the equivalent) for one month.
- CLIMAX PLANT COMMUNITY -- The one best adapted to the particular environment of the site.
- CODOMINANT TREES -- Trees with crowns forming the general level of the forest canopy and receiving full light from above but comparatively little from the sides; usually with medium-sized crowns more or less crowded on the sides.
- DOMINANT TREES -- Trees with crowns extending above the general level of the forest canopy and receiving full light from above and partly from the sides; larger than average trees in the stand, with crowns well-developed, possibly somewhat crowded on the sides.
- EVAPOTRANSPIRATION -- The sum of water removed by vegetation and that lost by evaporation for a particular area during a specified time.
- FIELD CAPACITY -- The moisture content of soil in the field 2 or 3 days after a thorough wetting of the soil profile by rain or irrigation water. Field capacity is expressed as moisture percentage, dry-weight basis.
- FRAGIPAN -- A dense, brittle subsurface horizon that restricts water movement and root penetration.
- FRAGMENTAL SOILS -- Soils with so many stones, cobbles, pebbles, or coarse sands that there are voids greater than 1 mm.
- HARDPAN -- A subsoil layer cemented by silica and/or carbonates that is very difficult to excavate and makes a nearly impenetrable barrier to roots and water.
- HORIZON--SOIL -- A layer of soil, approximately parallel to the land surface, that has distinct characteristics produced by soil-forming processes.
- INFILTRATION (RATE) -- The rate at which surface soil absorbs water.
- INORGANIC SILTS -- Silts formed from parent material of a mineral nature.



KEY SPECIES -- Those species that differentiate one range site from another.

LEACHATES -- Liquids that have percolated through a soil and that contain substances in solution or suspension.

MAJOR LAND RESOURCE AREA -- Consists of geographic areas of land with particular but broad patterns of soil, climate, water resources, land use and type of farming.

MMHO - MILLIMHO --  $\frac{1}{1000}$  of an mho which is a reciprocal ohm (ohm spelled backward). MHO is a unit of conductivity and ohm is a unit of resistivity.

MAPPING UNITS, SOIL -- Areas shown on a soil map.

ORGANIC SOIL -- A naturally wet soil that may or may not be artificially drained, with 20 to 30 percent or more of plant residues either with or without mineral soil components.

PROPERTIES, SOIL -- Any or all of the measurable physical or chemical characteristics of a soil such as color, texture, structure, reaction, or exchange capacity.

QUALITIES, SOIL -- Inferences made by interpreting soil properties, such as drainage class is inferred from soil mottling.

SATURATION EXTRACT -- The solution removed from a soil completely filled with liquid, at less than 1/3 atmosphere.

SERIES, SOIL -- Consists of soils that have profiles almost alike.

SHEAR STRENGTH -- Ability to resist sliding along internal surfaces within a mass.

SKELETAL SOILS -- Soils with 35 percent or more, by volume, of fragments greater than 2 mm.

SOIL SLIPPING -- The downhill movement of a mass of soil under wet or saturated conditions.

STANDARD DEVIATION -- This is a measure of the spread of values about their arithmetic mean. It indicates that 2/3 of the samples (values) vary this much from the mean.

STRUCTURE, SOIL -- The arrangement of primary soil particles into compound particles or clusters that are separated from adjoining aggregates and have properties unlike those of an equal mass of unaggregated primary soil particles.

TEXTURE, SOIL -- The relative proportions of sand, silt, and clay particles in a mass of soil.

TOPSOIL -- A presumed fertile soil or soil material, or one that responds to fertilization, ordinarily rich in organic matter, used to topdress roadbanks, lawns, and gardens.

UNIVERSAL SOIL LOSS EQUATION -- A computed soil loss based on rainfall, soil-erodibility, slope length, slope gradient, cropping management, and erosion control practices.

WATER TABLES (SEASONAL) --

Apparent - The periodic occurrence of the water table as indicated by soil characteristics such as mottles and/or concretions.

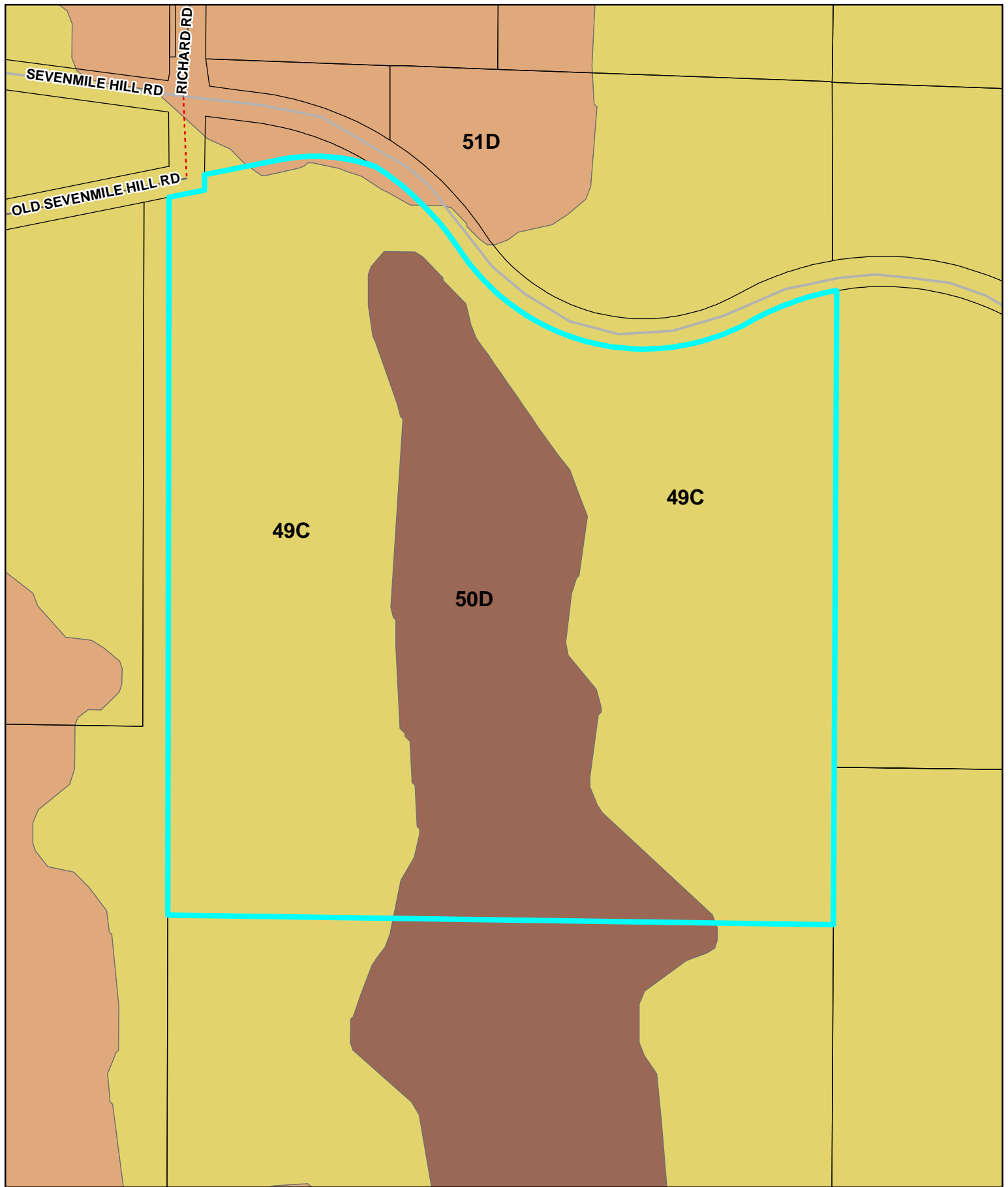
Artesian - Ground water that is confined between impermeable layers and forced toward the surface by pressure.



Perched - Water which is prevented from percolating through the soil by a restrictive layer, such as impermeable bedrock or hard pans, and is separated from the ground water by a relatively dry zone.

Rev. June 1982


## **EXHIBIT 7**

### **Soil Map**



- Soils**
- 51D
  - 50D
  - 49C
-  Wilson Property
-  Taxlots

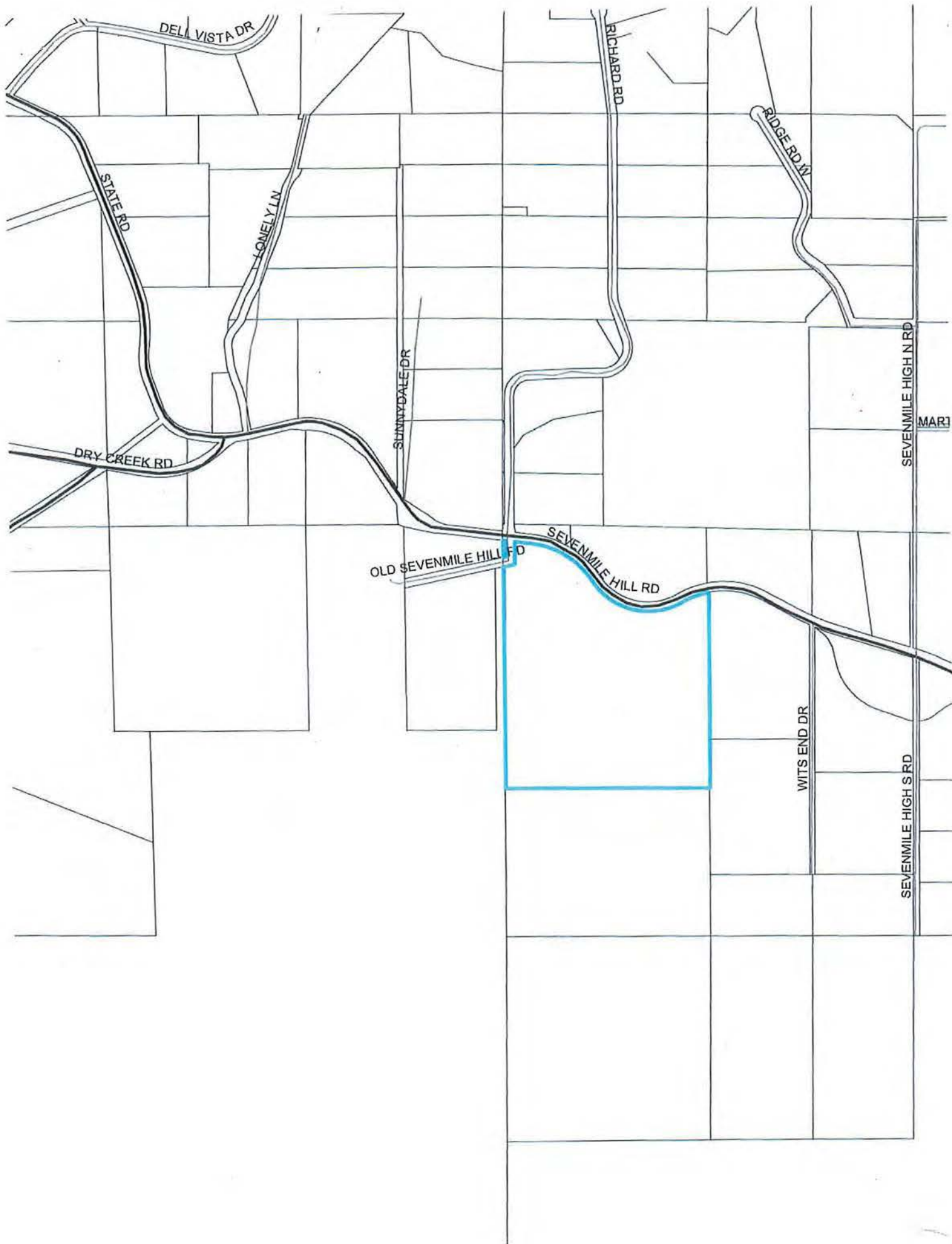
## Soil Map

  
0 50 100 200 300 400 Feet

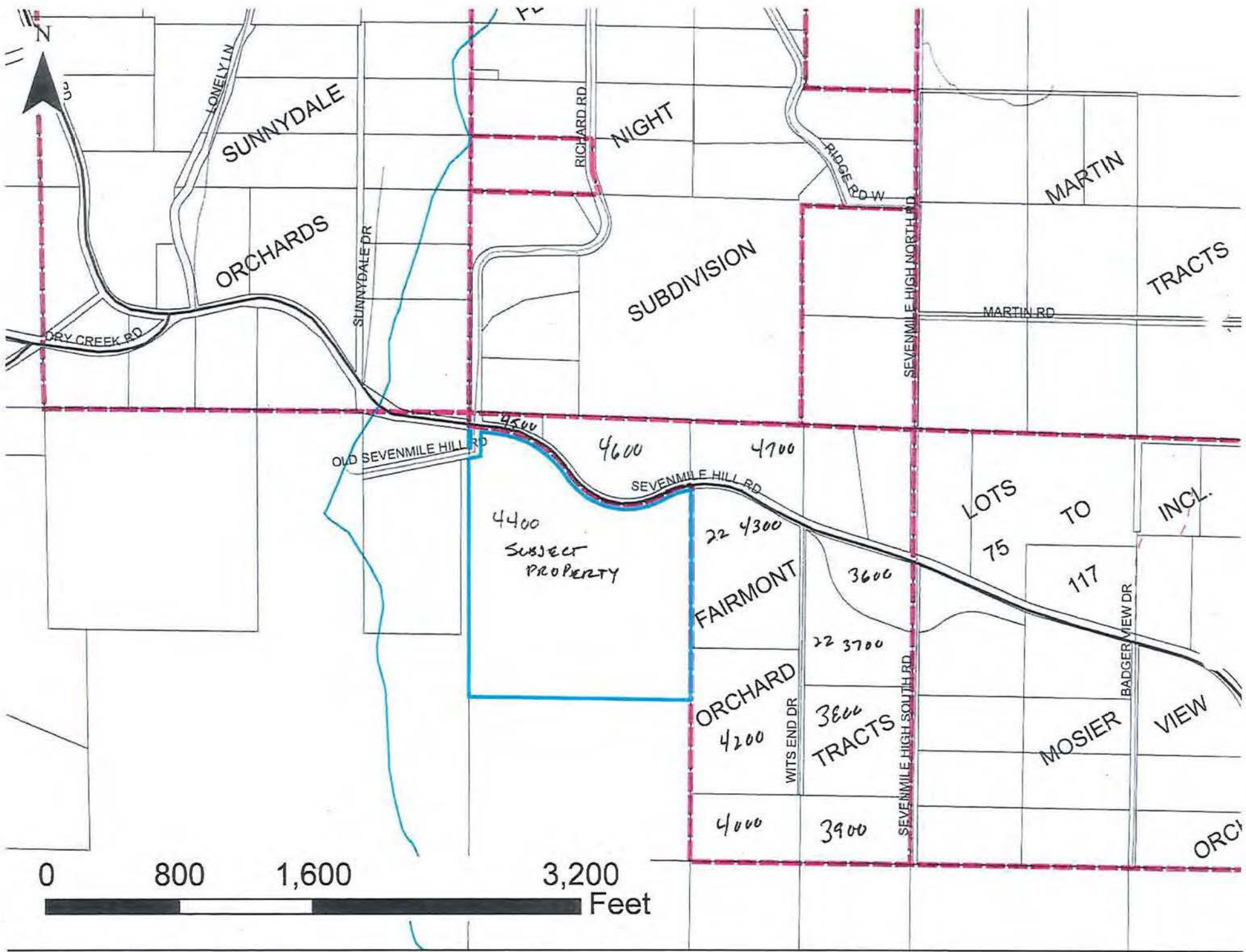
This product is for informational purposes and has not been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

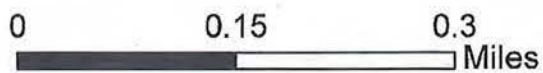
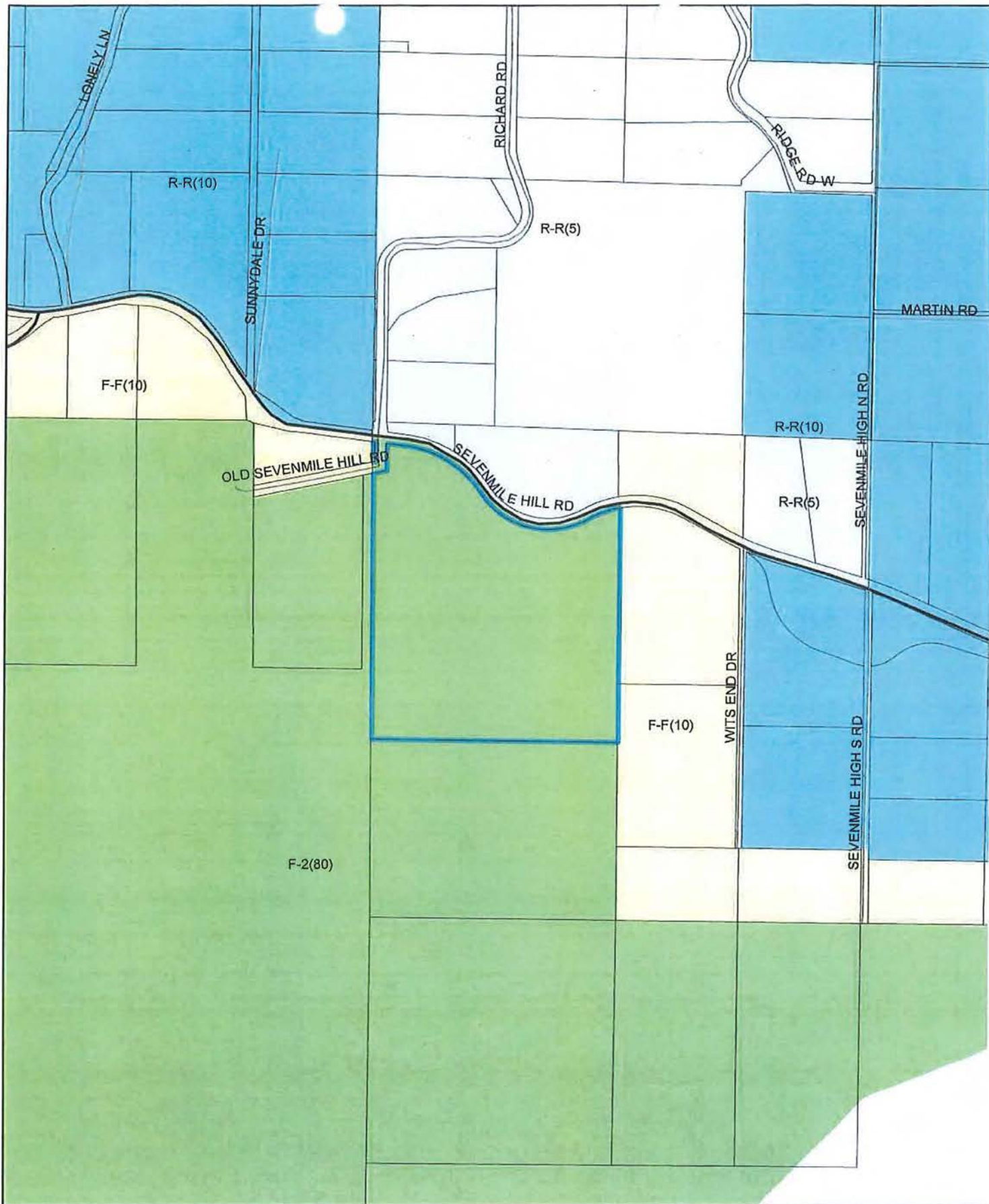
## **EXHIBIT 8**

### **Submitted Maps**

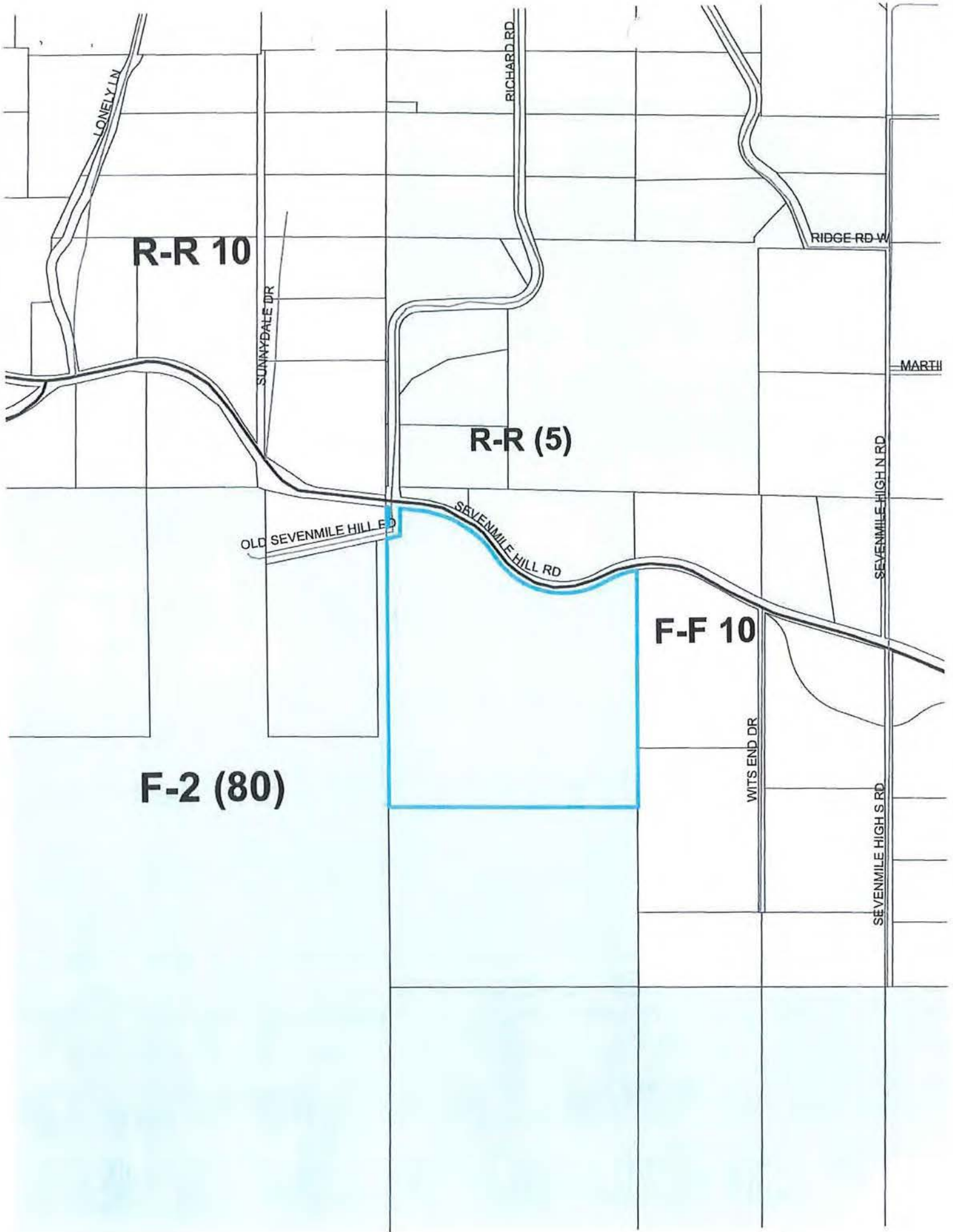








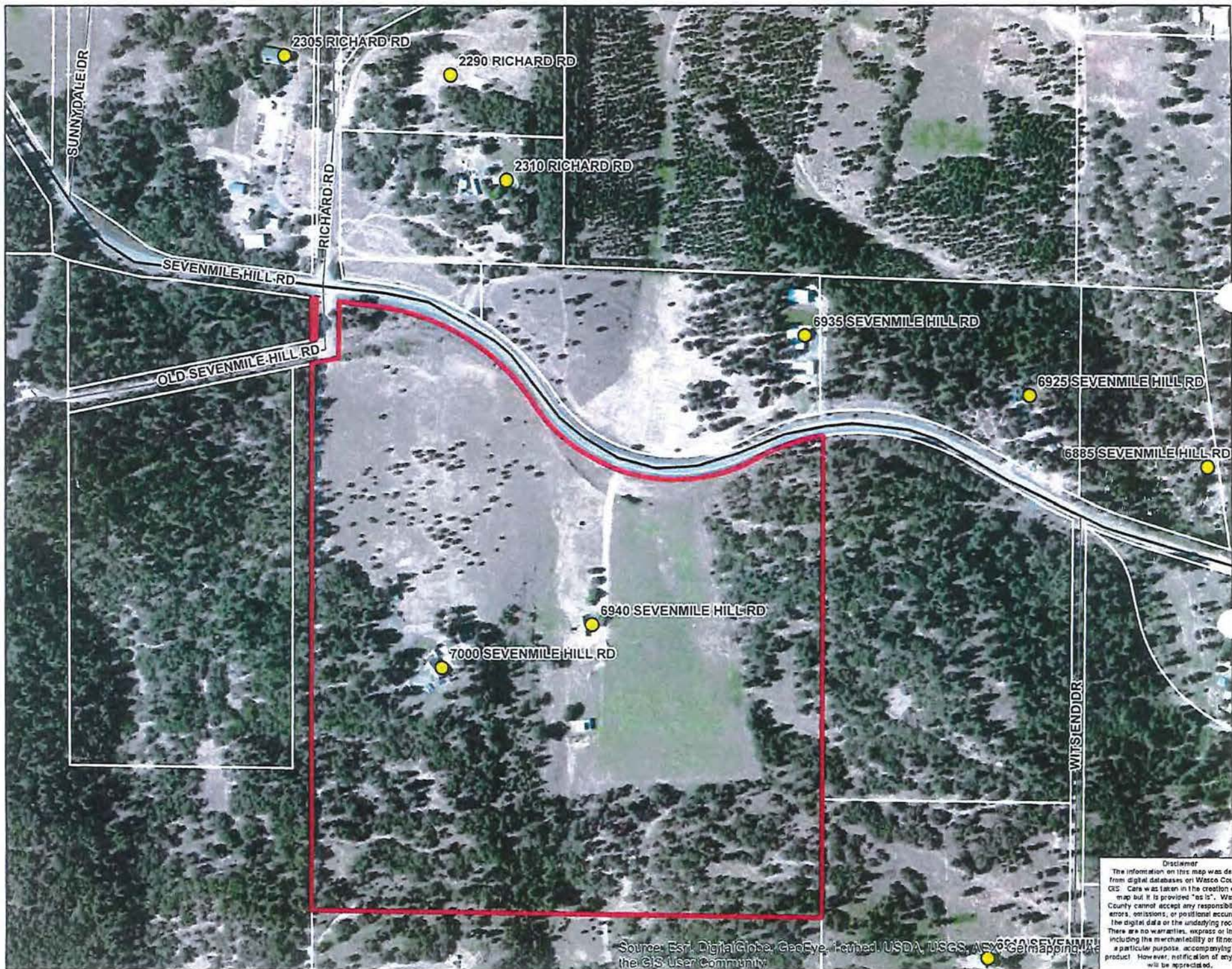












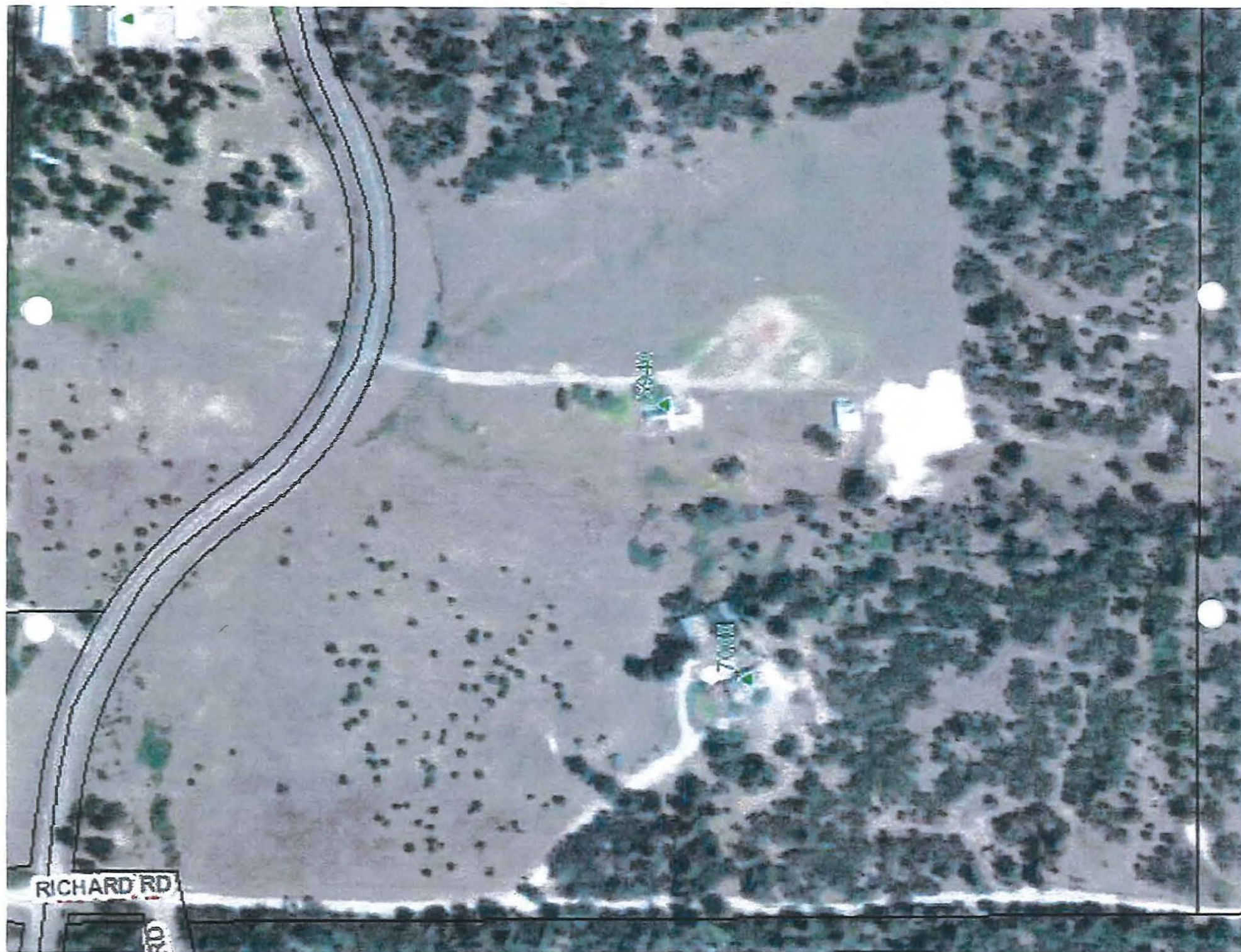
Source: Esri, DigitalGlobe, GeoEye, Earthstar, USDA, USGS, AeroGRID, IGN, the GIS User Community

Disclaimer  
The information on this map was derived from digital databases on Wasco County's GIS. Care was taken in the creation of this map but it is provided "as is". Wasco County cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or the underlying records. There are no warranties, express or implied, including the merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.



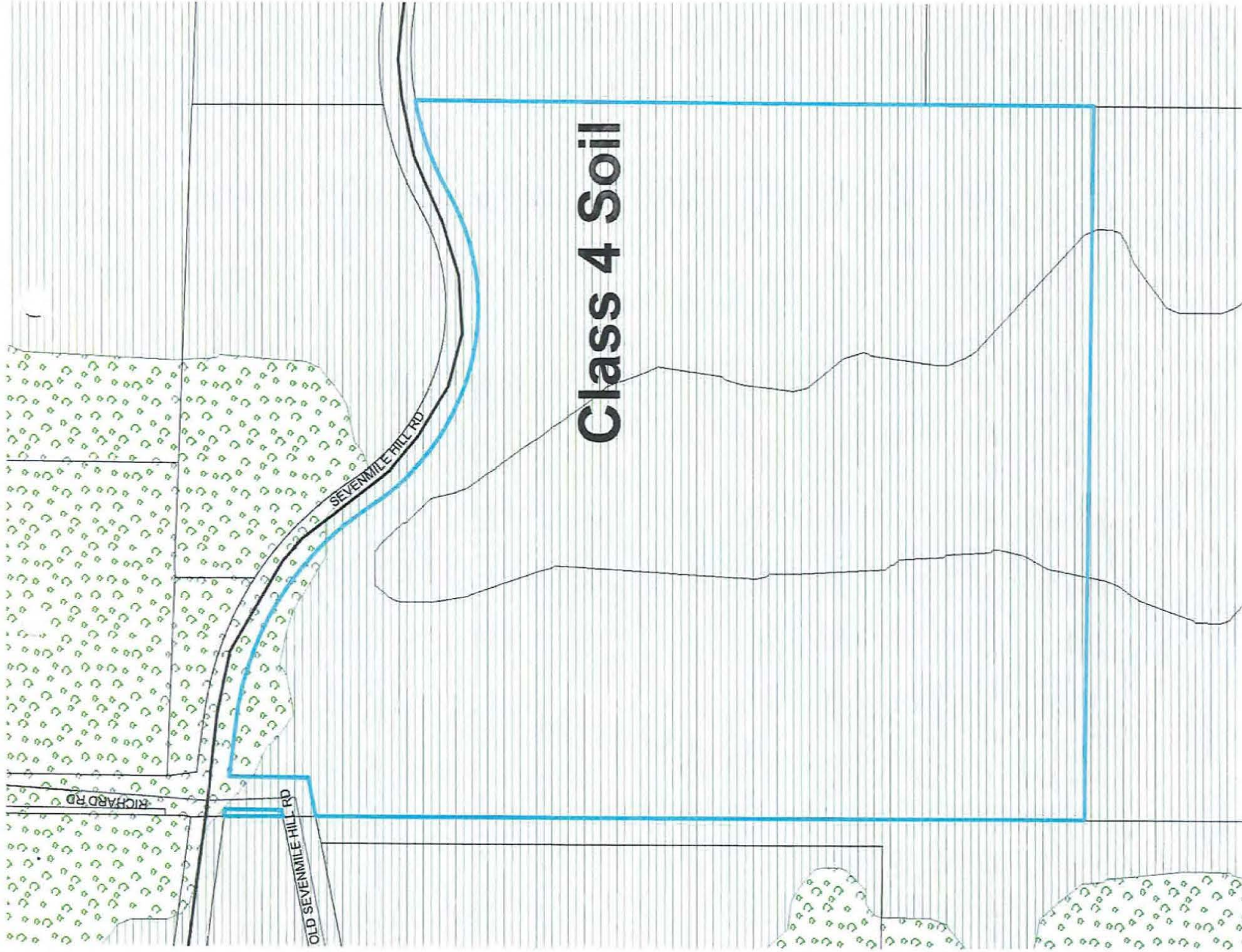


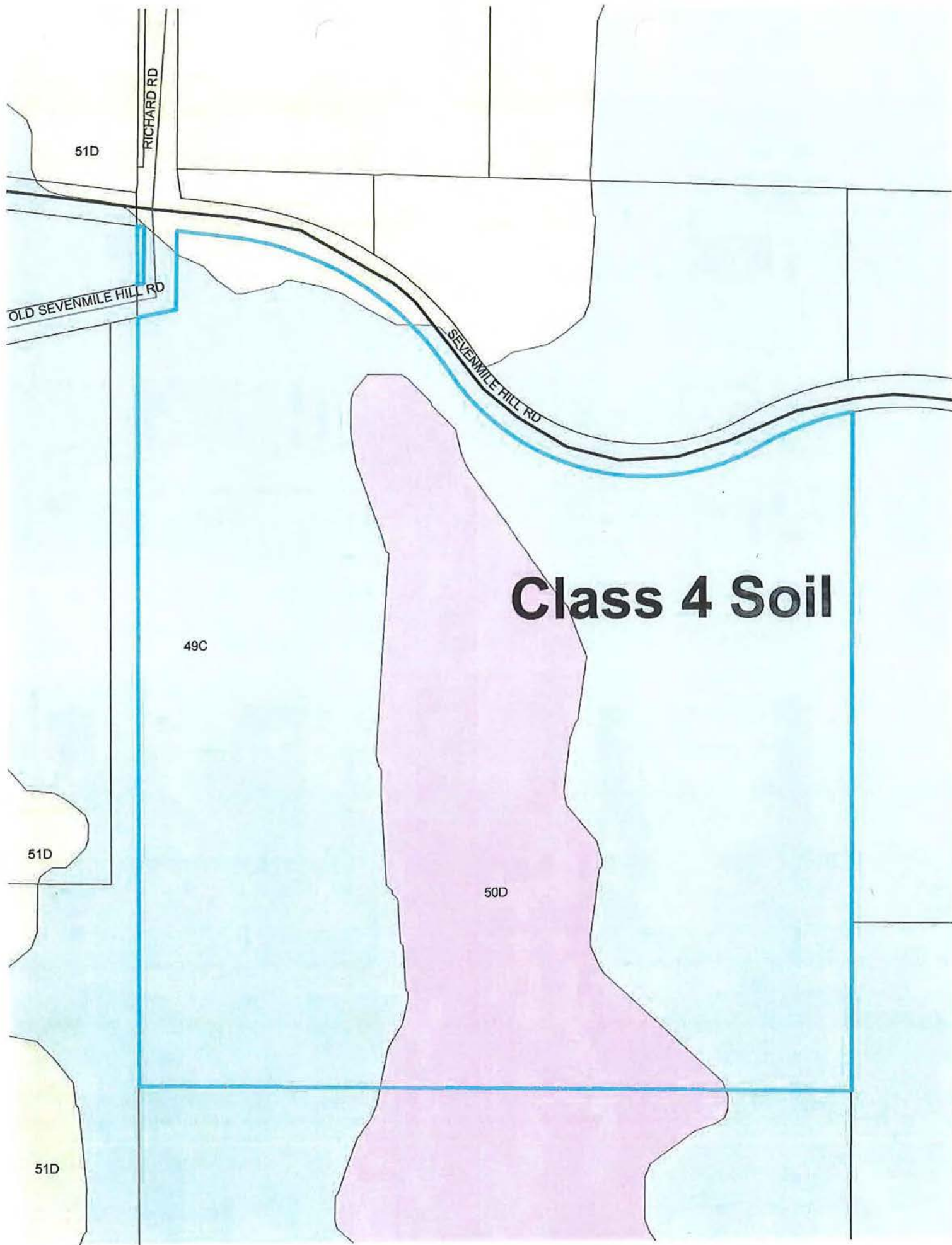






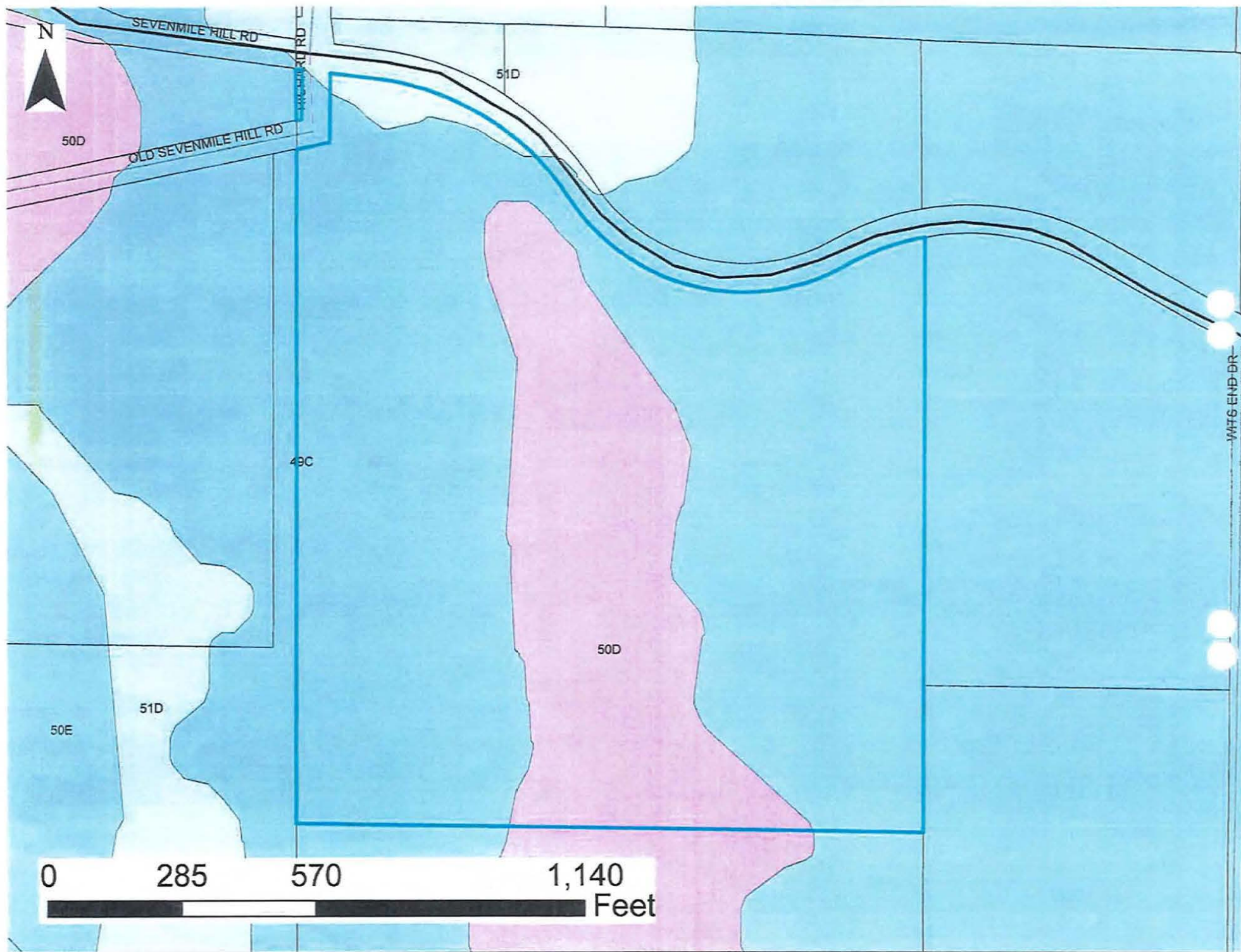
# Class 4 Soil





**Class 4 Soil**







**PLANNING DEPARTMENT**

2705 East Second Street • The Dalles, OR 97058  
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*Pioneering pathways to prosperity.*

FILE NUMBER: 921-18-000086-PLNG

FEE: 0 (paid previously)

**LAND USE APPLICATION COVERPAGE**

Date Received:	Planner Initials:	Date Complete:	Planner Initials:
<b>APPLICANT INFORMATION</b>		<b>OWNER INFORMATION</b>	
Name:	<u>David W. Wilson</u>	Name:	<u>Same</u>
Address:	<u>7100 Seven Mile Hill Road</u>	Address:	<u></u>
City/State/Zip:	<u>The Dalles, Oregon 97058</u>	City/State/Zip:	<u></u>
Phone:	<u>(541) 490-3730</u>	Phone:	<u></u>
Email:	<u></u>	Email:	<u></u>

**PROPERTY INFORMATION**

Township/Range/Section/Tax Lot(s)	Acct #	Acres	Zoning
2N 12E 22 4400	884	40.1	F-2

Property address (or location): 7100 Seven Mile Hill Road

Zoning Designation: F-2 Environmental Protection District: EPD 8

Proposed Use: F-F Permitted Subject to Section:

Water source: Well Sewage disposal method: Septic

Are there wetlands/waterways on your property? ☒ NO ☐ YES (description)

Name of road providing access: Seven Mile Hill Road

Current use of property: Residential Use of surrounding properties: Residential, farm

Do you own neighboring property? ☐ NO ☒ YES (description) Tax lots 4800, 2100

**DETAILED PROJECT DESCRIPTION (proposed use, structures, dimensions, etc.):**   
Zone change from F-2 to F-F

☐ Additional description/maps/pictures attached

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**LEGAL PARCEL STATUS**

Partition, Subdivision, OR

Most Recent Pre-9/4/1974 Deed #: PLAPAR-17-05-0002 Date Filed: September 8, 2017

Current Deed #: \_\_\_\_\_ Date Filed: \_\_\_\_\_

*The deed and a map showing the property described in the deed(s) must accompany this application.***SIGNATURES**Applicant(s):  Date: 5/4/18Property Owner(s):  Date: 5/4/18

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

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

**PLEASE NOTE:** Before this application will be processed, you **must** supply all requested information and forms, and address **all listed or referenced criteria**. Pursuant to ORS 215.428, this office will review the application for completeness and notify Applicant of any deficiencies within 30 days of submission. By signing this form, the property owner or property owner's agent is granting permission for Planning Staff to conduct site inspections on the property.

**ALL LAND USE APPLICATIONS MUST INCLUDE:**

- ☐ Application Fee – Cash or Check (credit cards now accepted with additional fee)
- ☐ Site Plan
- ☐ Elevation Drawing
- ☐ Fire Safety Self-Certification
- ☐ Other applicable information/application(s):

☐ \_\_\_\_\_☐ \_\_\_\_\_**APPLICATIONS FOR PROPERTIES IN THE NATIONAL SCENIC AREA MUST ALSO INCLUDE:**

- ☐ Scenic Area Application/Expedited Review
- ☐ Color and Material Samples
- ☐ Landscaping Plan
- ☐ Grading Plan
- ☐ Other applicable information/application(s):

☐ \_\_\_\_\_☐ \_\_\_\_\_

**SHADED AREA TO BE COMPLETED BY PLANNING DEPARTMENT**

**Legal Parcel**

Deed/Land Use Action: \_\_\_\_\_

☐ NO

☐ YES

**Previous Map and Tax Lot:** \_\_\_\_\_

**Past Land Use Actions:** If yes, list file #(s) \_\_\_\_\_

☐ NO

☐ YES

Subject to previous conditions?

☐ NO

☐ YES

**Assessor Property Class:** \_\_\_\_\_

**Zoning:** \_\_\_\_\_

**Environmental Protection Districts – List applicable EPDs:**

☐ EPD # \_\_\_\_\_

☐ EPD # \_\_\_\_\_

☐ EPD # \_\_\_\_\_

☐ EPD # \_\_\_\_\_

**Water Resources**

Are there bodies of water or wetlands (seasonal or permanent) on property or adjacent properties? ☐ NO ☐ YES

Describe (include setback distances): \_\_\_\_\_

☐ Fish bearing ☐ Non fish bearing ☐ Seasonal Creek

☐ Irrigation ditch ☐ Wetland ☐ Pond/Lake ☐ Not identified

*(Note: Check buffers. Different zones have different setback requirements that may require a more extensive permitting process.)*

**Access:**

County or ODOT approach permit on file? ☐ NO ☐ YES, # \_\_\_\_\_

**Address:**

Address exists and has been verified to be correct?

☐ NO

☐ YES

Address needs to be assigned after approval?

☐ NO

☐ YES

**Fire District:** \_\_\_\_\_

**Fees (List Review Type and Cost):** \_\_\_\_\_



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FILE NUMBER: PLAZNC

FEE: \_\_\_\_\_

## ZONE CHANGE APPLICATION

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

Planner Initials: \_\_\_\_\_

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

Planner Initials: \_\_\_\_\_

### Current Zoning

Comprehensive Plan Map Designation: FOREST

Zoning Designation: F.2 (80)

### Proposed Zoning

Comprehensive Plan Map Designation: FOREST- FARM

Zoning Designation: F.F (10)

Total Acreage to be Rezoned: 40.10

### FINDINGS OF FACT

The following shall be addressed by the applicant. Response (findings of fact) to the following questions shall be typewritten and attached to the application.

1. What is the purpose of the proposed change?
2. Describe how the original zoning was the product of a mistake; or
3. Establish that:
  - a. The rezoning will conform with the Comprehensive Plan (including but not limited to all applicable goals and policies); and,
    - Goal 1: Citizen Involvement
    - Goal 2: Land Use Planning
    - Goal 3: Agricultural Lands
    - Goal 4: Forest Lands
    - Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources
    - Goal 6: Air, Water and Land Resources Quality
    - Goal 7: Areas Subject to Natural Disasters and Hazards
    - Goal 8: Recreational Needs
    - Goal 9: Economy of the State
    - Goal 10: Housing
    - Goal 11: Public Facilities and Services
    - Goal 12: Transportation
    - Goal 13: Energy Conservation
    - Goal 14: Urbanization

- b. The site is suitable to the proposed zone (taking into consideration among other things slope, access, flooding, traffic, availability of public facilities and services, and impact to adjacent properties); and
  - c. There has been a conscious consideration of the public health, safety and welfare in applying the specific zoning regulations.
4. What effect would the proposed change have on surrounding properties? Include a description of the existing land uses within 1,000 feet of the proposed zone change.
  5. Is there a public need or demand to support this requested zone change? ☐ No ☐ Yes. If YES, please describe.
  6. Fire Safety. If converting Farm or Forest zoned land to a non-resource zone, include an analysis of how future division and residential development could meet fire safety standards.
  7. Any other information which may add to the viability of the request.

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#### SITE INFORMATION

The following maps shall be required for a complete application:

**Zoning Map:** Show area of proposed re-zoning.

**Soils Map:** If converting Forest or Farm zoned land to a non-resource zone include a soils map. These are available at the Wasco County GIS Department or the Farm Services Agency.

**Site Plan Map for the area to be rezoned and lands within at least 1000' that includes the following:**

- ☐ North Arrow
- ☐ Scale
- ☐ Boundaries or properties proposed to be rezoned (dimensions)
- ☐ All waterways, wetlands, noticeable landforms and drainage of property
- ☐ Structures (including dwelling, accessory buildings, barns, walls and fences) with location and size
- ☐ Utilities (existing)
  - Electric/Communication corridors including poles
  - Septic tanks & drain fields (primary and reserve)/Wells and supply lines
- ☐ All points of ingress and egress (roads and driveways) and whether they are public or private with their length, width and surface type
- ☐ Significant terrain features and land forms including slopes over 20%

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#### REVIEW PROCESS

Before this application will be processed, you must supply all the requested information. Pursuant to ORS 215.427 this office will review the application for completeness and notify the applicant of any deficiencies within 30 days of submission. If you have questions, the following pages provide directions and helpful information in order to complete the application. Other questions can be addressed in the pre-application conference.

A request for a Zone Change will be reviewed by the Wasco County Planning Commission at a public hearing. Upon receipt of a completed application, hearing dates will be set. A recommendation on the proposal will be made by the Planning Commission and forwarded to the Wasco County Board of Commissioners where a final decision will be issued.

The decision of the Board of Commissioners may be appealed to the Land Use Board of Appeals (LUBA). Information regarding appeals to LUBA is available at the Wasco County Planning Department.

In case of Appeal: Written notice of the appeal must be filed with the Planning Director, within twelve (12) days of the subject decision. Forms are available at the Wasco County Planning Department.



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FILE NUMBER: PLACPA-

FEE: \_\_\_\_\_

## COMPREHENSIVE PLAN AMENDMENT

Date Received:	Planner Initials:	Date Complete:	Planner Initials:
<b>PROPOSED CHANGE</b>			

Indicate specific Comprehensive Plan section(s) or element(s) proposed to be amended or added:

Amend Comprehensive Plan to re-zone tax lot 2N 12E 22 4400 from F-2(80) to F-F(10)

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### FINDS OF FACT

The following shall be addressed by the applicant. Response (findings of fact) to the following questions shall be typewritten and attached to the application.

1. What is the purpose of the proposed change?
2. A landowner or their representative may only initiate a quasi-judicial plan amendment. Describe how the proposal meets the standard of a quasi-judicial amendment and not a legislative amendment.

Quasi-Judicial revisions are those which do not have significant effect beyond the immediate area of the change, i.e., narrow in scope and focusing on specific situations.

Legislative revisions include land use changes that have widespread and significant impact beyond the immediate area such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or much different ownership.

3. The amendment will be in compliance with the statewide land use goals as provided by the Land Conservation and Development Commission, where applicable and substantial proof that such change shall not be detrimental to the spirit and intent of such goals. These goals include:

Goal 1: Citizen Involvement

Goal 2: Land Use Planning

Goal 3: Agricultural Lands

Goal 4: Forest Lands

Goal 5: Open Spaces, Scenic and Historic Areas  
and Natural Resources

Goal 6: Air, Water and Land Resources Quality

Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 8: Recreational Needs

Goal 9: Economy of the State

Goal 10: Housing

Goal 11: Public Facilities and Services

Goal 12: Transportation

Goal 13: Energy Conservation

Goal 14: Urbanization

4. Demonstrate there was a mistake in the original comprehensive plan or change in the character of the neighborhood.
  5. Address factors which relate to the public need for healthful, safe and aesthetic surrounding and conditions.
  6. Include proof of change in the inventories originally developed.
  7. Amendment shall be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change must be established. Provide additional studies and established need to justify the amendment.
- A response (findings of fact) to each of the questions above has been submitted? ☐ No ☒ YES

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#### **REVIEW PROCESS**

Before this application will be processed, you must supply all the requested information. Pursuant to ORS 215.427 this office will review the application for completeness and notify the applicant of any deficiencies within 30 days of submission. If you have questions, the following pages provide directions and helpful information in order to complete the application. Other questions can be addressed in the pre-application conference.

A request for a Comprehensive Plan Amendment will be reviewed by the Wasco County Planning Commission at a public hearing. Upon receipt of a completed application, hearing dates will be set.

A recommendation on the proposal will be made by the Planning Commission and forwarded to the Wasco County Board of Commissioners where a final decision will be issued.

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FILE NUMBER: PLAEXC

FEE: \_\_\_\_\_

## GOAL EXCEPTION APPLICATION

Date Received:

Planner Initials:

Date Complete:

Planner Initials:

### PROPOSED EXCEPTION

Indicate the Goal(s) for which the exception is requested:

Goal 4 - Forest Lands

### FINDINGS OF FACT

The following shall be addressed by the applicant. Response (findings of fact) to the following questions shall be typewritten and attached to the application.

1. What is the purpose of the proposed goal exception?
2. Is there a public need or demand to support this requested Goal Exception? ☐ No ☐ Yes. If YES, please describe.
3. An exception is a decision to exclude certain land from the requirements of one or more applicable statewide goals. Goal Exceptions fall into three categories: Physically Developed; Irrevocably Committed; and Reasons.

Indicate which type of goal exception is being proposed and include findings for the review criteria listed below and any additional referenced criteria. These are directly from Oregon Administrative Rule and are available at [http://arcweb.sos.state.or.us/rules/OARS\\_600/OAR\\_660/660\\_004.html](http://arcweb.sos.state.or.us/rules/OARS_600/OAR_660/660_004.html). Oregon Revised Statute criteria are available at <http://landru.leg.state.or.us/ors/>

a. Exception Requirements for Land Physically Developed to Other Uses

- (1) A local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal.
- (2) Whether land has been physically developed with uses not allowed by an applicable Goal, will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the justification for the exception. The specific area(s) must be shown on a map or otherwise described and keyed to the appropriate findings of fact. The findings of fact shall identify the extent and location of the existing physical development on the land and can include information on structures, roads, sewer and water facilities, and utility facilities. Uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception.



**b. Exception Requirements for Land Irrevocably Committed to Other Uses**

- (1)** A local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable:
  - (a)** A "committed exception" is an exception taken in accordance with ORS 197.732(1)(b), Goal 2, Part II(b), and with the provisions of this rule;
  - (b)** For the purposes of this rule, an "exception area" is that area of land for which a "committed exception" is taken;
  - (c)** An "applicable goal," as used in this section, is a statewide planning goal or goal requirement that would apply to the exception area if an exception were not taken.
- (2)** Whether land is irrevocably committed depends on the relationship between the exception area and the lands adjacent to it. The findings for a committed exception therefore must address the following:
  - (a)** The characteristics of the exception area;
  - (b)** The characteristics of the adjacent lands;
  - (c)** The relationship between the exception area and the lands adjacent to it; and
  - (d)** The other relevant factors set forth in OAR 660-004-0028(6).
- (3)** Whether uses or activities allowed by an applicable goal are impracticable as that term is used in ORS 197.732(1)(b), in Goal 2, Part II(b), and in this rule shall be determined through consideration of factors set forth in this rule. Compliance with this rule shall constitute compliance with the requirements of Goal 2, Part II. It is the purpose of this rule to permit irrevocably committed exceptions where justified so as to provide flexibility in the application of broad resource protection goals. It shall not be required that local governments demonstrate that every use allowed by the applicable goal is "impossible." For exceptions to Goals 3 or 4, local governments are required to demonstrate that only the following uses or activities are impracticable:
  - (a)** Farm use as defined in ORS 215.203;
  - (b)** Propagation or harvesting of a forest product as specified in OAR 660-033-0120; and
  - (c)** Forest operations or forest practices as specified in OAR 660-006-0025(2)(a).
- (4)** A conclusion that an exception area is irrevocably committed shall be supported by findings of fact which address all applicable factors of section (6) of this rule and by a statement of reasons explaining why the facts support the conclusion that uses allowed by the applicable goal are impracticable in the exception area.
- (5)** Findings of fact and a statement of reasons that land subject to an exception is irrevocably committed need not be prepared for each individual parcel in the exception area. Lands which are found to be irrevocably committed under this rule may include physically developed lands.
- (6)** Findings of fact for a committed exception shall address the following factors:
  - (a)** Existing adjacent uses;
  - (b)** Existing public facilities and services (water and sewer lines, etc.);
  - (c)** Parcel size and ownership patterns of the exception area and adjacent lands:
    - (i)** Consideration of parcel size and ownership patterns under subsection (6)(c) of this rule shall include an analysis of how the existing development pattern came about and whether findings against the Goals were made at the time of partitioning or subdivision. Past land divisions made without application of the Goals do not in themselves demonstrate irrevocable commitment of the exception area. Only if development (e.g., physical improvements such as roads and underground facilities) on the resulting parcels or other factors make unsuitable their resource use or the resource use of nearby lands can the parcels be considered to be irrevocably committed. Resource and nonresource parcels created pursuant to the applicable goals shall not be used to justify a committed exception. For example, the presence of several parcels created for nonfarm dwellings or an intensive commercial agricultural operation under the provisions of an exclusive farm use zone cannot be used to justify a committed exception for land adjoining those parcels;

- (ii) Existing parcel sizes and contiguous ownerships shall be considered together in relation to the land's actual use. For example, several contiguous undeveloped parcels (including parcels separated only by a road or highway) under one ownership shall be considered as one farm or forest operation. The mere fact that small parcels exist does not in itself constitute irrevocable commitment. Small parcels in separate ownerships are more likely to be irrevocably committed if the parcels are developed, clustered in a large group or clustered around a road designed to serve these parcels. Small parcels in separate ownerships are not likely to be irrevocably committed if they stand alone amidst larger farm or forest operations, or are buffered from such operations.
  - (d) Neighborhood and regional characteristics;
  - (e) Natural or man-made features or other impediments separating the exception area from adjacent resource land. Such features or impediments include but are not limited to roads, watercourses, utility lines, easements, or rights-of-way that effectively impede practicable resource use of all or part of the exception area;
  - (f) Physical development according to OAR 660-004-0025; and
  - (g) Other relevant factors.
- (7) The evidence submitted to support any committed exception shall, at a minimum, include a current map, or aerial photograph which shows the exception area and adjoining lands, and any other means needed to convey information about the factors set forth in this rule. For example, a local government may use tables, charts, summaries, or narratives to supplement the maps or photos. The applicable factors set forth in section (6) of this rule shall be shown on the map or aerial photograph.
- (8) The requirement for a map or aerial photograph in section (7) of this rule only applies to the following committed exceptions:
  - (a) Those adopted or amended as required by a Continuance Order dated after the effective date of section (7) of this rule; and
  - (b) Those adopted or amended after the effective date of section (7) of this rule by a jurisdiction with an acknowledged comprehensive plan and land use regulations.
- c. Reasons Necessary to Justify an Exception Under Goal 2, Part II(c)  
 An exception Under Goal 2, Part II(c) can be taken for any use not allowed by the applicable goal(s). The types of reasons that may or may not be used to justify certain types of uses not allowed on resource lands are set forth in the following sections of this rule:
  - (1) For uses not specifically provided for in subsequent sections of this rule or in OAR 660-012-0070 or chapter 660, division 14, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following:
    - (a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either
    - (b) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or
    - (c) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.
  - (2) Rural Residential Development: For rural residential development the reasons cannot be based on market demand for housing, except as provided for in this section of this rule, assumed continuation of past urban and rural population distributions, or housing types and cost characteristics. A county must show why, based on the economic analysis in the plan, there are reasons for the type and density of housing planned which require this particular location on resource lands. A jurisdiction could justify an exception to allow residential development on resource land outside an urban growth boundary by determining that the rural

location of the proposed residential development is necessary to satisfy the market demand for housing generated by existing or planned rural industrial, commercial, or other economic activity in the area.

- (3) Rural Industrial Development: For the siting of industrial development on resource land outside an urban growth boundary, appropriate reasons and facts include, but are not limited to, the following:
- (a) The use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports; or
  - (b) The use cannot be located inside an urban growth boundary due to impacts that are hazardous or incompatible in densely populated areas; or
  - (c) The use would have a significant comparative advantage due to its location (e.g., near existing industrial activity, an energy facility, or products available from other rural activities), which would benefit the county economy and cause only minimal loss of productive resource lands. Reasons for such a decision should include a discussion of the lost resource productivity and values in relation to the county's gain from the industrial use, and the specific transportation and resource advantages which support the decision.
- (4) Expansion of Unincorporated Communities: For the expansion of an Unincorporated Community defined under OAR 660-022-0010(10), appropriate reasons and facts include but are not limited to the following:
- (a) A demonstrated need for additional land in the community to accommodate a specific rural use based on Goals 3-19 and a demonstration that either:
    - (i) The use requires a location near a resource located on rural land; or
    - (ii) The use has special features necessitating its location in an expanded area of an existing unincorporated community, including:
      - (a) For industrial use, it would have a significant comparative advantage due to its location (i.e., near a rural energy facility, or near products available from other activities only in the surrounding area; or it is reliant on an existing work force in an existing unincorporated community);
      - (b) For residential use, the additional land is necessary to satisfy the need for additional housing in the community generated by existing industrial, commercial, or other economic activity in the surrounding area. The plan must include an economic analysis showing why the type and density of planned housing cannot be accommodated in an existing exception area or UGB, and is most appropriate at the particular proposed location. The reasons cannot be based on market demand for housing, nor on a projected continuation of past rural population distributions.
  - (b) Need must be coordinated and consistent with the comprehensive plan for other exception areas, unincorporated communities, and UGBs in the area. Area encompasses those communities, exception areas, and UGBs which may be affected by an expansion of a community boundary, taking into account market, economic, and other relevant factors;
  - (c) Expansion requires demonstrated ability to serve both the expanded area and any remaining infill development potential in the community at time of development with the level of facilities determined to be appropriate for the existing unincorporated community.
- (5) Expansion of Urban Unincorporated Communities: Expansion of an urban unincorporated community defined under OAR 660-022-0010(9) shall comply with OAR 660-022-0040.

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#### REVIEW PROCESS

Before this application will be processed, you must supply all the requested information pursuant to the attached instructions. Pursuant to ORS 215.427 this office will review the application for completeness and notify the applicant of any deficiencies within 30 days of submission. If you have questions, the following pages provide directions and helpful information in order to complete the application. Other questions can be addressed in the pre-application conference.

A request for a Goal Exception will be reviewed by the Wasco County Planning Commission at a public hearing. Upon receipt of a completed application, hearing dates will be set.

A recommendation on the proposal will be made by the Planning Commission and forwarded to the Wasco County Board of Commissioners where a final decision will be issued.

The decision of the Board of Commissioners may be appealed to the Land Use Board of Appeals (LUBA). Information regarding appeals to LUBA is available at the Wasco County Planning Department.

In case of Appeal: Written notice of the appeal must be filed with the Planning Director, within twelve (12) days of the subject decision. Forms are available at the Wasco County Planning Department.

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P:\Development Applications\GoalException.docx

Last Updated 7/13/2017

**TO:** WASCO COUNTY PLANNING COMMISSION

**FROM:** WASCO COUNTY PLANNING & ECONOMIC  
DEVELOPMENT OFFICE

**SUBJECT:** Request for Comprehensive Plan Amendment and Zone Change for a single 40 acre parcel in the Sevenmile Hill Area Committed to Residential Use; Exception to Goal 4.

**HEARING DATE:**

**APPLICANT:** David Wilson

**NATURE OF REQUEST:**

The request is for:

- Amendment to the County's Comprehensive Plan and plan map establishing an exception to Goal 4, "Forest Lands," for Applicant's tax lot 4400 consisting of 40.10 acres; and
- A change in the zone designation of tax lot 4400 from F-2 (80) "Forest Use" to F-F (10) "Forest-Farm."

**RECOMMENDATION:** The Planning Office recommends that the Planning Commission approve the request for a zone change, comprehensive plan amendment, and exception as set forth below. The subject property is both physically developed and irrevocably committed to non-forest uses, because residential uses both on and surrounding the subject property make forest uses impracticable. The criteria for the requested zone and plan changes are met, as explained in this submittal and the attached Exhibits.

## **BACKGROUND INFORMATION**

### **PROPERTY OWNERS:**

This request is for tax lot 2N 12E 22 4400, owned by applicant David Wilson, as shown on the maps in Exhibit 1. Tax lot 4400 is a legally created lot of record, and is referred to in this submittal as the "subject property."

### **COMPREHENSIVE PLAN AND ZONING DESIGNATIONS:**

The subject property is designated forest use on the comprehensive plan map and currently zoned F-2 (80) for forest use.

### **PUBLIC FACILITIES AND SERVICES:**

#### Transportation

The subject property lies south of Sevenmile Hill Road at the point where it intersects with Old Sevenmile Hill Road and Richard Road. At the point of the intersection of Sevenmile Hill Road and Dry Creek Road, and proceeding toward the northwest from the intersection, Sevenmile Hill Road becomes State Road. The primary access to the subject property is from Sevenmile Hill Road.

From the records of the Wasco County Road Department, State Road/Sevenmile Hill Road is a Functional Class RC Rural Major Collector with a 2009 ADT of 480 and a V/C Ratio of 0.01 [Data taken from Wasco County Transportation System Plan, 2009] The Planning Office prepared a memorandum to the County Court dated 2/18/98 as a staff report for the Transition Lands Study Area (TLSA) Rezoning Hearing. The TLSA memo listed a capacity for State Road/Sevenmile Hill Road of 1,500/day.

According to the latest version of the ITE Trip Generation Manual, a detached single family dwelling produces 9.57 Average Daily Trips (Land Use 210). The proposed zone change could potentially add 3 dwellings to the area's traffic load, producing 29 daily trips at maximum buildout. The addition of those trips to the existing ADT would result in 509 daily trips for the area. Based on the carrying capacity of State Road/Sevenmile Hill Road, the addition of 3 dwellings would not cause the V/C ratio to rise above 0.5. Wasco County has not established a mobility standard for Sevenmile Hill Road. However, in the 2009 Transportation System Plan the county used the ODOT mobility standard of 0.70 as a comparison figure. Using that standard, should the proposed zone change produce the maximum development allowed, it would not have a significant impact on the transportation facilities.

#### Water and Sewer

There is no public water system that would be available to serve existing or future residences on the subject property or surrounding lands, because of the rural nature of the area. A

Geologic Survey was published in 1996 as part of the TLSA study (see below under general history and prior land use actions) which included a survey of wells and groundwater levels to determine the capacity for development in the Sevenmile Hill area. The land around the subject property was found to have groundwater in relatively good quantities. The static water levels were found to be less than 50' and the depth to base of aquifer was found to be between 100' and 199.' (See Appendix 4 to the TLSA -- Ground Water Evaluation and Background Materials ("Groundwater Study") at pages 12-13.)

The predominant source of water in this area is from wells, and there is a well on the subject property serving the existing residence and associated accessory buildings. The general conclusion of the Groundwater Study is that this area has capacity to support additional residential development. See additional findings below regarding the TLSA study.

There are no public sewer facilities available in the area. Each residence would be required to handle its own sewage as required by law. At the permitting stage, each residential development would have to go through the site evaluation process for an individual septic system and private well. A maximum overall density of 1 residence per 10 acres has provided the necessary land area for adequate handling of sewage for individual properties in areas surrounding the subject property.

#### Electricity

Power lines are located on Sevenmile Hill Road, in close proximity to the site. Electric power is available to serve the subject property and currently serves the residence and associated accessory buildings located on the subject property.

#### Fire Protection and Prevention

The subject property is within the Mid-Columbia Fire and Rescue District (Structural) and Oregon Department of Forestry (Wildfire). The District has cooperation agreements with the Oregon Department of Forestry and with the Mosier Fire Protection District. When an alarm is received in one agency, it is also transferred to the other two, and when necessary, there is a combined, coordinated response to fire emergencies.

### **GENERAL HISTORY AND PRIOR LAND USE ACTIONS:**

In 1993, Wasco County began work on the Transition Lands Study Area Project ("TLSA") in response to concerns about development in northern Wasco County, and particularly in the area surrounding the subject property, which area is known as the Sevenmile Hill area. The concerns included "availability of groundwater to serve domestic needs, fire hazard, conflict with wildlife, and available lands for rural residential lifestyle in this developing area."

The first phase of the project was a groundwater study. The initial study was published in December 1996 as the "TLSA Ground Water Evaluation, Wasco County, Oregon" by Jervey Geological Consulting (The Groundwater Study"). On September 12, 1997, the final report for the



TLSA was published, incorporating the Groundwater Study. The TLSA report included recommendations outlining the sub-areas within the study area that were suitable for residential development, rating them with scores for resource values and development values. Referring to Figure 11 in that report, which is a map indicating the combined values of the two scales, the subject property was rated "L/H," meaning that it scored low for Resource Values and high for Development Values.

The final Recommendation of the TLSA for the Sevenmile Hill area included:

- Retain the existing R-R(5) and A-1 (80) EFU zoning
- Retain the existing R-R(5) and A-1 (80) EFU zoning .
- Retain the existing F-F(10) areas that have a higher resource value or a low development value (for instance, in areas where water availability is unknown).
- Rezone the remainder of the F-F(10) lands to R-R(10). F-F(10) areas would be able to transfer development rights to the area identified as the test area.

As a result of the TLSA study, eight parcels of F-F(10) land in the Sevenmile Hill area north of the subject property were converted to R-R(10), removing the requirement for conditional use review of proposed non-farm/forest dwellings (ZNC 99-101 ZO-L and CPA 99-103-CP-L). In recent years the County has approved single family dwellings that have subsequently been built on nearly every lot surrounding the subject property.

Additional detailed area history is contained in Section 2 of this submittal.

## **JUSTIFICATION FOR REQUEST:**

### **1. Wasco County Comprehensive Plan Revision Procedures and Standards.**

- 1.1.** The Comprehensive Plan's "Definitions-Existing Land Use Map" identify the subject property as: "Forestry – this designation includes all commercial forest land, both publicly and privately owned. Productivity is greater than 20 cubic feet per acre per year." Page 232 of the plan lists "Purpose Definitions of Map Classifications on the Comprehensive Plan Map." The existing plan classification, "Forest," states: "Purpose: To provide for all commercial and multiple use forest activities compatible with sustained forest yield."
- 1.2.** This request is to change the classification of the subject property on the planning map to "Forest-Farm:" "Purpose: To provide for the continuation of forest and farm uses on soils which are predominantly class 7 and forest site class 6 and 7; and to preserve open space for forest uses (other than strictly commercial timber production) and for scenic value in the Gorge."

**1.3.** The following provisions apply and are addressed in the following sections.

**1.4.** Chapter 11 of the Comprehensive Plan establishes procedures and standards for revision of the plan and plan map. This request requires amendment of the text of the plan, to justify an exception to Goal 4, and an amendment to the plan map to designate the subject property for Forest-Farm (non-resource) uses.

**1.5.** Chapter 11 states that a comprehensive plan revision may be initiated by the property owner or his authorized representative. This amendment has been initiated by property owner David Wilson.

**1.6.** The proposal is quasi-judicial in character, and hearings in this matter are being conducted with quasi-judicial procedures and safeguards. Notice of the hearing on this action was provided to the Department of Land Conservation and Development as specified in ORS 197.610 and 615. (See attached Exhibit \_\_)

**1.7. General Criteria for a Plan Amendment.**

Subsection H. of Chapter 11 of the comprehensive plan states:

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

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

**1.7.1** As set forth by the County Court in Exhibit B of the Big Muddy Ranch – Young Life Youth and Family Camp Exception (September 1997), these are factors for consideration and not standards that must each be strictly met. Thus, the Planning Commission need only consider these criteria and determine whether they are generally satisfied.

**1.7.2** The following findings demonstrate compliance with statewide land use planning goals that may apply to the request, as required by subsections 1 and 2 of the plan amendment general factors:

Goal 1 - Citizen Involvement. The purpose of Goal 1 is to ensure the “opportunity for citizens to be involved in all phases of the planning process.” Wasco County has incorporated opportunities for citizen involvement in its Comprehensive Plan and zoning ordinance procedures. These proceedings are being conducted with notice and hearings with opportunity for public input as required by law and local ordinance. Compliance with Goal 1 is demonstrated by compliance with the applicable Plan and zoning ordinance provisions.

Goal 2 - Land Use Planning. The purpose of Goal 2 is “to establish a planning process and policy framework as a basis for all decisions and actions related to use of the land and to assure an adequate factual base for such decisions and actions.” The County's planning process has been acknowledged as being in compliance with the goals, and was followed in consideration of the proposal. An adequate factual base is provided by this narrative, the attached exhibits, and testimony received through the hearing process. As discussed in greater detail below, the proposal also complies with Goal 2 requirements for the adoption of exceptions to a statewide goal, in this case, Goal 4. The proposal complies with Goal 2.

Goal 3 – Agricultural Lands. Goal 3 provides for the preservation of Agricultural Lands for farm use. The subject property has been designated for forest uses, not farm uses, although small scale (non-commercial) farm uses are possible in the area. Because the subject property has not been identified or inventoried as agricultural land, Goal 3 does not apply to the proposal; however small-scale farming activities possible in the area are promoted by the allowance of the proposal.

Goal 4 - Forest Lands. Goal 4 provides for the preservation of Forest Lands. The subject property is currently designated Forest Land. The intention of this proposal is to accurately reflect the nature of the subject property by changing the zoning to F-F(10). Because Goal 4 applies, and the requested plan and zone designations would allow development of non-forest uses, an “exception” must be taken to Goal 4. The exception is justified in part 2 of this narrative addressing LCDC's administrative rule requirements for “physically developed” and “irrevocably committed” exceptions.

Goal 5 -Open Spaces, Scenic and Historic Areas, and Natural Resources. Goal 5 is to protect natural resources and conserve scenic and historic areas and open spaces. The county zoning ordinances contain siting and development criteria, found in zoning ordinance section 3.920, for lands within Division 8 - Sensitive Wildlife Habitat Overlay designated areas in the county. The subject property is within the Sensitive Wildlife Habitat Overlay. Goal 5 is met by the application of these standards to any development of the subject property. No other inventoried Goal 5 resources are affected by the proposal. The proposal complies with Goal 5.

Goal 6 - Air, Water, and Land Resources Quality. Goal 6 is "To maintain and improve the quality of the air, water and land resources of the state." The proposal is consistent with Goal 6. The subject property is not located in or near a federal air quality attainment area, and will not generate significant additional air pollution. Sewage disposal from potential additional new dwellings must comply with all state and local requirements. Those requirements ensure that such discharges will be properly treated and disposed of, and will not threaten to exceed the carrying capacity of, or degrade or threaten the availability of, area natural resources. The proposal complies with Goal 6.

Goal 7 – Areas Subject to Natural Disasters and Hazards. Goal 7 is "To protect people and property from natural hazards." Goal 7 calls for local governments to adopt measures "to reduce risk to people and property from natural hazards." The subject property is not within any of the areas identified as being subject to natural disaster. The proposal complies with Goal 7.

Goal 8 –Recreational Needs. Goal 8 is "To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts." If the zoning is changed to F-F(10), "Parks, playgrounds, hunting and fishing preserves and campgrounds" would be allowed as conditional uses within the exception area. To the extent Goal 8 applies, the proposal is consistent with Goal 8.

Goal 9 – Economic Development. Goal 9 is "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens." The proposal promotes Goal 9 by allowing residential uses, which the County considers to be the appropriate use of the subject property in view of existing development. The proposal is consistent with, and promotes Goal 9.

Goal 10 – Housing. Goal 10 is "To provide for the housing needs of citizens of the state." The rule is directed to lands in urban and urbanizable areas. However, the proposal will allow development of additional homes in an area that is already built and irrevocably committed to residential uses. Consistent with Goal 10, the proposal will improve housing opportunities in an area where such uses are appropriate.

Goal 11 - Public Facilities and Services. Goal 11 is “To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.” In this case, the proposed rural development is supported by facilities and services that are appropriate for, and limited to, the needs of the rural area to be served. Because the area is rural, public facilities such as water and sewer services are not considered necessary or appropriate. Public roads are available and adequate. Local fire and police services are provided by Mid- Columbia Fire and Rescue Department and the Wasco County Sheriff's Office. Neither water nor sewer services are provided to the area, but both are available on the subject property through individual well and septic tank systems. Electric and phone services are available in the area. The increased housing potential in the area is not great enough to have a significant impact on any facilities planned for under Goal 11. The density allowed by the change (1 residence per 10 acres) is less than the maximum density recommended by the TLSA study. The proposal complies with Goal 11.

Goal 12 - Transportation. Goal 12 is “To provide and encourage a safe, convenient and economic transportation system.” The proposal will have little if any impact on the transportation system serving the subject property because there will be a minimal increase in traffic generated by development that might occur as a result of the plan amendment and zone change. Current estimates of use indicate that roads in the area are operating now well below their capacity, with Volume-to-Capacity ratios of 0.01. It is estimated that a maximum of 3 additional residences could be developed. Each residence is predicted to generate an average of 9.57 trips/day, which will not significantly affect the functionality, capacity, or level of service of Sevenmile Hill Road or other local roads.

In connection with Goal 12, the County is required to apply the Transportation Planning Rule in Chapter 660, Division 12 of the Oregon Administrative Rules. OAR 660-12-060 requires, as to amendments to a comprehensive plan or zoning ordinance that “significantly affect a transportation facility,” that the County “assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility.” The proposed action does not significantly affect a transportation facility, and is in conformance with Goal 12 and the Goal 12 rule.

Goal 13 - Energy Conservation. Goal 13 is “To conserve energy.” Policy 3 directs the County to minimize energy consumption through the use of zoning and subdivision standards. In this case, Goal 13 is promoted by encouraging development near existing residential development and along established roads. The proposal conforms with and promotes Goal 13.

Goal 14 - Urbanization. Goal 14 is to “provide for an orderly and efficient transition from rural to urban land use.” Goal 14 lists seven factors to be considered when establishing and changing urban growth boundaries, and four considerations for converting urbanizable land to urban uses. The subject property is not near or within an urban growth boundary, and is not urban or urbanizable. The density of housing that could occur in the

area following the requested plan amendment and zone change is one dwelling per ten acres, which is not an urban density. No decidedly "urban" services will be required to allow the maximum amount of development contemplated by this proposal. Water is available in the area in sufficient quantities to serve the proposed housing density (see Groundwater Evaluation). The proposed density will also allow sewage disposal through construction of on-site septic drainfields in accordance with DEQ and local health department requirements. To the extent Goal 14 applies to this proposal, conformance is demonstrated through detailed findings in this submittal addressing Goal 14 as required by Oregon Administrative Rules governing the exceptions process.

Goals 15 through 19 do not apply.

**1.7.3** As noted above, subsection 3 of the County's plan revision factors requires consideration of whether: "A mistake in the original comprehensive plan or change in the character of the neighborhood can be demonstrated." As outlined in detail in the subsequent sections of this discussion, the subject property is the only parcel which touches Sevenmile Hill Road which is currently in resource zoning. The subject property is for all intents and purposes surrounded completely by residential development. It is not producing any marketable timber, and as outlined in the subsequent sections of this submittal, is unlikely to do so in the future. Comprehensive Plan Chapter 14 -- Findings and Recommendations outlines the anticipated uses for lands zoned F-2(80) as follows: "The 'F-2 (40)' and 'F-2 (80)' forest zones have very limited permitted uses and conditional uses that are generally compatible with primary timber management. Due to the high cost of these lands, the forty (40) and eighty (80) acre minimum lot sizes will be more than adequate to keep them in forest uses. Most of the lands zoned "F-2 (80)" is in either the Mt. Hood National Forest, White River Game Management Area or are private timber company holdings. These lands are adequately managed for forest, recreational and open space uses."

Merriam-Webster's defines "mistake" as "to identify wrongly; confuse with another" or "a misunderstanding of the meaning or implication of something." This proposal is being reviewed in a quasi-judicial proceeding, in which the County is considering whether proposed plan and zone designations for the subject property are more appropriate than the original designations. Based on the materials in this submittal, the County's original characterization of the area as most appropriate for commercial forest uses appears to have been incorrect. The area now appears not to be suitable for forestry uses, but to be more suitable for rural residential use. The TLSA study supports a conclusion that the original comprehensive plan was incorrect, and that the most appropriate zoning of the property is F-F(10), allowing for rural residences. The County's rezoning of several parcels north of Sevenmile Hill Road from F-F(10) to RR-10, allowing development of nonfarm or forest dwellings as uses permitted outright, also supports this conclusion. The approval of dwellings on, around, and immediately adjacent to the subject property also supports a finding that the character of the neighborhood has changed, toward residential, and away from forestry use.

**1.7.4** As noted above, subsection 4 of the County's plan revision factors requires consideration of "Factors which relate to the public need for healthful, safe and aesthetic surroundings and conditions." This requirement is satisfied by the proposal, which is purposefully designed to allow limited residential development, and small-scale farm and forest uses, on land that is suited for such uses.

**1.7.5** As noted above, Subsection 5 of the County's plan revision factors requires consideration of "Proof of change in the inventories originally developed." The proof required by this section is provided by these findings, the attached exhibits, and testimony and evidence obtained by the County through the hearing process. The County's original inventory of forest lands included the subject property. That inventory has changed, because housing has been allowed on, and in close proximity to the subject property, in a manner that diminishes its suitability for forest uses. The most appropriate manner of addressing this change is as proposed-demonstrate that the land is built and committed to non-resource uses, and justify an exception to Goal 4 that will officially remove the property from the County's Goal 4 inventory. The property can then be dedicated to small scale farm and forest uses with limited density housing in a manner that is consistent with adjacent uses and which is compatible to those forest resource lands nearby.

**1.7.6** Subsection 6 of the County's plan revision factors states: "Revisions shall be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change must be established." As described throughout these findings, the proposed revisions are based on the TLSA study, previous County land use decisions affecting the area, as well as the information, justification and evidence contained and referenced in these findings and in the attached exhibits. These materials, and the County's plan, demonstrate that there is a public need for low-density rural residential uses and for small scale farm and forest uses in the county generally and in the Sevenmile Hill area. The justification for the particular change, addressed throughout these findings, is that the subject property is more properly designated for low density residential use than for commercial forestry uses. There is therefore a public need for the requested change, which has been fully justified by these findings and exhibits.

## **1.8 Transportation Planning Rule Compliance**

Subsection I. of Chapter 11 of the comprehensive plan states:

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



a. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

b. Change standards implementing a functional classification system; or

c. As measured at the end of the planning period identified in the adopted transportation system plan:

1. 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;

2. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or

3. 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.

2. 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:

a. Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

b. 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.

c. Altering land use designations, densities, or design requirements to reduce demand for vehicle travel and meet travel needs through other modes of transportation.

d. Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

3. Traffic Impact Analysis - A Traffic Impact Analysis shall be submitted with a plan amendment application pursuant to Section 4.140 Traffic Impact Analysis (TIA)) of the Land Use and Development Ordinance.”

**1.8.1** A separate Traffic Impact Analysis is not required for this proposal because there is not a “significant impact” under the TPR (OAR 660-12-0060(1)).

## **1.9 Procedures for a Plan Amendment.**

Subsection J. of Chapter 11 of the Comprehensive Plan states, in relevant part:

1. A petition must be filed with the Planning Offices on forms prescribed by the Commission.
2. Notice of a proposed revision within, or to, the urban growth boundary will be given to the appropriate city at least thirty (30) days before the County public hearing.
3. Notification of Hearing:
  - 1) Notices of public hearings shall summarize the issues in an understandable and meaningful manner.
  - 2) Notice of hearing of a legislative or judicial public hearing shall be given as prescribed in ORS 215.503 subject to ORS 215.508. In any event, notice shall be given by publishing notice in newspapers of general circulation at least twenty (20) days, but not more than forty (40) days, prior to the date of the hearing.
  - 3) A quorum of the Planning Commission must be present before a public hearing can be held. If the majority of the County Planning Commission cannot agree on a proposed change, the Commission will hold another public hearing in an attempt to resolve the difference or send the proposed change to the County Governing Body with no recommendation.
  - 4) After the public hearing, the Planning Commission shall recommend to the County Governing Body that the revision be granted or denied, and the facts and reasons supporting their decision. In all cases the Planning Commission shall enter findings based on the record before it to justify the decision. If the Planning Commission sends the proposed change with no recommendation, the findings shall reflect those items agreed upon and those items not agreed upon that resulted in no recommendation.
  - 5) Upon receiving the Planning Commission's recommendation, the County Governing Body shall take such action as they deem appropriate. The County Governing Body may or may not hold a public hearing. In no event shall the County Governing Body approve the amendment until at least twenty (20) days have passed since the mailing of the recommendation to parties."

These procedures and all other applicable statutory and local procedures have been or will be followed in consideration of the proposal.

## **2. Justification for Taking an Exception to Goal 4:**

### **2.1 Introduction.**

In order to amend its plan to change the subject property's designation from Forestry to Forest-Farm, and to implement that designation through its zoning ordinance, the County must adopt an exception to Goal 4.

Statewide Land Use Planning Goal 4, "Forest Lands" is:

"To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture."

ORS 197 .932(1) states, in relevant part:

"(1) A local government may adopt an exception to a goal if:

(a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal; [or]

(b) The land subject to the exception is irrevocably committed as described by Land Conservation and Development Commission rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable;

\* \* \*

(4) A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the standards of subsection (1) of this section have or have not been met.

(5) Each notice of a public hearing on a proposed exception shall specifically note that a goal exception is proposed and shall summarize the issues in an understandable manner.

\* \* \*

(8) As used in this section, 'exception' means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that:

(a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;

(b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and

(c) Complies with standards under subsection (1) of this section.”

**2.1.1** In like manner, Planning Goal 2, part II, states, in relevant part:

“A local government may adopt an exception to a goal when:

(a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable Goal; [or]

(b) The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable;”

**2.1.2** Both the goal and the rule adopt the legislative definition of an exception with minor variation-subsection (c) is modified in the goal to state “Complies with standards for an exception” and in the rule to state “Complies with the provisions of this Division.” OAR 660-004-0010 states that the “process is generally applicable to all or part of those statewide goals which prescribe or restrict certain uses of resource land,” including: “Goal 4 Forest Lands.”

**2.1.3** Goal 4 provides that:

“Where a \* \* \* plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.”

**2.1.4** Rule definitions of “resource land” and “non-resource land” support a conclusion that, in this instance, an exception is necessary before the subject property can be plan and zone designated for forest-farm uses, a rural residential, non-resource category of uses under the County's plan and zoning ordinance. To justify an exception, the County must address all applicable criteria in LCDC's rule for exceptions, OAR 660, Division 4.2.2.

This request is for both “physically developed” and “irrevocably committed” exceptions to Goal 4, “Forest Lands,” which seeks to conserve forest lands by promoting efficient forest practices and sound management of the state's forest land base.

## 2.2 Exception Requirements for Land Physically Developed to Other Uses.

OAR 660-004-0025 contains standards for adoption of a “physically developed” exception.

OAR 660-004-0025 states:

- (1) A local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal. Other rules may also apply, as described in OAR 660-004-0000(1)
- (2) Whether land has been physically developed with uses not allowed by an applicable goal will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the justification for the exception. The specific area(s) must be shown on a map or otherwise described and keyed to the appropriate findings of fact. The findings of fact shall identify the extent and location of the existing physical development on the land and can include information on structures, roads, sewer and water facilities, and utility facilities. Uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception.

**FINDING:** The proposed exception area consists of a 40.10 acre piece identified as tax lot 4400 located in T2N, R12E, and in the southwestern quarter of Section 22 (the subject property). The north line of the subject property abuts Sevenmile Hill Road, and the northwest corner of the subject property is at the intersection of Sevenmile Hill Road and Old Sevenmile Hill Road. The subject property is rectangle measuring roughly 1,600 feet east/west and 1,500 north south. It is generally sloping downward to the north, with the northern boundary along Sevenmile Hill Road as the low point.

The subject property is improved with a log home with surrounding decks covering approximately 2,680 ft<sup>2</sup> and a 720 ft<sup>2</sup> basement located approximately halfway between the north and south boundaries and in the western one third of the property. A driveway serving the residence and properties to the south extends from the northwest corner of the subject property southward, generally paralleling the western boundary. There are two barns with stalls located generally east of the log home, each covering approximately 1,110 ft<sup>2</sup> for total coverage of 2,220 ft<sup>2</sup>.

Further east of the hay loft and barn there is an original home site with cabin covering 1,980 ft<sup>2</sup> located generally east of the log home. There is an old barn located south of the cabin covering 1,200 ft<sup>2</sup>.

The log home was built pursuant to a conditional use permit, the conditions of which required decommissioning the original cabin as a residential structure; however, the cabin legally exists and may be used for other uses consistent with the existing zoning.

A good portion of the southeastern portion of the subject property consists of a cleared area growing grass hay which previously served as a pasture for the cabin and now is baled each year. Most of the northern two thirds of the subject property has been cleared at some point in the past and remains clear at this time. There is no merchantable timber on the property, and the property has never supported merchantable timber. There are scrub oaks and pine trees growing on the southern portion and eastern boundary of the property. There are no fir trees of any size larger than a seedling on the property, and historically firs do not survive. Grasses and shrubs create moderately dense underbrush.

Soils on the subject property are Class 4, predominately 49C and 50D Wamic Loam, 5-12% slope. This soil type represents more gently sloping areas where the exposure is toward the north. On the subject property, this particular range of the soil class is characterized by smaller oak and scattered pine forest. These soils are suitable for dry farm small grain, grass hay, and pasture. The woodland site index designation of 70 for Ponderosa Pine indicates low productivity with no significant limitations or restrictions. This capability class is also designated under the pine-oak-fescue range and as such it is possible that it could be used for fruit orchards or other crops. In its uncultivated state, however, special management is required to reduce oak and shrub growth that will curtail stabilizing plant growth beneath what amounts to a thin, mainly pine canopy.

The area has no history of crop use with the exception of grass hay grown the pasture area. Due to the terrain and rocky soil, and because the elevation creates climatic extremes, crop agriculture is uneconomical and otherwise impracticable.

The subject property does not have a history of commercially successful grazing for sheep or cattle. Grazing was occasionally tried in the area in the 1940's, but the terrain, thin soil and climate have limited the activities to an occasional attempt rather than a sustained commercial success. There are no properties in the immediate area being used for commercial grazing.

Although the soils on the subject property could, at first glance, appear to indicate a potential for agricultural use, particularly small-scale orchards, that potential is severely reduced due to climatic conditions. The subject property is in current use for a residence, along with pasture and wildlife habitat in the scrub oak section. It has never been successfully utilized for agricultural purposes and has very limited value as forestland due to the dwellings on the site. The soils indicate low timber productivity. There are no productive orchards or other agricultural uses in the area immediately surrounding the subject property.

The residential development surrounding the subject property has occurred mainly in proximity to Sevenmile Hill Road that runs along the northern boundary of the subject property. Because of this development and ownership pattern, and because of the small average and odd shaped lot sizes, it would be impracticable to manage any of the property in the area as a commercial forestry operation or as part of such an operation.

## 2.3 Exception Requirements for Land Irrevocably Committed to Other Uses.

OAR 660-004-0028 contains standards for adoption of an “irrevocably committed” exception.

### 2.3.1 OAR 660-004-0028(1) provides:

- (1) “A local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable:
  - (a) A ‘committed exception’ is an exception taken in accordance with ORS 197.732(1)(b), Goal 2, Part II(b), and with the provisions of this rule;
  - (b) For the purposes of this rule, an ‘exception area’ is that area for which a ‘committed exception’ is taken;
  - (c) An ‘applicable goal,’ as used in this section, is a statewide planning goal or goal requirement that would apply to the exception area if an exception were not taken.

**FINDING:** The subject property contains a legal residence, and is surrounded on 2 sides by small residential tracts, and by a residence to the south. The subject property is irrevocably committed to non-resource use. All of the large forested tracts currently producing merchantable timber are located well south of the subject property, and adopting this exception for the subject property will not negatively impact those uses.

### 2.3.2 OAR 660-004-0028(2) provides: “Whether land is irrevocably committed depends on the relationship between the exception area and the lands adjacent to it. The findings for a committed exception therefore must address the following:

- (a) The characteristics of the exception area;”

**FINDING:** The characteristics of the subject property are fully discussed in the findings above in response to OAR 660-004-0025 (Physically Developed).

### 2.3.3 (b) “the characteristics of the adjacent lands;”

#### **FINDING:**

In general, the areas to the East and North of the subject property have been for the most part divided into smaller lots relative to rural development (10 acres or less). A large majority of the parcels were created long before the area was subject to statewide or even county-wide zoning regulation. Of the three subdivisions in the immediate area of the subject parcel, two were platted in the early part of the 20th century, and the third in 1979 (Fairmont Orchard Tracts-1911;



Sunnydale Orchards-1912; Flyby Night Subdivision-1979). The majority of the lots in these subdivisions are approximately 5 acres in size. The County has recognized the existing parcelization by zoning the area for rural residential development (R-R(5) and R-R(10)) and for small-scale agriculture or forestry uses in conjunction with a rural residence (F-F(10)). As a result of this parcelization and in keeping with the zoning, there has been a significant amount of rural residential development, particularly along the county roads and within the platted subdivisions. There have also been several applications for rural residences in the areas zoned F-F(10).

Specific adjacent lands analysis is as follows:

**East:** Directly to the east of and abutting the subject parcel are two parcels zoned F-F(10): T2N R12E, Section 22, Lots 4300 and 4200. Both of these lots have residences.

Properties further east along Wits End Drive and Sevenmile High South Road are zoned R-R(10) and all have residences (tax lots 3600, 3400, 3800, 3900, 4000). These properties average approximately 5 acres in size and are part of the Fairmont Orchard Tracts subdivision which was platted in 1911.

**North:** To the north of the subject property across Sevenmile Hill Road is a lot zoned R-R(5), Tax Lot 4600 (7.35 ac.), and a small lot owned by Wasco County (Tax Lot 4500, .7 acres). 4600 has a residence. Tax Lot 4700 meets the subject property on its northeast corner, is zoned F-F(10), and has a residence.

Properties north of the subject property lying along Richard Road are small acreages zoned R-R(5), all with residences.

All of the area north of the subject property is built and committed to low and medium density rural residential uses. There are two platted subdivisions: Sunnydale Orchards, platted in 1912, and Flyby Night, platted 1979.

The Sunnydale Orchards Subdivision was recorded on March 8, 1912. It consisted of 25 lots averaging about five acres each, with the largest at 11.4 acres. Lots in the subdivision are for the most part less than ten acres each. The County has recognized that development has increased in this area over the years, and rezoned several lots in the southern part of Sunnydale Orchards from F-F(10) to R-R(10) (Pursuant to Ordinance 99-111).

The plat for the Flyby Night Subdivision was recorded November 8, 1979. The Flyby Night lots average approximately five acres each, with two larger, approximately 20-acre parcels as the exceptions. The zoning for the Flyby Night subdivision is R-R(5).

The areas to the north and east are the most heavily developed areas surrounding the subject property. As can be seen by the maps in Exhibits 1, virtually all lots to the north and east of the subject property have been improved with a residence or a manufactured home.

The County has recognized that development has increased in this area over the years, and rezoned several lots in the southern part of Sunnydale Orchards from F-F(10) to R-R(10) (Pursuant to Ordinance 99-111).

**West:** Tax lot 2N 10E 21 900, which abuts the west property line of the subject parcel, is split zoned, with the northern portion which abuts Sevenmile Hill Road zoned F-F(10) and the southern portion zoned F-2(80). The southern portion has not been commercially logged, and is slowly being cleared. Tax Lot 2900, a 439 acre parcel, abuts the southwest portion and corner of the subject property and is zoned F-2(80). It has a residence located on the western portion along Osburn Cutoff Road. This property has a creek running generally north-south which forms a clear line of demarcation between the more vibrant, productive land to the west and the scrubrier soils to the east. The land west of the creek supports the growth of Douglas Fir trees; the land to the east is predominantly scrub oak and pine similar to the subject property. The commercial logging on this piece has been confined to the area west of the creek.

In general, the parcels to the west of the subject property lying both north and south of and abutting Sevenmile Hill Road consist of small acreages zoned F-F(10), almost all improved with residences.

The subject property is the only parcel which touches Sevenmile Hill Road which is zoned F-2(80). The only other parcels similarly zoned which touch any road are large, unimproved parcels located well west of the subject property which lie south of and touch Dry Creek Road or which lie along Osburn Cutoff Road.

**South:** Tax lot 2N 10E 22 4100 abutting the subject property to the south is zoned F-2(80). It is owned by the owner of the subject property, and has a legal residence, and together with tax lot 2800 to the south, also in common ownership, comprises approximately 70 acres. It is not used for timber production. This parcel is transected by the BPA Bonneville-The Dalles power line right-of-way/easement, which forms a natural boundary between this parcel and the larger, commercially forested tracts to the south.

**Soils:** The subject property soils are 49C and 50D Wamic Loam. The parcels immediately north of the subject property are generally 51D Wamic Loam soils. Adjacent properties to the south and east are 49C and 50D, like the subject property. (See soils maps and productivity indices) 49C and 50D soils both have a site index of 70 for Ponderosa Pine, indicating a potential yield of 20-49 cubic feet per acre. However, with the exception of the 439 acre parcel adjoining the southwest corner of the subject property, none of the adjacent properties are supporting commercial timber production, and logging on the 439 acre parcel takes place west of the creek which runs parallel to the common boundary. All commercial timber production occurs well south of the subject property, generally south of the BPA power line transecting the area. The subject property has never produced merchantable timber or been logged commercially.

#### 2.3.4 (c) The relationship between the exception area and the lands adjacent to it;

**FINDING:** As described in the preceding sections of this submittal, the subject property is surrounded on two sides by residential lots in the F-F(10), R-R(10), and R-R(5) zones. None of

these zones are resource zones. The subject property also has a residence located on the parcel immediately south of it; and even the large resource zoned tract abutting the southwest corner of the subject property is improved with a residence, although it is located some distance from the subject property. Thus, the subject parcel has residences surrounding it on all 4 sides, non-resource zoning designations on parcels abutting it on 3 sides, and intensive residential development on parcels abutting on 2 sides.

In general, all of the properties which adjoin Sevenmile Hill Road are committed to residential development and uses and are zoned accordingly. The subject parcel stands out as an anomaly in this pattern. Particularly in light of the fact that the subject property is already improved with a residence, the F-F(10) designation is far more consistent with the uses of adjacent lands than the F-2(80) designation. There is no evidence, historically or recently, that the subject property is or could be used for commercial timber production, and attempting to do so now would inevitably lead to conflicts with the immediately adjacent residential uses. Looking at the existing zoning map, it is clear that the large forestry designations are intentionally and more properly sited well away from the residential development which lies along a rural arterial road such as Sevenmile Hill.

**2.3.5 (d)** The other relevant factors set forth in OAR 660-004-0028(6).

**FINDING:** These factors are discussed in the following sections.

**2.3.6** OAR 660-004-0028(3) provides: “Whether uses or activities allowed by an applicable goal are impracticable as that term is used in ORS 197.732(2)(b), in goal 2, Part II(b), and in this rule shall be determined through consideration of factors set forth in this rule. Compliance with this rule shall constitute compliance with the requirements of Goal 2, Part II. It is the purpose of this rule to permit irrevocably committed exceptions where justified so as to provide flexibility in the application of broad resource protection goals. It shall not be required that local governments demonstrate that every use allowed by the applicable goal is ‘impossible.’ For exceptions to Goals 3 or 4, local governments are required to demonstrate that only the following uses or activities are impracticable;

- (a) Farm use as defined in ORS 215.203;
- (b) Propagation or harvesting of a forest product as specified in OAR 660-033-0120;
- (c) Forest operations or forest practices as specified in OAR 660-006-0025(2)(a).”

In turn, ORS 215.203(2)(a) states:

“[F]arm use” means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce 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. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subsection (3) of this section or land described in ORS 321.267 (3) or 321.824 (3).)

OAR 660-033-0120 contains a chart of uses that are allowed outright, conditionally, or not authorized on agricultural lands, including "farm use" and "propagation or harvesting of a forest product," and OAR 660-006-0025(2)(a) states:

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash;

**FINDING:** The rule does not require that the listed resource uses be impossible in the exception area; rather, it requires that they be impracticable. Impracticable means "not capable of being carried out in practice." Webster's New World Dictionary, 2nd College Edition, 1980. Capable means "having ability" or "able to do things well." Id. Finally, "in practice" means by the usual method, custom or convention. Id. Webster's Third New International Dictionary, (unabridged ed., 1993) defines "impracticable" as "1a : not practicable : incapable of being performed or accomplished by the means employed or at command : INFEASIBLE \* \* \* c : IMPRACTICAL, UNWISE, IMPRUDENT \* \* \*"

Based on the foregoing, the County must evaluate to what extent the adjacent uses and other factors affect the ability of property owners to carry out resource uses in practice on the subject parcel. The rule only requires evaluating whether the resource use can be carried out by the usual, available methods or customs. Consequently, just because a farm or forest use can be attained by methods that are not usual or customary does not mean that the farm or forest use is practicable. Using the area for commercial agricultural or forestry uses—in a manner capable of generating a profit or return from those activities—is not practicable on the subject parcel for all of the reasons stated in this submittal. Resource designation is not necessary to preserve the area for small scale farm or forestry uses in conjunction with residential use.

A definition of "forest products" can be found in ORS 532.010(4), which states that forest products are "any form, including but not limited to logs, poles and piles, into which a fallen tree may be cut before it undergoes manufacturing, but not including peeler cores."

The current level of residential development has increased to the point that commercial resource use has become impracticable. The subject property is surrounded on three sides by existing residential development, with the potential for additional residential development in the future. Conflicts caused by the proximity of residential neighbors on three sides require added expense related to fire protection, fencing and general control of the area, and prevent the use of spraying to control insects and vegetation that compete with commercial tree species. Further conflicts with residences arise because of the noise associated with commercial operations and the safety risks of logging near residential property.

The effects of these conflicts and impacts from residential uses combined with the long cycle for trees to reach maturity (100-125 years) make commercial forestry and commercial agriculture impracticable at this location. As explained throughout this submittal, residential development abutting and in close proximity to the subject property, coupled with the relatively small size of the subject property and local topography and climate, supports a conclusion that there is an inadequate buffer between the subject property and nearby rural residences. The steps that would need to be taken to efficiently and effectively manage timber in the area makes such uses impracticable.

To the extent this section requires that a justification for an exception to Goal 4 also requires consideration of the suitability of the area for farm uses, the record of this proceeding and the attached exhibits demonstrate the lack of suitability of the area for farm uses. The soils in the area are not generally suitable for farm use, nor is the climate conducive to those uses. At no time has the County considered the subject parcel to be farmland or to be suitable for farming, and at no time in the history of the area has farming taken place. Due to the existing parcelization, soils, climate and development in the area, it cannot be, and is not currently employed for the primary purpose of obtaining a profit from agricultural uses. The history of the area also supports this conclusion. At best, the area can support the small-scale, “peripheral” farm activities now taking place on adjacent F-F and R-R zoned properties, under circumstances in which residential use represents the primary and most highly valued use.

- 2.3.7** OAR 660-004-0028(4) provides: “A conclusion that an exception area is irrevocably committed shall be supported by findings of fact which address all applicable factors of section (6) of this rule and by a statement of reasons explaining why the facts support the conclusion that uses allowed by the applicable goal are impracticable in the exception area.”

**FINDING:** This submittal, including this statement and all attached exhibits, addresses all applicable factors and reasons why, in this case, the facts support the conclusion that uses allowed by Goals 3 and 4 are impracticable in the exception area. See especially, the immediately preceding sections of this submittal, and sections addressing section (6) of the rule, below.

- 2.3.8** OAR 660-004-0028(5) provides: “Findings of fact and a statement of reasons that land subject to an exception is irrevocably committed need not be prepared

for each individual parcel in the exception area. Lands which are found to be irrevocably committed under this rule may include physically developed lands.”

**FINDING:** As discussed elsewhere in this submittal, the subject property includes a legal residence, other buildings, and associated physical development. The presence of the dwelling, and of the other dwellings immediately adjacent to the subject property, each contribute to the irrevocable commitment of the area to rural residential uses, and the impracticability of using the area for farm or forest uses.

**2.3.9** OAR 660-004-0028(6) provides: Findings of fact for a committed exception shall address the following factors:

**2.3.9.1 (a)** Existing adjacent uses;

**FINDING:** The existing adjacent uses are discussed and considered in great detail in the sections above. Existing adjacent uses to the West, North and East are all residential.

**2.3.9.2 (b)** Existing public facilities and services (water and sewer lines, etc.);

**FINDING:** There are no public water or sewer facilities on the subject property. An existing well provides water to the dwelling. Electric power and phone service are available to the area. The property can be adequately served by existing fire, police and school facilities.

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

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

**FINDING:** As discussed in great detail above and in the attached exhibits, the existing development pattern for the Sevenmile Hill area was established prior to the adoption of the goals. Many of the small parcels that characterize the area were created between 1900 and 1920 and were marketed as orchard sites that could support a family. The lots in the vicinity of the subject

property were not successful because of the cold and dry weather at this location and elevation. Virtually all of the existing lots have been developed and now have non-resource residences located on them. Only two parcels in the immediate area were created via exceptions to the goals: 7.35 acres located at 6955 Sevenmile Hill Road (Comprehensive Plan Amendment from F-2(40) to Rural Residential, CPA 89-104, October, 1989); and 9.87 acres located at the intersection of Sevenmile Hill Road and Sevenmile High Hill Road (Comprehensive Plan Amendment from FF-10 to Rural Residential, CPA 90-101, June 1990). Neither of these goal exception parcels are pivotal to the analysis of parcel size and ownership patterns in the immediate area. As noted, the local parcelization occurred long before the development of the goals, and the parcels created by that process have now been almost entirely developed.

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

**FINDING:** This provision is not applicable to this single parcel proposal; however, ownership patterns in the general area are discussed in detail in preceding sections of this narrative addressing OAR 660-004-0028(2)(a)-(c). The parcels are clustered along roads serving the area, as is the subject property, and virtually all parcels in the area are in separate ownerships. This parcelization pre-dates the adoption of the county zoning ordinance and comprehensive plan.

#### 2.3.9.4 “(d) Neighborhood and regional characteristics;”

**FINDING:** Based on the descriptions already provided in this submittal, the neighborhood and regional characteristics can best be described as non-resource, small acreage rural residential development clustered along Sevenmile Hill Road. Considering these characteristics, the current designation of the subject property as the only resource designated property touching Sevenmile Hill Road stands out as an anomaly. The exception will serve to make the subject property more conforming with existing neighborhood and regional characteristics.

2.3.9.5 “(e) Natural or man-made features or other impediments separating the exception area from resource land. Such features or impediments include but are not limited to roads, watercourses, utility lines, easements, or rights-of-way that effectively impede practicable resource use of all or part of the exception area;”

**FINDING:** In general, the BPA Bonneville-The Dalles power line right-of-way/easement, which transects the local area south of the subject property, serves to separate the more residential areas



to the north from the commercial forest areas to the south. As noted, most of the residential development lies in the immediate area along Sevenmile Hill Road, with most of the commercial forest areas lying well to the south and being served by secondary or primitive roads.

**2.3.9.6 (f)** “Physical development according to OAR 660-004-0025.” OAR 660-004-0025 sets forth the “Exception Requirements for Land Physically Developed to Other Uses” as follows:

- (1) A local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal.
- (2) Whether land has been physically developed with uses not allowed by an applicable Goal, will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the justification for the exception. The specific area(s) must be shown on a map or otherwise described and keyed to the appropriate findings of fact. The findings of fact shall identify the extent and location of the existing physical development on the land and can include information on structures, roads, sewer and water facilities, and utility facilities. Uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception.”

**FINDING:** Part of the justification for this exception is that the subject property is already physically developed with a dwelling, outbuildings, and associated access roads and other infrastructure. The minimum lot size for a forest dwelling is currently 240 acres, and the subject property is approximately 40 acres.

**2.3.9.7** “(g) Other relevant factors;”

To the extent there are other relevant factors, they are discussed throughout this submittal and not repeated here.

**2.3.10** OAR 660-004-0028(7) provides: The evidence submitted to support any committed exception shall, at a minimum, include a current map, or aerial photograph which shows the exception area and adjoining lands, and any other means needed to convey information about the factors set forth in this rule. For example, a local government may use tables, charts, summaries, or narratives to supplement the maps or photos. The applicable factors set forth in section (6) of this rule shall be shown on the map or aerial photograph.

**FINDING:** The submittal complies with this requirement, and includes current maps as Exhibit 1 showing the subject property and adjoining lands.

**2.3.11** OAR 660-004-0040 concerns the:

“Application of Goal 14 Urbanization to Rural Residential Areas,” the purpose of which: “is to specify how Statewide Planning Goal 14, Urbanization, applies to rural lands in acknowledged exception areas planned for residential uses.”

Subsections -0040(1) through (3) explain what the rule does. It does not apply to land within an urban growth boundary; unincorporated community; urban reserve area; destination resort; resource land; and “nonresource land, as defined in OAR 660-004-0005(3).” The following sections of this submittal demonstrate compliance with Goal 14 as and to the extent specified in OAR 660-004-0040.

**2.3.11.1** Although it is not entirely clear, OAR 660-004-0040 does not appear to include standards that apply to the land use decisions requested by this submittal. The land in question is currently classified as resource land, and the request is to establish an exception to Goal 4 that will allow rural residential development on lots that are a minimum of ten acres per dwelling, or otherwise at a density that cannot exceed one dwelling for every ten acres in the area. The F-F(10) zoning to be applied will ensure that the requested housing density is not exceeded. The proposed housing density is not an urban density. No sewer or water services exist near the area or are proposed, and there are no other “urban” attributes of development that could occur if the request is granted.

**2.3.11.2** OAR 660-004-0040(4) and (5) provide:

“(4) The rural residential areas described in Subsection (2)(a) of this rule are rural lands. Division and development of such lands are subject to Statewide Planning Goal 14, Urbanization which prohibits urban use of rural lands.

(5)(a) A rural residential zone currently in effect shall be deemed to comply with Goal 14 if that zone requires any new lot or parcel to have an area of at least two acres.

(b) A rural residential zone does not comply with Goal 14 if that zone allows the creation of any new lots or parcels smaller than two acres. For such a zone, a local government must either amend the zone's minimum lot and parcel size provisions to require a minimum of at least two acres or take an exception to Goal 14. Until a local government amends its land use regulations to comply with this subsection, any new lot or parcel created in such a zone must have an area of at least two acres.

(c) For purposes of this section, 'rural residential zone currently in effect' means a zone applied to a rural residential area, in effect on the effective date of this rule, and acknowledged to comply with the statewide planning goals."

**FINDING:** This section does not appear to be an approval standard applicable to the request. However, the proposed zone will not allow the creation of any new lots or parcels within the exception area smaller than two acres, in conformance with this section.

**2.3.11.3 OAR 660-004-0040(6) and (7) provide:**

"(6) After October 4, 2000, a local government's requirements for minimum lot or parcel sizes in rural residential areas shall not be amended to allow a smaller minimum for any individual lot or parcel without taking an exception to Goal 14 pursuant to OAR chapter 660, division 14, and applicable requirements of this division."

**FINDING:** The County recognizes the requirements of this section. No request has been made to allow smaller minimum lot sizes than allowed by the rule.

"(7)(a) The creation of any new lot or parcel smaller than two acres in a rural residential area shall be considered an urban use. Such a lot or parcel may be created only if an exception to Goal 14 is taken. This subsection shall not be construed to imply that creation of new lots or parcels two acres or larger always complies with Goal 14. The question of whether the creation of such lots or parcels complies with Goal 14 depends upon compliance with all provisions of this rule."

**FINDING:** The underlying zone will prevent the creation of any new lot or parcel in the subject property smaller than two acres. Lot sizes allowed in the area comply with all provisions of the Goal 2 rule for exceptions.

(b) Each local government must specify a minimum area for any new lot or parcel that is to be created in a rural residential area. For purposes of this rule, that minimum area shall be referred to as the minimum lot size.

**FINDING:** The minimum lot size proposed is ten acres.

(c) If, on October 4, 2000, a local government's land use regulations specify a minimum lot size of two acres or more, the area of any new lot or parcel shall equal or exceed that minimum lot size which is already in effect.

**FINDING:** As stated, the minimum lot size of the underlying zone is currently ten acres, and that minimum lot size will apply on the subject property area.

(d) If, on October 4, 2000, a local government's land use regulations specify a minimum lot size smaller than two acres, the area of any new lot or parcel created shall equal or exceed two acres.

**FINDING:** As stated, the County's land use regulations do not specify a minimum lot size smaller than two acres.

(e) A local government may authorize a planned unit development (PUD), specify the size of lots or parcels by averaging density across a parent parcel, or allow clustering of new dwellings in a rural residential area only if all conditions set forth in paragraphs (7)(e)(A) through (7)(e)(H) are met:

\*\*\*\*\*

**FINDING:** The current proposal does not include a Planned Unit Development.

(f) Except as provided in subsection (e) of this section, a local government shall not allow more than one permanent single-family dwelling to be placed on a lot or parcel in a rural residential area. Where a medical hardship creates a need for a second household to reside temporarily on a lot or parcel where one dwelling already exists, a local government may authorize the temporary placement of a manufactured dwelling or recreational vehicle."

**FINDING:** In conformance with this section, the County is not proposing to allow more than one permanent single-family dwelling to be placed on any lot or parcel in the proposed rural residential area.

(g) In rural residential areas, the establishment of a new mobile home park or manufactured dwelling park as defined in ORS 446.003(32) shall be considered an urban use if the density of manufactured dwellings in the park exceeds the density for residential development set by this rule's requirements for minimum lot and parcel sizes. Such a park may be established only if an exception to Goal 14 is taken.

**FINDING:** The current proposal does not include a mobile home park or manufactured dwelling park.

(h) A local government may allow the creation of a new parcel or parcels smaller than a minimum lot size required under subsections (a) through (d) of this section without an exception to Goal 14 only if the conditions described in paragraphs (A) through (D) of this subsection exist:

(A) The parcel to be divided has two or more permanent habitable dwellings on it;

(B) The permanent habitable dwellings on the parcel to be divided were established there before the effective date of this rule;

(C) Each new parcel created by the partition would have at least one of those permanent habitable dwellings on it;

(D) The partition would not create any vacant parcels on which a new dwelling could be established.

(E) For purposes of this rule, habitable dwelling means a dwelling that meets the criteria set forth in ORS 215.283(t)(A)-(t)(D).

**FINDING:** Because the County is not allowing the creation of new parcels smaller than the minimum lot size required under subsections (a) through (d), subsections (A) through (E) of this section do not apply to the proposal.

(i) For rural residential areas designated after the effective date of this rule, the affected county shall either:

(A) Require that any new lot or parcel have an area of at least ten acres, or

(B) Establish a minimum lot size of at least two acres for new lots or parcels in accordance with the requirements of Section (6). The minimum lot size adopted by the county shall be consistent with OAR 660-004-0018, 'Planning and Zoning for Exception Areas.'"

**FINDING:** In this case, the County is establishing an overall density of residential development allowed as a ratio of one dwelling for every ten acres.

### **3. Justification for a Zone Change:**

#### **3.1 Zoning Ordinance - Chapter 9:**

Chapter 9 of the Wasco County Land Use and Development Ordinance (zoning ordinance), entitled "Zone Change and Ordinance Amendment," includes standards and procedures for zone changes. Section 9.010 states:

"Application for a zone change may be initiated as follows:

\*\*\*\*\*

C. By application filed with the Director of Planning upon forms prescribed by the Director of Planning and signed by a property owner with the area of the proposed change, and containing such information as may be required by the [Director of Planning]<sup>1</sup> to establish the criteria for the change (quasi-judicial only);"

---

<sup>1</sup> Missing text in published version of Section 9.010.

As indicated previously, this zone change was initiated by property owner David Wilson. Planning staff is presenting the proposal with a recommendation for approval.

### **3.2 Zoning Ordinance - Section 9.020**

Section 9.020, entitled “Criteria for Decision,” provides as follows:

“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 Comprehensive Plan; 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.”

**3.2.1** This request is for a plan amendment and an exception to Goal 4. The previous section of this discussion establishes that the current F-2(80) zoning can be considered a mistake given the location and characteristics of the subject property and its relationship to surrounding residential uses.

**3.2.2.** This narrative and the attached exhibits also establish that the requirements of subsection B. have been met: B(1) is met because the Comprehensive Plan is being amended specifically to support the proposed zoning designation; B(2) is met because the site is suitable to the proposed F-F(10) zone; and B(3) is met because through this zone change application and process there has been a conscious consideration of the public health, safety and welfare in applying the specific zoning regulations.

**3.2.3.** The Wasco County Comprehensive Plan contains goals that mirror the statewide goals, and policies to carry them out. Except as discussed in these findings, the plan does not contain approval standards that apply to the requested zone change. The zone change is proposed with due consideration of all relevant comprehensive plan goals and policies, as required by section B(1):

#### Goal 1 - Citizen Involvement.

The purpose of Goal 1 is to ensure the “opportunity for citizens to be involved in all phases of the planning process.” Wasco County has incorporated opportunities in its Comprehensive Plan and the zoning ordinance. Compliance with Goal 1 is demonstrated by compliance with the applicable

plan and zoning ordinance provisions with opportunity for public input and by the public hearings required as part of this application and process.

#### Goal 2 – Land Use Planning.

The County's land use planning goal requires that procedures be established and followed to ensure public participation in land use decision making, and that there is an “adequate factual base” for land use decisions. All applicable procedures have or will be complied with in the consideration of this proposal. These findings and the record of this proceeding are a more than adequate factual base for the decision.

#### Goal 3 - Agricultural Lands.

Goal 3 provides for the preservation of Agricultural Lands for farm use. There are no Goal 3 designated Agricultural Lands on the subject property and Goal 3 therefore does not apply.

#### Goal 4 -- Forest Lands.

Goal 4 provides for the preservation of Forest Lands. The subject property is currently designated Forest Land, but is not now in timber production and has not historically been in timber production. As discussed in the preceding sections of this discussion, the subject property is not generally suitable for commercial forestry due to its development and use as residential property; its proximity to other residential properties; and its soil characteristics and historic uses. The proposal is to redesignate the property for rural residential uses, which will not have any impact on lands actually being used for commercial forestry.

#### Goal 5 - Open Spaces, Scenic and Historic Areas and Natural Resources.

The County zoning ordinances contain siting and development criteria, found in zoning ordinance section 3.920, for lands within Division 8 - Sensitive Wildlife Habitat Overlay designated areas in the County. The subject property is within the Sensitive Wildlife Habitat Overlay. Goal 5 is met by the application of these standards to any development of the subject property. No other inventoried Goal 5 resources are affected by the proposal. The proposal complies with Goal 5.

#### Goal 6 - Air, Land and Water Quality.

Goal 6 is “To maintain and improve the quality of the air, water and land resources of the state.” The proposal is consistent with Goal 6. The subject property is not located in or near a federal air quality attainment area, and will not generate significant additional air pollution. Sewage disposal from potential additional new dwellings must comply with all state and local requirements. Those requirements ensure that such discharges will be properly treated and disposed of, and will not threaten to exceed the carrying capacity of, or degrade or threaten the availability of, area natural resources. The proposal complies with Goal 6.

#### Goal 7 -- Areas Subject to Natural Disasters and Hazards.

The subject property is not within any areas identified by the County as Natural Hazard Areas.



#### Goal 8 -Recreational Needs.

Goal 8 is “To satisfy the recreational needs of the citizens of Wasco County and visitors.” None of the policies of Goal 8 apply to the proposal.

#### Goal 9 -- Economy of the State.

Goal 9 is “To diversify and improve the economy of Wasco County.” The proposal promotes Goal 9 by allowing residential uses, which the County considers to be the appropriate use of the subject property in view of existing development. The proposal is consistent with, and promotes Goal 9.

#### Goal 10 -- Housing.

Goal 10 is “To provide for the housing needs of the citizens of Wasco County.” There is an ongoing need for developable rural residential lots, and corresponding pressure on resource lands to fill that need. The proposed zone change helps to ameliorate that pressure by creating potential rural residential lots while having no impact on lands actually in forest production.

#### Goal 11 -- Public Facilities and Services.

Goal 11 is to “plan and develop a timely, orderly, and efficient arrangement of public facilities and services to provide a framework for urban and rural development.” The existing services and facilities in the area of the subject property are adequate for the proposal. The subject property adjoins Sevenmile Hill Road. Local fire and police services are provided by the rural fire protection district and the sheriff's office. Neither water nor sewer services are provided to the subject property, but are available on the subject property through individual well(s) and septic tank systems.

#### Goal 12 -Transportation.

Goal 12 is “To provide and encourage a safe, convenient and economic transportation system.” The goal does not have approval standards, and is otherwise implemented through County transportation planning. The proposal will have little if any impact on the transportation system serving the subject property because there will be minimal increase in traffic generated by development that might occur as a result of the zone change. It is estimated that a maximum of 3 additional residences could be developed. Each residence is predicted to generate an average of 9.57 trips/day, which will not significantly affect the functionality, capacity, or level of service of Sevenmile Hill Road or other local roads. In connection with Goal 12, the County is required to apply the Transportation Planning Rule located in Chapter 660, Division 12 of the Oregon Administrative Rules. OAR 660-12-060 requires amendments to comprehensive plans that “significantly affect a transportation facility...assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility.” Sevenmile Hill/State Road

is classified as a Rural Major Collector, which is consistent with the level of traffic from the rural residential uses that feed into it.

### Goal 13 - Energy Conservation.

This Goal is met by application of development standards contained in the zoning ordinance.

### Goal 14-Urbanization.

The level of existing development and possible development does not constitute “urban use.” Goal 14 does not, therefore, apply. It should be noted, however, that Policy 3 of Goal 14 encourages “subdivisions to be developed by a planned development approach, maximizing physical design, the retention of open space and reducing adverse impacts. The proposed zone change for the subject property is consistent with that policy.

**3.2.5** Subsection B(2) of zoning ordinance section 9.020 requires that the site be shown to be “suitable to the proposed use.” The proposed zone would allow, outright, farm and forest uses and dwellings on parcels of at least ten acres in conjunction with farm or forest uses. In discussing the Forest-Farm zone, zoning ordinance section 3.220.A. states:

“The purpose of the Forest-farm zone is to permit those lands which have not been in commercial agriculture or timber production to be used for small-scale, part-time farm or forest units by allowing residential dwellings in conjunction with a farm use while preserving open space and other forest uses.”

**3.2.5..1.** The Forest-Farm zone is not a resource zone. (See October 11, 1995 non-resource determination letter Exhibit WC-Q, Betzing Record). In this case, it is the most suitable designation for the subject property, which has been physically developed and entirely committed to nonresource use due to its location in close proximity to major county rural residential areas. The area is suitable to the proposed use as described in the attached exhibits and otherwise as described in the reports and testimony received in this proceeding.

**3.2.5..2.** The history of the area is also relevant to addressing this standard. As discussed in the Irrevocably Committed section of this discussion, the extensive parcelization that took place to the west, north, and east of the subject property has resulted, over time, in the building and commitment of the surrounding area to non-resource, rural residential uses. As explained in previous sections of this narrative, the presence of dwellings in and adjacent to the subject property complicates and

increases the cost of commercial forestry in that area in a manner rendering commercial forestry impracticable.

**3.2.6** Subsection B(3) of zoning ordinance section 9.020 requires, prior to approval of a zone change, that it be established that “There has been a conscious consideration of the public health, safety and welfare in applying the specific zoning regulations.” The exhibits and record of this proceeding support a finding of compliance with this requirement. This requirement for rezoning has been met.

### **3.3 Zoning Ordinance – Section 9.030**

Section 9.030 requires review of the proposed action to determine whether it significantly affects a transportation facility. As discussed in Section 1.8, the proposed zone change will not significantly affect a transportation facility.

### **3.4 Zoning Ordinance – Section 9.040**

Section 9.040 allows for the imposition of such reasonable conditions “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.” The Section lists without limitation eight general categories of areas which may be conditioned to achieve the desired compatibility. Because the minimum lot size in the proposed zone change is 10 acres, because the uses surrounding the subject property are almost entirely rural residential, and because any future development will require compliance with applicable building and development standards, no conditions are necessary as part of this application to ensure the compatibility of the subject property to the surrounding uses.

### **3.5 Zoning Ordinance – Section 9.060 – 9.080**

Sections 9.060 through 9.080 require that the Planning Commission hold a hearing on the proposed zone change and make a recommendation to the County Board of Commissioners, which shall then take such action as it deems appropriate no sooner than twenty days after receipt of the Planning Commission’s recommendation.

## **CONCLUSION**

Because of the unique circumstances of the relationship between the subject property and surrounding land as explained above, the proposed residential uses will not commit adjacent or nearby resource land to nonresource use. The rural residential uses allowed are compatible with nearby resource use. Based upon all of the findings of fact and conclusions of law set forth above, the Planning Director recommends approval of the exception and zone change and recommends that the subject property be rezoned to F-F(10), and that the corresponding Plan, map and ordinance changes be made.

## SOIL INTERPRETATIONS RECORD

49C WAMIC LOAM 5 TO 12 PERCENT NORTH SLOPES

THE WAMIC SERIES CONSISTS OF DEEP WELL DRAINED SOILS FORMED IN AEOLIAN MATERIALS ON RIDGETOPS AND PLATEAUS. TYPICALLY, THE SURFACE LAYER IS VERY DARK GRAYISH BROWN LOAM ABOUT 7 INCHES THICK. THE SUBSOIL IS DARK BROWN LOAM ABOUT 21 INCHES THICK. THE SUBSTRATUM IS DARK BROWN LOAM ABOUT 16 INCHES THICK. DEPTH TO BEDROCK IS 40 TO 60 INCHES OR MORE. ELEVATION IS 1000 TO 3600 FEET. MEAN ANNUAL PRECIP. IS 14 TO 20 INCHES. MEAN ANNUAL AIR TEMP. IS 46 TO 50 DEGREES F. THE FROST-FREE PERIOD IS 100 TO 150 DAYS.

ESTIMATED SOIL PROPERTIES												
DEPTH (IN.)	USDA TEXTURE	UNIFIED	AASHTO	PERCENT OF MATERIAL LESS THAN 3" PASSING SIEVE NO.				LIMIT		PLAS-		
				10	20	40	200			INDEX		
0-7	IL	ML, CL-ML	A-4	0	195-100	95-100	90-95	55-75	20-25	NP-5		
7-28	IL, SIL	ML, CL-ML	A-4	0	195-100	95-100	90-95	55-75	20-25	NP-5		
28-44	IL, SCL	ML	A-4	0	195-100	95-100	90-95	55-75	30-35	5-10		
44	UWB											
DEPTH (IN.)	CLAY (PCT)	MOIST BULK (G/CM <sup>3</sup> )	PERMEA- BILITY (IN/HR)	AVAILABLE WATER CAPACITY (IN/IN)	SOIL REACTION (PH)	SALINITY (MMHOS/CM)	SHRINK- SWELL POTENTIAL K	EROSION FACTORS K	WIND EROD. GROUP	ORGANIC MATTER (PCT)	CORROSIVITY STEEL	CORROSIVITY CONCRETE
0-7	15-25	1.10-1.30	0.6-2.0	0.19-0.22	6.6-7.3	-	LOW	1.49	4	-	1-2	MODERATE
7-28	16-27	1.20-1.35	0.6-2.0	0.19-0.22	6.6-7.3	-	LOW	1.43				LOW
28-44	20-30	1.30-1.45	0.2-0.6	0.13-0.15	6.6-7.3	-	LOW	1.43				
44												

FLOODING			HIGH WATER TABLE		CEMENTED PAN		BEDROCK		SURSIDIENCE		HYDRO-POTENTIAL	
FREQUENCY	DURATION	MONTHS	DEPTH (FT)	KIND	DEPTH (IN)	HARDNESS	DEPTH (IN)	HARDNESS	INITIAL	TOTAL	GROUP	FROST
NONE			26.0			-	140-60	HARD	-	-	B	MODERATE

SANITARY FACILITIES		CONSTRUCTION MATERIAL	
SEPTIC TANK	SEVERE-PERCS SLOWLY	ROADFILL	FAIR-AREA RECLAIM, THIN LAYER
ABSORPTION FIELDS			
SEWAGE LAGOON AREAS	SEVERE-SLOPE	SAND	IMPROBABLE-EXCESS FINES
SANITARY LANDFILL (TRENCH)	SEVERE-DEPTH TO ROCK	GRAVEL	IMPROBABLE-EXCESS FINES
SANITARY LANDFILL (AREA)	MODERATE-DEPTH TO ROCK, SLOPE	TOPSOIL	FAIR-SLOPE
DAILY COVER FOR LANDFILL	FAIR-AREA RECLAIM, SLOPE, THIN LAYER		
BUILDING SITE DEVELOPMENT		WATER MANAGEMENT	
SHALLOW EXCAVATIONS	MODERATE-DEPTH TO ROCK, SLOPE	POND RESERVOIR AREA	SEVERE-SLOPE
DWELLINGS WITHOUT BASEMENTS	MODERATE-SLOPE	EMBANKMENTS DIKES AND LEVEES	SEVERE-PIPING
DWELLINGS WITH BASEMENTS	MODERATE-DEPTH TO ROCK, SLOPE	EXCAVATED PONDS AQUIFER FED	SEVERE-NO WATER
SMALL COMMERCIAL BUILDINGS	SEVERE-SLOPE	DRAINAGE	DEEP TO WATER
LOCAL ROADS AND STREETS	MODERATE-SLOPE, FROST ACTION	IRRIGATION	SLOPE, ERODES EASILY
LAWNS, LANDSCAPING AND GOLF FAIRWAYS	MODERATE-SLOPE	TERRACES AND DIVERSIONS	SLOPE, ERODES EASILY
		GRASSED WATERWAYS	SLOPE, ERODES EASILY

RECREATIONAL DEVELOPMENT													
MODERATE-SLOPE, DUSTY				SEVERE-SLOPE									
CAMP AREAS				PLAYGROUNDS									
MODERATE-SLOPE, DUSTY				SEVERE-ERODES EASILY									
PICNIC AREAS				PATHS AND TRAILS									
CAPABILITY AND YIELDS PER ACRE OF CROPS AND PASTURE (HIGH LEVEL MANAGEMENT)													
CAPABILITY		WHEAT	GRASS HAY										
BILITY		WINTER											
		(BU)	(TONS)										
NI	IR	IR	IR	IR	IR	IR	IR	IR	IR	IR	IR	IR	IR
4E		35	1.5										
<i>Severe limitations ie) erosion</i>													
WOODLAND SUITABILITY													
ORD	MANAGEMENT PROBLEMS						POTENTIAL PRODUCTIVITY						
SYM	EROSION	EQUIP.	SEEDLING	WINDTH	PLANT	COMMON TREES	SITE	TREES TO PLANT					
	HAZARD	LIMIT	MORTY.	HAZARD	COMPET.		INDEX						
4A	MODERATE	SLIGHT	MODERATE	SLIGHT	SEVERE	PONDEROSA PINE	170	PONDEROSA PINE					
						OREGON WHITE OAK							
<i>4 out of 5 / 100% / 57.2 / 13/20</i>													
WINDBREAKS													
SPECIES		IHT	SPECIES		IHT	SPECIES		IHT	SPECIES		IHT		
NONE													
WILDLIFE HABITAT SUITABILITY													
POTENTIAL FOR HABITAT ELEMENTS													
GRAIN & GRASS		WILD	HARDWOOD	CONIFER	SHRUBS	WETLAND	SHALLOW	OPEN	WOOD	WETLAND	RANGELAND		
SEED	LEGUME	HERB.	TREES	PLANTS		PLANTS	WATER	WILDLF	WILDLF	WILDLF	WILDLF		
FAIR	GOOD	GOOD	FAIR	FAIR	FAIR	IV. POOR	IV. POOR	FAIR	FAIR	IV. POOR			
POTENTIAL NATIVE PLANT COMMUNITY (RANGELAND OR FOREST UNDERSTORY VEGETATION)													
COMMON PLANT NAME		PLANT SYMBOL	PERCENTAGE COMPOSITION (DRY WEIGHT)										
		(NLSPN)											
IDAHO FESCUE		FE10	45										
BLUEBUNCH WHEATGRASS		AGSP	10										
SANDBERG BLUEGRASS		POSE	5										
ARROWLEAF BALSAMROOT		BASA3	2										
ANTELOPE BITTERBRUSH		PUTR2	10										
OREGON WHITE OAK		QUGA4	5										
PONDEROSA PINE		PIPO	5										
POTENTIAL PRODUCTION (LBS./AC. DRY WT):													
FAVORABLE YEARS			950										
NORMAL YEARS			800										
UNFAVORABLE YEARS			450										

## FOOTNOTES

\* SITE INDEX IS A SUMMARY OF 5 OR MORE MEASUREMENTS ON THIS SOIL.

## SOIL INTERPRETATIONS RECORD

500 WAMIC LOAM, 12 TO 20 PERCENT SLOPES

THE WAMIC SERIES CONSISTS OF DEEP WELL DRAINED SOILS FORMED IN AEOLIAN MATERIALS ON RIDGETOPS AND PLATEAUS. TYPICALLY, THE SURFACE LAYER IS VERY DARK GRAYISH BROWN LOAM ABOUT 7 INCHES THICK. THE SUBSOIL IS DARK BROWN LOAM ABOUT 21 INCHES THICK. THE SUBSTRATUM IS DARK BROWN LOAM ABOUT 16 INCHES THICK. DEPTH TO BEDROCK IS 40 TO 60 INCHES OR MORE. ELEVATION IS 1000 TO 3600 FEET. MEAN ANNUAL PRECIP. IS 14 TO 20 INCHES. MEAN ANNUAL AIR TEMP. IS 46 TO 50 DEGREES F. THE FROST-FREE PERIOD IS 100 TO 150 DAYS.

## ESTIMATED SOIL PROPERTIES

DEPTH (IN.)	USDA TEXTURE	UNIFIED	AASHTO	FRAC- (PCT)	PERCENT OF MATERIAL LESS THAN 3" PASSING SIEVE NO.	LIQUID LIMIT	PLAS- TICITY
0-7	IL	ML, CL-ML	A-4	0	95-100 95-100 90-95 55-75	20-25	NP-5
7-28	IL, SIL	ML, CL-ML	A-4	0	95-100 95-100 90-95 55-75	20-25	NP-5
28-44	IL, SCL	ML	A-4	0	95-100 95-100 90-95 55-75	30-35	5-10
44	UWB						

DEPTH (IN.)	CLAY (PCT)	MOIST BULK DENSITY (G/CM <sup>3</sup> )	PERMEA- BILITY (IN/HR)	AVAILABLE WATER CAPACITY (IN/IN)	SOIL REACTION (PH)	SALINITY (MMHOS/CM)	SHRINK- SWELL POTENTIAL	EROSION FACTORS	WIND EROD.	ORGANIC MATTER	CORROSIVITY STEEL, CONCRETE
0-7	15-25	1.10-1.30	0.6-2.0	0.19-0.22	6.6-7.3	-	LOW	1.49	4	-	1-2 MODERATE
7-28	18-27	1.20-1.35	0.6-2.0	0.19-0.22	6.6-7.3	-	LOW	1.43			
28-44	20-30	1.30-1.45	0.2-0.6	0.13-0.15	6.6-7.3	-	LOW	1.43			
44											

FLOODING	HIGH WATER TABLE	CEMENTED PAN	BEDROCK	SUBSIDENCE	HYDROTENT
FREQUENCY	DURATION	MONTHS	DEPTH (FT)	DEPTH (IN)	DEPTH (IN)
NONE			26.0		140-60 HARD

## SANITARY FACILITIES

## CONSTRUCTION MATERIAL

SEPTIC TANK ABSORPTION FIELDS	SEVERE-PERCS SLOWLY, SLOPE	ROADFILL	FAIR-AREA RECLAIM, THIN LAYER, SLOPE
SEWAGE LAGOON AREAS	SEVERE-SLOPE	SAND	IMPROBABLE-EXCESS FINES
SANITARY LANDFILL (TRENCH)	SEVERE-DEPTH TO ROCK, SLOPE	GRAVEL	IMPROBABLE-EXCESS FINES
SANITARY LANDFILL (AREA)	SEVERE-SLOPE	TOPSOIL	POOR-SLOPE
DAILY COVER FOR LANDFILL	POOR-SLOPE	POND RESERVOIR AREA	SEVERE-SLOPE
BUILDING SITE DEVELOPMENT		WATER MANAGEMENT	
SHALLOW EXCAVATIONS	SEVERE-SLOPE	EMBANKMENTS DIKES AND LEVEES	SEVERE-PIPING
DWELLINGS WITHOUT BASEMENTS	SEVERE-SLOPE	EXCAVATED PONDS AQUIFER FED	SEVERE-NO WATER
DWELLINGS WITH BASEMENTS	SEVERE-SLOPE	DRAINAGE	DEEP TO WATER
SMALL COMMERCIAL BUILDINGS	SEVERE-SLOPE	IRRIGATION	SLOPE, ERODES EASILY
LOCAL ROADS AND STREETS	SEVERE-SLOPE	TERRACES AND DIVERSIONS	SLOPE, ERODES EASILY
LAWNS, LANDSCAPING AND GOLF FAIRWAYS	SEVERE-SLOPE	GRASSED WATERWAYS	SLOPE, ERODES EASILY

## RECREATIONAL DEVELOPMENT

	SEVERE-SLOPE	PLAYGROUNDS	SEVERE-SLOPE
CAMP AREAS			
PICNIC AREAS		PATHS AND TRAILS	SEVERE-ERODES EASILY

## CAPABILITY AND YIELDS PER ACRE OF CROPS AND PASTURE (HIGH LEVEL MANAGEMENT)

[illegible]

# WOODLAND SUITABILITY

[illegible]

## WINDBREAKS

[illegible]

## WILDLIFE HABITAT SUITABILITY

[illegible]

POTENTIAL NATIVE PLANT COMMUNITY (RANGELAND OR FOREST UNDERSTORY VEGETATION)

COMMON PLANT NAME	PLANT SYMBOL	PERCENTAGE COMPOSITION (DRY WEIGHT)
IDAHO FESCUE	FEID	45
SANDBERG BLUEGRASS	POSE	5
BLUEBUNCH WHEATGRASS	AGSP	10
NARROWLEAF BALSAMROOT	BASA3	2
MANTELOPE BITTERBRUSH	PUTR2	10
OREGON WHITE OAK	QUGA4	5
PONDEROSA PINE	PIPO	5

POTENTIAL PRODUCTION (LBS./AC. DRY WT):					
FAVORABLE YEARS	950				
NORMAL YEARS	800				
UNFAVORABLE YEARS	450				

## FOOTNOTES

\* SITE INDEX IS A SUMMARY OF 5 OR MORE MEASUREMENTS ON THIS SOIL.



RECEIVED 9-25-92  
FROM ODF

Ponderosa Pine Site Classes and Site Index Table  
Compared with Cubic Foot Site Classes

	Site Index												
	40	50	60	70	80	90	100	110	120	130	140	150	160
Site Index →													
Potential Yield Cubic Feet Per Acre Gross Cubic Foot	20	20-49			50-84		85-119		120-164		165-224		225+
Cubic Foot Site Class	7	6			5		4		3		2		1

Red Fir - Noble Fir - Pacific Silver Fir Site Index and  
Cubic Foot Site Class Table (Forest Survey)

	Site Index				
	20	30	40	50	60
Potential Yield Cubic Feet/Acre	50-84	85-119	120-164	165-224	
Cubic Foot Site Class	5	4	3	2	

Sitka Spruce Site Index and Cubic Foot  
Site Class Table (Forest Survey)

	Site Index														
	50	60	70	80	90	100	110	120	130	140	150	160	170	180	190
Potential Yield Cubic Feet/Acre	20-49	50-84		85-119		120-164		165-224			225+				
Cubic Foot Site Class	6	5		4		3		2			1				



**TO:** WASCO COUNTY PLANNING COMMISSION

**FROM:** WASCO COUNTY PLANNING & ECONOMIC  
DEVELOPMENT OFFICE

**SUBJECT:** Request for Comprehensive Plan Amendment and Zone Change for a single 40  
acre parcel in the Sevenmile Hill Area Committed to Residential Use; Exception  
to Goal 4.

**HEARING DATE:**

**APPLICANT:** David Wilson

**NATURE OF REQUEST:**

The request is for:

- Amendment to the County's Comprehensive Plan and plan map establishing an exception to Goal 4, "Forest Lands," for Applicant's tax lot 4400 consisting of 40.10 acres; and
- A change in the zone designation of tax lot 4400 from F-2 (80) "Forest Use" to F-F (10) "Forest-Farm."

**RECOMMENDATION:** The Planning Office recommends that the Planning Commission approve the request for a zone change, comprehensive plan amendment, and exception as set forth below. The subject property is both physically developed and irrevocably committed to non-forest uses, because residential uses both on and surrounding the subject property make forest uses impracticable. The criteria for the requested zone and plan changes are met, as explained in this submittal and the attached Exhibits.

## **BACKGROUND INFORMATION**

### **PROPERTY OWNERS:**

This request is for tax lot 2N 12E 22 4400, owned by applicant David Wilson, as shown on the maps in Exhibit 1. Tax lot 4400 is a legally created lot of record, and is referred to in this submittal as the “subject property.”

### **COMPREHENSIVE PLAN AND ZONING DESIGNATIONS:**

The subject property is designated forest use on the comprehensive plan map and currently zoned F-2 (80) for forest use.

### **PUBLIC FACILITIES AND SERVICES:**

#### Transportation

The subject property lies south of Sevenmile Hill Road at the point where it intersects with Old Sevenmile Hill Road and Richard Road. At the point of the intersection of Sevenmile Hill Road and Dry Creek Road, and proceeding toward the northwest from the intersection, Sevenmile Hill Road becomes State Road. The primary access to the subject property is from Sevenmile Hill Road.

From the records of the Wasco County Road Department, State Road/Sevenmile Hill Road is a Functional Class RC Rural Major Collector with a 2009 ADT of 480 and a V/C Ratio of 0.01 [Data taken from Wasco County Transportation System Plan, 2009] The Planning Office prepared a memorandum to the County Court dated 2/18/98 as a staff report for the Transition Lands Study Area (TLSA) Rezoning Hearing. The TLSA memo listed a capacity for State Road/Sevenmile Hill Road of 1,500/day.

According to the latest version of the ITE Trip Generation Manual, a detached single family dwelling produces 9.57 Average Daily Trips (Land Use 210). The proposed zone change could potentially add 3 dwellings to the area's traffic load, producing 29 daily trips at maximum buildout. The addition of those trips to the existing ADT would result in 509 daily trips for the area. Based on the carrying capacity of State Road/Sevenmile Hill Road, the addition of 3 dwellings would not cause the V/C ratio to rise above 0.5. Wasco County has not established a mobility standard for Sevenmile Hill Road. However, in the 2009 Transportation System Plan the county used the ODOT mobility standard of 0.70 as a comparison figure. Using that standard, should the proposed zone change produce the maximum development allowed, it would not have a significant impact on the transportation facilities.

#### Water and Sewer

There is no public water system that would be available to serve existing or future residences on the subject property or surrounding lands, because of the rural nature of the area. A

Geologic Survey was published in 1996 as part of the TLSA study (see below under general history and prior land use actions) which included a survey of wells and groundwater levels to determine the capacity for development in the Sevenmile Hill area. The land around the subject property was found to have groundwater in relatively good quantities. The static water levels were found to be less than 50' and the depth to base of aquifer was found to be between 100' and 199.' (See Appendix 4 to the TLSA -- Ground Water Evaluation and Background Materials ("Groundwater Study") at pages 12-13.)

The predominant source of water in this area is from wells. There are two wells on the subject property (see Well Reports WASC 003131, WASC 003111, & WASC 003105). Yields are 50 & 60 GPM. There is also a well located on applicant's property to the south of the subject property yielding 35 GPM (see Well Report WASC 1609). The wells on the subject property have the capacity to support additional residential development, and the yields of all wells indicate adequate groundwater supply in the area. See additional findings below regarding the TLSA study.

There are no public sewer facilities available in the area. Each residence would be required to handle its own sewage as required by law. At the permitting stage, each residential development would have to go through the site evaluation process for an individual septic system and private well. A maximum overall density of 1 residence per 10 acres has provided the necessary land area for adequate handling of sewage for individual properties in areas surrounding the subject property.

#### Electricity

Power lines are located on Sevenmile Hill Road, in close proximity to the site. Electric power is available to serve the subject property and currently serves the residence and associated accessory buildings located on the subject property.

#### Fire Protection and Prevention

The subject property is within the Mid-Columbia Fire and Rescue District (Structural) and Oregon Department of Forestry (Wildfire). The District has cooperation agreements with the Oregon Department of Forestry and with the Mosier Fire Protection District. When an alarm is received in one agency, it is also transferred to the other two, and when necessary, there is a combined, coordinated response to fire emergencies.

### **GENERAL HISTORY AND PRIOR LAND USE ACTIONS:**

In 1993, Wasco County began work on the Transition Lands Study Area Project ("TLSA") in response to concerns about development in northern Wasco County, and particularly in the area surrounding the subject property, which area is known as the Sevenmile Hill area. The concerns included "availability of groundwater to serve domestic needs, fire hazard, conflict with wildlife, and available lands for rural residential lifestyle in this developing area."

The first phase of the project was a groundwater study. The initial study was published in December 1996 as the "TLSA Ground Water Evaluation, Wasco County, Oregon" by Jervy Geological Consulting (The Groundwater Study"). On September 12, 1997, the final report for the TLSA was published, incorporating the Groundwater Study. The TLSA report included recommendations outlining the sub-areas within the study area that were suitable for residential development, rating them with scores for resource values and development values. Referring to Figure 11 in that report, which is a map indicating the combined values of the two scales, the subject property was rated "L/H," meaning that it scored low for Resource Values and high for Development Values.

The final Recommendation of the TLSA for the Sevenmile Hill area included:

- Retain the existing R-R(5) and A-1 (80) EFU zoning
- Retain the existing R-R(5) and A-1 (80) EFU zoning .
- Retain the existing F-F(10) areas that have a higher resource value or a low development value (for instance, in areas where water availability is unknown).
- Rezone the remainder of the F-F(10) lands to R-R(10). F-F(10) areas would be able to transfer development rights to the area identified as the test area.

As a result of the TLSA study, eight parcels of F-F(10) land in the Sevenmile Hill area north of the subject property were converted to R-R(10), removing the requirement for conditional use review of proposed non-farm/forest dwellings (ZNC 99-101 ZO-L and CPA 99-103-CP-L). In recent years the County has approved single family dwellings that have subsequently been built on nearly every lot surrounding the subject property.

Additional detailed area history is contained in Section 2 of this submittal.

## **JUSTIFICATION FOR REQUEST:**

### **1. Wasco County Comprehensive Plan Revision Procedures and Standards.**

- 1.1. The Comprehensive Plan's "Definitions-Existing Land Use Map" identify the subject property as: "Forestry – this designation includes all commercial forest land, both publicly and privately owned. Productivity is greater than 20 cubic feet per acre per year." Page 232 of the plan lists "Purpose Definitions of Map Classifications on the Comprehensive Plan Map." The existing plan classification, "Forest," states: "Purpose: To provide for all commercial and multiple use forest activities compatible with sustained forest yield."
- 1.2. This request is to change the classification of the subject property on the planning map to "Forest-Farm:" "Purpose: To provide for the continuation of forest and farm

uses on soils which are predominantly class 7 and forest site class 6 and 7; and to preserve open space for forest uses (other than strictly commercial timber production) and for scenic value in the Gorge.”

**1.3.** The following provisions apply and are addressed in the following sections.

**1.4.** Chapter 11 of the Comprehensive Plan establishes procedures and standards for revision of the plan and plan map. This request requires amendment of the text of the plan, to justify an exception to Goal 4, and an amendment to the plan map to designate the subject property for Forest-Farm (non-resource) uses.

**1.5.** Chapter 11 states that a comprehensive plan revision may be initiated by the property owner or his authorized representative. This amendment has been initiated by property owner David Wilson.

**1.6.** The proposal is quasi-judicial in character, and hearings in this matter are being conducted with quasi-judicial procedures and safeguards. Notice of the hearing on this action was provided to the Department of Land Conservation and Development as specified in ORS 197.610 and 615. (See attached Exhibit \_\_\_\_\_)

**1.7. General Criteria for a Plan Amendment.**

Subsection H. of Chapter 11 of the comprehensive plan states:

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

1. Compliance with the statewide land use goals as provided by Chapter 15 or further amended by the Land Conservation and Development Commission, where applicable.
2. Substantial proof that such change shall not be detrimental to the spirit and intent of such goals.
3. A mistake in the original comprehensive plan or change in the character of the neighborhood can be demonstrated.
4. Factors which relate to the public need for healthful, safe and aesthetic surroundings and conditions.
5. Proof of change in the inventories originally developed.

6. Revisions shall be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change must be established.”

**1.7.1** As set forth by the County Court in Exhibit B of the Big Muddy Ranch – Young Life Youth and Family Camp Exception (September 1997), these are factors for consideration and not standards that must each be strictly met. Thus, the Planning Commission need only consider these criteria and determine whether they are generally satisfied.

**1.7.2** The following findings demonstrate compliance with statewide land use planning goals that may apply to the request, as required by subsections 1 and 2 of the plan amendment general factors:

Goal 1 - Citizen Involvement. The purpose of Goal 1 is to ensure the “opportunity for citizens to be involved in all phases of the planning process.” Wasco County has incorporated opportunities for citizen involvement in its Comprehensive Plan and zoning ordinance procedures. These proceedings are being conducted with notice and hearings with opportunity for public input as required by law and local ordinance. Compliance with Goal 1 is demonstrated by compliance with the applicable Plan and zoning ordinance provisions.

Goal 2 - Land Use Planning. The purpose of Goal 2 is “to establish a planning process and policy framework as a basis for all decisions and actions related to use of the land and to assure an adequate factual base for such decisions and actions.” The County's planning process has been acknowledged as being in compliance with the goals, and was followed in consideration of the proposal. An adequate factual base is provided by this narrative, the attached exhibits, and testimony received through the hearing process. As discussed in greater detail below, the proposal also complies with Goal 2 requirements for the adoption of exceptions to a statewide goal, in this case, Goal 4. The proposal complies with Goal 2.

Goal 3 – Agricultural Lands. Goal 3 provides for the preservation of Agricultural Lands for farm use. The subject property has been designated for forest uses, not farm uses, although small scale (non-commercial) farm uses are possible in the area. Because the subject property has not been identified or inventoried as agricultural land, Goal 3 does not apply to the proposal; however small-scale farming activities possible in the area are promoted by the allowance of the proposal.

Goal 4 - Forest Lands. Goal 4 provides for the preservation of Forest Lands. The subject property is currently designated Forest Land. The intention of this proposal is to accurately reflect the nature of the subject property by changing the zoning to F-F(10). Because Goal 4 applies, and the requested plan and zone designations would allow development of non-forest uses, an “exception” must be taken to Goal 4. The exception



is justified in part 2 of this narrative addressing LCDC's administrative rule requirements for “physically developed” and “irrevocably committed” exceptions.

Goal 5 -Open Spaces, Scenic and Historic Areas, and Natural Resources. Goal 5 is to protect natural resources and conserve scenic and historic areas and open spaces. The county zoning ordinances contain siting and development criteria, found in zoning ordinance section 3.920, for lands within Division 8 - Sensitive Wildlife Habitat Overlay designated areas in the county. The subject property is within the Sensitive Wildlife Habitat Overlay. Goal 5 is met by the application of these standards to any development of the subject property. No other inventoried Goal 5 resources are affected by the proposal. The proposal complies with Goal 5.

Goal 6 - Air, Water, and Land Resources Quality. Goal 6 is “To maintain and improve the quality of the air, water and land resources of the state.” The proposal is consistent with Goal 6. The subject property is not located in or near a federal air quality attainment area, and will not generate significant additional air pollution. Sewage disposal from potential additional new dwellings must comply with all state and local requirements. Those requirements ensure that such discharges will be properly treated and disposed of, and will not threaten to exceed the carrying capacity of, or degrade or threaten the availability of, area natural resources. The proposal complies with Goal 6.

Goal 7 – Areas Subject to Natural Disasters and Hazards. Goal 7 is “To protect people and property from natural hazards.” Goal 7 calls for local governments to adopt measures “to reduce risk to people and property from natural hazards.” The subject property is not within any of the areas identified as being subject to natural disaster. The proposal complies with Goal 7.

Goal 8 –Recreational Needs. Goal 8 is “To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.” If the zoning is changed to F-F(10), “Parks, playgrounds, hunting and fishing preserves and campgrounds” would be allowed as conditional uses within the exception area. To the extent Goal 8 applies, the proposal is consistent with Goal 8.

Goal 9 – Economic Development. Goal 9 is “To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.” The proposal promotes Goal 9 by allowing residential uses, which the County considers to be the appropriate use of the subject property in view of existing development. The proposal is consistent with, and promotes Goal 9.

Goal 10 – Housing. Goal 10 is “To provide for the housing needs of citizens of the state.” The rule is directed to lands in urban and urbanizable areas. However, the proposal will allow development of additional homes in an area that is already built

and irrevocably committed to residential uses. Consistent with Goal 10, the proposal will improve housing opportunities in an area where such uses are appropriate.

Goal 11 - Public Facilities and Services. Goal 11 is “To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.” In this case, the proposed rural development is supported by facilities and services that are appropriate for, and limited to, the needs of the rural area to be served. Because the area is rural, public facilities such as water and sewer services are not considered necessary or appropriate. Public roads are available and adequate. Local fire and police services are provided by Mid-Columbia Fire and Rescue Department and the Wasco County Sheriff's Office. Neither water nor sewer services are provided to the area, but both are available on the subject property through individual well and septic tank systems. Electric and phone services are available in the area. The increased housing potential in the area is not great enough to have a significant impact on any facilities planned for under Goal 11. The density allowed by the change (1 residence per 10 acres) is less than the maximum density recommended by the TLSA study. The proposal complies with Goal 11.

Goal 12 - Transportation. Goal 12 is “To provide and encourage a safe, convenient and economic transportation system.” The proposal will have little if any impact on the transportation system serving the subject property because there will be a minimal increase in traffic generated by development that might occur as a result of the plan amendment and zone change. Current estimates of use indicate that roads in the area are operating now well below their capacity, with Volume-to-Capacity ratios of 0.01. It is estimated that a maximum of 3 additional residences could be developed. Each residence is predicted to generate an average of 9.57 trips/day, which will not significantly affect the functionality, capacity, or level of service of Sevenmile Hill Road or other local roads.

In connection with Goal 12, the County is required to apply the Transportation Planning Rule in Chapter 660, Division 12 of the Oregon Administrative Rules. OAR 660-12-060 requires, as to amendments to a comprehensive plan or zoning ordinance that “significantly affect a transportation facility,” that the County “assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility.” The proposed action does not significantly affect a transportation facility, and is in conformance with Goal 12 and the Goal 12 rule.

Goal 13 - Energy Conservation. Goal 13 is “To conserve energy.” Policy 3 directs the County to minimize energy consumption through the use of zoning and subdivision standards. In this case, Goal 13 is promoted by encouraging development near existing residential development and along established roads. The proposal conforms with and promotes Goal 13.

Goal 14 - Urbanization. Goal 14 is to “provide for an orderly and efficient transition from rural to urban land use.” Goal 14 lists seven factors to be considered when establishing and changing urban growth boundaries, and four considerations for converting urbanizable land to urban uses. The subject property is not near or within an urban growth boundary, and is not urban or urbanizable. The density of housing that could occur in the area following the requested plan amendment and zone change is one dwelling per ten acres, which is not an urban density. No decidedly “urban” services will be required to allow the maximum amount of development contemplated by this proposal. Water is available in the area in sufficient quantities to serve the proposed housing density (see Groundwater Evaluation). The proposed density will also allow sewage disposal through construction of on-site septic drainfields in accordance with DEQ and local health department requirements. To the extent Goal 14 applies to this proposal, conformance is demonstrated through detailed findings in this submittal addressing Goal 14 as required by Oregon Administrative Rules governing the exceptions process.

Goals 15 through 19 do not apply.

**1.7.3** As noted above, subsection 3 of the County's plan revision factors requires consideration of whether: “A mistake in the original comprehensive plan or change in the character of the neighborhood can be demonstrated.” As outlined in detail in the subsequent sections of this discussion, the subject property is the only parcel which touches Sevenmile Hill Road which is currently in resource zoning. The subject property is for all intents and purposes surrounded completely by residential development. It is not producing any marketable timber, and as outlined in the subsequent sections of this submittal, is unlikely to do so in the future. Comprehensive Plan Chapter 14 -- Findings and Recommendations outlines the anticipated uses for lands zoned F-2(80) as follows: “The ‘F-2 (40)’ and ‘F-2 (80)’ forest zones have very limited permitted uses and conditional uses that are generally compatible with primary timber management. Due to the high cost of these lands, the forty (40) and eighty (80) acre minimum lot sizes will be more than adequate to keep them in forest uses. Most of the lands zoned “F-2 (80)” is in either the Mt. Hood National Forest, White River Game Management Area or are private timber company holdings. These lands are adequately managed for forest, recreational and open space uses.”

Merriam-Webster's defines “mistake” as “to identify wrongly; confuse with another” or “a misunderstanding of the meaning or implication of something.” This proposal is being reviewed in a quasi-judicial proceeding, in which the County is considering whether proposed plan and zone designations for the subject property are more appropriate than the original designations. Based on the materials in this submittal, the County's original characterization of the area as most appropriate for commercial forest uses appears to have been incorrect. The area now appears not to be suitable for forestry uses, but to be more suitable for rural residential use. The TLSA study supports a conclusion that the original comprehensive plan was incorrect, and that the most

appropriate zoning of the property is F-F(10), allowing for rural residences. The County's rezoning of several parcels north of Sevenmile Hill Road from F-F(10) to RR-10, allowing development of nonfarm or forest dwellings as uses permitted outright, also supports this conclusion. The approval of dwellings on, around, and immediately adjacent to the subject property also supports a finding that the character of the neighborhood has changed, toward residential, and away from forestry use.

**1.7.4** As noted above, subsection 4 of the County's plan revision factors requires consideration of "Factors which relate to the public need for healthful, safe and aesthetic surroundings and conditions." This requirement is satisfied by the proposal, which is purposefully designed to allow limited residential development, and small-scale farm and forest uses, on land that is suited for such uses.

**1.7.5** As noted above, Subsection 5 of the County's plan revision factors requires consideration of "Proof of change in the inventories originally developed." The proof required by this section is provided by these findings, the attached exhibits, and testimony and evidence obtained by the County through the hearing process. The County's original inventory of forest lands included the subject property. That inventory has changed, because housing has been allowed on, and in close proximity to the subject property, in a manner that diminishes its suitability for forest uses. The most appropriate manner of addressing this change is as proposed-demonstrate that the land is built and committed to non-resource uses, and justify an exception to Goal 4 that will officially remove the property from the County's Goal 4 inventory. The property can then be dedicated to small scale farm and forest uses with limited density housing in a manner that is consistent with adjacent uses and which is compatible to those forest resource lands nearby.

**1.7.6** Subsection 6 of the County's plan revision factors states: "Revisions shall be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change must be established." As described throughout these findings, the proposed revisions are based on the TLSA study, previous County land use decisions affecting the area, as well as the information, justification and evidence contained and referenced in these findings and in the attached exhibits. These materials, and the County's plan, demonstrate that there is a public need for low-density rural residential uses and for small scale farm and forest uses in the county generally and in the Sevenmile Hill area. The justification for the particular change, addressed throughout these findings, is that the subject property is more properly designated for low density residential use than for commercial forestry uses. There is therefore a public need for the requested change, which has been fully justified by these findings and exhibits.

## **1.8 Transportation Planning Rule Compliance**

Subsection I. of Chapter 11 of the comprehensive plan states:

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

a. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

b. Change standards implementing a functional classification system; or

c. As measured at the end of the planning period identified in the adopted transportation system plan:

1. 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;

2. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or

3. 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.

2. 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:

a. Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

b. 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.

c. Altering land use designations, densities, or design requirements to reduce demand for vehicle travel and meet travel needs through other modes of transportation.

d. Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

3. Traffic Impact Analysis - A Traffic Impact Analysis shall be submitted with a plan amendment application pursuant to Section 4.140 Traffic Impact Analysis (TIA)) of the Land Use and Development Ordinance.”

**1.8.1** A separate Traffic Impact Analysis is not required for this proposal because there is not a “significant impact” under the TPR (OAR 660-12-0060(1)).

## **1.9 Procedures for a Plan Amendment.**

Subsection J. of Chapter 11 of the Comprehensive Plan states, in relevant part:

1. A petition must be filed with the Planning Offices on forms prescribed by the Commission.
2. Notice of a proposed revision within, or to, the urban growth boundary will be given to the appropriate city at least thirty (30) days before the County public hearing.
3. Notification of Hearing:
  - 1) Notices of public hearings shall summarize the issues in an understandable and meaningful manner.
  - 2) Notice of hearing of a legislative or judicial public hearing shall be given as prescribed in ORS 215.503 subject to ORS 215.508. In any event, notice shall be given by publishing notice in newspapers of general circulation at least twenty (20) days, but not more than forty (40) days, prior to the date of the hearing.
  - 3) A quorum of the Planning Commission must be present before a public hearing can be held. If the majority of the County Planning Commission cannot agree on a proposed change, the Commission will hold another public hearing in an attempt to resolve the difference or send the proposed change to the County Governing Body with no recommendation.
  - 4) After the public hearing, the Planning Commission shall recommend to the County Governing Body that the revision be granted or denied, and the facts and reasons supporting their decision. In all cases the Planning Commission shall enter findings based on the record before it to justify the decision. If the Planning Commission sends the proposed change with no recommendation, the findings shall reflect those items agreed upon and those items not agreed upon that resulted in no recommendation.
  - 5) Upon receiving the Planning Commission's recommendation, the County Governing Body shall take such action as they deem appropriate. The County Governing Body may or may not hold a public hearing. In no event shall the County Governing Body approve the amendment until at least twenty (20) days have passed since the mailing of the recommendation to parties.”

These procedures and all other applicable statutory and local procedures have been or will be followed in consideration of the proposal.

## **2. Justification for Taking an Exception to Goal 4:**

### **2.1 Introduction.**

In order to amend its plan to change the subject property's designation from Forestry to Forest-Farm, and to implement that designation through its zoning ordinance, the County must adopt an exception to Goal 4.

Statewide Land Use Planning Goal 4, "Forest Lands" is:

"To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture."

ORS 197 .932(1) states, in relevant part:

"(1) A local government may adopt an exception to a goal if:

(a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal; [or]

(b) The land subject to the exception is irrevocably committed as described by Land Conservation and Development Commission rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable;

\* \* \*

(4) A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the standards of subsection (1) of this section have or have not been met.

(5) Each notice of a public hearing on a proposed exception shall specifically note that a goal exception is proposed and shall summarize the issues in an understandable manner.

\* \* \*

(8) As used in this section, 'exception' means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that:

(a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;

(b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and



(c) Complies with standards under subsection (1) of this section.”

**2.1.1** In like manner, Planning Goal 2, part II, states, in relevant part:

“A local government may adopt an exception to a goal when:

(a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable Goal; [or]

(b) The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable;”

**2.1.2** Both the goal and the rule adopt the legislative definition of an exception with minor variation-subsection (c) is modified in the goal to state “Complies with standards for an exception” and in the rule to state “Complies with the provisions of this Division.” OAR 660-004-0010 states that the “process is generally applicable to all or part of those statewide goals which prescribe or restrict certain uses of resource land,” including: “Goal 4 'Forest Lands.’”

**2.1.3** Goal 4 provides that:

“Where a \* \* \* plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.”

**2.1.4** Rule definitions of “resource land” and “non-resource land” support a conclusion that, in this instance, an exception is necessary before the subject property can be plan and zone designated for forest-farm uses, a rural residential, non-resource category of uses under the County's plan and zoning ordinance. To justify an exception, the County must address all applicable criteria in LCDC's rule for exceptions, OAR 660, Division 4.2.2.

This request is for both “physically developed” and “irrevocably committed” exceptions to Goal 4, “Forest Lands,” which seeks to conserve forest lands by promoting efficient forest practices and sound management of the state's forest land base.

## 2.2 Exception Requirements for Land Physically Developed to Other Uses.

OAR 660-004-0025 contains standards for adoption of a “physically developed” exception.

OAR 660-004-0025 states:

- (1) A local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal. Other rules may also apply, as described in OAR 660-004-0000(1)
- (2) Whether land has been physically developed with uses not allowed by an applicable goal will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the justification for the exception. The specific area(s) must be shown on a map or otherwise described and keyed to the appropriate findings of fact. The findings of fact shall identify the extent and location of the existing physical development on the land and can include information on structures, roads, sewer and water facilities, and utility facilities. Uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception.

**FINDING:** The proposed exception area consists of a 40.10 acre piece identified as tax lot 4400 located in T2N, R12E, and in the southwestern quarter of Section 22 (the subject property). The north line of the subject property abuts Sevenmile Hill Road, and the northwest corner of the subject property is at the intersection of Sevenmile Hill Road and Old Sevenmile Hill Road. The subject property is rectangle measuring roughly 1,600 feet east/west and 1,500 feet north/south. It is generally sloping downward to the north, with the northern boundary along Sevenmile Hill Road as the low point.

The subject property is improved with a log home with surrounding decks covering approximately 2,680 ft<sup>2</sup> and a 720 ft<sup>2</sup> basement located approximately halfway between the north and south boundaries and in the western one third of the property. A driveway serving the residence and properties to the south extends from the northwest corner of the subject property southward, generally paralleling the western boundary. There are two barns with stalls located generally east of the log home, each covering approximately 1,110 ft<sup>2</sup> for total coverage of 2,220 ft<sup>2</sup>.

Further east of the hay loft and barn there is an original home site with cabin covering 1,980 ft<sup>2</sup> located generally east of the log home. There is an old barn located south of the cabin covering 1,200 ft<sup>2</sup>.

The log home was built pursuant to a conditional use permit, the conditions of which required decommissioning the original cabin as a residential structure; however, the cabin legally exists and may be used for other uses consistent with the existing zoning.

A good portion of the southeastern portion of the subject property consists of a cleared area growing grass hay which previously served as a pasture for the cabin and now is baled each year. Most of the northern two thirds of the subject property has been cleared at some point in the past and remains clear at this time. There is no merchantable timber on the property, and the property has never supported merchantable timber. There are scrub oaks and pine trees growing on the southern portion and eastern boundary of the property. There are no fir trees of any size larger than a seedling on the property, and historically firs do not survive. Grasses and shrubs create moderately dense underbrush.

Soils on the subject property are Class 4, predominately 49C and 50D Wamic Loam, 5-12% slope. This soil type represents more gently sloping areas where the exposure is toward the north. On the subject property, this particular range of the soil class is characterized by smaller oak and scattered pine forest. These soils are suitable for dry farm small grain, grass hay, and pasture. The woodland site index designation of 70 for Ponderosa Pine indicates low productivity with no significant limitations or restrictions. This capability class is also designated under the pine-oak-fescue range and as such it is possible that it could be used for fruit orchards or other crops. In its uncultivated state, however, special management is required to reduce oak and shrub growth that will curtail stabilizing plant growth beneath what amounts to a thin, mainly pine canopy.

The area has no history of crop use with the exception of grass hay grown the pasture area. Due to the terrain and rocky soil, and because the elevation creates climatic extremes, crop agriculture is uneconomical and otherwise impracticable.

The subject property does not have a history of commercially successful grazing for sheep or cattle. Grazing was occasionally tried in the area in the 1940's, but the terrain, thin soil and climate have limited the activities to an occasional attempt rather than a sustained commercial success. There are no properties in the immediate area being used for commercial grazing.

Although the soils on the subject property could, at first glance, appear to indicate a potential for agricultural use, particularly small-scale orchards, that potential is severely reduced due to climatic conditions. The subject property is in current use for a residence, along with pasture and wildlife habitat in the scrub oak section. It has never been successfully utilized for agricultural purposes and has very limited value as forestland due to the dwellings on the site. The soils indicate low timber productivity. There are no productive orchards or other commercial agricultural uses in the area immediately surrounding the subject property.

The residential development surrounding the subject property has occurred mainly in proximity to Sevenmile Hill Road that runs along the northern boundary of the subject property. Because of this development and ownership pattern, and because of the small average and odd shaped lot

sizes, it would be impracticable to manage any of the property in the area as a commercial forestry operation or as part of such an operation.

## **2.3 Exception Requirements for Land Irrevocably Committed to Other Uses.**

OAR 660-004-0028 contains standards for adoption of an “irrevocably committed” exception.

### **2.3.1 OAR 660-004-0028(1) provides:**

- (1) “A local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable:
  - (a) A ‘committed exception’ is an exception taken in accordance with ORS 197.732(1)(b), Goal 2, Part II(b), and with the provisions of this rule;
  - (b) For the purposes of this rule, an ‘exception area’ is that area for which a ‘committed exception’ is taken;
  - (c) An ‘applicable goal,’ as used in this section, is a statewide planning goal or goal requirement that would apply to the exception area if an exception were not taken.

**FINDING:** The subject property contains a legal residence, and is surrounded on 2 sides by small residential tracts, and by a residence to the south. The subject property is irrevocably committed to non-resource use. All of the large forested tracts currently producing merchantable timber are located well south of the subject property, and adopting this exception for the subject property will not negatively impact those uses.

### **2.3.2 OAR 660-004-0028(2) provides: “Whether land is irrevocably committed depends on the relationship between the exception area and the lands adjacent to it. The findings for a committed exception therefore must address the following:**

- (a) The characteristics of the exception area;”

**FINDING:** The characteristics of the subject property are fully discussed in the findings above in response to OAR 660-004-0025 (Physically Developed).

### **2.3.3 (b) “the characteristics of the adjacent lands;”**

### **FINDING:**

In general, the areas to the East and North of the subject property have been for the most part divided into smaller lots relative to rural development (10 acres or less). A large majority of the

parcels were created long before the area was subject to statewide or even county-wide zoning regulation. Of the three subdivisions in the immediate area of the subject parcel, two were platted in the early part of the 20th century, and the third in 1979 (Fairmont Orchard Tracts-1911; Sunnydale Orchards-1912; Flyby Night Subdivision-1979). The majority of the lots in these subdivisions are approximately 5 acres in size. The County has recognized the existing parcelization by zoning the area for rural residential development (R-R(5) and R-R(10)) and for small-scale agriculture or forestry uses in conjunction with a rural residence (F-F(10)). As a result of this parcelization and in keeping with the zoning, there has been a significant amount of rural residential development, particularly along the county roads and within the platted subdivisions. There have also been several applications for rural residences in the areas zoned F-F(10).

Specific adjacent lands analysis is as follows:

**East:** Directly to the east of and abutting the subject parcel are two parcels zoned F-F(10): T2N R12E, Section 22, Lots 4300 and 4200. Both of these lots have residences.

Properties further east along Wits End Drive and Sevenmile High South Road are zoned R-R(10) and all have residences (tax lots 3600, 3400, 3800, 3900, 4000). These properties average approximately 5 acres in size and are part of the Fairmont Orchard Tracts subdivision which was platted in 1911.

**North:** To the north of the subject property across Sevenmile Hill Road is a lot zoned R-R(5), Tax Lot 4600 (7.35 ac.), and a small lot owned by Wasco County (Tax Lot 4500, .7 acres). 4600 has a residence. Tax Lot 4700 meets the subject property on its northeast corner, is zoned F-F(10), and has a residence.

Properties north of the subject property lying along Richard Road are small acreages zoned R-R(5), all with residences.

All of the area north of the subject property is built and committed to low and medium density rural residential uses. There are two platted subdivisions: Sunnydale Orchards, platted in 1912, and Flyby Night, platted 1979.

The Sunnydale Orchards Subdivision was recorded on March 8, 1912. It consisted of 25 lots averaging about five acres each, with the largest at 11.4 acres. Lots in the subdivision are for the most part less than ten acres each. The County has recognized that development has increased in this area over the years, and rezoned several lots in the southern part of Sunnydale Orchards from F-F(10) to R-R(10) (Pursuant to Ordinance 99-111).

The plat for the Flyby Night Subdivision was recorded November 8, 1979. The Flyby Night lots average approximately five acres each, with two larger, approximately 20-acre parcels as the exceptions. The zoning for the Flyby Night subdivision is R-R(5).

The areas to the north and east are the most heavily developed areas surrounding the subject property. As can be seen by the maps in Exhibits 1, virtually all lots to the north and east of the subject property have been improved with a residence or a manufactured home.

The County has recognized that development has increased in this area over the years, and rezoned several lots in the southern part of Sunnydale Orchards from F-F(10) to R-R(10) (Pursuant to Ordinance 99-111).

**West:** Tax lot 2N 10E 21 900, which abuts the west property line of the subject parcel, is split zoned, with the northern portion which abuts Sevenmile Hill Road zoned F-F(10) and the southern portion zoned F-2(80). The southern portion has not been commercially logged, and is slowly being cleared. Tax Lot 2900, a 439 acre parcel, abuts the southwest portion and corner of the subject property and is zoned F-2(80). It has a residence located on the western portion along Osburn Cutoff Road. This property has a creek running generally north-south which forms a clear line of demarcation between the more vibrant, productive land to the west and the scrubrier soils to the east. The land west of the creek supports the growth of Douglas Fir trees; the land to the east is predominantly scrub oak and pine similar to the subject property. The commercial logging on this piece has been confined to the area west of the creek.

In general, the parcels to the west of the subject property lying both north and south of and abutting Sevenmile Hill Road consist of small acreages zoned F-F(10), almost all improved with residences.

The subject property is the only parcel which touches Sevenmile Hill Road which is zoned F-2(80). The only other parcels similarly zoned which touch any road are large, unimproved parcels located well west of the subject property which lie south of and touch Dry Creek Road or which lie along Osburn Cutoff Road.

**South:** Tax lot 2N 10E 22 4100 abutting the subject property to the south is zoned F-2(80). It is owned by the owner of the subject property, and has a legal residence, and together with tax lot 2800 to the south, also in common ownership, comprises approximately 70 acres. It is not used for timber production. This parcel is transected by the BPA Bonneville-The Dalles power line right-of-way/easement, which forms a natural boundary between this parcel and the larger, commercially forested tracts to the south.

**Soils:** The subject property soils are 49C and 50D Wamic Loam. The parcels immediately north of the subject property are generally 51D Wamic Loam soils. Adjacent properties to the south and east are 49C and 50D, like the subject property. (See soils maps and productivity indices) 49C and 50D soils both have a site index of 70 for Ponderosa Pine, indicating a potential yield of 20-49 cubic feet per acre. However, with the exception of the 439 acre parcel adjoining the southwest corner of the subject property, none of the adjacent properties are supporting commercial timber production, and logging on the 439 acre parcel takes place west of the creek which runs parallel to the common boundary. All commercial timber production occurs well south of the subject property, generally south of the BPA power line transecting the

area. The subject property has never produced merchantable timber or been logged commercially.

**2.3.4 (c)** The relationship between the exception area and the lands adjacent to it;

**FINDING:** As described in the preceding sections of this submittal, the subject property is surrounded on two sides by residential lots in the F-F(10), R-R(10), and R-R(5) zones. None of these zones are resource zones. The subject property also has a residence located on the parcel immediately south of it; and even the large resource zoned tract abutting the southwest corner of the subject property is improved with a residence, although it is located some distance from the subject property. Thus, the subject parcel has residences surrounding it on all 4 sides, non-resource zoning designations on parcels abutting it on 3 sides, and intensive residential development on parcels abutting on 2 sides.

In general, all of the properties which adjoin Sevenmile Hill Road are committed to residential development and uses and are zoned accordingly. The subject parcel stands out as an anomaly in this pattern. Particularly in light of the fact that the subject property is already improved with a residence, the F-F(10) designation is far more consistent with the uses of adjacent lands than the F-2(80) designation. There is no evidence, historically or recently, that the subject property is or could be used for commercial timber production, and attempting to do so now would inevitably lead to conflicts with the immediately adjacent residential uses. Looking at the existing zoning map, it is clear that the large forestry designations are intentionally and more properly sited well away from the residential development which lies along a rural arterial road such as Sevenmile Hill.

**2.3.5 (d)** The other relevant factors set forth in OAR 660-004-0028(6).

**FINDING:** These factors are discussed in the following sections.

**2.3.6** OAR 660-004-0028(3) provides: “Whether uses or activities allowed by an applicable goal are impracticable as that term is used in ORS 197.732(2)(b), in goal 2, Part II(b), and in this rule shall be determined through consideration of factors set forth in this rule. Compliance with this rule shall constitute compliance with the requirements of Goal 2, Part II. It is the purpose of this rule to permit irrevocably committed exceptions where justified so as to provide flexibility in the application of broad resource protection goals. It shall not be required that local governments demonstrate that every use allowed by the applicable goal is ‘impossible.’ For exceptions to Goals 3 or 4, local governments are required to demonstrate that only the following uses or activities are impracticable;

(a) Farm use as defined in ORS 215.203;

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

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

In turn, ORS 215.203(2)(a) states:

“[F]arm use” means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce 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. “Farm use” includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. “Farm use” also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. “Farm use” also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. “Farm use” includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. “Farm use” does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subsection (3) of this section or land described in ORS 321.267 (3) or 321.824 (3).)

OAR 660-033-0120 contains a chart of uses that are allowed outright, conditionally, or not authorized on agricultural lands, including “farm use” and “propagation or harvesting of a forest product,” and OAR 660-006-0025(2)(a) states:

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash;

**FINDING:** The rule does not require that the listed resource uses be impossible in the exception area; rather, it requires that they be impracticable. Impracticable means “not capable of being carried out in practice.” Webster’s New World Dictionary, 2nd College Edition, 1980. Capable means “having ability” or “able to do things well.” Id. Finally, “in practice” means by the usual method, custom or convention. Id. Webster’s Third New International Dictionary, (unabridged ed., 1993) defines “impracticable” as “**1a** : not practicable : incapable of being performed or accomplished by the means employed or at command : INFEASIBLE \* \* \* **c** : IMPRACTICAL, UNWISE, IMPRUDENT \* \* \*

Based on the foregoing, the County must evaluate to what extent the adjacent uses and other factors affect the ability of property owners to carry out resource uses in practice on the subject



parcel. The rule only requires evaluating whether the resource use can be carried out by the usual, available methods or customs. Consequently, just because a farm or forest use can be attained by methods that are not usual or customary does not mean that the farm or forest use is practicable. Using the area for commercial agricultural or forestry uses—in a manner capable of generating a profit or return from those activities—is not practicable on the subject parcel for all of the reasons stated in this submittal. Resource designation is not necessary to preserve the area for small scale farm or forestry uses in conjunction with residential use.

A definition of “forest products” can be found in ORS 532.010(4), which states that forest products are “any form, including but not limited to logs, poles and piles, into which a fallen tree may be cut before it undergoes manufacturing, but not including peeler cores.”

The current level of residential development has increased to the point that commercial resource use has become impracticable. The subject property is surrounded on three sides by existing residential development, with the potential for additional residential development in the future. Conflicts caused by the proximity of residential neighbors on three sides require added expense related to fire protection, fencing and general control of the area, and prevent the use of spraying to control insects and vegetation that compete with commercial tree species. Further conflicts with residences arise because of the noise associated with commercial operations and the safety risks of logging near residential property.

The effects of these conflicts and impacts from residential uses combined with the long cycle for trees to reach maturity (100-125 years) make commercial forestry and commercial agriculture impracticable at this location. As explained throughout this submittal, residential development abutting and in close proximity to the subject property, coupled with the relatively small size of the subject property and local topography and climate, supports a conclusion that there is an inadequate buffer between the subject property and nearby rural residences. The steps that would need to be taken to efficiently and effectively manage timber in the area makes such uses impracticable.

To the extent this section requires that a justification for an exception to Goal 4 also requires consideration of the suitability of the area for farm uses, the record of this proceeding and the attached exhibits demonstrate the lack of suitability of the area for farm uses. The soils in the area are not generally suitable for farm use, nor is the climate conducive to those uses. At no time has the County considered the subject parcel to be farmland or to be suitable for farming, and at no time in the history of the area has farming taken place. Due to the existing parcelization, soils, climate and development in the area, it cannot be, and is not currently employed for the primary purpose of obtaining a profit from agricultural uses. The history of the area also supports this conclusion. At best, the area can support the small-scale, “peripheral” farm activities now taking place on adjacent F-F and R-R zoned properties, under circumstances in which residential use represents the primary and most highly valued use.

**2.3.7** OAR 660-004-0028(4) provides: “A conclusion that an exception area is irrevocably committed shall be supported by findings of fact which address all applicable factors of section (6) of this rule and by a statement of reasons

explaining why the facts support the conclusion that uses allowed by the applicable goal are impracticable in the exception area.”

**FINDING:** This submittal, including this statement and all attached exhibits, addresses all applicable factors and reasons why, in this case, the facts support the conclusion that uses allowed by Goals 3 and 4 are impracticable in the exception area. See especially, the immediately preceding sections of this submittal, and sections addressing section (6) of the rule, below.

- 2.3.8** OAR 660-004-0028(5) provides: “Findings of fact and a statement of reasons that land subject to an exception is irrevocably committed need not be prepared for each individual parcel in the exception area. Lands which are found to be irrevocably committed under this rule may include physically developed lands.”

**FINDING:** As discussed elsewhere in this submittal, the subject property includes a legal residence, other buildings, and associated physical development. The presence of the dwelling, and of the other dwellings immediately adjacent to the subject property, each contribute to the irrevocable commitment of the area to rural residential uses, and the impracticability of using the area for farm or forest uses.

- 2.3.9** OAR 660-004-0028(6) provides: Findings of fact for a committed exception shall address the following factors:

**2.3.9.1** (a) Existing adjacent uses;

**FINDING:** The existing adjacent uses are discussed and considered in great detail in the sections above. Existing adjacent uses to the West, North and East are all residential.

**2.3.9.2** (b) Existing public facilities and services (water and sewer lines, etc.);

**FINDING:** There are no public water or sewer facilities on the subject property. An existing well provides water to the dwelling. Electric power and phone service are available to the area. The property can be adequately served by existing fire, police and school facilities.

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

- (A) Consideration of parcel size and ownership patterns under subsection (6)(c) of this rule shall include an analysis of how the existing development pattern came about and whether findings against the Goals were made at the time of partitioning or subdivision. Past land divisions made without application of the Goals do not in themselves demonstrate irrevocable commitment of the exception area. Only if development (e.g., physical improvements such as roads and underground facilities on the resulting parcels) or other factors make unsuitable their resource use or the resource use of nearby lands can the parcels be considered to be

irrevocably committed. Resource and nonresource parcels created pursuant to the applicable goals shall not be used to justify a committed exception. For example, the presence of several parcels created for nonfarm dwellings or an intensive agricultural operation under the provisions of an exclusive farm use zone cannot be used to justify a committed exception for land adjoining those parcels.”

**FINDING:** As discussed in great detail above and in the attached exhibits, the existing development pattern for the Sevenmile Hill area was established prior to the adoption of the goals. Many of the small parcels that characterize the area were created between 1900 and 1920 and were marketed as orchard sites that could support a family. The lots in the vicinity of the subject property were not successful because of the cold and dry weather at this location and elevation. Virtually all of the existing lots have been developed and now have non-resource residences located on them. Only two parcels in the immediate area were created via exceptions to the goals: 7.35 acres located at 6955 Sevenmile Hill Road (Comprehensive Plan Amendment from F-2(40) to Rural Residential, CPA 89-104, October, 1989); and 9.87 acres located at the intersection of Sevenmile Hill Road and Sevenmile High Hill Road (Comprehensive Plan Amendment from FF-10 to Rural Residential, CPA 90-101, June 1990). Neither of these goal exception parcels are pivotal to the analysis of parcel size and ownership patterns in the immediate area. As noted, the local parcelization occurred long before the development of the goals, and the parcels created by that process have now been almost entirely developed.

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

**FINDING:** This provision is not applicable to this single parcel proposal; however, ownership patterns in the general area are discussed in detail in preceding sections of this narrative addressing OAR 660-004-0028(2)(a)-(c). The parcels are clustered along roads serving the area, as is the subject property, and virtually all parcels in the area are in separate ownerships. This parcelization pre-dates the adoption of the county zoning ordinance and comprehensive plan.

#### 2.3.9.4 “(d) Neighborhood and regional characteristics;”

**FINDING:** Based on the descriptions already provided in this submittal, the neighborhood and regional characteristics can best be described as non-resource, small acreage rural residential development clustered along Sevenmile Hill Road. Considering these characteristics, the current

designation of the subject property as the only resource designated property touching Sevenmile Hill Road stands out as an anomaly. The exception will serve to make the subject property more conforming with existing neighborhood and regional characteristics.

**2.3.9.5** “(e) Natural or man-made features or other impediments separating the exception area from resource land. Such features or impediments include but are not limited to roads, watercourses, utility lines, easements, or rights-of-way that effectively impede practicable resource use of all or part of the exception area;”

**FINDING:** In general, the BPA Bonneville-The Dalles power line right-of-way/easement, which transects the local area south of the subject property, serves to separate the more residential areas to the north from the commercial forest areas to the south. As noted, most of the residential development lies in the immediate area along Sevenmile Hill Road, with most of the commercial forest areas lying well to the south and being served by secondary or primitive roads.

**2.3.9.6** (f) “Physical development according to OAR 660-004-0025.” OAR 660-004-0025 sets forth the “Exception Requirements for Land Physically Developed to Other Uses” as follows:

- (1) A local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal.
- (2) Whether land has been physically developed with uses not allowed by an applicable Goal, will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the justification for the exception. The specific area(s) must be shown on a map or otherwise described and keyed to the appropriate findings of fact. The findings of fact shall identify the extent and location of the existing physical development on the land and can include information on structures, roads, sewer and water facilities, and utility facilities. Uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception.”

**FINDING:** Part of the justification for this exception is that the subject property is already physically developed with a dwelling, outbuildings, and associated access roads and other infrastructure. The minimum lot size for a forest dwelling is currently 240 acres, and the subject property is approximately 40 acres.

**2.3.9.7** “(g) Other relevant factors;”

To the extent there are other relevant factors, they are discussed throughout this submittal and not repeated here.

**2.3.10** OAR 660-004-0028(7) provides: The evidence submitted to support any committed exception shall, at a minimum, include a current map, or aerial photograph which shows the exception area and adjoining lands, and any other means needed to convey information about the factors set forth in this rule. For example, a local government may use tables, charts, summaries, or narratives to supplement the maps or photos. The applicable factors set forth in section (6) of this rule shall be shown on the map or aerial photograph.

**FINDING:** The submittal complies with this requirement, and includes current maps as Exhibit 1 showing the subject property and adjoining lands.

**2.3.11** OAR 660-004-0040 concerns the:

“Application of Goal 14 Urbanization to Rural Residential Areas,” the purpose of which: “is to specify how Statewide Planning Goal 14, Urbanization, applies to rural lands in acknowledged exception areas planned for residential uses.”

Subsections -0040(1) through (3) explain what the rule does. It does not apply to land within an urban growth boundary; unincorporated community; urban reserve area; destination resort; resource land; and “nonresource land, as defined in OAR 660-004-0005(3).” The following sections of this submittal demonstrate compliance with Goal 14 as and to the extent specified in OAR 660-004-0040.

**2.3.11.1** Although it is not entirely clear, OAR 660-004-0040 does not appear to include standards that apply to the land use decisions requested by this submittal. The land in question is currently classified as resource land, and the request is to establish an exception to Goal 4 that will allow rural residential development on lots that are a minimum of ten acres per dwelling, or otherwise at a density that cannot exceed one dwelling for every ten acres in the area. The F-F(10) zoning to be applied will ensure that the requested housing density is not exceeded. The proposed housing density is not an urban density. No sewer or water services exist near the area or are proposed, and there are no other “urban” attributes of development that could occur if the request is granted.

**2.3.11.2** OAR 660-004-0040(4) and (5) provide:

“(4) The rural residential areas described in Subsection (2)(a) of this rule are rural lands. Division and development of such lands are subject to Statewide Planning Goal 14, Urbanization which prohibits urban use of rural lands.

(5)(a) A rural residential zone currently in effect shall be deemed to comply with Goal 14 if that zone requires any new lot or parcel to have an area of at least two acres.

(b) A rural residential zone does not comply with Goal 14 if that zone allows the creation of any new lots or parcels smaller than two acres. For such a zone, a local government must either amend the zone's minimum lot and parcel size provisions to require a minimum of at least two acres or take an exception to Goal 14. Until a local government amends its land use regulations to comply with this subsection, any new lot or parcel created in such a zone must have an area of at least two acres.

(c) For purposes of this section, 'rural residential zone currently in effect' means a zone applied to a rural residential area, in effect on the effective date of this rule, and acknowledged to comply with the statewide planning goals."

**FINDING:** This section does not appear to be an approval standard applicable to the request. However, the proposed zone will not allow the creation of any new lots or parcels within the exception area smaller than two acres, in conformance with this section.

**2.3.11.3** OAR 660-004-0040(6) and (7) provide:

"(6) After October 4, 2000, a local government's requirements for minimum lot or parcel sizes in rural residential areas shall not be amended to allow a smaller minimum for any individual lot or parcel without taking an exception to Goal 14 pursuant to OAR chapter 660, division 14, and applicable requirements of this division."

**FINDING:** The County recognizes the requirements of this section. No request has been made to allow smaller minimum lot sizes than allowed by the rule.

"(7)(a) The creation of any new lot or parcel smaller than two acres in a rural residential area shall be considered an urban use. Such a lot or parcel may be created only if an exception to Goal 14 is taken. This subsection shall not be construed to imply that creation of new lots or parcels two acres or larger always complies with Goal 14. The question of whether the creation of such lots or parcels complies with Goal 14 depends upon compliance with all provisions of this rule."

**FINDING:** The underlying zone will prevent the creation of any new lot or parcel in the subject property smaller than two acres. Lot sizes allowed in the area comply with all provisions of the Goal 2 rule for exceptions.

(b) Each local government must specify a minimum area for any new lot or parcel that is to be created in a rural residential area. For purposes of this rule, that minimum area shall be referred to as the minimum lot size.

**FINDING:** The minimum lot size proposed is ten acres.

(c) If, on October 4, 2000, a local government's land use regulations specify a minimum lot size of two acres or more, the area of any new lot or parcel shall equal or exceed that minimum lot size which is already in effect.

**FINDING:** As stated, the minimum lot size of the underlying zone is currently ten acres, and that minimum lot size will apply on the subject property area.

(d) If, on October 4, 2000, a local government's land use regulations specify a minimum lot size smaller than two acres, the area of any new lot or parcel created shall equal or exceed two acres.

**FINDING:** As stated, the County's land use regulations do not specify a minimum lot size smaller than two acres.

(e) A local government may authorize a planned unit development (PUD), specify the size of lots or parcels by averaging density across a parent parcel, or allow clustering of new dwellings in a rural residential area only if all conditions set forth in paragraphs (7)(e)(A) through (7)(e)(H) are met:

\*\*\*\*\*

**FINDING:** The current proposal does not include a Planned Unit Development.

(f) Except as provided in subsection (e) of this section, a local government shall not allow more than one permanent single-family dwelling to be placed on a lot or parcel in a rural residential area. Where a medical hardship creates a need for a second household to reside temporarily on a lot or parcel where one dwelling already exists, a local government may authorize the temporary placement of a manufactured dwelling or recreational vehicle."

**FINDING:** In conformance with this section, the County is not proposing to allow more than one permanent single-family dwelling to be placed on any lot or parcel in the proposed rural residential area.

(g) In rural residential areas, the establishment of a new mobile home park or manufactured dwelling park as defined in ORS 446.003(32) shall be considered an urban use if the density of manufactured dwellings in the park exceeds the density for residential development set by this rule's requirements for minimum lot and parcel sizes. Such a park may be established only if an exception to Goal 14 is taken.

**FINDING:** The current proposal does not include a mobile home park or manufactured dwelling park.

(h) A local government may allow the creation of a new parcel or parcels smaller than a minimum lot size required under subsections (a) through (d) of this section without an exception to Goal 14 only if the conditions described in paragraphs (A) through (D) of this subsection exist:

(A) The parcel to be divided has two or more permanent habitable dwellings on it;

(B) The permanent habitable dwellings on the parcel to be divided were established there before the effective date of this rule;

(C) Each new parcel created by the partition would have at least one of those permanent habitable dwellings on it;

(D) The partition would not create any vacant parcels on which a new dwelling could be established.

(E) For purposes of this rule, habitable dwelling means a dwelling that meets the criteria set forth in ORS 215.283(t)(A)-(t)(D).

**FINDING:** Because the County is not allowing the creation of new parcels smaller than the minimum lot size required under subsections (a) through (d), subsections (A) through (E) of this section do not apply to the proposal.

(i) For rural residential areas designated after the effective date of this rule, the affected county shall either:

(A) Require that any new lot or parcel have an area of at least ten acres, or

(B) Establish a minimum lot size of at least two acres for new lots or parcels in accordance with the requirements of Section (6). The minimum lot size adopted by the county shall be consistent with OAR 660-004-0018, 'Planning and Zoning for Exception Areas.'"

**FINDING:** In this case, the County is establishing an overall density of residential development allowed as a ratio of one dwelling for every ten acres.

### **3. Justification for a Zone Change:**

#### **3.1 Zoning Ordinance - Chapter 9:**

Chapter 9 of the Wasco County Land Use and Development Ordinance (zoning ordinance), entitled "Zone Change and Ordinance Amendment," includes standards and procedures for zone changes. Section 9.010 states:



“Application for a zone change may be initiated as follows:

\*\*\*\*\*

C. By application filed with the Director of Planning upon forms prescribed by the Director of Planning and signed by a property owner with the area of the proposed change, and containing such information as may be required by the [Director of Planning]<sup>1</sup> to establish the criteria for the change (quasi-judicial only);”

As indicated previously, this zone change was initiated by property owner David Wilson. Planning staff is presenting the proposal with a recommendation for approval.

### **3.2 Zoning Ordinance - Section 9.020**

Section 9.020, entitled “Criteria for Decision,” provides as follows:

“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 Comprehensive Plan; 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.”

**3.2.1** This request is for a plan amendment and an exception to Goal 4. The previous section of this discussion establishes that the current F-2(80) zoning can be considered a mistake given the location and characteristics of the subject property and its relationship to surrounding residential uses.

**3.2.2.** This narrative and the attached exhibits also establish that the requirements of subsection B. have been met: B(1) is met because the Comprehensive Plan is being amended specifically to support the proposed zoning designation; B(2) is met because the site is suitable to the proposed F-F(10) zone; and B(3) is met because through this zone change application and process

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<sup>1</sup> Missing text in published version of Section 9.010.

there has been a conscious consideration of the public health, safety and welfare in applying the specific zoning regulations.

**3.2.3.** The Wasco County Comprehensive Plan contains goals that mirror the statewide goals, and policies to carry them out. Except as discussed in these findings, the plan does not contain approval standards that apply to the requested zone change. The zone change is proposed with due consideration of all relevant comprehensive plan goals and policies, as required by section B(1):

#### Goal 1 - Citizen Involvement.

The purpose of Goal 1 is to ensure the “opportunity for citizens to be involved in all phases of the planning process.” Wasco County has incorporated opportunities in its Comprehensive Plan and the zoning ordinance. Compliance with Goal 1 is demonstrated by compliance with the applicable plan and zoning ordinance provisions with opportunity for public input and by the public hearings required as part of this application and process.

#### Goal 2 – Land Use Planning.

The County's land use planning goal requires that procedures be established and followed to ensure public participation in land use decision making, and that there is an “adequate factual base” for land use decisions. All applicable procedures have or will be complied with in the consideration of this proposal. These findings and the record of this proceeding are a more than adequate factual base for the decision.

#### Goal 3 - Agricultural Lands.

Goal 3 provides for the preservation of Agricultural Lands for farm use. There are no Goal 3 designated Agricultural Lands on the subject property and Goal 3 therefore does not apply.

#### Goal 4 -- Forest Lands.

Goal 4 provides for the preservation of Forest Lands. The subject property is currently designated Forest Land, but is not now in timber production and has not historically been in timber production. As discussed in the preceding sections of this discussion, the subject property is not generally suitable for commercial forestry due to its development and use as residential property; its proximity to other residential properties; and its soil characteristics and historic uses. The proposal is to redesignate the property for rural residential uses, which will not have any impact on lands actually being used for commercial forestry.

#### Goal 5 - Open Spaces, Scenic and Historic Areas and Natural Resources.

The County zoning ordinances contain siting and development criteria, found in zoning ordinance section 3.920, for lands within Division 8 - Sensitive Wildlife Habitat Overlay designated areas in the County. The subject property is within the Sensitive Wildlife Habitat Overlay. Goal 5 is met by the application of these standards to any development of the subject

property. No other inventoried Goal 5 resources are affected by the proposal. The proposal complies with Goal 5.

#### Goal 6 - Air, Land and Water Quality.

Goal 6 is “To maintain and improve the quality of the air, water and land resources of the state.” The proposal is consistent with Goal 6. The subject property is not located in or near a federal air quality attainment area, and will not generate significant additional air pollution. Sewage disposal from potential additional new dwellings must comply with all state and local requirements. Those requirements ensure that such discharges will be properly treated and disposed of, and will not threaten to exceed the carrying capacity of, or degrade or threaten the availability of, area natural resources. The proposal complies with Goal 6.

#### Goal 7 -- Areas Subject to Natural Disasters and Hazards.

The subject property is not within any areas identified by the County as Natural Hazard Areas.

#### Goal 8 -Recreational Needs.

Goal 8 is “To satisfy the recreational needs of the citizens of Wasco County and visitors.” None of the policies of Goal 8 apply to the proposal.

#### Goal 9 -- Economy of the State.

Goal 9 is “To diversify and improve the economy of Wasco County.” The proposal promotes Goal 9 by allowing residential uses, which the County considers to be the appropriate use of the subject property in view of existing development. The proposal is consistent with, and promotes Goal 9.

#### Goal 10 -- Housing.

Goal 10 is “To provide for the housing needs of the citizens of Wasco County.” There is an ongoing need for developable rural residential lots, and corresponding pressure on resource lands to fill that need. The proposed zone change helps to ameliorate that pressure by creating potential rural residential lots while having no impact on lands actually in forest production.

#### Goal 11 -- Public Facilities and Services.

Goal 11 is to “plan and develop a timely, orderly, and efficient arrangement of public facilities and services to provide a framework for urban and rural development.” The existing services and facilities in the area of the subject property are adequate for the proposal. The subject property adjoins Sevenmile Hill Road. Local fire and police services are provided by the rural fire protection district and the sheriff's office. Neither water nor sewer services are provided to the subject property, but are available on the subject property through individual well(s) and septic tank systems.

#### Goal 12-Transportation.

Goal 12 is “To provide and encourage a safe, convenient and economic transportation system.” The goal does not have approval standards, and is otherwise implemented through County transportation planning. The proposal will have little if any impact on the transportation system serving the subject property because there will be minimal increase in traffic generated by development that might occur as a result of the zone change. It is estimated that a maximum of 3 additional residences could be developed. Each residence is predicted to generate an average of 9.57 trips/day, which will not significantly affect the functionality, capacity, or level of service of Sevenmile Hill Road or other local roads. In connection with Goal 12, the County is required to apply the Transportation Planning Rule located in Chapter 660, Division 12 of the Oregon Administrative Rules. OAR 660-12-060 requires amendments to comprehensive plans that “significantly affect a transportation facility...assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility.” Sevenmile Hill/State Road is classified as a Rural Major Collector, which is consistent with the level of traffic from the rural residential uses that feed into it.

#### Goal 13 - Energy Conservation.

This Goal is met by application of development standards contained in the zoning ordinance.

#### Goal 14-Urbanization.

The level of existing development and possible development does not constitute “urban use.” Goal 14 does not, therefore, apply. It should be noted, however, that Policy 3 of Goal 14 encourages “subdivisions to be developed by a planned development approach, maximizing physical design, the retention of open space and reducing adverse impacts. The proposed zone change for the subject property is consistent with that policy.

**3.2.5** Subsection B(2) of zoning ordinance section 9.020 requires that the site be shown to be “suitable to the proposed use.” The proposed zone would allow, outright, farm and forest uses and dwellings on parcels of at least ten acres in conjunction with farm or forest uses. In discussing the Forest-Farm zone, zoning ordinance section 3.220.A. states:

“The purpose of the Forest-farm zone is to permit those lands which have not been in commercial agriculture or timber production to be used for small-scale, part-time farm or forest units by allowing residential dwellings in conjunction with a farm use while preserving open space and other forest uses.”

**3.2.5..1.** The Forest-Farm zone is not a resource zone. (See October 11, 1995 non-resource determination letter Exhibit WC-Q, Betzing Record). In this case, it is the most suitable designation for the subject property,

which has been physically developed and entirely committed to nonresource use due to its location in close proximity to major county rural residential areas. The area is suitable to the proposed use as described in the attached exhibits and otherwise as described in the reports and testimony received in this proceeding.

**3.2.5..2.** The history of the area is also relevant to addressing this standard. As discussed in the Irrevocably Committed section of this discussion, the extensive parcelization that took place to the west, north, and east of the subject property has resulted, over time, in the building and commitment of the surrounding area to non-resource, rural residential uses. As explained in previous sections of this narrative, the presence of dwellings in and adjacent to the subject property complicates and increases the cost of commercial forestry in that area in a manner rendering commercial forestry impracticable.

**3.2.6** Subsection B(3) of zoning ordinance section 9.020 requires, prior to approval of a zone change, that it be established that “There has been a conscious consideration of the public health, safety and welfare in applying the specific zoning regulations.” The exhibits and record of this proceeding support a finding of compliance with this requirement. This requirement for rezoning has been met.

### **3.3 Zoning Ordinance – Section 9.030**

Section 9.030 requires review of the proposed action to determine whether it significantly affects a transportation facility. As discussed in Section 1.8, the proposed zone change will not significantly affect a transportation facility.

### **3.4 Zoning Ordinance – Section 9.040**

Section 9.040 allows for the imposition of such reasonable conditions “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.” The Section lists without limitation eight general categories of areas which may be conditioned to achieve the desired compatibility. Because the minimum lot size in the proposed zone change is 10 acres, because the uses surrounding the subject property are almost entirely rural residential, and because any future development will require compliance with applicable building and development standards, no conditions are necessary as part of this application to ensure the compatibility of the subject property to the surrounding uses.

### **3.5 Zoning Ordinance – Section 9.060 – 9.080**

Sections 9.060 through 9.080 require that the Planning Commission hold a hearing on the proposed zone change and make a recommendation to the County Board of Commissioners, which shall then take such action as it deems appropriate no sooner than twenty days after receipt of the Planning Commission’s recommendation.

## **CONCLUSION**

Because of the unique circumstances of the relationship between the subject property and surrounding land as explained above, the proposed residential uses will not commit adjacent or nearby resource land to nonresource use. The rural residential uses allowed are compatible with nearby resource use. Based upon all of the findings of fact and conclusions of law set forth above, the Planning Director recommends approval of the exception and zone change and recommends that the subject property be rezoned to F-F(10), and that the corresponding Plan, map and ordinance changes be made.

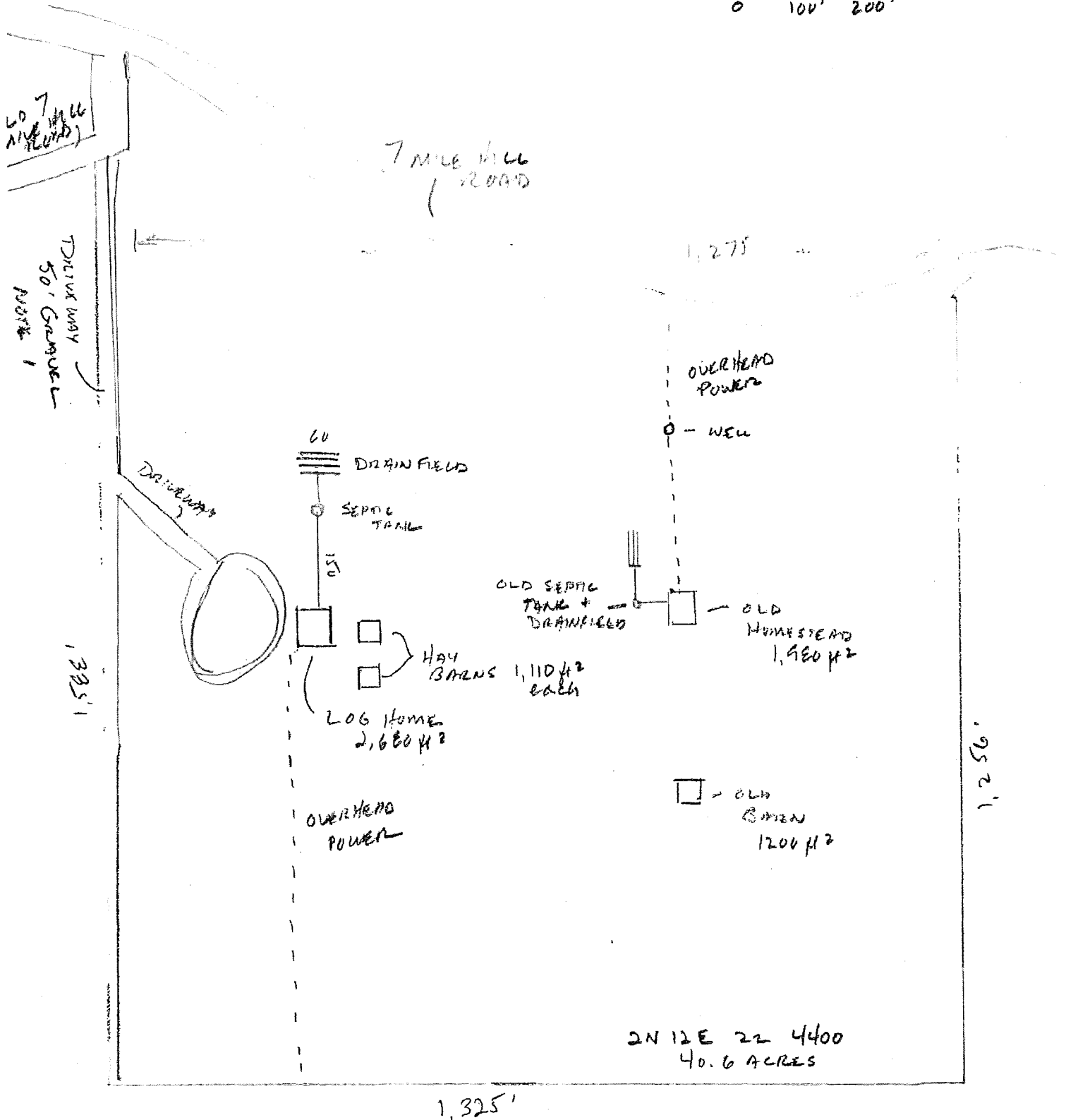


# WISON SITE PLAN

NOTE: DRIVEWAY ALSO SERVES  
PROPERTY TO SOUTH, IN COMMON  
OWNERSHIP WITH SUBJECT PARCEL

SCALE: 20

0 100' 200'



2N/12E/22CC

(START CARD) # 21248

**(1) OWNER:**

Name James Hubbard  
Address 7100 Seven Mile Rd  
City The Dalles State Ore Zip 97058

**(2) TYPE OF WORK:**

☒ New Well      ☐ Deepen      ☐ Recondition      ☐ Abandon

### (3) DRILL METHOD

☒ Rotary Air      ☐ Rotary Mud      ☐ Cable  
☐ Other \_\_\_\_\_

**(4) PROPOSED USE:**

☒ Domestic    ☐ Community    ☐ Industrial    ☐ Irrigation  
☐ Thermal    ☐ Injection    ☐ Other \_\_\_\_\_

**(5) BORE HOLE CONSTRUCTION:**

Special Construction approval Yes ☐ No ☒ Depth of Completed Well 308 ft.

Explosives used Yes ☐ No ☒ Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
10	0	19	Bentonite	0	19	7
6	19	308				

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E  
☐ Other Rodded

Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

**(6) CASING/LINER:**

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	6	+1	19	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s)

**(7) PERFORATIONS/SCREENS:**

☐ Perforations Method \_\_\_\_\_

☐ Screens Type \_\_\_\_\_ Material \_\_\_\_\_

[illegible]

**(8) WELL TESTS:** Minimum testing time is 1 hour

<input type="checkbox"/> Pump	<input type="checkbox"/> Bailor	<input checked="" type="checkbox"/> Air	<input type="checkbox"/> Flowing Artesian
Yield gal/min	Drawdown	Drill stem at	Time
35	100%	308	1 hr.

Temperature of water 58 Depth Artesian Flow Found

Was a water analysis done? ☐ Yes By whom \_\_\_\_\_

Did any strata contain water not suitable for intended use? ☐ Too little

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other

Depth of strata:

**(9) LOCATION OF WELL by legal description:**

County Wasco Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
Township 2N N or S, Range 12E E or W, WM.  
Section 22 SW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
Tax Lot 901 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Street Address of Well (or nearest address) \_\_\_\_\_  
7100 Seven Mile Rd

**(10) STATIC WATER LEVEL:**

187 ft. below land surface. Date 29 April  
Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

**(11) WATER BEARING ZONES:**

Depth at which water was first found 274

From	To	Estimated Flow Rate	SWL
274	295	35	187

**(12) WELL LOG:**

Ground elevation 1600

[illegible]

Date started 27 April Completed 29 April 1991

**(unbonded) Water Well Constructor Certification:**

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed \_\_\_\_\_ WWC Number \_\_\_\_\_  
Date \_\_\_\_\_

**(bonded) Water Well Constructor Certification:**

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. all work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

believe. WWC Number 606  
Signed Richard J. Murray Date 27 May 1991





STATE ENGINEER, SALEM, OREGON 97310  
within 30 days from the date  
of well completion.

(Do not write above this line)

State Permit No.

Contractor's License No. 569 Date Oct. 30 1975

SP\*45656-119

## NOTICE TO WATER WELL CONTRACTOR

The original and first copy  
of this report are to be  
filed with the

STATE ENGINEER, SALEM, OREGON 97310  
within 30 days from the date  
of well completion.

WASCO

## WATER WELL REPORT

STATE OF OREGON

RECEIVED

MAY 28 1974

State Well No.

2N/12E-22

003131

(Please type or print)

STATE ENGINEER

State Permit No.

SALEM, OREGON

## (1) OWNER:

Name Samuel Decker  
Address Route 4, Box 210  
The Dalles, Oregon 97058

## (2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

## (3) TYPE OF WELL:

Rotary ☒ Driven ☐  
Cable ☐ Jetted ☐  
Dug ☐ Bored ☐

## (4) PROPOSED USE (check):

Domestic ☒ Industrial ☐ Municipal ☐  
Irrigation ☒ Test Well ☐ Other ☐

## (5) CASING INSTALLED:

Threaded ☐ Welded ☒  
6" Diam. from 0 ft. to 41 ft. Gage 250  
" Diam. from ft. to ft. Gage  
" Diam. from ft. to ft. Gage

## (6) PERFORATIONS:

Perforated? ☐ Yes ☒ No.

Type of perforator used

Size of perforations in. by in.  
perforations from ft. to ft.  
perforations from ft. to ft.  
perforations from ft. to ft.

## (7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name  
Type Model No.  
Diam. Slot size Set from ft. to ft.  
Diam. Slot size Set from ft. to ft.

## (8) WELL TESTS:

Drawdown is amount water level is  
lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?

Yield: gal./min. with ft. drawdown after hrs.

Air  
Bailer test 50 gal./min. with 100 ft. drawdown after 9 hrs.

Artesian flow g.p.m.

Temperature of water 50° Depth artesian flow encountered ft.

## (9) CONSTRUCTION:

Well seal—Material used Bentonite - cement  
Well sealed from land surface to 40 ft.  
Diameter of well bore to bottom of seal 10 in.  
Diameter of well bore below seal 6 in.  
Number of sacks of cement used in well seal 4 sacks  
Number of sacks of bentonite used in well seal 2 sacks  
Brand name of bentonite Yellowstone  
Number of pounds of bentonite per 100 gallons  
of water 65 lbs./100 gals.  
Was a drive shoe used? ☒ Yes ☐ No Plugs Size: location ft.  
Did any strata contain unusable water? ☐ Yes ☒ No  
Type of water? depth of strata  
Method of sealing strata off  
Was well gravel packed? ☐ Yes ☒ No Size of gravel:  
Gravel placed from ft. to ft.

## (10) LOCATION OF WELL:

County Wasco Driller's well number

NW 1/4 SW 1/4 Section 22 T. 2N R. 12 E. W.M.

Bearing and distance from section or subdivision corner 120' south  
from center of Seven Mile Hill county  
road.

## (11) WATER LEVEL: Completed well.

Depth at which water was first found 25 ft.

Static level 33 ft. below land surface. Date 5-14-74

Artesian pressure lbs. per square inch. Date

## (12) WELL LOG:

Diameter of well below casing 6"

Depth drilled 320 ft. Depth of completed well 320 ft.

Formation: Describe color, texture, grain size and structure of materials;  
and show thickness and nature of each stratum and aquifer penetrated,  
with at least one entry for each change of formation. Report each change in  
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Soil, brown clay	0	4	
Rock, decomposed	4	12	
Rock, broken	12	35	15
Rock, grey	35	65	20
Rock, black	65	120	20
Rock, grey	120	180	20
Rock, grey-green, clay seams	180	255	20
Rock, red porous	255	275	33
Rock, grey porous, pyrites	275	308	33
Rock, grey	308	320	33

Work started May 2 1974 Completed May 13 1974

Date well drilling machine moved off of well May 14 1974

## Drilling Machine Operator's Certification:

This well was constructed under my direct supervision.  
Materials used and information reported above are true to my  
best knowledge and belief.

[Signed] Gilbert Clayton Date May 25, 1974  
(Drilling Machine Operator)

Drilling Machine Operator's License No. 129

## Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is  
true to the best of my knowledge and belief.

Name Gilbert Clayton Well Drilling  
(Person, firm or corporation) (Type or print)

Address Rt 1, Box 61-A, The Dalles, Oregon

[Signed] Gilbert Clayton  
(Water Well Contractor)

Contractor's License No. 569 Date May 25, 1974



*Pioneering pathways  
to prosperity.*

**WASCO COUNTY PLANNING COMMISSION HEARING**

April 2, 2019

3:00 p.m.

The Columbia Gorge Discovery Center

5000 Discovery Drive

The Dalles, OR 97058

**CALL TO ORDER**

**ROLL CALL:**

Members Present: Chair Mike Davis; Vice-Chair Chris Schanno (arrived at 3:13); Vicki Ashley; Lynne MacIntyre; Russell Hargrave; Kate Willis; Alternate LeRoy Booth

Absent Members: Brad DeHart

Staff Present: Planning Director Angie Brewer, Senior Planner Will Smith, Planning Coordinators Brenda Coleman and Jensi Smith

**Chair Davis** opened the hearing at 3:04 p.m.

**Chair Davis** asked for roll call.

**PUBLIC COMMENT:**

**Chair Davis** asked for comments on non-agenda items. There were none.

**APPROVAL OF PAST MINUTES:**

**Chair Davis** called for comments on the Minutes from March 5, 2019.

**Commissioner MacIntyre** motioned to approve the Minutes from March 5, 2019. **Commissioner Ashley** seconded. No other discussion.

**Chair Davis** called for the vote.

**The motion was unanimously approved 6 to 0, 2 absent (Commissioner DeHart; Commissioner Schanno)**

A listing of the vote, as required by Oregon Revised Statute 192.650.c. is as follows:

Chair Davis – yes

Vice Chair Schanno – absent

Commissioner Hargrave – yes

Commissioner DeHart – absent

Commissioner Ashley – yes

Commissioner MacIntyre – yes

Commissioner Willis – yes

Alternate Booth – yes

**Chair Davis** asked for comment on the Minutes from March 12, 2019.

Commissioner Ashley moved to accept as submitted Minutes from March 12, 2019. Commissioner MacIntyre seconded. No other discussion.

Chair Davis called for the vote.

The motion was unanimously approved 6 to 0; 2 absent (Commissioner DeHart; Commissioner Schanno)

A listing of the vote, as required by Oregon Revised Statute 192.650.c. is as follows:

Chair Davis – yes

Vice Chair Schanno – absent

Commissioner Hargrave – yes

Commissioner DeHart – absent

Commissioner Ashley – yes

Commissioner MacIntyre – yes

Commissioner Willis - yes

Alternate Booth – yes

**REVIEW OF FILE #921-18-000086-PLNG, A REQUEST BY DAVID WILSON FOR A COMPREHENSIVE PLAN AMENDMENT, ZONE CHANGE FROM FOREST, F-2 (80) TO FOREST-FARM F-F (10) AND EXCEPTION TO STATEWIDE PLANNING GOAL 4**

Chair Davis opened the Hearing in the following manner:

**Opening the Hearing**

We will now open the Planning Commission Quasi-Judicial Hearing on agenda item 921-18-000086-PLNG, a request for a Comprehensive Plan Amendment, an Exception to Statewide Planning Goal #4 – Forest Lands, and a Zone Change from Forest, F-2 (80), to Forest-Farm, F-F (10).

The property involved is described as Tax Lot 2N 12E 22 4400; account number 884.

The criteria for approval of the land use decisions includes: Chapter 2 (Development Approval Procedures); Review Criteria: Oregon Administrative Rules (OAR) Division 4, Interpretation of Goal 2 Exception Process and Division 6, Goal 4 Forest Lands; Oregon Revised Statute (ORS) 197.732, Goal Exceptions; Wasco County Comprehensive Plan Chapter 11 – Revision Process, Sections A, B, C, E, H, I, and J; and Wasco County Land Use & Development Ordinance (LUDO) Chapter 9 – Ordinance Amendments, Sections 9.010, 9.020, 9.030, 9.0404, 9.050, 9.070, and 9.080.

The proposal must comply with applicable provisions contained in the Wasco County Comprehensive Plan, and State Law. Generally, unless otherwise noted, if a request is found to be consistent with the LUDO it is considered consistent with the Comprehensive Plan.

The procedure I would like to follow is:

- a. Disclosure of Interest, Ex Parte Contact or Potential Conflicts
- b. Reading of the Rules of Evidence
- c. Planning department will present their report
- d. Those who wish to speak in favor of the proposal
- e. Those who wish to speak in opposition of the proposal
- f. Rebuttal
- g. Questions by Planning Commission of staff, proponent, or opponent
- h. Close the hearing and record and begin deliberation (only Planning Commission can talk during this time)

**Disclosure of Interest, Ex Parte Contact or Potential Conflicts:**

- a. Does any planning commissioner wish to disqualify themselves for any personal or financial interest in this matter? There were none. Does any Planning Commissioner wish to report any significant ex parte or pre-hearing contacts? (Staff contact is not ex parte and does not need to be disclosed.) There were none.
- b. Does any member of the audience wish to challenge the right of any planning commissioner to hear this matter? There were none.
- c. 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.

**Planning Commissioner Disclosure of Site Visit**

For the record, have any Planning Commissioners conducted a site visit to the subject property? There were none.

**Party Recognition**

Anyone can speak for or against the proposal today. However, only those who have "party" status will be able to appeal a decision reached by this commission.

**A party is defined in Section 1.090 as:**

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

If you want party status, please say so at the beginning of your testimony. At the end of the public testimony, the planning commission will deliberate about granting party status to each person who requested it.

**The Rules of Evidence are as follows:**

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

Any party of record may request that the record remain open for at least seven (7) days prior to the conclusion of the initial evidentiary hearing.

Failure of persons to participate in the public hearing, either orally or in writing precludes that person's right of appeal to the Board of Commissioners. Written testimony submitted prior to the hearing constitutes participation in the hearing.

Chair Davis stated Senior Planner Smith would present.

Senior Planner Smith shared his presentation (See Attachments A & B)



During his presentation, **Senior Planner Smith** shared a Findings Checklist and sections of the Staff Report to help Commissioners analyze each part of the proposal. (See Attachment C)

During the presentation, **Senior Planner Smith** noted an error on Wasco County LUDO section - 9.020.A. "The original zoning was the product of a mistake" – No Finding, but there should be. Planning Commission should recommend adding a finding that states whether it was or was not mistake based on all discussions throughout, or at least state that this is discussed in above sections.

**Senior Planner Smith** summarized: (41:40)

- There is apprehension on one side but there are advantages on the other
- Conducting forestry operations are currently not impractical. Trees could be planted and harvested (Ponderosa Pine).
- More residences would result in the loss of wildlife habitat, but a small impact.
- With increase in residences, it increases the wildlife/urban interface.
- More residences could impact water supply.
- The advantage would be in increase dwellings, as adequate housing is an issue in the County.
- Not in the current recent history has the property been used to harvest forest products so it would not be taking away commercial forest use. It would take the potential away.
- There are economic impacts on housing.

**Senior Planner Smith** asked for questions.

It was asked if this was in the Big Game Overlay. It was established it is in EPD 8, Low Impact area, which is exempt from requirements.

It was noted during the discussion that this property had been involved in a previous request to change zoning, with a settlement of an appeal (in a Legislative action) to have the County look at rezoning in this area. That did not happen for a number of years, and then in 2012 there was a request for 29 new houses on 280 acres. The Staff Report during that time did not have a recommendation. The Planning Commission voted to approve the zone change, but the Board of County Commissioners voted to deny it. There have not been any comments on the current application but it was noted there had been comments on the previous request regarding concerns over fire and water. It was not appealed further and it was resolved with the County's good faith effort to look at it.

It was stated there is currently one residence on this property, but if request is granted, there could be up to four. It was also discussed that it is hard to quantify how much water is available in the area and noted the Water Master has said there was a general concern, with levels dropping every year. It was also discussed that Mosier or Mid-Columbia Fire District would be the ones to respond to a fire, with a substation close to the property.

**Chair Davis** asked for testimony from the applicant or their representative. (54:41)

**Bill Summerfield**, Attorney for the applicant spoke. He shared a visual aid to present and hard copy hand out. (See Attachments D & E) He spoke regarding the water issue. In the findings and conclusions, there is a statement showing there are two wells on the subject property. One produces 50 gallons per minute, one at 60 gallons per minute. The home where the applicant lives has its own well that produces 35 gallons per minute. He feels that the wells that are on the proposed rezone property will be sufficient to support development, without any new ones added to the aquifers. He references four reports – noting one for when the well was drilled, one for when it was serviced and another is for a second well on the property. He stated that the 50 gallon per minute well is servicing the house located there and the other one is not doing much currently, but is available. He said they would probably do a shared well agreement or some other form of sharing water for the property at such time that development was implemented. A lot of that will be developmental criteria at the time the property would be subdivided.

**Mr. Summerfield** said they are trying to change that one green spot to a purple spot (referencing the map in Attachment B, slide 3). Everything along Sevenmile Hill Road is residential. There is no Resource land that touches Sevenmile Hill Road. He stated they are asking for common sense on this. This is the one parcel that is zoned differently. Having done some research, they haven't found a rhyme or reason to that. The Transitional Lands Study Area (TLSA) didn't touch that property, with no explanation as to why. **Mr. Summerfield** said it makes sense to rezone to keep it with the properties around it, in keeping with the neighborhood. There was a question about water in the TLSA. There is a map in the agenda packet, (PC-125) that show ground water levels in the area. The shared well reports are consistent with the TLSA map showing adequate ground water.

**Mr. Summerfield** said he isn't sure that the prior history of zoning has any relevance. This application stands on its own. The property stands on its own. The applicant was not part of the prior zoning request. They are not trying to implement anything that went on before or be part of any settlement. This is a new and unique application, pertaining to just this one 40 acre parcel.

**Mr. Summerfield** spoke regarding the Criterion. The physically developed and irrevocably committed seem to be very closely related to one another. Regarding the physically developed, he doesn't believe you just inventory what is on the property. You need to take a more holistic view of what is on the property. What does it look like, feel like, how is it being used. There is a log home, possibly a historic home from around the early 1900s. To build (this) home, the log home had to be de-commissioned. It is currently being used as an AG building. **Mr. Summerfield** stated **Mr. Wilson** hopes that someday the log home would be rehabilitated. The house in the meadow area seems to indicate that this area has never been used as forest land. **Mr. Summerfield** stated that **Mr. Wilson** has indicated he has been nurturing some trees for around 20 years and they have not grown very quickly. **Mr. Summerfield** indicated on the map a draw that runs through Ken Thomas's property. He showed a section of the map the **Mr. Wilson** has referenced as to where Eastern Oregon begins. **Mr. Summerfield** indicated on the map where a section is green and does well and another area that seems to be more scrubby. **Mr. Summerfield** showed south of that on the property where **Mr. Wilson** lives is scrubby as well. You don't see the canopy firs and others that you see on the other section.

**Mr. Summerfield** stated that when you look at the physically developed and irrevocably committed, there is the old pioneer house, barn, shed, and other structures. How would you develop that as a wood lot? What would it mean to the other people who live nearby? What would it mean for the other structures? You don't just measure the square footage of the structures; you look at the property as a whole. Doesn't look or feel like a commercial forest property.

**Mr. Summerfield** said he feels the same with the irrevocably committed. If you zoom out and look at the neighborhood. What would a commercial forest operation on Sevenmile look like, in the middle of this residential area? Each dot on the map is a home. It is pretty heavily developed. Those are factors in determining whether something is irrevocably committed. Is it compatible with its neighborhood? There is a sense when you drive down there that it is a rural residential neighborhood. It's not forest land. One of the questions is whether a mistake was made in the Comp Plan. **Mr. Summerfield** said it is hard to say that a mistake was made when you look at that map with one little green parcel that touches Sevenmile. You wonder what that's doing there. Without a stated reason for why it's there, it seems obvious it was either overlooked or ignored or a mistake was made there. **Mr. Summerfield** said that was 20 years ago and it's possible the surrounding neighborhood looked different than it does today. The subject property stands out as an anomaly.

**Mr. Summerfield** said there is a lot of talk in the Staff Report about the need to buffer resource zones from other uses around it. He said the buffer he sees is FF-10. That is what we are asking to do. This would help with the buffer and help resource zones themselves. He stated agreement with most of the green findings in the Staff Report (SR). He feels they are supported with the record in front of them.

**Mr. Summerfield** addressed the fire issue. He said the SR stated that most of the development has been north of Sevenmile, but if you look further out, there is residential development to the south, a lot of subdivisions. He



stated he doesn't feel that is a hugely valid concern. There is a natural fire break with the BPA powerline that runs through there. He doesn't see changing the zone on this property would be a public health, safety or welfare concern.

**Mr. Summerfield** also talked about big game. He feels that has been fixed. He said they looked at it and thought it was a non-issue. He would like to leave the record open to address, if it is an issue. He said other things like transportation, meeting or not meeting other goals are non-issues. If we are not addressing it, there is no conflict. We are hopeful to get a recommendation for a zone change.

**Chair Davis** called for questions. (1:11:00)

During questioning, it was established that **Mr. Wilson** lives on the property behind the subject property. Questions regarding the casing of the wells were brought up, noting if they are not cased they need to be. It was stated they go through multiple aquifers.

The applicant, **Mr. David Wilson** testified. (1:13:12) He stated he was not sure if the wells were cased, as it was before his time on the property. He stated he went to the well master and got copies of what was done there. He stated one is in the ravine by the old log home that provides water to log home and the historic house. **Mr. Wilson** stated the property used to look like a wrecking yard. He stated the motor had been knocked off the well head, the casing and everything went down into the well. This happened since he lived there. They had to pull the casing out, pull the pump out and did a bunch of casing work on the thing. On the well logs, the later dated one shows that they did improvements. He is not sure how far they are cased. **Mr. Wilson** was asked when the last time the wells were tested, where the head is. **Mr. Wilson** state he found out that if work is done on a well now, they have to put in separate PVC in so they can gage it. He said none of his wells have had that, they do not have separate PVC. He stated he is not in the survey. **Mr. Wilson** was asked if he has spoken to the Water Master to assure it is rated for domestic use. **Mr. Wilson** state two houses on one well are allowed. Otherwise a water district must be created. **Mr. Wilson** was asked if he irrigates pasture land. He replied no. He said the lower property well had a 300 horse pump on it at one time. Since then it has been switched out to a regular domestic pump. He found records that date back to the historic house, stating it is very old. He said he had worked to keep it (historic house) from falling in by jacking it up but found he couldn't do anything with it without getting it on its own parcel. He has to subdivide the property to do anything with the historic house.

There were no other questions for the applicant.

**Chair Davis** asked if anyone else wanted to speak in favor. There were none.

**Chair Davis** asked if anyone wished to speak in opposition. (1:17:42)

**Sheila Dooley** introduced herself and said she wanted to address the four concerns stated in the Staff Report. These included conducting forest operations are not currently impractical. She stated she had been involved in the TLSA study. This was not rezoned due to the value as forest land, the property is still capable to use for commercial use. This zoning is not a mistake. Across the road trees have been replanted and are growing. Just because this property has not been replanted for forest use does not make it less valuable as forest land. Looking at the map, there is forest land all around it. Conversion of this property will result in further encroachment of residential use onto Resource zones. Approving this is setting a precedent. The applicant owns an addition 69 acres of forest land. She feels the same arguments on this could be used to rezone that property. When Ken Thomas had applied for rezoning, the Land Conservation and Development Commission (LCDC) had objected because it is good forest land. In the application, the development pattern references the old farm house. The owner decided to build a second house instead of using the farm house. She stated an increase in residences will decrease the amount of wildlife habitat and would increase the wildland/urban interface fire risk. If a fire starts here, it will spread to the adjoining forest lands. She noted it takes 60-80 years to grow marketable timber. Many of these areas are not in a fire district and are rated extreme fire risk by the Department of Forestry. Response time is low due to the terrain and

distance. Fire risk and intensity have increased over the years. The residences increase the fire risk which is related to public safety and welfare in this area. Sevenmile hill was intended as a buffer, with development on one side and forestry on the other. Three new Single Family Dwellings (SFD) would impact available water supply. Water issues are increasing. Ms. Dooley stated a residence just up the road had their well go dry. She referenced information in the SR that the Water Master said the water table has been dropping two feet a year. If it only takes one criteria not being met to deny, she feels the request should be denied. These could be second homes that do nothing for housing shortage. She feels the housing issue should be addressed in incorporated areas with higher density. The fact that it is not currently used for forest land is not relevant.

The Commission did not have any questions for Ms. Dooley.

Jill Barker spoke in opposition to the request. She stated she had many of the same concerns as Ms. Dooley. She stated the property just down the street from the subject property had their well drop 50 feet during the winter. There is a lower water supply in this area. She was involved with the Ken Thomas proposal and there was overwhelming opposition to that from the Forestry Department, Fish & Wildlife, and LCDC. It is common knowledge that area has a dwindling water supply. North of Sevenmile is all small parcels and that is a huge demand on the aquifer. She understood that the subject parcel was part of the earlier Ken Thomas proposal which was denied, with good reason. Big game winter range is included there. The site is not suitable for the proposed reason. Ms. Barker said she believes if there is a fire, the power line isn't going to do anything to be a fire break.

Ms. Barker said it has been noted the soils (4s and 5s) are adequate for commercial forest use. In regards to the old historic farm house, it was being lived in in the 1970s. It wasn't that long ago that was a home. She feels the fire danger isn't if, it is when. She feels there is too much development and too much demand on the water. It is very dry and we are getting less water each year. There is already one house on that property already where it is 80 acre minimum, this one is on 40 acres. Ms. Barker stated that one of the reasons there is development south of Sevenmile is that many of those lots were pre-existing, during the TLSA study. Just left of this property, got a special conditional use to develop it and there was controversy for years. The other properties by Dry Creek Road have been there for years. She stated she was not sure about new development, not sure when they were approved. She feels it is a bad idea, a dangerous idea. The one home is adequate for that property.

There were no questions from the Commission for Ms. Barker.

There were no others to speak in opposition.

Chair Davis asked if the Applicant wish to refute any of the testimony.

Mr. Summerfield spoke regarding the comments related to the Ken Thomas proposal. We haven't had that with this. He feels you could draw inference from that. As to the fire danger, that would be addressed with buffers and such at the Building Permit stage, and adequately addressed elsewhere. The driveway is Dave's and any new development would be served by that driveway. It is very wide, any development would be served off that.

Chair Davis called for questions.

During the question and answer segment it was established the drainage from the homestead goes north. It was stated there may be a spring. It was also established that grass is grown there, with it being baled sometimes. There is no tax exemption; it is believed it is residential.

There was a question regarding the comment that the zoning was not a mistake. Ms. Dooley was asked if she had evidence of that. Ms. Dooley responded that the TLSA study was based on the soil types, the slopes. It looked at a lot of different factors. For clarification, Ms. Dooley was asked if the subject property was unique. Ms. Dooley responded no, it was not rezoned, they could have chosen to rezone it but they didn't.



**Chair Davis** called for further questions. There were none.

**Chair Davis** closed the Hearing at 4:41 pm. (1:37:12)

Deliberation:

**Chair Davis** noted the handouts that staff had given. He stated he would like to use that during the conversation, starting with a straw poll, focusing on critical area. He noted that if one thing is denied, the whole thing must be denied.

Straw poll:

- Commissioner Ashley – opposition to 1, 2 and 17
- Commissioner Willis – Concern with 17
- Alternate Booth – No issues
- Commissioner MacIntyre – No issues
- Commissioner Schanno – No issues
- Chair Davis – No issues
- Commissioner Hargrave had left the meeting

Discussion:

It was noted that for F2 the zoning is one home for 240 acres. This parcel is already smaller than that. There are residential areas with relatively small lots all around when heading up the hill towards this property. If you look around, how does this sit relative to the neighborhood? There are a lot of residences.

It was noted that the error that **Senior Planner Smith** indicated on Wasco County LUDO section - 9.020.A would be resolved during the discussion, deciding if there had been a mistake or not and findings written as such in the recommendation.

The soils classification was discussed with note there had not been any evidence presented that timber could not been grown on this property. It was also stated that just because it could support commercial forestry, does that mean that it should, considering the location and development pattern. The discussion also mentioned that forest practices would have timber harvest equipment and travel on a residential road. Commercial timber harvesting would also increase the fire risk, with the high wind zone. Even with a large fire break but in a high wind area, the fire will jump, crowning from tree to tree. It was noted there would be serious concern if it were a timbered area. There would also be the potential to have noise complaints from residents in the area. In the conversation, it was noted that if the request were granted to FF, trees could still be harvested.

It was stated that if it is approved, the issue of the water would need to be addressed and the wells should be cased. The water table and reduced water availability were noted as concerns.

The aquafer for the area was discussed. **Senior Planner Smith** stated he did not have an Aquafer map so he did not know if the residents there were all on the same aquafer. It was noted that the TLSA map had indicated there were two aquafer, of different types, in the area. The Water Master is quoted in the Staff Report. The amount of water per minute is not something the Planning Department regulates typically. The capacity is not just for household use, but also for irrigation and fire suppression. **Director Brewer** stated the Fire Safety Standards Ordinance does have standards for residential fire suppression and that would be applied at the time of future development. It was also stated that the wells would have to be tested to utilize the water and cased appropriately. It was questioned if the Water Master had expressed concern, is that enough to deny the request. It was stated the Water Master would be the one to determine if another well would be allowed there or if existing wells could be shared. The properties would need to pass a perk test, and if not, it would not be approved for development.

There was discussion about the TLSA report and if it missed or didn't miss this property. The comment was made that all along that line is FF and some of these issues would be addressed when the request is taken to the next level. **Director Brewer** stated the Oregon State Land Use protects Resource Lands over residential uses, so if the

outcome is there would be a negative impact to the residential area, you are actually saying in that context is this area is irrevocably committed to a rural residential use. Therefore it is more appropriate for this part of the county to have more residential use and not commercial. She stated that if that was the consensus, it would help with concerns noted about items #1 & #2.

**Chair Davis** called for a motion.

**Commissioner Schanno** moved to recommend approving the change in zone. **Alternate Booth** seconded.

**Chair Davis** opened for further discussion. (2:01:10)

The discussion included what the criterion is for this property to be irrevocably committed and if it is considered physically developed. This included looking at the use of the parcels by the subject property and what was physically located on the subject property, including the house, structures, and roads to determine if it is physically developed. Soil types were also discussed. **Senior Planner Smith** informed the Commission if there was consensus to affirm these, they could choose physically developed, irrevocably committed or both. It was stated that language could be added to clarify the findings.

There was discussion on what could happen by taking Resource land out and it was noted we are trying to protect Resource land in Wasco County. Once you lose it, it's gone. It was stated the land had been left in that zone for that purpose. It was also noted that the subject property is not isolated.

**Director Brewer** noted that the language for the findings has to stand on its own for this property. The same criteria would have to be used for other future proposals on other property.

**Chair Davis** called for a break. (2:26:44)

**\*\*Break\*\***

**Chair Davis** resumed the Hearing at 5:42pm.

**Chair Davis** stated there is still a motion on the table.

**Commissioner Willis** moved to approve and amend the motion on the table. She moved to change the motion on the table and amend it, on page 13, PC 18 for the commission, in relation to OAR 660 004-0028(2) b and c to clarify the uniqueness of this property because it is surrounded on three sides by residential or potential residential development and its uniqueness in relationship to the surrounding area by being the only F-2 zoning on the Sevenmile Road. A change to the proposed F-F would complete the residential buffer to the resource area.

**Alternate Booth** seconded.

**Chair Davis** noted the motion on the table was to approve the whole thing and there has been an amendment to that motion to make that property very unique.

There was more discussion regarding the language of the amendment noting it was added to make a very tight buffer with this property to prevent creeping of the buffer. The language would just help identify this property as unique. It was also noted that anyone could come in and request a zone change, but they would have to go through the same process. It was stated that this language is to illustrate intent, to show confinement.

**Chair Davis** called for a vote on the amendment to the original motion, noting the language had been written and projected on the screen for everyone to read. **Commissioner Schanno** asked for clarification. **Senior Planner Smith** read out loud to explain the sections. It was stated the language is adding to the findings for B & C.

**The motion was approved 5 to 0; 1 abstention; 2 absent (Commissioner DeHart; Commissioner Hargrave-left before the vote)**

A listing of the vote, as required by Oregon Revised Statute 192.650.c. is as follows:

Chair Davis – yes

Vice Chair Schanno – yes

Commissioner Hargrave – absent

Commissioner DeHart – absent

Commissioner Ashley – abstained

Commissioner MacIntyre – yes

Commissioner Willis - yes

Alternate Booth – yes

**Commissioner MacIntyre** stated she thought we were changing the findings. **Commissioner Ashley** stated that she believed that also. **Commissioner Schanno** stated we are adding to the findings.

**Chair Davis** stated the modification to the original motion had been approved. He called for discussion of the motion with the modifications.

**Commissioner Willis** stated the modification was to provide rationale for the findings. It was clarified that it was not taking out the finding that it was developed, but added to it. **Director Brewer** stated there was general consensus.

There was a discussion about what had been identified in the findings regarding 'development'. **Commissioner Ashley** stated she feels it is physically developed more than was indicated, demonstrated by things like the wells, outbuildings, etc.

**Commissioner Ashley** moved that we add additional findings to the approval finding to indicate the further development of the parcel, which includes wells and additional buildings for the physically developed exception finding [OAR 660 004 0025 (2)]. **Commissioner Willis** seconded.

**Commissioner Schanno** noted that most of this is in the Staff Report. **Director Brewer** stated the highlighted areas are conclusions of the larger findings above them. **Senior Planner Smith** stated he did not reference the wells in his findings. **Director Brewer** said the Staff Report consists of the rules that apply, information from the application, staff's findings of facts, and conclusions of law. She stated the requested changes can be made if that is part of the amended motion.

**Commissioner Willis** stated she feels the conclusion should include more of the laundry list of stuff. **Senior Planner Smith** said that could be added.

**Chair Davis** asked for any further discussion on this amendment to the motions. There was none.

**Chair Davis** called for a vote on the amendment to the motion.

**The motion was approved 6 to 0; 2 absent (Commissioner DeHart; Commissioner Hargrave-left before the vote)**

A listing of the vote, as required by Oregon Revised Statute 192.650.c. is as follows:

Chair Davis – yes

Vice Chair Schanno – yes

Commissioner Hargrave – absent



Commissioner DeHart – absent  
Commissioner Ashley – yes  
Commissioner MacIntyre – yes  
Commissioner Willis - yes  
Alternate Booth – yes

**Chair Davis** stated there has been a motion to approve with two amendments. He called for discussion on the last amendment.

There was a question on where in the process a discussion on item #17 would take place. **Chair Davis** stated this is the time to discuss it and can make a further amendment to the original motion, if desired.

**Commissioner Ashley** stated she wasn't sure that the public safety issues have been addressed. By changing the zoning, have we opened a can a worm for people living in or near forest zones? The number of structures and people involved with that were discussed. The transportation issues, the number of vehicles and response time for emergency services were part of the discussion. It was stated there isn't anything the Commission can do if people go beyond the design parameters. It was also stated there is another process to deal with any proposed dwellings, where there are safeguards in place.

**Chair Davis** called for further discussion. There were none.

**Chair Davis** stated there is a motion with two amendments and called for the vote.

**Chair Davis** called for the vote.

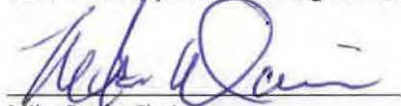
**The motion was approved 5 to 1; 2 absent (Commissioner DeHart; Commissioner Hargrave-left before the vote)**

A listing of the vote, as required by Oregon Revised Statute 192.650.c. is as follows:

Chair Davis – yes  
Vice Chair Schanno – yes  
Commissioner Hargrave – absent  
Commissioner DeHart – absent  
Commissioner Ashley – no  
Commissioner MacIntyre – yes  
Commissioner Willis - yes  
Alternate Booth – yes

**Chair Davis** stated the vote is to recommend approval with the amended language.

**Chair Davis** adjourned hearing at 6:06 p.m.



Mike Davis, Chair  
Wasco County Planning Commission



Angie Brewer, Director  
Wasco County Planning & Development

Wilson notes

Criteria and Summary

Public Facilities and Services: General overview

Land Use History: TLSA, Ken Thomas Settlement

STATE LAW

Statewide Land Use Planning Goal 4, "Forest Lands" is:

"To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture."

ORS 197.732: Exceptions allowed IF Physically Developed, or Irrevocably Committed. Describes process, what to look for. Actual factors addressed in OAR section

\*(1.) OAR 660-004-0025: Exception Requirements for Land Physically Developed to Other Uses: requires describing extent of development on a map, is it "Physically developed to the extent that it is no longer available for uses allowed by the applicable goal"?

- Describe management of small woodlands, soils (49C and 50D), slope, southern parcel of tract assessor information (is successfully managing to meet annual income requirements)

\*(2.) OAR 660-004-0028 (1)-(2): Irrevocably Committed: is it committed? Are existing adjacent uses making uses allowed by the applicable goal impracticable? Discuss FF and RR zones all around, use of land (development %), and relationship to southern parcel.

\*(3.) OAR 660-004-0028(3): Uses allowed by applicable goal are impracticable, specifically Goal 4 uses like forest operations, harvesting of forest products, etc. Describe how adjacent lands in residential use make it unlikely, but adjacent forest lands make it potentially possible. "just because a farm or forest use can be attained by methods that are not usual or customary does not mean that the farm or forest use is practicable. Resource designation is not necessary to preserve the area for small scale farm or forestry uses in conjunction with residential use." Not necessary, but how would it be affected?

\*(4.) OAR 660-004-0028(4): Does the conclusion address all factors of section 6 and sufficiently explain why the facts support the impracticability?

\*(5.) OAR 660-004-0028(5): Do findings and facts discuss irrevocably committed throughout the report?

\*(6.) OAR 660-004-0028(6): Addressing the following factors: existing adjacent uses, existing public facilities and services, parcel size and ownership patterns of the area and adjacent lands, neighborhood

## ATTACHMENT A

and regional characteristics, natural/man made features, physical development (this one has approval/denial findings)

OAR 660-004-0028(7): Does the submittal include required info? Yes

OAR 660-004-0040: Not applicable, not related to Goal 14 urbanization, not looking to allow parcels smaller than allowed by proposed new zone, any future proposals will have to comply with F-F requirements

OAR 660-004-0118: Planning and Zoning for Exception Areas, Describing area, are uses compatible with nearby resource areas, (NOTE: one semi-denial finding here – may decide to leave this in if relevant), how it relates to nearby urban areas (none) or industrial uses (none)

### COMPREHENSIVE PLAN

Findings describe who may apply (QJR = landowner),

(factors for consideration, not specific criteria. Denials here are generally related to denials elsewhere. Are they generally satisfied? If not, could be a denial)

H 1,2: Review Goals, does this comply, and does it demonstrate substantial proof that such a change “shall not be detrimental to the spirit and intent of such goals”. \*(8.)

1. Citizen Involvement
2. Land Use Planning
3. Agricultural Lands
4. \*(9.)Forest Lands
5. Open Spaces, Scenic and Historic Areas, and Natural Resources
6. Air, Water, and Land Resources Quality
7. Areas subject to Natural Disasters and Hazards
8. Recreational Needs
9. \*(10.)Economic Development
10. Housing
11. Public Facilities and Services
12. Transportation
13. Energy Conservation
14. Urbanization

\*(11.) H 3: Mistake in original Comp plan can be demonstrated. Did TLSA resolve the mistake, or did it miss this property?

\*(12.) H 4: Factors relating to need for healthy, safe, aesthetic surrounding and conditions. Fire risk increase? Is it significant enough to matter? Does the proposal match the aesthetic of the area?



ATTACHMENT A

\*(13.) H 5: Proof of change in the inventories originally developed. Original inventory included this as forest, has since changed (TLSA), but not here. Stop encroachment?

\*(14.) H 6: Revisions based on special studies or other info. Has enough info been provided to justify the stated need for low density housing, for which F-F could be used?

I. Transportation Compliance. Not significant enough to trigger a Traffic Impact Analysis. 29 new ADT would not change functional class of road.

J. Procedures

Application, notification, hearings. Complied.

WC LUDO

9.010 Application presented on forms used as issued by the office.

9.020.A. "The original zoning was the product of a mistake" – No Finding, but there should be. PC should recommend adding a finding that states whether it was or was not mistake based on all discussions throughout, or at least state that this is discussed above in sections XYZ?

\*(15.) 9.020.B.1. the rezoning will comply with Comp Plan (related to earlier discussion – it will or it won't depending on what has been decided above)

\*(16.) B.2. site is suitable to proposed zone. LUDO states purpose of F-F: "The purpose of the Forest-farm zone is to permit those lands which have not been in commercial agriculture or timber production to be used for small-scale, part-time farm or forest units by allowing residential dwellings in conjunction with a farm use while preserving open space and other forest uses." But Comp Plan says: "To provide for the continuation of forest and farm uses on soils which are predominantly class 7 and forest site class 6 and 7; and to preserve open space for forest uses (other than strictly commercial timber production) and for scenic value in the Gorge." These are Class 4. Does it make sense as a residential area considering residential uses nearby?

\*(17.)B.3 consideration of public health, safety, welfare. Fire risk? Water impacts?

9.030 Transportation Planning Rule Compliance: insignificant impact

Rest of Chapter 9 = any additional conditions, recommendations, notice requirements, actions

May 28, 2019

Dear Wasco County Board of Commissioners,

RE: File # 921-18-000086-PLNG: Application for a Comprehensive Plan Amendment, Exception to Statewide Planning Goal 4; and Zone Change from Forest, F-2 (80) to Forest-Farm F-F (10) by David Wilson

I agree with the concerns contained in the Staff Report presented to the Planning Commission on April 2nd and the reasons for denial of the application for a rezone from Forest F-2 (80) to Forest Farm F-F (10). As the Staff Report presented to them differs from the Staff Report presented to you, I will be quoting from the earlier report.

The page numbers below correspond to Attachment C - Staff Report presented at the Planning Commission meeting (which differs from Attachment C – Staff Report to the Board of Commissioners on June 5<sup>th</sup>).

Attachment A – Staff Recommendation and Planning Commission Options contained the 4 concerns discussed below. The staff took a neutral position.

**Staff concern 1. Conducting forestry operations are not currently impracticable (Goal 4)**

**Staff report p. 37 I was involved in the Transitional Lands Study Area (TLSA) Study which is referred to in the report. It was an extensive long term study (1993-1997) that studied development concerns in northern Wasco County including water availability, fire hazards, conflicts with wildlife, etc. It did not recommend further development of Seven Mile beyond the existing zoning. The only rezoning on Seven Mile that resulted was described as “housekeeping” by the Planning Director at the time and included 8 parcels north of Seven Mile Hill Rd. being rezoned as RR-10 from FF-10 to avoid the conditional use review requirement. Page 17 of TLSA Study, Exhibit 1, summarizes the recommendation.**

**Forest land including this one was not rezoned due to its value as forest land. The TLSA Study recommendations integrated future development with resource protection.**

**The soils, slope and other information indicate this property is capable of being used for commercial forest uses. A conversion of this property would continue the mistake of allowing the encroachment of residential uses into resource zones in this area.**

**“DENIAL FINDING: The soils, data, slope and other information available to staff indicate that the property is capable of being used for commercial forestry uses – although the current owners are not using the land for that purpose at this moment in time.” “A conversion of this property would continue the mistake of allowing the encroachment of residential uses into resource zones in this area.”**

**p.42 The Comprehensive Plan definition of the purpose of the Farm Forest designation is that it is limited to Class 6 or 7 soils, which are not on this parcel at all.**

**P. 42 The soil types (Class 4) on this property support commercial timber. At 57.2 cubic feet per acre/per year it significantly exceeds the requirement for forestry use lands to exceed 20 cubic feet per acre per year.**

“DENIAL FINDING: The Forest-Farm zone is not a resource zone. A change to this zone could decrease its potential to be used a part of a commercial agriculture or timber production operation. Both uses exist in the area to the south. Additionally, the soils on this parcel are all Class 4 which, as discussed above, is capable of providing for commercial timber uses... For the two soil types on the subject property, both are listed at “4A”, where 4 is the number of cubic meters/hectare/year, and A is “slight or no limitation”. Four cubic meters/hectare/year is equal to 57.2 cubic feet/acre/year. This significantly exceeds the Comprehensive Plan designation that calls for those lands devoted to Forestry Uses to exceed 20 cubic feet per are per year. The Comprehensive Plan Definition of the purpose of the Forest Farm zone makes it clear that the intent was to limit that zone designation to Class 6 or 7 soils, which are not on the subject parcel at all. Additionally, there are concerns of lowering water supply and general fire risk in this area, as discussed throughout this report. A change to a zone allowing increased density in this area would have a negative impact on both factors. This site does not appear to be suitable to the proposed zone.”

**The surrounding properties are tree covered. The fact that the current owner is not using most of this property for forest purpose and hasn’t replanted the open field (or let it grow back naturally) doesn’t make it less valuable as forest land.**

**The conversion of this property would result in further encroachment of residential use into resource zones. The next property owner will want to do the same thing and how do you deny that? You could be setting a precedent. Could the same applicant use this rezone as a reason to rezone his other 69 acres?**

**Adding more residences increases conflicts with accepted forest practices which are protected by Oregon law under the Farm and Forest Practices Act.**

**Proximity to existing rural residential areas is not a valid reason to say that the property is irrevocably committed.**

**In 2013 there was an application by Ken Thomas and others to rezone this property and several adjacent parcels (totaling 287 acres and the creation of 22 potential lots). p. 6 It was denied by the County Commission after they received a letter from Department of Land Conservation and Development (DLCD) in strong opposition to this rezone due to its value as forest land. DLCD rejected the arguments for a rezone (including the being physically developed and irrevocably committed arguments) and recommended that the existing plan and zone designations be retained. At the County Commission meeting there were also concerns regarding fire safety and water supply.**

**p. 12 The applicant owns 69 adjoining acres of forest land for a total of 109 acres. He could use the exact same arguments to rezone that if you allow this. How could you deny it if you allow this?**

**The area is not irrevocably committed to residential use. At the April 2<sup>nd</sup> meeting of the Planning Commission it was stated that this is the only surrounding F-2 property on the road and is surrounded on 3 sides by residential or potentially residential development. This is a misleading statement as the most of the west side and all of the south side are zoned F-2. There is a 16 acre lot to the west that**

**has split zoning with the upper north part FF-10 and the rest F-2. To the west of that lot is commercial forest land that stretches almost a mile west. To the south of the Wilson property is a 1,100 acre tract of timberland under one ownership with more forest land beyond that.**

**p.13** “A large majority of the parcels were created long before the area was subject to statewide or even county-wide zoning regulations, dating back to the early 1900s. The exception area is surrounded on two sides (north and east) by residential development and land zoned for rural residential development, under the three non-resource rural residential zoning designations, R-R(10), R-R(5) and F-F (10). The parcel immediately to the south is zoned for forestry uses, but is used for residential and small-scale agricultural uses (on the 69 acre lot owned by the applicant). Lands south of that, and immediately west of the subject parcel and proposed exception area are generally used for commercial forestry. See map for a visual representation of the area.” (Note: The R-R (5) is located to the north across the road and the FF-10 is to the east with the RR-10 beyond it.)

**p. 11** Refers to the old farmhouse as unusable in its current condition. It is dilapidated and missing part of an exterior wall and some windows, and has no foundation. Using this as a dwelling is not an allowed use since he has a replacement dwelling. It was abandoned when the replacement dwelling was built but was never torn down although it should have been. There is another old outbuilding which is also unusable but has also never been torn down. This outbuilding is missing its roof and appears to be falling down. There is very little physical development on the property.

**Both buildings are visible from the road when you drive by the property.**

**According to the staff report, p. 12 The land has minor developments on it, but is still available for forestry uses allowed by Goal 4, so a physically developed exception would not apply.**

“DENIAL FINDING: The clustering of the existing house on the western edge, with the 1000’ driveway forming a property boundary line establishes very little physical development throughout the subject parcel. There are two old structures in the center of the property, along with another 640’ driveway that runs north to south accessing them. However these are not useable in the condition they are in and the driveway would be as useful for commercial forestry uses in accordance with Goal 4 as it would be for future residential uses in the event of an exception. Slope throughout the property is gentle, and soils are all Class 4, which as discussed above, is conducive to forestry uses. This land has minor physical developments on it, but it is still available for forestry uses allowed by Goal 4, so a physically developed exception would not apply.”

**The staff report, p. 23 also does not support a physically developed exception:**

“DENIAL FINDING: The current home and driveway are clustered against the western property line. There are abandoned structures near the center of the property, accessed by another driveway. However, the entire eastern and southern portions of this 40.6 acre parcel are undeveloped. Much of the center of the property is currently grassland, but the eastern edge and southern half are wooded with oak and ponderosa pine. Ponderosa Pine is a marketable forest product and the soil characteristics of the parcel demonstrate that more could be grown for harvest in this area, as described above. Though there are buildings on the subject parcel, they do not dominate the landscape, and forestry uses allowed by goal 4 could still be cultivated across much of the property. These structures do not constitute enough physical development to justify a goal exception in a forest resource zone.”

**p.12 The 40 acres that the application applies to have portions that are grass land currently and portions that are farmed currently, and small portions that have marketable timber currently.**

“DENIAL FINDING: The map above in section OAR 660-004-0025(2) dealing with physically developed exceptions indicates that only 12.5% is developed, with only 7.5% being used for residential purposes (the other older structures and driveway are unused). Additionally, those residential uses are clustered along the western property line. The applicant claims that the 40 acre site is irrevocably committed to residential uses, when in fact only 12.5% is committed to general development, and only 7.5% committed to residential use. This leaves 87.5-92.5% remaining for forest use. As discussed above in a thorough review of the soil types on site and how they are classified, staff finds that the portion that remains uncommitted to residential use is sufficient to be used for a forestry use. Though there are portions that are grass land currently and portions that are farmed currently, there are also portions that have small amounts of merchantable timber present, as well as the soil conditions to grow more if a landowner so desired to make that investment in the future of the land. Combined with the 69 acre adjacent parcel to the south, also owned by David Wilson, this tract consists of 109 acres of land with commercial timber potential. Small woodland forests are found throughout the Pacific Northwest and are a viable means of using this land productively while meeting the applicable statewide planning goal #4: Forest Lands. Staff does not find that the existing residential commitment of 7.5% of the property qualifies it as committed to the extent where a goal exception could apply.”

**Staff concern 2. More residences would result in the loss of more wildlife habitat (Goal 5)**

**There would be the loss of pine oak habitat. This is sensitive wildlife habitat and low elevation big game winter range.**

**Staff concern 3. The proposal would create more residences, which would increase wildland-urban interface fire risk and potential impacts (Goal 7)**

**If a fire starts in this area, it will spread to the adjoining forest lands. It takes 60 to 80 years to grow marketable timber. Many of these areas are not in a fire district and are rated extreme fire risk by the Dept. of Forestry. Response time is slow due to terrain and distance. Fire risk and intensity have increased.**

**If a fire from this property headed towards our property (which is not in a fire district) it would be potentially unstoppable due to the terrain and lack of road access. The last time there was a fire near us it took an hour for the Department of Forestry to arrive (without water). We and the neighbors put out the fire with shovels and the help of a couple of Mosier fire volunteers. It was a human caused fire.**

Staff Report P. 20 “DENIAL FINDING: One significant conflict is the risk of fire. The increased numbers of residences increase the risk and potential severity of fires, because fires caused by humans add to the frequency of natural fires. Human occupation is always associated with quantities of flammable materials and fire accelerants, such as fuels on household products. The impact of the fire risk is magnified not just by the number of residences but also physical features, including terrain, climate and vegetation.”

**p. 37 and 43 Due to concerns related to public safety and welfare in this area, the request should be denied. New residences increase fire risk and Seven Mile Hill Rd. serves as a buffer.**

“DENIAL FINDING: An alteration from a forest use to a residential use increases the risk of fire in a fire prone area. This threatens the safety of adjacent forestry uses, as well as the encroaching residential uses in this area. In addition, the rural aesthetic of a country road would be further degraded by allowing additional dwelling development in an area full of wildlife and natural beauty. Staff finds that a consideration of these factors lends itself to maintaining this property in a resource zone rather than permitting a conversion to residential.”

“DENIAL FINDING: However, any addition of new residences increases fire risk due to human activity. Seven Mile Hill Road makes an excellent fire buffer, and almost all of the rural residential development in the area to the north of it. Currently there are other residential developments south of the road to both the east and west of the Subject Parcel, but their existence does not justify approving even more risk in this area. Seven Mile Hill should remain as a buffer for fire in this area. Additionally, there has been an identified risk to ground water in the area as the water table has been gradually lowering in recent years, according to Robert Wood, Watermaster. Three additional residences and their wells would further accelerate that loss. Due to these two main concerns related to public safety and welfare in this area, this request should be denied.”

**Staff concern 4. The impact of potentially three new single family dwellings on available water supplies in an area with existing concerns (Goal 5, 6, 11)**

**Refer to previous Denial Findings. Water issues are increasing in the area. The neighbors (Morgans) just up the road (about 780 feet away) had their well drop 50 feet between January and March and go dry.**

**p. 42 There is a concern with lowering water supply and general fire risk.**

**p.43 There has been an identified risk to ground water in the area as the water table has been gradually lowering in recent years (2 foot per year decline, p.30) according to Robert Wood, Watermaster.**

**As it only takes one criterion not being met to recommend denial of the request, this request should be denied.**

Sincerely,

Sheila Dooley  
3300 Vensel Rd.  
Mosier, Oregon 97040



## AGENDA ITEM

### FEMA Grant Application

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[STAFF SUMMARY](#)

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[RESOLUTION 19-005 AUTHORIZING STAFF](#)

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[MOTION LANGUAGE](#)

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## Hazard Mitigation Grant Program Summary

The Hazard Mitigation Grant Program (HMGP) was created in November 1988, by Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The HMGP assists States, Tribes, and local communities in implementing long-term hazard mitigation measures following a major disaster declaration. This funding source for HMGP is a special Post-Fire appropriation as part of the Bipartisan Budget Act of 2018. The Act contains a provision that authorizes FEMA to provide HMGP assistance as a result of a Fire Management Assistance declaration for events from October 1, 2016, through September 30, 2018.

During the recovery phase of a disaster, local jurisdictions select projects that could reduce property damage from future disasters, and submit grant applications to the State. Indian Tribes and certain nonprofit organizations may also apply; and local governments may apply for assistance to benefit individual property owners and businesses.

The States administer the HMGP by establishing their mitigation priorities, facilitating the development of applications, and submitting applications to FEMA based on State criteria and available funding. The State also manages the project, monitors progress, and evaluates the effectiveness of projects implemented.

FEMA conducts a final eligibility review to ensure compliance with Federal regulations. HMGP projects must comply with Federal environmental laws and regulations, be cost-effective, and be technically feasible.

Federal law requires States and local jurisdictions to have a mitigation plan prior to receipt of HMGP funds. The plan identifies hazards, assesses community needs, and describes a communitywide strategy for reducing risks associated with natural disasters.





IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF SUBMITTING A GRANT APPLICATION TO THE FEDERAL EMERGENCY  
MANAGEMENT AGENCY (FEMA) FOR THE COMMUNITY WILDFIRE PROTECTION PLAN (CWPP)  
UPDATE PROJECT

**RESOLUTION #19-004**

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

IT APPEARING TO THE BOARD that it is imperative that local government develop and maintain a Community Wildfire Protection Plan; and

IT FURTHER APPEARING TO THE BOARD that funding is available to support the updating of our current Community Wildfire Protection Plan.

NOW, THEREFORE BE IT RESOLVED that the County of Wasco formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Board of Commissioners hereby authorizes the Wasco County Planning Department to submit an electronic grant application for a Hazard Mitigation Grant (HMGP-FM-5195-Oregon: 2017 and 2018 Fire Seasons) to the Federal Emergency Management Agency. This grant would be for a maximum of \$39,000 and will require a 25% match from the County and Partners (up to \$13,000, payable in kind, such as staff time, or with cash).

DATED this 5<sup>th</sup> day of June, 2019.

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Brad Timmons, County Counsel

**WASCO COUNTY BOARD OF COMMISSIONERS**

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

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

\_\_\_\_\_  
Kathleen B. Schwartz, County Commissioner



## MOTION

**SUBJECT: FEMA Grant Application Resolution**

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I move to approve Resolution 19-004 in the matter of submitting a grant application to the Federal Emergency Management Agency for the Community Wildfire Protection Plan Update Project.



## AGENDA ITEM

### Forest Classification IGA

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[INTRODUCTORY EMAIL](#)

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[JOINT CLASSIFICATION IGA](#)

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[MOTION LANGUAGE](#)

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I believe you have my scheduled to attend the meeting on the 5<sup>th</sup> to discuss this and move forward with decisions that need to be made.

What I am looking to cover at that meeting is:

- Support from the County to move forward with the Forestland Classification process
- Support from the County to convene a joint committee with Hood River County
- Discussion/decision on the Wasco County 'at-large' committee member participation
- Support of the Interagency Agreement between ODF, Wasco County and Hood River County (if it has been reviewed by legal by this date).

Let me know how this sounds and if you have any follow up questions process wise on how this needs to move forward on the agenda and at the meeting.

Thank you Kathy!

---

Kristin Dodd

Unit Forester

The Dalles Unit – Central Oregon District

Oregon Department of Forestry

Office: 541-296-4626

Cell: 541-233-3285

[www.odfcentraloregon.com](http://www.odfcentraloregon.com)

**COOPERATIVE AGREEMENT  
BETWEEN  
WASCO COUNTY BOARD OF COMMISSIONERS  
AND  
HOOD RIVER COUNTY BOARD OF COMMISSIONERS  
AND  
OREGON DEPARTMENT OF FORESTRY, STATE FORESTER**

This agreement reconvenes the joint Wasco/Hood River Forestland Classification Committee, and identifies the functions to be performed and the expenses to be incurred by the Hood River County Board of Commissioners, by the Wasco County Court, and by the Oregon Department of Forestry, in supporting the proper performance of the committee's functions.

**WHEREAS**, Pursuant to ORS 526.320, there is a need to periodically investigate and study all land in Hood River County and in Wasco County and determine which of the land is forestland.; and

**WHEREAS**, Pursuant to ORS 526.324, there is a need to assign a classification to all forestland in Hood River County and in Wasco County; and

**WHEREAS**, Pursuant to ORS 526.310, as amended by Section 4, Chapter 69, Oregon Laws 2009, the governing bodies of two or more counties may establish a joint forestland classification committee to periodically investigate and study forestland and to assign a classification to all such forestland.

**WHEREAS**, Pursuant to ORS 526.310, the parties to this Cooperative Agreement may provide accommodations, funds, and supplies which are necessary for the proper performance of a forestland classification committee's functions.

**WHEREAS**, Pursuant to ORS 190.110, the parties to this Cooperative Agreement are authorized to cooperate by agreement for the establishment of a joint forestland classification committee and for the committee's proper performance of its functions.

**NOW, THEREFORE**, the parties to this Cooperative Agreement, in consideration of the covenants and the conditions hereinafter set forth, do agree as follows.

**ARTICLE 1  
WASCO/HOOD RIVER FORESTLAND CLASSIFICATION COMMITTEE**

1.1 The Wasco/Hood River Forestland Classification Committee is hereby reconvened.

**ARTICLE 2  
RESPONSIBILITIES OF THE HOOD RIVER COUNTY BOARD OF COMMISSIONERS**

2.1 Contingent on its ability to do so, including the availability of appropriate funding, the Hood River County Board of Commissioners agrees to:

2.1.1 Appoint two members to serve on the Wasco/Hood River Forestland Classification Committee. At least one of the appointed members shall be an owner of “forestland,” as that term is defined in ORS 526.005.

2.1.2 Provide, at no charge, facilities for meetings of the Wasco/Hood River Forestland Classification Committee.

2.1.3 Provide, at no charge, facilities for public hearings the Wasco/Hood River Forestland Classification Committee is required by law to conduct.

2.1.4 Post, at no charge, public notices the Wasco/Hood River Forestland Classification Committee is required by law to display.

2.1.5 Provide, at no charge, incidental reproduction services the Wasco/Hood River Forestland Classification Committee determines it needs to properly perform its functions.

2.1.6 Provide, at no charge, assessor’s tax lot information, the Wasco/Hood River Forestland Classification Committee determines it needs to properly perform its functions.

2.2 Contingent on its ability to do so, including the availability of appropriate funding, the Hood River Board of Commissioners may:

2.2.1 Provide GIS and mapping services the Wasco/Hood River Forestland Classification Committee determines it needs to properly perform its functions.

2.2.2 Provide, accommodations, supplies, and county funds not otherwise appropriated as the Hood River County Board of Commissioners determines are necessary for the Wasco/Hood River Forestland Classification Committee to properly perform its functions.

2.2.3 Reimburse members of the Wasco/Hood River Forestland Classification Committee members for their actual and necessary travel and other expenses incurred in the performance of their duties.

### **ARTICLE 3 RESPONSIBILITIES OF THE WASCO COUNTY BOARD OF COMMISSIONERS**

3.1 Contingent on its ability to do so, including the availability of appropriate funding, the Wasco County Board of Commissioners agrees to:

3.1.1 Appoint two members to serve on the Wasco/Hood River Forestland Classification Committee. At least one of the appointed members shall be an owner of “forestland,” as that term is defined in ORS 526.005.

3.1.2 Provide, at no charge, facilities for meetings of the Wasco/Hood River Forestland Classification Committee.

3.1.3 Provide, at no charge, facilities for public hearings the Wasco/Hood River Forestland Classification Committee is required by law to conduct.

3.1.4 Post, at no charge, public notices the Wasco/Hood River Forestland Classification Committee is required by law to display.

3.1.5 Provide, at no charge, incidental reproduction services the Wasco/Hood River Forestland Classification Committee determines it needs to properly perform its functions.

3.1.6 Provide, at no charge, assessor's tax lot information, the Wasco/Hood River Forestland Classification Committee determines it needs to properly perform its functions.

3.2 Contingent on its ability to do so, including the availability of appropriate funding, the Wasco County Court may:

3.2.1 Provide GIS and mapping services the Wasco/Hood River Forestland Classification Committee determines it needs to properly perform its functions.

3.2.2 Provide, accommodations, supplies, and county funds not otherwise appropriated as the Wasco County Court determines are necessary for the Wasco/Hood River Forestland Classification Committee to properly perform its functions.

3.2.3 Reimburse members of the Wasco/Hood River Forestland Classification Committee members for their actual and necessary travel and other expenses incurred in the performance of their duties.

#### **ARTICLE 4 RESPONSIBILITIES OF THE OREGON DEPARTMENT OF FORESTRY**

4.1 Contingent on its ability to do so, including the availability of appropriate funding, the Oregon Department of Forestry agrees to:

4.1.1 Appoint one member to serve on the Wasco/Hood River Forestland Classification Committee.

4.1.2 Request that the Director of the Oregon State University Extension Service appoint one member to serve on the Wasco/Hood River Forestland Classification Committee.

4.1.3 Request that the State Fire Marshal appoint one member to serve on the Wasco/Hood River Forestland Classification Committee.

4.1.4 Provide, at no charge, facilities for meetings of the Wasco/Hood River Forestland Classification Committee.

4.1.5 Provide, at no charge, facilities for public hearings the Wasco/Hood River Forestland Classification Committee is required by law to conduct.

4.1.6 Post, at no charge, public notices the Wasco/Hood River Forestland Classification Committee is required by law to display.

4.1.7 Provide, at no charge, incidental reproduction services the Wasco/Hood River Forestland Classification Committee determines it needs to properly perform its functions.

4.1.8 Provide, at no charge, forestland condition information, the Wasco/Hood River Forestland Classification Committee determines it needs to properly perform its functions.

4.1.9 Provide, at no charge, wildfire incidence information, the Wasco/Hood River Forestland Classification Committee determines it needs to properly perform its functions.

4.2 Contingent on its ability to do so, including the availability of appropriate funding, the Oregon Department of Forestry may:

4.2.1 Provide GIS and mapping services the Wasco/Hood River Forestland Classification Committee determines it needs to properly perform its functions.

4.2.2 Provide, accommodations, supplies, and county funds not otherwise appropriated as the Oregon Department of Forestry determines are necessary for the Wasco/Hood River Forestland Classification Committee to properly perform its functions.

4.2.3 Reimburse members of the Wasco/Hood River Forestland Classification Committee members for their actual and necessary travel and other expenses incurred in the performance of their duties.

## **ARTICLE 5 MODIFICATION**

5.1 This Cooperative Agreement may be modified by mutual consent of all parties to this Cooperative Agreement.

5.2 Modifications to this Cooperative Agreement shall be documented on a separate piece of paper and shall be attached to all copies of this Cooperative Agreement.

## **ARTICLE 6 EFFECTIVE DATE & TERMINATION**

6.1 This Cooperative Agreement shall become effective upon the date subscribed by the last signatory party or on July 1, 2019, whichever date occurs latest.

6.2 Any party to this Cooperative Agreement may terminate this Cooperative Agreement, upon providing not less than thirty days written notice to all other parties.

6.4 Unless otherwise terminated sooner, as provided in Article 6.2, this Cooperative Agreement shall automatically terminate ten years after it becomes effective.

## **ARTICLE 7 AUTHORIZED COORDINATORS**

7.1 For the Hood River Board of Commissioners, the authorized coordinator of this Cooperative Agreement is:

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_



7.2 For the Wasco County Board of Commissioners, the authorized coordinator of this Cooperative Agreement is:

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

7.2 For the Oregon Department of Forestry, the authorized coordinator of this Cooperative Agreement is:

Name: Kristin Dodd, Unit Forester

Mailing Address: 3701 West 13<sup>th</sup> Street

The Dalles, OR. 97058

7.4 Changes in either the name or the mailing address of an authorized coordinator of this Cooperative Agreement shall be documented on a separate piece of paper and shall be attached to all copies of this Cooperative Agreement.

## **ARTICLE 8 OTHER CONSIDERATIONS**

8.1 This Cooperative Agreement may not be assigned, in whole or in part, to any other entity, by any party to this Cooperative Agreement.

8.2 Each party to this Cooperative Agreement agrees to defend, protect, save, and hold harmless the other parties, their officers, agents and employees from any and all claims, costs, damages, and expenses arising from performance under this Cooperative Agreement.

8.3 Nothing contained in this Cooperative Agreement shall obligate any party to this Cooperative Agreement for expenditures in excess of funds made properly available, for activities or functions envisioned to be performed under this Cooperative Agreement.

8.4 Nothing contained in this Cooperative Agreement shall obligate any party to this Cooperative Agreement to perform activities or functions, which they cannot perform or for which they have no legal authority to perform.

8.5 All parties to this Cooperative Agreement agree their participation is voluntary and no part of this Cooperative Agreement is intended to be subject to the provisions of Article XI, Section 15 of the Constitution of Oregon.

### **APPROVED:**

For the Hood River County Board of Commissioners:

\_\_\_\_\_  
Commission Chair

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

For the Wasco County Board of Commissioners:

\_\_\_\_\_  
County Representative

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

For the Oregon Department of Forestry:

\_\_\_\_\_  
District Forester

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



## MOTION

**SUBJECT:** Forest Classification Cooperative Agreement

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I move to approve the Cooperative Agreement between Wasco County Board of Commissioners, Hood River County Board of Commissioners and Oregon Department of Forestry, State Forester to reconvene the joint Wasco/Hood River Forestland Classification Committee.



## AGENDA ITEM

### Transportation IGAs

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[MCEDD MEMO](#)

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[STATEWIDE TRANSPORTATION IMPROVEMENT FUND AGREEMENT](#)

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[MCEDD TRANSPORTATION AGREEMENT 2019-2021](#)

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[MOTION LANGUAGE](#)

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## *Mid-Columbia Economic Development District*

### MEMORANDUM

**Date:** May 29, 2019

**To:** Wasco County Board of County Commissioners

**From:** Jessica Metta, Mid-Columbia Economic Development District Deputy Director

**Re:** Transportation Contracts with MCEDD

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#### **Request**

Approve the two transportation contracts between Wasco County and MCEDD.

#### **Background**

Wasco County is the designated recipient of three sources of public transportation funding that come from Oregon Department of Transportation (ODOT): FTA 5310 and Special Transportation Fund (STF) dollars that focus on transportation of seniors and individuals with disabilities and the Statewide Transportation Improvement Fund (STIF) Formula funds that support expansion of public transportation. For these funds to flow to The LINK, Wasco County's public transportation service currently operated by Mid-Columbia Economic Development District (MCEDD), contracts between Wasco County and MCEDD are required.

#### **Wasco County Transportation Services Contract**

Wasco County and MCEDD currently have a contract for completion of the FTA 5310 and STF 2017-2019 service. These two funds are issued on the same schedule and are currently implemented under the same contract with the ODOT-Wasco County grant contracts as exhibits. This current contract was developed by Wasco County when MCEDD assumed operation of The LINK from Mid-Columbia Council of Governments. In March, Wasco County approved applying for the 2019-2021 FTA 5310 and STF funds again for The LINK and the contracts are now coming to Wasco County from ODOT. Using the current MCEDD-Wasco County contract as a template, we have drafted a 2019-2021 contract for the new FTA 5310 and STF funds.

#### **Wasco County Statewide Transportation Improvement Fund Services Contract**

MCEDD has assisted Wasco County in developing a STIF Plan to receive the STIF Formula funds over the last year. As of May 15, 2019 those funds have begun flowing to Wasco County from the payroll tax collected since July 1, 2018. Using the current FTA 5310 and STF contract as a template, we have drafted a contract for implementing the Wasco County STIF Plan which covers the period of July 1, 2018 to June 30, 2021. The Wasco County STIF Plan can be found here: [https://www.mcedd.org/wp-content/uploads/2019/02/Wasco\\_County\\_STIF\\_Plan\\_v2\\_2018\\_12\\_12.pdf](https://www.mcedd.org/wp-content/uploads/2019/02/Wasco_County_STIF_Plan_v2_2018_12_12.pdf)

MCEDD looks forward to implementing these grants and plans for public transportation in Wasco County and the benefits they bring to our community.

## WASCO COUNTY STATEWIDE TRANSPORTATION IMPROVEMENT FUND SERVICES CONTRACT

This Contract is between WASCO COUNTY, a political subdivision, acting by and through the Board of County Commissioners (County) and Mid-Columbia Economic Development District (Contractor). The parties agree as follows:

**Effective Date and Termination Date.** The effective date of this Contract shall be July 1, 2018. Unless extended or terminated earlier in accordance with its terms, this Contract shall terminate when County accepts Contractor's completed performance as of June 30, 2021. Contract termination shall not extinguish or prejudice County's right to enforce this Contract with respect to any default by Contractor that has not been cured.

**Statement of Work.** Contractor shall perform the work described in Exhibit 1.

**Payment for Work.** County agrees to pay Contractor in accordance with Exhibit 1.

**Contract Documents.** This Contract includes page 1-11 And Exhibits 1-4.

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### CONTRACTOR DATA AND SIGNATURE

Contractor Address: 515 E. 2<sup>nd</sup> Street A, The Dalles, OR 97058

Federal Tax ID#: 93-0586118

Is Contractor a nonresident alien? ☐ Yes ☒ No

Business Designation (check one): ☐ Sole Proprietorship ☐ Partnership ☐ Corporation for-profit

☐ Corporation non-profit ☒ Council of Governments (ORS 190)

A Federal Tax ID number or Social Security number is required to be provided by the Contractor and shall be used for the administration of state, federal and local tax laws. Payment information shall be reported to the Internal Revenue Service under the name and Federal Tax ID number provided above.

I have read this Contract including the attached Exhibits. I understand this Contract and agree to be bound by its terms. NOTE: Contract shall also sign Exhibit 3.

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Signature

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Title

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Name (please print)

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Date

---

**WASCO COUNTY SIGNATURE**

Contracts are not valid and not binding on the County until signed by the Board of County Commissioners.

Dated this 5<sup>th</sup> day of June, 2019

Wasco County Board of Commissioners

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Steven D. Kramer, Chair

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Scott C. Hege, Vice-Chair

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Kathy Schwartz, County Commissioner

APPROVED AS TO FORM:

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Brad Timmons, County Counsel

## **STANDARD TERMS AND CONDITIONS**

- 1. Time is of the Essence.** Contractor agrees that time is of the essence in the performance of this Contract.
- 2. Compensation.** Payment for all work performed under this Contract shall be made in the amounts and manner set forth in Exhibit 1.
  - a. Payments shall be made to Contractor following County's review and approval of billings and deliverables submitted by Contractor.
  - b. All Contractor Billings are subject to the maximum compensation amount of this Contract.
  - c. Contractor shall not submit billings for, and County shall not pay, any amount in excess of the maximum compensation amount of this Contract.
    - 1) If the maximum compensation amount is increased by amendment to this Contract, the amendment shall be signed by both parties and fully executed before Contractor performs work subject to the amendment.
    - 2) No payment shall be made for any services performed before the beginning date or after the expiration date of this Contract.
  - d. This Contract shall not be amended after the expiration date.
  - e. Contractor shall submit quarterly performance reports and invoices for work completed. These shall describe all work performed with particularity and by whom it was performed and shall itemize and explain all expenses incurred. Invoices must be legible and include a description of the service, the date(s) of the service, and the agency providing the service.
  - f. The invoices also shall include the total amount invoiced to date by Contractor prior to the current invoice.
  - g. Prior to approval or payment of any billing, County may require and Contractor shall provide any information which County deems necessary to verify work has been properly performed in accordance with the Contract.
- 3. Delegation, SubContracts and Assignment.** Contractor shall not delegate or subContract any of the work required by this Contract or assign or transfer any of its interest in this Contract, without the prior written consent of County.
  - a. Any delegation, subContract, assignment, or transfer without prior written consent of County shall constitute a material breach of this Contract.
  - b. Any such assignment or transfer, if approved, is subject to such conditions and provisions as the County may deem necessary.
  - c. No approval by the County of any assignment or transfer of interest shall be deemed to create any obligation of the County to increase rates of payment or maximum Contract consideration.
  - d. Prior written approval shall not be required for the purchase by the Contractor of articles, supplies and services which are incidental to the provision of services under this Contract that are necessary for the performance of the work.
  - e. Any subContracts that the County may authorize shall contain all requirements of this Contract, and unless otherwise specified by the County, the Contractor shall be responsible for the performance of the subContractor.



**4. No Third Party Beneficiaries.**

- a. County and Contractor are the only parties to this Contract and are the only parties entitled to enforce its terms.
- b. Nothing in this Contract gives or provides any benefit or right, whether directly, indirectly, or otherwise, to third persons unless such third persons are individually identified by name in this Contract and expressly described as beneficiaries of this Contract.

**5. Successors in Interest.** The provision of this Contract shall be binding upon and inure to the benefit of the parties and their successors and approved assigns, if any.

**6. Early Termination.** This Contract may be terminated as follows:

- a. Mutual Consent. County and Contractor, by mutual written agreement, may terminate this Contract at any time.
- b. Party's Convenience. County or Contractor may terminate this Contract for any reason upon 30 calendar days written notice to the other party.
- c. For Cause. County may also terminate this Contract effective upon delivery of written notice to the Contractor, or at such later date as may be established by the County, under any of the following conditions:
  - 1) If funding from the state government or other sources is not obtained and continued at levels sufficient to allow for the services as required in this Contract.
  - 2) This Contract may be modified to accommodate the change in available funds.
  - 3) If state laws, regulations or guidelines are modified, changed or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this Contract or are no longer eligible for the funding proposed for payments authorized by this Contract.
  - 4) In the event sufficient funds shall not be appropriated for the payment of consideration required to be paid under this Contract, and if County has no funds legally available for consideration from other sources.
  - 5) If any license or certificate required by law or regulation to be held by the Contractor to provide the services required by this Contract is for any reason denied, revoked, suspended, not renewed or change in such a way that the Contractor no longer meets requirements for such license or certificate.
- d. Contractor Default or Breach. The County, by written notice to the Contractor, may immediately terminate the whole or any part of this Contract under any of the following conditions.
  - 1) If the Contractor fails to provide services called for by this Contract within the time specified or any extension thereof.
  - 2) If the Contractor fails to perform any of the other requirements of this Contract or so fails to pursue the work so as to endanger performance of this Contract in accordance with its terms, and after receipt of written notice from the County specifying such failure, the Contractor fails to correct such failure within 10 calendar days or such other period as the County may authorize.
  - 3) Contractor institutes or has instituted against it insolvency, receivership or bankruptcy proceedings, makes an assignment for the benefit of creditors, or cease doing business on a regular basis.

e. County Default or Breach.

- 1) Contractor may terminate this Contract in the event of a breach of this Contract by the County. Prior to such termination, the Contractor shall give to the County written notice of the breach and intent to terminate.
- 2) If the County has not entirely cured the breach within 10 calendar days of the date of the notice, then the Contractor may terminate this Contract at any time thereafter by giving notice of termination.

**7. Payment on Early Termination.** Upon termination pursuant to paragraph 6, payment shall be made as follows:

- a. If terminated under subparagraphs 6a. through c. of this Contract, the County shall pay Contractor for work performed prior to the termination date if such work was performed in accordance with the Contract. Provided however, County shall not pay Contractor for any obligations or liabilities incurred by Contractor after Contractor receives written notice of termination.
- b. If this Contract is terminated under subparagraph 6d of this Contract, County obligations shall be limited to payment for services provided in accordance with this Contract prior to the date of termination, less any damages suffered by the County.
- c. If terminated under subparagraph 6e of this Contract by the Contractor due to a breach by the County, then the County shall pay the Contractor for work performed prior to the terminate date if such work was performed in accordance with the Contract.
  - 1) With respect to services compensable on an hourly basis, for unpaid invoices, hours worked within any limits set forth in this Contract but not yet billed, authorized expenses incurred if payable according to this Contract and interest within the limits set forth under ORS 293.462 and
  - 2) With respect to deliverable-based Work, the sum designated for completing the deliverable multiplied by the percentage of Work completed and accepted by County, less previous amounts paid and any claim(s) that County has against Contractor.
  - 3) Subject to the limitations under paragraph 8 of this Contract.

**8. Remedies.** In the event of breach of this Contract the parties shall have the following remedies:

- a. Termination under subparagraphs 6a. through c. of this Contract shall be without prejudice to any obligations or liabilities of either party already reasonably incurred prior to such termination.
  - 1) Contractor may not incur obligations or liabilities after Contractor receives written notice of termination.
  - 2) Additionally, neither party shall be liable for any indirect, incidental, consequential or special damages under this Contract or for any damages of any sort arising solely from the termination of this Contract in accordance with its terms.
- b. If terminated under subparagraph 6d. of this Contract by the County due to a breach by the Contractor, County may pursue any remedies available at law or in equity.
  - 1) Such remedies may include, but are not limited to, termination of this Contract, return of all or a portion of this Contract amount, payment of interest earned on this Contract amount, and declaration of ineligibility for the receipt of future Contract awards.
  - 2) Additionally, County may complete the work either by itself, by agreement with another Contractor, or by a combination thereof. If the cost of completing the work exceeds the

remaining unpaid balance of the total compensation provided under this Contract, then the Contractor shall be liable to the County for the amount of the reasonable excess.

- c. If amounts previously paid to Contractor exceed the amount due to Contractor under this Contract, Contractor shall repay any excess to County upon demand.
- d. Neither County nor Contractor shall be held responsible for delay or default caused by fire, civil unrest, labor unrest, riot, acts of God, or war where such cause was beyond reasonable efforts to remove or eliminate performance of its obligations under this Contract. For any delay in performance as a result of the events describe in this subparagraph, Contractor shall be entitled to additional reasonable time for performance that shall be set forth in an amendment to this Contract.
- e. The passage of this Contract expiration date shall not extinguish or prejudice the County's or Contractor's right to enforce this Contract with respect to any default or defect in performance that has not been cured.
- f. County's remedies are cumulative to the extent the remedies are not inconsistent, and County may pursue any remedy or remedies singly, collectively, successively or in an order whatsoever.

**9. Contractor's Tender upon Termination.** Upon receiving a notice of termination of this Contract, Contractor shall immediately cease all activities under this Contract unless County expressly directs otherwise in such notice of termination.

- a. Upon termination of this Contract, Contractor shall deliver to County all documents, information, works-in-progress and other property that are or would be deliverables had this Contract been completed.
- b. Upon County's requires, Contractor shall surrender to anyone County designates, all documents, research, objects or other tangible things needed to complete the work.

**10. Work Standard.**

- a. Contractor shall be solely responsible for and shall have control over the means, methods, techniques, sequences and procedures of performing the work, subject to the plans and specifications under this Contract and shall be solely responsible for the errors and omissions of its employees, subContractors and agents.
- b. For goods and services to be provided under this Contract, Contractor agrees to:
  - 1) Perform the work in a good, workmanlike, and timely manner using the schedule, materials, plans and specifications approved by County;
  - 2) Comply with all applicable legal requirements;
  - 3) Comply with all programs, directives and instructions of County relating to safety, storage of equipment or materials;
  - 4) Take all precautions necessary to protect the safety of all persons at or near County or Contractor's facilities and areas of service under this Contract, including employees of Contractor, County and any other Contractors or subContractors and to protect the work and all other property against damage.

**11. Drugs and Alcohol.** Contractor shall adhere to and enforce a zero tolerance policy for the use of alcohol and the unlawful selling, possession or use of controlled substances while performing work under this Contract. Contractor shall adhere to FTA guidelines and requirements in accordance with Exhibit 4 attached hereto and incorporated by reference herein.

- 12. Insurance.** Contractor shall provide insurance in accordance with Exhibit 2 attached hereto and incorporated by reference herein.
- 13. Criminal Background Investigations.** Contractor understands that Contractor and Contractor's employees and agents are subject to periodic criminal background investigations by County and, if such investigations disclose criminal activity not disclosed by Contractor, such non-disclosure shall constitute a material breach of this Contract and County may terminate this Contract effective upon delivery of written notice to the Contractor, or at such later date as may be established by the County.
- 14. Confidentiality.** Contractor shall maintain confidentiality of information obtained pursuant to this Contract as follows:
- a. Contractor shall not use, release or disclose any information concerning any employee, client, applicant or person doing business with the County for any purpose not directly connected with the administration of County's or the Contractor's responsibilities under this Contract except upon written consent of the County, and if applicable, the employee, client, applicant or person.
  - b. The Contractor shall ensure that its agents, employees, officers and subContractors with access to County and Contractor records understand and comply with this confidentiality provision.
  - c. Contractor shall treat all information as to personal facts and circumstances obtained on Medicaid eligible individuals as privileged communication, shall hold such information confidential, and shall not disclose such information without the written consent of the individual, his or her attorney, the responsible parent of a minor child, or the child's guardian, except as required by other terms of this Contract.
  - d. Nothing prohibits the disclosure of information in summaries, statistical information, or other form that does not identify particular individuals.
  - e. Personally identifiable health information about applicants and Medicaid recipients will be subject to the transaction, security and privacy provisions of the Health Insurance Portability and Accountability Act ("HIPAA").
  - f. Contractor shall cooperate with County in the adoption of policies and procedures for maintaining the privacy and security of records and for conducting transactions pursuant to HIPAA requirements.
  - g. This Contract may be amended in writing in the future to incorporate additional requirements related to compliance with HIPAA
  - h. If Contractor receives or transmits protected health information, Contractor shall enter into a Business Associate Agreement with County, which, if attached hereto, shall become a part of this Contract.
- 15. Reports.** Contractor shall provide County with periodic performance reports on a quarterly basis. Further, at any time, County has the right to demand adequate assurances that the services provided by Contractor shall be in accordance with the Contract. Such assurances provided by Contractor shall be supported by documentation in Contractor's possession from third parties.
- 16. Access to Records.** Contractor shall maintain fiscal records and all other records pertinent to this Contract.
- a. All fiscal records shall be maintained pursuant to generally accepted accounting standards and other records shall be maintained to the extent necessary to clearly reflect actions taken.
    - 1) All records shall be retained and kept accessible for at least three years following the final payment made under this Contract or all pending matters are closed, whichever is later.

2) If an audit, litigation or other action involving this Contract is started before the end of the three year period, the records shall be retained until all issues arising out of the action are resolved or until the end of the three year period, whichever is later.

- b. County and its authorized representatives shall have the right to direct access to all of Contractor's books, documents, papers and records related to this Contract for the purpose of conducting audits and examinations and making copies, excerpts and transcripts.

1) These records also include licensed software and any records in electronic form, including but not limited to computer hard drives, tape backups and other such storage devices. County shall reimburse Contractor for Contractor's cost of preparing copies.

2) At Contractor's expense, the County, the Secretary of State's Office of the State of Oregon, and their duly authorized representatives, shall have license to enter upon Contractor's premises to access and inspect the books, documents, papers, computer software, electronic files and any other records of the Contractor which are directly pertinent to this Contract.

**17. Ownership of Work.** All work of Contractor that results from this Contract (the "Work Product") is the exclusive property of the County.

- a. County and Contractor intend that such Work Product be deemed "work made for hire" of which County shall be deemed author.
- b. If, for any reason, the Work Product is not deemed "work made for hire," Contractor hereby irrevocably assigns to County all of its right, title and interest in and to any and all of the Work Product, whether arising from copyright, patent, trademark, trade secret or any other state or federal intellectual property law or doctrine.
- c. Contractor shall execute such further documents and instruments as County may reasonably request in order to fully vest such rights in County.
- d. Contractor forever waives any and all rights relating to Work Product, including without limitation, any and all rights arising under 17 USC § 106A or any other rights of identification of authorship or rights of approval, restriction or limitation on use or subsequent modifications.
- e. County shall have no rights in any pre-existing work product of Contractor provided to County by Contractor in the performance of this Contract except an irrevocable, non-exclusive, perpetual, royalty-free license to copy, use and re-use any such work product for County use only.
- f. If this Contract is terminated prior to completion, and the County is not in default, County, in addition to any other rights provided by this Contract, may require Contractor to transfer and deliver all partially completed work products, reports or documentation that Contractor has specifically developed or specifically acquired for the performance of this Contract.
- g. In the event that Work Product is deemed Contractor's Intellectual Property and not "work made for hire," Contractor hereby grants to County an irrevocable, non-exclusive, perpetual, royalty-free license to use, reproduce prepare derivative works based upon, distribute copies of, perform and display the Contractor Intellectual Property, and to authorize others to do the same on the County's behalf.
- h. In the event that Work Product is Third Party Intellectual Property, Contractor shall secure on the County's behalf and in the name of the County, and irrevocable, non-exclusive, perpetual, royalty-free license to use, reproduce prepare derivative works based upon, distribute copies of, perform and display the Contractor Intellectual Property, and to authorize others to do the same on the County's behalf.

**18. County Code Provision.** There is no additional County Code Provision requiring Contractor's compliance.

**19. Partnership.** County is not, by virtue of this Contract, a partner or joint venture with Contractor in connection with activities carried out under this Contract and shall have no obligation with respect to Contractor's debts or any other liabilities of each and every nature.

**20. Indemnity and Hold Harmless.**

- a. To the fullest extent authorized by law, Contractor shall defend, save, hold harmless and indemnify the County and its officers, employees and agents from and against all claims, suites, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Contractor or its officers, employees, Contractors or agents under this Contract, including without limitation any claims that the work, the work product or any other tangible or intangible items delivered to County by Contractor that may be the subject of protection under any state or federal intellectual property law or doctrine, or the County's use thereof, infringes any patent, copyright, trade secret, trademark, trade dress, mask work utility design or other proprietary right of any third party.
- b. Contractor shall have control of the defense and settlement of any claim that is subject to subparagraph a. of this paragraph; however, neither Contractor nor any attorney engaged by Contractor shall defend the claim in the name of Wasco County or any department or agency thereof, nor purport to act as legal representative of the County or any of its departments or agencies without first receiving from the County's legal counsel, in a form and manner determined appropriate by the County's legal counsel, authority to act as legal counsel for the County, nor shall Contractor settle any claim on behalf of the County without the approval of the County's legal counsel.
- c. To the extent permitted by Article XI, Section 10, of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, County shall defend, save, hold harmless and indemnify Contractor and its officers, employees and agents from and against all claims, suites, actions, losses, damages, liabilities costs and expenses of any nature resulting from or arising out of, or relating to the activities of County or its officers, employees, Contractors or agents under this Contract.

**21. Waiver.**

- a. County's delay in exercising, or failure to exercise any right, power or privilege under this Contract shall not operate as a waiver thereof, nor shall any single or partial exercise of any right, power or privilege under this Contract preclude any other or further exercise thereof or the exercise of any other such right, power or privilege.
- b. The remedies provided herein are cumulative and not exclusive of any remedies provided by law.

**22. Governing Law.** This Contract shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law.

- a. Any claim, action, suit or proceeding (collectively, "Claim") between County and Contractor that arises from or relates to this Contract shall be brought and conducted solely and exclusively within the circuit Court of Wasco County for the State of Oregon; provide, however, if a Claim shall be brought in federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon.
- b. CONTRACTOR, BY EXECUTION OF THIS CONTRACT, HEREBY CONSENTS TO THE IN PERSONAM JURISDICTION OF SAID COURTS. The parties agree that the UN Convention on International Sales of Goods shall not apply.

- 23. Severability.** If any term or provision of this Contract is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if this Contract did not contain the particular term or provision held invalid.
- 24. Counterparts.** This Contract 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 Contract so executed shall constitute an original.
- 25. Notice.** Except as otherwise expressly provided in this Contract, any communications between the parties hereto or notices to be given hereunder shall be given in writing to Contractor or County at the address or number set forth below or to such other addresses or numbers as either party may hereafter indicate in writing. Delivery may be by personal delivery, facsimile or mailing the same, postage prepaid.
- a. Any communication or notice by personal delivery shall be deemed delivered when actually given to the designated person or representative.
  - b. Any communication or notice sent by facsimile shall be deemed delivered when the transmitting machine generates receipt of the transmission. To be effective against County, such facsimile transmission shall be confirmed by telephone notice to the County Administrative Officer.
  - c. Any communication or notice mailed shall be deemed delivered five (5) days after mailing. Any notice under this Contract shall be mailed by first class postage or delivered as follows:
- |   |   |
|---|---|
| <p><u>To Contractor:</u></p> <p>Amanda Hoey, Executive Director<br/>515 E. 2<sup>nd</sup> Street A<br/>The Dalles, OR 97058</p> | <p><u>To County:</u></p> <p>Tyler Stone, Administrative Officer<br/>511 Washington Street, Suite 101<br/>The Dalles, OR 97058</p> |
|---|---|
- 26. Merger Clause.** This Contract and the attached Exhibits constitute the entire agreement between the parties.
- a. All understandings and agreements between the parties and representations by either party concerning this Contract are contained in this Contract.
  - b. No waiver, consent, modification or change in the terms of this Contract shall bind either party unless in writing signed by both parties.
  - c. Any written waiver, consent, modification or change shall be effective only in the specific instance and for the specific purpose given.
- 27. Identity Theft Protection.** Contractor and subContractors shall comply with the Oregon Consumer Identity Theft Protection Act. (ORS 646A.600 et seq.).
- 28. Survival.** All rights and obligations shall cease upon termination or expiration of this Contract, except for the rights and obligations set forth in Sections 4, 5, 8, 9, 15, 17, 18, 20-207, 28 and 30.
- 29. Representations and Warranties.**
- a. Contractor's Representations and Warranties. Contractor represents and warrants to County that:
    - 1) Contractor has the power and authority to enter into and perform this Contract;
    - 2) This Contract, when executed and delivered, shall be a valid and binding obligation of Contractor enforceable in accordance with its terms;
    - 3) Contractor has the skill and knowledge possessed by well-informed members of its industry, trade or profession and Contractor will apply that skill and knowledge with care and diligence to

perform the Work in a professional manner and in accordance with standards prevalent in Contractor's industry;

4) Contractor shall, at all times during the term of this Contractor, be qualified, professionally competent, and duly licensed to perform the Work;

5) Contractor prepared its proposal related to this Contract, be qualified, professionally competent, and duly licensed to perform the Work;

6) Contractor's making and performance of this Contract do not and will not violate any provision of any applicable law, rule or regulation or order of any court, regulatory commission, board or other administrative agency.

b. Warranties Cumulative. The warranties set forth in this paragraph are in addition to and not in lieu of any other warranties provided.

**30. Non-Discrimination.** Contractor shall not discriminate on the basis of race, color, national origin or sex in the performance of this Contract. Contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT-assisted Contracts. Failure by the Contractor to carry out these requirements is a material breach of this Contract, which may result in the termination of this Contract or other such remedies deemed appropriate by County.

**31. SB 675 (2015) Representation and Covenant.**

- a. Contractor represents and warrants that Contractor has complied with the tax laws of this state, and where applicable, the laws of Wasco County, including but not limited to ORS 305.620 and ORS chapters 316, 317 and 318.
- b. Contractor covenants to continue to comply with the tax laws of this state, and where applicable, the laws of Wasco County, during the term of this Contract.
- c. Contractor acknowledges that failure by Contractor to comply with the tax laws of this state, and where applicable, the laws of Wasco County, at any time before Contractor has executed the Contract or during the term of the Contract is and will be deemed a default for which Wasco County may terminate the Contract and seek damages and/or other relief available under the terms of the Contract or under applicable law.

**32. Compliance with Provisions of Funding Source.** In addition to the conditions outlined in this Contract, Contractor must comply with all applicable STIF adopted rules (OAR 732-040 and OAR 732-042) as well as the state's recommended record and document management procedures, Civil Rights and Americans with Disabilities Act regulations.



**EXHIBIT 1**

**WASCO COUNTY SERVICES CONTRACT**

**STATEMENT OF WORK, COMPENSATION, PAYMENT TERMS AND SCHEDULE**

**1. Contractor shall perform the following work:**

- a. Implement the Wasco County Statewide Transportation Improvement Fund Plan as adopted by Wasco County, including administrative costs required to manage the plan and as included in the plan.
- b. This Contract includes in part operations and capitalized preventive maintenance, which are defined under 49 USC § 5310 program, as described in Circular 9070, 1F, Section 111-14-e. Generally accepted accounting principles and the Contractor's accounting system determine those costs that are to be accounted for as operating costs. Contractor may not count the same costs twice if they have multiple agreements for which these costs may be eligible. Contractor may use capital equipment funded under U.S. Department of Transportation or State-source agreements when performing services rendered through this Contract. Depreciation of capital equipment funded from U.S. Department of Transportation or State-source grants is not an eligible expense. As this agreement also includes funding through Statewide Transportation Improvement Fund (STIF), Contractor will comply with the guidelines established by Oregon Revised Statutes (ORS) 391.800 and 391.830 and Oregon Administrative Rules (OAR) Chapter 732. Contractor will receive and disburse STIF moneys from a separate governmental fund. Any interest accrued from the account must be added to the moneys and reported to the State.

Contractor will subtract income from fares, tickets and passes, either pre-paid or post-paid, from the gross operating expenses of the service. All administrative and operating expenses incurred by Contractor are reimbursable as operating expenses.

Contractor may not use assets acquired under this Contract to compete unfairly with the private sector.

**2. County Services.** County shall provide Contractor, at County's expense, with material and services described as follows: None.

**3. Consideration.**

- a. County shall pay Contractor an amount not to exceed the STIF payments from the State of Oregon as a pass-through to Mid-Columbia Economic Development District for The LINK Public Transportation as identified in the Wasco County STIF Plan. The estimated funds for each fiscal year are: \$209,267 in FY19, \$376,000 in FY20, \$431,000 in FY21.
- b. Contractor shall be entitled to reimbursement for expenses.

☒ YES    ☐ NO

**4. The maximum compensation.**

- a. The maximum compensation under this Contract, including allowable expenses, is an amount not to exceed the STIF payments from the State of Oregon, estimated at \$1,016,267.
- b. Contractor shall not submit invoices for, and County shall not pay for any amount in excess of the maximum compensation amount set forth above.

- 1) If this maximum compensation amount is increased by amendment of this Contract, the amendment shall be fully effective before Contractor performs work subject to the amendment.
- 2) Contractor shall notify County in writing of the impending expiration of this Contract thirty (30) calendar days prior to the expiration date.

**5. Schedule of Performance or Delivery.**

- a. County's obligation to pay depends upon Contractor's delivery or performance in accordance with the following: County will only pay for completed work that conforms to this schedule and only at such time as a completed Agency Periodic Report has been submitted to the Oregon Department of Transportation Public Transit Divisions OPTIS system.

## EXHIBIT 2

### WASCO COUNTY SERVICES CONTRACT

#### INSURANCE REQUIREMENTS

Contractor shall at all times maintain in force at Contractor's expense, each insurance noted below and as required by the State of Oregon Insurance Requirements listed in the Contracts attached as Exhibits 5 and 6. Insurance coverage must apply on a primary or non-contributory basis. All insurance policies, except Professional Liability, shall be written on an occurrence basis and be in effect for the term of this Contract. Policies written on a "claims made" basis must be approved and authorized by Wasco County.

**Contractor Name: Mid-Columbia Economic Development District**

**Workers Compensation** insurance in compliance with ORS 656.017, requiring Contractor and all subContractors to provide workers' compensation coverage for all subject workers, or provide certification of exempt status. Worker's Compensation Insurance to cover claims made under Worker's Compensation, disability benefit or any other employee benefit laws, including statutory limits in any state of operation with Coverage B Employer's Liability coverage all at the statutory limits. In the absence of statutory limits the limits of said Employers liability coverage shall be not less than \$1,000,000 each accident, disease and each employee. This insurance must be endorsed with waiver of subrogation endorsement, waiving the insured's right of subrogation against County.

**Commercial General Liability** insurance with combined single limit of not less than \$5 million per occurrence. Commercial General Liability insurance includes coverage for personal injury, bodily injury, advertising injury, property damage, premises, operations, products, complete operations and Contractual liability. The insurance coverages provided for herein must be endorsed as primary and non-contributory to any insurance of County, its officers, employees or agents. Each such policy obtained by Contractor shall provide that the insurer shall defend any suit against the named insured and the additional insureds, their officers, agents, or employees, even if such suit is frivolous or fraudulent. Such insurance shall provide County with the right, but not the obligation, to engage its own attorney for the purpose of defending any legal action against County, its officers, agents, or employees, and that Contractor shall indemnify County for costs and expenses, including reasonable attorney's fees, incurred or arising out of the defense of such action.

The policy shall be endorsed to name ***Wasco County, State of Oregon, their officers, agents, employees and volunteers as an additional insured.*** The additional insured endorsement shall not include declarations that reduce any per occurrence or aggregate insurance limit. The Contractor shall provide additional coverage based on any outstanding claim(s) made against policy limits to ensure that minimum insurance limits required by the County are maintained. Construction Contracts may include aggregate limits that apply on a "per location" or "per project" basis. The additional insurance protection shall extend equal protection to County as to Contractor or subContractors and shall not be limited to vicarious liability only or any similar limitation. To the extent any aspect of this Paragraph shall be deemed unenforceable, then the additional insurance protection to County shall be narrowed to the maximum amount of protection allowed by law.

**Automobile Liability insurance** with a combined single limit of not less than \$5 million per occurrence.

Automobile Liability insurance includes coverage for bodily injury and property damage resulting from operation of a motor vehicle. Commercial Automobile Liability Insurance shall provide coverage for *any* motor vehicle (symbol 1 on some insurance certificates) driven by or on behalf of Contractor during the course of providing services under this Contract. Commercial Automobile Liability is required for Contractors that own business vehicles registered to the business.

**Additional Requirements.** Contractor shall pay all deductibles and self-insured retentions. A cross-liability clause or separation of insured's condition must be included in all commercial general liability policies required by this Contract. Contractor's coverage will be primary in the event of loss.

Certificate of Insurance Required. Contractor shall furnish a current Certificate of Insurance to the County with the signed Contract. Contractor shall notify the County in writing at least 30 days in advance of any cancellation, termination, material change or reduction of limits of the insurance coverage. The Certificate shall also state the deductible or, if applicable, the self-insured retention level. Contractor shall be responsible for any deductible or self-insured retention. If requested, complete copies of insurance policies shall be provided to the County.

**EXHIBIT 3**  
**WASCO COUNTY SERVICES CONTRACT**  
**ADDITIONAL OVERSIGHT FOR STIF SUBRECIPIENTS**

CONTRACTOR shall comply with all applicable STIF adopted rules (OAR 732-040 and OAR 732-042) as well as the federal regulations listed as follows:

**Access to Records and Reports**

The record keeping and access requirements apply to all Contracts funded in whole or in part with FTA funds. Under 49 U.S.C. § 5325(g), FTA has the right to examine and inspect all records, documents, and papers, including Contracts, related to any FTA project financed with Federal assistance authorized by 49 U.S.C. Chapter 53.

1. **Record Retention.** The Contractor will retain, and will require its subContractors of all tiers to retain, complete and readily accessible records related in whole or in part to the Contract, including, but not limited to, data, documents, reports, statistics, sub-agreements, leases, subContracts, arrangements, other third party agreements of any type, and supporting materials related to those records.
2. **Retention Period.** The Contractor agrees to comply with the record retention requirements in accordance with 2 C.F.R. § 200.333. The Contractor shall maintain all books, records, accounts and reports required under this Contract for a period of at not less than three (3) years after the date of termination or expiration of this Contract, except in the event of litigation or settlement of claims arising from the performance of this Contract, in which case records shall be maintained until the disposition of all such litigation, appeals, claims or exceptions related thereto.
3. **Access to Records.** The Contractor agrees to provide sufficient access to FTA and its Contractors to inspect and audit records and information related to performance of this Contract as reasonably may be required.
4. **Access to the Sites of Performance.** The Contractor agrees to permit FTA and its Contractors access to the sites of performance under this Contract as reasonably may be required.

**Civil Rights and Equal Opportunity**

The Oregon Department of Transportation (ODOT) is an Equal Opportunity Employer. As such, the ODOT agrees to comply with all applicable Federal civil rights laws and implementing regulations. Apart from inconsistent requirements imposed by Federal laws or regulations, the ODOT agrees to comply with the requirements of 49 U.S.C. § 5323(h) (3) by not using any Federal assistance awarded by FTA to support procurements using exclusionary or discriminatory specifications.

Under this Agreement, the Contractor shall at all times comply with the following requirements and shall include these requirements in each subContract entered into as part thereof.

- a. **Nondiscrimination.** In accordance with Federal transit law at 49 U.S.C. § 5332, the Contractor agrees that it will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, disability, or age. In addition, the Contractor agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.

- b. **Race, Color, Religion, National Origin, Sex.** In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e *et seq.*, and Federal transit laws at 49 U.S.C. § 5332, the Contractor agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. chapter 60, and Executive Order No. 11246, "Equal Employment Opportunity in Federal Employment," September 24, 1965, 42 U.S.C. § 2000e note, as amended by any later Executive Order that amends or supersedes it, referenced in 42 U.S.C. § 2000e note. The Contractor agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, national origin, or sex (including sexual orientation and gender identity). Such action shall include, but not be limited to, the following: employment, promotion, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.
- c. **Age.** In accordance with the Age Discrimination in Employment Act, 29 U.S.C. §§ 621-634, U.S. Equal Employment Opportunity Commission (U.S. EEOC) regulations, "Age Discrimination in Employment Act," 29 C.F.R. part 1625, the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6101 *et seq.*, U.S. Health and Human Services regulations, "Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance," 45 C.F.R. part 90, and Federal transit law at 49 U.S.C. § 5332, the Contractor agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.
- d. **Disabilities.** In accordance with section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, the Americans with Disabilities Act of 1990, as amended, 42 § 12101 *et seq.*, the Architectural Barriers Act of 1968, as amended, 42 U.S.C. § 4151 *et seq.*, and Federal transit law at 49 U.S.C. § 5332, the Contractor agrees that it will not discriminate against individuals on the basis of disability. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.

### **ADA Access**

The Contract agrees that facilities to be used in public transportation service, or to be designed for use in public transportation service, must comply with 42 U.S.C. Sections 12101 *et seq.* and DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," 49 CFR Part 37; and Joint ATBCB/DOT regulations, "Americans with Disabilities (ADA) Accessibility Specifications for Transportation Vehicles," 36 CFR Part 1192 and 49 CFR Part 38. USDOT incorporated by reference the ATBCB's "Americans with Disabilities Act Accessibility Guidelines" (ADAAG), revised September 2010, which include accessibility guidelines for buildings and facilities, and are incorporated into Appendix A to 49 CFR Part 37. USDOT also added specific provisions to Appendix A modifying the ADAAG, with the result that buildings and facilities must comply with both the ADAAG and amendments thereto in Appendix A to 49 CFR Part 37.

**EXHIBIT 4**

**WASCO COUNTY SERVICES CONTRACT**

**ADOPTED WASCO COUNTY STATEWIDE TRANSPORTATION IMPROVEMENT FUND PLAN 2019-2021**

## WASCO COUNTY TRANSPORTATION SERVICES CONTRACT

This Contract is between WASCO COUNTY, a political subdivision, acting by and through the Board of County Commissioners (County) and Mid-Columbia Economic Development District (Contractor). The parties agree as follows:

**Effective Date and Termination Date.** The effective date of this Contract shall be July 1, 2019. Unless extended or terminated earlier in accordance with its terms, this Contract shall terminate when County accepts Contractor's completed performance as of June 30, 2021. Contract termination shall not extinguish or prejudice County's right to enforce this Contract with respect to any default by Contractor that has not been cured.

**Statement of Work.** Contractor shall perform the work described in Exhibit 1.

**Payment for Work.** County agrees to pay Contractor in accordance with Exhibit 1.

**Contract Documents.** This Contract includes page 1-11 And Exhibits 1-6.

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### CONTRACTOR DATA AND SIGNATURE

Contractor Address: 515 E. 2<sup>nd</sup> Street A, The Dalles, OR 97058

Federal Tax ID#: 93-0586118

Is Contractor a nonresident alien? ☐ Yes ☒ No

Business Designation (check one): ☐ Sole Proprietorship ☐ Partnership ☐ Corporation for-profit

☐ Corporation non-profit ☒ Council of Governments (ORS 190)

A Federal Tax ID number or Social Security number is required to be provided by the Contractor and shall be used for the administration of state, federal and local tax laws. Payment information shall be reported to the Internal Revenue Service under the name and Federal Tax ID number provided above.

I have read this Contract including the attached Exhibits. I understand this Contract and agree to be bound by its terms. NOTE: Contract shall also sign Exhibit 3.

---

Signature

---

Title

---

Name (please print)

---

Date

---



**WASCO COUNTY SIGNATURE**

Contracts are not valid and not binding on the County until signed by the Board of County Commissioners.

Dated this 5th day of June, 2019

Wasco County Board of Commissioners

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Steven D. Kramer, Chair

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Scott C. Hege, Vice-Chair

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Kathy Schwartz, County Commissioner

APPROVED AS TO FORM:

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Brad Timmons, County Counsel

## **STANDARD TERMS AND CONDITIONS**

1. **Time is of the Essence.** Contractor agrees that time is of the essence in the performance of this Contract.
2. **Compensation.** Payment for all work performed under this Contract shall be made in the amounts and manner set forth in Exhibit 1.
  - a. Payments shall be made to Contractor following County's review and approval of billings and deliverables submitted by Contractor.
  - b. All Contractor Billings are subject to the maximum compensation amount of this contract.
  - c. Contractor shall not submit billings for, and County shall not pay, any amount in excess of the maximum compensation amount of this Contract.
    - 1) If the maximum compensation amount is increased by amendment to this Contract, the amendment shall be signed by both parties and fully executed before Contractor performs work subject to the amendment.
    - 2) No payment shall be made for any services performed before the beginning date or after the expiration date of this contract.
  - d. This Contract shall not be amended after the expiration date.
  - e. Contractor shall submit quarterly performance reports and invoices for work completed. These shall describe all work performed with particularity and by whom it was performed and shall itemize and explain all expenses incurred. Invoices must be legible and include a description of the service, the date(s) of the service, and the agency providing the service.
  - f. The invoices also shall include the total amount invoiced to date by Contractor prior to the current invoice.
  - g. Prior to approval or payment of any billing, County may require and Contractor shall provide any information which County deems necessary to verify work has been properly performed in accordance with the Contract.
3. **Delegation, Subcontracts and Assignment.** Contractor shall not delegate or subcontract any of the work required by this Contract or assign or transfer any of its interest in this Contract, without the prior written consent of County.
  - a. Any delegation, subcontract, assignment, or transfer without prior written consent of County shall constitute a material breach of this contract.
  - b. Any such assignment or transfer, if approved, is subject to such conditions and provisions as the County may deem necessary.
  - c. No approval by the County of any assignment or transfer of interest shall be deemed to create any obligation of the County to increase rates of payment or maximum Contract consideration.
  - d. Prior written approval shall not be required for the purchase by the Contractor of articles, supplies and services which are incidental to the provision of services under this Contract that are necessary for the performance of the work.
  - e. Any subcontracts that the County may authorize shall contain all requirements of this contract, and unless otherwise specified by the County, the Contractor shall be responsible for the performance of the subcontractor.

**4. No Third Party Beneficiaries.**

- a. County and Contractor are the only parties to this Contract and are the only parties entitled to enforce its terms.
- b. Nothing in this Contract gives or provides any benefit or right, whether directly, indirectly, or otherwise, to third persons unless such third persons are individually identified by name in this Contract and expressly described as beneficiaries of this Contract.

**5. Successors in Interest.** The provision of this Contract shall be binding upon and inure to the benefit of the parties and their successors and approved assigns, if any.

**6. Early Termination.** This Contract may be terminated as follows:

- a. Mutual Consent. County and Contractor, by mutual written agreement, may terminate this Contract at any time.
- b. Party's Convenience. County or Contractor may terminate this Contract for any reason upon 30 calendar days written notice to the other party.
- c. For Cause. County may also terminate this Contract effective upon delivery of written notice to the Contractor, or at such later date as may be established by the County, under any of the following conditions:
  - 1) If funding from federal government, state, or other sources is not obtained and continued at levels sufficient to allow for the services as required in this contract.
  - 2) This Contract may be modified to accommodate the change in available funds.
  - 3) If state laws, regulations or guidelines are modified, changed or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this Contract or are no longer eligible for the funding proposed for payments authorized by this Contract.
  - 4) In the event sufficient funds shall not be appropriated for the payment of consideration required to be paid under this Contract, and if County has no funds legally available for consideration from other sources.
  - 5) If any license or certificate required by law or regulation to be held by the Contractor to provide the services required by this Contract is for any reason denied, revoked, suspended, not renewed or change in such a way that the Contractor no longer meets requirements for such license or certificate.
- d. Contractor Default or Breach. The County, by written notice to the Contractor, may immediately terminate the whole or any part of this Contract under any of the following conditions.
  - 1) If the Contractor fails to provide services called for by this Contract within the time specified or any extension thereof.
  - 2) If the Contractor fails to perform any of the other requirements of this Contract or so fails to pursue the work so as to endanger performance of this Contract in accordance with its terms, and after receipt of written notice from the County specifying such failure, the Contractor fails to correct such failure within 10 calendar days or such other period as the County may authorize.
  - 3) Contractor institutes or has instituted against it insolvency, receivership or bankruptcy proceedings, makes an assignment for the benefit of creditors, or cease doing business on a regular basis.

e. County Default or Breach.

- 1) Contractor may terminate this Contract in the event of a breach of this Contract by the County. Prior to such termination, the Contractor shall give to the County written notice of the breach and intent to terminate.
- 2) If the County has not entirely cured the breach within 10 calendar days of the date of the notice, then the Contractor may terminate this Contract at any time thereafter by giving notice of termination.

**7. Payment on Early Termination.** Upon termination pursuant to paragraph 6, payment shall be made as follows:

- a. If terminated under subparagraphs 6a. through c. of this Contract, the County shall pay Contractor for work performed prior to the termination date if such work was performed in accordance with the Contract. Provided however, County shall not pay Contractor for any obligations or liabilities incurred by Contractor after Contract receives written notice of termination.
- b. If this Contract is terminated under subparagraph 6d of this Contract, County obligations shall be limited to payment for services provided in accordance with this Contract prior to the date of termination, less any damages suffered by the County.
- c. If terminated under subparagraph 6e of this Contract by the Contractor due to a breach by the County, then the County shall pay the Contractor for work performed prior to the terminate date if such work was performed in accordance with the Contract.
  - 1) With respect to services compensable on an hourly basis, for unpaid invoices, hours worked within any limits set forth in this Contract but not yet billed, authorized expenses incurred if payable according to this Contract and interest within the limits set forth under ORS 293.462 and
  - 2) With respect to deliverable-based Work, the sum designated for completing the deliverable multiplied by the percentage of Work completed and accepted by County, less previous amounts paid and any claim(s) that County has against Contractor.
  - 3) Subject to the limitations under paragraph 8 of this Contract.

**8. Remedies.** In the event of breach of this Contract the parties shall have the following remedies:

- a. Termination under subparagraphs 6a. through c. of this Contract shall be without prejudice to any obligations or liabilities of either party already reasonably incurred prior to such termination.
  - 1) Contractor may not incur obligations or liabilities after Contractor receives written notice of termination.
  - 2) Additionally, neither party shall be liable for any indirect, incidental, consequential or special damages under this Contract or for any damages of any sort arising solely from the termination of this Contract in accordance with its terms.
- b. If terminated under subparagraph 6d. of this Contract by the County due to a breach by the Contractor, County may pursue any remedies available at law or in equity.
  - 1) Such remedies may include, but are not limited to, termination of this contract, return of all or a portion of this Contract amount, payment of interest earned on this Contract amount, and declaration of ineligibility for the receipt of future contract awards.
  - 2) Additionally, County may complete the work either by itself, by agreement with another Contractor, or by a combination thereof. If the cost of completing the work exceeds the

remaining unpaid balance of the total compensation provided under this Contract, then the Contractor shall be liable to the County for the amount of the reasonable excess.

- c. If amounts previously paid to Contractor exceed the amount due to Contractor under this Contract, Contractor shall repay any excess to County upon demand.
- d. Neither County nor Contractor shall be held responsible for delay or default caused by fire, civil unrest, labor unrest, riot, acts of God, or war where such cause was beyond reasonable efforts to remove or eliminate performance of its obligations under this Contract. For any delay in performance as a result of the events describe in this subparagraph, Contractor shall be entitled to additional reasonable time for performance that shall be set forth in an amendment to this Contract.
- e. The passage of this Contract expiration date shall not extinguish or prejudice the County's or Contractor's right to enforce this Contract with respect to any default or defect in performance that has not been cured.
- f. County's remedies are cumulative to the extent the remedies are not inconsistent, and County may pursue any remedy or remedies singly, collectively, successively or in an order whatsoever.

**9. Contractor's Tender upon Termination.** Upon receiving a notice of termination of this Contract, Contractor shall immediately cease all activities under this Contract unless County expressly directs otherwise in such notice of termination.

- a. Upon termination of this Contract, Contractor shall deliver to County all documents, information, works-in-progress and other property that are or would be deliverables had this Contract been completed.
- b. Upon County's requires, Contractor shall surrender to anyone County designates, all documents, research, objects or other tangible things needed to complete the work.

**10. Work Standard.**

- a. Contractor shall be solely responsible for and shall have control over the means, methods, techniques, sequences and procedures of performing the work, subject to the plans and specifications under this Contract and shall be solely responsible for the errors and omissions of its employees, subcontractors and agents.
- b. For goods and services to be provided under this Contract, Contractor agrees to:
  - 1) Perform the work in a good, workmanlike, and timely manner using the schedule, materials, plans and specifications approved by County;
  - 2) Comply with all applicable legal requirements;
  - 3) Comply with all programs, directives and instructions of County relating to safety, storage of equipment or materials;
  - 4) Take all precautions necessary to protect the safety of all persons at or near County or Contractor's facilities and areas of service under this Contract, including employees of Contractor, County and any other contractors or subcontractors and to protect the work and all other property against damage.

**11. Drugs and Alcohol.** Contractor shall adhere to and enforce a zero tolerance policy for the use of alcohol and the unlawful selling, possession or use of controlled substances while performing work under this Contract. Contractor shall adhere to FTA guidelines and requirements in accordance with Exhibit 4 attached hereto and incorporated by reference herein.

- 12. Insurance.** Contractor shall provide insurance in accordance with Exhibit 2 attached hereto and incorporated by reference herein.
- 13. Criminal Background Investigations.** Contractor understands that Contractor and Contractor's employees and agents are subject to periodic criminal background investigations by County and, if such investigations disclose criminal activity not disclosed by Contractor, such non-disclosure shall constitute a material breach of this Contract and County may terminate this Contract effective upon delivery of written notice to the Contractor, or at such later date as may be established by the County.
- 14. Confidentiality.** Contractor shall maintain confidentiality of information obtained pursuant to this Contract as follows:
- a. Contractor shall not use, release or disclose any information concerning any employee, client, applicant or person doing business with the County for any purpose not directly connected with the administration of County's or the Contractor's responsibilities under this Contract except upon written consent of the County, and if applicable, the employee, client, applicant or person.
  - b. The Contractor shall ensure that its agents, employees, officers and subcontractors with access to County and Contractor records understand and comply with this confidentiality provision.
  - c. Contractor shall treat all information as to personal facts and circumstances obtained on Medicaid eligible individuals as privileged communication, shall hold such information confidential, and shall not disclose such information without the written consent of the individual, his or her attorney, the responsible parent of a minor child, or the child's guardian, except as required by other terms of this Contract.
  - d. Nothing prohibits the disclosure of information in summaries, statistical information, or other form that does not identify particular individuals.
  - e. Personally identifiable health information about applicants and Medicaid recipients will be subject to the transaction, security and privacy provisions of the Health Insurance Portability and Accountability Act ("HIPAA").
  - f. Contractor shall cooperate with County in the adoption of policies and procedures for maintaining the privacy and security of records and for conducting transactions pursuant to HIPAA requirements.
  - g. This Contract may be amended in writing in the future to incorporate additional requirements related to compliance with HIPAA
  - h. If Contractor receives or transmits protected health information, Contractor shall enter into a Business Associate Agreement with County, which, if attached hereto, shall become a part of this Contract.
- 15. Reports.** Contractor shall provide County with periodic performance reports on a quarterly basis. Further, at any time, County has the right to demand adequate assurances that the services provided by Contractor shall be in accordance with the Contract. Such assurances provided by Contractor shall be supported by documentation in Contractor's possession from third parties.
- 16. Access to Records.** Contractor shall maintain fiscal records and all other records pertinent to this Contract.
- a. All fiscal records shall be maintained pursuant to generally accepted accounting standards and other records shall be maintained to the extent necessary to clearly reflect actions taken.
    - 1) All records shall be retained and kept accessible for at least three years following the final payment made under this Contract or all pending matters are closed, whichever is later.

2) If an audit, litigation or other action involving this Contract is started before the end of the three year period, the records shall be retained until all issues arising out of the action are resolved or until the end of the three year period, whichever is later.

- b. County and its authorized representatives shall have the right to direct access to all of Contractor's books, documents, papers and records related to this Contract for the purpose of conducting audits and examinations and making copies, excerpts and transcripts.
  - 1) These records also include licensed software and any records in electronic form, including but not limited to computer hard drives, tape backups and other such storage devices. County shall reimburse Contractor for Contractor's cost of preparing copies.
  - 2) At Contractor's expense, the County, the Secretary of State's Office of the State of Oregon, the Federal Government, and their duly authorized representatives, shall have license to enter upon Contractor's premises to access and inspect the books, documents, papers, computer software, electronic files and any other records of the Contractor which are directly pertinent to this Contract.

**17. Ownership of Work.** All work of Contractor that results from this Contract (the "Work Product") is the exclusive property of the County.

- a. County and Contractor intend that such Work Product be deemed "work made for hire" of which County shall be deemed author.
- b. If, for any reason, the Work Product is not deemed "work made for hire," Contractor hereby irrevocably assigns to County all of its right, title and interest in and to any and all of the Work Product, whether arising from copyright, patent, trademark, trade secret or any other state or federal intellectual property law or doctrine.
- c. Contractor shall execute such further documents and instruments as County may reasonably request in order to fully vest such rights in County.
- d. Contractor forever waives any and all rights relating to Work Product, including without limitation, any and all rights arising under 17 USC § 106A or any other rights of identification of authorship or rights of approval, restriction or limitation on use or subsequent modifications.
- e. County shall have no rights in any pre-existing work product of Contractor provided to County by Contractor in the performance of this Contract except an irrevocable, non-exclusive, perpetual, royalty-free license to copy, use and re-use any such work product for County use only.
- f. If this Contract is terminated prior to completion, and the County is not in default, County, in addition to any other rights provided by this Contract, may require Contractor to transfer and deliver all partially completed work products, reports or documentation that Contractor has specifically developed or specifically acquired for the performance of this Contract.
- g. In the event that Work Product is deemed Contractor's Intellectual Property and not "work made for hire," Contractor hereby grants to County an irrevocable, non-exclusive, perpetual, royalty-free license to use, reproduce prepare derivative works based upon, distribute copies of, perform and display the Contractor Intellectual Property, and to authorize others to do the same on the County's behalf.
- h. In the event that Work Product is Third Party Intellectual Property, Contractor shall secure on the County's behalf and in the name of the County, and irrevocable, non-exclusive, perpetual, royalty-free license to use, reproduce prepare derivative works based upon, distribute copies of, perform and display the Contractor Intellectual Property, and to authorize others to do the same on the County's behalf.

**18. County Code Provision.** There is no additional County Code Provision requiring Contractor's compliance.

**19. Partnership.** County is not, by virtue of this contract, a partner or joint venture with Contractor in connection with activities carried out under this contract and shall have no obligation with respect to Contractor's debts or any other liabilities of each and every nature.

**20. Indemnity and Hold Harmless.**

- a. To the fullest extent authorized by law, Contractor shall defend, save, hold harmless and indemnify the County and its officers, employees and agents from and against all claims, suites, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Contractor or its officers, employees, contractors or agents under this Contract, including without limitation any claims that the work, the work product or any other tangible or intangible items delivered to County by Contractor that may be the subject of protection under any state or federal intellectual property law or doctrine, or the County's use thereof, infringes any patent, copyright, trade secret, trademark, trade dress, mask work utility design or other proprietary right of any third party.
- b. Contractor shall have control of the defense and settlement of any claim that is subject to subparagraph a. of this paragraph; however, neither contractor nor any attorney engaged by Contractor shall defend the claim in the name of Wasco County or any department or agency thereof, nor purport to act as legal representative of the County or any of its departments or agencies without first receiving from the County's legal counsel, in a form and manner determined appropriate by the County's legal counsel, authority to act as legal counsel for the County, nor shall Contractor settle any claim on behalf of the County without the approval of the County's legal counsel.
- c. To the extent permitted by Article XI, Section 10, of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, County shall defend, save, hold harmless and indemnify Contractor and its officers, employees and agents from and against all claims, suites, actions, losses, damages, liabilities costs and expenses of any nature resulting from or arising out of, or relating to the activities of County or its officers, employees, contractors or agents under this Contract.

**21. Waiver.**

- a. County's delay in exercising, or failure to exercise any right, power or privilege under this Contract shall not operate as a waiver thereof, nor shall any single or partial exercise of any right, power or privilege under this Contract preclude any other or further exercise thereof or the exercise of any other such right, power or privilege.
- b. The remedies provided herein are cumulative and not exclusive of any remedies provided by law.

**22. Governing Law.** This Contract shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law.

- a. Any claim, action, suit or proceeding (collectively, "Claim") between County and Contractor that arises from or relates to this Contract shall be brought and conducted solely and exclusively within the circuit Court of Wasco County for the State of Oregon; provide, however, if a Claim shall be brought in federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon.
- b. CONTRACTOR, BY EXECUTION OF THIS CONTRACT, HEREBY CONSENTS TO THE IN PERSONAM JURISDICTION OF SAID COURTS. The parties agree that the UN Convention on International Sales of Goods shall not apply.



- 23. Severability.** If any term or provision of this Contract is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if this Contract did not contain the particular term or provision held invalid.
- 24. Counterparts.** This Contract 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 Contract so executed shall constitute an original.
- 25. Notice.** Except as otherwise expressly provided in this Contract, any communications between the parties hereto or notices to be given hereunder shall be given in writing to Contractor or County at the address or number set forth below or to such other addresses or numbers as either party may hereafter indicate in writing. Delivery may be by personal delivery, facsimile or mailing the same, postage prepaid.
- a. Any communication or notice by personal delivery shall be deemed delivered when actually given to the designated person or representative.
  - b. Any communication or notice sent by facsimile shall be deemed delivered when the transmitting machine generates receipt of the transmission. To be effective against County, such facsimile transmission shall be confirmed by telephone notice to the County Administrative Officer.
  - c. Any communication or notice mailed shall be deemed delivered five (5) days after mailing. Any notice under this Contract shall be mailed by first class postage or delivered as follows:
- |   |   |
|---|---|
| <p><u>To Contractor:</u></p> <p>Amanda Hoey, Executive Director<br/>515 E. 2<sup>nd</sup> Street A<br/>The Dalles, OR 97058</p> | <p><u>To County:</u></p> <p>Tyler Stone, Administrative Officer<br/>511 Washington Street, Suite 101<br/>The Dalles, OR 97058</p> |
|---|---|
- 26. Merger Clause.** This Contract and the attached Exhibits constitute the entire agreement between the parties.
- a. All understandings and agreements between the parties and representations by either party concerning this Contract are contained in this Contract.
  - b. No waiver, consent, modification or change in the terms of this Contract shall bind either party unless in writing signed by both parties.
  - c. Any written waiver, consent, modification or change shall be effective only in the specific instance and for the specific purpose given.
- 27. Identity Theft Protection.** Contractor and subcontractors shall comply with the Oregon Consumer Identity Theft Protection Act. (ORS 646A.600 et seq.).
- 28. Survival.** All rights and obligations shall cease upon termination or expiration of this Contract, except for the rights and obligations set forth in Sections 4, 5, 8, 9, 15, 17, 18, 20-207, 28 and 30.
- 29. Representations and Warranties.**
- a. Contractor's Representations and Warranties. Contractor represents and warrants to County that:
    - 1) Contractor has the power and authority to enter into and perform this Contract;
    - 2) This Contract, when executed and delivered, shall be a valid and binding obligation of Contractor enforceable in accordance with its terms;
    - 3) Contractor has the skill and knowledge possessed by well-informed members of its industry, trade or profession and Contractor will apply that skill and knowledge with care and diligence to

perform the Work in a professional manner and in accordance with standards prevalent in Contractor's industry;

4) Contractor shall, at all times during the term of this Contractor, be qualified, professionally competent, and duly licensed to perform the Work;

5) Contractor prepared its proposal related to this Contract, be qualified, professionally competent, and duly licensed to perform the Work;

6) Contractor's making and performance of this Contract do not and will not violate any provision of any applicable law, rule or regulation or order of any court, regulatory commission, board or other administrative agency.

b. Warranties Cumulative. The warranties set forth in this paragraph are in addition to and not in lieu of any other warranties provided.

**30. Non-Discrimination.** Contractor shall not discriminate on the basis of race, color, national origin or sex in the performance of this Contract. Contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT-assisted contracts. Failure by the Contractor to carry out these requirements is a material breach of this Contract, which may result in the termination of this contract or other such remedies deemed appropriate by County.

**31. SB 675 (2015) Representation and Covenant.**

- a. Contractor represents and warrants that Contractor has complied with the tax laws of this state, and where applicable, the laws of Wasco County, including but not limited to ORS 305.620 and ORS chapters 316, 317 and 318.
- b. Contractor covenants to continue to comply with the tax laws of this state, and where applicable, the laws of Wasco County, during the term of this contract.
- c. Contractor acknowledges that failure by Contractor to comply with the tax laws of this state, and where applicable, the laws of Wasco County, at any time before Contractor has executed the contract or during the term of the contract is and will be deemed a default for which Wasco County may terminate the Contract and seek damages and/or other relief available under the terms of the Contract or under applicable law.

**32. Compliance with Provisions of Funding Source.** In addition to the conditions outlined in this Contract, Contractor must comply with all provisions specified in both Federal Regulations and Required Third-Party Contract Clauses (Exhibit 4), Agreement No. 33507 (exhibit 5) between Wasco County and the Oregon Department of Transportation (ODOT) and Agreement No. 3 \_\_\_\_\_ (exhibit 6) between Wasco County and the Oregon Department of Transportation (ODOT).

**EXHIBIT 1**

**WASCO COUNTY SERVICES CONTRACT**

**STATEMENT OF WORK, COMPENSATION, PAYMENT TERMS AND SCHEDULE**

**1. Contractor shall perform the following work:**

- a. Provide public transportation to seniors, individuals with disabilities and the general public in Wasco County, specifically in The Dalles area. The local services are demand-responsive, available Monday through Friday. Passengers are picked up at their origins and dropped off at their destinations. Local service is available within the City of The Dalles as well as a broad area outside the community. Project may support the administrative costs required to manage the service contract.

- b. Provide service designed to benefit seniors and individuals with disabilities and may also be made available to the general public.

Schedules, days, hours and service type (demand responsive, fixed route or other) will be designed to meet the needs of seniors and individuals with disabilities as determined by County in consultation with Contractor, the affected community members and stakeholders identified by County.

Services will be provided in accordance with the locally adopted Human Services and transportation Coordinated Plan. Contractor will coordinate the delivery of transportation services with other public and private transportation providers to enhance regional services and to avoid duplication of services. Coordinated service may be made available to a variety of potential users, including the general public.

County may require that the service design be amended at any time in accordance with local demand, funding issues, changes in the Coordinated Plan, or any other situation that requires service to be changed.

Contractor will actively market the services to the target users.

- c. Provide for preventative maintenance on vehicles and non-vehicle assets in the provision of public transportation. Proper maintenance ensures assets are kept in good condition and that safety standards are met. Preventative maintenance reimbursed in this contract is for assets used in the provision of public transportation services for the general public, seniors or individuals with disabilities. This contract does not provide for maintenance on staff vehicles, vehicles used for business of the Contractor or maintenance vehicles.
- d. Support special transportation services benefitting seniors and individuals with disabilities. Funding originating from the Wasco County/State of Oregon Agreement No. 32024 STF may be used for projects that improve transportation for senior and disabled populations, including but not limited to: maintenance and expansion of existing transportation programs, creation of new programs and services, planning and development for improved access to transportation, capital purchases and as matching funds for state and federal programs also providing transportation and services to seniors and individuals with disabilities.
- e. The following performance measure(s) will be used to evaluate the effectiveness of the project:  
Ridership: The actual or estimated one-way passenger trips provided to seniors and individuals with disabilities. For the entire 2019-2021 Contract between the County and ODOT the goal includes

300 unduplicated individuals and 35,000 one-way rides for FY19-21. A passenger trip is a unit of service counted each time a passenger trip.

- f. This Contract is for operations and capitalized preventive maintenance, which are defined under 49 USC § 5310 program, as described in Circular 9070, 1F, Section 111-14-e. Generally accepted accounting principles and the Contractor's accounting system determine those costs that are to be accounted for as operating costs. Contractor may not count the same costs twice if they have multiple agreements for which these costs may be eligible. Contractor may use capital equipment funded under U.S. Department of Transportation or State-source agreements when performing services rendered through this contract. Depreciation of capital equipment funded from U.S. Department of Transportation or State-source grants is not an eligible expense. As this agreement also includes funding through Special Transportation Formula Funds, Contractor will comply with the guidelines established by Oregon Revised Statutes (ORS) 391.800 and 391.830 and Oregon Administrative Rules (OAR) Chapter 732. Contractor will receive and disburse STF moneys from a separate governmental fund. Any interest accrued from the account must be added to the moneys and reported to the State.

Sources of funding that may be used as match for § 5310 program funds covered under this contract include Special Transportation Formula Funds, other local funds, service contract revenue, advertisement income, other earned income, cash donations, and other verifiable in-kind contributions that are integral to the project budget. Contractor may not use passenger fares as match.

Contractor will subtract income from fares, tickets and passes, either pre-paid or post-paid, from the gross operating expenses of the service. All administrative and operating expenses incurred by Contractor are reimbursable as operating expenses. The required match share will be subtracted from the project expenses to determine the contractual share of the project expense.

Contractor may not use assets acquired under this Contract to compete unfairly with the private sector.

#### **ESTIMATED PROJECT EXPENSE**

Project Estimated Cost:

Purchased Service (5310): \$150,045.61 in state funds and local match of \$17,173.39.

Preventative Maintenance: \$35,892.00 in state funds and local match of \$4,108.00.

Operating (STF): \$135,400 in state funds.

2. **County Services.** County shall provide Contractor, at County's expense, with material and services described as follows: None.

3. **Consideration.**

- a. County shall pay Contractor a fixed amount of **\$185,937.61 (total Wasco County/State of Oregon agreement)** during the 2019-2021 biennium in funds obtained from the Federal Transit Administration (FTA) Section 5310 Program as administered by the State of Oregon Department of Transportation.
- b. County shall pay Contractor an additional fixed amount of **\$135,400.00 (total Wasco County/State of Oregon agreement)** during the 2019-2021 biennium in STF funds obtained from the State of Oregon, acting by and through its Department of Transportation, Rail and Public Transit Division.

- c. Contractor shall be entitled to reimbursement for expenses.

☒ YES      ☐ NO

**4. The maximum compensation.**

- a. The maximum compensation under this contract, including allowable expenses, is \$321,337.61.
- b. Contractor shall not submit invoices for, and County shall not pay for any amount in excess of the maximum compensation amount set forth above.
- 1) If this maximum compensation amount is increased by amendment of this contract, the amendment shall be fully effective before contractor performs work subject to the amendment.
- 2) Contractor shall notify County in writing of the impending expiration of this Contract thirty (30) calendar days prior to the expiration date.

**5. Schedule of Performance or Delivery.**

- a. County's obligation to pay depends upon Contractor's delivery or performance in accordance with the following: County will only pay for completed work that conforms to this schedule and only at such time as a completed Agency Periodic Report has been submitted to the Oregon Department of Transportation Public Transit Divisions OPTIS system.

**EXHIBIT 2**  
**WASCO COUNTY SERVICES CONTRACT**  
**INSURANCE REQUIREMENTS**

Contractor shall at all times maintain in force at Contractor's expense, each insurance noted below and as required by the State of Oregon Insurance Requirements listed in the contracts attached as Exhibits 5 and 6. Insurance coverage must apply on a primary or non-contributory basis. All insurance policies, except Professional Liability, shall be written on an occurrence basis and be in effect for the term of this contract. Policies written on a "claims made" basis must be approved and authorized by Wasco County.

**Contractor Name: Mid-Columbia Economic Development District**

**Workers Compensation** insurance in compliance with ORS 656.017, requiring Contractor and all subcontractors to provide workers' compensation coverage for all subject workers, or provide certification of exempt status. Worker's Compensation Insurance to cover claims made under Worker's Compensation, disability benefit or any other employee benefit laws, including statutory limits in any state of operation with Coverage B Employer's Liability coverage all at the statutory limits. In the absence of statutory limits the limits of said Employers liability coverage shall be not less than \$1,000,000 each accident, disease and each employee. This insurance must be endorsed with waiver of subrogation endorsement, waiving the insured's right of subrogation against County.

**Commercial General Liability** insurance with combined single limit of not less than \$5 million per occurrence. Commercial General Liability insurance includes coverage for personal injury, bodily injury, advertising injury, property damage, premises, operations, products, complete operations and contractual liability. The insurance coverages provided for herein must be endorsed as primary and non-contributory to any insurance of County, its officers, employees or agents. Each such policy obtained by Contractor shall provide that the insurer shall defend any suit against the named insured and the additional insureds, their officers, agents, or employees, even if such suit is frivolous or fraudulent. Such insurance shall provide County with the right, but not the obligation, to engage its own attorney for the purpose of defending any legal action against County, its officers, agents, or employees, and that Contractor shall indemnify County for costs and expenses, including reasonable attorney's fees, incurred or arising out of the defense of such action.

The policy shall be endorsed to name ***Wasco County, State of Oregon, their officers, agents, employees and volunteers as an additional insured.*** The additional insured endorsement shall not include declarations that reduce any per occurrence or aggregate insurance limit. The contractor shall provide additional coverage based on any outstanding claim(s) made against policy limits to ensure that minimum insurance limits required by the County are maintained. Construction contracts may include aggregate limits that apply on a "per location" or "per project" basis. The additional insurance protection shall extend equal protection to County as to Contractor or subcontractors and shall not be limited to vicarious liability only or any similar limitation. To the extent any aspect of this Paragraph shall be deemed unenforceable, then the additional insurance protection to County shall be narrowed to the maximum amount of protection allowed by law.

**Automobile Liability insurance** with a combined single limit of not less than \$5 million per occurrence.

Automobile Liability insurance includes coverage for bodily injury and property damage resulting from operation of a motor vehicle. Commercial Automobile Liability Insurance shall provide coverage for *any* motor vehicle (symbol 1 on some insurance certificates) driven by or on behalf of Contractor during the

course of providing services under this contract. Commercial Automobile Liability is required for contractors that own business vehicles registered to the business.

**Additional Requirements.** Contractor shall pay all deductibles and self-insured retentions. A cross-liability clause or separation of insured's condition must be included in all commercial general liability policies required by this Contract. Contractor's coverage will be primary in the event of loss.

**Certificate of Insurance Required.** Contractor shall furnish a current Certificate of Insurance to the County with the signed Contract. Contractor shall notify the County in writing at least 30 days in advance of any cancellation, termination, material change or reduction of limits of the insurance coverage. The Certificate shall also state the deductible or, if applicable, the self-insured retention level. Contractor shall be responsible for any deductible or self-insured retention. If requested, complete copies of insurance policies shall be provided to the County.

### **EXHIBIT 3**

#### **WASCO COUNTY SERVICES CONTRACT**

##### **COMPLIANCE WITH REQUIREMENTS OF FUNDING SOURCE AND FEDERAL AND STATE LAWS, STATUTES, RULES REGULATIONS, EXECUTIVE ORDERS AND POLICIES**

**Contractor certifies under penalty of perjury that the following statements are true to the best of Contractor's knowledge:**

1. If Contractor is currently performing work for the county, State of Oregon or Federal Government, Contractor, by signature to this Contract, declares and certifies that Contractor's Work to be performed under this Contract creates no potential or actual conflict of interest as defined by ORS 244 and no rules or regulations of Contractor's employee agency (County, State or Federal) would prohibit Contractor's Work under this Contract. Contractor is not an "officer," "employee," or "agent" of the County, as those terms are used in ORS 30.265.
2. No federally appropriated funds have been paid or shall be paid, by or on behalf of Contractor, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan or cooperative agreement.
  - a. If any funds other than federally appropriated funds have been paid or shall be apid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, and officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan or cooperative agreement, Contractor agrees to complete and submit Standard Form LLL "Disclosure Form to Report Lobbying," in accordance with its instructions.
    - 1) Standard Form-LLL and instructions are located in 45 CFR Part 93 Appendix B.
    - 2)If instructions require filing the form with the applicable federal entity, Contractor shall then as a material condition of this Contract also file a copy of the Standard Form-LLL with the Department.
    - 3)This filing shall occur at the same time as the filing in accordance with the instructions.
  - b. Contractor understands this certification is a material representation of fact upon which the County has relied in entering into this Contract. Contractor further understands that submission of this certification is a prerequisite, imposed by 31 USC 1352 for entering into this Contract.
  - c. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
  - d. Contractor shall include the language of this certification in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.
  - e. Contractor is solely responsible for all liability arising from a failure by Contractor to comply with the terms of this certification.
  - f. Contractor promises to indemnify County for any damages suffered by County as a result of Contractor's failure to comply with the terms of this certification.
3. Contractor understands that, if this Contract involves federally appropriated funds, this certification is a material representation of facts upon which reliance was placed when this Contract was made or



entered into, submission of this certification is a prerequisite for making or entering in to this Contract imposed by Section 1352, Title 311, U.S. Code and that any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.

4. Contractor must furnish to County proof of signed Certifications and Assurances for Federal Transit Administration Assistance Programs for each year this Contract is in effect.

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Contractor's Signature

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Date

## **EXHIBIT 4**

### **WASCO COUNTY SERVICES CONTRACT**

#### **SUMMARY OF FEDERAL REQUIREMENTS AND INCORPORATING BY REFERENCE ANNUAL LIST OF CERTIFICATIONS AND ASSURANCES FOR FTA GRANTS AND COOPERATIVE AGREEMENTS AND FEDERAL TRANSIT ADMINISTRATION MASTER AGREEMENT**

**ALL OR PART OF THIS CONTRACT IS FEDERALLY FUNDED.** CONTRACTOR shall comply with all applicable federal regulations in addition to all other specifications, terms and conditions of the attached contract as follows:

Contractor must comply with all applicable federal requirements contained in the Certifications and Assurances available at [www.transit.dot.gov](http://www.transit.dot.gov). The Certifications and Assurances, including as they may be changed during the term of this Contract, are by this reference incorporated herein.

Contractor further agrees to comply with all applicable requirements included in the Master Agreement that is signed and attested to by the State of Oregon. This Master Agreement is incorporated by reference and made part of this Contract. Said Master Agreement is available upon request from the State by calling 503.986.3300, or at [www.transit.dot.gov](http://www.transit.dot.gov).

#### **No Federal Government Obligation to Third Parties**

The County and Contractor acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying Contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this Contract and shall not be subject to any obligations or liabilities to the County, Contractor or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying Contract. The Contractor agrees to include the above clause in each subcontract financed in whole or in part with Federal assistance provided by the FTA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

#### **Program Fraud and False or Fraudulent Statements or Related Acts**

The Contractor acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. § 3801 et seq. and U.S. DOT regulations, "Program Fraud Civil Remedies," 49 C.F.R. part 31, apply to its actions pertaining to this Project. Upon execution of the underlying contract, the Contractor certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the underlying contract or the FTA assisted project for which this contract work is being performed. In addition to other penalties that may be applicable, the Contractor further acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, the Federal Government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986 on the Contractor to the extent the Federal Government deems appropriate.

The Contractor also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government under a contract connected with a project that is financed in whole or in part with Federal assistance originally awarded by FTA under the authority of 49 U.S.C. chapter 53, the Government reserves the right to impose the penalties of 18 U.S.C. § 1001 and 49 U.S.C. § 5323(l) on the Contractor, to the extent the Federal Government deems appropriate.

The Contractor agrees to include the above two clauses in each subcontract financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject to the provisions.

### **Access to Records and Reports**

The record keeping and access requirements apply to all contracts funded in whole or in part with FTA funds. Under 49 U.S.C. § 5325(g), FTA has the right to examine and inspect all records, documents, and papers, including contracts, related to any FTA project financed with Federal assistance authorized by 49 U.S.C. Chapter 53.

1. Record Retention. The Contractor will retain, and will require its subcontractors of all tiers to retain, complete and readily accessible records related in whole or in part to the contract, including, but not limited to, data, documents, reports, statistics, sub- agreements, leases, subcontracts, arrangements, other third party agreements of any type, and supporting materials related to those records.
2. Retention Period. The Contractor agrees to comply with the record retention requirements in accordance with 2 C.F.R. § 200.333. The Contractor shall maintain all books, records, accounts and reports required under this Contract for a period of at not less than three  
(3) years after the date of termination or expiration of this Contract, except in the event of litigation or settlement of claims arising from the performance of this Contract, in which case records shall be maintained until the disposition of all such litigation, appeals, claims or exceptions related thereto.
3. Access to Records. The Contractor agrees to provide sufficient access to FTA and its contractors to inspect and audit records and information related to performance of this contract as reasonably may be required.
4. Access to the Sites of Performance. The Contractor agrees to permit FTA and its contractors access to the sites of performance under this contract as reasonably may be required.

### **Changes to Federal Requirements Clause**

Contractor shall at all times comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the Master Agreement between [AGENCY} and FTA, as they may be amended or promulgated from time to time during the term of this contract. Contractor's failure to so comply shall constitute a material breach of this contract.

### **Civil Rights and Equal Opportunity**

The Oregon Department of Transportation (ODOT) is an Equal Opportunity Employer. As such, the ODOT agrees to comply with all applicable Federal civil rights laws and implementing regulations. Apart from inconsistent requirements imposed by Federal laws or regulations, the ODOT agrees to comply with the requirements of 49 U.S.C. § 5323(h) (3) by not using any Federal assistance awarded by FTA to support procurements using exclusionary or discriminatory specifications.

Under this Agreement, the Contractor shall at all times comply with the following requirements and shall include these requirements in each subcontract entered into as part thereof.

- a. **Nondiscrimination.** In accordance with Federal transit law at 49 U.S.C. § 5332, the Contractor agrees that it will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, disability, or age. In addition, the Contractor agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.
- b. **Race, Color, Religion, National Origin, Sex.** In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e *et seq.*, and Federal transit laws at 49 U.S.C. § 5332, the Contractor agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. chapter 60, and Executive Order No. 11246, "Equal Employment Opportunity in Federal Employment," September 24, 1965, 42 U.S.C. § 2000e note, as amended by any later Executive Order that amends or supersedes it, referenced in 42 U.S.C. § 2000e note. The Contractor agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, national origin, or sex (including sexual orientation and gender identity). Such action shall include, but not be limited to, the following: employment, promotion, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.
- c. **Age.** In accordance with the Age Discrimination in Employment Act, 29 U.S.C. §§ 621-634, U.S. Equal Employment Opportunity Commission (U.S. EEOC) regulations, "Age Discrimination in Employment Act," 29 C.F.R. part 1625, the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6101 *et seq.*, U.S. Health and Human Services regulations, "Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance," 45 C.F.R. part 90, and Federal transit law at 49 U.S.C. § 5332, the Contractor agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.
- d. **Disabilities.** In accordance with section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, the Americans with Disabilities Act of 1990, as amended, 42 § 12101 *et seq.*, the Architectural Barriers Act of 1968, as amended, 42 U.S.C. § 4151 *et seq.*, and Federal transit law at 49 U.S.C. § 5332, the Contractor agrees that it

will not discriminate against individuals on the basis of disability. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.

### **Disadvantaged Business Enterprises (DBE)**

The contractor, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 C.F.R. part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the County deems appropriate, which may include, but is not limited to:

1. Withholding monthly progress payments;
2. Assessing sanctions;
3. Liquidated damages; and/or
4. Disqualifying the contractor from future bidding as non-responsible. 49 C.F.R. § 26.13(b).

Further, Recipients (County) must establish a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from receipt of each payment the County makes to the prime contractor. 49 C.F.R. § 26.29(a). Finally, for contracts with defined DBE contract goals, each FTA Recipient must include in each prime contract a provision stating that the contractor shall utilize the specific DBEs listed unless the contractor obtains the County's written consent; and that, unless the County's consent is provided, the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE. 49 C.F.R. § 26.53(f) (1).

### **Incorporation of FTA Terms**

The preceding provisions include, in part, certain Standard Terms and Conditions required by DOT, whether or not expressly set forth in the preceding contract provisions. All contractual provisions required by DOT, as set forth in FTA Circular 4220.1F are hereby incorporated by reference. Anything to the contrary herein notwithstanding, all FTA mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement. The Contractor shall not perform any act, fail to perform any act, or refuse to comply with any County's requests which would cause County to be in violation of the FTA terms and conditions.

### **Debarment, Suspension, Ineligibility, and Voluntary Exclusion**

This contract is a covered transaction for purposes of 49 CFR Part 29. As such, the contractor is required to verify that none of the contractor, its principals, as defined at 49 CFR 29.995, or affiliates, as defined at 49 CFR 29.905, are excluded or disqualified as defined at 49 CFR 29.940 and 29.945. The contractor is required to comply with 49 CFR 29, Subpart C and must include the requirement to comply with 49 CFR 29, Subpart C in any lower tier covered transaction it enters into. By signing and submitting its bid or proposal, the bidder or proposer certifies as follows: The certification in this clause is a material representation of fact relied upon by County. If it is later determined that the bidder or proposer knowingly rendered an erroneous certification, in addition to remedies available to County, the Federal Government may pursue

available remedies, including but not limited to suspension and/or debarment. The bidder or proposer agrees to comply with the requirements of 49 CFR 29, Subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

### **Lobbying**

Contractors who apply or bid for an award of \$100,000 or more shall file the certification required by 49 CFR part 20, "New Restrictions on Lobbying." Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on its behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31 U.S.C. 1352. Such disclosures are forwarded from tier-to-tier up to the County.

### **Clean Air**

1. The Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. §§ 7401 *et seq.* The Contractor agrees to report each violation to the Purchaser and understands and agrees that the Purchaser will, in turn, report each violation as required to assure notification to FTA and the appropriate EPA Regional Office.
2. The Contractor also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

### **Clean Water**

1. The Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 *et seq.* The Contractor agrees to report each violation to the Purchaser and understands and agrees that the Purchaser will, in turn, report each violation as required to assure notification to FTA and the appropriate EPA Regional Office.
2. The Contractor also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

### **Contract Work Hours and Safety Standards Act**

1. **Overtime requirements** - No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.
2. **Violation; liability for unpaid wages; liquidated damages** - In the event of any violation of the clause set forth in paragraph (1) of this section the contractor and any subcontractor responsible

therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1) of this section.

**3. Withholding for unpaid wages and liquidated damages** - The (write in the name of the grantee) shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2) of this section.

**4. Subcontracts** - The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraphs (1) through (4) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1) through (4) of this section.

### **Public Transportation Employee Protective Agreements**

The Contractor agrees to comply with the following employee protective arrangements of 49 U.S.C. § 5333(b):

- a. U.S. DOL Certification. Under this Contract or any Amendments thereto that involve public transportation operations that are supported with federal assistance, a certification issued by U.S. DOL is a condition of the Contract.
- b. Special Warranty. When the Contract involves public transportation operations and is supported with federal assistance appropriated or made available for 49 U.S.C. § 5311, U.S. DOL will provide a Special Warranty for its Award, including its Award of federal assistance under the Tribal Transit Program. The U.S. DOL Special Warranty is a condition of the Contract.
3. Special Arrangements. The conditions of 49 U.S.C. § 5333(b) do not apply to Contractors providing public transportation operations pursuant to 49 U.S.C. § 5310. FTA reserves the right to make case-by-case determinations of the applicability of 49 U.S.C. § 5333(b) for all transfers of funding authorized under title 23, United States Code (flex funds), and make other exceptions as it deems appropriate, and, in those instances, any special arrangements required by FTA will be incorporated herein as required.

### **Charter Service**

The contractor agrees to comply with 49 U.S.C. 5323(d) and 49 CFR Part 604, which provides that Recipients (County) and subrecipients of FTA assistance are prohibited from providing charter

service using federally funded equipment or facilities unless the contractor adheres to the exceptions provided in 49 CFR part 604.6 through 49 CFR part 604.11 and adheres to the reporting requirements of 49 CFR part 604.12.

### **School Bus Operations**

The contractor agrees to comply with 49 U.S.C. 5323(f), and 49 C.F.R. part 604, and not engage in school bus operations using federally funded equipment or facilities in competition with private operators of school buses, except as permitted under:

1. Federal transit laws, specifically 49 U.S.C. § 5323(f);
2. FTA regulations, "School Bus Operations," 49 C.F.R. part 605;
3. Any other Federal School Bus regulations; or
4. Federal guidance, except as FTA determines otherwise in writing.

If Contractor violates this School Bus Agreement, FTA may:

1. Bar the Contractor from receiving Federal assistance for public transportation; or
2. Require the contractor to take such remedial measures as FTA considers appropriate.

When operating exclusive school bus service under an allowable exemption, the contractor may not use federally funded equipment, vehicles, or facilities.

The Contractor should include the substance of this clause in each subcontract or purchase under this contract that may operate public transportation services.

### **Drug and Alcohol Testing**

The contractor agrees to establish and implement a drug and alcohol testing program that complies with 49 CFR part 655, produce any documentation necessary to establish its compliance with part 655, and permit any authorized representative of the United States Department of Transportation or its operating administrations, the Oregon Department of Transportation, or the County, to inspect the facilities and records associated with the implementation of the drug and alcohol testing program as required under 49 CFR parts 655 and review the testing process.

### **Energy Conservation**

The contractor agrees to comply with mandatory standards and policies relating to energy efficiency, which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.

### **ADA Access**

The contract agrees that facilities to be used in public transportation service, or to be designed for use in public transportation service, must comply with 42 U.S.C. Sections 12101 *et seq.* and DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," 49 CFR Part 37; and Joint ATBCB/DOT regulations, "Americans with Disabilities (ADA) Accessibility Specifications for Transportation Vehicles," 36 CFR Part 1192 and 49 CFR Part 38. USDOT incorporated by reference the ATBCB's "Americans with Disabilities Act Accessibility Guidelines" (ADAAG), revised



September 2010, which include accessibility guidelines for buildings and facilities, and are incorporated into Appendix A to 49 CFR Part 37. USDOT also added specific provisions to Appendix A modifying the ADAAG, with the result that buildings and facilities must comply with both the ADAAG and amendments thereto in Appendix A to 49 CFR Part 37.

**EXHIBIT 5**

**WASCO COUNTY SERVICES CONTRACT**

**AGREEMENT #33507 BETWEEN OREGON DEPARTMENT OF TRANSPORTATION AND WASCO COUNTY**

**EXHIBIT 6**

**WASCO COUNTY SERVICES CONTRACT**

**AGREEMENT #3 BETWEEN OREGON DEPARTMENT OF TRANSPORTATION AND WASCO COUNTY**



## MOTION

### **SUBJECT: STIF and STF Services Agreements**

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I move to approve the Wasco County Statewide Transportation Improvement Fund Services Contract with Mid-Columbia Economic Development District for the implementation of the Wasco County Statewide Transportation Improvement Fund Plan as adopted by Wasco County.

I move to approve the Wasco County Transportation Agreement Mid-Columbia Economic Development District for the provision of public transportation to seniors, individual with disabilities and the general public in Wasco County, specifically in The Dalles area.



## AGENDA ITEM

### QLife Budget

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[QLIFE BUDGET FY20](#)

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[MOTION LANGUAGE](#)

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# **QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY**

## **PROPOSED BUDGET FISCAL YEAR 2020**

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# QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

## BUDGET MESSAGE

### FISCAL YEAR 2020

I am pleased to present to you the QLife Proposed Budget for the Fiscal Year 2020. This budget covers the period of July 1<sup>st</sup>, 2019 to Jun 30<sup>th</sup> 2020.

The QualityLife Intergovernmental Agency (QLife) is a partnership between the City of The Dalles and Wasco County. QLife is an intergovernmental agency consisting of the City of The Dalles and Wasco County, governed by a Board of Directors and run by an Administrator. QLife is a transport and dark fiber service provider that facilitates broadband, Ethernet, wide area networks, internet access, and virtual private networks through local internet service providers. QLife has been operational since December of 2003. The original mission and purpose of QLife was to bring a middle mile fiber solution to the City of The Dalles in an effort to meet certain needs of critical agencies for reliable high speed data services and to provide and promote an environment for successful economic development. Recently QLife has embarked on a project to bring fiber to the home in Maupin, OR. This project will be completed in fiscal year 2019 (FY19), making fiscal year 2020 (FY20) the first full year of operating off of revenues generated by the system.

This narrative explains the proposed QLife budget for FY20. The budget encompasses three (3) funds: The Operating (General) Fund, the Capital Fund and the Maupin Fund. The Maupin Fund is for operations and capital bringing and building QLife services in the Maupin area. The intent is for the Maupin Fund to function without subsidy from the Operating fund serving The Dalles. FY20 will be the first fiscal year of operations.

The Proposed Budget totals \$2,855,182 combined for all three (3) funds. This decrease over the budget for FY19 is \$689,648. This is due to the Maupin project's scheduled completion in April 2019. This has decreased the budget significantly (\$1,011,504) for the Maupin fund as the capital expenses have been paid and now the project will be operating off of revenues generated.

Fund	FY19 Budget	FY20 Budget	Difference	%
General Fund	760,147	764,260	4,113	0.5%
<i>The operations fund is primarily for operation in The Dalles area</i>				
Capital Fund	1,718,649	2,036,392	317,743	18.5%
<i>The capital fund is used for system expansion in The Dalles area</i>				
Maupin Fund	1,066,034	54,530	(1,011,504)	-94.9%
<i>The Maupin fund is used to provide service in the Maupin area</i>				
Grand Total	3,544,830	2,855,182	(689,648)	-19.5%

## **Financial Health**

The General (Operations) Fund for The Dalles area is in good shape. The projected resources are \$764,260 for FY20. This includes a Beginning Fund Balance of \$96,952. Normal operations are \$315,890 with an additional \$20,000 set aside each year for capital equipment. This fund is stable at this point. Part of the stability has been by decreasing the planned transfers to the Capital Fund by \$45,780. This transfer is still \$327,020 in FY20 and represents 49.1% of all the Utility Service Charges collected. This is while still maintaining a healthy fund balance totaling 28.9% of the operating and capital costs of the fund.

The Capital Fund starts FY20 with \$1,665,172 in Beginning Fund Balance. Another \$327,020 will be transferred in from the General (Operations) Fund. This puts the total resources of the fund at \$2,036,392. There is a small transfer budgeted to move to the Maupin Fund, but this is only \$30,000 and will only be utilized if warranted and with the approval of the Qlife Board. The remaining \$1,066,108 is split between Contingency and Reserve for System Improvements. (Both of these are effectively “Contingency” budgets, the reserved funds are just serve a more focused purpose.) The fund remains healthy and continues to grow.

The Maupin Fund will have the first year of functioning on self-generated revenues. Total resources are \$54,530 and this includes a potential transfer of \$30,000 from the Capital Fund. It is not planned to utilize this and will only be done if deemed necessary by the Qlife Board. Effectively, the transfer covers most of the Contingency and Reserve for WIFI. (As above, the reserve account is a focused “Contingency” type account.) Resources and requirements are significantly reduced due to the completion of the primary system project. The resources of this fund will have to grow to be able to generate a return on the investment. Currently, the Maupin Fund has received \$156,655 from the Capital Fund. More had been budgeted but was never utilized. As of April 2019, the total of all expenses to date for the Maupin Fund since creation are \$946,446, of which 16.6% was funded by the General Fund. (This total includes more than the Maupin Fiber project. There was a sizable grant to provide WIFI service that remains to be served. This is included in the FY20 budget.)

## **Transfers**

Transfers are used to move funds from one fund to another – this is not an exchange of funds for value but rather a reallocation of resources. The General (Operations) Fund is budgeted to transfer \$327,020 to the Capital Fund. This is to set resources aside for current and future capital needs. This allows the General Fund to operate with fewer spikes and smooths out the business cycle. The transfer budgeted for the Capital Fund to the Maupin Fund serves a different purpose. This transfer will only be executed if determined to be required the Qlife Board – it is in essence a “just in case” funding for the contingency budget in the Maupin Fund. No transfer is scheduled at this time for the Maupin Fund to repay the funds transferred in from the Capital Fund. This will come in future fiscal periods as the Maupin Fund grows. A summary is shown below.



From Fund	To Fund	Amount	Purpose
General	Capital	\$ 327,050	Fund capital expenses of the system
Capital	Maupin	\$ 30,000	To fund the Contingency funds if determined necessary by the Qlife Board
Maupin	Capital	\$ -	No funds of the \$156,665 transferred in since inception will be repaid in FY20

### Contingency and Reserves

Contingency amounts are appropriations included in the budget but cannot be spent – it is available to be transferred to an appropriate expense line by the governing body. The Qlife budget also uses Reserves which are an additional contingency amount but more focused in intent. For Oregon Local Budget Law application these funds are Contingency also. It is not a problem to have more than one Contingency line in a fund budget.

The General (Operating) Fund has a contingency of \$50,000 – the same as FY19. This is 14.8% of the budgeted operating cost of the fund. This is nearly two (2) months of expenses. This is considered adequate at this point by management.

The Capital Fund has a contingency of \$390,983 and a reservation for \$675,125 – the total is \$1,066,108. The reservation is dedicated to system improvements.

The Maupin Fund contingency is \$7,500 and a reservation for \$28,320 – the total is \$35,820. The reservation is dedicated to providing WIFI service. The private grant accepted is intended to offset providing WIFI service for three years. One year is in the budgeted expenses of the fund and the remaining two (2) are in the reservation.

### Capital Outlay

The General (Operations) Fund has budgeted \$20,000 for capital outlay. This is to meet Item #3 of the agencies Financial Priorities Policy – specifically to have \$20,000 available for expansion and replacement of electronics in the system.

The Capital Fund has budgeted \$940,284 for capital outlay in FY20. This starts with \$80,000 for a generator replacement. The primary system has \$660,284 budgeted to address a list of potential projects with estimated costs below. Secondary line extension is the third category of capital outlay for the fund – this is \$200,000 and will be used for new connections requiring a line extension which increases the value of the system. No specific extensions are identified at this time.

<u>Project Title</u>	<u>Estimated Cost</u>
St. Mary's	\$371,000
Pon Beta	\$50,000
East Bisector	\$186,000

Downtown Bypass	\$76,000
Co-location Space – Big Eddy	\$232,000
Downtown Metro Loop	\$120,000
Decrease to Balance Fund	<u>(\$374,716)</u>
Total Primary System	<u>\$660,284</u>

Not all the primary system projects will be executed in FY20 and the costs at this point are preliminary estimates meant to function as a consideration in prioritization. There are funds available to complete the entire list, but these are currently budgeted in the contingency and reservation lines. History has shown that constraints of the time available and system /customer needs prevent all projects identified from being executed in the same fiscal period.

The Maupin Fund has a minimal amount (\$1,000) budgeted for capital outlay in FY20. There are funds in contingency and reservation to transfer in if necessary, but it is not expected. The \$1,000 is not dedicated to any specific item but rather for needs of the primary system. The project is completing in FY19 so the capital outlay needs of the fund decrease significantly.

Capital Outlay		
Fund	Purpose	Amount
General (Operating)	Telcom Equipment	\$ 20,000
Capital Fund	Equipment	80,000
	Primary System Maintenance	660,284
	Secondary Line Extension	<u>200,000</u>
Total Capital Fund		940,284
Maupin Fund	Primary System	1,000
Total Capital Outlay		961,284.00

### Budget Appropriation

The Proposed Budget contains line item detail; however the legal level of control for the budget is at the Fund/Department level. This means for each fund, amounts will be appropriated at the legal level of control by Beginning Balance, Operations (noncapital and capital), Pass-Through, Transfer In/Out, Reserve, Contingency and Unappropriated.

Qlife FY20 Budget Summary for Resolution  
Budget by Fund-Department

<b>Fund</b>	<b>Department/Classification</b>	<b>Budget Revenue/ Resources</b>	<b>Budget Expense/ Requirements</b>
GENERAL (OPERATIONS)	OPERATIONS	764,260	335,890
	TRANSFERS	-	327,020
	CONTINGENCY	-	50,000
	UNAPROPRIATED	-	51,350
<b>TOTAL GENERAL</b>		<b>764,260</b>	<b>764,260</b>
CAPITAL	OPERATIONS	1,709,372	940,284
	TRANSFERS	327,020	30,000
	CONTINGENCY	-	1,066,108
	UNAPPROPRIATED	-	-
<b>TOTAL CAPITAL</b>		<b>2,036,392</b>	<b>2,036,392</b>
MAUPIN	OPERATIONS	24,530	18,710
	TRANSFERS	30,000	-
	CONTINGENCY	-	35,820
	UNAPPROPRIATED	-	-
<b>TOTAL MAUPIN</b>		<b>54,530</b>	<b>54,530</b>
<b>Total Appropriation</b>		<b>2,855,182</b>	<b>2,855,182</b>
<b>Unappropriated - for us in Future fiscal periods</b>		<b>-</b>	<b>51,350</b>
<b>Appropriated For FY20 Use</b>		<b>2,855,182</b>	<b>2,803,832</b>

## Qlife Budget Detail General (Operating) Fund

Fund	General Fund
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Row Labels	FY16 - Actual	FY17 - Actual	FY18 - Actual	FY19 - Budget	FY19 - Projection	FY20 - Budget Request	FY20 - Approved	FY20 - Adopted
<b>Revenue</b>								
<b>Revenue</b>								
600.60.6000.400.000 - BEGINNING FUND BALANCE	231,823	157,296	108,640	87,800	96,952	96,952		
600.60.6000.414.500 - UTILITY SERVICE CHARGES	648,860	601,430	661,043	669,147	655,764	665,460		
600.60.6000.414.501 - CONNECT CHARGES	4,200	2,000	1,700	1,000	100	1,000		
600.60.6000.417.104 - INTEREST EARNED	4,950	11,053	1,613	2,000	847	948		
600.60.6000.421.241 - MISC RECEIPTS	3,933	108	4,003	200	1,586	200		
600.60.6000.422.132 - E-RATE REIMBURSEMENTS	41,290	-	-	-	-	-		
<b>Revenue Total</b>	<b>935,056</b>	<b>771,887</b>	<b>776,999</b>	<b>760,147</b>	<b>755,249</b>	<b>764,560</b>		
<b>Expense</b>								
<b>Materials &amp; Services</b>								
600.60.6000.52101 - ADVERTISING & PROMOTIONS	500	673	2,837	1,500	1,500	1,500		
600.60.6000.52111 - DUES & SUBSCRIPTIONS	1,433	1,616	3,525	3,000	2,000	3,000		
600.60.6000.52113 - INSURANCE & BONDS	7,317	19,586	15,242	21,000	18,000	21,000		
600.60.6000.52115 - LEGAL NOTICES & PUBLISHING	296	209	36	400	400	400		
600.60.6000.52116 - POSTAGE	-	120	359	200	180	200		
600.60.6000.52120 - RENT - OFFICE	7,752	7,752	7,752	7,752	7,752	7,752		
600.60.6000.52122 - TELEPHONE	412	421	450	420	550	500		
600.60.6000.52148 - GENERAL GRANTS	2,000	2,000	3,000	2,000	2,000	2,000		
600.60.6000.52151 - SCHOLARSHIP	2,000	2,000	2,000	2,000	2,000	2,000		
600.60.6000.52350 - TAXES/PERMITS/ASSESSMENTS	-	-	415	400	785	800		
600.60.6000.52370 - MISC EXPENDITURES	674	120	832	1,000	2,000	1,000		
600.60.6000.52398 - ADMINISTRATIVE COST	31,793	38,221	54,500	55,350	55,350	58,671		
600.60.6000.52401 - CONTRACTED SERVICES	-	-	-	-	325	-		
600.60.6000.52406 - CONTR SRVCS - LEGAL CONUNSEL CONTR	12,480	6,846	9,162	9,000	6,000	6,000		
600.60.6000.52409 - CONTR SRVCS - OTHER	12,278	10,723	7,998	15,100	8,000	15,100		
600.60.6000.52412 - CONTR SRVCS - AUDIT CONTRACT	4,750	6,600	3,650	6,000	4,000	4,200		
600.60.6000.52477 - CONTRACTED SVSC - ENGINEERING	35,210	45,796	37,174	20,000	64,587	50,000		
600.60.6000.52479 - CONTRACTED SVSC - NETWORK SYSTEM MGMT	71,845	56,972	55,870	51,000	78,490	71,000		
600.60.6000.52480 - POLE CONNECTION FEES	8,447	4,650	15,088	10,500	15,000	12,392		
600.60.6000.52481 - RIGHT OF WAY FEES	19,466	18,043	23,730	20,075	20,075	20,075		
600.60.6000.52502 - NETWORK COMPONENTS	1,597	-	730	5,000	2,000	5,000		
600.60.6000.52601 - EQUIPMENT - NON CAPITAL		1,304	1,504	5,000	1,000	5,000		
600.60.6000.52701 - TRAINING & EDUCATION	195	325	514	700	500	700		
600.60.6000.52711 - MEALS, LODGING & REGISTRATION	1,973	518	1,546	2,000	1,656	5,000		

## Qlife Budget Detail General (Operating) Fund

Fund	General Fund
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Row Labels	FY16 - Actual	FY17 - Actual	FY18 - Actual	FY19 - Budget	FY19 - Projection	FY20 - Budget Request	FY20 - Approved	FY20 - Adopted
600.60.6000.52801 - BLDG REPAIR & MAINT	247	315	-	1,600	200	1,600		
600.60.6000.52808 - OUTSIDE PLANT MAINTENANCE	7,226	32,424	23,255	20,000	8,500	20,000		
600.60.6000.52882 - UTILITIES - ELECTRICITY	454	619	737	800	690	800		
600.60.6000.52910 - SUPPLIES - OFFICE	295	178	361	200	107	200		
600.60.6000.52608 - EASEMENTS - NON-CAPITAL			-	1,000	-	-		
<b>Capital Outlay</b>								
600.60.6000.53301 - EQUIPMENT - CAPITAL	1,688	-	-	20,000	2,000	20,000		
600.60.6000.53403 - EASEMENTS	-	-	18,000	-	-	-		
<b>Transfer</b>								
600.60.6000.55601 - TRANSFER TO QLIFE CAPITAL	504,140	405,391	392,898	372,800	372,800	327,020		
<b>Pass-Through</b>								
600.60.6000.52399 - ESD E-RATE PASS THROUGH	41,290	-	-	-	-	-		
<b>Contingency</b>								
600.60.6000.57600 - CONTINGENCY	-	-	-	50,000	-	50,000		
<b>Unappropriated</b>								
600.60.6000.59000 - UNAPPROPRIATED	-	-	-	54,350	-	51,350		
<b>Expense Total</b>	<b>777,758</b>	<b>663,422</b>	<b>683,164</b>	<b>760,147</b>	<b>678,447</b>	<b>764,260</b>		

Qlife Budget Detail Capital Fund

Fund	Capital Fund							
Row Labels	FY16 - Actual	FY17 - Actual	FY18 - Actual	FY19 - Budget	FY19 - Projection	FY20 - Budget Request	FY20 - Approved	FY20 - Adopted
Revenue								
Revenue								
601.60.6000.400.000 - BEGINNING FUND BALANCE	377,826	870,111	1,011,310	1,315,777	1,391,871	1,665,172		
601.60.6000.414.501 - CONNECT CHARGES	13,569	5,100	-	19,000	-	19,000		
601.60.6000.417.104 - INTEREST EARNED	-	625	17,542	1,072	25,285	25,200		
601.60.6000.450.600 - TRANSFER FROM QLIFE OPERATING FUND	504,140	405,391	392,898	372,800	372,800	327,020		
601.60.6000.450.602 - TRANSFER FROM QLIFE MAUPIN FUND	-	-	-	10,000	-	-		
601.60.6000.490.490 - LOAN PROCEEDS	-	-	-	-	-	-		
Revenue Total	895,535	1,281,227	1,421,750	1,718,649	1,789,956	2,036,392		
Expense								
Materials & Services								
601.60.6000.52477 - CONTRACTED SVSC - ENGINEERING	1,085	10,961	4,068	11,000	(4,470)	-		
601.60.6000.52478 - CONTRACTED SVSC - CUSTOMER CONNECTIONS	1,354	-	-	4,000	-	-		
601.60.6000.52651 - EQUIPMENT - REPAIR & MAINTENANCE	-	11,344	-	8,000	-	-		
Capital Outlay								
601.60.6000.53101 - BUILDINGS	-	-	-	-	-	-		
601.60.6000.53301 - EQUIPMENT - CAPITAL	-	302	-	80,000	-	80,000		
601.60.6000.53313 - PRIMARY SYSTEM	2,263	89,581	22,055	600,000	250,000	660,284		
601.60.6000.53314 - SECONDARY LINE EXTENSION	20,722	1,074	3,756	200,000	5,000	200,000		
601.60.6000.53315 - POLE MAKE READY	-	-	-	-	-	-		
Transfer								
601.60.6000.55602 - TRANSFER TO QLIFE MAUPIN	-	156,655	-	200,000	-	30,000		
Contingency								
601.60.6000.57601 - CONTINGENCY	-	-	-	390,983	-	390,983		
Distribution								
601.60.6000.56001 - DISTRIBUTION TO SPONSORS	-	-	-	-	-	-		
Reserve								
601.60.6000.58001 - RESERVE FOR SYSTEM IMPROVEMENTS	-	-	-	224,666	-	675,125		
601.60.6000.58002 - RESERVE FOR EXPANSION	-	-	-	-	-	-		
Unappropriated								
601.60.6000.59000 - UNAPPROPRIATED		-	-	-	-	-		
Expense Total	25,424	269,917	29,879	1,718,649	250,530	2,036,392		

Qlife Budget Detail Maupin Fund

Fund	Maupin Fund							
Row Labels	FY16 - Actual	FY17 - Actual	FY18 - Actual	FY19 - Budget	FY19 - Projection	FY20 - Budget Request	FY20 - Approved	FY20 - Adopted
<b>Revenue</b>								
<b>Revenue</b>								
602.60.6000.400.000 - BEGINNING FUND BALANCE	-	13,620	139,176	128,434	117,048	17,110		
602.60.6000.412.674 - STATE GRANT	-	80,427	186,227	190,000	494,069	-		
602.60.6000.412.700 - PRIVATE SECTOR GRANTS	87,880	-	-	-	-	-		
602.60.6000.414.500 - UTILITY SERVICE CHARGES	-	-	-	-	-	-		
602.60.6000.417.104 - INTEREST EARNED	-	25	2,188	-	1,475	60		
602.60.6000.421.241 - MISC RECEIPTS	-	-	-	-	-	-		
602.60.6000.450.600 - TRANSFER FROM QLIFE OPERATING FUND	-	-	-	200,000	-	-		
602.60.6000.450.601 - TRANSFER FROM QLIFE CAPITAL FUND	-	156,655	-	220,000	-	30,000		
602.60.6000.490.490 - LOAN PROCEEDS	-	-	-	-	-	-		
602.60.6000.414.306 - CITY OF MAUPIN FLOW THROUGH GRANT 1	-	-	-	546,000	-	-		
602.60.6000.414.505 - CITY OF MAUPIN - GORGE.NET RECEIPTS	-	-	-	-	-	3,360		
602.60.6000.414.506 - CITY OF MAUPIN - LSN RECEIPTS	-	-	-	-	-	4,000		
<b>Revenue Total</b>	<b>87,880</b>	<b>250,727</b>	<b>327,591</b>	<b>1,284,434</b>	<b>612,592</b>	<b>54,530</b>		
<b>Expense</b>								
<b>Materials &amp; Services</b>								
602.60.6000.52113 - INSURANCE & BONDS	-	-	-	1,000	-	-		
602.60.6000.52398 - ADMINISTRATIVE COST	26,678	-	-	14,160	494	-		
602.60.6000.52406 - CONTR SVCS - LEGAL CONUNSEL CONTR	-	1,845	648	2,000	2,500	2,500		
602.60.6000.52476 - CONTRACTED SVSC - WIFI	-	-	11,909	1,000	500	14,160		
602.60.6000.52477 - CONTRACTED SVSC - ENGINEERING	-	-	19,125	-	2,000	-		
602.60.6000.52480 - POLE CONNECTION FEES	-	-	-	1,050	-	1,050		
602.60.6000.52651 - EQUIPMENT - REPAIR & MAINTENANCE	-	-	-	-	-	-		
602.60.6000.52882 - UTILITIES - ELECTRICITY	-	-	-	-	-	-		
602.60.6000.52883 - UTILITIES - NATURAL GAS	-	-	-	-	-	-		
602.60.6000.54278 - CONTRACTED SVSC - CUSTOMER CONNECTIONS	-	-	-	-	-	-		
<b>Capital Outlay</b>								
602.60.6000.53101 - BUILDINGS	-	-	-	-	-	-		
602.60.6000.53301 - EQUIPMENT - CAPITAL	17,097	-	3,148	-	4,148	-		
602.60.6000.53313 - PRIMARY SYSTEM	30,486	109,707	175,281	600,000	557,143	1,000		
602.60.6000.53314 - SECONDARY LINE EXTENSION	-	-	433	-	-	-		
602.60.6000.53315 - POLE MAKE READY	-	-	-	-	-	-		
<b>Transfer</b>								

Qlife Budget Detail Maupin Fund

Fund		Maupin Fund						
Row Labels	FY16 - Actual	FY17 - Actual	FY18 - Actual	FY19 - Budget	FY19 - Projection	FY20 - Budget Request	FY20 - Approved	FY20 - Adopted
602.60.6000.55601 - TRANSFER TO QLIFE CAPITAL	-	-	-	10,000	-	-		
<b>Contingency</b>								
602.60.6000.57602 - CONTINGENCY	-	-	-	377,664	-	7,500		
<b>Reserve</b>								
602.60.6000.58004 - RESERVE FOR WIFI	-	-	-	59,160	-	28,320		
<b>Unappropriated</b>								
602.60.6000.59000 - UNAPPROPRIATED		-	-	-	-	-		
<b>Expense Total</b>	<b>74,261</b>	<b>111,552</b>	<b>210,543</b>	<b>1,066,034</b>	<b>566,785</b>	<b>54,530</b>		



## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.400.000**

**BEGINNING FUND BALANCE**

---

Account Definition:

Resources carried over from the prior fiscal period

---

FY14 Actual: 93,154

FY15 Actual: 180,966

FY16 Actual: 231,823

FY17 Actual: 157,296

FY18 Actual: 108,640

FY19 Budgeted: 87,800

FY19 Projected: 96,952

FY20 Proposed: 96,952

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Projected FY19 Ending Fund Balance as of 4/18/19

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.414.500**

**UTILITY SERVICE CHARGES**

---

Account Definition:

Charges for service

---

FY14 Actual: 575,730

FY15 Actual: 622,155

FY16 Actual: 648,860

FY17 Actual: 601,430

FY18 Actual: 661,043

FY19 Budgeted: 669,147

FY19 Projected: 655,764

FY20 Proposed: 665,460

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

March 2019 = \$55,455; set as base 12\*55,455= \$665,460

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.414.501**

**CONNECT CHARGES**

---

Account Definition:

When a customer is billed for service being added, the one-time revenue for connecting is recorded here

---

FY14 Actual: 3,600

FY15 Actual: 3,150

FY16 Actual: 4,200

FY17 Actual: 2,000

FY18 Actual: 1,700

FY19 Budgeted: 1,000

FY19 Projected: 100

FY20 Proposed: 1,000

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Estimated at just over 2 service added; Estimated connection fees are \$6,450; \$450 for Turn up fee, \$1,000 for Electronic Switch and \$5,000 for service line

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.417.104**

**INTEREST EARNED**

---

Account Definition:

Interest on bank accounts

---

FY14 Actual:	568
FY15 Actual:	1,505
FY16 Actual:	4,950
FY17 Actual:	11,053
FY18 Actual:	1,613
FY19 Budgeted:	2,000
FY19 Projected:	847
FY20 Proposed:	948
FY20 Approved:	
FY20 Adopted:	

---

Budget Notes:

Estimate based on principal

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.421.241**

**MISC RECEIPTS**

---

Account Definition:

Receipts that are not service charges, connection charges or interest. This should be minimal and if a revenue source is significant and/or recurring, a specific account line should be considered

---

FY14 Actual:	134
FY15 Actual:	5,637
FY16 Actual:	3,933
FY17 Actual:	108
FY18 Actual:	4,003
FY19 Budgeted:	200
FY19 Projected:	1,586
FY20 Proposed:	200
FY20 Approved:	
FY20 Adopted:	

---

Budget Notes:

As title implies. Not known - this is used for 1 time receipts that are not appropriate in a different revenue line.

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.422.132**

**E-RATE REIMBURSEMENTS**

---

Account Definition:

This is not processed through Qlife anymore

---

FY14 Actual: 36,936

FY15 Actual: 13,075

FY16 Actual: 41,290

FY17 Actual:

FY18 Actual:

FY19 Budgeted:

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

This flowthrough is not processed through Qlife anymore

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52101**

**ADVERTISING & PROMOTIONS**

---

Account Definition:

Advertising and promotional spending

---

FY14 Actual: 1,055

FY15 Actual: 529

FY16 Actual: 500

FY17 Actual: 673

FY18 Actual: 2,837

FY19 Budgeted: 1,500

FY19 Projected: 1,500

FY20 Proposed: 1,500

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Keep the budget the same: This line is for costs to advertise and promote the Qlife system

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52111**

**DUES & SUBSCRIPTIONS**

---

Account Definition:

Dues for memberships in groups and associations and subscriptions. Specifically, Special Districts Associations of Oregon & Oregon Joint Use Association

---

FY14 Actual:	25
FY15 Actual:	255
FY16 Actual:	1,433
FY17 Actual:	1,616
FY18 Actual:	3,525
FY19 Budgeted:	3,000
FY19 Projected:	2,000
FY20 Proposed:	3,000
FY20 Approved:	
FY20 Adopted:	

---

Budget Notes:

Base on FY18 Actual; Special Districts Association of Oregon & Oregon Joint Use Association



## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52113**

**INSURANCE & BONDS**

---

Account Definition:

Insurance costs for insuring the agency property

---

FY14 Actual: 5,665

FY15 Actual: 5,730

FY16 Actual: 7,317

FY17 Actual: 19,586

FY18 Actual: 15,242

FY19 Budgeted: 21,000

FY19 Projected: 18,000

FY20 Proposed: 21,000

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Cover higher insurance in FY18; Calendar year 2017 premium = \$14,260 (\$6,505 of which is property insurance); \$1,600 Pole Attachment Bond for PUD; Project for FY18 - Liability \$7,940; Property \$6,505; Pole Attachment Bond \$1,600; buffer for increases \$4,

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52115**

**LEGAL NOTICES & PUBLISHING**

---

Account Definition:

Publishing required documents, specifically meeting notices and notice of bids/proposal requests

---

FY14 Actual: 240

FY15 Actual: 116

FY16 Actual: 296

FY17 Actual: 209

FY18 Actual: 36

FY19 Budgeted: 400

FY19 Projected: 400

FY20 Proposed: 400

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Keep the budget the same; For the publication of legal notices - specifically meeting notices and request for bids in the paper and other places

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number                      Account Title

**600.60.6000.52116                      POSTAGE**

---

Account Definition:

For all mailing costs - this is not restricted to USPS as at times other services are required to send a package. Not intended for Freight charges.

---

FY14 Actual:                      112

FY15 Actual:                      113

FY16 Actual:

FY17 Actual:                      120

FY18 Actual:                      359

FY19 Budgeted:                      200

FY19 Projected:                      180

FY20 Proposed:                      200

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Keep the budget the same; Postage for mailings and normal mailing costs.

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52120**

**RENT - OFFICE**

---

Account Definition:

Rent for space

---

FY14 Actual: 7,752

FY15 Actual: 7,752

FY16 Actual: 7,752

FY17 Actual: 7,752

FY18 Actual: 7,752

FY19 Budgeted: 7,752

FY19 Projected: 7,752

FY20 Proposed: 7,752

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Rent of City Hall space. One room \$141/month; second room \$121/month; third addition \$176/month; covered storage at City PW facility \$209/month = \$646/month

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number                      Account Title

**600.60.6000.52122                      TELEPHONE**

---

Account Definition:

Telephone service

---

FY14 Actual:                      410

FY15 Actual:                      376

FY16 Actual:                      412

FY17 Actual:                      421

FY18 Actual:                      450

FY19 Budgeted:                      420

FY19 Projected:                      550

FY20 Proposed:                      500

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Keep the budget the same; This covers the cost for phone service and monthly maintenance contract with Gorge Networks

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52148**

**GENERAL GRANTS**

---

Account Definition:

Grant for the Northern Wasco County School District for the robotics program

---

FY14 Actual: 2,000

FY15 Actual: 2,000

FY16 Actual: 2,000

FY17 Actual: 2,000

FY18 Actual: 3,000

FY19 Budgeted: 2,000

FY19 Projected: 2,000

FY20 Proposed: 2,000

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Grant for school robotics program - Paid to Northern Wasco County School District

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52151**

**SCHOLARSHIP**

---

Account Definition:

Two scholarships to the CGCC Foundation to award

---

FY14 Actual: 2,000

FY15 Actual: 2,000

FY16 Actual: 2,000

FY17 Actual: 2,000

FY18 Actual: 2,000

FY19 Budgeted: 2,000

FY19 Projected: 2,000

FY20 Proposed: 2,000

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Scholarship paid to CGCC Foundation for two \$1,000 scholarships

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52350**

**TAXES/PERMITS/ASSESSMENTS**

---

Account Definition:

Permits & assessments tied to projects and property

---

FY14 Actual:

FY15 Actual: 228

FY16 Actual:

FY17 Actual:

FY18 Actual: 415

FY19 Budgeted: 400

FY19 Projected: 785

FY20 Proposed: 800

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Increased the FY20 budget to match the FY19 actuals; Payments for filing Audit paperwork with state, Oregon Ethics Assessment, Public Utility Commission of Oregon and Bureau of Labor and Industries; Related to St Mary's project currently



## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52370**

**MISC EXPENDITURES**

---

Account Definition:

Expense costs not appropriate for other expense lines - should be one-time and minimal. An ongoing cost should look to have a line added depending on size.

---

FY14 Actual:	460
FY15 Actual:	3,889
FY16 Actual:	674
FY17 Actual:	120
FY18 Actual:	832
FY19 Budgeted:	1,000
FY19 Projected:	2,000
FY20 Proposed:	1,000
FY20 Approved:	
FY20 Adopted:	

---

Budget Notes:

This expense is for items that do not fit into a different expense line. It should be kept to a minimum and new categories of expense that will be used repeated should look to have a line created that fits

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52398**

**ADMINISTRATIVE COST**

---

Account Definition:

Wasco County fee for administering the Qlife program

---

FY14 Actual: 15,909

FY15 Actual: 29,113

FY16 Actual: 31,793

FY17 Actual: 38,221

FY18 Actual: 54,500

FY19 Budgeted: 55,350

FY19 Projected: 55,350

FY20 Proposed: 58,671

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Compensation to County for Administrative support; FY18 level + 2.5% increase for wages; also includes the Cost of Labor adjustment;

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52399**

**ESD E-RATE PASS THROUGH**

---

Account Definition:

This is not processed through Qlife anymore

---

FY14 Actual: 36,936

FY15 Actual: 13,075

FY16 Actual: 41,290

FY17 Actual:

FY18 Actual:

FY19 Budgeted:

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

This flowthrough is not processed through Qlife anymore

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52401**

**CONTRACTED SERVICES**

---

Account Definition:

Contracts for service that are not legal, audit, engineering, network management or intended for "Contracted Services - Other" (see Budget note for planned contracts.)

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted:

FY19 Projected: 325

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Keep the budget to \$0; this is a general contracted service line - it is preferred to use the more specific lines below.

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52406**

**CONTR SRVCS - LEGAL COUNSEL CONTR**

---

Account Definition:

Legal services

---

FY14 Actual: 4,110

FY15 Actual: 4,630

FY16 Actual: 12,480

FY17 Actual: 6,846

FY18 Actual: 9,162

FY19 Budgeted: 9,000

FY19 Projected: 6,000

FY20 Proposed: 6,000

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Legal services - based on FY19 actual usage

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52409**

**CONTR SRVCS - OTHER**

---

Account Definition:

Tree trimming, OSP Insight and Joe Fannel

---

FY14 Actual:

FY15 Actual: 6,887

FY16 Actual: 12,278

FY17 Actual: 10,723

FY18 Actual: 7,998

FY19 Budgeted: 15,100

FY19 Projected: 8,000

FY20 Proposed: 15,100

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

\$3000 Tree trimming; \$2,100 OSP Insight estimate; \$10,000 Joe Fannel

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52412**

**CONTR SRVCS - AUDIT CONTRACT**

---

Account Definition:

Annual audit

---

FY14 Actual: 6,350

FY15 Actual: 5,500

FY16 Actual: 4,750

FY17 Actual: 6,600

FY18 Actual: 3,650

FY19 Budgeted: 6,000

FY19 Projected: 4,000

FY20 Proposed: 4,200

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Expected audit fees

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52477**

**CONTRACTED SVSC - ENGINEERING**

---

Account Definition:

Engineering services not tied to a project

---

FY14 Actual: 17,577

FY15 Actual: 17,356

FY16 Actual: 35,210

FY17 Actual: 45,796

FY18 Actual: 37,174

FY19 Budgeted: 20,000

FY19 Projected: 64,587

FY20 Proposed: 50,000

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Engineering not related to projects; If the Engineering is tied to a project, it should be in the Capital fund



## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52479**

**CONTRACTED SVSC - NETWORK SYSTEM MGMT**

---

Account Definition:

Network System Management not tied to a project. Also includes the base monthly fee system management

---

FY14 Actual: 61,126

FY15 Actual: 60,847

FY16 Actual: 71,845

FY17 Actual: 56,972

FY18 Actual: 55,870

FY19 Budgeted: 51,000

FY19 Projected: 78,490

FY20 Proposed: 71,000

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

\$2,000 per month for Basic Services + \$67/hour during regular business and \$140/hour outside normal hours. Historically, Basicic Service \$24,000. Network System Management should be tied to projects whenever possible and be in the Capital fund

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52480**

**POLE CONNECTION FEES**

---

Account Definition:

Cost paid to attach to poles

---

FY14 Actual: 8,653

FY15 Actual: 10,335

FY16 Actual: 8,447

FY17 Actual: 4,650

FY18 Actual: 15,088

FY19 Budgeted: 10,500

FY19 Projected: 15,000

FY20 Proposed: 12,392

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Used the FY19 actual cost; this is the fee paid annually for the connection to the poles.

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52481**

**RIGHT OF WAY FEES**

---

Account Definition:

Paid to The Dalles due to operating within the city limits. The amount is 3% of the Utility Service charge

---

FY14 Actual: 17,272

FY15 Actual: 18,645

FY16 Actual: 19,466

FY17 Actual: 18,043

FY18 Actual: 23,730

FY19 Budgeted: 20,075

FY19 Projected: 20,075

FY20 Proposed: 20,075

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Fee of 3% of customer revenues for The Dalles due to being in The Dalles

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52502**

**NETWORK COMPONENTS**

---

Account Definition:

Noncapital network components (Capital is typically over \$5,000 and useful life exceeds 3 years.)

---

FY14 Actual: 1,190

FY15 Actual:

FY16 Actual: 1,597

FY17 Actual:

FY18 Actual: 730

FY19 Budgeted: 5,000

FY19 Projected: 2,000

FY20 Proposed: 5,000

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Keep the budget the same; Network components needed that are not tied to a capital project

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52601**

**EQUIPMENT - NON CAPITAL**

---

Account Definition:

Noncapital equipment (Capital is typically over \$5,000 and useful life exceeds 3 years.)

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual: 1,304

FY18 Actual: 1,504

FY19 Budgeted: 5,000

FY19 Projected: 1,000

FY20 Proposed: 5,000

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Network equipment that does not meet the definition of capital (capital is over \$5K and useful life exceeds 3 years)

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52608**

**EASEMENTS - NON-CAPITAL**

---

Account Definition:

Easements - right to access an area for a specific purpose. Is not ownership and is less than \$5,000 and/or shorter than 3 years

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted: 1,000

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Non-Capital Easements

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52701**

**TRAINING & EDUCATION**

---

Account Definition:

Cost for training and education not covered in meals, lodging and registration

---

FY14 Actual:

FY15 Actual: 130

FY16 Actual: 195

FY17 Actual: 325

FY18 Actual: 514

FY19 Budgeted: 700

FY19 Projected: 500

FY20 Proposed: 700

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Keep the budget the same; costs for training session not including lodging, meals and travel

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52711**

**MEALS, LODGING & REGISTRATION**

---

Account Definition:

Meals, lodging and registration for conferences, training and education

---

FY14 Actual: 1,031

FY15 Actual: 1,254

FY16 Actual: 1,973

FY17 Actual: 518

FY18 Actual: 1,546

FY19 Budgeted: 2,000

FY19 Projected: 1,656

FY20 Proposed: 5,000

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

For conferences; increased in FY20 as for the next 3 years the conference will be in Ashland; it was in Hood River. This will increase costs



## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52801**

**BLDG REPAIR & MAINT**

---

Account Definition:

Noncapital repairs and maintenance on structures (Capital is typically over \$5,000 and useful life exceeds 3 years.)

---

FY14 Actual:

FY15 Actual:

FY16 Actual: 247

FY17 Actual: 315

FY18 Actual:

FY19 Budgeted: 1,600

FY19 Projected: 200

FY20 Proposed: 1,600

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Keep the budget the same; repairs & maintenance on buildings

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52808**

**OUTSIDE PLANT MAINTENANCE**

---

Account Definition:

Noncapital repairs and maintenance for the fiber. If it is new (not a repair) or will be reimbursed by others - it should be in the capital fund

---

FY14 Actual: 16,816

FY15 Actual: 14,733

FY16 Actual: 7,226

FY17 Actual: 32,424

FY18 Actual: 23,255

FY19 Budgeted: 20,000

FY19 Projected: 8,500

FY20 Proposed: 20,000

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Repair of the fiber optic lines. Placing fiber on poles and repairing breaks. If new work or reimbursable by others it is in the capital fund

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52882**

**UTILITIES - ELECTRICITY**

---

Account Definition:

Electricity bill

---

FY14 Actual: 532

FY15 Actual: 504

FY16 Actual: 454

FY17 Actual: 619

FY18 Actual: 737

FY19 Budgeted: 800

FY19 Projected: 690

FY20 Proposed: 800

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Based on trending - to pay electrical bills

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.52910**

**SUPPLIES - OFFICE**

---

Account Definition:

Office supplies such as paper, toner, binders, etc

---

FY14 Actual:

FY15 Actual: 72

FY16 Actual: 295

FY17 Actual: 178

FY18 Actual: 361

FY19 Budgeted: 200

FY19 Projected: 107

FY20 Proposed: 200

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Keep the same as last fiscal year. This is for general office supplies

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.53301**

**EQUIPMENT - CAPITAL**

---

Account Definition:

Capital equipment (Capital is typically over \$5,000 and useful life exceeds 3 years.)

---

FY14 Actual:

FY15 Actual: 5,692

FY16 Actual: 1,688

FY17 Actual:

FY18 Actual:

FY19 Budgeted: 20,000

FY19 Projected: 2,000

FY20 Proposed: 20,000

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Item #3 of the agencies Financial Priorities Policy is to reserve \$20,000 for expansion and replacement of the electronics of the system.

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.53403**

**EASEMENTS**

---

Account Definition:

Easements that exceed \$5,000 and are for longer than 3 years.

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual: 18,000

FY19 Budgeted:

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Not budgeting Easements in FY20 - should be in FY23 again; There are 5 easments totalling \$18,000 every 5 years

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.55601**

**TRANSFER TO QLIFE CAPITAL**

---

Account Definition:

Monthly shift of resources from the General Fund to the Capital Fund to fund future capital projects

---

FY14 Actual: 321,933

FY15 Actual: 382,905

FY16 Actual: 504,140

FY17 Actual: 405,391

FY18 Actual: 392,898

FY19 Budgeted: 372,800

FY19 Projected: 372,800

FY20 Proposed: 327,020

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Transfer \$27,251.67/mth to Qlife Capital fund from Operations Fund

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.57600**

**CONTINGENCY**

---

Account Definition:

Funds budgeted for unplanned costs that arise

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted: 50,000

FY19 Projected:

FY20 Proposed: 50,000

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

The target is at least 10% of the monthly operating expenses, this more - 15%



## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**600.60.6000.59000**

**UNAPPROPRIATED**

---

Account Definition:

Funds set aside to provide resources in a future fiscal period.

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted: 54,350

FY19 Projected:

FY20 Proposed: 51,350

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

The target is 3 months average spending. That is 82,472. The average is \$27,491 per month. At this time putting in 15.6%. The purpose is to ensure operating funds are available for future fiscal periods.

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**601.60.6000.400.000**

**BEGINNING FUND BALANCE**

---

Account Definition:

Resources carried over from the prior fiscal period

---

FY14 Actual: 141,124

FY15 Actual: 183,319

FY16 Actual: 377,826

FY17 Actual: 870,111

FY18 Actual: 1,011,310

FY19 Budgeted: 1,315,777

FY19 Projected: 1,391,871

FY20 Proposed: 1,665,172

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Projected ending Fund balance for FY19 as of 4/18/19

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**601.60.6000.414.501**

**CONNECT CHARGES**

---

Account Definition:

When a customer is billed for service being added, the one-time revenue for connecting is recorded here if part of a project.

---

FY14 Actual: 19,415

FY15 Actual: 17,607

FY16 Actual: 13,569

FY17 Actual: 5,100

FY18 Actual:

FY19 Budgeted: 19,000

FY19 Projected:

FY20 Proposed: 19,000

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Based on trending - should be \$6,000 per new customer. This amount is just slightly about 3 new customers. None had occurred in FY19

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**601.60.6000.417.104**

**INTEREST EARNED**

---

Account Definition:

Interest on bank accounts

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual: 625

FY18 Actual: 17,542

FY19 Budgeted: 1,072

FY19 Projected: 25,285

FY20 Proposed: 25,200

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Interest earned on accounts. LGIP is generating this due to current rates at 2.75%

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**601.60.6000.450.600**

**TRANSFER FROM QLIFE OPERATING FUND**

---

Account Definition:

Monthly shift of resources from the General Fund to the Capital Fund to fund future capital projects

---

FY14 Actual: 321,933

FY15 Actual: 382,905

FY16 Actual: 504,140

FY17 Actual: 405,391

FY18 Actual: 392,898

FY19 Budgeted: 372,800

FY19 Projected: 372,800

FY20 Proposed: 327,020

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Transfer \$27,251.67/mth to Qlife Capital fund from Operations Fund

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**601.60.6000.450.602**

**TRANSFER FROM QLIFE MAUPIN FUND**

---

Account Definition:

Transfers from the Maupin Fund - this will be intended to repay the fund used to partially fund the Maupin project

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted: 10,000

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Annual repayment from franchise fees; none scheduled in FY20 as the fund needs time to recover;  
When the Maupin fund starts to repay the Capital Fund - it will show here.

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**601.60.6000.52477**

**CONTRACTED SVSC - ENGINEERING**

---

Account Definition:

Noncapital engineering services - in the capital fund all expenses should be out of the capital lines - started budgeting \$0 in FY20

---

FY14 Actual:	904
FY15 Actual:	4,735
FY16 Actual:	1,085
FY17 Actual:	10,961
FY18 Actual:	4,068
FY19 Budgeted:	11,000
FY19 Projected:	- 4,470
FY20 Proposed:	
FY20 Approved:	
FY20 Adopted:	

---

Budget Notes:

The Capital Fund is focused on Capital type costs. If not capital, it should be in the Operations fund

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**601.60.6000.52478**

**CONTRACTED SVSC - CUSTOMER CONNECTIONS**

---

Account Definition:

Noncapital customer connections - in the capital fund all expenses should be out of the capital lines - started budgeting \$0 in FY20

---

FY14 Actual:

FY15 Actual: 1,016

FY16 Actual: 1,354

FY17 Actual:

FY18 Actual:

FY19 Budgeted: 4,000

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

The Capital Fund is focused on Capital type costs. If not capital, it should be in the Operations fund



## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**601.60.6000.52651**

**EQUIPMENT - REPAIR & MAINTENANCE**

---

Account Definition:

Noncapital repair & maintenance - in the capital fund all expenses should be out of the capital lines - started budgeting \$0 in FY20

---

FY14 Actual: 15,722

FY15 Actual: 913

FY16 Actual:

FY17 Actual: 11,344

FY18 Actual:

FY19 Budgeted: 8,000

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

The Capital Fund is focused on Capital type costs. If not capital, it should be in the Operations fund

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**601.60.6000.53101**

**BUILDINGS**

---

Account Definition:

Capital outlay for structures

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted:

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

No buildings in the current budget capital plan

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**601.60.6000.53301**

**EQUIPMENT - CAPITAL**

---

Account Definition:

Capital outlay for equipment

---

FY14 Actual: 14,360

FY15 Actual:

FY16 Actual:

FY17 Actual: 302

FY18 Actual:

FY19 Budgeted: 80,000

FY19 Projected:

FY20 Proposed: 80,000

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Generator Replacement

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**601.60.6000.53313**

**PRIMARY SYSTEM**

---

Account Definition:

Projects to either extend/expand the primary system or capital repairs

---

FY14 Actual: 1,516

FY15 Actual: 7,149

FY16 Actual: 2,263

FY17 Actual: 89,581

FY18 Actual: 22,055

FY19 Budgeted: 600,000

FY19 Projected: 250,000

FY20 Proposed: 660,284

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

\$371K St Mary's; \$50K Pon Beta; \$186K East Bisector; \$76K Downtown Bypass; \$232K Co-location Space - Big Eddy; \$120K Downtown Metro Loop; -\$375K to bring to \$660K and balance

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**601.60.6000.53314**

**SECONDARY LINE EXTENSION**

---

Account Definition:

Projects to either extend/expand secondary lines or capital repairs to secondary lines

---

FY14 Actual: 35,038

FY15 Actual: 62,527

FY16 Actual: 20,722

FY17 Actual: 1,074

FY18 Actual: 3,756

FY19 Budgeted: 200,000

FY19 Projected: 5,000

FY20 Proposed: 200,000

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

New connects that require a line extension will add value to system and need to be capitalized. As needed - no specific projects identified

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**601.60.6000.53315**

**POLE MAKE READY**

---

Account Definition:

Costs to "make poles ready" - should actually be part of the Project cost so was \$0 budgeted starting in FY19

---

FY14 Actual: 2,809

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted:

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Should be part of the Capital project

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**601.60.6000.55602**

**TRANSFER TO QLIFE MAUPIN**

---

Account Definition:

Transfer of resources to Maupin Fund

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual: 156,655

FY18 Actual:

FY19 Budgeted: 200,000

FY19 Projected:

FY20 Proposed: 30,000

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Up to \$30K is set as a "just in case" funding transfer. It is not anticipated to be needed.

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**601.60.6000.56001**

**DISTRIBUTION TO SPONSORS**

---

Account Definition:

Distribution of resources to agency sponsors (Wasco County & The Dalles)

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted:

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

No planned distribution in FY20



## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**601.60.6000.57601**

**CONTINGENCY**

---

Account Definition:

Funds budgeted for unplanned costs that arise

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted: 390,983

FY19 Projected:

FY20 Proposed: 390,983

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

For FY20 unanticipated needs

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**601.60.6000.58001**

**RESERVE FOR SYSTEM IMPROVEMENTS**

---

Account Definition:

Funds budgeted for system improvements not expected to be expended in the current FY

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted: 224,666

FY19 Projected:

FY20 Proposed: 675,125

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Board Priority #9: Create a reserve for future expansion, modernization or replacement of systems; This is a specific "contingency" type fund

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**601.60.6000.58002**

**RESERVE FOR EXPANSION**

---

Account Definition:

Funds budgeted for system expansion not expected to be expended in the current FY

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted:

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

No planned reserve in FY18

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**601.60.6000.59000**

**UNAPPROPRIATED**

---

Account Definition:

Funds set aside to provide resources in a future fiscal period.

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted:

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

There is no unappropriated fund balance in the Capital fund.

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.400.000**

**BEGINNING FUND BALANCE**

---

Account Definition:

Resources carried over from the prior fiscal period

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual: 13,620

FY18 Actual: 139,176

FY19 Budgeted: 128,434

FY19 Projected: 117,048

FY20 Proposed: 17,110

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Projected Beginning Balance FY20 - assuming project completes in April 2019 with fully expending budget

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.412.674**

**STATE GRANT**

---

Account Definition:

Grants and legislative appropriations

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual: 80,427

FY18 Actual: 186,227

FY19 Budgeted: 190,000

FY19 Projected: 494,069

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

No state grants are expected in FY20

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.412.700**

**PRIVATE SECTOR GRANTS**

---

Account Definition:

Grants from the private sector

---

FY14 Actual:

FY15 Actual:

FY16 Actual: 87,880

FY17 Actual:

FY18 Actual:

FY19 Budgeted:

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

No private sector grants are expected in FY20

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.414.306**

**CITY OF MAUPIN FLOW THROUGH GRANTS 1&2**

---

Account Definition:

Grants received by the City of Maupin that flow thorough to the Maupin Fund in Qlife

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted: 546,000

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

No grant funds inf FY20 planned



## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.414.500**

**UTILITY SERVICE CHARGES**

---

Account Definition:

Charges for service - not planned to be utilized at this point, see specific revenue lines below

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted:

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Base Utility Service Charges - Not used currently as specific lines created for Gorge.net and LSN

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.414.505**

**CITY OF MAUPIN - GORGE.NET RECEIPTS**

---

Account Definition:

Revenues due from Gorge.net agreement flows through City of Maupin to Qlife

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted:

FY19 Projected:

FY20 Proposed: 3,360

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Gorge.net projected revenue updated as of 4/18/19

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.414.506**

**CITY OF MAUPIN - LSN RECEIPTS**

---

Account Definition:

Revenues due from LSN

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted:

FY19 Projected:

FY20 Proposed: 4,000

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

LSN projected revenue updated as of 4/18/19

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.417.104**

**INTEREST EARNED**

---

Account Definition:

Interest on bank accounts

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual: 25

FY18 Actual: 2,188

FY19 Budgeted:

FY19 Projected: 1,475

FY20 Proposed: 60

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Planned lower cash balance means significantly less interest

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.421.241**

**MISC RECEIPTS**

---

Account Definition:

Receipts that are not service charges, connection charges or interest. This should be minimal and if a revenue source is significant and/or recurring, a specific account line should be considered

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted:

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

In FY18 budgeted franchise fee here - moved to own line in FY19

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.450.600**

**TRANSFER FROM QLIFE OPERATING FUND**

---

Account Definition:

Transfer of resources from the General Fund to the Maupin Fund

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted: 200,000

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

No transfers from the Operations Fund

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.450.601**

**TRANSFER FROM QLIFE CAPITAL FUND**

---

Account Definition:

Transfer of resources from the Capital Fund to the Maupin Fund

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual: 156,655

FY18 Actual:

FY19 Budgeted: 220,000

FY19 Projected:

FY20 Proposed: 30,000

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

"Just in case" funding for a safety net from the Capital fund. Is not anticipated to be used.

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.490.490**

**LOAN PROCEEDS**

---

Account Definition:

Resources received from a loan

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted:

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Not really loan to Qlife - State issued bonds and gave awards so no payback look to State Grant line



## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.52113**

**INSURANCE & BONDS**

---

Account Definition:

Insurance costs for insuring the agency property

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted: 1,000

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Insurance and Bond costs should be recorded here. Due to the resource limits on the fund, this is not anticipated to be spent in FY20

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.52398**

**ADMINISTRATIVE COST**

---

Account Definition:

Wasco County fee for administering the Qlife program

---

FY14 Actual:

FY15 Actual:

FY16 Actual: 26,678

FY17 Actual:

FY18 Actual:

FY19 Budgeted: 14,160

FY19 Projected: 494

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Administrative fees should be paid out of this fund for the County services. However, due to a lack of resources, this is not being budgeted in FY20

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.52406**

**CONTR SRVCS - LEGAL COUNSEL CONTR**

---

Account Definition:

Legal services

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual: 1,845

FY18 Actual: 648

FY19 Budgeted: 2,000

FY19 Projected: 2,500

FY20 Proposed: 2,500

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Legal Counsel contracted service

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.52476**

**CONTRACTED SVSC - WIFI**

---

Account Definition:

Maintain the WIFI service in Maupin

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual: 11,909

FY19 Budgeted: 1,000

FY19 Projected: 500

FY20 Proposed: 14,160

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Estimated cost to maintain wireless service in compliance with the Google grant

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.52477**

**CONTRACTED SVSC - ENGINEERING**

---

Account Definition:

Engineering services not tied to a project

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual: 19,125

FY19 Budgeted:

FY19 Projected: 2,000

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

No engineering budgeted as system maintenance is up to LSN

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.52480**

**POLE CONNECTION FEES**

---

Account Definition:

Cost paid to attach to poles

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted: 1,050

FY19 Projected:

FY20 Proposed: 1,050

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Expected costs for connections to poles

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.52651**

**EQUIPMENT - REPAIR & MAINTENANCE**

---

Account Definition:

Noncapital equipment repair & maintenance

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted:

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

None budgeted in FY20

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.52882**

**UTILITIES - ELECTRICITY**

---

Account Definition:

Electricity bill

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted:

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

None budgeted in FY20



## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.52883**

**UTILITIES - NATURAL GAS**

---

Account Definition:

Natural Gas bill

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted:

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

None budgeted in FY20

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.53101**

**BUILDINGS**

---

Account Definition:

Capital outlay for structures

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted:

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

None budgeted in FY20

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.53301**

**EQUIPMENT - CAPITAL**

---

Account Definition:

Capital outlay for equipment

---

FY14 Actual:

FY15 Actual:

FY16 Actual: 17,097

FY17 Actual:

FY18 Actual: 3,148

FY19 Budgeted:

FY19 Projected: 4,148

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

None budgeted in FY20

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.53313**

**PRIMARY SYSTEM**

---

Account Definition:

Capital outlay for the Primary sytem to extend/expand

---

FY14 Actual:

FY15 Actual:

FY16 Actual: 30,486

FY17 Actual: 109,707

FY18 Actual: 175,281

FY19 Budgeted: 600,000

FY19 Projected: 557,143

FY20 Proposed: 1,000

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Minimal amount - for work on the Primary system

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.53314**

**SECONDARY LINE EXTENSION**

---

Account Definition:

Capital outlay for the Secondary Line(s) to be extended

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual: 433

FY19 Budgeted:

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

All project should be Primary system as all is included there

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.53315**

**POLE MAKE READY**

---

Account Definition:

Cost to make poles ready - should actually be part of the project

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted:

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

None in FY19

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.54278**

**CONTRACTED SVSC - CUSTOMER CONNECTIONS**

---

Account Definition:

Contracted services to create customer connections

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted:

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

None in FY19

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.55601**

**TRANSFER TO QLIFE CAPITAL**

---

Account Definition:

Transfer of resouces to Capital Fund

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted: 10,000

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Will need to repay the funds transferred in from the Capital fund. It will not be starting in FY20 - wait for fund to generating revenue



## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.57602**

**CONTINGENCY**

---

Account Definition:

Funds budgeted for unplanned costs that arise

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted: 377,664

FY19 Projected:

FY20 Proposed: 7,500

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Base Contingency for unanticipated costs

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.58004**

**RESERVE FOR WIFI**

---

Account Definition:

Funds budgeted for WIFI costs not expected to be expended in the current FY

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted: 59,160

FY19 Projected:

FY20 Proposed: 28,320

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Two years of support for the WIFI service based on the 3 year grant requirement - 1 year is budgeted in the expenses

## QUALITYLIFE (QLIFE) INTERGOVERNMENTAL AGENCY

### BUDGET WORKSHEETS FISCAL YEAR 2020 (FY20)

Account Number

Account Title

**602.60.6000.59000**

**UNAPPROPRIATED**

---

Account Definition:

Funds set aside to provide resources in a future fiscal period.

---

FY14 Actual:

FY15 Actual:

FY16 Actual:

FY17 Actual:

FY18 Actual:

FY19 Budgeted:

FY19 Projected:

FY20 Proposed:

FY20 Approved:

FY20 Adopted:

---

Budget Notes:

Funds set aside for use in future fiscal periods



## **MOTION**

**SUBJECT: QLife Budget**

---

I move to approve the 2019-2020 Quality Life Intergovernmental Agency Fiscal Year Budget as presented.



## AGENDA ITEM

**Mid-Columbia Center for Living CDBG Hearing**

---

[STAFF MEMO](#)

---

[ARTIST'S RENDERING](#)

---



## MEMORANDUM

**SUBJECT: Mid-Columbia Center for Living Construction Project Completion**

---

**TO: BOARD OF COUNTY COMMISSIONERS**

---

**FROM: JACQUE SCHEI & ELDA ORR**

---

**DATE: 5/29/2019**

### **BACKGROUND INFORMATION:**

In 2015, Wasco County received \$2 million from the Community Development Block Grant program from the Oregon Business Development Department. The Community Development Block Grant program is a federal program that provides resources to local governments to address a range of community development needs, such as affordable housing or infrastructure that creates jobs. The grant was to support construction of a new mental health facility in The Dalles. Since this grant can only be awarded to government agencies, Wasco County applied in partnership with Mid-Columbia Center for Living. As the grant recipient, the County officially owns the new facility for the first five years of the project.

In addition to grant funds, the project was supported by MCCFL funds and a loan from Wasco County. The construction contract was awarded to Griffin Construction, LLC and construction started in May of 2018. The facility, at 1060 Webber Street, was built on land owned by MCCFL and was completed in late May of 2019. It includes space to consolidate all MCCFL programs and administration, and enable separate treatment areas for adult and children services. In addition, the building will provide for state of the art lighting, electrical, plumbing, heating, and technology. It will also provide a comfortable, safe healing center designed and developed for and with people who have mental illness, addictions and/or developmental disabilities. The facility will allow MCCFL to provide treatment and services for 1,600 low-to moderate-income adults, children and families dealing with mental illness, addictions and/or developmental disabilities.

Wasco County would like to obtain citizens' views about the project and to take comments about the local government's performance during the project.

Mid-Columbia Center for Living  
1060 Webber Street  
The Dalles, OR 97058

## NEW CLINICAL CARE FACILITY PROJECT OVERVIEW

General Contractor: *Griffin Construction*

Architect: *Scott Edwards Architects*

Construction Start: *May 8, 2018*

Certificate of Occupancy Issued: *May 21, 2019*

Planned Occupancy: *First Week in August, 2019*

Construction Cost: *\$6,747,795*

Community Development Block Grant: *\$2,000,000*

Square Feet: *22,639, Wood Frame, Two Story Building*

Zoning: *RH- High Density Residential with NC- Neighborhood Commercial Overlay*

Car Parking: *47 Regular*

*17 Compact*

*3 ADA Accessible (1 Van)*

Bicycle Parking: *8 spaces*

## FACILITY PROGRAMS

### FIRST FLOOR

#### *The Cottage*

- A drop-in center focused on skill building groups and social networking activities for adults. Includes waiting/living room area, teaching kitchen, activity room, 2 group rooms, personal care services (showers, laundry) and lockers.

#### *Administration*

- Including Executive Director, Finance, Human Resources and support staff
- Information Technology Department
- Conference Rooms (3 total)
- Crisis Room, Medication Dispensing, and Intake Area

### SECOND FLOOR:

#### *Children's Mental Health*

- Separate Youth Waiting area, Group Room, 5 care rooms and Parent/Child Interaction Therapy Room.

#### *Intellectual Development Services, Mental Health and Addictions*

- 12 care rooms, 4 meeting rooms, referral coordinator

#### *Physical Health Services and Laboratory*

- 3 Exam Rooms, Lab, Medication Dispensing, Drug Testing services









## AGENDA ITEM

### **Executive Session**

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[PURSUANT TO ORS 192.660\(2\)\(H\) CONFERRING WITH LEGAL COUNSEL  
REGARDING LITIGATION](#)

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## AGENDA ITEM

### Work Session

---

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

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511 Washington St., Ste. 207 • The Dalles, OR 97058  
p: [541] 506-2770 • f: [541] 506-2771 • [www.co.wasco.or.us](http://www.co.wasco.or.us)

*Pioneering pathways to prosperity.*

6/03/2019

To: Board of County Commissioners  
From: Mike Middleton – Finance Director  
Re: Building Codes Vehicle Bids

The Bids have been received and reviewed. Three (3) of the of the vendors responded with bids – bids have been requested from four (4) local vendors.

All the bids received meet the specifications of the bid with a range of \$95,560 to \$100,000. Bids are attached.

The lowest bid is from C H Urness Motors Company for 4 2019 Jeep Compass Sport 4x4. The bid amount is \$95,560 with delivery available the week of June 10<sup>th</sup>, 2019 as required in the bid documents.

It is important to review other factors to consider in the purchase – such as mileage and reviews from the market place. These factors are included in the summary of bid comparison attached.

The Jeep did have the lowest reviews of the three on Consumer Reports, Cars.com and Edmonds. However, on Cars.com and Edmonds the Jeep scored 3.9 and 3.7 respectfully. This is on a scale of 0-5 so does not indicate a problem – just that some cars are perceived as better. The Consumer Reports overall score is 41 which is the bottom of the range – the top end was an 89. Basically, the vehicle is not as refined as others in the class but still meets the requirements. Most categories were rated as 3 out of 5.

Mileage was considered. The differences are not large, but this was examined to get an idea of complete costs. Assuming \$3.50/gallon (currently the County pays less than \$3/gal) and 24,000 miles annually per car, the cost ranking does not change.

Based on the review of bids, I am recommending the Board of County Commissioners to accept and select the bid from C H Urness Motors Company for 4 2019 Jeep Compass vehicles for \$95,560.

# Summary of Bid comparisons

Bid #	Vendor Name	Items Bid	Meet Min Bid Specs?	Consumer Reports	Consumer Reviews Score (0-5): Cars.com	Consumer Reviews Score (0-5): Edmonds	Bid	Fuel Costs					Estimated Fuel Cost	Bid + Fuel
								EPA City	EPA Highway	City Cost	Highway Cost			
1	C H Urness Motors Company	4 2019 Jeep Compass Sport 4x4	Yes	41	3.9	3.7 (3 reviews)	95,560.00	22	30	3,054.55	8,960.00		12,014.55	107,574.55
2	Ray Schultens Motors	4 2019 Nissan Rogue S	Yes	74	4.6	4.2 (11 reviews)	97,288.52	25	32	2,688.00	8,400.00		11,088.00	108,376.52
3	Columbia Gorge Motors	4 2019 Honda CR-V LX	Yes	77	4.4	3.9 (69 reviews)	100,000.00	25	31	2,688.00	8,670.97		11,358.97	111,358.97

## Assumptions

Gas Price	3.50	Gal
Annual Miles	96,000	miles (4 vehicles going 24,000/yr)
City Mileage %	20%	
Highway Mileage %	80%	

Bid #1 - Bid #2

(1,728.52)

(801.97)

Bid #1 - Bid #3

(4,440.00)

(3,784.42)

**Bid #1**

**C H Urness Motors Company**

**4 2019 Jeep Compass Sport 4x4**

Welcome

## WASCO COUNTY BUILDING CODES DEPT



### 2019 COMPASS SPORT 4X4

At Your Service

**Eric Mullins**

O: 541-296-2284 M: 541-980-4779

[eric@urnessmotors.com](mailto:eric@urnessmotors.com)

Monday	8:00 am TO 6:00 pm
Tuesday	8:00 am TO 6:00 pm
Wednesday	8:00 am TO 6:00 pm
Thursday	8:00 am TO 6:00 pm
Friday	8:00 am TO 6:00 pm
Saturday	8:00 am TO 6:00 pm
Sunday	CLOSED



**OPEN eCATALOG**

## C H URNESS MOTORS COMPANY

---

505 Cherry Heights Rd, The Dalles, OR 97058



505 Cherry Heights Rd  
The Dalles, OR  
541-980-4779

**Customer Information:**

WASCO COUNTY BUILDING CODES DEPT  
MIKEM@CO.WASCO.OR.US  
511 WASHINGTON ST STE 207  
THE DALLES, OR 97058  
(541) 506-2770

**Sales Consultant Information:**

Eric Mullins  
eric@urnessmotors.com  
505 Cherry Heights Rd  
The Dalles, OR  
541-980-4779

PRICE SUMMARY

MSRP: \$23,345.00  
Your Selections: \$3,190.00  
Destination Charge: \$1,495.00  
Incentive: -\$4,259.00 (Government Incentives)  
Other: \$119.00 (Oregon Priv. Tax)  
Other: \$71,670.00 ( X 4)

Your Price: \$95,560.00

COMMENTS

Total purchase price for four 2019 Jeep Compass Sport 4x4 vehicles \$95,560.

\*vehicles may have slightly different options and/or colors depending on availability.

Signature: \_\_\_\_\_  
WASCO COUNTY BUILDING CODES DEPT

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



2019 MODEL YEAR

# Jeep COMPASS SPORT 4x4

THIS VEHICLE IS MANUFACTURED TO MEET SPECIFIC UNITED STATES REQUIREMENTS. THIS VEHICLE IS NOT MANUFACTURED FOR SALE OR REGISTRATION OUTSIDE OF THE UNITED STATES.

MANUFACTURER'S SUGGESTED RETAIL PRICE OF THIS MODEL INCLUDING DEALER PREPARATION

**JEOP COMPASS SPORT 4X4**  
Exterior Color: Billet Silver Metallic Clear-Coat Exterior Color  
Interior Color: Black Interior Color  
Interior: Cloth Low-Back Bucket Seats  
Engine: 2.4L I4 M-Air Engine  
Transmission: 9-Speed Automatic Transmission  
**STANDARD EQUIPMENT** (UNLESS REPLACED BY OPTIONAL EQUIPMENT)

**FUNCTIONAL SAFETY FEATURES**  
Advanced Multistage Front Airbags  
Driver Inflatable Knee-Bolster Airbag  
Supplemental Side-Curtain Front and Rear Airbags  
Supplemental Front Seat-Mounted Side Airbags  
Remote Keyless Entry  
Pushbutton Start  
Speed Control  
Speed Sensitive Power Locks  
ParkView® Rear Back-Up Camera  
Rear Window Defroster  
Variable Intermittent Windshield Wipers  
Sentry® System  
Electronic Stability Control  
Electronic Roll Mitigation  
4-Wheel Disc Anti-Lock Brakes  
Tire Pressure Monitoring Display

**INTERIOR FEATURES**  
Uconnect® 4 with 7-Inch Display  
Apple CarPlay®  
Google Android Auto™  
Cluster 3.5-Inch Black / White Driver Info Display  
Bluetooth® Streaming Audio  
Steering Wheel Mounted Audio Controls  
Power Front Windows w/ 1-Touch Up and Down Feature  
Tilt / Telescope Steering Column  
Rear 60 / 40 Folding Seat  
Height-Adjustable Front Shoulder Belts  
Sliding Sun Visors with Mirrors  
6-Speakers  
Manual 6-Way Driver / Passenger Seats  
Rear View Day / Night Mirror  
A/C Auto Temperature Control with Dual Zone Control  
USB Host Flip  
Media Hub (USB, Aux)  
Remote USB Port Second-Row  
115-Volt Auxiliary Power Outlet  
Auxiliary 12-Volt Rear Power Outlet

**EXTERIOR FEATURES**  
16-Inch x 5.5-Inch Styled Black Steel Wheels

Power Adjustable Mirrors  
Exterior Mirrors with Heating Element  
Daytime Running Lamp System  
Halogen Quad Headlamps  
Headlamps with Turn-Off Time Delay  
Black Day Light Opening Moldings  
Incandescent Tail Lamps  
**OPTIONAL EQUIPMENT** (May Replace Standard Equipment)  
**Customer Preferred Package 27A**  
Sport Appearance Group \$995  
Bright Day Light Opening Molding  
Deep Tint Sunscreen Glass  
16-Inch x 5.5-Inch Silver Painted Aluminum Wheels  
Black Side Roof Rails  
Technology Group \$695  
Remote Proximity Keyless Entry  
SiriusXM® with 1-Year Radio Sub Call 800-643-2112  
ParkSense® Rear Park-Assist System  
Body-Color Door Handles  
9-Speed Automatic Transmission \$1,500  
AutoStick® Automatic Transmission  
Center Console / Rear Seats Air Vents  
**Destination Charge** \$1,495

**WARRANTY COVERAGE**  
5-year or 60,000-mile Powertrain Limited Warranty.  
3-year or 36,000-mile Basic Limited Warranty.  
Ask Dealer for a copy of the limited warranties or see your owner's manual for details.

**5 YEAR / 60,000 MILE  
POWERTRAIN WARRANTY**

SL

SEMP10

SOLE10

THIS LABEL IS ADDED TO THIS VEHICLE TO COMPLY WITH FEDERAL LAW. THE LABEL CANNOT BE REVOKED OR ALTERED PRIOR TO DELIVERY TO THE ULTIMATE PURCHASER.

\* STATE AND/OR LOCAL TAXES IF ANY, LICENSE AND TITLE FEES AND DEALER SURCHARGES, IF ANY, INSTALLED OPTIONS AND ACCESSORIES ARE NOT INCLUDED IN THIS PRICE. IF ANY, IS BASED ON PRICE OF OTHERS. PLEASE SEE DEALER.

For more information visit: [www.jeep.com](http://www.jeep.com)  
or call 1-877-IAM-JEEP

FCA US LLC

EPA  
DOT

## Fuel Economy and Environment



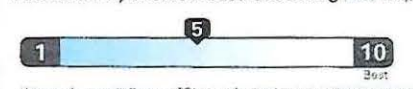
Gasoline Vehicle

**Fuel Economy** These estimates reflect new EPA methods beginning with 2017 models.  
**25** MPG  
combined city/hwy  
4.0 gallons per 100 miles  
22 city 30 highway  
Small SUV 4WD range from 18 to 120 MPG.  
The best vehicle rates 120 MPG.

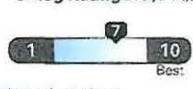
**You spend  
\$750**  
in fuel costs  
over 5 years  
compared to the  
average new vehicle.

**Annual fuel cost  
\$1,550**

**Fuel Economy & Greenhouse Gas Rating** (EPA only)



**Smog Rating** (EPA only)



This vehicle emits 205 grams CO2 per mile. The best emits 9 grams per mile (the top of the chart).  
and as measured (not also tested). Learn more at [fueleconomy.gov](http://fueleconomy.gov).

Actual results will vary for many reasons, including driving conditions and how you drive and maintain your vehicle. The average new vehicle gets 27 MPG and cost \$7,000 to fuel over 5 years. Cost estimates are based on 15,000 miles per year at \$2.55 per gallon. (MPG is miles per gasoline gallon equivalent. Vehicle emissions are a significant cause of climate change and smog.)

**fueleconomy.gov**

Calculate personalized estimates and compare vehicles



## GOVERNMENT 5-STAR SAFETY RATINGS

**Overall Vehicle Score** ★★★★★

Based on the combined ratings of frontal, side, and rollover.  
Should ONLY be compared to other vehicles of similar size and weight.

**Frontal Crash** ★★★★★  
**Driver Passenger** ★★★★★

Based on the risk of injury in a frontal impact.  
Should ONLY be compared to other vehicles of similar size and weight.

**Side Crash** ★★★★★  
**Front seat** ★★★★★  
**Rear seat** ★★★★★

Based on the risk of injury in a side impact.

**Rollover** ★★★

Based on the risk of rollover in a single-vehicle crash.

Star ratings range from 1 to 5 stars (★★★★★), with 5 being the highest.  
Source: National Highway Traffic Safety Administration (NHTSA)  
[www.safercar.gov](http://www.safercar.gov) or 1-888-327-4236

The safety ratings above are based on Federal Government tests of particular vehicles equipped with certain features and options. The performance of this vehicle may differ.

## PARTS CONTENT INFORMATION

**FOR VEHICLES IN THIS CARLINE:**  
**U.S./CANADIAN PARTS CONTENT: 17%**  
**MAJOR SOURCES OF FOREIGN PARTS CONTENT:**

**MEXICO : 72%**  
NOTE: PARTS CONTENT DOES NOT INCLUDE FINAL ASSEMBLY, DISTRIBUTION, OR OTHER NON-PARTS COSTS.

**FOR THIS VEHICLE:**  
**FINAL ASSEMBLY POINT:**  
**TOLUCA, MEXICO**  
**COUNTRY OF ORIGIN:**  
**ENGINE: UNITED STATES**  
**TRANSMISSION: UNITED STATES**



**VEHICLE PROTECTION**  
A PRODUCT OF FCA US LLC

Ask for Mopar Vehicle Protection for your vehicle. We Built It. We Back It.





**Bid #2**

**Ray Schultens Motors**

**4 2019 Nissan Rogue S**



May 31, 2019

**ATTENTION:**

**Mike Middleton**

**Finance Director**

**WASCO COUNTY**

**2019 Nissan Rogue S AWD**

2019 Nissan Rogue S

All wheel drive (AWD)

Standard Equipment

Optional Equipment: Splash guards, Floormats with cargo area protector and first aid kit

Vehicle meets/exceeds your requirements:

- 1) Vehicle is a new 2019 Nissan Rogue S
- 2) AWD
- 3) Minimum ground clearance is 8.2 inches (8.4 inches)
- 4) Fuel type: Gas
- 5) Minimum EPA rated mileage is 22 city/30 highway (25 city/32 highway)
- 6) Minimum 50 cu. Ft. cargo space (70 Cu ft. with rear seat folded down)
- 7) Three (3) year warranty (3yr/36,000 mile warranty)
- 8) Same make and model (all Nissan Rogues)
- 9) Color- any stock color
- 10) Delivery available the week of June 10<sup>th</sup>, 2019
- 11) Bid includes all applicable costs (including tax and lic/reg)

MSRP: \$27,765

FLEET PRICE: \$26,476- \$2,250 (rebates) + \$121.13 (tax) = **\$24,347.13 each**

**The price for four vehicles would be \$97,388.52**

CONTACT DAVID LAND AT 541-296-6191 IF YOU HAVE ANY QUESTIONS. THANK YOU!

\*\*\*price valid until 6/12

**Bid #3**

**Columbia Gorge Motors**

**4 2019 Honda CR-V LX**



Mike Middleton &lt;mikem@co.wasco.or.us&gt;

---

**Building Codes Dept. Bid**

2 messages

---

**bodie** <bodie@columbiagorgemotors.com>  
Reply-To: bodie <bodie@columbiagorgemotors.com>  
To: mikem@co.wasco.or.us

Wed, May 29, 2019 at 2:55 PM

Hi Mike,

Thanks for the phone call yesterday. I'll follow up with regarding this bid in case you have questions and please don't hesitate to call me if something comes up and we haven't covered it yet.

I've looked at a number of models we handle here including Toyota Rav4, Honda CR-V and HR-V. Both for your specification requirements and budget.

Our proposal is for 4 new 2019 Honda CR-V LX at 25000.00 per unit.

Factory supplied Warranties: 3 year / 36000 mile New Vehicle Limited Warranty and the 5 year / 60000 mile Limited Power Train Warranty

Columbia Gorge Honda Supplied 2 year / 24000 mile Honda Scheduled Maintenance coverage

Bodie Sanderson  
Columbia Gorge Motors  
The Dalles, OR  
541-980-8972 (C)

---

**Mike Middleton** <mikem@co.wasco.or.us>  
To: bodie <bodie@columbiagorgemotors.com>

Wed, May 29, 2019 at 3:10 PM

Bodie,  
Thank you for the bid. I looked up some specs on line and would like to confirm. This is the AWD version with 8.2 inches of clearance. All the specs check out when I look up the vehicle. I will be creating my recommendation in the afternoon on 6/3/19 and present it to the BOCC at the meeting on Wednesday, June 5th. I will be able to notify the winning bid at that time.



**Mike Middleton | Finance Director**  
**FINANCE**

mikem@co.wasco.or.us | www.co.wasco.or.us  
541-506-2770 | Fax 541-506-2771  
511 Washington Street, Suite 207 | The Dalles, OR 97058

[Quoted text hidden]



Hi Mike,

Thanks for the phone call yesterday. I'll follow up with regarding this bid in case you have questions and please don't hesitate to call me if something comes up and we haven't covered it yet.

I've looked at a number of models we handle here including Toyota Rav4, Honda CR-V and HR-V. Both for your specification requirements and budget.

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Bodie Sanderson  
Columbia Gorge Motors  
The Dalles, OR  
541-980-8972 (C)

# Model Information



2019  
Honda CR-V

**Specifications For:**  
**Continuously Variable Transmission**  
**AWD LX**

Engineering <a href="#">back to top</a>	
Engine Type	In-Line 4-Cylinder
Displacement	2356 cc
Horsepower (SAE net)	184 @ 6400 rpm
Torque (SAE net)	180 lb-ft @ 3900 rpm
Bore and Stroke	87.0 mm x 99.1 mm
Compression Ratio	11.1 : 1
Valve Train	16-Valve DOHC i-VTEC®
Fuel Injection	Direct
Electric Parking Brake with Automatic Brake Hold	
Eco Assist™ System	
Active Noise Cancellation™ (ANC)	
Hill Start Assist	

<sup>1</sup> LEV3-ULEV70 (Ultra-Low-Emission Vehicle) models as certified by the California Air Resources Board (CARB).

<b>Engineering</b>		<a href="#">back to top</a>
<b>Direct Ignition System with Immobilizer</b>		
<b>Real Time AWD with Intelligent Control System™</b>		
<b>CARB Emissions Rating<sup>1</sup></b>		LEV3-ULEV70

<sup>1</sup> LEV3-ULEV70 (Ultra-Low-Emission Vehicle) models as certified by the California Air Resources Board (CARB).

<b>Transmission</b>		<a href="#">back to top</a>
<b>Continuously Variable Transmission (CVT) with Sport Mode:</b>		
Ratio Range:	2.645~0.405	
Reverse:	1.859~1.265	
Final Drive:	5.050	

<b>Body/Suspension/Chassis</b>		<a href="#">back to top</a>
<b>MacPherson Strut Front Suspension</b>		
<b>Multi-Link Double Wishbone Rear Suspension</b>		
<b>Variable Ratio Electric Power-Assisted Rack-and-Pinion Steering (EPS)</b>		
<b>Stabilizer Bar (front/rear)</b>	23.0 mm (tubular) / 13.0 mm (solid)	
<b>Steering Wheel Turns, Lock-to-Lock</b>	2.3	
<b>Steering Ratio</b>	12.30 : 1	
<b>Turning Diameter, Curb-to-Curb</b>	37.4	
<b>Power-Assisted Ventilated Front Disc/Solid Rear Disc Brakes (front/rear)</b>	11.1 in / 10.2 in	
<b>Wheels</b>	17 in Alloy	
<b>All-Season Tires</b>	235 / 65 R17 104H	
<b>Compact Spare Tire</b>	T155 / 90 D17 112M	



Exterior Measurements <a href="#">back to top</a>	
Wheelbase	104.7 in
Length	180.6 in
Height	66.5 in
Width	73.0 in
Track (front/rear)	62.9 in / 63.5 in
Ground Clearance (unladen)	8.2 in
Approach/Departure Angles	20.8° / 24.8°
Curb Weight	3421 lbs
Weight Distribution (front/rear)	58% / 42%
Towing Capacity	1500 lbs

Interior Measurements <a href="#">back to top</a>	
Headroom (front/rear)	40.1 in / 39.2 in
Legroom (front/rear)	41.3 in / 40.4 in
Shoulder Room (front/rear)	57.9 in / 55.6 in
Hiproom (front/rear)	55.1 in / 49.5 in
Cargo Volume (rear seat up/down)	39.2 cu ft / 75.8 cu ft
Passenger Volume	105.9 cu ft
Seating Capacity	5

EPA Mileage Ratings <sup>2</sup> /Fuel <a href="#">back to top</a>
--

<sup>2</sup> Based on 2019 EPA mileage ratings. Use for comparison purposes only. Your mileage will vary depending on how you drive and maintain your vehicle, driving conditions and other factors.

EPA Mileage Ratings <sup>2</sup> /Fuel		<a href="#">back to top</a>
Continuously Variable Transmission (CVT) (AWD, City/Highway/Combined)	25/31/27	
Fuel Tank Capacity	14.0 gal	
Required Fuel	Regular Unleaded	

<sup>2</sup> Based on 2019 EPA mileage ratings. Use for comparison purposes only. Your mileage will vary depending on how you drive and maintain your vehicle, driving conditions and other factors.

Active Safety		<a href="#">back to top</a>
Vehicle Stability Assist™ (VSA®) with Traction Control <sup>3</sup>		
Anti-Lock Braking System (ABS)		
Electronic Brake Distribution (EBD)		
Brake Assist		
Tire Pressure Monitoring System (TPMS) <sup>4</sup>		
LED Daytime Running Lights (DRL)		
Multi-Angle Rearview Camera <sup>5</sup>	with Guidelines	

<sup>3</sup> VSA is not a substitute for safe driving. It cannot correct the vehicle's course in every situation or compensate for reckless driving. Control of the vehicle always remains with the driver.

<sup>4</sup> For optimal tire wear and performance, tire pressure should be checked regularly with a gauge. Do not rely solely on the monitor system. Please see your Honda dealer for details.

<sup>5</sup> Always visually confirm that it is safe to drive before backing up; the rearview camera display does not provide complete information about all conditions and objects at the rear of your vehicle.

Passive Safety		<a href="#">back to top</a>
Advanced Compatibility Engineering™ (ACE™) Body Structure		
Advanced Front Airbags (i-SRS)		
SmartVent® Front Side Airbags		
Side Curtain Airbags with Rollover Sensor		

## Passive Safety

[back to top](#)

**3-Point Seat Belts at all Seating Positions**

**Front 3-Point Seat Belts with Automatic Tensioning System**

**Lower Anchors and Tethers for Children (LATCH): Lower Anchors (2nd-Row All), Tether Anchors (2nd-Row All)**

**Driver's and Front Passenger's Seat-Belt Reminder**

**Child-Proof Rear Door Locks**

## Exterior Features

[back to top](#)

**Two-Speed Intermittent Windshield Wipers**

**Power Side Mirrors**

**Active Shutter Grille**

**Multi-Reflector Halogen Headlights with Auto-Off**

**Fin-Type Roof-Mounted Antenna**

**Remote Entry System**

**Reverse-Linked Intermittent Rear Window Wiper/Washer with Heated Wiper Zone**

**Body-Colored Roofline Spoiler with Integrated Brake Light**

Black

**Body-Colored Door Handles**

Black

## Comfort & Convenience

[back to top](#)

**Automatic Climate Control System**

**Power Windows with Auto-Up/Down Driver's Window**

**Power Door and Tailgate Locks**

**Cruise Control**



**Comfort & Convenience**[back to top](#)**One-Touch Turn Indicators****Tilt and Telescopic Steering Column****Instrument Panel-Mounted Shifter****Capless Fuel Filler****Multi-Functional Center Console Storage with Sliding Armrest****Sliding Sunvisors****Conversation Mirror with Sunglasses Holder****Beverage Holders (front & rear)****Lockable Glove Compartment****Door-Pocket Storage Bins****Map Lights****Floor Mats****Rear-Seat Center Armrest****Driver-Side Garment Hook****Remote Fuel Filler Door Release****Rear-Seat Heater Ducts****Rear-Window Defroster****Cargo Area Tie-Down Anchors****Cargo Area Lights****Illuminated Steering Wheel-Mounted Controls****Driver's and Front Passenger's Vanity Mirrors**

<b>Seating</b>	<a href="#">back to top</a>
<b>Driver's Seat with 6-Way Manual Adjustment</b>	
<b>Adjustable Front Seat-Belt Anchors</b>	
<b>Easy Fold-Down 60/40 Split Rear Seatback</b>	
<b>Head Restraints at all Seating Positions</b>	

<b>Audio &amp; Connectivity</b>	<a href="#">back to top</a>
<b>160-Watt Audio System with 4 Speakers</b>	
<b>5-Inch Color LCD Screen</b>	
<b>Bluetooth® HandsFreeLink®<sup>14</sup></b>	
<b>Bluetooth® Streaming Audio<sup>14</sup></b>	
<b>Pandora®<sup>15</sup> Compatibility</b>	
<b>Radio Data System (RDS)</b>	
<b>Speed-Sensitive Volume Compensation (SVC)</b>	
<b>1.0-Amp USB Audio Interface<sup>16</sup></b>	Center Console (1 Port)
<b>12-Volt Power Outlets</b>	Front and Center Console

<sup>14</sup> The Bluetooth® word mark and logos are owned by the Bluetooth SIG, Inc., and any use of such marks by Honda Motor Co., Ltd., is under license.

<sup>15</sup> Pandora, the Pandora logo, and the Pandora trade dress are trademarks or registered trademarks of Pandora Media, Inc. Used with permission. Compatible with select smartphones. See: [www.pandora.com/anywhere/mobile](http://www.pandora.com/anywhere/mobile). Not all devices compatible with USB connection. Your wireless carrier's rate plans apply.

<sup>16</sup> The USB interface is used for playback of MP3, WMA or AAC music files from digital audio players and other USB devices, as well as smartphone data transfer on designated Smartphone/Audio Interface ports. Some USB devices and files may not work. Please see your Honda dealer for details.

<b>Multi-Information Display</b>	<a href="#">back to top</a>
<b>Average Fuel Economy Indicators</b>	
<b>Digital Speedometer</b>	

<b>Multi-Information Display</b>	<a href="#">back to top</a>
<b>Exterior Temperature Indicator</b>	
<b>Instant Fuel Economy Indicator</b>	
<b>Maintenance Minder™ System</b>	
<b>Miles-to-Empty Indicator</b>	
<b>Odometer and Trip Meters (2)</b>	
<b>Shift Lever Position Indicator</b>	

<b>Instrumentation</b>	<a href="#">back to top</a>
<b>12-Volt Battery-Charging System Indicator</b>	
<b>ABS Indicator</b>	
<b>Airbag System Indicator</b>	
<b>Automatic Brake Hold Indicators</b>	
<b>Brake Depress Indicator</b>	
<b>Brake System Indicator</b>	
<b>Coolant Temperature Indicator</b>	
<b>Cruise Control Indicators</b>	
<b>Door-Open Indicator</b>	
<b>ECON Button</b>	
<b>ECON Mode Indicator</b>	
<b>Electric Power Steering (EPS) Indicator</b>	
<b>Fuel Level Indicator</b>	
<b>Headlights-On Indicator</b>	

<b>Instrumentation</b>	<a href="#">back to top</a>
<b>High-Beam Indicator</b>	
<b>Low-Fuel Indicator</b>	
<b>Low-Oil Pressure Indicator</b>	
<b>Low-Tire Pressure Indicator</b>	
<b>Maintenance Minder™ Indicator</b>	
<b>Malfunction Indicator</b>	
<b>Power Reduced Indicator</b>	
<b>Seat-Belt Reminder Indicator</b>	
<b>System Message Indicator</b>	
<b>Tachometer</b>	
<b>Tailgate-Open Indicator</b>	
<b>TPMS Indicator</b>	
<b>Turn Signal/Hazard Indicators</b>	
<b>VSA Off/Engaged/System Indicators</b>	
<b>AWD System Indicator</b>	





# HONDA

## 2019 CR-V 2.4L AWD LX

EXT: MODERN STEEL M.

ENGINE NUMBER: K24W9-

INT: BLACK

### STANDARD EQUIPMENT AT NO EXTRA COST

#### \* TECHNICAL FEATURES \*

- 184hp 2.4-Liter i-VTEC 4-Cyl. Direct-Injection Engine
- All-Wheel Drive System
- Continuously Variable Transmission (CVT)
- 4-Wheel Disc Brakes
- Front MacPherson Strut Suspension
- Rear Multi-Link Suspension
- Electric Power Steering

#### \* SAFETY FEATURES \*

- Driver's and Front Passenger's Airbags
- Driver's and Front Passenger's Side Airbags
- Side Curtain Airbags with Rollover Sensor
- Vehicle Stability Assist (VSA)
- Anti-Lock Braking System (ABS)
- Electronic Brake Distribution (EBD)
- Brake Assist
- Tire Pressure Monitoring System
- LED Daytime Running Lights
- LATCH System for Child Seats

#### \* INTERIOR FEATURES \*

- Audio System with 4 Speakers
- Color LCD Screen and Multi-View Rear Camera

- Bluetooth HandsFreeLink
- USB Audio Interface
- Automatic Climate Control System with Air Filtration System
- Driver's Seat Height Adjustment
- Front Center Console
- Rear Console Vents
- 60/40 Split Fold-Down Rear Seatback
- Driver's Auto Up/Down Window
- Power Windows and Door Locks
- 12-Volt Power Outlets
- Cruise Control
- Electric Parking Brake
- Floor Mats

#### \* EXTERIOR FEATURES \*

- 17" Alloy Wheels
- 235/65 R17 All-Season Tires
- Auto-off Headlights
- Intermittent Windshield Wipers
- Power Door Mirrors
- Tailgate Spoiler
- Remote Entry System
- Capless Fuel Filler

Manufacturer's  
Suggested  
Retail Price

**\$25,750**

Full Tank of Fuel

No C

-Honda Roadside Assistance  
3YR/36K Mile Warranty Term

Destination and Handling

1,0

### TOTAL VEHICLE PRICE

(includes Pre-Delivery Service)

**\$26,795**

License and title fees, state and local taxes and dealer options and accessories are not included in the manufacturer's suggested retail price.

GRIFFITH HONDA  
1800 WEST 6TH ST  
THE DALLES, OR 97058

VIN: 5J6RW6H3XKL001322



PORT OF ENTRY: EAST LIBERTY  
DELIVERY POINT: PORTLAND  
SHIP#:   
ROW/SPACE: 871-005  
TRANS.METHOD: B00 PORTLAND

ORIG. DLR: 208279  
REF.NO: 40533  
HN CODE: HN-9439  
EMISSION: 50 STATE  
CONTROL NO: 374536  
DEALER: 208279





**AFFIDAVIT OF MAILING, POSTING AND SERVICE**

I certify that on May 6<sup>th</sup>, 2019, I caused to be mailed by email to The Dalles Chronicle Legal Notices department a copy of the attached Notice of Public Hearing on the proposed vacation of certain roads and sections of road in Tygh Valley, said notice to be published twice; Saturday, May 11, 2019 and Saturday, May 25, 2019.

I also certify that on May 7<sup>th</sup>, 2019, I caused to be posted a copy of the attached Notice of Public Hearing on the proposed vacation of certain roads and sections of road in Tygh Valley at the Dufur Post Office, Maupin Post Office, Tygh Valley Post Office and the Wamic Post Office. I also posted notice at the following public places:

Near the intersection of St. Charles Avenue and 4<sup>th</sup> Street and at the terminus of Church Avenue, south of 4<sup>th</sup> Street, all in Tygh Valley, Oregon.

I also certify that on May 8<sup>th</sup>, 2019, notice was served of the public hearing on the proposed vacation of certain roads and sections of road in Tygh Valley to the following persons:

Craig Hansen  
PO Box 123  
Tygh Valley, OR 97063

Chad & Tami McDonald  
PO Box 84  
Tygh Valley, OR 97063

Steven & Cindy Flegel  
57580 Leonard Ave  
Tygh Valley, OR 97063

George Nelson  
96566 Wamic Market Road  
Wamic, OR 97063

Harold Lindell  
80661 Friend Road  
Dufur, OR 97021

The notice consisted of copies of the attached Notice of Public Hearing, and the map marked Exhibit "A"; and was served by mail to each person found to have interest in the real property abutting the road(s).

  
\_\_\_\_\_  
Arthur Smith  
Public Works Director

Signed and attested before me this 5<sup>th</sup> day of June, 2019



  
\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires July 27, 2020

## Wasco County Board of Commissioners Appearance Record

[illegible]

DATE: June 5, 2019  
Wilson Zone Change Hearing



June 3, 2019

Dear Wasco County Board of Commissioners,

RE: File # 921-18-000086-PLNG: Application for a Comprehensive Plan Amendment, Exception to Statewide Planning Goal 4; and Zone Change from Forest, F-2 (80) to Forest-Farm F-F (10) by David Wilson

I agree with the concerns contained in the Staff Report presented to the Planning Commission on April 2nd and the reasons for denial of the application for a rezone from Forest F-2 (80) to Forest Farm F-F (10). (Page numbers below correspond to that earlier report.)

Attachment A – Staff Recommendation and Planning Commission Options contained the 4 concerns discussed below. The staff took a neutral position.

**Staff concern 1. Conducting forestry operations are not currently impracticable (Goal 4)**

Staff report p. 37 **I was involved in the Transitional Lands Study Area (TLSA) Study which is referred to in the staff report.** It was an extensive long term study (1993-1997) that studied development concerns in northern Wasco County including water availability, fire hazards, conflicts with wildlife, etc. **It did not recommend further development of Seven Mile beyond the existing zoning as it would not be sustainable.** The only rezoning on Seven Mile that resulted was described as “housekeeping” by the Planning Director at the time and included 8 parcels north of Seven Mile Hill Rd. being rezoned as RR-10 from FF-10 to avoid the conditional use review requirement. Page 17 of TLSA Study, Exhibit 1, summarizes the recommendation.

**Forest land including this one was not rezoned due to its value as resource land.** The TLSA Study recommendations integrated future development with resource protection.

**In 2013 there was an application to rezone this property and several adjacent parcels – the majority owned by Ken Thomas and David Wilson (totaling 287 acres and the creation of 22 potential lots) to F-F(10).** p. 6 The application was **denied** by the County Commission after the Planning Department received a letter from **Department of Land Conservation and Development (DLCD) and Oregon Department of Forestry (ODF) in strong opposition to this rezone due to its value as forest land.**

**DLCD rejected the arguments for a rezone (including the being physically developed and irrevocably committed arguments) and recommended that the existing plan and zone designations be retained.** At the County Commission hearing there were also concerns expressed by the Board of County Commissioners regarding fire safety and water supply.

**As an application to rezone this property has already been denied, why is this being brought up again?** Nothing has changed. A precedent was set when you said “no” to this rezone. **No new valid reasons** have been presented. **Conditions have only gotten worse** with the lowering water supply.

**Irrevocably Committed Exception**

The applicant hasn't established that the nonresidential uses are impacting the residential uses nearby. Farm and Forest Act protects accepted farm and forest practices. **Adding more residences increases**

any conflicts with accepted forest practices which are protected by Oregon law under the Farm and Forest Practices Act. The staff report (p. 19) refers to fire risk from houses, fencing, and spraying conflicts – no one sprays for insects around here.

**On p.19 refers to the area being surrounded by existing residential development on 3 sides. There is only residential development on 2 sides.**

The DLCD letter addressed the irrevocably committed exception:

OAR 660-004-0028(6)(c) prohibits impacts from rural residential uses approved pursuant to the statewide land use goals from being used to justify a committed exception to nearby property. Where a county decision relies in part on impacts from nearby residential uses to conclude that the resource lands are irrevocably committed to nonresource use, the findings must establish that those conflicts do not arise from residential areas that were approved pursuant to statewide planning goal exceptions. *Friends of Yamhill County v. Yamhill County*, 38 Or LUBA 62 (2006).

**DLCD said it was their understanding that the nearby residential development relied upon by the applicant was located in approved exception areas. Therefore this development is not available to consider and can't be used to determine that the property is irrevocably committed to other uses.**

#### **Physically Developed Exception**

**Staff report p. 11 Refers to the two abandoned buildings in the center of the property The old house as unusable in its current condition. It is dilapidated and missing part of an exterior wall and some windows, and has no foundation. Using the old house as a dwelling is not an allowed use since he has a replacement dwelling. It was abandoned when the replacement dwelling was built but was never torn down although it should have been. There is another old metal outbuilding which is also unusable but has also never been torn down. This outbuilding is missing its roof and appears to be falling down. There is very little physical development on the property.**

Both buildings are visible from the road when you drive by the property. Neither of these buildings are in the photos submitted to the Planning Commission which would have shown their poor condition.

According to the staff report, p. 12 the land has minor developments on it, but is still available for forestry uses allowed by Goal 4, so a physically developed exception would not apply.

In its letter, DLCD said that a local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal (Physically developed exception OAR 660-004-0025 (1). According to longstanding case law from the Land Use Board of Appeals (LUBA):

#### **According to LUBA:**

**"The standards for approving a physically developed exception to Statewide Planning Goals 3 and 4 are demanding. The county must find that the property has been physically developed to such an extent that all Goal 3 or 4 resource uses are precluded. Uses established in accordance with these goals cannot be used to justify such an exception" *Sandgren v. Clackamas County*, 29 Or LUBA 454 (1995).**



A local government may not assume that the entire parcel or ownership occupied by an existing dwelling or road is physically developed so that it is not available for uses allowed under the goals, *1000 Friends of Oregon v. Yamhill County*, 27 Or LUBA 5-8 (1994).

The staff report, p. 23 also does not support a physically developed exception:

p.12 The 40 acres that the application applies to have portions that are grass land currently and portions that are farmed currently, and small portions that have marketable timber currently.

This property has a long history of agricultural use and just because he doesn't use most of it as forest land is irrelevant. He could have planted trees. Once forest land is gone, it's gone forever.

**84% of wildfires are human caused** (Proceedings of the National Academy of Sciences, February 2017).

**According to ODF, introducing more development as a way to guard against wildfire (residential buffer argument) doesn't make sense.** Fire often originates from residential areas and **fires that threaten homes and property routinely receive fire fighting resources that would otherwise be used to protect forest land.** The position that the BPA corridor would provide a buffer from fire is specious at best, a fast moving fire can easily burn through and spot over right-of-way areas. Introducing additional development just **pushes the urban-wildland fire interface more deeply into private forests to the detriment of commercial forest management while increasing the risk and costs of fire.** They strongly encouraged the county to reject this argument.

DLCD said they did not believe that the subject property was either physically developed or irrevocably committed. They were concerned that the applicant's contentions regarding wildfire were misplaced and could lead to a dangerous precedent. They recommended that the existing plan and zone designations be retained.

**Residential buffer idea is absurd. All forest land is bordered by something, which makes the argument that there is already development moot. If you are allowing development because it is next to development, where does it end? Using the residential buffer argument logic would eliminate all forest land.**

**The conversion of this property would result in further encroachment of residential use into resource zones. The next property owner will want to do the same thing and how do you deny that? You could be setting a precedent. Could the same applicant use this rezone as a reason to rezone his other 69 acres? p. 12 The applicant owns 69 adjoining acres of forest land for a total of 109 acres. He could use the exact same arguments to rezone that if you allow this. How could you deny it if you allow this?**

Why hasn't Ken Thomas weighed in on this? As adjacent property owner, is he planning to apply for a rezone next if this is approved?

Everyone should have understood their zoning when they bought their property, including the applicant.

More residences mean more fire risk, less water supply, less forest land, and less wildlife habitat.

The soils, slope and other information indicate this property is capable of being used for commercial forest uses. A conversion of this property would continue the mistake of allowing the encroachment of residential uses into resource zones in this area.

p.42 The Comprehensive Plan definition of the purpose of the Farm Forest designation is that it is limited to Class 6 or 7 soils, which are not on this parcel at all.

**P. 42 The soil types (Class 4) on this property support commercial timber.** At 57.2 cubic feet per acre/per year it significantly exceeds the requirement for forestry use lands to exceed 20 cubic feet per acre per year.

The surrounding properties are tree covered. **The fact that the current owner is not using most of this property for forest purposes and hasn't replanted the open field (or let it grow back naturally) doesn't make it less valuable as forest land.**

The area is not irrevocably committed to residential use. At the April 2<sup>nd</sup> meeting of the Planning Commission it was stated that this is the only surrounding F-2 property on the road and is surrounded on 3 sides by residential or potentially residential development. This is a misleading statement as the most of the west side and all of the south side are zoned F-2.

There is a 16 acre lot to the west that has split zoning with the upper north part FF-10 and the rest F-2. To the west of that lot is commercial forest land that stretches almost a mile west. To the south of the Wilson property is a 1,100 acre tract of timberland under one ownership with more forest land beyond that.

According to the staff report, p. 12 The land has minor developments on it, but is still available for forestry uses allowed by Goal 4, so a physically developed exception would not apply.

The staff report, p. 23 also does not support a physically developed exception:

p.12 The 40 acres that the application applies to have portions that are grass land currently and portions that are farmed currently, and small portions that have marketable timber currently.

**Staff concern 2. More residences would result in the loss of more wildlife habitat (Goal 5)**

There would be the loss of pine oak habitat. This is sensitive wildlife habitat and low elevation big game winter range. The winter range used to extend all the way to the Columbia River.

**Staff concern 3. The proposal would create more residences, which would increase wildland-urban interface fire risk and potential impacts (Goal 7)**

If a fire starts in this area, it will spread to the adjoining forest lands. It takes 60 to 80 years to grow marketable timber. Many of these areas are not in a fire district and are rated extreme fire risk by the Dept. of Forestry. Response time is slow due to terrain and distance. Fire risk and intensity have increased.

If a fire from this property headed towards our property (which is not in a fire district) it would be potentially unstoppable due to the terrain and lack of road access. The last time there was a fire near us



it took an hour for the Department of Forestry to arrive (without water). We and the neighbors put out the fire with shovels and the help of a couple of Mosier fire volunteers. It was a human caused fire.

p. 37 and 43 Due to concerns related to public safety and welfare in this area, the request should be denied. New residences increase fire risk and Seven Mile Hill Rd. serves as a buffer.

**Staff concern 4. The impact of potentially three new single family dwellings on available water supplies in an area with existing concerns (Goal 5, 6, 11)**

Water issues are increasing in the area. The neighbors (Morgans) just up the road (about 780 feet away) had their well drop 50 feet between January and March and go dry.

p. 42 There is a concern with lowering water supply and general fire risk.

p.43 There has been an identified risk to ground water in the area as the water table has been gradually lowering in recent years (2 foot per year decline, p.30) according to Robert Wood, Watermaster.

In regards to housing, on the County GIS map you can see property ownership. Many houses and property are purchased as second homes, vacation homes, and investment properties by well-off people living out of the area. **The demand is unlimited.** The Wasco County 2040 survey shows that county residents would like development to occur near areas with services. The choice is higher density vs. sprawl onto resource lands. Higher density is the better solution.

**As an application to rezone this property has already been denied, why is this being brought up again?** Nothing has changed. **A precedent was set** when you said "no" to this rezone. **No new valid reasons** have been presented. **Conditions have only gotten worse** with the lowering water supply.

As it only takes one criterion not being met to recommend denial of the request, this request should be denied.

Sincerely,

Sheila Dooley  
3300 Vensel Rd.  
Mosier, Oregon 97040



# Oregon

John A. Kitzhaber, MD, Governor

## Department of Land Conservation and Development

Bend RSC, Millpoint Building  
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January 22, 2014

John Roberts, Director  
Wasco County Planning Department  
2705 E 2<sup>nd</sup> Street  
The Dalles, OR 97058

RE: Local File PLALEG-13-08-0002  
DLCD File: 001-13

Mr. Roberts:

This letter includes the joint comments of the Oregon Department of Forestry (ODF) and the Oregon Department of Land Conservation and Development (DLCD). Both departments would like to thank Wasco County for the opportunity to review and comment on the land use proposal referenced above. The subject proposal seeks to take a "physically developed" and "irrevocably committed" exception pursuant to OAR 660-004-0025 & 0028 to statewide planning goal 4 (Forest Lands). If successful, the proposal would convert about 287 acres from a Forest Plan designation and F2 (80) Zoning district to a Farm-Forest Plan designation and F-F(10) district.

It is our understanding that the subject property is composed of eight tax lots and five legal parcels. Two of the five legal parcels in common ownership are a portion of a much larger contiguous forest tract. Five homes are present. It is not clear to us whether the existing homes have been approved under state and local provisions implementing Goal 4 or whether they pre-exist modern planning and zoning programs.

Our initial observation is that the subject property appears capable to be managed as forest land and is not an obvious candidate for redesignation to provide for rural residential development. Our comments and concerns are as follows.

### ***Physically Developed Exception – OAR 660-004-0025***

A local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal. OAR 660-004-0025(1). Longstanding case law from the Land Use Board of Appeals (LUBA) provides additional guidance:



## Oregon Department of Forestry

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2600 State Street

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- “ The standards for approving a physically developed exception to Statewide Planning Goals 3 and 4 are demanding. The county must find that the property has been physically developed to such an extent that all Goal 3 or 4 resource uses are precluded. Uses established in accordance with the goals cannot be used to justify such an exception.” *Sandgren v. Clackamas County*, 29 Or LUBA 454 (1995).
- “ A local government may not assume that the entire parcel or ownership occupied by an existing dwelling or road is physically developed so that it is not available for uses allowed under the goals”. *1000 Friends of Oregon v. Yamhill County*, 27 Or LUBA 508 (1994).

Based on our understanding, the subject property does not qualify as being “physically developed” because only a handful of homes and some minimum road and spring improvements exist, all of which may have been approved under forestland requirements implementing Goal 4.

***Irrevocably Committed Exception – OAR 660-004-0028***

A local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable. OAR 660-004-0028(1).

Our review of the materials submitted by the applicant shows that proximity to existing rural residential areas is the principle argument offered to explain why the subject property is deserving of an irrevocably committed exception. According to the Land Use Board of Appeals:

- “ OAR 660-004-0028(6)(c) prohibits impacts from rural residential uses approved pursuant to the statewide land use goals from being used to justify a committed exception for nearby property. Where a county decision relies in part on impacts from nearby residential uses to conclude that the resource lands are irrevocably committed to nonresource use, the findings must establish that those conflicts do not arise from residential areas that were approved pursuant to statewide planning goal exceptions.” *Friends of Yamhill County v. Yamhill County*, 38 Or LUBA 62 (2006)

It is our understanding that the nearby residential development relied upon by the applicant is located in approved exception areas. Therefore, this development is not available to consider and can not be used to determine the subject property is irrevocably committed to other uses.

*Wildfire*

The applicant's material includes detailed discussions on wildfire and suggests that allowing the property to convert to a rural residential scenario would help to better manage fire risks. The notion of guarding against wildfire by introducing additional development does not seem reasonable to us. As the applicant's material points out, fire often originates from residential areas and fire events that threaten homes and property routinely receive fire fighting resources that would otherwise be devoted to protecting productive forest land.

Furthermore, the position that the BPA corridor would provide a buffer from fire is specious at best, a fast moving fire can easily burn through or spot over right-of-way areas.

Taken together, introducing additional development just pushes the urban-wildland fire interface more deeply into private forests to the detriment of commercial forest management while increasing risk and costs of fire. We strongly encourage the county to reject this argument.

*Conclusion*

As our comments indicate we do not believe the subject property is either physically developed or irrevocably committed. Furthermore, we are concerned that the applicant's contentions regarding wildfire are misplaced and could lead to a dangerous precedent. We recommend that the existing plan and zone designations be retained.

Again, thank you for this opportunity to comment. We request that this letter be entered into the record of these proceedings and that we receive a copy of the decision. If additional information is provided at the hearing, we ask that the hearing be continued, pursuant to ORS 197.763(4)(b), to allow us time to review the new information and respond if necessary.

Respectfully,



Jon Jinings  
Community Services Specialist  
Community Services Division  
Dept of Land Conservation & Development



John Tokarczyk  
Policy Analyst  
Forest Resources Planning  
Oregon Dept of Forestry

Cc: Katherine Daniels, DLCD  
Scott Edelman, DLCD



Submitted via email – June 1, 2019

May 27, 2019

Dear Wasco County Commissioners,

I have the following concerns regarding the Wilson application:

Aquifers in the area are declining at a rate of about 2 feet a year according to Watermaster Robert Wood. A neighbor reported that their well had dropped 50 feet between January and March of this year. There is widespread concern in the area about the water table and the water demands from new residences. As a result of the excessive number of lots created north of Seven Mile Hill Road in the early 1900s, there is already a significant demand on the water resources there.

A recent PBS report on wildfire stated that it is irresponsible to continue residential development in high fire risk zones and high wind zones, citing Paradise, California as a perfect example. "The Oregon Department of Forestry (ODF) has identified the Seven Mile Hill area as one of particularly high fire risk during fire season and has repeatedly identified residential and associated buildings as significant fire hazards." ODF has also testified that "dwellings increase the risk of fire, restrict control tactics, complicate the protection priorities and require additional coordination that result in increased cost ." (Beitzing Record, page 230.)

It has been noted that the soil type has been designated as a Class 4, which is very capable of supporting commercial forestry. "The Comprehensive Plan definition of the purpose of the Forest-Farm zone makes it clear that the intent was to limit that zone designation to Class 6 or 7 soils, which are not on the subject parcel at all."

Staff report to Planning Commission, Denial Finding, p. 20:

"Based on current composition of the subject parcel as being predominately open space, or oak, with some areas of Ponderosa Pine and a few Douglas Fir trees, it is not currently composed of enough marketable timber to harvest in the near future. However, those open areas can be planted, and the soil types are good enough to support merchantable timber...The applicant did not sufficiently demonstrate the impracticability of utilizing the 35 undeveloped acres...The current owner's lack of interest in forestry uses on his property does not preclude it from having potentially valuable merchantable timber in the long run. The slopes, soil types, and ability to be used for small scale agriculture demonstrate that this property could practicably be used for forest uses per OAR 660-004-0028 (3)."

During the 1970s and earlier, this property was used to grow 3 cuttings of hay per year. It was known as the Decker Ranch. The west part of the property in front of the log house, where there has been no mowing, is tree covered now.

The reason that there are small parcels on the south side of Seven Mile Hill Road is that most were pre-existing at the time of the Transitional Lands Study Area (TLSA) Study.

Staff Report to Planning Commission, Denial Finding, p. 37 – p. 38:

"A conversion of this property would continue the mistake of allowing the encroachment of residential uses into resource zones in this area." "This application asserts that due to adjacent uses being converted to residential uses, that the forest use of the subject parcel should also be changed to match. However, the encroachment of housing and incompatible residential uses into the forest zone should be halted and not encouraged in order to adequately accomplish Goal 4 objectives in this area. Staff does not feel that a "Proof of change in the inventories" has been established."

Submitted via email – June 1, 2019

"This area... has already been impacted by excessive residential development affecting its water supply and putting forest reserves at risk of wildfire."

This area is part of the Big Game Winter Range and residential development would have a negative impact on this use and the wildlife habitat there.

Staff Report to Planning Commission, Denial Finding, p. 33:

"This application fails to meet Goal 4 requirements and does not adequately address LCDC administrative rule requirements for "built" and/or "committed" exceptions. The proposal does not comply with Goal 4."

At the April 2<sup>nd</sup> Planning Commission hearing, it was stated that it only takes one criterion not being met to recommend denial of the request. In my opinion, several of the criterion have not been met which should result in a denial of the application.

I am very concerned about the fact that the Planning Department Staff Report that was presented to the Wasco County Planning Commission was much more complete than the redacted version of the Staff Report that was given to the Wasco County Commissioners. The Planning Commission version of the Staff Report included much information regarding valid reasons for denying the Wilson application, whereas none of these reasons for denial was even included in the redacted version of the Staff Report given to the County Commissioners. Why do these Staff Reports differ?

To make an informed decision about a precedent-setting Zone change from a Forest Resource Zone to Residential designation, the Commissioners absolutely need to know ALL the Staff's pertinent findings for a denial of the application, which has been entirely excluded from the Commissioners version of this Report. This omission is remiss at best and all the denial findings should immediately be given to you, the County Commissioners, before you make any decision on the Wilson application. Thank you for your attention.

Sincerely,

Jill Barker  
3375 Vensel Rd./P.O. Box 572  
Mosier, Oregon 97040



# Oregon

John A. Kitzhaber, MD, Governor

## Department of Land Conservation and Development

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January 22, 2014

John Roberts, Director  
Wasco County Planning Department  
2705 E 2<sup>nd</sup> Street  
The Dalles, OR 97058

RE: Local File PLALEG-13-08-0002  
DLCD File: 001-13

Mr. Roberts:

This letter includes the joint comments of the Oregon Department of Forestry (ODF) and the Oregon Department of Land Conservation and Development (DLCD). Both departments would like to thank Wasco County for the opportunity to review and comment on the land use proposal referenced above. The subject proposal seeks to take a “physically developed” and “irrevocably committed” exception pursuant to OAR 660-004-0025 & 0028 to statewide planning goal 4 (Forest Lands). If successful, the proposal would convert about 287 acres from a Forest Plan designation and F2 (80) Zoning district to a Farm-Forest Plan designation and F-F(10) district.

It is our understanding that the subject property is composed of eight tax lots and five legal parcels. Two of the five legal parcels in common ownership are a portion of a much larger contiguous forest tract. Five homes are present. It is not clear to us whether the existing homes have been approved under state and local provisions implementing Goal 4 or whether they pre-exist modern planning and zoning programs.

Our initial observation is that the subject property appears capable to be managed as forest land and is not an obvious candidate for redesignation to provide for rural residential development. Our comments and concerns are as follows.

### ***Physically Developed Exception – OAR 660-004-0025***

A local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal. OAR 660-004-0025(1). Longstanding case law from the Land Use Board of Appeals (LUBA) provides additional guidance:



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- “ The standards for approving a physically developed exception to Statewide Planning Goals 3 and 4 are demanding. The county must find that the property has been physically developed to such an extent that all Goal 3 or 4 resource uses are precluded. Uses established in accordance with the goals cannot be used to justify such an exception.” *Sandgren v. Clackamas County*, 29 Or LUBA 454 (1995).
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Based on our understanding, the subject property does not qualify as being “physically developed” because only a handful of homes and some minimum road and spring improvements exist, all of which may have been approved under forestland requirements implementing Goal 4.

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Our review of the materials submitted by the applicant shows that proximity to existing rural residential areas is the principle argument offered to explain why the subject property is deserving of an irrevocably committed exception. According to the Land Use Board of Appeals:

- “ OAR 660-004-0028(6)(c) prohibits impacts from rural residential uses approved pursuant to the statewide land use goals from being used to justify a committed exception for nearby property. Where a county decision relies in part on impacts from nearby residential uses to conclude that the resource lands are irrevocably committed to nonresource use, the findings must establish that those conflicts do not arise from residential areas that were approved pursuant to statewide planning goal exceptions.” *Friends of Yamhill County v. Yamhill County*, 38 Or LUBA 62 (2006)

It is our understanding that the nearby residential development relied upon by the applicant is located in approved exception areas. Therefore, this development is not available to consider and can not be used to determine the subject property is irrevocably committed to other uses.

***Wildfire***

The applicant's material includes detailed discussions on wildfire and suggests that allowing the property to convert to a rural residential scenario would help to better manage fire risks. The notion of guarding against wildfire by introducing additional development does not seem reasonable to us. As the applicant's material points out, fire often originates from residential areas and fire events that threaten homes and property routinely receive fire fighting resources that would otherwise be devoted to protecting productive forest land.

Furthermore, the position that the BPA corridor would provide a buffer from fire is specious at best, a fast moving fire can easily burn through or spot over right-of-way areas.

Taken together, introducing additional development just pushes the urban-wildland fire interface more deeply into private forests to the detriment of commercial forest management while increasing risk and costs of fire. We strongly encourage the county to reject this argument.

***Conclusion***

As our comments indicate we do not believe the subject property is either physically developed or irrevocably committed. Furthermore, we are concerned that the applicant's contentions regarding wildfire are misplaced and could lead to a dangerous precedent. We recommend that the existing plan and zone designations be retained.

Again, thank you for this opportunity to comment. We request that this letter be entered into the record of these proceedings and that we receive a copy of the decision. If additional information is provided at the hearing, we ask that the hearing be continued, pursuant to ORS 197.763(4)(b), to allow us time to review the new information and respond if necessary.

Respectfully,



Jon Jinings  
Community Services Specialist  
Community Services Division  
Dept of Land Conservation & Development



John Tokarczyk  
Policy Analyst  
Forest Resources Planning  
Oregon Dept of Forestry

Cc: Katherine Daniels, DLCD  
Scott Edelman, DLCD



- “ The standards for approving a physically developed exception to Statewide Planning Goals 3 and 4 are demanding. The county must find that the property has been physically developed to such an extent that all Goal 3 or 4 resource uses are precluded. Uses established in accordance with the goals cannot be used to justify such an exception.” *Sandgren v. Clackamas County*, 29 Or LUBA 454 (1995).
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***Conclusion***

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Again, thank you for this opportunity to comment. We request that this letter be entered into the record of these proceedings and that we receive a copy of the decision. If additional information is provided at the hearing, we ask that the hearing be continued, pursuant to ORS 197.763(4)(b), to allow us time to review the new information and respond if necessary.

Respectfully,



Jon Jinings  
Community Services Specialist  
Community Services Division  
Dept of Land Conservation & Development



John Tokarczyk  
Policy Analyst  
Forest Resources Planning  
Oregon Dept of Forestry

Cc: Katherine Daniels, DLCD  
Scott Edelman, DLCD

June 3, 2019

Dear Wasco County Board of Commissioners,

RE: File # 921-18-000086-PLNG: Application for a Comprehensive Plan Amendment, Exception to Statewide Planning Goal 4; and Zone Change from Forest, F-2 (80) to Forest-Farm F-F (10) by David Wilson

I agree with the concerns contained in the Staff Report presented to the Planning Commission on April 2nd and the reasons for denial of the application for a rezone from Forest F-2 (80) to Forest Farm F-F (10). (Page numbers below correspond to that earlier report.)

Attachment A – Staff Recommendation and Planning Commission Options contained the 4 concerns discussed below. The staff took a neutral position.

**Staff concern 1. Conducting forestry operations are not currently impracticable (Goal 4)**

Staff report p. 37 **I was involved in the Transitional Lands Study Area (TLSA) Study** which is **referred to in the staff report**. It was an extensive long term study (1993-1997) that studied development concerns in northern Wasco County including water availability, fire hazards, conflicts with wildlife, etc. **It did not recommend further development of Seven Mile beyond the existing zoning as it would not be sustainable**. The only rezoning on Seven Mile that resulted was described as “housekeeping” by the Planning Director at the time and included 8 parcels north of Seven Mile Hill Rd. being rezoned as RR-10 from FF-10 to avoid the conditional use review requirement. Page 17 of TLSA Study, Exhibit 1, summarizes the recommendation.

**Forest land including this one was not rezoned due to its value as resource land.** The TLSA Study recommendations integrated future development with resource protection.

In **2013 there was an application to rezone this property and several adjacent parcels – the majority owned by Ken Thomas and David Wilson** (totaling 287 acres and the creation of 22 potential lots) **to F-F(10)**. p. 6 The application was **denied** by the County Commission after the Planning Department received a letter from **Department of Land Conservation and Development (DLCD) and Oregon Department of Forestry (ODF) in strong opposition to this rezone due to its value as forest land**.

**DLCD rejected the arguments for a rezone (including the being physically developed and irrevocably committed arguments) and recommended that the existing plan and zone designations be retained.** **At** the County Commission hearing there were also **concerns expressed** by the Board of County Commissioners regarding fire safety and water supply.

As an **application to rezone this property has already been denied, why is this being brought up again?** Nothing has changed. A **precedent was set** when you said “no” to this rezone. **No new valid reasons** have been presented. **Conditions have only gotten worse** with the lowering water supply.

**Irrevocably Committed Exception**

The applicant hasn’t established that the nonresidential uses are impacting the residential uses nearby. Farm and Forest Act protects accepted farm and forest practices. **Adding more residences increases**

**any conflicts with accepted forest practices which are protected by Oregon law under the Farm and Forest Practices Act.** The staff report (p. 19) refers to fire risk from houses, fencing, and spraying conflicts – no one sprays for insects around here.

**On p.19 refers to the area being surrounded by existing residential development on 3 sides. There is only residential development on 2 sides.**

The DLCD letter addressed the irrevocably committed exception:

OAR 660-004-0028(6)(c) prohibits impacts from rural residential uses approved pursuant to the statewide land use goals from being used to justify a committed exception to nearby property. Where a county decision relies in part on impacts from nearby residential uses to conclude that the resource lands are irrevocably committed to nonresource use, the findings must establish that those conflicts do not arise from residential areas that were approved pursuant to statewide planning goal exceptions. *Friends of Yamhill County v. Yamhill County*, 38 Or LUBA 62 (2006).

**DLCD said** it was their understanding that **the nearby residential development relied upon by the applicant was located in approved exception areas. Therefore this development** is not available to consider and **can't be used to determine that the property is irrevocably committed** to other uses.

### **Physically Developed Exception**

**Staff report p. 11** Refers to **the two abandoned buildings** in the center of the property The old house as unusable in its current condition. It is dilapidated and missing part of an exterior wall and some windows, and has no foundation. **Using the old house as a dwelling is not an allowed use since he has a replacement dwelling.** It was abandoned when the replacement dwelling was built but was never torn down although it should have been. **There is another old metal outbuilding which is also unusable but has also never been torn down. This outbuilding is missing its roof and appears to be falling down.** There is very little physical development on the property.

Both buildings are visible from the road when you drive by the property. Neither of these buildings are in the photos submitted to the Planning Commission which would have shown their poor condition.

According to the staff report, p. 12 the land has minor developments on it, but is still available for forestry uses allowed by Goal 4, so a physically developed exception would not apply.

In its letter, DLCD said that a local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal (Physically developed exception OAR 660-004-0025 (1). According to longstanding case law from the Land Use Board of Appeals (LUBA):

### **According to LUBA:**

**"The standards for approving a physically developed exception** to Statewide Planning Goals 3 and 4 **are demanding. The county must find that the property has been physically developed to such an extent that all Goal 3 or 4 resource uses are precluded.** Uses established in accordance with these goals cannot be used to justify such an exception" *Sandgren v. Clackamas County*, 29 Or LUBA 454 (1995).

A local government may not assume that the entire parcel or ownership occupied by an existing dwelling or road is physically developed so that it is not available for uses allowed under the goals, *1000 Friends of Oregon v. Yamhill County*, 27 Or LUBA 5-8 (1994).

The staff report, p. 23 also does not support a physically developed exception:

p.12 The 40 acres that the application applies to have portions that are grass land currently and portions that are farmed currently, and small portions that have marketable timber currently.

This property has a long history of agricultural use and just because he doesn't use most of it as forest land is irrelevant. He could have planted trees. Once forest land is gone, it's gone forever.

**84% of wildfires are human caused** (Proceedings of the National Academy of Sciences, February 2017).

**According to ODF, introducing more development as a way to guard against wildfire (residential buffer argument) doesn't make sense.** Fire often originates from residential areas and **fires that threaten homes** and property routinely **receive fire fighting resources that would otherwise be used to protect forest land**. The position that the BPA corridor would provide a buffer from fire is specious at best, a fast moving fire can easily burn through and spot over right-of-way areas. Introducing additional development just **pushes the urban-wildland fire interface more deeply into private forests** to the **detriment of commercial forest management** while **increasing the risk and costs of fire**. They strongly encouraged the county to reject this argument.

DLCD said they did not believe that the subject property was either physically developed or irrevocably committed. They were concerned that the applicant's contentions regarding wildfire were misplaced and could lead to a dangerous precedent. They recommended that the existing plan and zone designations be retained.

**Residential buffer idea is absurd. All forest land is bordered by something, which makes the argument that there is already development moot. If you are allowing development because it is next to development, where does it end? Using the residential buffer argument logic would eliminate all forest land.**

**The conversion of this property would result in further encroachment of residential use into resource zones. The next property owner will want to do the same thing and how do you deny that?** You could be setting a precedent. Could the same applicant use this rezoning as a reason to rezone his other 69 acres? **p. 12 The applicant owns 69 adjoining acres of forest land for a total of 109 acres. He could use the exact same arguments to rezone that if you allow this. How could you deny it if you allow this?**

Why hasn't Ken Thomas weighed in on this? As adjacent property owner, is he planning to apply for a rezoning next if this is approved?

Everyone should have understood their zoning when they bought their property, including the applicant.

More residences mean more fire risk, less water supply, less forest land, and less wildlife habitat.

The soils, slope and other information indicate this property is capable of being used for commercial forest uses. A conversion of this property would continue the mistake of allowing the encroachment of residential uses into resource zones in this area.

p.42 The Comprehensive Plan definition of the purpose of the Farm Forest designation is that it is limited to Class 6 or 7 soils, which are not on this parcel at all.

**P. 42 The soil types (Class 4) on this property support commercial timber.** At 57.2 cubic feet per acre/per year it significantly exceeds the requirement for forestry use lands to exceed 20 cubic feet per acre per year.

The surrounding properties are tree covered. **The fact that the current owner is not using most of this property for forest purposes and hasn't replanted the open field (or let it grow back naturally) doesn't make it less valuable as forest land.**

The area is not irrevocably committed to residential use. At the April 2<sup>nd</sup> meeting of the Planning Commission it was stated that this is the only surrounding F-2 property on the road and is surrounded on 3 sides by residential or potentially residential development. This is a misleading statement as the most of the west side and all of the south side are zoned F-2.

There is a 16 acre lot to the west that has split zoning with the upper north part FF-10 and the rest F-2. To the west of that lot is commercial forest land that stretches almost a mile west. To the south of the Wilson property is a 1,100 acre tract of timberland under one ownership with more forest land beyond that.

According to the staff report, p. 12 The land has minor developments on it, but is still available for forestry uses allowed by Goal 4, so a physically developed exception would not apply.

The staff report, p. 23 also does not support a physically developed exception:

p.12 The 40 acres that the application applies to have portions that are grass land currently and portions that are farmed currently, and small portions that have marketable timber currently.

**Staff concern 2. More residences would result in the loss of more wildlife habitat (Goal 5)**

There would be the loss of pine oak habitat. This is sensitive wildlife habitat and low elevation big game winter range. The winter range used to extend all the way to the Columbia River.

**Staff concern 3. The proposal would create more residences, which would increase wildland-urban interface fire risk and potential impacts (Goal 7)**

If a fire starts in this area, it will spread to the adjoining forest lands. It takes 60 to 80 years to grow marketable timber. Many of these areas are not in a fire district and are rated extreme fire risk by the Dept. of Forestry. Response time is slow due to terrain and distance. Fire risk and intensity have increased.

If a fire from this property headed towards our property (which is not in a fire district) it would be potentially unstoppable due to the terrain and lack of road access. The last time there was a fire near us

it took an hour for the Department of Forestry to arrive (without water). We and the neighbors put out the fire with shovels and the help of a couple of Mosier fire volunteers. It was a human caused fire.

p. 37 and 43 Due to concerns related to public safety and welfare in this area, the request should be denied. New residences increase fire risk and Seven Mile Hill Rd. serves as a buffer.

**Staff concern 4. The impact of potentially three new single family dwellings on available water supplies in an area with existing concerns (Goal 5, 6, 11)**

Water issues are increasing in the area. The neighbors (Morgans) just up the road (about 780 feet away) had their well drop 50 feet between January and March and go dry.

p. 42 There is a concern with lowering water supply and general fire risk.

p.43 There has been an identified risk to ground water in the area as the water table has been gradually lowering in recent years (2 foot per year decline, p.30) according to Robert Wood, Watermaster.

In regards to housing, on the County GIS map you can see property ownership. Many houses and property are purchased as second homes, vacation homes, and investment properties by well-off people living out of the area. **The demand is unlimited.** The Wasco County 2040 survey shows that county residents would like development to occur near areas with services. The choice is higher density vs. sprawl onto resource lands. Higher density is the better solution.

As an **application to rezone this property has already been denied, why is this being brought up again?** Nothing has changed. A **precedent was set** when you said “no” to this rezone. **No new valid reasons** have been presented. **Conditions have only gotten worse** with the lowering water supply.

As it only takes one criterion not being met to recommend denial of the request, this request should be denied.

Sincerely,

Sheila Dooley  
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